

**Racial Impact Statement for Amendment SCS0878A550:  
Possession of Ammunition Prohibited  
Minnesota Sentencing Guidelines Commission  
June 1, 2015  
Revised June 19, 2015**

By providing the following information on race, the Sentencing Guidelines Commission (MSGC) seeks to enrich the discussion on how racial 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 fiscal impact notes, the agency does not intend to comment on whether 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 2010 U.S. Census (the most recent census data available), 86.1 percent of Minnesotans 18 years of age or older were white. The remaining 13.8 percent were: 4.3 percent black; 3.7 percent Hispanic; 3.7 percent Asian; 1 percent American Indian; and roughly 1.2 percent who identify themselves with two or more races or another race. (Figure 1-Bar 1.)

In contrast, 2013 MSGC monitoring data show the following racial make-up of the felony offender population: 58.0 percent white; 26.4 percent black; 5.1 percent Hispanic; 2.8 percent Asian; and 7.7 percent American Indian. (Figure 1-Bar 2.)

According to the Minnesota Department of Corrections, the racial composition of the prisons on January 1, 2015, was as follows: 46.4 percent white; 34.5 percent black; 6.8 percent Hispanic; 2.6 percent Asian; and 9.5 percent American Indian. (Figure 1-Bar 4.)

### **Bill Description**

This enacted amendment<sup>1</sup> adds ammunition to the provisions prohibiting certain persons from possessing firearms. For felons with a prior conviction for a crime of violence, possession of ammunition will be subject to the same 5-year mandatory minimum as possession of a firearm.

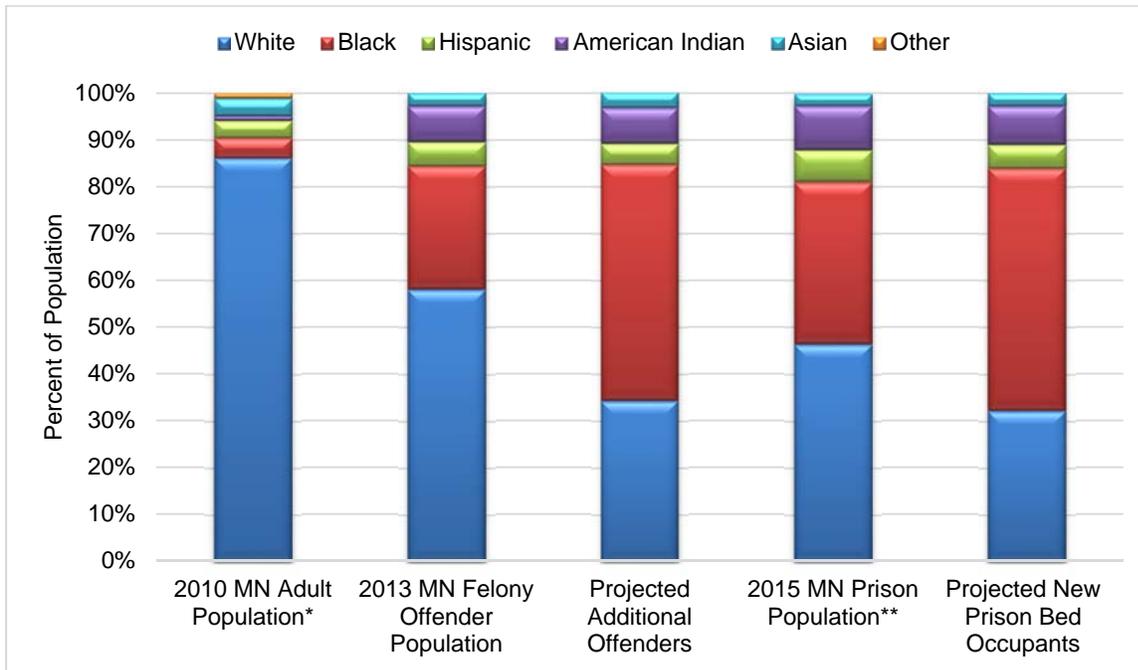
### **Racial Disparity Impact**

The enacted amendment will result in an increase in the number of offenders sentenced and an increase in the number of offenders receiving an executed prison sentence. To estimate the racial impact, MSGC assumes that the racial distribution of offenders sentenced for felony possession of ammunition will be similar to the racial distribution of offenders sentenced for felony possession of a firearm.<sup>2</sup> Of the additional offenders sentenced as a result of the enactment, 34.3 percent are expected to be white, 50.4 percent are expected to be black, 4.4 percent are expected to be Hispanic, 3.3 percent are expected to be Asian offenders, and 7.7 percent are expected to be American Indians. (Figure 1-Bar 3.) Of the prison beds projected to be newly occupied as a result of the enactment, 32.2 percent are expected to be occupied by white offenders, 51.7 percent are expected to be occupied by black offenders, 5 percent are

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expected to be occupied by Hispanic offenders, 2.8 percent are expected to be occupied by Asian offenders, and 8.3 percent are expected to be occupied by American Indian offenders. (Figure 1-Bar 5.) Compared to the racial disparity now existing in Minnesota’s felony and prison populations, it appears the enacted amendment will exacerbate the racial disparity of both the offender population and the prison population for black offenders.

**Figure 1. 2010 MN Census, 2013 Felony Offenders, and 2015 Prison Population Compared to Projected Additional Offenders and New Prison Bed Occupants**



\* U.S. Census Bureau; Census 2010, Summary File 1, Table 11; generated by Sarah Welter, Kathleen Madland, and Jill Payne (November 2013).

\*\* D. Kerschner (communication to Anne Wall June 1, 2015). *Total MN Prison Population*. Department of Corrections.

<sup>1</sup> Amendment SCS0878A550 was a floor amendment to an amendment to Senate File No. 878, 89th Minnesota Legislature, adopted Apr. 23, 2015, which, as further amended, was enacted on May 22, 2015. The provisions relevant to this statement are 2015 Minn. Laws ch. 65, art. 3, §§ 18, 26, & 28.

<sup>2</sup> “Felony possession,” in this analysis, refers only to unlawful possession of firearms or ammunition by those previously convicted of, or adjudicated delinquent for, a crime of violence. The assumption of similar racial distribution is based on two similarities between the preexisting firearm-possession prohibition and the new ammunition-possession prohibition: The fact that the same narrow subset of the population is eligible to commit both offenses (namely, people who have been previously convicted of, or adjudicated delinquent for, a crime of violence, but who are not presently incarcerated for that offense); and the fact that both offenses are necessarily similarly motivated, as neither firearms nor ammunition are effective without the other.