

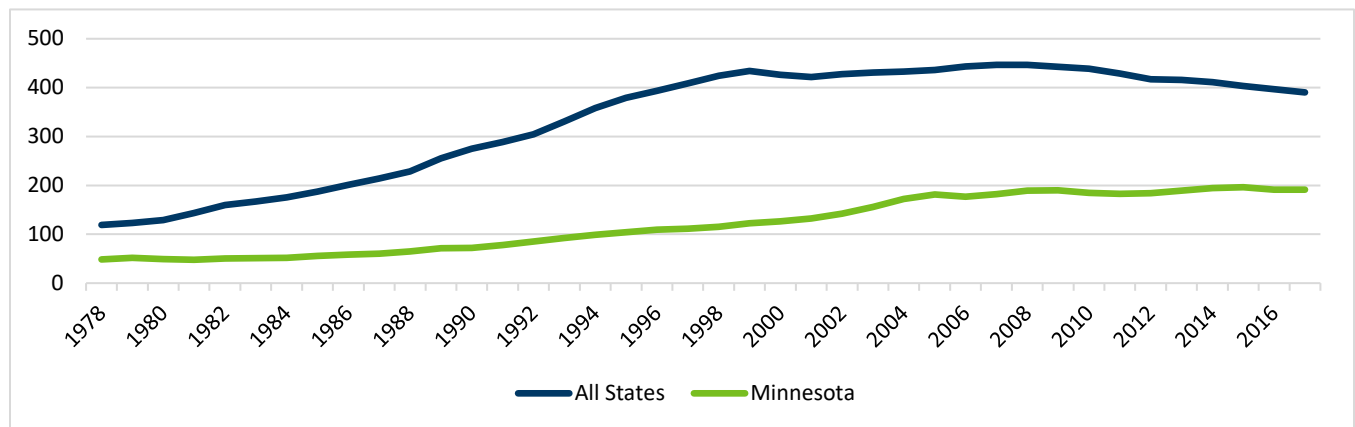
Staff Data Paper

2017 Imprisonment Rates, Bureau of Justice Statistics

April 30, 2019

In all but one of the first 37 years the Guidelines were in effect—from 1980 through 2016—Minnesota ranked among the states with the three lowest imprisonment rates in the nation.¹ In 2017, Minnesota was fifth lowest.² This change was not caused by an increase in Minnesota’s imprisonment rate; at 191 prisoners per 100,000 residents, Minnesota’s rate did not change from 2016 to 2017, although it did remain at its third-highest level since the Sentencing Guidelines were established (Figure 1).³ Instead, the imprisonment rate for 33 other states fell, causing the U.S. state imprisonment rate to fall by 1.9 percent from 2016 to 2017.⁴ Despite its 2017 change in ranking, Minnesota’s imprisonment rate remained less than half the national state imprisonment rate.⁵

Figure 1. Imprisonment Rate per 100,000 Residents, 1978–2017



Source: Bureau of Justice Statistics

¹ Minnesota had the fourth-lowest imprisonment rate in 2014, and the third-lowest in 2015 and 2016. E. Ann Carson, “Imprisonment Rate of Sentenced Prisoners under the Jurisdiction of State or Federal Correctional Authorities per 100,000 U.S. Residents, Dec. 31, 1978–2016” (Bureau of Justice Statistics, Oct. 19, 2017). Retrieved April 25, 2019, at http://www.bjs.gov/nps/resources/documents/QT_imprisonment%20rate_total.xlsx.

² Jennifer Bronson & E. Ann Carson, “Prisoners in 2017” (NCJ 252156) (Bureau of Justice Statistics, April 2019), Table 6. Retrieved April 25, 2019, at <http://www.bjs.gov/content/pub/pdf/p17.pdf>.

³ For purposes of comparison, Minnesota’s imprisonment rate was 49 per 100,000 in 1980. See footnote 1.

⁴ Bronson & Carson, Table 5.

⁵ The imprisonment rate for all states was 390 prisoners per 100,000 U.S. residents. Neither rate includes inmates of federal prisons or local correctional facilities. See footnote 2.

