

CHAPTER 3000

SENTENCING GUIDELINES COMMISSION

SENTENCING GUIDELINES

3000.0100 PURPOSE AND SCOPE.
 3000.0200 NOTICE OF HEARING.
 3000.0300 CONDUCT OF HEARINGS.

3000.0400 RECEIPT OF WRITTEN MATERIALS.
 3000.0500 HEARING RECORD.
 3000.0600 AMENDMENT ADOPTION.

3000.0100 PURPOSE AND SCOPE.

The procedures contained in parts 3000.0100 to 3000.0600 govern the promulgation of the sentencing guidelines, including any modifications of severity levels and criminal history scores.

Statutory Authority: *MS s 244.09 subd 5 cl (2)*

History: *10 SR 1267*

3000.0200 NOTICE OF HEARING.

The Sentencing Guidelines Commission shall maintain a list of all persons who have registered with the commission for the purpose of receiving notice on proposed amendments to the sentencing guidelines. The commission may inquire as to whether those persons on the list wish to maintain their names on the list and may remove names for which there is a negative reply or no reply within 60 days. The commission shall, at least 30 days before the date set for the hearing, give notice of its intention to amend the sentencing guidelines by United States mail to all persons on its list, and by publication in the State Register. The mailed notice and the notice in the State Register must include a copy of the proposed amendments or a brief description of the nature and effect of the proposed changes.

Statutory Authority: *MS s 244.09 subd 5 cl (2)*

History: *10 SR 1267*

3000.0300 CONDUCT OF HEARINGS.

Subpart 1. Proposed amendment proceedings. A hearing on proposed amendments to the sentencing guidelines, including any modifications of severity levels and criminal history scores, must proceed substantially in the manner specified in this part.

Subp. 2. Registration of participants. A person intending to testify regarding proposed amendments to the sentencing guidelines shall register with the commission before testifying by writing his or her name, address, telephone number, and the names of any individuals or associations that the person represents in connection with the hearing on a register to be provided by the commission. Persons may indicate to the commission in writing their desire to be informed of the date on which the proposed amendments will be considered for adoption at a public hearing under part 3000.0600.

Subp. 3. Notice of procedures at hearing. The chair of the Sentencing Guidelines Commission shall convene the hearing at the proper time and shall explain to all persons present the purpose of the hearing and the procedure to be followed at the hearing. The chair of the commission shall notify all persons present that the record will remain open for five calendar days following the hearing for receipt of written comments concerning the proposed amendments. The commission shall give due consideration to all comments received within the five-day comment period.

Subp. 4. Proposed amendments. The commission shall make copies of the proposed amendments available at the hearing.

Subp. 5. Opportunity for questions. Interested persons must be given an opportunity to address questions to the commission, its staff, or witnesses. The commission or its staff may question interested persons making oral statements. The questioning may extend to an explanation of the purpose of intended operation of a proposed amendment to the sentencing guidelines, or may be conducted for other purposes if material to evaluation or formulation of the proposed amendments.

Subp. 6. Opportunity for presenting statements. Interested persons must be given an opportunity to present oral and written statements regarding the proposed amendments to the sentencing guidelines.

Subp. 7. **Record of hearing.** The commission shall make an audio recording of the hearing.

Statutory Authority: *MS s 244.09 subd 5 cl (2)*

History: 10 SR 1267; 17 SR 1279

3000.0400 RECEIPT OF WRITTEN MATERIALS.

The Sentencing Guidelines Commission shall allow written materials to be submitted and recorded in the hearing record for a period of five calendar days after the public hearing under part 3000.0500 ends, or for a longer period if the commission so orders.

Statutory Authority: *MS s 244.09 subd 5 cl (2)*

History: 10 SR 1267

3000.0500 HEARING RECORD.

The record must be closed upon the last date for receipt of written materials under part 3000.0400. The record includes:

- A. the notice of hearing as mailed;
- B. a copy of the State Register containing the notice of hearing;
- C. the names of persons who testify with respect to the proposed amendments to the sentencing guidelines;
- D. copies of all publications in the State Register pertaining to the proposed amendments to the sentencing guidelines;
- E. all written statements, comments, and materials received by the commission relating to the proposed amendments to the sentencing guidelines;
- F. the audio recording of the hearing under part 3000.0300; and
- G. a copy of the proposed amendments to the sentencing guidelines as heard at the hearing under part 3000.0300.

Statutory Authority: *MS s 244.09 subd 5 cl (2)*

History: 10 SR 1267

3000.0600 AMENDMENT ADOPTION.

Subpart 1. **Adoption.** After holding the hearing required under part 3000.0300 and expiration of the written comment period under part 3000.0400, the sentencing guidelines commission may, by a majority vote of a quorum of the commission present, adopt proposed amendments to the sentencing guidelines. A quorum means a majority of the members of the commission.

Subp. 2. **Notice.** The commission shall provide all persons listed with the commission under part 3000.0200 and all persons requesting notification under part 3000.0300, subpart 2 with notice of the adoption hearing by United States mail.

Subp. 3. **Effective date.** All proposed amendments to the sentencing guidelines that do not have to be submitted to the legislature are effective on the date ordered by the commission.

Statutory Authority: *MS s 244.09 subd 5 cl (2)*

History: 10 SR 1267