

Possible Amendments to the Sentencing Guidelines

Partial Points in Criminal History Scores

September 25, 2020

At the Commission's September meeting, staff asked the Commission whether it wished to resolve the issue of partial points in criminal history scores, something that became possible after the 2019 creation of the one-half custody status point.*

At the request of Commission members, staff have drafted amendments to the Sentencing Guidelines intended to resolve this issue.

Possible Modifications to Minnesota Sentencing Guidelines and Commentary (August 1, 2020) section 2.B, to take effect August 1, 2021, and to apply to crimes committed on or after that date:

[2.]B. Criminal History

The horizontal axis on the Sentencing Guidelines Grids is the criminal history score. An offender's criminal history score is the sum of points from eligible:

- prior felonies;
- custody status at the time of the offense;
- prior misdemeanors and gross misdemeanors; and
- prior juvenile adjudications.

If the sum of these points is not a whole number, the criminal history score must be rounded down to the nearest whole number.

This section details the requirements for calculating the criminal history points in each of these areas. This section also details the requirements for calculating criminal history

* For background on this issue, see the staff issue paper from the September 10, 2020, MSGC meeting, located at: <http://mn.gov/msgc-stat/documents/meeting%20materials/2020/September/6-Partial Points in CHS.pdf>

points for convictions from jurisdictions other than Minnesota and convictions for enhanced felonies.

Comment

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2.B.04. *The criminal history score contains no partial points; thus, an offender with less than a full point is not given that partial point. For example, if the sum of points from the four criminal history factors is 2½, the criminal history score is 2. On the other hand, 1½ felony points and one-half custody status point also yield a criminal history score of 2, because no rounding is necessary to create a whole number from their sum.*

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1. Prior Felonies. Assign a particular weight, as set forth in paragraphs a and b, to each extended jurisdiction juvenile (EJJ) conviction and each felony conviction, provided that a felony sentence was stayed or imposed before the current sentencing or a stay of imposition of sentence was given before the current sentencing.

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- i. Total Felony Points. The felony point total is the sum of the felony weights. If the sum of the weights results in a partial point, the point value must be rounded down to the nearest whole number.

Comment

2.B.101. *The basic rule for computing the number of prior felony points in the criminal history score is that the offender is assigned a particular weight for every felony conviction for which a felony sentence was stayed or imposed before the current sentencing or for which a stay of imposition of sentence was given for a felony level offense, no matter what period of probation is pronounced, before the current sentencing.*

2.B.102. *No partial points are given—thus, an offender with less than a full point is not given that point. For example, an offender with a total weight of 2½ would have 2 felony points. Although the felony point total may contain a partial point, the criminal history score will not due to the rounding rule in section 2.B.*

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