

# Minnesota Sentencing Guidelines Commission

---

PRESENTATION TO PRISON POPULATION TASKFORCE  
SEN. RON LATZ & REP. TONY CORNISH, CO-CHAIRS

OCTOBER 21, 2015  
NATE REITZ, MSGC EXECUTIVE DIRECTOR

---

## Discussion Topics

1. How the MSGC Affects Prison Population
2. Mandatory Minimums and Guidelines Departures
3. Probation Violation Overview
4. Racial Disparity in Minnesota's Prison Population
5. Drug Prisoner Profiles

# 1. How the MSGC Affects Prison Population

## MSGC Designed for Expertise, Independence



# MSGC's Three Policy Roles



MSGC can change the Guidelines on its own initiative (“proactive” policy role)

- These must usually be reviewed by legislature before taking effect

More common: MSGC changes the Guidelines in response to a law change or new law (“reactive” policy role)

Legislature also invites MSGC advice on criminal law and procedure

(SOURCE: MINN. STAT. § 244.09)

# MSGC and Prison Capacity

MSGC must consider several factors when establishing and modifying Sentencing Guidelines. The primary factor is Public Safety

Commission must also consider, among other factors—

*“correctional resources, including but not limited to the capacities of local and state correctional facilities ...”*

(SOURCE: MINN. STAT. § 244.09, SUBD. 5)

When originally establishing Guidelines, MSGC carefully ensured that Guidelines would produce prison populations well within capacity.

Through Guidelines, Minnesota has largely avoided prison overcrowding and court-intervention problems seen in other states.

(SOURCE: R. FRASE, 32 CRIME & JUSTICE 131 AT 146, 205 (2005))

# Ranking an Offense When the Law Changes

When ranking severity of new or modified felony, MSGC considers:

Legislative intent, as shown by—

- Statutory maximum
- Any mandatory minimum
- History of crime’s legal framework

Past rankings for similar crimes

Does max. penalty fit in the grid?

Projected correctional impact

	128-180	141-198	15
(unintentional murder)			
Assault, 1st Degree	86	98	9.
Controlled Substance Crime, 1st Degree	74-103	84-117	
Aggravated Robbery, 1st Degree	48	58	5
Controlled Substance Crime, 2nd Degree	41-57	50-69	
Felony DWI; Financial Exploitation of a Vulnerable Adult	36	42	
Controlled Substance Crime, 3rd Degree	21	27	
Residential Burglary	18	23	
Simple Robbery	12 <sup>1</sup>	15	
Nonresidential Burglary			

## Selected Legislative & MSGC Prison Impacts

Year	Legislative Policy Change	MSGC Response	Est. Prison Impact
1992, 97-98	<u>Drugs</u> : Dropped weight thresholds for 1 <sup>st</sup> , 2 <sup>nd</sup> , & 3 <sup>rd</sup> Degree offenses for cocaine, heroin, & meth	No change; left 1 <sup>st</sup> , 2 <sup>nd</sup> , & 3 <sup>rd</sup> Degree ranked at level 9, 8, & 6	575 beds
1998	<u>Firearms</u> : Increased minimum for possession by crime of violence/drug felon from 1½ to 5 years	Increased offense severity from level 4 to level 6	403 beds
2000	<u>Predatory offender registration violation</u> : Felony & mand. prison 1+ yr.; 2 yrs. for subsequent	Presumptive commit on 2006 sex offender grid	234 beds
2000, 2002	<u>Criminal sexual conduct</u> : Mandatory min. of 12 yrs. for 1 <sup>st</sup> Degree, 7½ yrs. for some 2 <sup>nd</sup> Degree	Created new sex offender grid in 2006	200 beds (leg.), 396 beds (grid)
2001	<u>DWI</u> : New felony, with 3-yr. minimum, stayable	New severity level 7 created	683 beds, actual
2006, 2007	<u>Enhanced-misdemeanor felonies of assault, stalking, &amp; protective-order violation</u> : Created DANCO violation, made enhancements uniform	No change; left enhanced-misdemeanor felonies ranked at severity level 4	411 beds
2015	<u>Ammunition</u> : Treated like firearm for 5-yr. min.	Ranked with firearms at level 6	66 beds, proj.
Total estimated prison impact:			2,968 beds

"1+ yr." means a year and a day. Drug weight data based on 2011 complaints. "Actual" beds based on DOC data. "Projected" beds based on MSGC assumptions about Minn. behavior based on Mass. data. All other bed estimates based on 2/3 of executed sentences pronounced in 2014.

