Criminal Justice Disparities Eradication

1.1 A bill for an act
1.2 relating to courts; requiring a study of county attorney and public defender
1.3 sentencing recommendations and racial data; requiring a study of the efficacy and
1.4 access for minority offenders of reentry services, expungement, and treatment
1.5 programs.

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

1.7 Section 1. **SENTENCING DISPARITY STUDY.**

1.8 (a) The executive director of the Minnesota Sentencing Guidelines Commission
1.9 shall conduct a study of racial disparity and sentencing recommendations. The study must
1.10 require each county attorney office and county public defender office to gather racial
1.11 data related to sentencing recommendations made for each defendant represented by an
1.12 attorney in that office. The study must include:

1.13 (1) a review of the factors that can influence sentence negotiations;

1.14 (2) information relative to the use of discretion in recommending sentences by
1.15 the county attorneys and public defenders;

1.16 (3) rationale for county attorney decisions regarding whether to seek a presumptive
1.17 sentence, an aggravated sentence, or a reduced sentence;

1.18 (4) information regarding county attorney and public defender rationale when
1.19 making initial screening, adjudication, and sentencing decisions;

1.20 (5) any county attorney and public defender office policies that may influence a
1.21 sentencing recommendation;

1.22 (6) data regarding the race of and sentence recommended for each person prosecuted
1.23 by the county attorney office and each person represented by the county public defender
1.24 office; and

2.1 (7) any other information that relates to how county attorneys and public defenders
2.2 make sentencing recommendations.
2.3 (b) Each county attorney office and public defender office shall provide the
2.4 information requested by the executive director under paragraph (a). By December 31,
2.5 2014, the executive director shall submit a report to the house of representatives and
2.6 senate committees having jurisdiction over sentencing of offenders that includes, at a
2.7 minimum, the critical variables and related indicators of racial disparities in sentencing,
2.8 and analytic tools to determine whether racial bias is a factor of any racial disparities.

2.9 Sec. 2. **MINORITY OFFENDER ACCESS TO REENTRY SERVICES; STUDY.**
2.10 The commissioner of corrections shall conduct a study of the efficacy and access of
2.11 reentry services, the expungement process, and culturally competent treatment programs
2.12 for minority offenders. The commissioner may consult with the Office of the Legislative
2.13 Auditor or enter into an agreement with an independent consultant to perform the study.
2.14 The study must include, at a minimum, findings and proposed recommendations for
2.15 changes aimed at reducing recidivism. The commissioner shall submit a report to the
2.16 house of representatives and senate committees having jurisdiction over criminal justice
2.17 by December 31, 2014.