

HOUSE BILL REPORT

HB 1715

As Reported by House Committee On:
Public Safety

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, Robertson, Wicks, Callan, Ramos and Griffey.

Brief History:

Committee Activity:

Public Safety: 1/14/22, 1/20/22 [DP].

Brief Summary of Bill

- Adds four voting members and makes other changes to the membership of the Sentencing Guidelines Commission.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: Do pass. Signed by 13 members: Representatives Goodman, Chair; Johnson, J., Vice Chair; Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Davis, Graham, Griffey, Hackney, Orwall, Ramos, Simmons, Thai and Young.

Staff: Omeara Harrington (786-7136).

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, voting members are

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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 the 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:

Four voting member positions are added to the SGC. The additional members include: 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 and expertise in academic research in the field of criminology or sociology. Additionally, one of the four current positions designated for members of the public must be a person who has been formerly incarcerated in the state correctional system.

Initial appointment terms are staggered for the member representing the interests of tribes, the member who is a behavioral health professional, and the member who is an academic research expert. 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.

Appropriation: None.

Fiscal Note: Available.

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) The SGC recently determined its membership should be expanded to include more representative voices. The SGC performed a poll to decide what new positions should be added. There is overlap with the State Supreme Court Minority and Justice Commission's work on the racial impact of the criminal legal processing system, as well as legal financial obligations and pretrial release issues. Its inclusion will allow for greater representation of black and indigenous people, and people of color, particularly those involved in the criminal justice system. Adding an academic criminologist or sociologist is a good idea. At one time, the SGC was an independent agency with research staff, but that is no longer the case. It will be beneficial to have someone on the SGC who has knowledge of the robust research literature in this area, as well as training on vetting the research. There is a large group of people working in these fields among the state's universities, and that knowledge base should be taken advantage of. The added behavioral health professional will contribute knowledge of the methodology and engagement models for treatment and how they can be presented in the correctional system. The SGC is also missing the voice of those with lived experience, and someone who is formerly incarcerated can provide insight as to how changes will affect people within the system. Lastly, with respect to the addition of a tribal representative, though the first nations people are a very small population of the state, they are disproportionately represented in the criminal system, particularly on the juvenile side. This voice needs to be lifted up as well.

(Opposed) None.

Persons Testifying: Representative Gina Mosbrucker, prime sponsor; Robert Crutchfield; and J. Wesley Saint Clair, Sentencing Guideline Commission.

Persons Signed In To Testify But Not Testifying: None.