

**SENATE  
STATE OF MINNESOTA  
NINETY-FIRST SESSION**

**S.F. No. 2851**

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DATE	D-PG	OFFICIAL STATUS
04/29/2019	3943	Introduction and first reading
		Referred to Judiciary and Public Safety Finance and Policy
02/20/2020	4806a	Comm report: To pass as amended and re-refer to State Government Finance and Policy and Elections

1.1 A bill for an act

1.2 relating to public safety; providing for senate confirmation of certain members of

1.3 the Minnesota Sentencing Guidelines Commission; requiring the Minnesota

1.4 Sentencing Guidelines Commission to adopt rules; amending Minnesota Statutes

1.5 2018, section 244.09, subdivisions 2, 3.

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

1.7 Section 1. Minnesota Statutes 2018, section 244.09, subdivision 2, is amended to read:

1.8 Subd. 2. **Members.** The Sentencing Guidelines Commission shall consist of the

1.9 following:

- 1.10 (1) the chief justice of the supreme court or a designee;
- 1.11 (2) one judge of the court of appeals, appointed by the chief justice of the supreme court;
- 1.12 (3) one district court judge appointed by the chief justice of the supreme court;
- 1.13 (4) one public defender appointed by the governor upon recommendation of the state
- 1.14 public defender;
- 1.15 (5) one county attorney appointed by the governor upon recommendation of the board
- 1.16 of directors of the Minnesota County Attorneys Association;
- 1.17 (6) the commissioner of corrections or a designee;
- 1.18 (7) one peace officer as defined in section 626.84 appointed by the governor;
- 1.19 (8) one probation officer or parole officer appointed by the governor; and
- 1.20 (9) three public members appointed by the governor, one of whom shall be a victim of
- 1.21 a crime defined as a felony.

2.1 When an appointing authority selects individuals for membership on the commission,  
 2.2 the authority shall make reasonable efforts to appoint qualified members of protected groups,  
 2.3 as defined in section 43A.02, subdivision 33.

2.4 One of the members shall be designated by the governor as chair of the commission.

2.5 The appointments of members described in clauses (2), (3), (4), (5), (7), (8), and (9),  
 2.6 are to be made with the advice and consent of the senate. Section 15.066 applies to these  
 2.7 appointments.

2.8 Sec. 2. Minnesota Statutes 2018, section 244.09, subdivision 3, is amended to read:

2.9 Subd. 3. **Appointment terms.** Each appointed member shall be appointed for four years  
 2.10 and shall continue to serve during that time as long as the member occupies the position  
 2.11 ~~which that~~ made the member eligible for the appointment. Each member shall continue in  
 2.12 office until a successor is duly appointed and, if applicable, confirmed by the senate.  
 2.13 Members shall be eligible for reappointment, and appointment may be made to fill an  
 2.14 unexpired term. ~~The term of any member appointed or reappointed by the governor before~~  
 2.15 ~~the first Monday in January 1991 expires on that date.~~ The term of any member appointed  
 2.16 or reappointed by the governor ~~after the first Monday in January 1991~~ is coterminous with  
 2.17 the governor. The members of the commission shall elect any additional officers necessary  
 2.18 for the efficient discharge of their duties.

2.19 Sec. 3. **SENTENCING GUIDELINES COMMISSION REQUIRED TO ADOPT**  
 2.20 **RULES.**

2.21 (a) The Minnesota Sentencing Guidelines Commission shall adopt further rules regulating  
 2.22 how the commission's hearings are to be conducted. These rules must ensure that proper  
 2.23 notice of at least seven days is provided to commission members and the public regarding  
 2.24 the time and place for a meeting. This notice must include any proposed amendments or  
 2.25 modifications to the guidelines to be discussed and a detailed agenda that distinguishes  
 2.26 between informational items, discussion items, and action items. The rules must prohibit  
 2.27 items not included as action items from being acted on at that hearing. Further, the rules  
 2.28 must prohibit a vote on any proposal to amend or modify the guidelines during the same  
 2.29 meeting that it was first presented. In addition, the rules must prohibit the final adoption of  
 2.30 a proposed modification to the guidelines that was forwarded for a public hearing and that  
 2.31 was amended in any substantive way at or following the public hearing, unless another  
 2.32 public hearing is held on the revised language.

3.1 (b) Upon adoption of the rules required in paragraph (a), the commission shall report a  
3.2 summary of them to the chairs and ranking minority members of the legislative committees  
3.3 with jurisdiction over criminal justice policy.

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