

PROPOSALS FOR COMMISSION ACTION ON DRUG SENTENCING

1. Recommend to the legislature that cases involving trace amounts of scheduled drugs, excluding marijuana, be treated as gross misdemeanors.
2. Recommend to the legislature that Minn. Stat. 152.01 subd. 16a be amended to exclude Fourth and Fifth degree convictions as a prerequisite for mandatory minimums sentences.
3. Recommend to the legislature to modify threshold amounts for First, Second and Third degree cases to maintain the ability to hold dealers accountable but allow for a wider range of sale and possession amounts be included in our statutory structure.
4. Amend the sentencing guidelines to allow for dispositional departures in cases where an offender agrees to participate in a long term treatment court that includes an addiction treatment component.
5. Amend the sentencing guidelines to add a non-exclusive list of mitigating factors to be used in evaluating dispositional and durational departures to include:
 - the defendant played a minor or passive role in the commission of the offense
 - the defendant acted at the direction of another who was reducing their own exposure to detection
 - the defendant's actions were significantly influenced by physical, emotional or financial duress
 - the defendant was not intended to receive direct financial gain from participation in the crime
 - the defendant lacked full knowledge of the offense
 - the defendant has a chemical dependency problem that contributed to their participation in the offense
 - the defendant lacks criminal contacts