## 2. Mandatory Minimums and Guidelines Departures

### What is a Guidelines Departure?

Guidelines presume appropriate prison/probation disposition & prison duration, in months, for each offense severity & criminal history score

Within each cell of the grid, the judge may sentence 20 percent longer or 15 percent shorter

- A sentence outside that range is a **durational departure**
- Any sentence to probation when the Guidelines call for prison, or vice-versa, is a **dispositional departure**

Departures can be either aggravated or mitigated

		128-180	141-198	15
(unintentional murder)	--			15
Assault, 1st Degree Controlled Substance Crime, 1 <sup>st</sup> Degree	9	86 74-103	98 84-117	9
Aggravated Robbery, 1st Degree Controlled Substance Crime, 2 <sup>nd</sup> Degree	8	48 41-57	58 50-69	5
Felony DWI; Financial Exploitation of a Vulnerable Adult	7	36	42	
Controlled Substance Crime, 3 <sup>rd</sup> Degree	6	21	27	
Residential Burglary Simple Robbery	5	18	23	
Nonresidential Burglary	4	12 <sup>1</sup>	15	

Probation ← | → Prison

# Why Permit Departures?

The presumptive sentence is intended to cover the typical case

Departures cover the atypical case

The sentencing judge must find **substantial and compelling circumstances** to support a departure

- For aggravated departures: those circumstances must be found by a jury
- As a result, aggravated departures are rare

Sentencing departures may be appealed by either side

Race, sex, employment & social factors may not be reasons to depart

# Mandatory Minimums/ Guidelines Interaction

Legislature has established many mandatory minimums in law

Typically, these call for executed prison sentence

- Guidelines then presume executed sentence
- Duration is the longer of: Mandatory or grid time

Sometimes, the legislature authorizes departures from mandatory minimum (“soft” mandatory minimum)

- Such departures are also departures from the Guidelines

Some of these mandatory minimums have low compliance rates

- Can a mandatory minimum’s success be measured by judicial compliance?

		128-180	141-198	15
(unintentional murder)	--			15
Assault, 1st Degree				
Controlled Substance Crime, 1st Degree	9	86 74-103	98 84-117	9
Aggravated Robbery, 1st Degree				
Controlled Substance Crime, 2nd Degree	8	48 41-57	58 50-69	5
Felony DWI; Financial Exploitation of a Vulnerable Adult	7	36	42	
Controlled Substance Crime, 3rd Degree	6	21	27	
Residential Burglary				
Simple Robbery	5	18	23	
Nonresidential Burglary	4	12 <sup>1</sup>	15	