Staff Update

Public Safety Conference Committee

May 7, 2019

Introduction

Table 1 is a summary comparison of the felony policies—to include policies related to felony sentencing—contained within the House and Senate versions of Senate File 802, the omnibus public safety bill. An entry in the “House” column is a reference to a pertinent section of S.F. 802 (1st Unofficial Engrossment), and means that the House approved the policy in its version of the bill. An entry in the “Senate” column is a reference to a pertinent section of S.F. 802 (3rd Engrossment), and means that the Senate approved the policy in its version of the bill. A ten-member conference committee—of five representatives and five senators—will attempt to resolve the differences between the two versions.

This summary comparison is not intended to be precise or exhaustive, and some felony policies may be contained within stand-alone bills. Specific references to the Commission are highlighted in **bold**.

Table 1. Summary comparison of felony policies contained the House and Senate versions of S.F. 802, as of May 7, 2019.

Policy	House Bill	Senate Bill
For criminal sexual conduct (“ <i>crim sex</i> ”) offenses, “position of authority” status continues for 4 months after authority ends	Art. 5 § 1	Art. 2 § 3
Expands <i>crim sex</i> 3 & 4, in high school “position of authority” context, to adult student victims (up to age 21)	Art. 5 § 8	
Changes the statutory rape mistake-of-age defense for <i>crim sex</i> 4 (eliminated) and <i>crim sex</i> 3 (limited to cases where the age difference is less than 36 months)	Art. 5 § 8	
Expands <i>crim sex</i> 3 & 4 to include sex between police and arrestees	Art. 5 § 8	Art. 2 § 6
Repeals clothed-buttocks exception for <i>crim sex</i> 5	Art. 5 § 10	
Repeals marital defense to statutory rape, and marital and cohabitation defenses to sex offenses involving complainant’s mental or physical state	Art. 5 § 24	[H.F. 15]

Policy	House Bill	Senate Bill
Repeals statute of limitations for crim sex 1–4 and sex trafficking offenses	Art. 5 § 21	
Creates criminal sexual conduct statutory reform working group, with MSGC representative , to report by Oct. 15, 2020	Art. 5 § 23	
If committed with a 3-year age difference and sexual intent, Interference with Privacy (Minor Victim) becomes a more serious felony and a predatory offense		Art. 2 § 8
Increases statutory maximums for Use Minors in Sexual Performance and Child Pornography	Art. 5 § 17	
Establishes mandatory minimums for Use Minors in Sexual Performance and Child Pornography	Art. 5 § 19	
Modifies elements and penalties for Use Minors in Sexual Performance and Child Pornography		Art 2 § 14
Lengthens conditional release terms for Use Minors in Sexual Performance and Child Pornography (first-time offenders)	Art. 5 § 18	
Lengthens conditional release terms for Use Minors in Sexual Performance and Child Pornography (repeat offenders)	Art. 5 § 18	Art. 2 § 15
Requires MSGC to comprehensively review and consider modifying how the Guidelines and the sex offender grid address Use Minors in Sexual Performance and Child Pornography, as compared to similar crimes	Art. 5 § 22	Art. 2 § 16
Criminalizes manufacture of dimethyltryptamine (DMT) like manufacture of meth	Art. 6 § 2	
Increases felony marijuana thresholds to 200 g (possession) and 42.5 g (sale), and adds misdemeanor and gross misdemeanor offenses below the felony thresholds	Art. 6 § 3	
Establishes Cannabis Task Force, to report by Feb. 1, 2020	Art. 6 § 10	
Establishes “trespass burglary”—requires entering building open to public in violation of trespass notice—as a gross misdemeanor for first offense, felony for repeat	Art. 2 § 16	
“Stalking” reverts to “harassment”; “pattern of stalking behavior” reverts to “stalking”	Art. 2 § 18	
Negligent drivers who kill or injure while using their phone with their hands, or while their licenses are withdrawn for enumerated reasons, are guilty of criminal vehicular homicide or injury	Art. 8 § 14	
Requires each county attorney’s annual firearms report to the MSGC to include whether the defendant was previously convicted of a firearms offense	Art. 14 § 1	
Increases permit and background-check requirements for firearms transfer	Art. 14 § 4	
Creates felony for lying to obtain firearms transferee permit (now gross misd.)	Art. 14 § 2	
Establishes process for judicial injunction, in cases of significant risk of bodily harm by possession of firearms, against such possession (violation is misdemeanor)	Art. 15 § 3	

