

Approved Meeting Minutes

September 12, 2019

A meeting of the Minnesota Sentencing Guidelines Commission (MSGC) was held on September 12, 2019, in the Centennial Office Building, Lady Slipper Conference Room, 658 Cedar St., Saint Paul, MN 55155.

Present were Commission Chair Kelly Lyn Mitchell and Vice-Chair Judge Heidi Schellhas, and Commission members Valerie Estrada, Abby Honold, Judge Caroline Lennon, Cathryn Middlebrook, Peter Orput, and Commissioner of Corrections Paul Schnell. Also present were MSGC Executive Director Nate Reitz and MSGC staff members Nicole Jasperson, Kathleen Madland, Jill Payne, and Anne Wall.

Members of the public present included Lana Owens, Resident Legal Advisor with the U.S. Dep't of Justice Office of Overseas Prosecutorial Development Assistance and Training (OPDAT); Benina Kusari, OPDAT Kosovo Legal Specialist; Enver Peci, President of the Supreme Court of Kosovo and member of the Kosovo Sentencing Commission; Agim Maliqi, Judge of the Supreme Court of Kosovo and member of the Kosovo Sentencing Commission; Aferdita Bytyci, President of the Basic Court in Pristina and member of the Kosovo Sentencing Commission; Burim Ademi, Judge of the Special Department/Appellate Court; Skender Çoçaj, Chair of the Kosovo Judicial Council; Robert Hyseni, Chair of the Kosovo Prosecutorial Council; Agron Qalaj, Prosecutor in the Office of Chief State Prosecutor; Xhevdet Halili, Criminal Law Professor at Pristina University; Jeton Zymeri and Nita Lumezi, legal officers at the Supreme Court of Kosovo; Brittany Garcia, OPDAT Program Analyst; Claudia G.; Marla Muckala; Alice W.; Ben Johnson, Minn. House of Representatives Research; and Rachel Ganani, House DFL Caucus.

1. Call to Order

Chair Mitchell called the meeting to order at 1:00 p.m.

2. Approval of Agenda

This was on the agenda as an action item.

Motion by Commissioner Schnell and second by Ms. Middlebrook to approve the meeting agenda.

Motion carried unanimously.

3. Approval of Draft Meeting Minutes

This was on the agenda as an action item.

Motion by Vice-Chair Schellhas and second by Commissioner Schnell to approve the meeting minutes from July 25, 2019.

Motion carried unanimously.

4. Welcome to Kosovo Study-Visit Delegation

Chair Mitchell welcomed Kosovo Sentencing Commission members. MSGC members and staff introduced themselves to the members of the Kosovo study-visit delegation.

5. Comprehensive Review of Child Pornography Sentencing Guidelines

This was on the agenda as a discussion item.

A. Staff Objectives for Start of Child Pornography Review

Chair Mitchell called on Executive Director Reitz, who presented staff issue presentation entitled, "Staff Objectives for Start of Child Pornography Review."

B. Overview of Mandate and Recap of Legislative History

Director Reitz presented staff information paper entitled, "Child Pornography Review Mandate: Legislative History Recap." Director Reitz reviewed the background of the child pornography review mandate.

C. History and Structure of Minnesota's Child Pornography Laws

Director Reitz presented staff issue presentation entitled, "History and Structure of Minnesota's Child Pornography Laws." Director Reitz reviewed the background, statute definitions, and related court cases.

The Commission discussed the staff issue presentation, asked questions, and made suggestions.

D. Sex Offender Grid and Overview

Director Reitz called on Senior Research Analysis Specialists Anne Wall and Jill Payne who presented a staff issue presentation entitled, "Overview of Sex Offender Grid." Ms. Payne and Ms. Wall reviewed the background, history, policies, and questions for the Commission.

The Chair called a 5-minute recess at 2:28 p.m. and called the meeting back to order at 2:33 p.m.

E. Sentenced Child Pornography Case Data

Senior Research Analyst Specialist Anne Wall presented staff issue memo entitled, “Sentenced Case Data – Child Pornography and Use of Minors in Sexual Performance.” Ms. Wall reviewed the sentencing data of child pornography cases.

F. Review of U.S. Sentencing Commission’s 2012 Child Pornography Study

Director Reitz presented staff information paper entitled, “U.S. Sentencing Commission’s 2012 Report to Congress: Federal Child Pornography Offenses.” Director Reitz reviewed the purposes and methodology of the United States Sentencing Commission’s multi-year study assessing how federal child pornography offenders were prosecuted, sentenced, incarcerated, and supervised, with a focus on non-production child pornography offenses.

G. Review Timeline & Next Steps

Director Reitz presented staff issue presentation entitled, “Review Timeline & Next Steps.” Director Reitz reviewed the mandate given by the Legislature to the MSGC and the Sentencing Guidelines modification process. Director Reitz discussed staff-recommended next steps and examples of possible issues.

Chair Mitchell requested that Director Reitz send Commission members ideas for issues to review. Director Reitz stated he would send Commission members the ideas for issues to review and asked for responses to those ideas by mid-week 9/18/2019.

6. Executive Director’s Report

This was on the agenda as an information item.

Without objection, Chair Mitchell moved this item to the October 10, 2019, agenda.

7. Public Input

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

8. Adjournment

Motion by Mr. Orput and second by Ms. Middlebrook to adjourn.

Motion carried unanimously.

The meeting adjourned at 3:30 p.m.

After the meeting, President Peci presented Chair Mitchell and Director Reitz with a plaque of the Supreme Court of Kosovo and a first edition of Kosovo's Sentencing Guidelines, and thanked them for their hospitality. Mr. Reitz accepted the gifts on behalf of the MSGC, expressing gratitude both for them and for the honor of the memorable visit.