

**Minnesota Sentencing Guidelines Commission**  
**Approved Meeting Minutes**  
**June 8, 2016**

A meeting of the Minnesota Sentencing Guidelines Commission (MSGC) was held on June 8, 2016, in Conference Room 116B of the Administration Building, 50 Sherburne Ave., St. Paul, MN 55155. Present were Commission Chair Justice Christopher Dietzen, Commission Vice-Chair Judge Heidi Schellhas, and Commission members Angela Champagne-From, Sergeant Paul Ford, Judge Caroline Lennon, Cathryn Middlebrook, Commissioner of Corrections Tom Roy, Yamy Vang, and Senior Judge Mark Wernick.

Also present were MSGC Executive Director Nate Reitz and MSGC staff members Kathleen Madland, Linda McBrayer, Jill Payne, Manire Vaughn, and Anne Wall. Assistant Attorney General Jim Early was also present.

Members of the public present were Emily Lefholz, Senate Judiciary Committee Administrator; Lisa Netzer, Minn. Department of Corrections; and Robert Small, Executive Director of the Minn. County Attorneys Association.

**1. Call to Order**

Vice-Chair Schellhas called the meeting to order at 12:00 p.m.

**2. Approval of Agenda**

This was on the agenda as an action item.

**Motion** by Sgt. Ford and second by Ms. Vang to approve the meeting agenda.

**Motion carried** unanimously.

**3. Approval of Draft Meeting Minutes from April 27, 2016**

This was on the agenda as an action item.

**Motion** by Commissioner Roy and second by Ms. Vang to approve the meeting minutes from April 27, 2016.

During the ensuing discussion, it was agreed that this agenda item should be tabled pending the arrival of the Chair, who was engaged elsewhere for the first fifteen minutes of the meeting.

Without objection, the **motion was laid on the table**.

#### **4. Guidelines Modifications Relating to New and Amended Crimes Created or Amended by the Legislature**

This was on the agenda as an action item. Vice-Chair Schellhas called on the Executive Director to present the issues.

##### **A. Controlled Substance Modifications**

Executive Director Nate Reitz gave a presentation on the changes made to controlled substance laws in 2016 Minn. Laws, Chapter 160—what was altered from the Commission’s proposal in its 2016 Report to the Legislature and what was not, controlled substance threshold changes, the new gross misdemeanor 5<sup>th</sup> degree possession offense, the new aggravated 1<sup>st</sup> degree controlled substance offense, new aggravating factors, changes to the mandatory minimum penalties, and other changes.

The Executive Director then focused his presentation on the amendments resulting from the act that would mandate modifications to the Guidelines. The Commission discussed each section of the Guidelines affected by the amendments and took a separate vote on each section’s modifications.

##### 1) Modification to Guidelines § 1.B.

**Motion** by Commissioner Roy and second by Judge Wernick to modify Guidelines § 1.B.13 and 1.B.17, as shown below, effective August 1, 2016, following public hearing.

**Motion carried** unanimously.

##### **Section 1.B. Definitions**

As used in these Sentencing Guidelines (or “Guidelines”), the following terms have the meanings given.

\* \* \*

13. Presumptive Sentence. \* \* \*

a. Presumptive Disposition. \* \* \*

b. Presumptive Duration. The “presumptive duration” is the recommended fixed sentence length in months found in the appropriate cell on the applicable Grid.

c. Presumptive Range. The “presumptive range” is provided for a sentence that is a presumptive commitment. Pursuant to Minn. Stat. § 244.09, subd. 5(2), the range is 15 percent lower and 20 percent higher than the fixed duration displayed in each cell on the Grids.

d. Lower Range. The “lower range” is that portion of the presumptive range that is shorter than the fixed presumptive duration.

\* \* \*

17. Severity Level. The “severity level” is a ranking assigned to each felony offense by the Sentencing Guidelines Commission to indicate the seriousness of the offense. The vertical axis on the applicable grid represents the severity of the conviction offense. Felony offenses, other than sex and drug offenses, are arranged on the Standard Grid into eleven levels of severity, ranging from high (Severity Level 11) to low (Severity Level 1). Sex offenses are arranged on the Sex Offender Grid into eight severity levels, ranging from high (Severity Level A) to low (Severity Level H). Drug offenses are arranged on the Drug Offender Grid into nine levels of severity, ranging from high (Severity Level D9) to low (Severity Level D1). Offenses listed within each severity level are deemed equally serious.

\* \* \*

2) Modifications to Guidelines § 2.B.1.

**Motion** by Judge Wernick and second by Sgt. Ford to modify Guidelines §§ 2.B.1.a and 2.B.1.b, as shown below, effective August 1, 2016, following public hearing.

**Motion carried** unanimously.

**Section 2.B. Criminal History**

\* \* \*

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. \* \* \*

- a. Current Offense on Standard Grid or Drug Offender Grid. If the current offense is **not** on the Sex Offender Grid, determine the weight assigned to each prior felony sentence according to its severity level, as follows:

Current Offense on Standard Grid or Drug Offender Grid	SEVERITY LEVEL	POINTS
	1 – 2, <u>D1 – D2</u>	½
	3 – 5, <u>D3 – D5</u>	1
	6 – 8, <u>D6 – D7</u>	1 ½
	9 – 11, <u>D8 – D9</u>	2
	Murder 1 <sup>st</sup> Degree	2
	A	2
	B – E	1 ½
	F – G	1
	H	½ (for first offense); 1 (for subsequent offenses)

- b. Current Offense on Sex Offender Grid. If the current offense is on the Sex Offender Grid, determine the weight assigned to each prior felony sentence according to its severity level, as follows:

Current Offense on Sex Offender Grid	SEVERITY LEVEL	POINTS
	1 – 2, <u>D1 – D2</u>	½
	3 – 5, <u>D3 – D5</u>	1
	6 – 8, <u>D6 – D7</u>	1 ½
	9 – 11, <u>D8 – D9</u>	2
	Murder 1 <sup>st</sup> Degree	2
	A	3
	B – C	2

	D – E	1 ½
	F – G	1
	H	½ (for first offense); 1 (for subsequent offenses)

\* \* \*

3) Modifications to Guidelines § 2.B.2.

**Motion** by Judge Wernick and second by Commissioner Roy to modify Guidelines § 2.B.2a(2), effective August 1, 2016, following public hearing.

A discussion ensued.

**Motion withdrawn.**

4) Modifications to Guidelines § 2.C.

**Motion** by Vice-Chair Schellhas and second by Judge Wernick to modify Guidelines §§ 2.C.1 and 2.C.3.c, and associated commentary, as shown below, effective August 1, 2016, following public hearing.

