

## Notice of Public Hearing

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# Proposed Amendments to the Minnesota Sentencing Guidelines and Commentary

**Date of Notice: November 18, 2019**

**Date of Hearing: December 19, 2019**

The Minnesota Sentencing Guidelines Commission will hold a public hearing Thursday, December 19, 2019, at 1:30 p.m. in Room 1100 of the Minnesota Senate Building, 95 University Ave. W., St. Paul, MN 55155, to consider a proposal to amend 2019 Minn. Sentencing Guidelines sections 2.C (Presumptive Sentence) and 3.A (Establishing Conditions of Stayed Sentences). Subject to public hearing, final adoption, and submission to the Legislature by January 15, 2020, modifications will take effect August 1, 2020, and will apply to crimes committed on or after that date.

All interested persons are encouraged to attend the hearing and offer comments. Persons wishing to speak may register in advance by contacting the Commission's office at the below address or telephone number, or by e-mail at [sentencing.guidelines@state.mn.us](mailto:sentencing.guidelines@state.mn.us). If you need special accommodations to attend, please contact the Minnesota Sentencing Guidelines Commission as soon as possible. This notice is available in alternative formats upon request.

The Commission will hold the record open for five calendar days after the public hearing to accept written comment. On Thursday, January 9, 2020, the Commission will meet at 1:00 p.m. in Room 230 of the Minnesota Judicial Center, 25 Rev. Dr. Martin Luther King, Jr. Blvd., St. Paul, MN 55155, to finally adopt or reject the proposed modifications.

## Proposed Modifications

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*Proposed modifications to 2019 Minn. Sentencing Guidelines § 2.C:*

### **[Section 2.]C. Presumptive Sentence**

1. Finding the Presumptive Sentence. The presumptive sentence for a felony conviction is found in the appropriate cell on the applicable Grid located at the intersection of

the criminal history score (horizontal axis) and the severity level (vertical axis). The conviction offense determines the severity level. The offender's criminal history score is computed according to section 2.B above. For cases contained in cells outside of the shaded areas, the sentence should be executed. For cases contained in cells within the shaded areas, the sentence should be stayed unless the conviction offense carries a mandatory minimum sentence. Section 3.A governs conditions of stayed sentences.

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*Proposed modifications to 2019 Minn. Sentencing Guidelines § 3.A:*

### **3. Related Policies**

#### **A. Establishing Conditions of Stayed Sentences**

1. Method of Granting Stayed Sentences. When the appropriate cell on the applicable Grid specifies a stayed sentence, the court may pronounce a stay of execution or a stay of imposition. The court must pronounce the length of the stay, ~~which may exceed the duration of the presumptive prison sentence,~~ and may establish appropriate conditions. The length of the stay may exceed the duration of the presumptive prison sentence, subject to section 3.A.2.
2. Durations of Stayed Sentences. When the court stays execution or imposition of sentence for a felony offense, the length of the stay must not exceed five years or the statutory maximum term of probation, whichever is less. This limitation on the length of probation does not apply to convictions for felony homicide or sex offenses in violation of Minn. Stat. §§ 609.19 (second-degree murder), 609.195 (third-degree murder), 609.20 (first-degree manslaughter), 609.2662 (second-degree murder of an unborn child), 609.2663 (third-degree murder of an unborn child), 609.2664 (first-degree manslaughter of an unborn child), 609.268 (injury or death of an unborn child during the commission of a crime), 609.342 (first-degree criminal sexual conduct), 609.343 (second-degree criminal sexual conduct), 609.344 (third-degree criminal sexual conduct), 609.345 (fourth-degree criminal sexual conduct), or 609.3451 (fifth-degree criminal sexual conduct). Extensions of probation are governed by statute (see Minn. Stat § 609.135, subd. 2(g)–(h)).
23. Other Conditions of Stayed Sentences. While the Commission has otherwise chosen not to develop specific guidelines for the conditions of stayed sentences, it

recognizes that there are several penal objectives to be considered in establishing conditions of stayed sentences, including:

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(6) Work Release and Community Based Programs. The Commission has chosen not to establish specific guidelines relating to work release programs in local facilities or community-based residential and nonresidential programs.