

SENATE BILL REPORT

HB 1114

As Reported by Senate Committee On:
Law & Justice, March 22, 2023

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

Committee Activity: Law & Justice: 3/09/23, 3/22/23 [DPA].

Brief Summary of Amended Bill

- Increases the membership of the Sentencing Guidelines Commission from 20 to 25 voting members.
- Provides that one of the five members representing members of the public must be a person who was formerly incarcerated in the state correctional system.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass as amended.

Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Padden, Ranking Member; Kuderer, McCune, Pedersen, Salomon, Torres, Valdez, Wagoner and Wilson, L..

Staff: Kevin Black (786-7747)

Background: The Sentencing Guidelines Commission (SGC) advises 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 of their positions in state government, voting members are appointed to three-year terms by

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the Governor and are subject to confirmation by the Senate. When making appointments, the Governor must endeavor to assure the 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 Amended Bill: The membership of the SGC is increased from 20 to 25 voting members. The new members must be:

- the chair of the state supreme court Minority and Justice Commission or their 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;
- a person with knowledge of and expertise in academic research in the field of criminology or sociology; and
- a member of the public who is not a prosecutor, defense attorney, judge, or law enforcement officer, and who is a victim of crime.

The Governor must seek recommendations from the Washington State Institute for Public Policy and relevant departments of Washington State University and University of Washington for the appointee with knowledge and expertise in academic research in the field of criminology or sociology.

One of the five members of the public who are not prosecutors, defense attorneys, judges, or law enforcement officers must be a person who has been formerly incarcerated in the state

correctional system.

EFFECT OF LAW & JUSTICE COMMITTEE AMENDMENT(S):

- Adds a 25th voting member to the SGC who must be a member of the public who is not a prosecutor, defense attorney, judge, or law enforcement officer, and who is a victim of a crime.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on House Bill: *The committee recommended a different version of the bill than what was heard.* PRO: In making recommendations on adult and juvenile sentencing, the SGC found there were missing voices at the table, including tribes, academia, the behavioral health perspective, the minority and justice perspective, and most importantly people with lived experience. This aligns well with the bill that says nothing about us, without us. We think these perspectives should be embedded in the structure of the commission.

Persons Testifying: PRO: Representative Gina Mosbrucker, Prime Sponsor; Judge Wesley Saint Clair (ret.), Sentencing Guidelines Commission.

Persons Signed In To Testify But Not Testifying: No one.