# Selected Mandatory Minimums in Practice

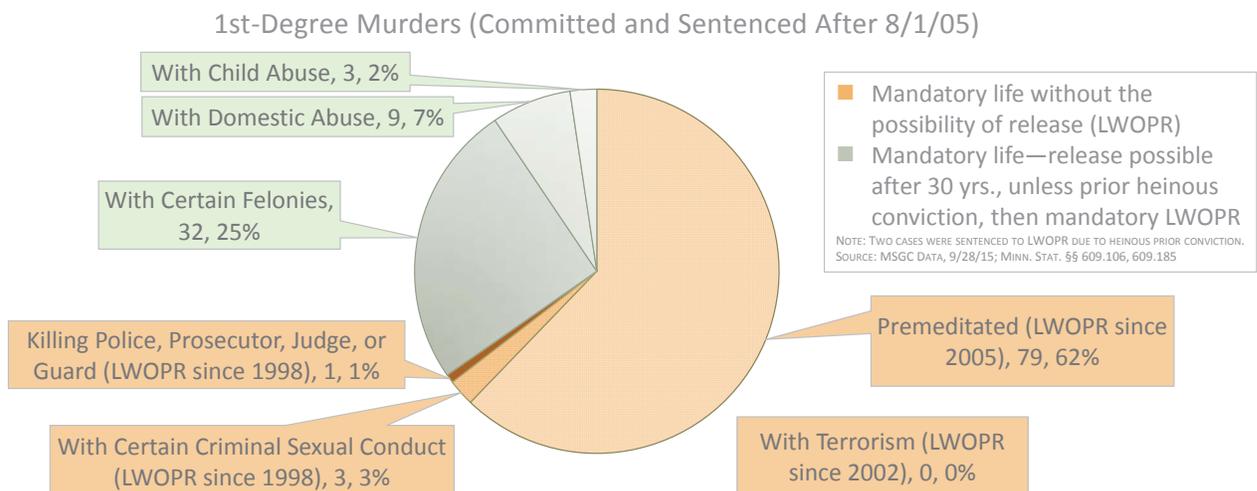
If an offender is sentenced for committing ...	the judge shall execute ...	Hard?	Compliance
1 <sup>st</sup> , 2 <sup>nd</sup> , or 3 <sup>rd</sup> Degree Drug crime within 10 yrs. of discharge for prior felony drug conviction or stay of adjudication	4 yrs. (1 <sup>st</sup> Degree), 3 yrs. (2 <sup>nd</sup> ), or 2 yrs. (3 <sup>rd</sup> )	Hard	79%
Assault 1 using deadly force against a peace officer, etc.	10 yrs.	Hard	100%
Possesses firearm/ammo, prior violence/drug felony aft. 1993	5 yrs.	Soft	42%
Any § 609.11, subd. 9, offense with a firearm	3 yrs.; 5 yrs. for subsequent	Soft	52%
Any § 609.11, subd. 9, offense w/ other dangerous weapon	1+ yr.; 3 yrs. for subsequent	Soft	51%
1 <sup>st</sup> Degree Criminal Sexual Conduct	12 yrs.	Soft*	67%
2 <sup>nd</sup> Degree Crim. Sex (except most age cases)	7½ yrs.	Soft*	53%
1 <sup>st</sup> -4 <sup>th</sup> Degree Crim. Sex, one previous sex offense in 15 yrs.	3 yrs.	Soft	100%
1 <sup>st</sup> -4 <sup>th</sup> Degree Crim. Sex., two previous lifetime sex offenses	Life (indeterminate)	Hard	Unknown
Predatory offender registration (POR) violation	1+ yr.; 2 yrs. for subsequent	Soft	46%

\*The statutory term is "presum[ptive]," rather than mandatory with authority to depart.  
10/21/2015

"1+ yr." means a year and a day  
MSGC PRESENTATION TO PRISON POPULATION TASKFORCE

13

## Another Mandatory Minimum: No Release for Most Murder 1



## 3. Probation Violation Overview

---

## Legal Framework for Probation

---

### STATUTORY GUIDANCE

Court has broad discretion to—

- Place offender on probation
- Make probation supervised
- Establish conditions
- Length of felony probation: Up to the statutory maximum (or 4 years, if that is longer), with potential extensions for treatment/probation

Straightforward grounds for revocation:

- “The defendant has violated any of the conditions of probation ... or has otherwise been guilty of misconduct which warrants the imposing or execution of sentence”

### NON-STATUTORY GUIDANCE

Minn. Supreme Court: Before revoking probation, the court must—

- Designate the specific conditions that were violated
- Find the violation to be intentional or inexcusable
- Find that **the need for confinement outweighs the policies favoring probation**

Sentencing Guidelines:

- Provides general advice on probation conditions and when revocation is justified

