

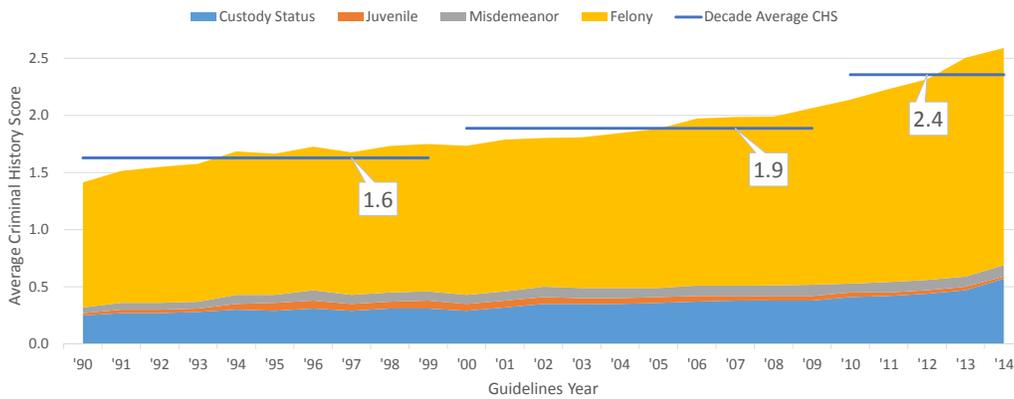
Criminal History Score Overview

Part 2: Misdemeanor and Gross Misdemeanor Criminal History Policies Over Time

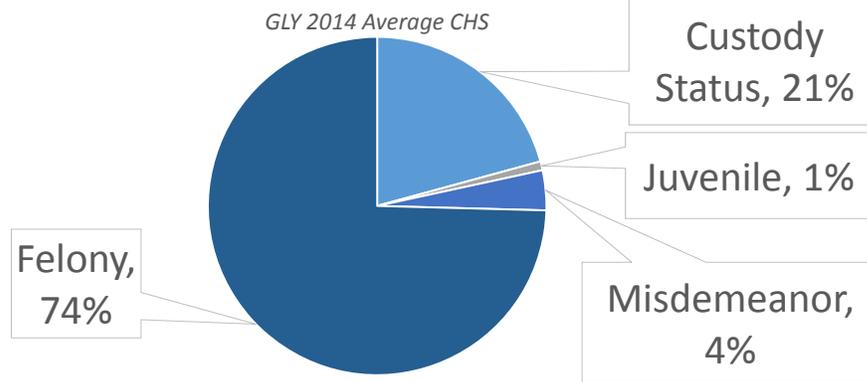
MINNESOTA SENTENCING GUIDELINES COMMISSION

JULY 27, 2016

Average criminal history scores have grown since 1990



Four components of Minnesota's criminal history score



Misdemeanor and Gross Misdemeanor Criminal History Policy Prior to 1989

UNITS

- One unit is assigned for each misdemeanor
- Two units are assigned for each gross misdemeanor
- Prior DWIs are included if the current offense is CVH/I
- Traffic offenses are excluded

POINTS

- Four units equal 1 criminal history point
- A maximum of one misd./g.m. point is allowed in criminal history

DECAY

- If no new offenses (M/GM/F) are committed within five years from the date of discharge of the misd./gross misd. to the date of the current offense, the prior decays, but.....
- It decays 10 years from conviction for prior misd./gross misd. offense

Misdemeanor and Gross Misdemeanor Criminal History Policy in 1989

UNITS

- One unit is assigned for each misdemeanor or gross misdemeanor if on the misd./g.m. list
- Prior DWIs are included and assigned two units if the current offense is CVH/I
- Traffic offenses are excluded

POINTS

- Four units equal 1 criminal history point
- A maximum of one misd./g.m. point is allowed in criminal history

DECAY

- Prior misd./g.m. is decayed if 10 years have elapsed from conviction of prior offense to the sentencing date of the current offense

