

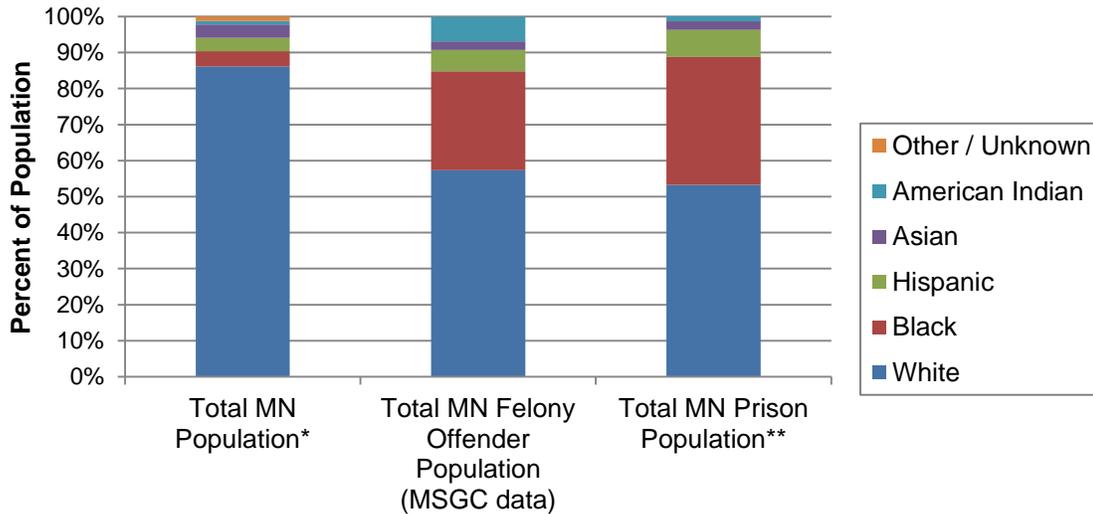
**Racial Impact Note for H.F. 285:
Expansion of List of Crimes of Violence
Minnesota Sentencing Guidelines Commission (MSGC)
February 15, 2013¹**

By providing the following information on race, MSGC seeks to enrich the discussion on how 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 Commission’s fiscal impact notes, the agency does not intend to comment on whether or not 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. In contrast, MSGC monitoring data shows the following racial make-up of the 2011 felony offender population: 57.3 percent white; 27.5 percent black; 5.9 percent Hispanic; 2.4 percent Asian; and 6.8 percent American Indian (Figure 1).

According to the Minnesota Department of Corrections**, the racial composition of the prisons on July 1, 2011 was as follows: 53.3 percent white; 35.5 percent black; 7.5 percent Hispanic; 2.4 percent Asian; and 8.8 percent American Indian (Figure 1).

Figure 1. Comparison of Racial Composition Among MN Populations: 2010 U.S. Census Data; 2011 Felony Population; 2011 MN DOC Population



¹ Updated December 4, 2013 with 2010 Census data.

* Source for “Total MN Population 18 years and older”: U.S. Census Bureau; Census 2010, Summary File 1, Table 11; generated by Sarah Welter, Kathleen Madland, and Jill Payne (November 2013).

** Source for “Total MN Prison Population”: [MN Department of Corrections Adult Inmate Profile: 7/1/11.](#)

Bill Description

This bill would amend the list of offenses defined as crimes of violence in Minn. Stat. § 624.712, subdivision 5. A person who had been convicted of committing a crime of violence is prohibited from possession of firearms under Minn. Stat. § 609.165 or Minn. Stat. § 624.713, subdivision 1(2). The bill would add the following offenses to the definition of crime of violence: felony assault in the fifth degree under Minn. Stat. § 609.224, subdivision 4; felony domestic assault under Minn. Stat. § 609.2242, subdivision 4; domestic assault by strangulation under Minn. Stat. § 609.2247; and juveniles not to possess firearms under Minn. Stat. § 624.713, subdivision 1(1).

The bill would add language to certain persons (felons and juveniles) not to possess firearms, Minn. Stat. § 624.713, subdivision 1, that prohibits possession of ammunition as well as firearms. The ban on possession of ammunition would apply to persons prohibited from possession of firearms in clauses (1) through (11) of Minn. Stat. § 624.713, subdivision 1.

The bill would also add an aiding and abetting provision to certain persons (felons and juveniles) not to possess firearms under Minn. Stat. § 624.713, making a person criminally liable for a violation committed by another person under this section if the person aids or abets the violation within the meaning given in Minn. Stat. § 609.05.

Racial Disparity Impact

Of the offenders sentenced in 2011 for the offenses that would be added to the list of crimes of violence under this bill, 44.5 percent were white, 39.5 percent were black, and 9.5 percent were American Indian. This is compared to the 2011 overall racial make-up of the felony offenders of: 57.3 percent white; 27.5 percent black; and 6.8 percent American Indian (Figure 2).

Information from the MN State Court Administrator's Office indicates that over the last four years, an average of 40 juveniles per year were adjudicated delinquent for possession of a firearm under Minn. Stat. § 624.713, subdivision 1(1). Of those juveniles adjudicated, 8.2 percent were white and 67.7 percent were black. The other non-black minorities make up 20.3 percent.²

The Sentencing Guidelines Commission reported in a fiscal note for House File 285 that this bill, as introduced, may result in the need for an additional 9 to 34 prison beds per year. The expansion of the list of crimes of violence may increase the racial disparity in Minnesota's prison population because a disproportionate number of adult felony offenders sentenced for convictions of felony assault in the fifth degree, felony domestic assault, domestic assault by strangulation, and juveniles not to possess firearms, are black or American Indian as compared to the overall felony population.

² Combined cases for reporting purposes: Hispanic, Asian, American Indian, juveniles who identified with two or more races, another race, or as Pacific Islander. Additionally, in roughly 4% of the cases, the data were missing or the juvenile did not disclose his or her race.

Figure 2. Total MN Felony Offenders vs. Expanded List of Crime of Violence Offenders: 2011

