

Subject Authorizing mitigated sentencing departures for offenders who have been victims of certain crimes

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Overview

Minnesota's Sentencing Guidelines establish presumptive sentences for felony offenses based on a ranking of the severity of an offense and a person's criminal history. The guidelines recommend whether a person should be sent to prison or placed on probation and also recommend the length of a prison sentence. Courts can depart from the presumptive sentence, but must provide a reason to justify the departure. A mitigated departure is a departure that imposes a sentence that is lower than the recommended sentence. A mitigated dispositional departure is a sentence that places a person on probation when the guidelines call for a prison sentence. A mitigated durational departure is a sentence that imposes a shorter period of imprisonment than the sentence recommended by the guidelines.

This bill establishes that a court can depart from the presumptive sentence if it determines that an offender has been the victim of domestic abuse, sexual assault, or sex trafficking; that experience was a contributing factor in the offense the person committed, and departure is in the public interest. The bill also authorizes a person convicted of an offense to apply for clemency and receive a pardon based on those factors.

Summary

Section	Description
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1	Crimes committed by domestic abuse and sexual assault victims; departure authorized.
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Requires a court to determine if a person was the victim of domestic abuse, sexual assault, or sex trafficking before sentencing the person. Authorizes a mitigated departure from the presumptive sentence if the person has been the victim of any of those offenses, that experience was a contributing factor in the offense the person committed, and departure is in the public interest. Authorizes the court to maintain the confidentiality of certain records by filing them under seal. Allows the court to

Section	Description
	grant either a mitigated dispositional departure or mitigated durational departure. Authorizes the court to require that the person participate in certain supportive services related to the experience of being a victim of domestic abuse, sexual assault, or sex trafficking.
2	Presentence investigation. Requires the presentence investigation report (PSI) to include information about whether a person convicted of a felony has ever been the victim of domestic abuse, sexual assault, or sex trafficking.
3	Nature of remedy; standard. Amends the factors a court can consider when reviewing a motion for a prosecutor-initiated sentence adjustment to include whether the person has been a victim of domestic abuse, sexual assault, or sex trafficking.
4	Pardon eligibility; waiver. Authorizes a person to apply for a pardon upon the sentence's expiration or discharge date if the person has been a victim of domestic abuse, sexual assault, or sex trafficking.
5	Grounds for recommending clemency. Amends the factors the Clemency Review Commission can consider to include whether an application has been a victim of domestic abuse, sexual assault, or sex trafficking.
6	Time-barred from reapplying; exception. Amends the exceptions allowing a person to reapply for clemency without waiting for five years to include any information related to a factor that was added to the statutory list of items the Clemency Review Commission can consider after the person's previous application.
7	Sentencing Guidelines directed to amend the list of mitigating factors. Directs the Minnesota Sentencing Guidelines Commission to amend the list of nonexclusive factors that can justify a mitigated departure from the Sentencing Guidelines to include situations where the offender has been a victim of domestic abuse, sexual assault, or sex trafficking.



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