**Motion carried** unanimously.

**Section 2.C. Presumptive Sentence**

\* \* \*

1. Finding the Presumptive Sentence. The presumptive sentence for a felony conviction is found in the appropriate cell on the applicable Grid located at the intersection of the criminal history score (horizontal axis) and the severity level (vertical axis). \* \* \*

Each cell on the Grids provides a fixed sentence duration. Minn. Stat. § 244.09 requires that the Guidelines provide a range for sentences that are presumptive commitments. For cells above the solid line, the Guidelines provide both a fixed presumptive duration and a range of time for that sentence except as provided in section 2.C.3.c(1). The shaded areas of the grids do not display ranges. If the duration for a sentence that is a presumptive commitment is found in a shaded area, the standard range – 15 percent lower and 20 percent higher than the fixed duration displayed – is permissible without

departure, provided that the minimum sentence is not less than one year and one day, and the maximum sentence is not more than the statutory maximum. \* \* \*

3. Finding the Presumptive Sentence for Certain Offenses. \* \* \*

c. Controlled Substance Offenses.

(1) Certain First-Degree Offenses. If the current conviction is for controlled substance crime in the first degree and the penalty statute is Minn. Stat. § 152.021, subd. 3(c) (related to sale or possession of at least 100 grams or 500 dosage units of certain controlled substances), or if the current conviction is for aggravated controlled substance crime in the first degree, then the lower range, although displayed on the Drug Offender Grid, is excluded from what would otherwise be the presumptive range for that offense.

(2) Subsequent Controlled Substance Convictions. If the current conviction offense is for a controlled substance crime in the first, or second, or third degree and is a "subsequent controlled substance conviction" as defined in Minn. Stat. § 152.01, subd. 16a, the presumptive disposition is commitment. A stay of adjudication under Minn. Stat. § 152.18 that occurred before August 1, 1999 is not a prior disposition under Minn. Stat. § 152.01, subd. 16a. The prior dispositions listed in Minn. Stat. § 152.01, subd. 16a, trigger Such a conviction triggers the presumptive commitment unless more than ten years have elapsed since discharge from sentence or stay of adjudication. The presumptive duration for a controlled substance conviction falling under this section is the ~~fixed~~ duration indicated in the appropriate cell on the Drug Offender Grid, or the mandatory minimum, whichever is longer. \* \* \*

*Comment* \* \* \*

***2.C.10.*** *Because a stay of adjudication is not a felony conviction, the Guidelines do not apply unless and until the stay is vacated and conviction is entered. Minn. Stat. § 152.021, subdivisions 3(c) and 3(d), exclude the lower range, as defined in section 1.B.13.d, from what would otherwise be the presumptive range. While the mandatory-minimum provision of subd. 3(c) may be waived for an offender sentenced for a first-degree possession crime who had not previously been convicted of controlled substance crime in the first, second, or third degree, a sentence duration that is shorter than the fixed presumptive sentence, even if within the lower range, is nevertheless a mitigated*

durational departure if subd. 3(c) applies. Under either subdivision, the presumptive disposition is commitment.

**2.C.11.** The special penalty provisions for subsequent controlled substance convictions do not apply to current offenses of aggravated controlled substance crime in the first degree. \* \* \*

5) Modifications to Guidelines § 2.E.

**Motion** by Vice-Chair Schellhas and second by Commissioner Roy to modify Guidelines § 2.E.2.c, and associated commentary, as shown below, effective August 1, 2016, following public hearing.

**Motion carried** unanimously.

**Section 2.E. Mandatory Sentences**

\* \* \*

2. Specific Statutory Provisions. \* \* \*

c. Subsequent Drug Controlled Substance Offenses Involving a Dangerous Weapon. Pursuant to Minn. Stat. § 609.11, subd. 5a, some drug offenses committed with a dangerous weapon may be subject to one of the following two provisions.

(1) Certain Aggravated First-Degree Offenses. If an offender is sentenced for aggravated controlled substance crime in the first degree under Minn. Stat. § 152.021, subd. 2b(2), and is also subject to Minn. Stat. § 609.11, subd. 5a, the presumptive duration is the mandatory minimum sentence described in section 2.C.3.c(1) added to the mandatory minimum sentence for the dangerous weapon involvement found in Minn. Stat. § 609.11, subd. 4 or 5.

(2) Subsequent Controlled Substance Offenses. If an offender is sentenced for a ~~second or~~ subsequent ~~drug~~ controlled substance offense and is subject to Minn. Stat. § 609.11, subd. 5a, the presumptive duration is the longer of either:

(1) (i) the mandatory minimum sentence for the subsequent ~~drug~~ controlled substance offense added to the mandatory minimum sentence for the dangerous weapon involvement; or

(2) (ii) the presumptive duration for the subsequent ~~drug~~ controlled substance offense provided in the appropriate cell on the Standard Grid and limited, if applicable, by section 2.C.3.c(1).

\* \* \*

**2.E.05.** *Minn. Stat. § 609.11, subd. 5a, applies to aggravated controlled substance crime in the first degree only if the offender is convicted under Minn. Stat. § 152.021, subd. 2b(2), and the crime was committed with a firearm or other dangerous weapon. Example: An offender with a Criminal History Score of 3 possessed 100 grams of cocaine. Because two of the aggravating factors listed in Minn. Stat. § 152.01, subd. 24, were present, the offender is convicted of aggravated controlled substance crime in the first degree under Minn. Stat. § 152.021, subd. 2b(2). It is also proven that the offender was in possession of a firearm, although the firearm possession was not an element of the crime. The mandatory minimum sentence would be 158 months, calculated as follows:*

122 months Mand. Min. (section 2.C.3.c(1); Severity Level D9, Criminal History Score of 3)

+ 36 months Mand. Min. for weapon (Minn. Stat. § 609.11, subd. 5(a))

=158 months

Minn. Stat. § 609.11, subd. 5a, does not apply to Minn. Stat. § 152.021, subd. 2b(1), which, by definition, involves the use or possession of a firearm.

**2.E.05 2.E.06.** *Minn. Stat. § 609.11, subd. 5a, states that for a subsequent ~~drug~~ controlled substance offense involving a weapon, the mandatory minimum duration for the drug offense and the mandatory minimum duration for the weapon offense are added together. The Guidelines presumptive duration is determined by comparing the total sum of the combined mandatory minimums and the duration found in the appropriate cell on the ~~Standard~~ Drug Offender Grid for the subsequent ~~drug~~ controlled substance offense; the presumptive duration is the longer of the two. For example: A ~~third~~ second-degree drug offender with a Criminal History Score of ~~3~~ 2 is convicted of a subsequent controlled substance offense and was in possession of a firearm.*

Mandatory Minimums: 2436 months Mand. Min. (Minn. Stat. § 152.0232, subd. 3(b))

+ 36 months Mand. Min (Minn. Stat. § 609.11, subd. 5(a))



~~=6072~~ months

vs.