Misdemeanor and Gross Misdemeanor Criminal History Policy After 2010

UNITS

- All non-traffic gross misdemeanors receive 1 unit
- Targeted misdemeanors receive 1 unit
- Prior DWIs and CVIs are included and assigned two units if the current offense is CVH/I or DWI

POINTS

- Four units equal 1 criminal history point
- A maximum of one misd./g.m. point is allowed in criminal history
- No limit to the number of points from DWI if current offense is DWI/CVH/I

DECAY

- Prior misd./g.m. is decayed if 10 years have elapsed from discharge/expiration of prior offense to the date the current offense was committed

Targeted Misdemeanor List

As provided for in Minn. Stat. § 299C.10, subd. 1(e), a targeted misdemeanor is a misdemeanor violation of:

- Driving While Impaired
- Order for Protection Violation
- Assault 5th Degree
- Domestic Assault
- Interference with Privacy
- Harassment or Restraining Order Violation
- Indecent Exposure
- Domestic Abuse No Contact Order Violation

Current Policy Regarding Enhanced Offenses

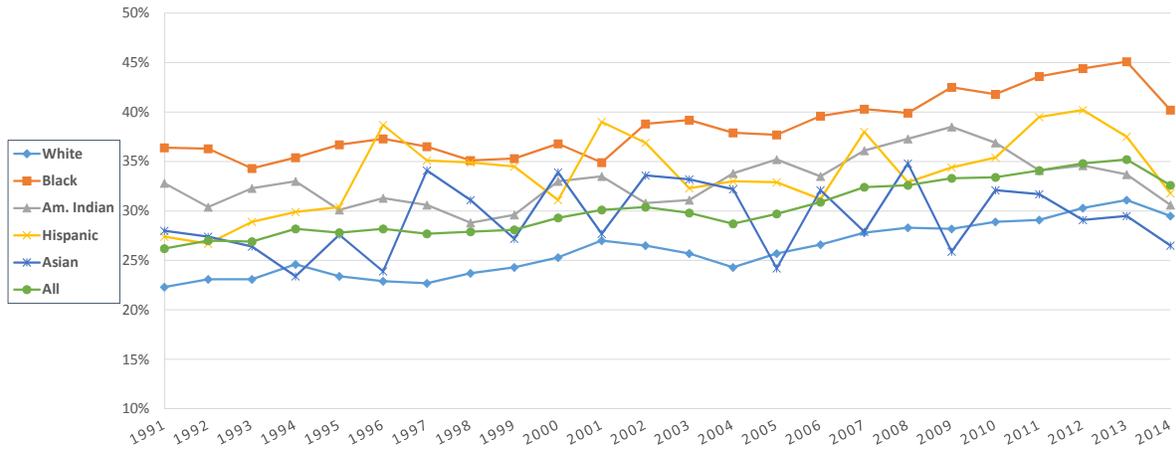
PRIOR TARGETED MISDEMEANORS AND GROSS MISDEMEANOR CONVICTIONS USED TO ENHANCE THE CURRENT OFFENSE TO A FELONY....

- **Can** be used as custody status point.
- **Cannot** be used in calculating criminal history points.
- **Will be** used in calculating criminal history points of future non-enhanced felonies.

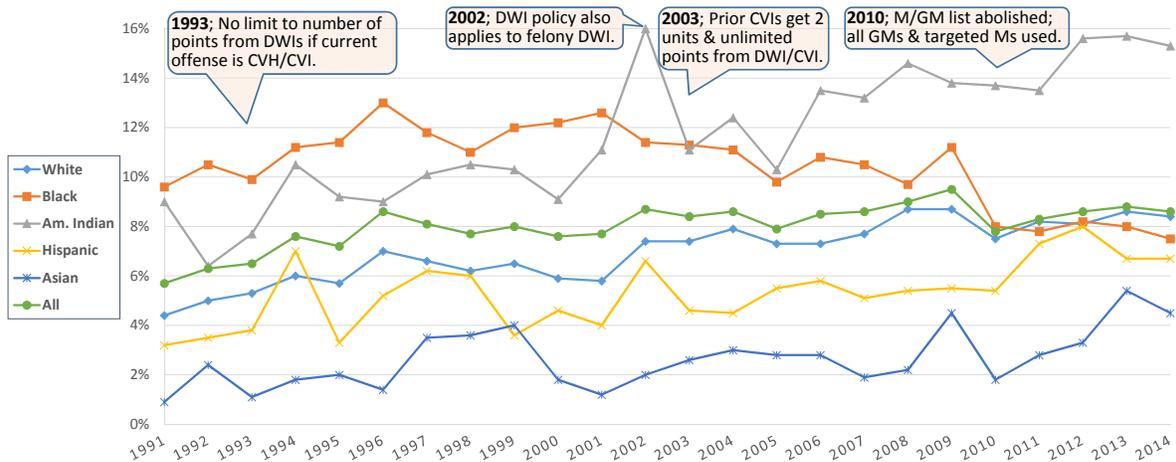
PRIOR TARGETED MISDEMEANORS AND GROSS MISDEMEANOR DWI CONVICTIONS USED TO ENHANCE THE CURRENT DWI OFFENSE TO A FELONY....

