

Approved Meeting Minutes

January 10, 2019

A meeting of the Minnesota Sentencing Guidelines Commission (MSGC) was held on January 10, 2019, in Room 230 of the Minnesota Judicial Center, 25 Rev. Dr. Martin Luther King Jr. Blvd., Saint Paul, MN 55155.

Present were Commission Chair Justice (Ret.) Christopher Dietzen, Vice-Chair Judge Heidi Schellhas, and Commission members Angela Champagne-From, Judge Caroline Lennon, Cathryn Middlebrook, Sergeant Salim Omari, Peter Orput, Commissioner of Corrections Paul Schnell, and Yamy Vang.

Also present were MSGC Executive Director Nate Reitz and MSGC staff members Nicole Jasperson, Jill Payne and Anne Wall.

Members of the public present included Stephen Montemayor, *StarTribune*; Ben Johnson, Minn. House of Representatives Research; and Kathleen Lonergan, Minn. Department of Corrections.

1. Call to Order

Chair Dietzen called the meeting to order at 1:30 p.m.

2. Approval of Agenda

This was on the agenda as an action item.

Motion by Vice-Chair Schellhas and second by Ms. Vang to approve the meeting agenda.

Motion carried unanimously.

Chair Dietzen took this opportunity on the agenda to welcome Commissioner of Corrections Paul Schnell to the Commission. Chair Dietzen explained how Commissioner Schnell has more than 30 years of professional experience in corrections and public safety. Chair Dietzen asked Commissioner Schnell to introduce himself. Commissioner Schnell thanked Chair Dietzen and said that he is honored to be on the Commission and to help make a difference. Members of the Commission welcomed Commissioner Schnell.

3. Approval of Draft Meeting Minutes

This was on the agenda as an action item.

Motion by Judge Lennon and second by Mr. Orput to approve the meeting minutes from December 20, 2018.

Motion carried unanimously.

4. Approval of Commission's Draft 2019 Report to the Legislature

This was on the agenda as an action item.

A. Memo from Chair

Chair Dietzen introduced his memorandum to the Commission dated January 8, 2019, in which he outlined the changes to pages 9-11 of the draft 2019 *Report to the Legislature*.

B. Review of Updates to Draft

Chair Dietzen called on Executive Director Reitz who began his presentation explaining the updated draft of the 2019 *Report to the Legislature* dated January 3, 2019. Director Reitz went through revisions made by staff based on updated information, including modifications to Table 10, proposed Guidelines and legislative changes to clarify effective dates, and other minor corrections. Director Reitz requested to change the date on the cover from January 15, 2019, to January 11, as an earlier release date would accommodate legislative and public interest.

Motion by Vice-Chair Schellhas and second by Ms. Middlebrook to approve the 2019 *Report to the Legislature* dated January 3, 2019, as amended.

Discussion: Commissioner Schnell wished to recognize the work of the Commission and its staff on its 2019 *Report to the Legislature*.

Motion carried unanimously. Chair Dietzen voted.

5. Legislative Preview

This was on the agenda as a presentation and discussion item.

Chair Dietzen called on Director Reitz who reported the following:

- The 91st Minnesota Legislature was sworn in on Tuesday and the new House is organized.

- There is a new House committee structure: most committees are not “committees,” but “divisions” of the Ways & Means Committee.
- The House crime committee is called the “Public Safety and Criminal Justice Reform Finance & Policy Division.” It is chaired by Rep. Carlos Mariani. There is new committee called the “Corrections Division,” which is chaired by Rep. Jack Conside.
- It is customary for all agencies to provide reports to their oversight committees at the beginning of a new Legislature. The Senate Judiciary and Public Safety Finance and Policy Committee asked for a report on the Commission’s proposed 2019 Guidelines Modifications on Wednesday, January 16, 2019.
- The first Senate bills were introduced yesterday, January 9, 2019. They included reintroduction of crime policy proposals that had been vetoed in 2018 as part of a consolidated omnibus bill.
- The first House bills were introduced today, January 10, 2019. No crime bills were spotlighted in the DFL majority’s press conference yesterday.
- The Federal Government’s First Step Act was signed into law with broad bipartisan support last month. Included in the sentencing reform section was a 15-year decay factor for prior felony drug offenses, the broadening of the existing safety valve, mandatory minimum clarifications, and the retroactive application of the 2010 Fair Sentencing Act.
- The Minnesota Attorney General’s Working Group on Sexual Assault released its recommendations in December of 2018. Commissioner Schnell was a member. The recommendations for County Attorneys included prosecutors seeking enhanced sentences for cases involving sexual assaults against people with disabilities and prosecutors considering seeking life sentences in cases involving especially heinous sexual assaults.

6. The Commission’s Agency Oversight Responsibilities

This was on the agenda as a presentation and discussion item.

Chair Dietzen called on Director Reitz who reported on Minnesota Management & Budget’s Internal Control (IC) System. Director Reitz explained, in broad terms, the Commission’s responsibility to oversee the agency’s IC system—including control environment, control activities, information and communication, and monitoring—and that future presentations would explain these in more detail.

7. 2019 Work Plan – Guidance to Staff

This was on the agenda as a discussion item.

Chair Dietzen called on Director Reitz, who updated the Commission on its progress in implementing its 2015 and 2016 work plans. Accomplished tasks included clarifying consecutive supervised release terms; restructuring drug rankings; examining criminal history scores; advising

the Legislature regarding drug sentencing; addressing repeat violent offender sentencing; removing decimals from ranges on the attempted murder grid; and making necessary technical modifications. It was noted that, during this time period, the Commission accomplished other notable tasks as well, including emphasizing public safety in the Guidelines' Statement of Purpose and Principles; arriving at a consensus Demographic Impact Statement policy; and making improvements and clarifications to the departure report form.

The Commission then engaged in a discussion about possible future tasks, at the conclusion of which Chair Dietzen told the Commission members to give the matter further thought and to send Director Reitz possible tasks. Chair Dietzen said the 2019 work plan will be on the next agenda in February.

8. Executive Director's Report

This was on the agenda as an information item.

Chair Dietzen called on Executive Director Reitz who reported on the following items:

- Commissioners' annual recertifications of economic interest are due to the Campaign Finance Board by January 28, 2019.
- As was the case last month, only the current incumbents have applied for the public defender, county attorney, and probation officer seats. As of this morning, there were 20 applicants for the three public-member seats. Two of the three incumbents are among the 20; Judge Wernick has not reapplied. By law, service continues until a successor is duly appointed.
- Commission meetings will return to the Lady Slipper Conference Room in the Centennial Office Building next month. Parking is limited due to the legislative session.
- The National Association of Sentencing Commissions' (NASC) conference will be in Virginia in August. There is a call for presentations due February 8, 2019.

9. Public Input

Chair Dietzen called on members of the public present and asked if anyone wished to speak. No one came forward.

10. Adjournment

Motion by Ms. Middlebrook and second by Sgt. Omari to adjourn.

Motion carried unanimously.

The meeting adjourned at 2:36 p.m.