

Sentencing Guidelines Comprehensive Review

Draft Purpose and Principles Statement

September 8, 2025

Professor Kevin Reitz presented his [draft purpose and principles statement](#) to the Commission at its August meeting; his document is also included in this month's meeting materials.

The following pages are staff's attempt to incorporate Professor Reitz's suggestions, together with staff edits and some Commissioner suggestions received after the August meeting, into the Sentencing Guidelines. Some notes regarding the resulting draft Statement of Purpose and Principles:

- Wherever possible, terms such as "offender" and "defendant" have been removed or replaced with more personal language (lines 5, 14, 16, 18, 20, 24, 25, 32, & 34).
- Unnumbered paragraphs have been avoided. New paragraphs have instead been more tightly integrated with existing material (lines 8 & 10) or shortened (line 21).
- Inspired by a commissioner's suggestion, effective community supervision has been included among sentencing tools to reduce future crime (line 12).
- "Or risked" has been set off by commas to improve readability (line 21).
- A new paragraph 1.A.4 has been added (lines 22–27) to incorporate the material that Professor Reitz would have placed in section 2.B. The language in question is much more about "Purpose and Principles" than "Determining Presumptive Sentences."
- Professor Reitz's proposed last sentence in paragraph 1.A.3 ("Criminal history contributes to this assessment because it adds to the defendant's blameworthiness in the commission of the current offense") is deleted as duplicative of similar language in 1.A.4 (lines 21 & 24–25).
- At the suggestion of a commissioner, the qualifier "may" is added in line 24.
- Existing paragraphs 1.A.4 through 1.A.6 have been renumbered as 1.A.5 through 1.A.7 (lines 28, 31, & 36).

Minnesota Sentencing Guidelines and Commentary

1. Purpose and Definitions

A. Statement of Purpose and Principles

The purpose of the Sentencing Guidelines is to establish rational and consistent sentencing standards that promote public safety, reduce sentencing disparity, and ensure that the sanctions imposed for felony convictions are proportional to the severity of the conviction offense and the ~~offender's~~ criminal history of the person being sentenced.

The Sentencing Guidelines shall embody the following principles:

1. In establishing and modifying the Sentencing Guidelines, the Commission's primary consideration shall be public safety. ~~This shall include, including~~ consideration of the long-term negative impact of the crime on the community. Minn. Stat. § 244.09, subd. 5. Public safety is furthered by sentences that work to reduce future crimes and victimizations through means such as rehabilitation, deterrence, and incapacitation, including through effective community supervision. In some cases, it is furthered by reasonable caution in the choice of sanctions that could hinder reintegration into the law-abiding community.
2. Sentencing should be neutral with respect to the race, gender, social, or economic status of those convicted ~~felons of felonies~~.
3. The severity of the sanction should increase in direct proportion to an increase in offense severity or ~~the convicted felon's~~ criminal history, or both. This promotes a rational and consistent sentencing policy. Proportionate sentence severity is measured against the blameworthiness of the person being sentenced and the harms done, or risked, to victims and the community in the current offense.
4. The criminal history score advances the Guidelines' goals of public safety and proportionality. The score reflects policy judgments that prior convictions are an important indicator of a person's risk of recidivism, and that they may add to the

25 blameworthiness of the commission of the current offense. The criminal history score
26 is not meant to impose cumulative penalties for prior offenses that have previously
27 been punished.

28 4.5. Commitment to the Commissioner of Corrections is the most severe sanction that
29 can be imposed for a felony conviction, but it is not the only significant sanction
30 available to the court.

31 5.6. Because state and local correctional facility capacity is finite, confinement should be
32 imposed only for ~~offenders who are~~ those convicted of more serious offenses or who
33 have longer criminal histories. To ensure such usage of finite resources, sanctions
34 used in sentencing those convicted ~~felons of felonies~~ should be the least restrictive
35 necessary to achieve the purposes of the sentence.

36 6.7. Although the Sentencing Guidelines are advisory to the court, the presumptive
37 sentences are deemed appropriate for the felonies covered by them. Therefore,
38 departures from the presumptive sentences established in the Sentencing Guidelines
39 should be made only when substantial and compelling circumstances can be
40 identified and articulated.