

2940.1500 INMATES WITH INDETERMINATE SENTENCES.

Subpart 1. **Concurrent sentences.** When an inmate is under sentence for a pre-May 1, 1980, offense and a guideline sentence concurrently, and the sentence for the pre-May 1, 1980, offense exceeds the guidelines sentence, release shall be considered under Minnesota Statutes 1983 Supplement, section 243.05.

Subp. 2. **Review of release dates.** Incarcerated inmates with indeterminate sentences governing their release dates which were established prior to July 1, 1982, shall be handled as follows in items A to C.

A. All release dates established by the Minnesota Corrections Board will be left in full force and effect by the commissioner.

B. Special reviews for the purpose of modifying release dates established by the Minnesota Corrections Board shall be considered by the executive officer of hearings and release for the following reasons:

- (1) correcting mathematical, data entry, or computational errors; and
- (2) policy changes established by the commissioner which affect the term of imprisonment.

C. The program review team shall determine if the criteria for a special review have been met. If the criteria have been met, the program review team shall forward the information and a recommendation to the executive officer of hearings and release. The executive officer of hearings and release shall make the final decision regarding the requested adjustment in the release date.

Subp. 3. **Application of guidelines.** Minnesota sentencing guidelines policies and procedures must be utilized in determining the term of imprisonment and projected release date of each inmate with an indeterminate sentence whose new admission review occurs after July 1, 1982.

The criminal history score shall be based on the inmate's status on the date the indeterminate offense occurred.

A. To be assigned a juvenile point, the offender must have been under 21 years of age at the time of the offense. If so, standard guidelines policies apply.

B. To be assigned a custody status point, the offender must have been under applicable Minnesota state guidelines policy custody status at the time the indeterminate offense occurred. If so, standard guidelines policies apply.

C. The only misdemeanor, gross misdemeanor, or felony convictions which shall be utilized to compute the criminal history score shall be those for which the offender had

received a stayed or imposed sentence prior to the date on which the indeterminate offense occurred.

The program review team shall complete a Minnesota sentencing guidelines worksheet on such inmates and forward the worksheet to the executive officer of hearings and release for approval. If the program review team recommends departure from the guidelines grid, the written reasons for the departure must accompany the worksheet.

Statutory Authority: *MS s 14.388; 241.26; 243.05*

History: *L 1983 c 274 s 18; 8 SR 2298; 23 SR 808*

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