Grid Cell: =~~3968~~ months (Severity Level ~~6D7~~; Criminal History Score of ~~3 2~~)

\* \* \*

6) Modifications to Guidelines § 4.C.

**Motion** by Commissioner Roy and second by Sgt. Ford to modify Guidelines § 4.C, as shown below, effective August 1, 2016, following public hearing.

**Motion carried** unanimously.

## Section 4.C. Drug Offender Grid

Presumptive sentence lengths are in months. Italicized numbers within the grid denotes range within which a court may sentence without the sentence being deemed a departure. Offenders with stayed felony sentences may be subjected to local confinement.

<b>SEVERITY LEVEL OF CONVICTION OFFENSE</b> <b>(Example offenses listed in italics)</b>		<b>CRIMINAL HISTORY SCORE</b>						
		<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6 or more</b>
<i>Aggravated Controlled Substance Crime, 1st Degree Manufacture of Any Amt. Meth</i>	<b>D9</b>	86 <i>74*-103</i>	98 <i>84*-117</i>	110 <i>94*-132</i>	122 <i>104*-146</i>	134 <i>114*-160</i>	146 <i>125*-175</i>	158 <i>135*-189</i>
<i>Controlled Substance Crime, 1st Degree</i>	<b>D8</b>	65 <i>56*-78</i>	75 <i>64*-90</i>	85 <i>73*-102</i>	95 <i>81*-114</i>	105 <i>90*-126</i>	115 <i>98*-138</i>	125 <i>107*-150</i>
<i>Controlled Substance Crime, 2nd Degree</i>	<b>D7</b>	48	58	68 <i>58-81</i>	78 <i>67-93</i>	88 <i>75-105</i>	98 <i>84-117</i>	108 <i>92-129</i>
<i>Controlled Substance Crime, 3rd Degree Failure to Affix Stamp</i>	<b>D6</b>	21	27	33	39 <i>34-46</i>	45 <i>39-54</i>	51 <i>44-61</i>	57 <i>49-68</i>
<i>Possess Substances with Intent to Manufacture Meth</i>	<b>D5</b>	18	23	28	33 <i>29-39</i>	38 <i>33-45</i>	43 <i>37-51</i>	48 <i>41-57</i>
<i>Controlled Substance Crime, 4th Degree</i>	<b>D4</b>	12 <sup>1</sup>	15	18	21	24 <i>21-28</i>	27 <i>23-32</i>	30 <i>26-36</i>
<i>Meth Crimes Involving Children and Vulnerable Adults</i>	<b>D3</b>	12 <sup>1</sup>	13	15	17	19 <i>17-22</i>	21 <i>18-25</i>	23 <i>20-27</i>
<i>Controlled Substance Crime, 5th Degree</i>	<b>D2</b>	12 <sup>1</sup>	12 <sup>1</sup>	13	15	17	19	21 <i>18-25</i>
<i>Sale of Simulated Controlled Substance</i>	<b>D1</b>	12 <sup>1</sup>	12 <sup>1</sup>	12 <sup>1</sup>	13	15	17	19 <i>17-22</i>

\* Lower range may not apply. See section 2.C.3.c(1) and Minn. Stat. § 152.021, subdivisions 3(c) & 3(d).

<sup>1</sup> 12<sup>1</sup>=One year and one day



Presumptive commitment to state imprisonment.



Presumptive stayed sentence; at the discretion of the court, up to one year of confinement and other non-jail sanctions can be imposed as conditions of probation. However, certain offenses in the shaded area of the Grid always carry a presumptive commitment to state prison. See sections 2.C and 2.E.

Effective August 1, 2016

7) Modifications to Guidelines §§ 5.A and 5.B.

**Motion** by Judge Wernick and second by Ms. Vang to modify Guidelines §§ 5.A and 5.B, as shown below, effective August 1, 2016, following public hearing.

**Motion carried** unanimously.

**Section 5.A. Offense Severity Reference Table**

Offenses subject to a mandatory life sentence, including first-degree murder and certain sex offenses under Minn. Stat. § 609.3455, subdivision 2, are excluded from the Guidelines by law. \* \* \*

<b>Severity Level</b>	<b>Offense Title</b>	<b>Statute Number</b>
<del>9</del>	<del>Controlled Substance Crime 1st Degree</del>	<del>152.021</del>
<del>9</del>	<del>Manufacture Any Amount of Methamphetamine</del>	<del>152.021, subd. 2a(a)</del>
<del>9</del>	<del>Importing Controlled Substances Across State Borders</del>	<del>152.0261</del>
<del>8</del>	<del>Controlled Substance Crime 2nd Degree</del>	<del>152.022</del>
<del>6</del>	<del>Controlled Substance Crime 3rd Degree</del>	<del>152.023</del>
<del>6</del>	<del>Failure to Affix Stamp on Cocaine</del>	<del>297D.09, subd. 1</del>
<del>6</del>	<del>Failure to Affix Stamp on Hallucinogens or PCP</del>	<del>297D.09, subd. 1</del>
<del>6</del>	<del>Failure to Affix Stamp on Heroin</del>	<del>297D.09, subd. 1</del>
<del>6</del>	<del>Failure to Affix Stamp on Remaining Schedule I &amp; II Narcotics</del>	<del>297D.09, subd. 1</del>
<del>5</del>	<del>Possession of Substances with Intent to Manufacture Methamphetamine</del>	<del>152.0262</del>
<del>-4</del>	<del>Controlled Substance Crime 4th Degree</del>	<del>152.024</del>
<del>3</del>	<del>Anhydrous Ammonia (Tamper/Theft/Transport)</del>	<del>152.136</del>
<del>3</del>	<del>Methamphetamine Crimes Involving Children and Vulnerable Adults</del>	<del>152.137</del>
<del>2</del>	<del>Controlled Substance in the 5th Degree</del>	<del>152.025</del>