- **Can be** used as custody status point.
- **Cannot** be used in calculating criminal history points.
- **Cannot** be used in calculating criminal history points of future felony DWI offenses.

Percent of Offenders with Presumptive Prison Dispositions by Race: Guidelines Years 1991-2014

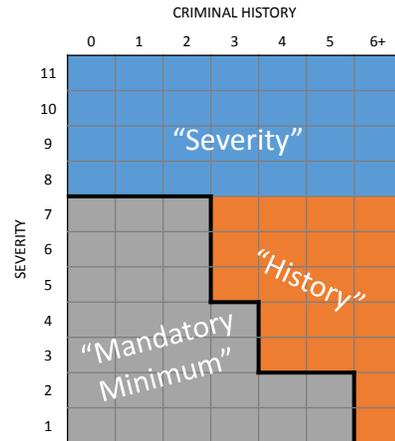
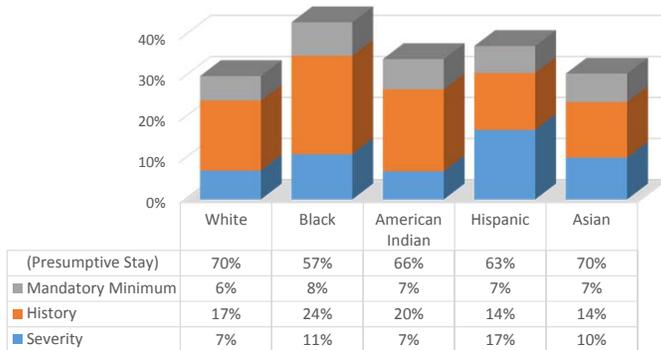


Percent of Offenders with Misdemeanor/Gross Misdemeanor Point: Guidelines Years 1991-2014

