

**Racial Impact Statement for SF3481-3E:
Drug Reform Act
Minnesota Sentencing Guidelines Commission
May 17, 2016**

Bill Description

This bill amends the Drug Grid adopted by the Sentencing Guidelines Commission. Among its other provisions, the bill revises the existing thresholds for some clauses of first- through third-degree controlled substance offenses. Thresholds for most cocaine and methamphetamine (meth) offenses are raised and thresholds for some marijuana offenses are lowered. The bill creates penalties for possession of marijuana plants. In addition, aggravated offenses are created. Mandatory minimum penalties are established for the aggravated offenses. This bill also revises the definition of a subsequent controlled substance conviction under Minn. Stat. § 152.01, subd. 16a, by limiting it to prior convictions for first- and second-degree offenses and requiring actual convictions, rather than stays of adjudication. Mandatory minimums are abolished for third-, fourth- and fifth-degree offenses. Fifth-degree offenses involving first-time drug offenders in possession of certain small amounts of a controlled substance become gross misdemeanors.

Significance Criteria

This bill is projected to reduce the number of offenders receiving felony sentences by 337 annually; they will receive gross misdemeanor sentences instead. The bill will also result in an eventual decrease of 664 beds in the number of prison beds used by drug offenders. Therefore, it does meet the criteria for conducting racial impact screening.

Racial Disparity Impact

According to the MSGC monitoring data, the racial composition of persons sentenced for felony offenses in 2014 was as follows: 58.5 percent white; 25.8 percent black; 5 percent Hispanic; 2.7 percent Asian; and 8 percent American Indian. (Figure 1-Bar 2.) Compared to Minnesota's adult population (Figure 1-Bar 1), racial disparities may therefore be said to exist in Minnesota's black, Hispanic, and American Indian felony populations.

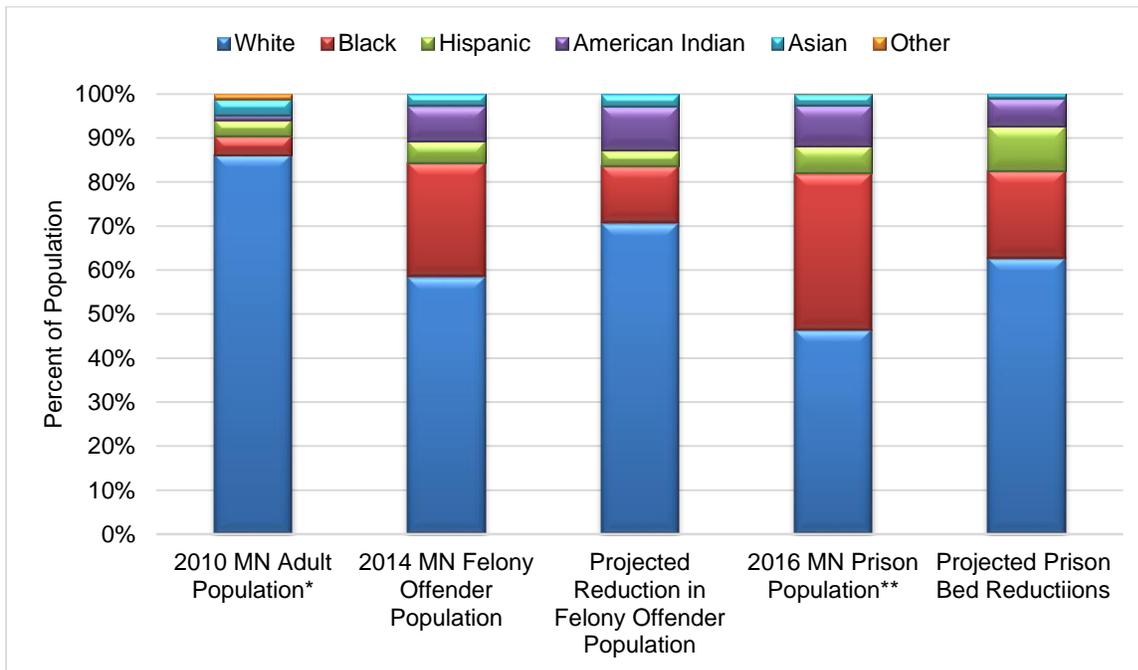
It is expected that the gross misdemeanor provision in this bill will result in the shift of 337 fifth-degree offenders from felony to gross misdemeanor sentences. It is assumed that the racial distribution of those offenders will be similar to the racial distribution of those sentenced in 2014 for fifth-degree possession of a controlled substance who had no prior controlled substance offenses: 70.7 percent white; 13.0 percent black; 3.5 percent Hispanic; 2.8 percent Asian; and 10 percent American Indian. (Figure 1-Bar 3.) Therefore, this bill is expected to alleviate some of the existing racial disparity in the American Indian felony population. While it is expected to reduce the size of the black and Hispanic felony population in absolute terms, this bill is not expected to alleviate the existing racial disparities in the black and Hispanic felony populations.

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According to the Minnesota Department of Corrections, the racial composition of the prison population on January 1, 2016, was as follows: 46.4 percent white; 35.5 percent black; 6.3 percent Hispanic; 2.6 percent Asian; and 9.2 percent American Indian. (Figure 1-Bar 4.) Compared to Minnesota’s adult population, racial disparities may be said to exist in Minnesota’s black, Hispanic, and American Indian prison populations.

It is estimated that various policy changes in this bill will eventually reduce the need for prison beds by 664 beds, and that the racial composition of the prisoners who would have occupied the prison beds eliminated by the bill will be as follows: 62.7 percent white; 19.8 percent black; 10.2 percent Hispanic; 1.0 percent Asian; and 6.4 percent American Indian. (Figure 1-Bar 5.) Therefore, this bill is expected to alleviate some of the existing racial disparity in the Hispanic prison population. While it is expected to reduce the size of the black and American Indian prison populations in absolute terms, this bill is not expected to alleviate the existing racial disparities in the black and American Indian prison populations.

Figure 1. 2010 MN Census, 2014 Felony Offenders, and 2016 Prison Population Compared to Projected Prison Bed Reductions



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

** D. Kerschner (communication to Anne Wall, March 22, 2016). *Adult Inmate Population as of 1/1/2016*. Department of Corrections.