# Why So Many Short-Term Prisoners?

No felony sentence is shorter than a year and a day, but—

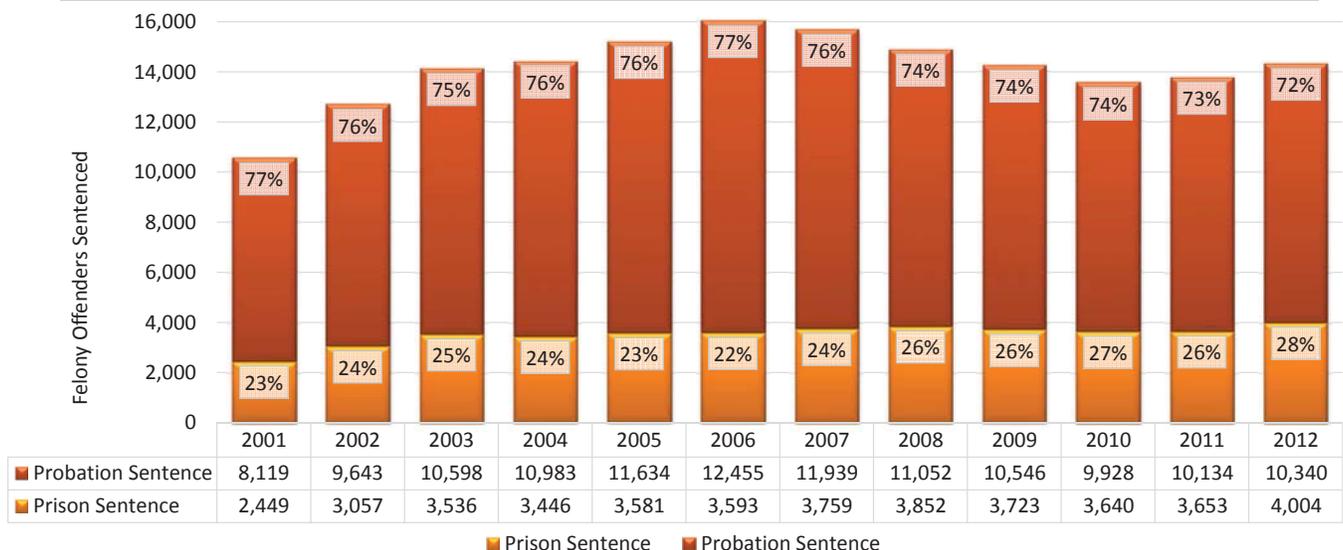
- The term of imprisonment is  $\frac{2}{3}$  of the pronounced sentence
- Per the Guidelines, the presumptively probationary sentences (gray shaded cells) also tend to carry shorter durations

Offenders receive credit for jail time already served

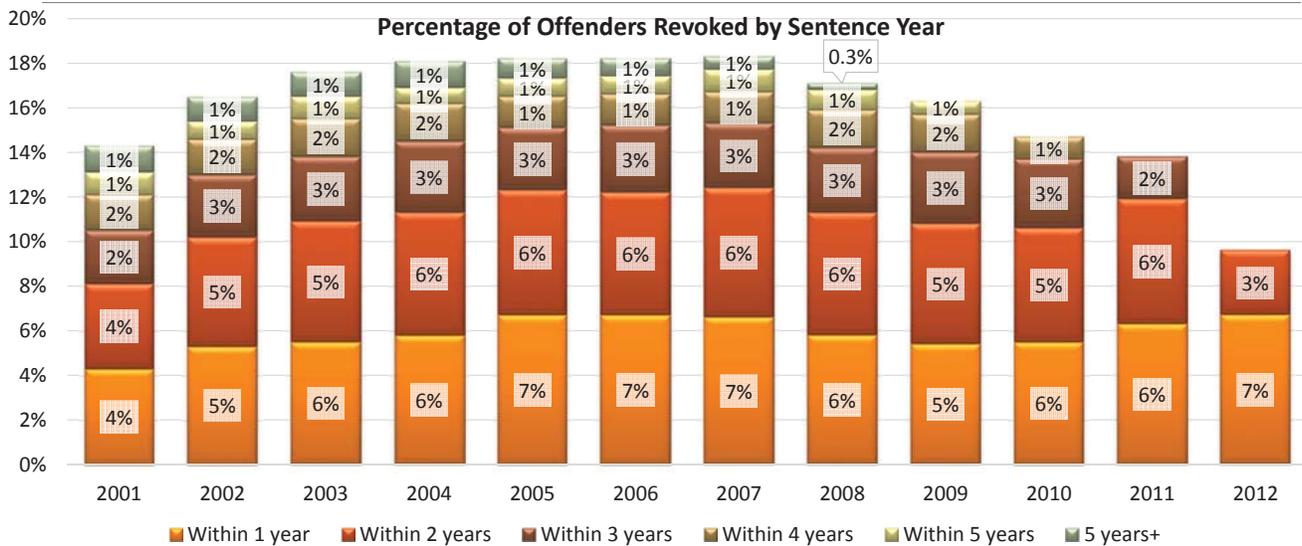
- If revoked after multiple probation violations, they may have much jail credit, leaving a short prison term
- Likewise, supervised release revocations may be for relatively short durations