2	Failure to Affix Stamp on Remaining Schedule I, II, & III Non-Narcotics	297D.09, subd. 1
2	Medical Cannabis Violations (Submission of False Records)	152.33, subd. 4
2	Sale of Synthetic Cannabinoids	152.027, subd. 6(c)
1	Failure to Affix Stamp on Marijuana/Hashish/Tetrahydrocannabinols	297D.09, subd. 1
1	Failure to Affix Stamp on Schedule IV Substances	297D.09, subd. 1
1	Medical Cannabis Violations (Intentional Diversion)	152.33, subd. 1
1	Medical Cannabis Violations (Diversion by patient, registered Designated Caregiver, or Parent)	152.33, subd. 2
1	Sale of Simulated Controlled Substance	152.097

<b><u>Severity Level</u></b>	<b><u>Offense Title</u></b>	<b><u>Statute Number</u></b>
<u>D9</u>	<u>Aggravated Controlled Substance Crime 1st Degree</u>	<u>152.021, subd. 2b</u>
	<u>Importing Controlled Substances Across State Borders</u>	<u>152.0261</u>
	<u>Manufacture Any Amount of Methamphetamine</u>	<u>152.021, subd. 2a(a)</u>
<u>D8</u>	<u>Controlled Substance Crime 1st Degree</u>	<u>152.021, subd. 1 or 2</u>
<u>D7</u>	<u>Controlled Substance Crime 2nd Degree</u>	<u>152.022</u>
<u>D6</u>	<u>Controlled Substance Crime 3rd Degree</u>	<u>152.023</u>
	<u>Failure to Affix Stamp on Cocaine</u>	<u>297D.09, subd. 1</u>
	<u>Failure to Affix Stamp on Hallucinogens or PCP</u>	<u>297D.09, subd. 1</u>
	<u>Failure to Affix Stamp on Heroin</u>	<u>297D.09, subd. 1</u>
	<u>Failure to Affix Stamp on Remaining Schedule I &amp; II Narcotics</u>	<u>297D.09, subd. 1</u>
<u>D5</u>	<u>Possession of Substances with Intent to Manufacture Methamphetamine</u>	<u>152.0262</u>
<u>D4</u>	<u>Controlled Substance Crime 4th Degree</u>	<u>152.024</u>
<u>D3</u>	<u>Anhydrous Ammonia (Tamper/Theft/Transport)</u>	<u>152.136</u>
	<u>Methamphetamine Crimes Involving Children and Vulnerable Adults</u>	<u>152.137</u>

<b><u>Severity Level</u></b>	<b><u>Offense Title</u></b>	<b><u>Statute Number</u></b>
<u>D2</u>	<u>Controlled Substance Crime 5th Degree</u>	<u>152.025, subd. 3(b)</u>
	<u>Failure to Affix Stamp on Remaining Schedule I, II, &amp; III Non-Narcotics</u>	<u>297D.09, subd. 1</u>
	<u>Medical Cannabis Violations (Submission of False Records)</u>	<u>152.33, subd. 4</u>
	<u>Sale of Synthetic Cannabinoids</u>	<u>152.027, subd. 6(c)</u>
<u>D1</u>	<u>Failure to Affix Stamp on Marijuana/Hashish/Tetrahydrocannabinols</u>	<u>297D.09, subd. 1</u>
	<u>Failure to Affix Stamp on Schedule IV Substances</u>	<u>297D.09, subd. 1</u>
	<u>Medical Cannabis Violations (Intentional Diversion)</u>	<u>152.33, subd. 1</u>
	<u>Medical Cannabis Violations (Diversion by patient, registered Designated Caregiver, or Parent)</u>	<u>152.33, subd. 2</u>
	<u>Sale of Simulated Controlled Substance</u>	<u>152.097</u>

\* \* \*

### **5.B. Severity Level by Statutory Citation**

Offenses subject to a mandatory life sentence, including first-degree murder and certain sex offenses under Minn. Stat. § 609.3455, subdivision 2, are excluded from the Guidelines by law.

<b><u>Statute Number</u></b>	<b><u>Offense Title</u></b>	<b><u>Severity Level</u></b>
<u>152.021, subd. 1 or 2</u>	<u>Controlled Substance Crime 1st Degree</u>	<u>9D8</u>
<u>152.021, subd. 2a(a)</u>	<u>Manufacture Any Amount of Methamphetamine</u>	<u>D9</u>
<u>152.021, subd. 2b</u>	<u>Aggravated Controlled Substance Crime 1st Degree</u>	<u>D9</u>
<u>152.022</u>	<u>Controlled Substance Crime 2nd Degree</u>	<u>8D7</u>
<u>152.023</u>	<u>Controlled Substance Crime 3rd Degree</u>	<u>D6*</u>
<u>152.024</u>	<u>Controlled Substance Crime 4th Degree</u>	<u>D4</u>

\* See section 2.C and Appendix 1 to determine the presumptive disposition.

<b>Statute Number</b>	<b>Offense Title</b>	<b>Severity Level</b>
152.025, subd. 3(b)	Controlled Substance Crime 5th Degree	<u>D</u> 2
152.0261	Importing Controlled Substances Across State Borders	<u>D</u> 9
152.0262	Possession of Substances with Intent to Manufacture Methamphetamine	<u>D</u> 5
152.027, subd. 6(c)	Sale of Synthetic Cannabinoids	<u>D</u> 2
152.097	Sale of Simulated Controlled Substance	<u>D</u> 1
152.136	Anhydrous Ammonia (Tamper/Theft/Transport)	<u>D</u> 3
152.137	Methamphetamine Crimes Involving Children and Vulnerable Adults	<u>D</u> 3
152.33, subd. 1	Medical Cannabis Violations (Intentional Diversion)	<u>D</u> 1
152.33, subd. 2	Medical Cannabis Violations (Diversion by patient, registered Designated Caregiver, or Parent)	<u>D</u> 1
152.33, subd. 4	Medical Cannabis Violations (Submission of False Records)	<u>D</u> 2
297D.09, subd. 1	Failure to Affix Stamp on Cocaine	<u>D</u> 6
297D.09, subd. 1	Failure to Affix Stamp on Hallucinogens or PCP	<u>D</u> 6
297D.09, subd. 1	Failure to Affix Stamp on Heroin	<u>D</u> 6
297D.09, subd. 1	Failure to Affix Stamp on Remaining Schedule I & II Narcotics	<u>D</u> 6
297D.09, subd. 1	Failure to Affix Stamp on Remaining Schedule I, II, & III Non-Narcotics	<u>D</u> 2
297D.09, subd. 1	Failure to Affix Stamp on Marijuana/Hashish/Tetrahydrocannabinols	<u>D</u> 1
297D.09, subd. 1	Failure to Affix Stamp on Schedule IV Substances	<u>D</u> 1

\* \* \*

8) Modifications to Guidelines § 6.