Policy	House Bill	Senate Bill
If offender has a child, presentence investigation may include family impact statement, which may be considered in determining probation amenability	Art. 9 § 15	
Caps maximum period of probation for most felonies at 5 years, with expanded extension authority for restitution, treatment, and public safety, with essentially retroactive effect	Art. 9 § 18	
Establishes Task Force on the Implementation of Dosage Probation, to report by Jan. 15, 2020	Art. 9 § 36	
Requires MSGC to propose modifications to the sentencing guidelines establishing probation guidelines or early discharge targets by Jan. 15, 2020	Art. 9 § 37	
Expands MSGC’s “clearinghouse and information center role” to include probation and recidivism research	Art. 9 § 3	
Adopts Uniform Collateral Consequences of Conviction Act	Art. 12	
Makes various clarifications and corrections to predatory offender registration statute	Art. 13	
For juvenile offenders, life-without-release sentences become life sentences with 25-year minimum term of imprisonment	Art. 9 § 1	
Restricts DOC from contracting with private prisons	Art. 3 § 20	
Reestablishes Ombudsman for Corrections	Art. 3 § 11	
Regulates solitary confinement	Art. 3 § 19	
Establishes Indeterminate Sentence Release Board to make parole release decisions	Art. 3 § 21	
Inmate convicted of assaulting DOC employee forfeits “good time” [sic] earned before conviction	Art. 3 § 23	

Staff Update

Other Bills Related to Sentencing Guidelines

May 9, 2019

Introduction

Table 1 is a summary of select bills from the 2019 legislative session relating to felonies or sentencing policy not addressed in either the House or Senate version of Senate File 802, the omnibus public safety bill. Thus, bills related to sex offenses, child pornography, or probation durations are not included in Table 1. This summary is not intended to be precise or exhaustive.

Table 1. Summary of felony or sentencing-policy bills not addressed in the House and Senate versions of S.F. 802, as of May 9, 2019.

House Bill	Senate Bill	Description	Status	Status Date
HF15	HF15-1UE	Repeals marital defense to statutory rape, and marital and cohabitation defenses to sex offenses involving complainant's mental or physical state	Enacted	5/2/19
HF2414-2E	HF2414-1UE	MSGC representative to Community Competency Restoration Task Force (in HHS budget bill)	Conference	5/1/19
HF2414-2E	HF2414-1UE	New felony: Human Services Program Kickbacks (House-only language in HHS budget bill)	Conference	5/1/19
SF2227-1UE	SF2227-3E	Restorative justice sentencing for veterans (House-only language in State Gov't budget bill)	Conference	5/1/19
SF2227-1UE	SF2227-3E	Felon's right to vote restored upon release (House-only language in State Gov't budget bill)	Conference	5/1/19
HF2208-3E	HF2208-1UE	New felony: Wage theft, with enhanced penalties if more than \$35,000 (House-only language in Jobs & Economic Development budget bill)	Conference	4/30/19
HF2208-3E	HF2208-1UE	Critical infrastructure damage expanded and felony trespass created (Senate-only language in Jobs & Economic Development budget bill)	Conference	4/30/19

House Bill	Senate Bill	Description	Status	Status Date
HF2045	SF1441	Guidelines modifications to be prospective only	2nd Reading	3/13/19 (Senate only)
(See SF802)	SF111	Makes various clarifications and corrections to predatory offender registration (POR) statute	Passed out of Committee	5/9/19 (Senate)
(See SF802)	SF111	Repeals clothed-buttocks exception for crim sex 5	Passed out of Committee	5/9/19 (Senate)
HF87	SF111	For sex offense or POR offense, judge must justify stay of adjudication in writing	Passed out of Committee (Senate only)	5/9/19
HF2857	SF2851	Senate must confirm MSGC appointments	1st Reading	4/29/19
HF2858	(None)	Ballot question to place MSGC in constitution	1st Reading	4/26/19
(None)	SF96	MSGC to conduct racial impact screening on bills	1st Reading	1/14/19