

MEMORANDUM

To: Minnesota Sentencing Guidelines Commission
Fr: Commissioner Mark Wernick
Re: Proposed Recommendation Three to the Legislature
Date: December 24, 2015

I would like to flush out the proposed third recommendation to the legislature (draft report, page 26).

I suggest the following changes to Recommendation Three:

The Commission recommends, third, that the legislature revise quantity thresholds for controlled substance crimes so that the different degrees fairly distinguish between major drug wholesalers, mid-level drug wholesalers, and low-level drug wholesalers or retail distributors.

Starting with the word “revise,” this is the language I suggested in my November 5, 2015, memo to the Commission.

I suggest the following “Discussion” to this Recommendation:

There is substantial consensus among Commission members that the minimum quantity thresholds defining 1st and 2nd degree controlled substance crimes are too low to fairly target major and mid-level drug wholesalers.

The Commission recommends that the legislature to revise the minimum quantity thresholds so that different degrees of controlled substances crimes fairly identify major drug wholesalers, mid-level drug wholesalers and low-level drug wholesalers or retail distributors. Legislation is currently pending that seeks to accomplish this (SF 1382, SF 773, HF 2107). The Commission takes no position as what the defining, minimum quantity thresholds should be.

I apologize for not including this language in my comments to the draft report. Thank you for your consideration.

MW