I. CALL TO ORDER
Dave Boerner, Chair, called the meeting to order and asked for everyone to introduce themselves.

II. APPROVAL OF MINUTES
A quorum was not available. The approval of the minutes was tabled.
III. PUBLIC SAFETY & EMERGENCY PREPAREDNESS COMMITTEE REQUEST

a. Issues for Discussion

Chair Boerner opened discussion about who should be eligible if such a process was created. In the original bill, eligibility was set for a subset of 3-strike offenders. In the HB 2512, eligibility was based on a certain amount of time spent in confinement. The members discussed previous persistent offender bills and why they did not pass.

Assuming a second-look authority would exist, Chair Boerner asked the members what they thought that might look like.

The pros and cons of the Clemency and Pardons Board were discussed.

- Definition of “extraordinary achievement” as used by the Board does not exist.
- Better representation is needed on the Board, such as a psychologist or sociologist.
- A lot of money is spent on the process of coming before the Board but that does not guarantee being heard by the Board.
- Governor must take a political risk. That is unfair to the Governor and to offenders.
- Unpredictability – the Board can say Yes but the Governor can still say No.

The pros and cons of the Indeterminate Sentence Review Board were discussed.

- Infrastructure is already in place
- Process is more predictable/orderly
- Has conditional release option
- Is able to include human factors

The pros and cons of a judges’ panel were discussed.

- Judges would take a political risk. Possibility of using retired judges?
- No personnel available to do the investigative work
- Judges only see people when they fail

Chair Boerner then posed the question if Aggravated Murder offenses should receive a second look as offenders are currently sentenced to either life without the possibility of parole or death. Dan Satterberg suggested that incremental steps would be best. He suggested starting with non-homicide offenses of more than 20 years.

A guest voiced the concern of availability of resources in prison for offenders who are releasing early. Sandy Mullins offered to have Bernie Warner give a presentation on what the Department of Corrections is doing in the way of offender change.
Dan Satterberg said he saw three themes present in today’s meeting:
1) Language to expand judicial discretion
2) Which body will have the legal authority to review the cases
3) A citizen board could have impact on community re-entry

b. **2013 Proposed Bill – 3-strikes review for all class B convictions**
   Chair Boerner briefly referenced this bill at the beginning of the meeting.

c. **WAPA Proposed Bill – Juvenile LWOP**
   Tom McBride from WAPA briefed the members on the decision by the US Supreme Court on juvenile offenders and Life Without Parole sentences and on draft bill S-0023. He said the legislature needs to make a prospective change to address the US Supreme Court finding. The draft will be presented to the Washington Association of Prosecuting Attorneys and he would be interested in any feedback the Commission members may have. Chair Boerner mentioned that the Commission may want to have a position on it.

   One of the guests from Columbia Legal Services suggested that the high end of the range be Life Without Parole and the low end of the range be 20 years, equal to the mandatory minimum for Murder.

   Members discussed judicial discretion on mitigated sentence and mandatory consecutive sentences.

d. **SB 5236 – Persistent Offenders**
   Chair Boerner briefly referenced this bill at the beginning of the meeting.

e. **HB 2521 – Alternate**
   Chair Boerner briefly referenced this bill at the beginning of the meeting.

f. **DOC Revised Data**
   A brief discussion occurred related to the revised DOC data. Chair Boerner requested similar data for offenders serving at least 20 years and at least 30 years in confinement.

IV. **ADJOURNMENT**
   Chair Boerner adjourned the meeting.

Next full Commission meeting will be on October 12, 2012.

**APPROVED AND ADOPTED BY THE SENTENCING GUIDELINES COMMISION**

/ s /

Dave Boerner, Chair
Date