

Minnesota Sentencing Guidelines Commission
Approved Meeting Minutes
June 19, 2014

The Minnesota Sentencing Guidelines Commission (MSGC) meeting was held on June 19, 2014, at the State Capitol in Room 112, at the State Capitol Building, 75 Rev. Dr. Martin Luther King Jr. Blvd., St. Paul, MN 55155. Commission members present were Chair Jeffrey Edblad, Jason Anderson, Justice Christopher Dietzen, Sergeant Paul Ford, Judge Carrie Lennon, DOC Commissioner Tom Roy, Judge Heidi Schellhas, John Stuart, Yami Vang, and Sarah Walker. MSGC staff members present were Interim Executive Director Anne Wall and Jill Payne. Members of the public present were Tal Bakke, Rebecca Ericson, Mary A. Schmitz-Mowatt, Nathaniel Reitz, and Katie Schurrer. Jim Early from the Attorney General's Office was also present.

1. Call to Order

The meeting was called to order at 1:00 p.m.

2. Approval of Meeting Minutes from May 22, 2014

Motion to approve minutes was made by Jason Anderson and seconded by Judge Carrie Lennon.

Motion carried.

3. Confirm Modifications to the Guidelines for Medical Cannabis

Staff explained that there were slight language changes between the bill summary that was presented to the Commission on May 22, 2014, and the language that passed into law on May 29, 2014. The Commission considered whether the language changes affected its proposed severity-level rankings. The Commission confirmed each of its previous rankings from the May 22, 2014, meeting with a new motion that took into account the language that was passed into law on May 29, 2014.

- a. Intentional Diversion (subdivision 1):** In addition to any other applicable penalty in law, a manufacturer or agent of a manufacturer who intentionally transfers medical cannabis to a person other than a patient, a registered designated caregiver or a parent or legal guardian of a patient is guilty of a felony with a two-year statutory maximum. A person convicted under this subdivision may not continue to be affiliated with the manufacturer and is disqualified from further participation.

Motion to rank the offense at Severity Level 1 and not include on the list of offenses eligible for permissive consecutive sentences in § 6 was reaffirmed by Commissioner Roy and seconded by Justice Dietzen.

Motion carried.

- b. Diversion by Patient, Registered Designated Caregiver, or Parent (subdivision 2):** In addition to any other applicable penalty in law, a patient, caregiver, parent or legal guardian who sells or otherwise transfers medical cannabis is guilty of a felony with a two-year statutory maximum.

Motion to rank the offense at Severity Level 1 and not include on the list of offenses eligible for permissive consecutive sentences in § 6 was reaffirmed by Justice Dietzen and seconded by Judge Lennon.

Motion carried.

- c. Submission of False Records (subdivision 4):** A person who knowingly submits false records or documentation required by the commissioner to register as a manufacturer of medical cannabis is guilty of a felony with a 2-year statutory maximum.

Motion to rank the offense at Severity Level 2 and not include on the list of offenses eligible for permissive consecutive sentences in § 6 was reaffirmed by Commissioner Roy and seconded by Jason Anderson.

Motion carried.

4. Review Draft Modification Language for Non-MN Jurisdictions

This item was tabled from the May 22, 2014, meeting because the draft language was unclear and did not include the entire section 2.B.5. Staff explained that it routinely responded to questions about when and how to use non-Minnesota convictions in the criminal history score. The current language does not emphasize the role that the court must play in equating non-Minnesota offenses to Minnesota offenses nor clearly outline the steps involved.

Members discussed the language and made additional amendments before approving the proposed Guidelines modifications presented below.

Motion to approve the draft language made by Judge Schellhas and seconded by John Stuart.

Motion carried.

Proposed Guidelines Modifications:

Section 2.B.5.

* * *

5. Convictions from Jurisdictions other than Minnesota.

- a. In General. ~~The offense definitions in effect when the offense was committed govern the designation of convictions from jurisdictions other than Minnesota as felonies, gross misdemeanors, or misdemeanors. The court must make the final determination as to whether and how a prior non-Minnesota conviction should be counted in the criminal history score. The court should consider, but is not limited to, the factors in paragraphs b through e, below.~~ Sections 2.B.1 through 2.B.7 govern the use of these convictions.
- b. Offense Equivalent-How to Count. ~~Find the equivalent Minnesota offense based on the elements of the prior non-Minnesota offense. The court makes the final determination of the Minnesota offense that is equivalent to the non-Minnesota offense. Where~~ The section in which to place count the non-Minnesota offense in criminal history depends on:
 - whether the non-Minnesota offense is defined as a felony, gross misdemeanor, or targeted misdemeanor in Minnesota; and
 - the sentence imposed.

An offense may be counted as a felony only if it would **both** be defined as a felony in Minnesota, and the offender received a sentence that in Minnesota would be a felony-level sentence, which includes the equivalent of a stay of imposition. The offense definitions in effect when the offense was committed govern the designation of non-Minnesota convictions as felonies, gross misdemeanors, or misdemeanors.

5. Executive Director Candidate Interviews

The Commission conducted interviews of the four finalists for the Executive Director position. The interview questions were standardized and rated. Following the interviews, each Commission member rank-ordered the candidates and staff tallied the results. The Commission discussed the candidates' references as well.

Motion to extend an offer to Nathaniel Reitz was made by Commissioner Roy and seconded by Jason Anderson.

Motion carried.

6. Public Input

There was no public input.

7. Adjournment

The Chair recognized retiring Commission member and State Public Defender, John Stuart with an honorary plaque which read:

For your tireless devotion to

Minnesota's criminal justice community and to

the Sentencing Guidelines Commission.

Several members thanks Mr. Stuart for his service to the State of Minnesota. Mr. Stuart thanked his fellow members and stated that he wished he had been a more effective communicator during his tenure on the Commission.

The Commission meeting was adjourned without objection at 3:57 p.m.