

**SSB 5891 - S AMD 452**

By Senators Hargrove, Regala, Carrell

ADOPTED 05/19/2011

1 On page 30, line 10, after "after" strike "July" and insert  
2 "October"

3 On page 30, line 15, after "before" strike "July" and insert  
4 "October"

5 Beginning on page 55, line 31, strike all of sections 36 and 37 and  
6 insert the following:

7 "**Sec. 36.** RCW 9.94A.860 and 2001 2nd sp.s. c 12 s 311 are each  
8 amended to read as follows:

9 (1) The sentencing guidelines commission is hereby created, located  
10 within the office of financial management. Except as provided in RCW  
11 9.94A.875, the commission shall serve to advise the governor and the  
12 legislature as necessary on issues relating to adult and juvenile  
13 sentencing. The commission may meet, as necessary, to accomplish these  
14 purposes within funds appropriated.

15 (2) The commission consists of twenty voting members, one of whom  
16 the governor shall designate as chairperson. With the exception of ex  
17 officio voting members, the voting members of the commission shall be  
18 appointed by the governor, or his or her designee, subject to  
19 confirmation by the senate.

20 ((+2)) (3) The voting membership consists of the following:

21 (a) The head of the state agency having general responsibility for  
22 adult correction programs, as an ex officio member;

23 (b) The director of financial management or designee, as an ex  
24 officio member;

25 (c) The chair of the indeterminate sentence review board, as an ex  
26 officio member;

27 (d) The head of the state agency, or the agency head's designee,

1 having responsibility for juvenile corrections programs, as an ex  
2 officio member;

3 (e) Two prosecuting attorneys;

4 (f) Two attorneys with particular expertise in defense work;

5 (g) Four persons who are superior court judges;

6 (h) One person who is the chief law enforcement officer of a county  
7 or city;

8 (i) Four members of the public who are not prosecutors, defense  
9 attorneys, judges, or law enforcement officers, one of whom is a victim  
10 of crime or a crime victims' advocate;

11 (j) One person who is an elected official of a county government,  
12 other than a prosecuting attorney or sheriff;

13 (k) One person who is an elected official of a city government;

14 (l) One person who is an administrator of juvenile court services.

15 In making the appointments, the governor shall endeavor to assure  
16 that the commission membership includes adequate representation and  
17 expertise relating to both the adult criminal justice system and the  
18 juvenile justice system. In making the appointments, the governor  
19 shall seek the recommendations of Washington prosecutors in respect to  
20 the prosecuting attorney members, of the Washington state bar  
21 association in respect to the defense attorney members, of the  
22 association of superior court judges in respect to the members who are  
23 judges, of the Washington association of sheriffs and police chiefs in  
24 respect to the member who is a law enforcement officer, of the  
25 Washington state association of counties in respect to the member who  
26 is a county official, of the association of Washington cities in  
27 respect to the member who is a city official, of the office of crime  
28 victims advocacy and other organizations of crime victims in respect to  
29 the member who is a victim of crime or a crime victims' advocate, and  
30 of the Washington association of juvenile court administrators in  
31 respect to the member who is an administrator of juvenile court  
32 services.

33 ~~((+3))~~ (4)(a) All voting members of the commission, except ex  
34 officio voting members, shall serve terms of three years and until  
35 their successors are appointed and confirmed.

36 (b) The governor shall stagger the terms of the members appointed  
37 under subsection ~~((+2))~~ (3)(j), (k), and (l) of this section by

1 appointing one of them for a term of one year, one for a term of two  
2 years, and one for a term of three years.

3 ~~((+4))~~ (5) The speaker of the house of representatives and the  
4 president of the senate may each appoint two nonvoting members to the  
5 commission, one from each of the two largest caucuses in each house.  
6 The members so appointed shall serve two-year terms, or until they  
7 cease to be members of the house from which they were appointed,  
8 whichever occurs first.

9 ~~((+5))~~ (6) The members of the commission ~~((shall))~~ may be  
10 reimbursed for travel expenses as provided in RCW 43.03.050 and  
11 43.03.060. Legislative members ~~((shall))~~ may be reimbursed by their  
12 respective houses as provided under RCW 44.04.120. Except for the  
13 reimbursement of travel expenses, members shall not be compensated ~~((in~~  
14 ~~accordance with RCW 43.03.250))~~.

15 **Sec. 37.** RCW 9.94A.8673 and 2008 c 249 s 3 are each amended to  
16 read as follows:

17 (1) Within funds appropriated for this purpose, the sentencing  
18 guidelines commission shall establish and maintain a sex offender  
19 policy board.

20 (2)(a) The board shall serve to advise the governor and the  
21 legislature as necessary on issues relating to sex offender management.

22 (b) At such times as the governor or a legislative committee of  
23 jurisdiction may request, the sex offender policy board may be convened  
24 to:

25 (i) Undertake projects to assist policymakers in making informed  
26 judgments about issues relating to sex offender policy; and

27 (ii) Conduct case reviews of sex offense incidents to understand  
28 performance of Washington's sex offender prevention and response  
29 systems.

30 (3) The sex offender policy board shall consist of thirteen voting  
31 members. Unless the member is specifically named in this section, the  
32 following organizations shall designate a person to sit on the board.  
33 The voting membership shall consist of the following:

34 (a) A representative of the Washington association of sheriffs and  
35 police chiefs;

36 (b) A representative of the Washington association of prosecuting  
37 attorneys;

- 1 (c) A representative of the Washington association of criminal  
2 defense lawyers;
- 3 (d) The chair of the indeterminate sentence review board or his or  
4 her designee;
- 5 (e) A representative of the Washington association for the  
6 treatment of sex abusers;
- 7 (f) The secretary of the department of corrections or his or her  
8 designee;
- 9 (g) A representative of the Washington state superior court judge's  
10 association;
- 11 (h) The assistant secretary of the juvenile rehabilitation  
12 administration or his or her designee;
- 13 (i) The office of crime victims advocacy in the department of  
14 ~~((community, trade, and economic development))~~ commerce;
- 15 (j) A representative of the Washington state association of  
16 counties;
- 17 (k) A representative of the association of Washington cities;
- 18 (l) A representative of the Washington association of sexual  
19 assault programs; and
- 20 (m) The director of the special commitment center or his or her  
21 designee.
- 22 ~~((2) The person so named in subsection (1) of this section has the  
23 authority to make decisions on behalf of the organization he or she  
24 represents.~~
- 25 ~~(3) The nonvoting membership shall consist of the following:~~
- 26 ~~(a) Two members of the sentencing guidelines commission chosen by  
27 the chair of the commission; and~~
- 28 ~~(b) A representative of the criminal justice division in the  
29 attorney general's office.)~~
- 30 (4) The board shall choose its chair by majority vote from among  
31 its voting membership. The chair's term shall be two years.
- 32 (5) ~~((The chair of the sentencing guidelines commission shall  
33 convene the first meeting.~~
- 34 ~~(6))~~ As appropriate, the board shall consult with the criminal  
35 justice division in the attorney general's office and the Washington  
36 institute for public policy ~~((shall act as an advisor to the board))~~.
- 37 (6) Members of the board shall receive no compensation but may be

1 reimbursed for travel expenses as provided in RCW 43.03.050 and  
2 43.03.060."

EFFECT: Changes the effective date for when the Department will convert offenders from a monthly assessment to a supervision intake fee. Ensures the Sentencing Guidelines Commission is maintained as an independent entity and may meet as necessary within funds appropriated. Removes requirement that members of the Sex Offender Policy Board be appointed by the Governor.

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