**Motion** by Commissioner Roy and second by Judge Lennon to modify Guidelines § 6, as shown below, effective August 1, 2016, following public hearing.

**Motion carried** unanimously.

**Section 6. Offenses Eligible for Permissive Consecutive Sentences**

- A. Convictions for attempted offenses or conspiracies to commit offenses listed below are eligible for permissive consecutive sentences as well as convictions for completed offenses.
- B. Under section 2.F.2(a)(1)(i), it is permissive for a current felony conviction to run consecutively to a prior felony sentence from a jurisdiction other than Minnesota if the non-Minnesota conviction is for a crime that is equivalent to a crime listed below.

Statute Number	Offense Title
152.021, subd. 2a(a)	Manufacture any Amount of Methamphetamine
<u>152.021, subd. 2b(2) with ref. to 152.01, subd. 24(8)</u>	<u>Aggravated Controlled Substance Crime 1st Degree, Sale to a Minor or Vulnerable Adult</u>
152.022, subd. 1( <del>5</del> )(6)	Sells Cocaine/Narcotic to Minor/Employs Minor
152.023, subd. 1(3)	Sells Sch. I,II,III to Minor (not Narcotic)
152.023, subd. 1(4)	Sells Sch. I,II,III Employs Minor (not Narcotic)
152.024, subd. 1(2)	Schedule IV or V to Minor
152.024, subd. 1(3)	Employs Minor to Sell Schedule IV or V
152.0261, subd. 1a	Employing a Minor to Import Controlled Substances
152.137	Methamphetamine Crimes Involving Children or Vulnerable Adults

\* \* \*

9) Modifications to Guidelines Appendix 1.

**Motion** by Ms. Middlebrook and second by Judge Wernick to modify Guidelines Appendix 1, as shown below, effective August 1, 2016, following public hearing.

**Motion carried** unanimously.

**Appendix 1. Mandatory and Presumptive Sentences Reference Table**

\* \* \*

Statute	Offense	Prerequisite or Conditions	Minimum Duration
152.021	Controlled Substance Crime 1st Degree	<del>Prior felony conviction per chapter under Minn. Stat. § 152.021 or 022, or similar non-Minnesota offense. finding under Minn. Stat. § 152.18</del>	48 Months
152.022	Controlled Substance Crime 2nd Degree	<del>Prior felony conviction per chapter under Minn. Stat. § 152.021 or 022, or similar non-Minnesota offense. finding under Minn. Stat. § 152.18</del>	36 Months
152.023, subd. 3(a)	Controlled Substance Crime 3rd Degree	<del>Prior felony conviction under Minn. Stat. § 152 or finding under Minn. Stat. § 152.18—</del>	Grid Time*
152.023, subd. 3(b)	Controlled Substance Crime 3rd Degree	<del>Prior felony conviction under Minn. Stat. § 152 or finding under Minn. Stat. § 152.18—</del>	24 months

\*-Presumptive commitment per Guidelines section 2.C.

\* \* \*

The Commission took a 10 minute recess and reconvened at 2:00 p.m.

The Commission resumed discussion of agenda item 3, approval of draft meeting minutes from April 27, 2016, which had earlier been tabled.

**Motion** renewed by Vice-Chair Schellhas and again seconded by Ms. Vang to approve the meeting minutes from April 27, 2016.

**Motion carried** unanimously.

Prior to resuming the agenda, Chair Dietzen allowed public input from Executive Director Robert Small of the Minnesota County Attorneys Association (MCAA).

Although he had previously opposed the implementation of the Commission's drug reform package (approved by the MSGC in December, 2015), Judge Small personally thanked the Commission for its hard work. The MCAA had been looking for a holistic change to the laws, and, in Judge Small's opinion, that is what was achieved. Judge Small told the Commission that the unprecedented collaboration between the MCAA, the Chief Public Defender, the Minnesota Association of Criminal Defense Lawyers, U.S. Justice Action Network, and law enforcement organizations would not have happened but for the Commission's action. Judge Small expressed hope that the drug sentencing reform act would serve as an enduring legacy to everyone involved in working on it, and that that work would be an



honor to each Commission member. On behalf of the Commission, Chair Dietzen thanked Judge Small for his kind words and hard work on the issue.

## **B. Non-Controlled Substance Modifications**

This was on the agenda as an action item. Chair Dietzen called on the staff to present the issues.

Senior Research Analysis Specialist Anne Wall explained that the following existing offenses were amended by a law passed during the 2016 Legislative Session, and must be reviewed by the Commission. For each, the Commission must decide if the offense should be re-ranked, if there should be any modifications to the permissive consecutive offense list, or other modifications to the Guidelines.

### 1) Damage or Theft to Energy Transmission or Telecommunications Equipment

Ms. Wall explained that Minn. Stat. § 609.593, subd. 1, expands the damage to energy transmissions or telecommunications equipment crime to include damage to, or removal of, any component used in the generation, transmission, or distribution of electricity, including equipment used for grounding, system protection, or personal protection.

**Motion** by Sgt. Ford and second by Judge Lennon, to maintain the offense's Severity Level 3 ranking in Guidelines § 5, making no modifications to the Guidelines.

**Motion carried** unanimously.

### 2) Gambling Regulations (Raffle Boards)

Ms. Wall explained that Minn. Stat. § 297E.02 regulates the imposition of tax on all lawful gambling. Minn. Stat. § 349.2125 defines gambling contraband. Both statutes were amended to include raffle boards, in addition to pull-tabs, tip boards, paddle ticket cards, that are not bar coded in accordance with State regulations. The law was expanded so that contraband would include raffle boards not bar coded by amending Minn. Stat. § 349.2127.

**Motion** by Vice-Chair Schellhas and second by Judge Lennon, to maintain the offense's Severity Level 2 ranking in Guidelines § 5, making no modifications to the Guidelines.

**Motion carried** unanimously.

### 3) Assault in the Fourth Degree Against a Peace Officer Clarified

Executive Director Reitz explained that the law clarifies that a person who intentionally throws or otherwise transfers bodily fluids or feces at a peace officer is guilty of a felony under Minn. Stat. § 609.2231, subd. 1, regardless of whether that person otherwise physically assaults the peace officer.

**Motion** by Sgt. Ford and second by Ms. Vang, to maintain the offense's Severity Level 1 ranking in Guidelines § 5, making no modifications to the Guidelines.

**Motion carried** unanimously.

### 4) Attempting to Hire a Minor for Prostitution

Ms. Wall explained that the law increases penalties for attempting to hire a minor for prostitution to include intentionally hiring or offering or agreeing to hire an individual who the actor reasonably believes to be a minor.

