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

II. APPROVAL OF MINUTES

MOTION #14-1: MOTION TO APPROVE DECEMBER 2013 MEETING MINUTES

MOVED: Judge Ellis
SECONDED: Judge Moreno
PASSED: Unanimously
III. CURRENT LEGISLATION - See spreadsheet

ESHB 2164

MOTION #14-2: MOTION TO SUPPORT ESHB 2164
MOVED: Tim Wettack
SECONDED: Patrick Escamilla
PASSED: Support 8; Oppose 0; Abstain 2

2SSB 5064
During discussion, Mr. Wettack inquired whether juveniles sentenced to
LWOP under this bill would be ineligible for the review after 25 years. Ms.
Nussbaum confirmed that they would be ineligible. Representative Roberts
added that part of this bill may put some offenders who are released by the
ISRB would be under lifetime supervision. She said conversations are about
to begin to see how that might be modified.

MOTION #14-3: MOTION TO SUPPORT 2SSB 5064
MOVED: Tim Wettack
SECONDED: Judge Moreno
PASSED: Support 5; Oppose 1; Abstain 4

SHB 2722
Representative Roberts briefed the members on the bill. Judge Moreno asked
why it applied only to 16 and 17 year olds. Representative Roberts replied
that statute mandates arrest for 16 and 17 years olds.

MOTION #14-4: MOTION TO SUPPORT SHB 2722
MOVED: Tim Wettack
SECONDED: Judge Ellis
PASSED: Support 8; Oppose 0; Abstain 2

2SHB 2627
Representative Roberts briefed the members on the bill. A motion was made
to support 2SHB 2627 but there was no second so the motion died.

SSB 6192
Lenell Nussbaum asked the fiscal impact on the bill. Clela Steelhammer,
from DOC, indicated the impact was indeterminate but expected to be greater
than $50,000. Based on the sample DOC took, they estimated a caseload
impact 275 new offenders at a cost of about $750,000 fully phased in. Seth
Fine noted that studies have found that supervision solely for the purpose of
surveillance is not cost-effective and does not reduce recidivism.
SSB 6390
Chair Boerner reported that the issue surrounding this bill is related to the composition of the task force. Keri-Anne Jetzer informed the members that the revised bill removed most of the treatment providers originally included and adds a member of the SGC to the task force. Judge Ellis questioned why the Commission had not been asked to do the review. Chair Boerner explained that the Commission has reviewed this issue in the past. The prosecutors were opposed to the recommended changes but the rest of the Commission was in support of them, thus the legislature did not take action as sometimes happens when there is no consensus. The prosecutors might have expected to get the same result if the Commission did the review again and were seeking a broader group.

MOTION #14-5: MOTION TO SUPPORT SSB 6390
MOVED: Tim Wettack
SECONDED: Lenell Nussbaum
PASSED: Support 8; Oppose 0; Abstain 2

Racial and Ethnic Impact Statements (SB 6257)
Chair Boerner briefed the members on the status of the racial and ethnic impact statements. A bill was introduced in the House to have the Caseload Forecast Council produce an annual Disproportionality report. He testified in general support of that at the House committee public hearing. The bill did not make it out of the House. Chair Boerner has had further discussions with the Governor’s Office and there may be interest in the Commission continuing work on that in the interim.

SB 6009
The members discussed the use of an aggravating factor when the offender score is 9 or more. Seth Fine provided clarification on the statutes around that. Some members indicated opposition to language that contains mandatory language and takes away judicial discretion.

MOTION #14-6: MOTION TO OPPOSE SB 6009
MOVED: Lenell Nussbaum
SECONDED: Tim Wettack
PASSED: Support 6; Oppose 1; Abstain 3
SB 6025
Members discussed the need for a body armor enhancement. There was discussion about considering this as an aggravating factor instead of taking discretion away from the judges.

MOTION #14-7: MOTION TO OPPOSE SB 6025
MOVED: Lenell Nussbaum
SECONDED: Judge Moreno
PASSED: Support 7; Oppose 0; Abstain 3

IV. OTHER BUSINESS
Chair Boerner informed the members that the Governor’s Office thinks a DUI statute review may be a topic for the Commission to look at during the interim. Chair Boerner has indicated that the Commission would be interested in doing that but wanted to get feedback from the members. Chair Boerner said that if the Commission does get the request, he will contemplate putting together a packet before the March SGC meeting. Lenell Nussbaum thought it would be good to bring in someone from the treatment community.

V. ADJOURNMENT

Next full Commission meeting will be on March 14, 2014, at the Criminal Justice Training Commission.

APPROVED AND ADOPTED BY THE SENTENCING GUIDELINES COMMISSION

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Dave Boerner, Chair               Date