

Staff Information Paper

Draft Roundtable Invitation

May 5, 2022

The following is a draft of the text of an invitation memorandum for the Commission's consideration and input. The idea is that the Executive Director would send the letter to invitees of a roundtable proposed to occur on July 28, 2022.

Draft Memo Text

The Minnesota Sentencing Guidelines Commission will hold a roundtable at 1 PM on July 28, 2022, to discuss the custody status component of the criminal history score, which is a factor in calculating the sentence recommended by the Sentencing Guidelines. As explained below, the custody status policy is currently unworkable, and the Commission is seeking assistance from stakeholders in crafting a solution. The Commission cordially invites you or a representative of your organization to attend. The roundtable will be held at 1 PM in Room 135 (Afton Room), ETC Building (West Entrance) 1450 Energy Park Drive, St. Paul, Minnesota. This will be an interactive roundtable discussion, so we respectfully request that your representative attend in person to enable better back-and-forth discussion. Please advise us of any special accommodations you require when you RSVP. The deadline to RSVP is 4 PM on July 21, 2022, by means of the email address or telephone number at the bottom of this page.

Background

Since 1980, the Minnesota Sentencing Guidelines' criminal history score—one of two factors primarily responsible for the recommended sentence—has included custody status at the time of the offense. In 2019, after a lengthy study of the criminal history score, the Sentencing Guidelines Commission made several changes, including decreasing by half the weight of custody status deriving from less-severe custody offenses.¹ Because the 2019 modifications failed to articulate a rounding rule for these half-points, however, such partial points are now disregarded when calculating the presumptive sentence.² This creates a tension between the text of the Guidelines—which establishes the possibility of one-half custody status point—and practice, in which such half-points are disregarded.

¹ See the Commission's [2022 Report to the Legislature, p. 11](#), for more detailed background information.

² *State v. Beganovic*, ___ N.W.2d ___, ___ (Minn. Ct. App. 2022).

In 2021, the Commission discussed options for how to resolve this problem, but consensus was elusive. A proposal to abolish the custody status point altogether was advanced to a public hearing in December, but was withdrawn the following month after consideration of a [great deal of public input](#). Nevertheless, the Commission is [unanimously resolved](#) to make concerted efforts to engage and educate community members, system stakeholders, and legislators as it further assesses the implications of the custody status point policy, and it intends for this roundtable to be one of those efforts.

The agenda for the roundtable will be as follows: [*insert after Commission discussion*]

[*Include logistical details of the roundtable*].

[*Should we include any food-for-thought questions? If so, a final section could be...*

Should you decide to participate in the roundtable, we would ask that you consider in advance the following questions, which will form the basis for our discussion.

- Question
- Question]