**Motion** by Judge Wernick and second by Judge Lennon, to maintain the existing rankings for prostitution: Severity Level 9, Minn. Stat. § 609.324.1(a)(3), victim under 13 years old; Severity Level 5, Minn. Stat. § 609.324.1(b)(3), victim 13 years old and less than 16 years old; Severity Level 3, Minn. Stat. § 609.324.1(c)(3), victim 16 years old and less than 18 years old, making no modifications to the Guidelines.

**Motion carried** unanimously.

Executive Director Reitz explained that the following new felony offenses were enacted by the Legislature during the 2016 Legislative Session and must be reviewed and acted on by the Commission. For each new offense listed below, the Commission must decide the severity-level ranking and whether there are other amendments that must be made to the Guidelines.

#### 1) Felony Assault Motivated by Bias

Executive Director Reitz explained that the law creates a new felony that increases the statutory maximum penalty for felony-level assaults motivated by bias. The new law, Minn. Stat. § 609.2233, subjects a person who commits first-, second-, or third-degree assault because of the victim's or another person's actual or perceived race, color, religion, sex, sexual orientation, disability as defined in section 363A.03, age, or national origin, to a statutory maximum penalty of 25 percent longer than the maximum penalty otherwise applicable. This law is effective August 1, 2016, and applies to crimes committed on or after that date.

**Motion** by Commissioner Roy and second by Judge Lennon to maintain the current severity levels for first-, second-, and third-degree; provide that the presumptive sentence durations should be increased by 25 percent in § 2.G; make conforming modifications in §§ 5.A. and 5.B; and modify Guidelines Comment 2.D.307 to prohibit the use of the aggravating factor involving bias motivation under Guidelines § 2.D.3.b(11), when the statutory maximum was increased. The modifications are effective August 1, 2016, following public hearing.

**Motion carried** unanimously.

### **Section 2.D. Departures from the Guidelines**

\* \* \*

**2.D.307.** *The aggravating factor involving bias motivation under section 2.D.3.b(11) cannot be used when ~~an offender has been convicted under a statute that~~ sentencing an offender for a crime with an increased statutory maximum penalty under Minn. Stat. § 609.2233 (felony assault motivated by bias), or for a crime that was elevated ~~the crime~~ to a felony offense because of bias motivation (e.g., Minn. Stat. §§ 609.2231, subd. 4 (fourth-degree assault); 609.595, subd. 1a(a) (criminal damage to property); 609.749, subd. 3(a)(1) (stalking)). The Commission intends that a penalty for a bias-motivated offense be subject to enhancement only once.* \* \* \*

### **Section 2.G. Convictions for Attempts, Conspiracies, and Other Sentence Modifiers**

\* \* \*

11. Felony Assault Motivated by Bias. When an offender is sentenced for a crime for which the maximum penalty has been increased under Minn. Stat. § 609.2233, the presumptive duration found in the appropriate cell on the applicable Grid for the underlying offense must be increased by twenty-five percent.

~~11.~~ 12. Attempt or Conspiracy to Commit First-Degree Murder. \* \* \*

### **Section 5.A. Offense Severity Reference Table**

\* \* \*

<b>Severity Level</b>	<b>Offense Title</b>	<b>Statute Number</b>
1	Assaults <u>4th Degree</u> Motivated by Bias	609.2231, subd. 4(b)

\* \* \*

### **Section 5.B. Severity Level by Statutory Citation**

\* \* \*

<b>Statute Number</b>	<b>Offense Title</b>	<b>Severity Level</b>
609.2231, subd. 4(b)	Assaults <u>4th Degree</u> Motivated by Bias	1 **
<u>609.2233</u>	<u>Felony Assault Motivated by Bias</u>	<u>See Note*</u>

\*\* See section 2.C.2 and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.

\* See section 2.G.11 to determine the presumptive sentence.

\* \* \*

## 2) Criminal Vehicular Homicide (Qualified Prior Driving Offense Conviction)

Chair Dietzen recused himself from this item and gave control of the meeting to Vice-Chair Schellhas.

Executive Director Reitz explained that Minn. Stat. §§ 609.2111; 2112, subd.1; and 2114, are amended by creating an enhanced penalty for criminal vehicular homicide occurring within ten years of a qualified prior driving offense. The statutory maximum for criminal vehicular homicide (CVH) under Minn. Stat. § 609.2112, subd. 1 (death), and criminal vehicular operation (CVO) under Minn. Stat. § 609.2114, subd. 1 (death to an unborn child), is increased from ten years to 15 years if a person commits an offense under clauses (2) to (6) within ten years of a qualified prior driving offense. The offenses included in clauses 2 through 6 are all “substance-related”; that is, they all involve the use of alcohol or some other chemical substance. A definition for “qualified prior driving offense” is added to Minn. Stat. § 609.2111, and includes a prior conviction for 1st Degree DWI, 2nd Degree DWI, substance-related CVH (including death to an unborn child), substance-related felony CVO (including harm to an unborn child), and past versions of these offenses. The law is effective August 1, 2016, and applies to crimes committed on or after that date.

**Motion** by Judge Wernick and second by Ms. Middlebrook to maintain the Severity Level 8 ranking and add a to-be-determined sentence modifier in Guidelines § 2.G.

A discussion ensued.

**Motion failed** on a 3-4 vote.

A new motion was brought forward by Judge Lennon.

**Motion** by Judge Lennon and second by Ms. Champagne-From to maintain the Severity Level 8 ranking and increase the sentence by fifty-percent in Guidelines § 2.G. The proposed modifications are shown below and are effective August 1, 2016, following public hearing.

A discussion ensued.

