The Minnesota Corrections Board and the Minnesota Sentencing Guidelines Commission

February 27, 2019

Introduction

At its February 14, 2019, meeting, the Commission briefly discussed its role, if any, in making parole decisions. This information paper presents some historical and statutory information on the topic.

Minnesota Corrections Board

Before the Minnesota Sentencing Guidelines took effect on May 1, 1980, the Minnesota Corrections Board (MCB) was a full-time, five-member board charged with granting or revoking parole and issuing final discharge to those inmates committed to the Commissioner of Corrections.1

When the Minnesota Sentencing Guidelines Commission (MSGC) was established, the MCB chairman was a charter member.2 The MCB had promulgated parole decision-making guidelines,3 and the MSGC studied the MCB’s release practices when establishing the Sentencing Guidelines’ presumptive prison durations.4

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2 Minn. Stat. § 244.09, subd. 2(6) (1978).
For offenders sentenced post-Guidelines, the MCB’s parole authority was greatly curtailed, and its authority was generally limited to work release, creation of supervised-release standards, supervised-release revocation, life sentences, and indeterminately sentenced repeat sex offenders. In 1981 (effective 1982), the MCB was entirely abolished, and its remaining duties were assigned to the Commissioner of Corrections in 1983.

The Commission’s Role with Respect to the Minnesota Corrections Board

At its 1978 inception, the MSGC was assigned the task of reviewing the powers and duties of the MCB and making recommendations to the Legislature on the appropriate role, if any, of the MCB under the Guidelines:

Subd. 7. The commission shall study the impact of the sentencing guidelines promulgated by the commission after their implementation. The commission shall also, after implementation of the guidelines, review the powers and duties of the Minnesota corrections board and make recommendations to the legislature on the appropriate role, if any, of the board under the guidelines.

As discussed above, the MCB was abolished in 1981. Except as discussed above, staff is aware of no MSGC review of the MCB’s powers and duties, as described in the statute, in the brief period prior between the MSGC’s establishment the MCB’s abolition.

In 1983, the Revisor of Statutes was directed to replace “Minnesota corrections board” with “commissioner of corrections” in the Commission’s charter statute, although an obsolete reference to “the board” was retained, apparently inadvertently:

Subd. 7. The commission shall study the impact of the sentencing guidelines promulgated by the commission after their implementation. The commission shall also, after implementation of the guidelines, review the powers and duties of the Minnesota corrections board commissioner of corrections and make recommendations to the legislature on the appropriate role, if any, of the board under the guidelines.

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6 Minn. Stat. § 244.08, subd. 1 (1978).
8 1983 Minn. Laws ch. 274.
9 Minn. Stat. § 244.09, subd. 7 (1978).
10 1983 Minn. Laws ch. 274, § 18, as codified at Minn. Stat. § 244.09, subd. 7 (1984).
In 1997, as part of a general reduction in statutory reporting requirements, the subdivision was further streamlined, and the obsolete reference to “the board” was deleted:11

**Subd. 7. After the implementation of the sentencing guidelines promulgated by the commission, the commission shall study the their impact of the sentencing guidelines promulgated by the commission after their implementation. The commission shall also, after implementation of the guidelines, review the powers and duties of the commissioner of corrections and make recommendations to the legislature on the appropriate role, if any, of the board under the guidelines and review the powers and duties of the commissioner of corrections.**

Today, the directive remains unchanged from its 1997 form:12

**Subd. 7. Study. After the implementation of the Sentencing Guidelines promulgated by the commission, the commission shall study their impact and review the powers and duties of the commissioner of corrections.**

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11 [1997 Minn. Laws ch. 7, art. 2, § 31.](#)
12 [Minn. Stat. § 244.09, subd. 7 (2018).](#)