STATE OF WASHINGTON
OFFICE OF FINANCIAL MANAGEMENT
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SENTENCING GUIDELINES COMMISSION
MINUTES
January 11, 2013  8am – 9:30am
Via Teleconference

Members Present:
Russ Hauge
Dave Boerner
Dan Satterberg
Bonnie Bush
Bernie Warner
Senator Adam Kline
Lynne DeLano
John Clayton
Rep. Brad Klippert
Kathleen Kyle
Hon. Janice Ellis
Hon. Maryann Moreno

Members Absent:
Rep. Sherry Appleton
John Lane
Lenell Nussbaum
Sheriff Paul Pastor
Hon. Catherine Shaffer
Senator Pam Roach
Hon. Monica Benton

Staff:
Keri-Anne Jetzer

I.  CALL TO ORDER
Dave Boerner, Chair, called the meeting to order.

II. APPROVAL OF MINUTES

MOTION #13-1:  MOTION TO APPROVE DECEMBER 2012 MEETING MINUTES
MOVED:  Judge Moreno
SECONDED:  Dan Satterberg
PASSED:  9 approved; 1 abstained
I. MULTIPLE OFFENSE POLICY REVISION – RCW 9.94A.535
Chair Boerner stated that Seth Fine had provided a written response to some of the language concerns related to ‘most serious offense’ vs ‘most severe offense’, ‘bottom of presumptive sentence range’ vs ‘highest sentence range’ and the definition of ‘clearly excessive’ that were raised at the last meeting. He inquired whether the response addressed concerns and invited further discussion.

MOVED: Kathleen Kyle
SECONDED: Judge Moreno
PASSED: 8 supported; 1 opposed; 1 abstained

MOTION #13-3: MOTION TO REVISE RCW 9.94A.535(1)(g)(i) OF THE Z-020.1/13 DRAFT PROPOSAL TO READ AS STATED BELOW:
“(i) The "most serious current offense" is determined by comparing the bottom of the presumptive sentence ranges for each offense, including any applicable enhancements applicable to that offense, using an offender score based solely on prior offenses and other current offenses that are not the same criminal conduct as defined in RCW 9.94A.589(1)(a).”
MOVED: Dan Satterberg
SECONDED: Russ Hauge
PASSED: 7 supported; 1 opposed; 1 abstained

MOTION #13-4: MOTION TO APPROVE Z-0202.1/13 DRAFT PROPOSAL AS AMENDED
MOVED: Judge Moreno
SECONDED: Kathleen Kyle
PASSED: 8 supported; 2 abstained

(recording of meeting started at this point)

II. JUVENILE MITIGATING FACTOR – RCW 9.94A.535
Commission members discussed the language and what the impacts would be on juveniles charged in adult court. A motion was made to approve the proposal but there was no second so there was no vote.
III. JUVENILE GUN PROPOSAL
Dan Satterberg commented that John Clayton and the Juvenile Rehabilitation Administration estimate there would be about 89 cases annually statewide that would be impacted by the proposed bill.

Senator Kline, while supportive of the policy, expressed concern about the fiscal impact. Representative Klippert commented that this is a public safety issue which he feels is most important and funding should be found for it.

John Clayton added that he feels it is important to add a provision about the educational aspect of the bill. The programs that are being used now have been proven to be successful and that by educating youth, the amount of future cases impacted could be reduced from the estimated 89.

MOTION #13-5: MOTION TO APPROVE DRAFT PROPOSAL S-0028.5 REGARDING JUVENILE FIREARMS AND WEAPONS CRIMES
MOVED: Dan Satterberg
SECONDED: Russ Hauge
PASSED: 4 supported; 2 opposed; 2 abstained

Chair Boerner notified the Commission that the March meeting date has been moved from March 8th to March 1st. This will be an in-person meeting with a presentation by the Minority and Justice Commission on juvenile disparity.

Chair Boerner also announced the legislative committee will have their teleconferences each Thursday morning at 8am starting on January 17, 2013. If the committee does not come to consensus on a bill, the entire Commission may be asked to weigh in. Keri-Anne will email the legislative committee members the pending bill information for the January 17th teleconference.

IV. ADJOURNMENT

Next full Commission meeting will be on February 8, 2013, via teleconference.

APPROVED AND ADOPTED BY THE SENTENCING GUIDELINES COMMISSION

/ s /

Dave Boerner, Chair

Date