Also, offenders may demand execution of the balance of the prison sentence if execution would be less onerous than continuing on probation

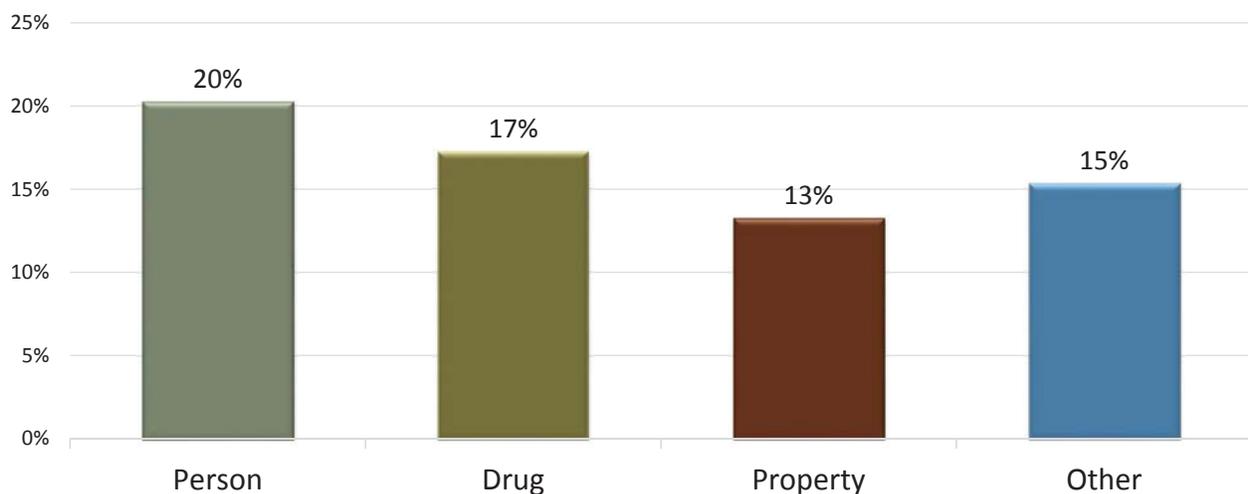
## Most Felony Offenders Are Sentenced to Probation



