

**Racial Impact for H.F. 306:
Juvenile Certification & EJJ - Age Lowered**
Minnesota Sentencing Guidelines Commission
February 4, 2011

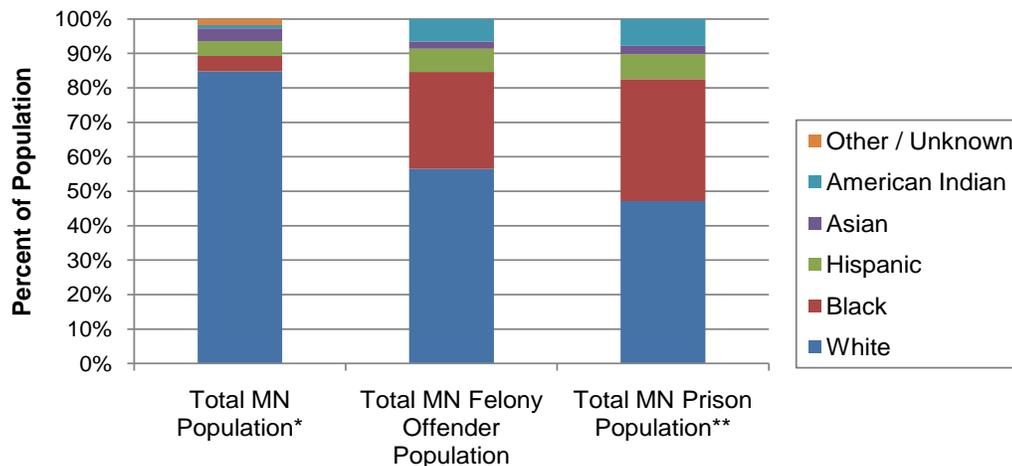
By providing the following information on race, MSGC seeks to enrich the discussion on how minorities in Minnesota are affected by changes in sentencing policy. If a significant racial disparity can be predicted before a bill is passed, it may be possible to consider alternatives that enhance public safety without creating additional disparity in Minnesota's criminal justice system. Just as with the Commission's fiscal impact notes, the agency does not intend to comment on whether or not a particular bill should be enacted. Rather, it is setting out facts that may be useful to the Legislature, whose members frequently express concerns about the disparity between the number of minorities in our population and the number in our prisons.

According to the U.S. Census population estimates for 2009 (the most current estimates available at this time), approximately 85 percent of Minnesota's population is white. The composition of the remaining 15 percent is as follows: 4.5 percent black; 4.3 percent Hispanic; 3.7 percent Asian; 1.1 percent American Indian; and roughly 1.5 percent who identify themselves with two or more races.

In contrast, MSGC monitoring data shows the following racial make-up of the 2009 felony offender population: 56.5 percent white; 28.1 percent black; 6.5 percent American Indian; 6.8 percent Hispanic; and 2.1 percent Asian.

According to the Minnesota Department of Corrections, the racial composition of the prisons on July 1, 2009 was as follows: 47.1 percent white; 35.4 percent black; 7.8 percent American Indian; 7.3 percent Hispanic; and 2.4 percent Asian.

**Comparison of Racial Composition Among Populations:
2009**



* Source for "Total MN Population": [U.S. Census Bureau 2009 Population Estimates](#).

** Source for "Total MN Prison Population": [MN Department of Corrections Adult Inmate Profile: 7/1/09](#).

The provisions of H.F. 306 could increase racial disparity in prison populations, due to a higher percentage of minority offenders sentenced for the offenses included in the definition of "violent juvenile offense." From 2001-09, there were 12 offenders who were 14 years old at the time of offense who were sentenced in adult court for one of the specified violent juvenile offenses. Of those, three offenders were white (25.0%), four were black (33.3%), four were American Indian (33.3%), and one was Hispanic (8.3%). Two of these offenders initially received stayed sentences, but were eventually revoked and sentenced to prison. Therefore, all 12 offenders ended up in the prison population.

Assuming similar racial percentages applied to the estimated prison bed impact of H.F. 306, this would mean a higher percentage of American Indian offenders would receive prison sentences, compared with the 2009 prison population.