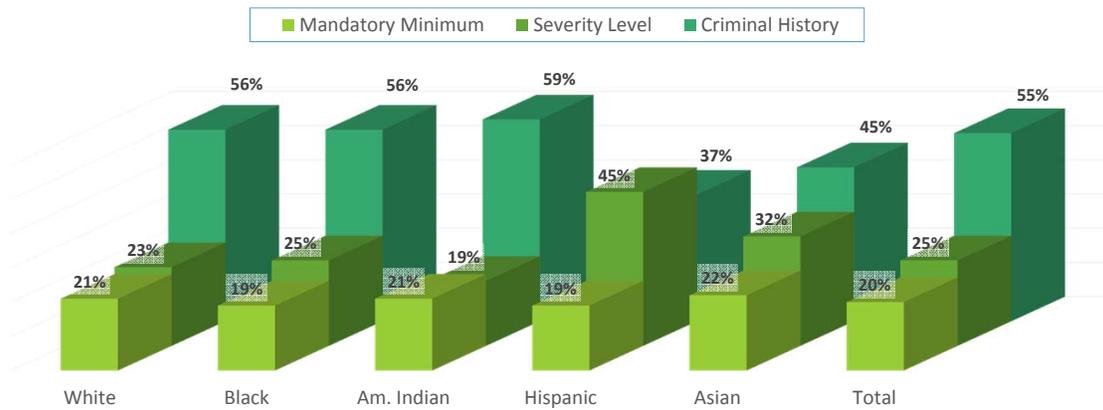


Reasons for Presumptive Commit Vary

Reasons for Presumptive Commit by Race, Guidelines Years 2010 - 2014

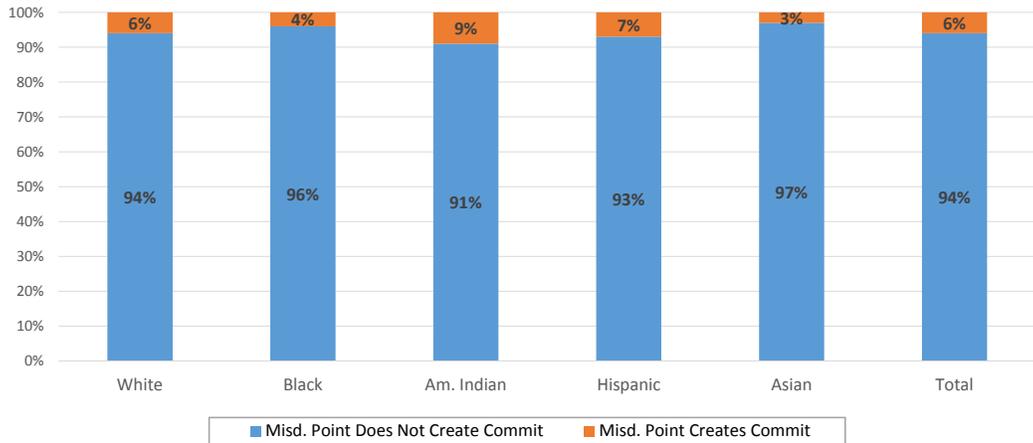


Presumptive Commitments: Guidelines Years 2010-2014



*Graph excludes two cases where race was unknown.

Presumptive Commitments due to History What % is Due to Misd./GM Point: Guidelines Years 2010-2014

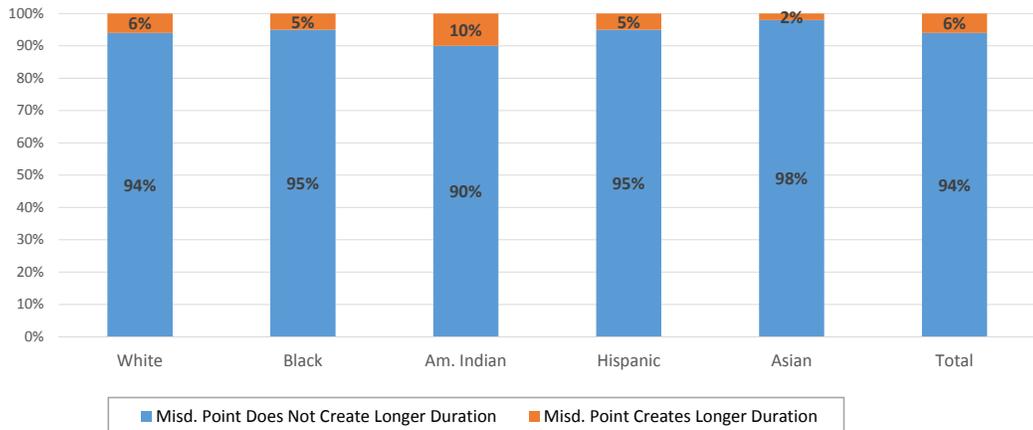


7/27/2016

MINNESOTA SENTENCING GUIDELINES COMMISSION

13

Received More Time Due to Misd./GM Point: Presumptive Prison Cases that Got Prison Guidelines Years 2010-2014



*Graph excludes two cases where race was unknown.

7/27/2016

MINNESOTA SENTENCING GUIDELINES COMMISSION

14

The road ahead

In future meetings, we may have a chance to—

Unpack other criminal history components

Review special cases (sex offenses, DWI)

Look at what other policies have changed over time

Examine why average criminal history scores have changed over time