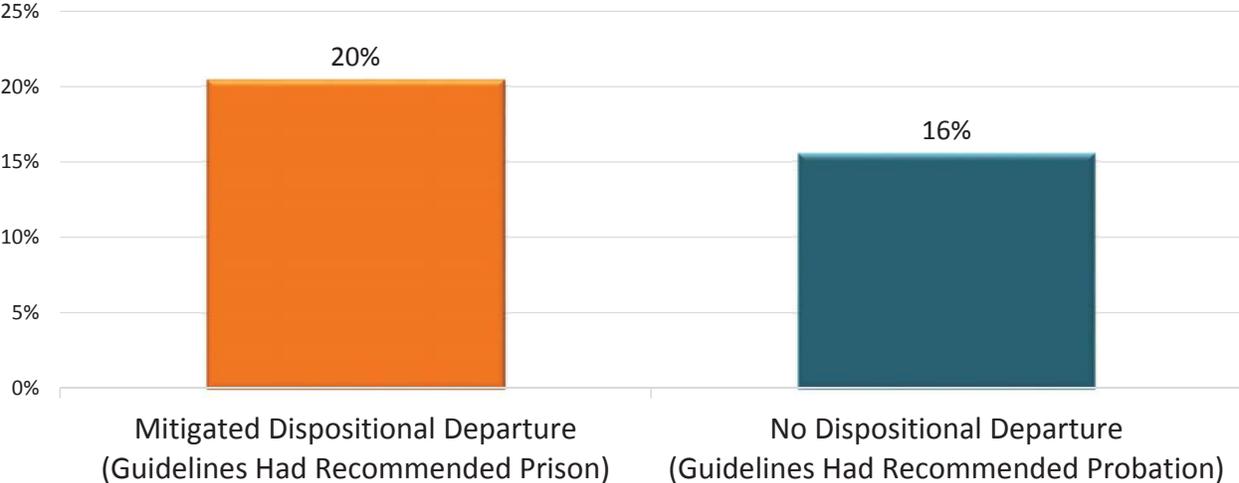
# If Probation Revocations Occur, Most Do So Within First Two Years of Probation



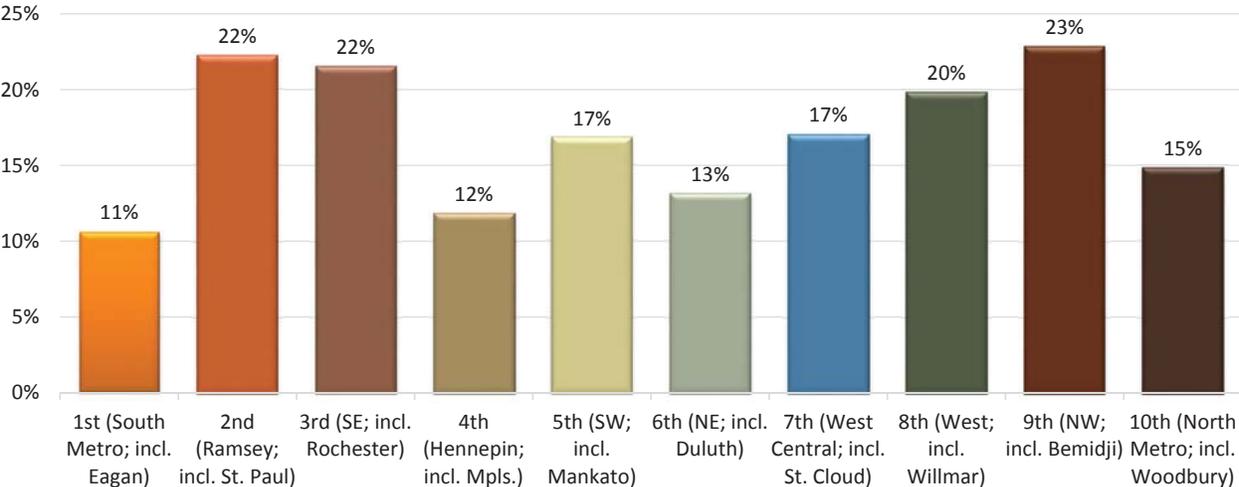
# Probation Revocation Rates Vary by Offense Type



# Probation Revocation Rates Are Higher When Prison Was Originally Presumed



# Probation Revocation Rates Vary by Judicial District



# Three Unanswered Questions

---

## GROUNDS FOR REVOCATION

How many offenders are revoked due to:

- “Technical” violations?
- New criminal misbehavior?
- Demands for execution?

## EVIDENCE-BASED PRACTICES

Does Minnesota uniformly employ probation practices that are scientifically proven to reduce recidivism?

