

To: Sentencing Guidelines Commission Members  
From: Kelly Lyn Mitchell, Chair  
Re: Work Plan Development  
Date: February 2, 2021

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At the February 2021 meeting of the Sentencing Guidelines Commission, our goal will be to prioritize our work for the coming year. The purpose of this memo is to request that each member of the Commission come to the meeting prepared to discuss 2-3 topics or areas that the Commission should work on. As you review the list of outstanding agenda items, please also consider whether some items can be removed. To assist in your review, I will briefly explain the pending matters before us.

### 1. Neutrality Review

In the summer of 2020, the Commission committed to conducting a review of its policies to ensure their compliance with the guiding principle that “[s]entencing should be neutral with respect to the race, gender, social, or economic status of convicted felons.” Minn. Sentencing Guidelines § 1.A.2. To aid in this review, Director Reitz has put together a listing of the policies contained within the guidelines (see attachment 5A). The policies are grouped into 11 topic areas, and are also listed individually. Given that there is too much material to focus on all at once, my suggestion is that we undertake this review as a long-term project, and maintain the review on our agenda alongside other work that is time-sensitive or cyclical (e.g., annual ranking of offenses).

With which policies or topic areas should we start the neutrality review?

### 2. Past Priority Areas

In the fall of 2019, the Commission engaged in a similar exercise to prioritize the issues that were then before it. At the time, each member was asked to submit their ideas in writing, and a few members presented information specific to the topics they suggested. The materials from that meeting are located online in [this handout](#). Two items listed in the handout—the comprehensive review of child pornography and probation guidelines/terms—have been completed. The remaining items are as follows:

- Reducing the State’s Prison Population without Impacting Public Safety
- Mandatory Minimum Sentencing under Minn. Stat. § 609.11
- Review Offenses with High Departure Rates
- Review Violent Felonies Definition
- Ranking Theft-Related Offenses

Should any of these items be prioritized for 2021? Should any be removed?

### 3. New Issues

Since creating the list in 2019, three additional items have come to the Commission's attention.

- Criminal Vehicular Homicide Sentencing Review (see attachment 5B)
- Non-Felony Sentences in CHS; *State v. Finley* & *State v. Stewart* (see attachment 5C)
- Partial Points in Criminal History

Should any of these items be prioritized for 2021? Should any be removed?