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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. **3516**

1.1 A bill for an act
1.2 relating to public safety; prohibiting Sentencing Guidelines on the length of
1.3 probation; amending Minnesota Statutes 2018, section 244.09, subdivision 5.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2018, section 244.09, subdivision 5, is amended to read:

1.6 Subd. 5. **Promulgation of Sentencing Guidelines.** The commission shall promulgate
1.7 Sentencing Guidelines for the district court. The guidelines shall be based on reasonable
1.8 offense and offender characteristics. The guidelines promulgated by the commission shall
1.9 be advisory to the district court and shall establish:

1.10 (1) the circumstances under which imprisonment of an offender is proper; and

1.11 (2) a presumptive, fixed sentence for offenders for whom imprisonment is proper, based
1.12 on each appropriate combination of reasonable offense and offender characteristics. The
1.13 guidelines shall provide for an increase of 20 percent and a decrease of 15 percent in the
1.14 presumptive, fixed sentence.

1.15 To promote consistency in sentencing, the Sentencing Guidelines promulgated by the
1.16 commission may also ~~establish appropriate~~ report statewide statistics on sanctions ~~for~~
1.17 imposed on offenders for whom imprisonment is not proper. ~~Any guidelines promulgated~~
1.18 ~~by the commission establishing~~ The report on sanctions for offenders for whom imprisonment
1.19 is not proper ~~shall~~ may make specific reference to noninstitutional sanctions, including but
1.20 not limited to the following: payment of fines, day fines, restitution, community work orders,
1.21 work release programs in local facilities, community based residential and nonresidential
1.22 programs, incarceration in a local correctional facility, and probation and the conditions

2.1 thereof. The commission may not establish guidelines for or limits on noninstitutional
2.2 sanctions. Any guidelines for or limits on noninstitutional sanctions, including any limit on
2.3 the period of time for which a court may stay a sentence and place an offender on probation,
2.4 proposed or adopted by the commission on or before August 1, 2020, are void.

2.5 Although the Sentencing Guidelines are advisory to the district court, the court shall
2.6 follow the procedures of the guidelines when it pronounces sentence in a proceeding to
2.7 which the guidelines apply by operation of statute. Sentencing pursuant to the Sentencing
2.8 Guidelines is not a right that accrues to a person convicted of a felony; it is a procedure
2.9 based on state public policy to maintain uniformity, proportionality, rationality, and
2.10 predictability in sentencing.

2.11 In establishing and modifying the Sentencing Guidelines, the primary consideration of
2.12 the commission shall be public safety. The commission shall also consider current sentencing
2.13 and release practices; correctional resources, including but not limited to the capacities of
2.14 local and state correctional facilities; and the long-term negative impact of the crime on the
2.15 community.

2.16 The provisions of sections 14.001 to 14.69 do not apply to the promulgation of the
2.17 Sentencing Guidelines, and the Sentencing Guidelines, including severity levels and criminal
2.18 history scores, are not subject to review by the legislative commission to review
2.19 administrative rules. However, the commission shall adopt rules pursuant to sections 14.001
2.20 to 14.69 which establish procedures for the promulgation of the Sentencing Guidelines,
2.21 including procedures for the promulgation of severity levels and criminal history scores,
2.22 and these rules shall be subject to review by the Legislative Coordinating Commission.

2.23 **EFFECTIVE DATE.** This section is effective August 1, 2020.