

Subject Prosecutor-initiated sentence adjustment

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Overview

This bill permits prosecutors to initiate a process to resentence a person who was convicted of a crime provided the resentencing does not increase the sentence and requires reporting on those adjustments.

Summary

Section	Description
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1	Report on sentencing adjustments.
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Requires the Minnesota Sentencing Guidelines Commission to include a summary and analysis of sentence adjustments issued under the new provision in this bill. The summary and analysis must contain information about the counties that adjusted sentences and demographic information about the people who received those adjustments.

2	Sentence adjustment.
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Establishes the process and requirement related to a prosecutor-initiated sentence adjustment.

Subd. 1. Definition. Defines the term “prosecutor” to include the attorney general, a county attorney, or a city attorney.

Subd. 2. Prosecutor-initiated sentence adjustment. Provides that a prosecutor responsible for prosecuting an individual convicted of a crime may commence a proceeding to adjust the person’s sentence provided the adjustment does not increase the period of confinement or, if the person is on probation, increase the period of supervision.

Subd. 3. Review by prosecutor. Permits prosecutors to review cases at their discretion. Directs prosecutors to make a good faith effort to seek input from any identifiable victim before commencing a proceeding to adjust the person’s sentence. Permits the commissioner of corrections, any supervising agent, or an

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offender to request that a prosecutor review an individual case, and establishes that a prosecutor does not need to respond to the request.

Subd. 4. Petition; contents; fee. Requires the petition for sentence adjustment to include identifying information about the individual, information about the underlying offense, and a statement of the reasons the prosecutor is seeking an adjustment. The petition must also include the individual's criminal record and information about prior requests for adjustment or expungement in other cases.

Subd. 5. Service of petition. Requires the prosecutor to serve the petition for a sentence adjustment on the person on whose behalf the adjustment is sought. Also requires the prosecutor to make a good faith effort to notify any identifiable victims. Requires a prosecutor to share any objections to the adjustment.

Subd. 6. Hearing. Directs the court to hold a hearing on the petition after the parties have time to prepare and present arguments. Permits parties to submit written arguments prior to the hearing. Permits the offender to make oral arguments before the court at the hearing and requires that person's attendance unless excused under court rules. Permits victims to submit written statements or make a statement at the hearing. Permits representatives of the Department of Corrections, treatment providers, and others with relevant information to submit oral or written statements.

Subd. 7. Nature of remedy; standard. Directs the court to determine whether there are substantial and compelling reasons to adjust the person's sentence. Directs the court to consider multiple factors including the impact the adjustment would have on public safety and the individual. Permits the court to consider factors including the individual's performance on probation or supervised release, the individual's disciplinary records, and other evidence of rehabilitation, remorse, or significant changes in law. Permits the court to modify the person's sentence in any way that does not increase the sentence, reduce or eliminate the amount of court-ordered restitution, or reduce or eliminate a term of conditional release. Prohibits the court from vacating a judgment of conviction, entering a judgment of conviction for a different offense, or imposing a sentence for any other offense. Directs the court to state the reasons for its decision on the record or in writing and to cause a sentencing worksheet to be completed and forwarded to the Sentencing Guidelines Commission.

Subd. 8. Appeals. Indicates that an order issued under this section should be treated as an order imposing or suspending sentence, not as a final judgment.



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