

**Minnesota Sentencing Guidelines Commission**  
**Approved Meeting Minutes**  
**January 15, 2009**

The Commission meeting was held on January 15, 2009 at the Department of Corrections, 1450 Energy Park Drive, Suite 200, Saint Paul, Minnesota. Commission members in attendance were Chair Jeffrey Edblud, Judge Edward Cleary, Commissioner of Corrections Joan Fabian, Tracy Jenson, Justice Helen Meyer, and Reverend Robert Battle. Executive Director Suzanne Alliegro and MSGC staff members Jill Payne, Anne Wall, and Jeff Holtz were present. Also in attendance was Jim Early from the Minnesota Attorney General's Office and Matt Majovski from Dakota County Community Corrections.

**I. Call to Order**

The meeting was called to order by Chair Edblud at 2:10 p.m.

**II. Welcome New Executive Director**

Chair Edblud offered his congratulations to Director Alliegro for getting the Executive Director position and wanted to welcome her to her first Commission meeting.

**III. Executive Director's Report**

Director Alliegro stated that the Commission's Report to the Legislature was sent to the Legislature, posted on the agency's website, and sent to its distribution lists; a summary article was written about it in the Pioneer Press.

Director Alliegro testified before the House Public Safety and Policy Committee, giving an agency overview and providing information on low-level offenders sentenced to prison; she will report on the agency's budget in February. Ms. Alliegro directed the Commission to a list of MSGC reports. Some of the reports are mandated by the Legislature and some are the most requested data summary reports. The Legislature is interested in knowing if any of the reports are unnecessary and could be eliminated in

order to save money. She also mentioned that the agency may move its offices to a State-owned building in order to save additional money.

Anne Wall discussed the recommendations from the Legislature's Drug Working Group, for which MSGC provided research support. She stated that the raising of certain drug thresholds will save approximately 133 prison beds, but the lowering of other drug thresholds will cost approximately 33 prison beds, resulting in a net savings of 97 prison beds. She then mentioned that the working group decided that new statutes should be created regarding marijuana grow operations and also that the rules for the Department of Corrections Conditional Release Program should be modified to allow for more non-violent offenders who completed chemical dependency treatment.

Commissioner Fabian passed out to members a list of concerns that the Department of Corrections has regarding the proposed changes to the Conditional Release Program. Commissioner Fabian stated that the proposed changes made by the drug working group to allow more people into the programs are concerning because currently there are not enough qualified people to fill a program expansion. She explained that because low-level offenders are predominantly not in prison in Minnesota, it would be hard to expand the Conditional Release Program without also adding dangerous and violent offenders to it.

#### **IV. Approval of December 18 Minutes**

**Motion** was made by Commissioner Fabian to approve the minutes from December 18, 2008, and was seconded by Justice Meyer.

**Motion carried** without dissent.

#### **V. Juvenile Out-of-State Placement Report**

Jill Payne discussed the history behind the Juvenile Out-of-State Placement Report to commissioners and how the report respectfully recommends that the Legislature repeal the statute that requires MSGC to prepare it. It was explained that the efforts of MSGC are duplicated by the Department of Corrections in a similar report filed, and it would

save the State money if the agency no longer completed the report. Commissioner Fabian stated that while DOC does not go as in-depth as MSGC, the problems that originally caused the Legislature to ask MSGC to compose the report—relatively high numbers of juveniles being placed in out-of-state facilities—no longer occur and agreed that MSGC’s report is not needed anymore.

**Motion** to approve the Juvenile Out-of-State Placement Report was made by Justice Meyer and seconded by Judge Cleary.

**Motion carried** without dissent.

## **VI. Review Updated County Attorney Firearms Report Form**

Jill Payne explained to Commission members that the firearms report form has been changed to reflect the discussion that occurred at the previous Commission meeting. Like the old form, the new form complies with the requirements set forth in Minnesota Statute § 609.11, subd.10; however, the new form provides for more detailed responses related to the decision to waive the mandatory minimum. Commission members looked over the updated form and agreed that the amendments reflected their previous discussion.

## **VII. Consecutive Sentencing for Attempted Offense**

A recent MN Court of Appeals case, *State v. Brandon M. Johnson*, 756 N.W.2d 883 (Minn. App. 2008), prompted this agenda item. Prior to discussion, Justice Meyer asked if the Minnesota Supreme Court had denied a review of the case, and if not, she stated that she would have to leave the room because of a conflict of interest. The item was tabled until the next Commission meeting so that more members could take part in the discussion. Additionally, staff will check on the appeal status of the case.

**VIII. Public Input**

There was no input from members of the public.

**IX. Adjournment**

Chair Edblad adjourned the meeting without objection at 2:55 pm.