

A bill for an act

relating to corrections; establishing a working group to review, assess, and make recommendations regarding the modification and application of controlled substance laws; providing for a report.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **WORKING GROUP ON CONTROLLED SUBSTANCE LAWS;
REPORT TO LEGISLATURE.**

Subdivision 1. Establishment; membership; staff. (a) By July 1, 2008, the chair of the house Public Safety Finance Division and the chair of the senate Public Safety Budget Division shall jointly appoint a working group on the state's controlled substance laws. The working group shall include:

(1) two representatives of the Minnesota County Attorneys Association;

(2) two representatives of the Board of Public Defense;

(3) three representatives of state law enforcement associations, including one sheriff, one chief of police, and one member of the Minnesota Police and Peace Officers Association;

(4) two representatives of the Judicial Council;

(5) one representative from community corrections or probation;

(6) one expert in the fields of drug treatment and controlled substance laws;

(7) one individual who is not affiliated with any of the associations in clauses (1) to (6) and who has relevant experience related to sentencing policy or the criminal justice field; and

(8) two community members who reside in an area adversely affected by controlled substance crimes and violent crimes, one of whom is a member of a community crime prevention organization.

(b) Staff support for the working group shall be provided by the Sentencing Guidelines Commission.

Subd. 2. **Subject matter.** (a) The working group must review, assess, and make specific recommendations regarding the following alternatives for modification and application of Minnesota's controlled substance laws:

(1) revising the threshold amounts for Minnesota's controlled substance crimes;

(2) establishing a separate sentencing guidelines grid for drug offenses;

(3) establishing additional aggravating factors so as to target certain particularly dangerous offenders;

(4) revising the criminal history point calculations for repeat drug offenders;

(5) maximizing the use of deferred prosecutions for low-level drug offenders under Minnesota Statutes, section 152.18 throughout the state; and

(6) increasing the use of the early release program for nonviolent controlled substance offenders who successfully complete drug treatment while incarcerated as provided in Minnesota Statutes, section 244.055.

(b) As part of its review of the various possible reforms, the working group may also study and consider:

(1) the significance, if any, of current rates of departure from presumptive guidelines sentences for controlled substance crimes;

(2) the significance, if any, of current rates of departure from presumptive guidelines sentences for controlled substance crimes for identifiable categories of offenders;

(3) the impact that recent United States Supreme Court criminal sentencing decisions have on implementing further reform;

(4) the barriers to comparing Minnesota's sentencing data with data from other states;

(5) strategies for imposing probation and supervised release violations on drug offenders;

(6) strategies for increasing the efficacy of programs that are now available to treat drug offenders;

(7) the likely impact of any recommended change in policy upon victims of drug-related crimes and the neighborhoods in which these crimes occur;

(8) the likely impact of any recommended change in policy upon the efficacy of law enforcement, prosecution, public defender, or court personnel; or

(9) any other sentencing-related matter that the working group sees fit to consider.

3.1 Subd. 3. **Report to legislature.** The working group shall report its findings and
3.2 recommendations to the chair of the house Public Safety Finance Division and the chair of
3.3 the senate Public Safety Budget Division by January 16, 2009.

3.4 **EFFECTIVE DATE.** This section is effective the day following final enactment.