

**Washington State Criminal Sentencing Task Force  
Sentencing Grid Subgroup  
Meeting Notes: April 26<sup>th</sup>, 2022  
Meeting via Zoom**

**Attendees:**

- Chief Smith, *Washington Association of Sheriffs and Police Chiefs - alternate*
- Keri-Anne Jetzer, *Sentencing Guidelines Commission (SGC)*
- Melody Simle, *Families of Incarcerated Persons*
- Nick Straley, *Interests of Incarcerated Persons*
- Tiffany Attrill, *Interests of Crime Victims*
- Jon Tunheim, *WA Association of Prosecuting Attorneys*
- Russ Brown, *WA Association of Prosecuting Attorneys*
- Senator Chris Gildon, *Washington State Senate (Republicans)*
- Representative Roger Goodman, *Washington State House of Representatives (Democrats)*
- Greg Link, *WA Assn. of Criminal Defense Attorneys; WA Defender Assn*
- Judge Wesley Saint Clair, *Sentencing Guidelines Commission*
- Melody Simle, *Families of Incarcerated Persons*
- Clela Steelhammer, *Caseload Forecast Council*

**Research/Technical Support:** Dr. Lauren Knoth-Peterson, *WA State Institute for Public Policy (WSIPP)*

**Facilitation Team:** Amanda Murphy

**Public Guests:** Jim Chambers, Bruce Glant, Joanne Smieja, David Trieweiler

**Welcome and Agenda Review**

Amanda welcomed grid Subgroup members. She explained that today's meeting would focus on the *structure* of a grid reclassification proposals that would tighten the connections between offense seriousness level and class, and offense categories, creating new felony offense classes of A1, A2, and A3 along with a new Class D for unranked offenses.

**Discussion: Classification Proposal (including washouts and potential recommendations)**

Lauren then walked through the proposal. Focused on the visual structure.

Goodman: asked about the difference between proposal 1 and proposal 2: Lauren then explained – differences of reclassifying so all violent are in A or could have violent in B but at OSL 9

What is mandatory remand? Keri-Anne gave definition: and explained it is also tied to offense class. So wanted to include so can address what the ripple effect would be under these changes

Jon: very interested. Like it and in particular, like the stability of it. There is a lot of current disorder to the current grid, and this would address this and would give guidance to leg in future for where crimes should go. Will show to members at meeting this week.

Geg: like that this brings logic and help moving forward with the leg is where offenses should go.

Judge St. Clair; like the organization and making sense out of all this. However, are concerned it will impact disparity in our system due to charging decisions.

Sen Gildon: if can help me understand this sentencing framework, then think this is good and meets our goal of effectiveness. This framework is appealing to me.

Chief Smith: like the structure, meets our goal. Now interested in what it looks like applied.

Nick Straley: like the structure and think all depends on how it is applied and how it impacts sentence lengths.

Tiffaby: like the structure, meets our goals but interested in how applied.

Keri-anne then walked through proposals #2 and #3 and explained how they address the organizing of the v/nv in these.

Lauren then gave example between Prop 1 and Prop 2 of a leg wanted to create a new offense and how applied to do it.

Lauren explained that plea bargaining in prop 1 is more clear and more clear and in prop 2, it would be more squishy how it would be applied and used.

Amanda asked for input on Prop 1 and Prop 2:

Greg: if we are going to introduce structure, then we should do so, so would prefer grid 1.

Greg and Goodman: will help in giving the criteria for where to put offenses.

Russ (in chat): I need to run to another meeting. I think until I see the charges placed on the proposals I am unsure what is the best proposal to work with. If there are small changes that need to be made under a certain proposal that is easier to work with than if there are going to be a large number of changes.

Seemed to be support for proposal 1 and staying with having both 1a and 1b for going forward for conversation.

Lauren then brought up last weeks discussion on Vech Hom. That needs to be clarified.

Greg: rule of levity – rule in favor of least when things are unclear, so court would rule as class B. ....this is State v. Stately.

**1988 version of SRA stated:** (26) "Violent offense" means: (a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, rape in the second degree, kidnapping in the second degree, arson in the second degree, assault in the second degree, extortion in the first degree, robbery in the second degree, vehicular assault, and vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner; **((At this time, vehicular homicide was a Class B offense))**

**E2SHB 2227 1996: Modified 46.61.520 to change vehicular homicide from a class B to a class A offense.**

**Current SRA still separates vehicular homicide:**

(58) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW [46.61.502](#), or by the operation of any vehicle in a reckless manner;

Can we fix veh hom DSO? – see lauren’s notes

### **Next Steps**

#### **RESEARCH AND INFORMATION SHARED VIA ZOOM CHAT DURING MEETING**

N/A

#### **COMMENTS SUBMITTED BY GUEST OBSERVERS VIA ZOOM CHAT and/or EMAIL**

Joanne: The proposed structure is much clearer than the current structure. I applaud the leadership team.

Bruce: morning Amanda. Has there ever been any discussion about suggesting to reclassify non-contact crimes? I refer to Net Nanny in particular where many are charged with roc1 and 2, and the crime committed as a result of law enforcement deception. I refer to FTO's only.