

HOUSE BILL REPORT

HB 1114

As Amended by the Senate

Title: An act relating to the membership of the sentencing guidelines commission.

Brief Description: Concerning the membership of the sentencing guidelines commission.

Sponsors: Representatives Mosbrucker, Simmons, Reed and Goodman.

Brief History:

Committee Activity:

Community Safety, Justice, & Reentry: 1/17/23, 1/26/23 [DP].

Floor Activity:

Passed House: 2/8/23, 96-0.

Senate Amended.

Passed Senate: 3/31/23, 48-0.

Brief Summary of Bill

- Changes the membership of the Sentencing Guidelines Commission.

HOUSE COMMITTEE ON COMMUNITY SAFETY, JUSTICE, & REENTRY

Majority Report: Do pass. Signed by 8 members: Representatives Goodman, Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis, Farivar, Fosse, Graham and Ramos.

Staff: Jim Morishima (786-7191)

Background:

The Sentencing Guidelines Commission (SGC) serves to advise the Governor and the Legislature as necessary on issues relating to adult and juvenile sentencing. The SGC consists of 20 voting members. Aside from ex officio members who are appointed by virtue

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of their positions in state government, voting members are appointed to three-year terms by the Governor and are subject to confirmation by the Senate. In making appointments, the Governor must endeavor to assure that the SGC membership includes adequate representation and expertise relating to both the adult criminal justice system and juvenile justice system.

The SGC's voting membership includes:

- the head of the state agency having general responsibility for adult correctional programs, as an ex officio member;
- the Director of Financial Management, or a designee, as an ex officio member;
- the Chair of the Indeterminate Sentence Review Board, as an ex officio member;
- the head of the state agency, or designee, having responsibility for juvenile corrections programs, as an ex officio member;
- two prosecuting attorneys;
- two attorneys with particular expertise in defense work;
- four superior court judges;
- a chief law enforcement officer of a city or county;
- four members of the public who are not prosecutors, defense attorneys, judges, or law enforcement officers, one of whom is a victim of crime or a crime victims' advocate;
- an elected official of a county government, other than a prosecuting attorney or sheriff;
- an elected official of a city government; and
- an administrator of juvenile court services.

The SGC also includes four legislators serving two-year terms as nonvoting members, one from each of the two largest caucuses in each chamber.

Summary of Bill:

The Governor must appoint a member of the public who has been formerly incarcerated in the state correctional system as one of the four voting membership positions in the SGC that are for members of the public who are not prosecutors, defense attorneys, judges, or law enforcement officers.

There are four new voting membership positions added to the SGC to be appointed by the Governor. The new membership positions are: the chair of the State Supreme Court Minority and Justice Commission or designee, as an ex officio member; a person representing the interests of tribes; a behavioral health professional with experience working in the criminal justice system; and a person with knowledge of and expertise in academic research in the field of criminology or sociology. When appointing the academic research expert, the Governor must seek recommendations of the Washington State Institute for Public Policy and relevant departments of Washington State University and the University of Washington.

The Governor shall stagger the initial terms of the member representing the interests of tribes, the member who serves as a behavioral health professional with experience working in the criminal justice system, and the member with knowledge of and expertise in academic research in the field of criminology or sociology by appointing one of them for a term of one year, one of them for a term of two years, and one of them for a term of three years.

EFFECT OF SENATE AMENDMENT(S):

The Senate amendment adds an additional public member to the Sentencing Guidelines Commission and specifies that the crime victim's advocate member may alternatively be a victim of crime.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on March 24, 2023.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) It is important to have a multiplicity of voices at the table when discussing sentencing. The need to have a diversity of voices particularly applies to voices that have been underrepresented in the past on the SGC like the tribes and academics. It is vital that the individuals who are most affected by sentencing guidelines have a voice in their development. Lived experience is valuable to the SGC and the community when it come to sentencing recommendations.

(Opposed) None.

Persons Testifying: Representative Gina Mosbrucker, prime sponsor; J Wesley Saint Clair; and Jim Chambers.

Persons Signed In To Testify But Not Testifying: None.