The Commission’s Policy Toolbox

Nate Reitz, Executive Director
1. Reactive Policy Mode

- **Legislative Action**
  - Creating or amending crime
  - Specific direction to revise Guidelines

- **Commission Response**
  - Public hearing required

- **Guidelines Change**
2. Proactive Policy Mode

Commission Action
- Public hearing required
- Due to legislature by Jan. 15, if at all

Leg. Override Opportunity, if:
- Grid/SL/CHS is amended, or
- Sentence reduction results

Guidelines Change
- Unless legislature by law provides otherwise
3. Advisory Policy Mode

Commission Recommends Change → Legislative Consideration → Statutory Change, Potentially
Legislative Requests for Advice

General:
• 1978 enabling statute: “The commission shall from time to time make recommendations to the legislature regarding changes in the Criminal Code, criminal procedures, and other aspects of sentencing.”

Specific:
• 2007: Propose changed rankings for controlled substance offenses
• 2003: Make recommendations regarding drug offender sentencing issues
• 1997: Study the advisability of allowing a plea agreement to be used a reason for a departure from a presumptive sentence
Four Policy Questions
Is it time to get out the tools?
1. Do you see a problem?

- Rising state incarceration rate
- Mandatory Minimums
- Guidelines too severe
- Guidelines too lenient
- High departure rates
- Drug thresholds
- Issue inherent to MSGC charter or structure
- Geographical disparity
- Prison system at/over capacity
- Racial disparity
- Issue inherent to Guidelines purpose or structure
2. If so, what do you see as the solution?

- Not MSGC’s role to solve/political issue
- Present findings to legislature
- Recommend specific law changes
- Subdivide offenses
- Expand scope of Guidelines
- Make general changes to Guidelines
- No idea/need more info
- Simplify Guidelines
- Rerank offenses
3. What do you want to be on the agenda in the next year?

- Discuss
- Research
- Resolve
- Consult
- Study

Specific Issues
4. What would you like to see in the January Report to the Legislature?

- The report is the usual means of communication with the Legislature
- Key to both proactive and advisory policy modes
  - Changes to Guidelines
  - Advice to Legislature
1. Do you see a problem?

2. If so, what do you see as the solution?

3. What do you want to be on the agenda in the next year?

4. What would you like to see in the January Report to the Legislature?