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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 997

02/11/2019 Authored by Long, Poston and Gomez  
The bill was read for the first time and referred to the Committee on Ways and Means

1.1 A bill for an act  
1.2 relating to corrections; providing guidance for sentencing offenders to probation  
1.3 and length of probation; providing for data integration for probation; amending  
1.4 Minnesota Statutes 2018, section 244.09, subdivisions 5, 6, 8.

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

1.6 Section 1. Minnesota Statutes 2018, section 244.09, subdivision 5, is amended to read:

1.7 Subd. 5. **Promulgation of Sentencing Guidelines.** The commission shall promulgate  
1.8 Sentencing Guidelines for the district court. The guidelines shall be based on reasonable  
1.9 offense and offender characteristics. The guidelines promulgated by the commission shall  
1.10 be advisory to the district court and shall establish:

1.11 (1) the circumstances under which imprisonment of an offender is proper; and ~~(2)~~ a  
1.12 presumptive, fixed sentence for offenders for whom imprisonment is proper, based on each  
1.13 appropriate combination of reasonable offense and offender characteristics. The guidelines  
1.14 shall provide for an increase of 20 percent and a decrease of 15 percent in the presumptive,  
1.15 fixed sentence;

1.16 ~~The Sentencing Guidelines promulgated by the commission may also establish appropriate~~  
1.17 ~~sanctions for offenders for whom imprisonment is not proper. Any (2) a presumptive, fixed~~  
1.18 probation term for offenders for whom probation is proper based on each appropriate  
1.19 combination of reasonable offense and offender characteristics. Guidelines promulgated by  
1.20 the commission establishing sanctions for offenders for whom imprisonment is not proper  
1.21 shall make specific reference to noninstitutional sanctions, including but not limited to the  
1.22 following: payment of fines, day fines, restitution, community work orders, work release  
1.23 programs in local facilities, community based residential and nonresidential programs,

2.1 incarceration in a local correctional facility, and probation and the conditions ~~thereof~~ of  
2.2 probation; and

2.3 (3) that nothing in this section or in the guidelines promulgated by the commission  
2.4 preclude the court from imposing a sentence for a felony conviction that is within the limits  
2.5 provided by law for a misdemeanor or gross misdemeanor as defined in section 609.02.

2.6 Although the Sentencing Guidelines are advisory to the district court, the court shall  
2.7 follow the procedures of the guidelines when it pronounces sentence in a proceeding to  
2.8 which the guidelines apply by operation of statute. Sentencing pursuant to the Sentencing  
2.9 Guidelines is not a right that accrues to a person convicted of a felony; it is a procedure  
2.10 based on state public policy to maintain uniformity, proportionality, rationality, and  
2.11 predictability in sentencing.

2.12 In establishing and modifying the Sentencing Guidelines, the primary consideration of  
2.13 the commission shall be public safety. The commission shall also consider current sentencing  
2.14 and release practices; current probation practices; correctional resources, including but not  
2.15 limited to the capacities of local and state correctional facilities; and the long-term negative  
2.16 impact of the crime on the community.

2.17 The provisions of sections 14.001 to 14.69 do not apply to the promulgation of the  
2.18 Sentencing Guidelines, and the Sentencing Guidelines, including severity levels and criminal  
2.19 history scores, are not subject to review by the legislative commission to review  
2.20 administrative rules. However, the commission shall adopt rules pursuant to sections 14.001  
2.21 to 14.69 which establish procedures for the promulgation of the Sentencing Guidelines,  
2.22 including procedures for the promulgation of severity levels and criminal history scores,  
2.23 and these rules shall be subject to review by the Legislative Coordinating Commission.

2.24 Sec. 2. Minnesota Statutes 2018, section 244.09, subdivision 6, is amended to read:

2.25 Subd. 6. **Clearinghouse and information center.** The commission, in addition to  
2.26 establishing Sentencing Guidelines, shall serve as a clearinghouse and information center  
2.27 for the collection, preparation, analysis and dissemination of information on state and local  
2.28 sentencing and probation practices, and shall conduct ongoing research regarding Sentencing  
2.29 Guidelines, use of imprisonment and alternatives to imprisonment, probation terms,  
2.30 conditions of probation, probation revocations, plea bargaining, recidivism, and other matters  
2.31 relating to the improvement of the criminal justice system. The commission shall from time  
2.32 to time make recommendations to the legislature regarding changes in the Criminal Code,  
2.33 criminal procedures, and other aspects of sentencing and probation.

3.1 This information shall include information regarding the impact of statutory changes to  
3.2 the state's criminal laws related to controlled substances, including those changes enacted  
3.3 by the legislature in Laws 2016, chapter 160.

3.4 Sec. 3. Minnesota Statutes 2018, section 244.09, subdivision 8, is amended to read:

3.5 Subd. 8. **Administrative services.** The commissioner of corrections shall provide  
3.6 adequate office space and administrative services for the commission, and the commission  
3.7 shall reimburse the commissioner for the space and services provided. The commission  
3.8 may also utilize, with their consent, the services, equipment, personnel, information and  
3.9 resources of other state agencies; and may accept voluntary and uncompensated services,  
3.10 contract with individuals, public and private agencies, and request information, reports and  
3.11 data from, and establish data integrations with, any agency of the state, or any of its political  
3.12 subdivisions, to the extent authorized by law.