

1 Sentencing Guidelines Commission

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3 Adopted Rules Governing Promulgation of the Sentencing
4 Guidelines

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6 Rules as Adopted

7 3000.0100 PURPOSE AND SCOPE.

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

11 3000.0200 NOTICE OF HEARING.

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

26 3000.0300 CONDUCT OF HEARINGS.

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

31 Subp. 2. Registration of participants. A person intending
32 to testify regarding proposed amendments to the sentencing
33 guidelines shall register with the commission before testifying
34 by writing his or her name, address, telephone number, and the
35 names of any individuals or associations that the person

1 represents in connection with the hearing on a register to be
2 provided by the commission. Persons may indicate to the
3 commission in writing their desire to be informed of the date on
4 which the proposed amendments will be considered for adoption at
5 a public hearing under part 3000.0600.

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

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

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

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

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

32 3000.0400 RECEIPT OF WRITTEN MATERIALS.

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

1 orders.

2 3000.0500 HEARING RECORD.

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

5 A. the notice of hearing as mailed;

6 B. a copy of the State Register containing the notice
7 of hearing;

8 C. the names of persons who testify with respect to
9 the proposed amendments to the sentencing guidelines;

10 D. copies of all publications in the State Register
11 pertaining to the proposed amendments to the sentencing
12 guidelines;

13 E. all written statements, comments, and materials
14 received by the commission relating to the proposed amendments
15 to the sentencing guidelines;

16 F. the audio recording of the hearing under part
17 3000.0300; and

18 G. a copy of the proposed amendments to the
19 sentencing guidelines as heard at the hearing under part
20 3000.0300.

21 3000.0600 AMENDMENT ADOPTION.

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

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

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