

**Racial Impact for H.F. 1596:  
Controlled Substances: Threshold Revisions & MJ Plants**  
Minnesota Sentencing Guidelines Commission  
March 19, 2009

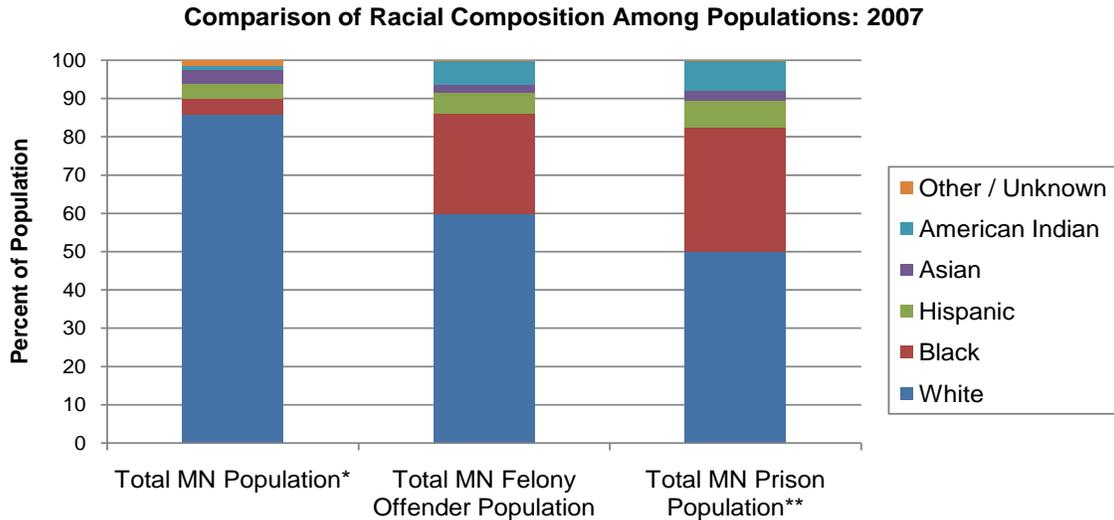
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By providing the following information on race, MSGC seeks to enrich the discussion on how minorities in Minnesota are affected by changes in sentencing policy. If a significant racial disparity can be predicted before a bill is passed, it may be possible 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 2007 (the most current estimates available at this time), almost 86 percent of Minnesota’s population is white. The composition of the remaining 14 percent is as follows: 4.3 percent black; 4.0 percent Hispanic; 3.5 percent Asian; 1.1 percent American Indian; and roughly one percent who identify themselves with two or more races.

In contrast, MSGC monitoring data shows the following racial make-up of the 2007 felony offender population: 59.9 percent white; 26.1 percent black; 6.3 percent American Indian; 5.6 percent Hispanic; 2.1 percent Asian, and .03 percent unknown/other.

According to the Minnesota Department of Corrections, the racial composition of the prisons on July 1, 2007 was as follows: 49.9 percent white; 32.6 percent black; 8.0 percent American Indian; 7.1 percent Hispanic; 2.3 percent Asian; and .05 percent unknown/other.



\* Source for “Total MN Population”: [U.S. Census Bureau 2007 Population Estimates](#).

\*\* Source for “Total MN Prison Population”: [MN Department of Corrections Adult Inmate Profile: 7/1/07](#).

## Marijuana Thresholds

The proposed changes to the marijuana thresholds are unlikely to increase white-black racial disparity in the prison population. In the number of offenders who receive prison sentences, the proposal may have some impact on American Indians and Hispanics. The distribution of marijuana offenders is similar to the overall distribution of felony offenders. The table below displays that distribution as well as the distribution of offenders whose sentences would change because of the proposed changes.

Race	Total Felony Offenders	MJ Offenders	Offenders Moving from Probation to Prison	Offenders Receiving Longer Prison Sentences
White	59.9%	57.1%	1 (0.4% of probation cases)	4 (22% of prison cases)
Black	26.1%	27.9%	1 (0.9% of probation cases)	0
American Indian	6.3%	6.4%	3 (12.0% of probation cases)	0
Hispanic	5.6%	8.0%	3 (10.7% of probation cases)	1 (14.3% of prison cases)
Asian	2.1%	0.7%	0	0

The table below displays the average sentence pronounced in 2007 and what the average would be under the proposed changes for those offenders who would serve longer prison sentences under the proposed changes.

Race	2007 Average Sentence (in months)	Average Sentence Under Proposed Changes (in months)
White	22.8	62.8
Hispanic	39.0	88.0

### Cocaine/ Meth Thresholds

The proposed changes to the cocaine/meth thresholds may lessen racial disparity in the prison population. In the number of offenders who receive prison sentences, the proposal has almost the identical impact on whites and blacks, but a greater decrease in the number of Hispanics. The distribution of cocaine and meth offenders is similar to the overall distribution of felony offenders, with the exception of Hispanics. The table below displays that distribution as well as the distribution of offenders whose sentences would change because of the proposed changes.

Race	Total Felony Offenders	Cocaine/Meth Sale and Possession	Offenders Moving from Prison to Probation	Offenders Receiving Shorter Prison Sentences
White	59.9%	56.6%	10 (2.0% of prison cases)	17 (3.5% of prison cases)
Black	26.1%	26.9%	4 (1.7% of prison cases)	21 (9.0% of prison cases)
American Indian	6.3%	2.3%	0	0
Hispanic	5.6%	10.4%	5 (5.6% of prison cases)	4 (4.4% of prison cases)
Asian	2.1%	3.7%	0	3 (9.4% of prison cases)

The table below displays the average sentence pronounced in 2007 and what the average would be under the proposed changes for those offenders who would serve shorter prison sentences under the proposed changes. This table does not include offenders sentenced for manufacture of meth because there are no proposed changes to that offense.

Race	2007 Average Sentence (in months)	Average Sentence Under Proposed Changes (in months)
White	88.1	53.1
Black	59.2	34.7
Hispanic	78.8	41.3
Asian	69.3	40.0