## MSGC ROLE

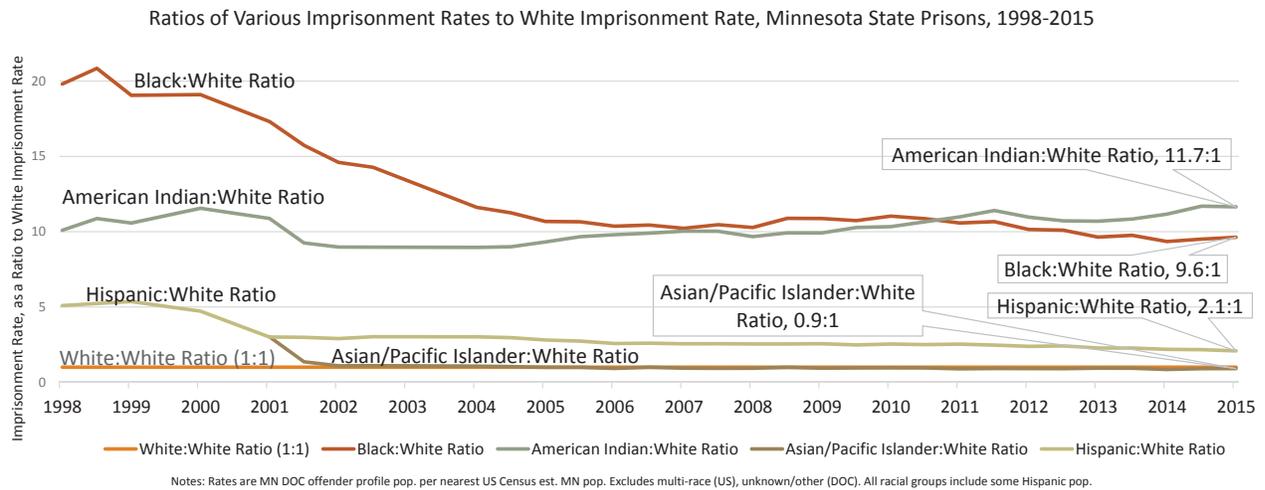
Could the Minnesota Sentencing Guidelines Commission play a role in improving probation practices?

- Legislature: MSGC is empowered to establish probationary Guidelines
  - Minn. Stat. § 244.09, subd. 5
- Commission: Has not yet developed specific probationary Guidelines
  - Minn. Sentencing Guidelines § 3.A.2

