Racial Impact Statement, House File 34

March 9, 2016

Executive Summary

Minnesota Sentencing Guidelines Commission staff estimates that HF 34 (“Minnesota Public Safety Personnel Protection Act”), if enacted, would increase Minnesota’s felony and prison populations across all racial groups. Staff further estimates that the bill would increase the disparities that presently exist between—

- the American Indian felony population,
- the American Indian prison population, and,
- to a lesser extent, the Hispanic felony population,

and those racial groups’ representation in Minnesota’s adult census population.

Introduction

By providing the following information on race, the Minnesota Sentencing Guidelines Commission (MSGC) seeks to enrich the discussion on how racial minorities in Minnesota are affected by changes in sentencing policy. If a significant racial disparity can be predicted before a bill is passed, it may be possible to consider alternatives that enhance public safety without creating additional disparity in Minnesota’s criminal justice system. Just as with the fiscal impact notes, the agency does not intend to comment on whether a particular bill should be enacted. Rather, it is setting out facts that may be useful to the Legislature, whose members frequently express concerns about the disparity between the number of minorities in our population and the number in our prisons.

According to the 2010 U.S. Census (the most recent census data available), 86.1 percent of Minnesotans 18 years of age or older were white. The remaining 13.8 percent were: 4.3 percent black; 3.7 percent Hispanic; 3.7 percent Asian; 1 percent American Indian; and roughly 1.2 percent who identify themselves with two or more races or another race. (Figure 1, Bar 1.)

By comparison, 2015 MSGC monitoring data show the following racial make-up of the felony population: 57.7 percent white; 26.3 percent black; 5.0 percent Hispanic; 2.7 percent Asian; and 8.2 percent American Indian. (Figure 1, Bar 2.) Racial disparities may therefore be said to exist in Minnesota’s black, Hispanic, and American Indian felony population.

According to the Minnesota Department of Corrections, the racial composition of prisoners on January 1, 2017, was as follows: 47.3 percent white; 34.4 percent black; 6.3 percent Hispanic; 2.6 percent Asian; and 9.2 percent American Indian. (Figure 1, Bar 4.) Racial disparities may therefore be said to exist in Minnesota’s black, Hispanic, and American Indian prison population.
Bill Description

HF 34 would create a new felony offense of obstructing legal process, arrest, or firefighting, with a 12-month mandatory minimum, for what are now misdemeanor and gross misdemeanor offenses. It would establish a 24-month mandatory minimum for the existing felony offense. It would expand the scope of responders protected by the offense.

Racial Impact

If enacted, the bill would result in an increase in the number of people sentenced for felonies and an increase the number of people receiving either an executed prison sentence or a jail sentence as a condition of probation. To estimate the racial impact, MSGC staff assumed that the racial distribution of people sentenced for the new felony-level obstruction would be similar to the racial distribution of people currently sentenced for the misdemeanor and gross misdemeanor obstruction offenses. Of the expected 1,543 additional people receiving felony sentences annually, if this bill is enacted, 49.7 percent are expected to be white, 21.0 percent are expected to be black, 6.1 percent are expected to be Hispanic, 0.9 percent are expected to be Asian, and 12.8 percent are expected to be American Indians. (Figure 1, Bar 3.) Due to a lack of data regarding the criminal histories of the additional people receiving felony sentences, it is assumed that the racial distribution of the occupants of the 506 prison beds required as a result of this bill would be the same as the racial distribution of the projected additional felony offenders.

