

**Racial Impact for SF 2790:
Deferral of Judgment for some Controlled Substance Offenses
Minnesota Sentencing Guidelines Commission
February 28, 2008**

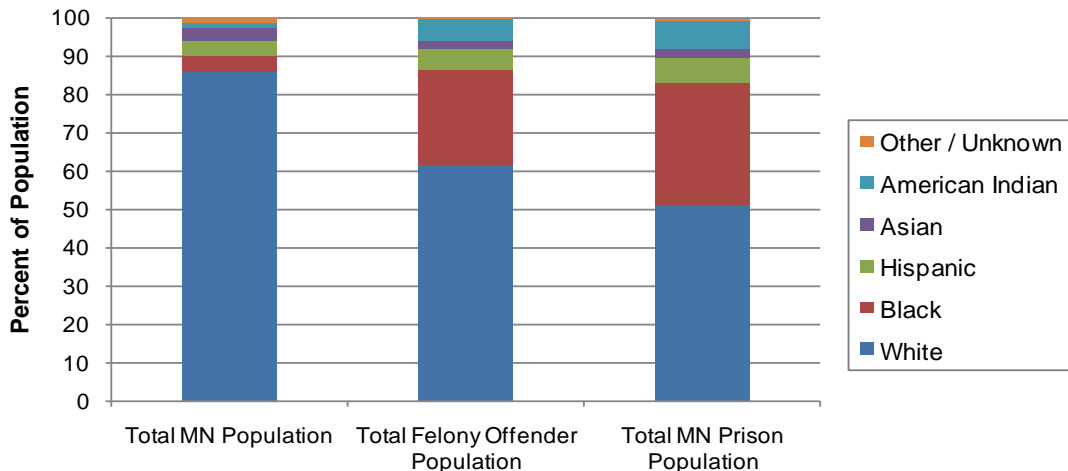
By providing the following information on race, MSGC seeks to enrich the discussion on how minorities in Minnesota are affected by changes in sentencing policy. If a significant racial disparity can be predicted before a bill is passed, it may be possible to consider alternatives that enhance public safety without creating additional disparity in Minnesota’s criminal justice system. Just as with the Commission’s fiscal impact notes, the agency does not intend to comment on whether or not a particular bill should be enacted. Rather, it is setting out facts that may be useful to the Legislature, whose members frequently express concerns about the disparity between the number of minorities in our population and the number in our prisons.

According to the U.S. Census population estimates for July 1, 2006 (the most current estimates available at this time), approximately 86 percent of Minnesota’s population is white. The composition of the remaining 14 percent is as follows: 4.3 percent black; 3.8 percent Hispanic; 3.5 percent Asian; 1.1 percent American Indian; .04 percent Native Hawaiian/Pacific Islander; and roughly 1.4 percent who identify themselves with two or more races.

In contrast, MSGC monitoring data shows the following racial make-up of the 2006 felony offender population: 61.6 percent white; 25.0 percent black; 5.9 percent American Indian; 5.5 percent Hispanic; 2.0 percent Asian, and .02 percent unknown/other.

According to the Minnesota Department of Corrections, the racial composition of the prisons on July 1, 2006 was as follows: 50.9 percent white; 32.1 percent black; 7.8 percent American Indian; 6.9 percent Hispanic; 2.2 percent Asian; and .02 percent unknown/other.

**Comparison of Racial Composition Among Populations:
2006**



Because it is assumed that deferment would be found to be inappropriate for offenders who received executed prison sentences for fourth and fifth degree drug offenses, this bill will have no impact on racial disparity in the prison population. The racial composition of the offenders who might be eligible for deferment is as follows: 69% white, 20% black, 5% Native American, 4% Hispanic, and 2% Asian.