

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 158

DATE: February 15, 1999

Version: As introduced

Authors: Stanek and others

Subject: Consecutive sentencing, jail credit

Analyst: Emily F. Shapiro, 296-5041

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd.

Overview

This bill creates a presumption in favor of consecutive sentencing in cases in which an offender is convicted of multiple crimes involving separate victims or behavioral incidents. It allows a judge to impose concurrent sentences in these situations only where there are substantial and compelling reasons to do so. The bill also limits the awarding of jail credit (credit for time served) and provides that credit against a sentence may only be awarded for time served in connection with that offense, unless the judge has substantial and compelling reasons for doing otherwise.

- 1 Purposes.** States that one of the purposes of the Minnesota criminal code is to prohibit concurrent jail or prison sentences for offenses involving separate victims or behavioral incidents unless the judge finds substantial and compelling reasons for doing so.
- 2 Credit limited.** Limits the authority of the sentencing judge to award credit against one sentence for time spent in confinement in connection with another crime. Requires the sentencing judge to ensure that the offender's record reflects accurately the amount of time spent in custody in connection with the offense for which a sentence is being imposed. Authorizes the judge to award credit against that sentence for time served only when the time was spent in custody in connection with the offense or behavioral incident for which the sentence is imposed. Prohibits the judge from awarding credit against a sentence for time served in connection with another behavioral incident or for any incident involving a separate victim unless the court provides written reasons or makes written findings specifying the substantial and compelling reasons why the credit or concurrent sentence is more appropriate or reasonable than a consecutive sentence.
- 3 Concurrent, consecutive sentences; specification requirement.** Reverses the current presumption in statute concerning whether multiple sentences are to run consecutively or concurrently in the absence of specification by the sentencing judge. Under current law, concurrent sentences are presumed; this section would, instead, presume that the sentences are consecutive. Also makes clear that this presumption governs sentences that are executed at the

time of sentencing and sentences that are executed following revocation of a stay.

- 4 Sentencing guidelines modification.** Modifies a sentencing guideline concerning jail credit. The current sentencing guideline provides that the awarding of jail credit must not be affected by matters subject to manipulation by prosecutors. This section provides that jail credit awards also must not be affected by matters subject to manipulation by defense attorneys or judges.
- 5 Effective date.** August 1, 1999, for crimes committed on or after that date.