**Motion carried** unanimously.

### **Section 2.G. Convictions for Attempts, Conspiracies, and Other Sentence Modifiers**

\* \* \*

12. Criminal Vehicular Homicide (Death or Death to an Unborn Child, Qualified Prior Conviction). When an offender is sentenced for a criminal vehicular homicide under Minn. Stat. § 609.2112, subd. 1(b) (death, qualified prior conviction), or 609.2114, subd. 1(b) (death to an unborn child, qualified prior conviction), the presumptive duration found in the appropriate cell on the Standard Grid for the offense must be increased by fifty percent. \* \* \*

~~12.~~ 13. Attempt or Conspiracy to Commit First-Degree Murder. \* \* \*

### **Section 5.A. Offense Severity Reference Table**

\* \* \*

<b>Severity Level</b>	<b>Offense Title</b>	<b>Statute Number</b>
8	<u>Criminal Vehicular Homicide (Death, and Qualified Prior Conviction)</u>	<u>609.2112, subd. 1(b)</u>

<b>Severity Level</b>	<b>Offense Title</b>	<b>Statute Number</b>
	<u>Criminal Vehicular Operation (Death to an Unborn Child, and Qualified Prior Conviction)</u>	609.2114, subd. 1(b)
	Criminal Vehicular Homicide (Death)	609.2112, subd. 1(a)
	Criminal Vehicular Operation (Death to an Unborn Child)	609.2114, subd. 1(a)

\* \* \*

### **Section 5.B. Severity Level by Statutory Citation**

\* \* \*

<b>Statute Number</b>	<b>Offense Title</b>	<b>Severity Level</b>
609.2112, subd. 1(a)	Criminal Vehicular Homicide (Death)	8
609.2112, subd. 1(b)	<u>Criminal Vehicular Homicide (Death, and Qualified Prior Conviction)</u>	8*
609.2113, subd. 1	Criminal Vehicular Operation (Great Bodily Harm)	5
609.2113, subd. 2	Criminal Vehicular Operation (Substantial Bodily Harm)	3
609.2114, subd. 1(a)	Criminal Vehicular Operation (Death to an Unborn Child)	8
609.2114, subd. 1(b)	<u>Criminal Vehicular Operation (Death to an Unborn Child, and Qualified Prior Conviction)</u>	8*
609.2114, subd. 2	Criminal Vehicular Operation (Injury to an Unborn Child)	5

\* See section 2.G.12 to determine the presumptive sentence. \* \* \*

### **Appendix 1. Mandatory and Presumptive Sentences Reference Table**

\* \* \*

<b>Statute</b>	<b>Offense</b>	<b>Prerequisite or Conditions</b>	<b>Minimum Duration</b>
169A.24, subd. 1(2)	Driving while Intoxicated	Prior Felony DWI	Grid Time

Statute	Offense	Prerequisite or Conditions	Minimum Duration
169A.24, subd. 1(3)	Driving while Intoxicated	Prior Criminal Vehicular Homicide or Operation under Minn. Stat. § 609.2112.1(2) thru (6); § 609.2113.1(2) thru (6); § 609.2113.2(2) thru (6); <u>§ 609.2114.1(2) thru (6);</u> <u>§ 609.2114.2(2) thru (6)</u>	Grid Time

\* \* \*

The Commission next discussed a possible modification to Guidelines § 2.B.3, that would limit how prior gross misdemeanors and misdemeanors are calculated as a result of the new criminal vehicular homicide (qualified prior driving offense conviction) offense.

**Motion** by Judge Lennon and second by Judge Wernick to assign no misdemeanor or gross misdemeanor units to the qualified prior driving offense that was used to increase the statutory maximum penalty. The proposed modifications are shown below and are effective August 1, 2016, following public hearing.

A discussion ensued.

**Motion carried** unanimously.

3. Prior Gross Misdemeanors and Misdemeanors. \* \* \*

- g. Assignment of Units for Criminal Vehicular Homicide or Operation or Felony Driving While Impaired (DWI). If the current conviction is for criminal vehicular homicide or operation or felony DWI, assign previous violations of Minn. Stat. §§ 169A.20, 169A.31, 169.121, 169.1211, 169.129, 360.0752, 609.2112, 609.2113, or 609.2114 two units each. There is no limit to the total number of misdemeanor points that can be included in the offender’s criminal history score due to criminal vehicular homicide or operation or DWI offenses. For DWI offenses, see section 2.B.6 for exceptions to this policy relating to predicate offenses used for enhancement purposes. For Criminal Vehicular Homicide (Death or Death to an

Unborn Child, Qualified Prior Conviction), assign no misdemeanor units to the qualified prior driving offense that was used to increase the statutory maximum penalty. \* \* \*

*Comment*

*\* \* \**

***2.B.304.** The Commission believes that offenders whose current conviction is for criminal vehicular homicide or operation or first-degree (felony) driving while impaired, and who have prior violations under Minn. Stats. §§ 169A.20, 169A.31, 169.121, 169.1211, 169.129, 360.0752, 609.2112, 609.2113, or 609.2114 are also more culpable, and for these offenders there is no limit to the total number of misdemeanor points included in the criminal history score due to DWI or criminal vehicular homicide or operation (CVO) violations. \* \* \**

*When the current offense is a conviction under Minn. Stat. § 609.2112, subd. 1(a) (Death, and Qualified Prior conviction), or § 609.2114, subd. 1(b) (Death to an Unborn Child, and Qualified Prior Conviction), the Commission excluded consideration of the qualified prior driving offense, if a misdemeanor or gross misdemeanor, from the criminal history score because, by virtue of the conviction offense, the qualified prior conviction has been accounted for in the enhanced penalty. \* \* \**

### 3) Interfering with a Body or Scene of Death (Laura's Law)

Executive Director Reitz explained that this law modifies interfering with a body or scene of death under Minn. Stat. § 609.502, subd. 1, by elevating the crime from a gross misdemeanor to a felony if done with intent to conceal the body. A new subdivision 1a establishes the maximum penalty at 3 years in prison, a \$5,000 fine, or both.

**Motion** by Commissioner Roy and second by Sgt. Ford to rank the offense at Severity Level 4. The modifications, as described below, are effective August 1, 2016, following public hearing.

A discussion ensued.

**Motion carried** unanimously.



**Section 5.A. Offense Severity Reference Table**

\* \* \*

Severity Level	Offense Title	Statute Number
<u>4</u>	<u>Interference with a Dead Body or Scene of Death</u>	<u>609.502 subd. 1(1)</u>

\* \* \*

**Section 5.B. Severity Level by Statutory Citation**

\* \* \*

Statute Number	Offense Title	Severity Level
<u>609.502 subd. 1(1)</u>	<u>Interference with a Dead Body or Scene of Death</u>	<u>4</u>

\* \* \*

4) Use of Automated Sales Suppression Device

Executive Director Reitz explained that this item was not a law because it was vetoed in full as part of the Omnibus tax bill; however, it was staff’s recommendation for the Commission to act on it in the event it passed into law during a special session.

Executive Director Reitz went on to explain the possible new crime: A felony would be established under new Minn. Stat. § 609.858 that prohibits the sale, purchase, installation, transfer, possession, development, manufacture, access, or use of an automated sales suppression device, zapper, phantom-ware, or similar device knowing that the device or phantom-ware is capable of being used to commit tax fraud or suppress sales. Subdivision 2 would establish the maximum penalty at five years in prison, a \$10,000 fine, or both.

