

Minnesota Sentencing Guidelines Commission
Approved Meeting Minutes
September 23, 2015

The Minnesota Sentencing Guidelines Commission (MSGC) meeting was held on September 23, 2015, in G-31, Minnesota Judicial Center, 25 Rev. Dr. Martin Luther King Jr. Blvd., St. Paul, MN 55155. Commission members present were Chair Justice Christopher Dietzen, Angela Champagne-From, Jeffrey Edblad, Sergeant Paul Ford, Judge Caroline Lennon, Cathryn Middlebrook, Commissioner of Corrections Tom Roy, Judge Heidi Schellhas, Yamy Vang, and Senior Judge Mark Wernick. MSGC staff members present were Executive Director Nate Reitz, and staff members Linda McBrayer, Anne Wall, and Jill Payne. Assistant Attorney General Jim Early was present.

Members of the public present were G. Paul Beaumaster, Dakota County Attorney's Office; Michael Flanagan, Minn. Association of Narcotics Investigators; Emily Lefholz, Senate Judiciary Committee Administrator; Bill Lemons, Minn. County Attorneys Association; Lars Negstad, ISAI AH; Lisa Netzer, Minn. Department of Corrections; Josh Esmoy and Nadine Graves, Council on Crime and Justice; Monty Schunk; Ben Schweigest, Hennepin County Attorney's Office; and John Sleizer.

1. Call to Order

The Chair called the meeting to order at 2:00 p.m.

2. Approval of Agenda

This was on the agenda as an action item.

Motion by Judge Lennon and second by Mr. Edblad to approve the meeting agenda.

Motion carried.

3. Approval of August 26, 2015, Meeting Minutes

This was on the agenda as an action item.

Motion by Judge Schellhas and second by Ms. Middlebrook to approve the meeting minutes from August 26, 2015.

Motion carried.

4. Clarify Consecutive Supervised Release Policy

This was on the agenda as a possible action item.

The Chair called on the Executive Director, who presented slides on consecutive supervised release: three basic options for applying supervised release; three timing options; and various staff proposals.

Motion by Judge Wernick and second by Commissioner Roy to direct staff to draft proposed language that will reflect that supervised release terms must be served consecutively by an offender sentenced consecutively in the same court proceeding, and that the longest supervised release term will be served by an offender sentenced consecutively in separate court proceedings. Staff was directed to present the draft language at the October Commission meeting along with two example cases in which the draft language was applied.

Motion carried.

Motion by Ms. Middlebrook and second by Judge Lennon to propose removing supervised release and conditional release statuses from the criteria for imposing a presumptive consecutive sentence and allowing the court to sentence permissively under qualifying conditions.

Motion carried.

5. Controlled Substance Crimes

This was on the agenda as a possible action item.

The Chair reviewed the Commission's statutory authority and additional responsibilities under Minn. Stat. § 244.09.

The Chair invited members to forward drug sentencing reform proposals to the Executive Director who will compile them for the Commission's October 28th meeting.

The Chair called on the Executive Director, who presented a summary of three controlled substance bills introduced during the current 89th Minnesota Legislative Session (2015-16): Senate File 773; Senate File 1382; and House File 2107. Senior Research Analyst Anne Wall explained the long-term prison bed impact for each bill.

6. Director's Report

Director Reitz informed the Commission that he met with Senator Latz recently. Senator Latz welcomed the Commission's input on drug proposals.

Director Reitz will attend the prison population taskforce on Friday, September 25, 2015. The taskforce is an informal, advisory group designed to provide a public discussion on issues facing the Department of Corrections, and is chaired by Senator Latz.

Director Reitz reported that the Bureau of Justice Statistics recently released their report on Prisoners in 2014. Mr. Reitz observed that 2014 was the first year during the Sentencing Guidelines era that Minnesota's imprisonment rate was not among the bottom three nationally. Minnesota was last ranked fourth-lowest in 1979.

Director Reitz updated the Commission on the vacant probation officer seat on the Commission. He reported that a delay in the appointment may have been caused by personnel changes at the Governor's Office and an applicant's oversight in designating herself as a probation officer. Director Reitz indicated that he was hopeful that the appointment might be made soon.

7. Public Input

The Chair recognized members of the public and asked if anyone wished to speak before the Commission.

John Sleizer, family friend of murder victim Anarae Schunk, wished to address the Commission. Mr. Sleizer spoke in favor of making legislative changes to improve repeat violent felony laws in Minnesota. Mr. Sleizer asked for the Commission's consideration and support of the *Anarae Schunk Repeat Violent Offender Prosecuting and Sentencing Statute*. The exact proposal has not been finalized. Generally, it would call for a mandatory minimum of 25 years to a maximum of a life sentence for a repeat violent offender.

The Chair thanked Mr. Sleizer for his comments.

8. Adjournment

Motion to adjourn made by Judge Wernick.

Motion carried.

The meeting adjourned at 4:03 p.m. without objection.