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

II. APPROVAL OF MINUTES
Approval of the minutes was tabled in order to provide more time to discuss the numerous agenda items.
III. MULTIPLE OFFENSE POLICY REVISION
Chair Boerner provided an update on the status of the SGC’s bill. He announced that Roger Goodman sponsored the bill although we did not have time to seek out additional support. Keri-Anne commented that it has been assigned number HB 1796 but she was unsure when the hearing for the bill would be scheduled.

IV. LEGISLATIVE BILLS
Given the time constraints, Chair Boerner changed the order in which the bills were discussed so that the Commission would have time to discuss bills he felt were important for the Commission to weigh in on.

d. HB 1338 – Juveniles sentenced to long terms of incarceration
Chair Boerner noted that this is not the prosecutor’s bill (SB 5064) that the Commission has previously voted to support. This bill was drafted by Columbia Legal Services and is different from the other bill. Russ Hauge provided the Commission with a brief description of the difference between the two bills.

MOTION #13-6: MOTION TO OPPOSE HOUSE BILL 1338
MOVED: Judge Moreno
SECONDED: Russ Hauge
PASSED: 5 supported; 2 opposed; 3 abstained

k. SB 5487 – Minimum term for persistent offenders
Chair Boerner reminded the members that the Commission has voted to support the bill regarding persistent offenders from last year but this one has been reworked. Keri-Anne pointed out the parts of this bill that differed from the bill the Commission voted to support in fall.

MOTION #13-7: MOTION TO CONDITIONALLY SUPPORT SENATE BILL 5487 IF LANGUAGE ORIGINALLY SUPPORTED ON DECEMBER 2012 IS UNAVAILABLE
MOVED: Judge Shaffer
SECONDED: Lenell Nussbaum
PASSED: 6 supported; 4 abstained
a. HB 1060 – Scoring an offense as a class C felony equivalent
Lenell commented on concerns such as marijuana possession being a felony in other states while it is no longer a crime in Washington. Seth Fine provided some background to the bill.

MOTION #13-8: MOTION TO OPPOSE HOUSE BILL 1060
MOVED: Lenell Nussbaum
SECONDED: Judge Shaffer
PASSED: 4 supported; 3 opposed; 2 abstained

b. HB 1061 – Changing provisions regarding aggravating circumstances
Seth Fine testified on this bill at the hearing so Chair Boerner asked that he brief the Commission on the bill.

Concerns: The Commission would support this bill if the amendment under RCW 9.94A.535(3)(dd) was removed and add a requirement of recency for the defendant’s three or more prior unscored misdemeanor or prior unscored foreign criminal convictions (RCW 9.94A.535(2)(b).

MOTION #13-9: MOTION TO OPPOSE HOUSE BILL 1061 AS CURRENTLY WRITTEN BUT WOULD SUPPORT IF CONCERNS WERE ADDRESSED
MOVED: Judge Shaffer
SECONDED: Judge Moreno
PASSED: 7 supported; 2 abstained

Chair Boerner asked if, with the limited time remaining, if any member had a bill that they are particularly interested in. Members expressed concern about the elevated level being assigned to Vehicle Prowl 2.

c. HB 1305/SB 5053 – Modifying vehicle prowling provisions

MOTION #13-10: MOTION TO OPPOSE HOUSE BILL 1305 AND SENATE BILL 5053 BASED ON SENTENCING DISPROPORTIONALITY
MOVED: Lenell Nussbaum
SECONDED: Judge Moreno
PASSED: 7 supported; 1 abstained

Due to time constraints, the remaining bills were not discussed. Judge Shaffer requested HB 1482 be added to the agenda for the next meeting.
d. HB 1388 – Increasing vehicular homicide and vehicular assault penalties  
  e. HB 1433 – New juvenile offender treatment sentencing option  
  f. HB 1482 – Modifying impaired driving provisions  
  g. SB 5058 – Assault of law enforcement employees and corrections officers  
  h. SB 5119 – Sentence enhancement for body armor  
  i. SB 5149 – Crimes against pharmacies  
  j. SB 5178 – Organized retail theft provisions

I. ADJOURNMENT

Next full Commission meeting will be on March 1, 2013, at the Criminal Justice Training Commission.

APPROVED AND ADOPTED BY THE SENTENCING GUIDELINES COMMISSION

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Dave Boerner, Chair                  Date