**Motion** by Commissioner Roy and second by Judge Lennon to rank the offense at Severity Level 3, if the bill is enacted into law. The modifications, as described below, would be effective August 1, 2016, following public hearing.

**Motion carried** unanimously.

### Section 5.A. Offense Severity Reference Table

\* \* \*

Severity Level	Offense Title	Statute Number
<u>3</u>	<u>Use of Automated Sales Suppression Devices</u>	<u>609.858</u>

\* \* \*

### Section 5.B. Severity Level by Statutory Citation

\* \* \*

Statute Number	Offense Title	Severity Level
<u>609.858</u>	<u>Use of Automated Sales Suppression Devices</u>	<u>3</u>

#### 5) Nonconsensual Dissemination of Images

Executive Director Reitz explained that the law adds a threat to commit nonconsensual dissemination of private sexual images under coercion and attempt to coerce, creates a new crime for nonconsensual dissemination of private sexual images, amends the crimes of harassment and stalking to include nonconsensual sexual solicitation, clarifies defamation, and expands the definition of qualified domestic violence-related offense to include nonconsensual dissemination of private sexual images under Minn. Stat. § 609.02, subd. 16. The new offense created under Minn. Stat. § 617.261, subd. 2(a) prohibiting nonconsensual dissemination of private sexual images is a gross misdemeanor. The offense becomes a felony with a three-year statutory maximum under subd. 2(b) if an aggravating factor is present.

**Motion** by Commissioner Roy and second by Vice-Chair Schellhas to rank the offense at Severity Level 3. The modifications, as described below, are effective August 1, 2016, following public hearing.

**Motion carried** unanimously.

### Section 5.A. Offense Severity Reference Table

\* \* \*

Severity Level	Offense Title	Statute Number
3	Coercion (Threat Bodily Harm)	609.27, subd. 1(1)
	Coercion ( <u>Prop. Value \$2,500 or More</u> )	609.27, subd. 1(2),(3), (4), & (5), & (6)
2	Coercion ( <u>Prop. Value \$301 - \$2,499</u> <del>500</del> )	609.27, subd. 1(2),(3), (4), & (5), & (6)

\* \* \*

### Section 5.B. Severity Level by Statutory Citation

\* \* \*

Statute Number	Offense Title	Severity Level
609.27, subd. 1(1)	Coercion (Threat Bodily Harm)	3
609.27, subd. 1(2),(3), (4), & (5), & (6)	Coercion ( <u>Prop. Value over \$2,500 or More</u> )	3
609.27, subd. 1(2),(3), (4), & (5), & (6)	Coercion ( <u>Prop. Value \$301 - \$2,500</u> )	2

\* \* \*

### Section 5.A. Offense Severity Reference Table

\* \* \*

Severity Level	Offense Title	Statute Number
<u>3</u>	<u>Nonconsensual Dissemination of Private Sexual Images</u>	617.261, subd. 2(b)

\* \* \*

### Section 5.B. Severity Level by Statutory Citation

\* \* \*

<b>Statute Number</b>	<b>Offense Title</b>	<b>Severity Level</b>
<u>617.261, subd. 2(b)</u>	<u>Nonconsensual Dissemination of Private Sexual Images</u>	<u>3</u>

\* \* \*

## **Section 6. Offenses Eligible for Permissive Consecutive Sentences**

\* \* \*

<b>Statute Number</b>	<b>Offense Title</b>
<u>617.261, subd. 2(b)</u>	<u>Nonconsensual Dissemination of Private Sexual Images</u>

\* \* \*

### 6) Statute of Limitations Increased for Certain Identity Theft

Senior Research Analysis Specialist Jill Payne explained that the statute of limitations was increased from three to five years for violation of Minn. Stat. § 609.527, subd. 3(5) (identity theft where the offense involves eight or more direct victims or the total combined loss to the direct or indirect victims is more than \$35,000). No action is necessary or recommended on the part of the Commission.

## **5. Technical Modification: Appendix 2 – Dangerous Weapons Offense Reference Table**

This was on the agenda as an action item. Senior Research Analysis Specialist Jill Payne explained that the table is intended for convenience, and incorrectly lists the condition that must be met for the mandatory minimum to apply under Minn. Stat. § 609.11.

**Motion** by Vice-Chair Schellhas and second by Commissioner Roy to make the technical corrections and hyperlink the references as described below.

**Motion carried** unanimously.

### **Appendix 2. Dangerous Weapons Offense Reference Table**

\* \* \*

<b>Dangerous Weapons – Minn. Stat. § <a href="#">609.11</a></b>			
<b>Statute</b>	<b>Offense</b>	<b>Prerequisite or Conditions</b>	<b>Minimum Duration</b>
<a href="#">609.11, subd. 4</a>	Dangerous Weapon (Other than Firearm)	Weapon is an element of crime <u>or otherwise established</u>	1 Year and 1 Day
<a href="#">609.11, subd. 4</a>	Dangerous Weapon (Other than Firearm) – Subsequent <del>o</del> Offense	Current dangerous weapon <del>(other than firearm)</del> offense <del>(other than firearm)</del> with prior dangerous weapon <del>(other than firearm)</del> offense  Weapon is an element of crime <u>or otherwise established</u>	36 Months
<a href="#">609.11, subd. 5(a)</a>	Firearm	<del>Weapon</del> Firearm is an element of crime <u>or otherwise established</u>	36 Months
<a href="#">609.11, subd. 5(a)</a>	Firearm – Subsequent Offense	Current firearm offense with prior firearm <del>or dangerous weapon</del> offense  <del>Weapon</del> Firearm is an element of crime <u>or otherwise established</u>	60 Months
<a href="#">609.11, subd. 5(b)</a>	Certain Persons not to have Firearms or Ammunition	Current conviction under Minn. Stat. § 609.165 or Minn. Stat. § 624.713 subd. 1(2)	60 Months

\* \* \*

## 6. Executive Director's Report

Executive Director Reitz reported on five items: 1) a new Research Analyst position to do research as directed in 2016 Minn. Session Laws, Ch. 160, Sec. 13; 2) the National Association of Sentencing Commissions conference to be held in Salt Lake City, Utah, August 7<sup>th</sup> to August 9<sup>th</sup>; 3) an update on the Minn. Sentencing Guidelines and Commentary Annotated; 4) the introduction of summer-intern Manire Vaughn who is with the Urban Scholars program and in his second year of law school at Michigan State University; and 5) the vacant probation officer position on the Commission.

## **7. Public Input**

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

## **8. Adjournment**

**Motion** to adjourn by Ms. Vang and second by Sgt. Ford.

**Motion carried** unanimously.

The meeting was adjourned at 3:23 p.m.