

Possible Revision of Guidelines Text on “Public Safety”

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Minnesota Sentencing Guidelines 1.A

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.

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Proposed Addition

“Public safety” includes a number of means to prevent future crimes and victimizations, including rehabilitation of offenders, general deterrence of prospective offenders, incapacitation of dangerous offenders, reintegration of ex-offenders into the law-abiding community, and reasonable caution in the use of penalties that could hinder offenders’ progress toward rehabilitation or reintegration into the law-abiding community.

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References

American Law Institute, Model Penal Code: Sentencing (2023), § 1.02(2)(a)(ii) (“The general purposes of the provisions on sentencing [include] ... offender rehabilitation, general deterrence, incapacitation of dangerous offenders, ... preservation of families, and reintegration of offenders into the law-abiding community”)

Ala. Code § 13A-1-3(5) (general purposes of criminal code include “[t]o insure the public safety by preventing the commission of offenses through the deterrent influence of the sentences authorized, the rehabilitation of those convicted and their confinement when required in the interests of public protection”)

Cal. Penal Code § 1170(a)(1) (“the purpose of sentencing is public safety achieved through punishment, rehabilitation, and restorative justice. ... The purpose of incarceration is rehabilitation and successful community reintegration achieved through education, treatment, and active participation in rehabilitative and restorative justice programs.”)

17-a Me. Rev. Stat. § 1501 (“The general purposes” of the sentencing article include: “Prevent crime through the deterrent effect of sentences, the rehabilitation of persons and the restraint of individuals when required in the interest of public safety”)

Nev. Rev. Stat. § 176.0131(7) (“Strategies to reduce crime and victimization should involve prevention, treatment, health and labor and must endeavor to utilize all available federal, academic and private resources and expertise.”)

Tex. Penal Code § 1.02(1),(3) (“[T]he provisions of this code are ... to insure the public safety through: the deterrent influence of the penalties hereinafter provided; ... the rehabilitation of those convicted of violations of this code; ... such punishment as may be necessary to prevent likely recurrence of criminal behavior; ... to prescribe penalties that are proportionate to the seriousness of offenses and that permit recognition of differences in rehabilitation possibilities among individual offenders”)

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References

American Law Institute, Model Penal Code: Sentencing (2023), § 1.02(2)(a)(iv) (“The general purposes of the provisions on sentencing [include] ... to avoid the use of sanctions that increase the likelihood the offender will engage in future criminal conduct.”)

Colo. Rev. Stat. § 18-1-102.5(1)(e) (purposes of code with respect to sentencing include “to select a sentence, a sentence length, and a level of supervision that addresses the offender's individual characteristics and reduces the potential that the offender will engage in criminal conduct after completing his or her sentence”)

Ky. Penal Code § 532.007(3)(b) (“Sentencing judges shall consider: ... [t]he likely impact of a potential sentence on the reduction of the defendant's potential future criminal behavior”)

Md. State Comm’n on Criminal Sentencing Policy, Maryland Sentencing Guidelines Manual (2024) (Policy Statement Encouraging the Use of Alternatives to Incarceration When Appropriate), at iii (“there is a potential public safety and community benefit to limiting exposure to incarceration, especially for offenders who are a low risk to recidivate.”)

17-a Me. Rev. Stat. § 1501 (“The general purposes” of the sentencing provisions include: “[m]inimize correctional experiences that serve to promote further criminality”)

Mass. Sentencing Comm’n, Advisory Sentencing Guidelines (November 2017), at 114 (in probation sentences, avoid “[a]n excessive number of special conditions [that] may increase rather than decrease the likelihood of recidivism.”)

Utah Sentencing Commission, *2023 Adult Sentencing, Release, & Supervision Guidelines* (effective April 21, 2023), at 10 (“Incarceration on its own should not be considered a behavioral management tool that reduces risk, aside from the initial period of incapacitation. ... Incarceration can increase risk factors for lower risk individuals.”)

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