Figure 1. 2010 MN Census, 2015 Felon Population, Projected Bill Impact (Felon Population), 2017 MN Prison Population, and Projected Bill Impact (Prison Bed Occupants)
### Table 1. Summary Table, Bill Impact on Selected Population Groups

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Black</td>
<td>4.3%</td>
<td>Felony</td>
<td>26.3%</td>
<td>+324</td>
<td>21.0%</td>
</tr>
<tr>
<td>Black</td>
<td>4.3%</td>
<td>Prison</td>
<td>34.4%</td>
<td>+106</td>
<td>21.0%</td>
</tr>
<tr>
<td>Hispanic</td>
<td>3.7%</td>
<td>Felony</td>
<td>5.0%</td>
<td>+94</td>
<td>6.1%</td>
</tr>
<tr>
<td>Hispanic</td>
<td>3.7%</td>
<td>Prison</td>
<td>6.3%</td>
<td>+31</td>
<td>6.1%</td>
</tr>
<tr>
<td>American Indian</td>
<td>1.0%</td>
<td>Felony</td>
<td>8.2%</td>
<td>+198</td>
<td>12.8%</td>
</tr>
<tr>
<td>American Indian</td>
<td>1.0%</td>
<td>Prison</td>
<td>9.2%</td>
<td>+65</td>
<td>12.8%</td>
</tr>
</tbody>
</table>

**Black felony population**

MSGC staff estimates that, if enacted, the bill would increase the population of felons who are black by 324 annually. Although the new felony population that would result from this bill would have higher black representation than that group’s representation in Minnesota’s adult census population, that felony population would have lower black representation than that group’s representation in Minnesota’s current felony population. Specifically, the black population comprises 4.3 percent of Minnesota’s adult census population; comprises 26.3 percent of Minnesota’s felony population; and is estimated to comprise 21.0 percent of the new felony population that would result from the enactment of this bill.

**Black prison population**

MSGC staff estimates that, if enacted, the bill would increase the population of prisoners who are black by 106 annually. Although the new prison population that would result from this bill would have higher black representation than that group’s representation in Minnesota’s adult census population, that prison population would have lower black representation than that group’s representation in Minnesota’s current prison population. Specifically, the black population comprises 4.3 percent of Minnesota’s adult census population; comprises 34.4 percent of Minnesota’s prison population; and is estimated to comprise 21.0 percent of the new felony population that would result from the enactment of this bill.
Hispanic felony population

MSGC staff estimate that, if enacted, the bill would increase the population of felons who are Hispanic by 94 annually, and would increase the disparity that exists between that group’s representation in Minnesota’s felony population and the group’s representation in Minnesota’s adult census population. Specifically, the Hispanic population comprises 3.7 percent of Minnesota’s adult census population; comprises 5.0 percent of Minnesota’s felony population; and is estimated to comprise 6.1 percent of the new felony population that would result from the enactment of this bill.

Hispanic prison population

MSGC staff estimates that, if enacted, the bill would increase the population of prisoners who are Hispanic by 31 annually. Although the new prison population that would result from this bill would have a higher Hispanic representation than that group’s representation in Minnesota’s adult census population, that prison population would have a lower Hispanic representation than that group’s representation in Minnesota’s current prison population. Specifically, the Hispanic population comprises 3.7 percent of Minnesota’s adult census population; comprises 6.3 percent of Minnesota’s prison population; and is estimated to comprise 6.1 percent of the new prison population that would result from the enactment of this bill.

American Indian felony population

MSGC staff estimate that, if enacted, the bill would increase the population of felons who are American Indian by 198 annually, and to increase the disparity that presently exists between that group’s representation in Minnesota’s felony population and the group’s representation in Minnesota’s adult census population. Specifically, the American Indian population comprises 1.0 percent of Minnesota’s adult census population; comprises 8.2 percent of Minnesota’s felony population; and is estimated to comprise 12.8 percent of the new felony population that would result from the enactment of this bill.

American Indian prison population

MSGC staff estimate that, if enacted, the bill would increase the population of prisoners who are American Indian by 65 annually, and to increase the disparity that exists between that group’s representation in Minnesota’s prison population and the group’s representation in Minnesota’s adult census population. Specifically, the American Indian population comprises 1.0 percent of Minnesota’s adult census population; comprises 9.2 percent of Minnesota’s prison population; and is estimated to comprise 12.8 percent of the new prison population that would result from the enactment of this bill.

1 U.S. Census Bureau; Census 2010, Summary File 1, Table 11; generated by Sarah Welter, Kathleen Madland, and Jill Payne (November 2013).