



Review Timeline & Next Steps

September 12, 2019
Staff Presentation
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mn.gov/sentencing-guidelines

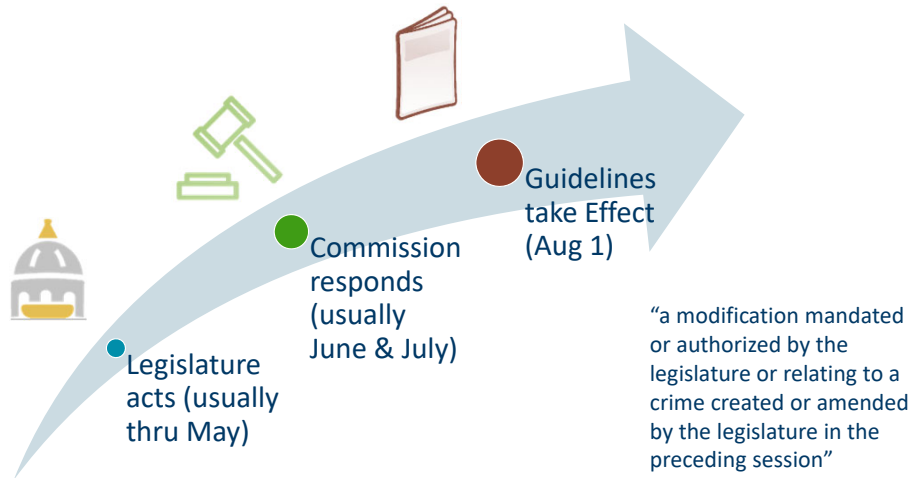
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The mandate contains two tasks

SENTENCING GUIDELINES
MODIFICATION.
The Sentencing Guidelines
Commission shall **comprehensively
review** and **consider modifying**
how the Sentencing Guidelines and
the sex offender grid address the
crimes described in Minnesota
Statutes, sections 617.246 and
617.247, as compared to similar
crimes, including other sex offenses
and other offenses with similar
maximum penalties.

- **“Comprehensively review”**
- **“Consider modifying”**
- What is the process for
modifying the Sentencing
Guidelines?
 - Minn. Stat. § 244.09, subd. 11
 - Minn. Rules chapter 3000

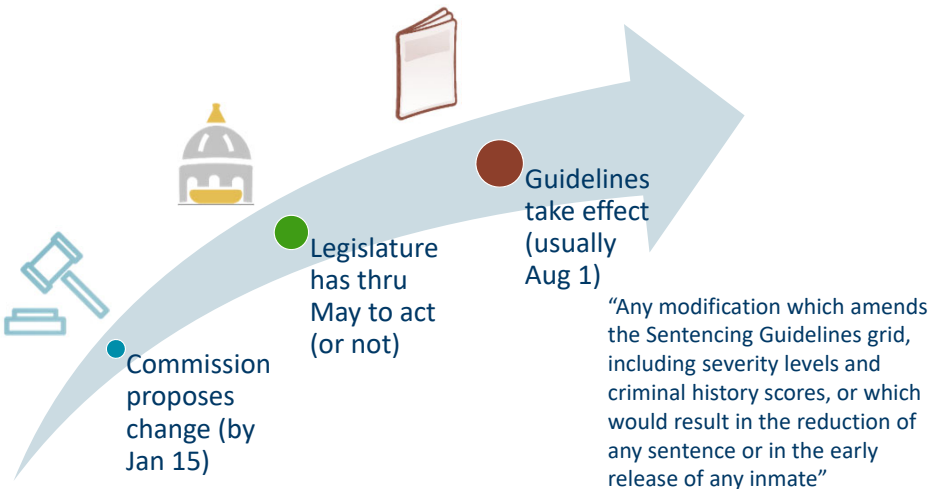
Modification Process 1: New or Amended Crimes



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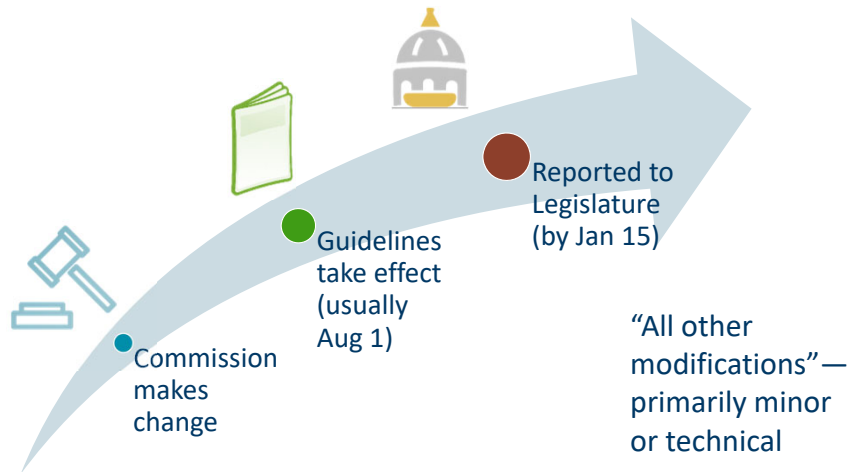
Modification Process 2: Most Commission-Initiated Changes



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Modification Process 3: Some Commission-Initiated Changes



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Also Required: Public Hearing

- A public hearing must occur—
 - **AFTER** amendments to the Guidelines are proposed [by the Commission]
 - **AT LEAST 30 DAYS AFTER** Commission’s notice of intention to amend the Guidelines has been published in State Register
 - **AT LEAST 5 DAYS BEFORE** final adoption of the amendments to the Guidelines



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What about recommendations for legislative change?

- “The commission shall from time to time make recommendations to the legislature regarding changes in the Criminal Code, criminal procedures, and other aspects of sentencing.”
—Minn. Stat. § 244.09, subd. 6.
- A standing duty, but not necessarily part of this mandate
- None of the timing and public hearing requirements apply to recommendations to the Legislature
- Legislative recommendations are commonly included in the required January Report to the Legislature
- 2020 Session: 2/11 – 5/18

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Staff-recommended next steps

For upcoming meetings—

- MSGC staff would identify several distinct **issues/problems** connected with sentencing Minn. Stat. §§ 617.246 & 617.247 offenses
- Staff would brief Commission on **facts** (known & not known) relevant to each issue/problem
- Commission would then decide to—
 - **Draft** Guidelines change, legislative recommendation, or report
 - Or conduct additional **research**



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Examples of possible issues

Definitions

- “Pornographic work”
- “Sexual performance”

Production

- Use of Minor
- Sexting
- Distinctions
- Rankings
- Other crimes

Dissemination

- Distinctions
- 617.246 (for profit)
- Rankings

Possession

- Distinctions
- Hermandizing
- Rankings

Other Issues

- CSDB history
- Grooming
- Invasion of privacy
- Victims’ rights
- Affirmative defense