

# Minnesota Sentencing Guidelines Commission

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## Technical Correction: Remove “Annual” from Cover Page June 8, 2017

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**Issue:** A notation on the cover page of the Guidelines indicates that the Guidelines “remain in effect until the next annual publication.” A reader may incorrectly infer that the Guidelines are invalid if updated more or less frequently than once per year.

**Guidelines Consideration:** Guideline Section 3.G contains the policy instruction for which Guidelines must be used to determine sentences indicating that it is the “specified” effective date; not the “annual” date.

### **Section 3.G. Modifications**

1. Policy Modifications. Modifications to the Minnesota Sentencing Guidelines and associated commentary apply to offenders whose date of offense is on or after the specified modification effective date.
2. Clarifications of Existing Policy. Modifications to Commentary relating to existing Guidelines policy apply to offenders sentenced on or after the specified effective date.

**Statutory & Administrative Rule Considerations:** Minn. Stat. § 244.09, subd. 11, and Minn. R. 3000.0600 provides that Guidelines changes are effective on either (a) August 1, (b) a date provided by the Legislature; or (c) a date ordered by the Commission, depending on the circumstances. Neither the statute nor the rule requires annual revision of the Guidelines.

[2016 Minn. Statutes section] **244.09 MINNESOTA SENTENCING  
GUIDELINES COMMISSION.**

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Subd. 11. **Modification.** The commission shall meet as necessary for the purpose of modifying and improving the guidelines. Any modification which amends the Sentencing Guidelines grid, including severity levels and criminal history scores, or which would result in the reduction of any sentence or in the early release of any inmate, with the exception of a modification mandated or authorized by the

legislature or relating to a crime created or amended by the legislature in the preceding session, shall be submitted to the legislature by January 15 of any year in which the commission wishes to make the change and shall be effective on August 1 of that year, unless the legislature by law provides otherwise. All other modifications shall take effect according to the procedural rules of the commission. \* \* \*

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[Minn. Administrative Rules] **3000.0600 AMENDMENT ADOPTION.**

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Subp. 3. **Effective date.** All proposed amendments to the sentencing guidelines that do not have to be submitted to the legislature are effective on the date ordered by the commission.

**Staff Recommendation:** Consistent with Section 3.G, Minn. Stat. § 244.09, subd. 11, and Minn. R. 3000.0600, strike the word “annual” from the notation on the cover page.

**Commission Decision Point:**

- Shall the Commission give public notice of its intent to strike the word “annual” from the notation on the cover page?

**Illustration:**

Minnesota  
Sentencing  
Guidelines and  
Commentary

August 1  
2017

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*These Sentencing Guidelines are effective August 1, ~~2016~~ 2017, and determine the presumptive sentence for felony offenses committed on or after the effective date. The Guidelines remain in effect until the next ~~annual~~ publication.*