## 4. Racial Disparity in Minnesota's Prison Population

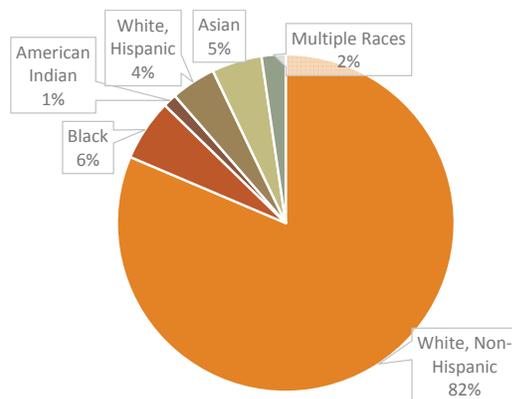
---

# American Indian, Black, and Hispanic Imprisonment Rates Exceed White Rate

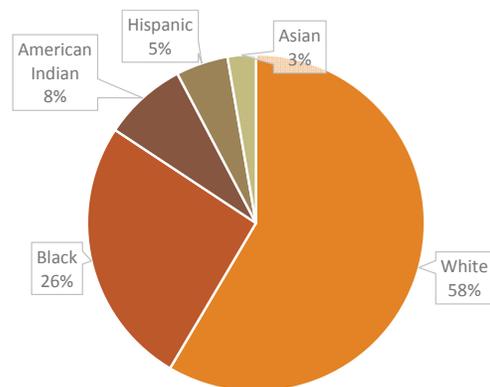


# Racial Composition of State Differs From That of Felony Offender Population

MINNESOTA POPULATION BY RACE, JULY 2014 U.S. CENSUS ESTIMATE

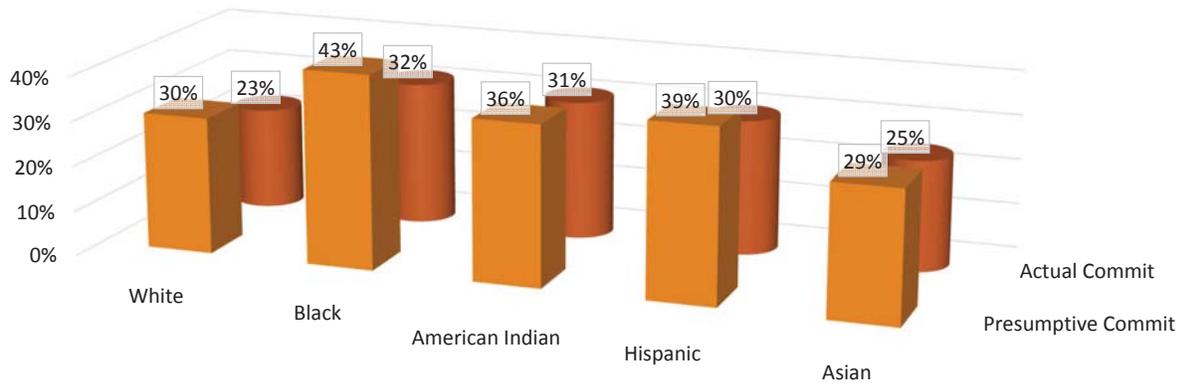


MINNESOTA FELONY OFFENDERS BY RACE, SENTENCED 2014



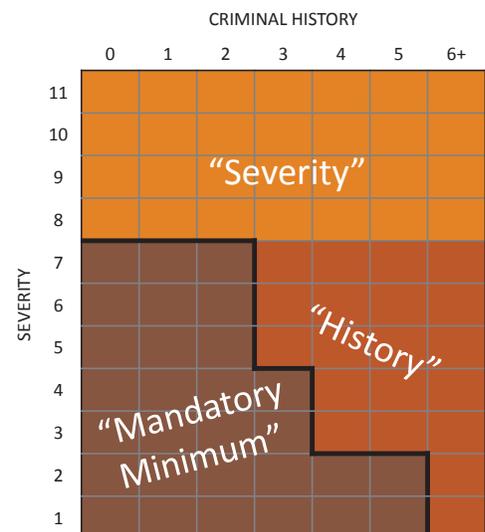
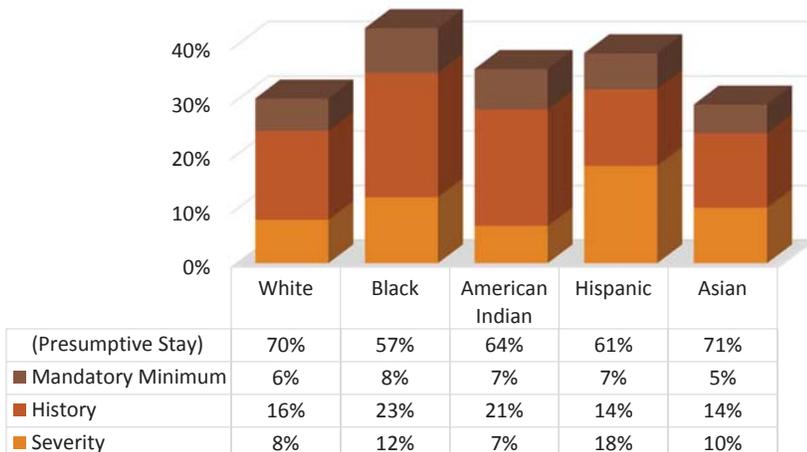
# Presumptive & Actual Prison Dispositions Vary by Race

Rate of Imprisonment for Felonies by Race, Presumptive and Actual, 2014



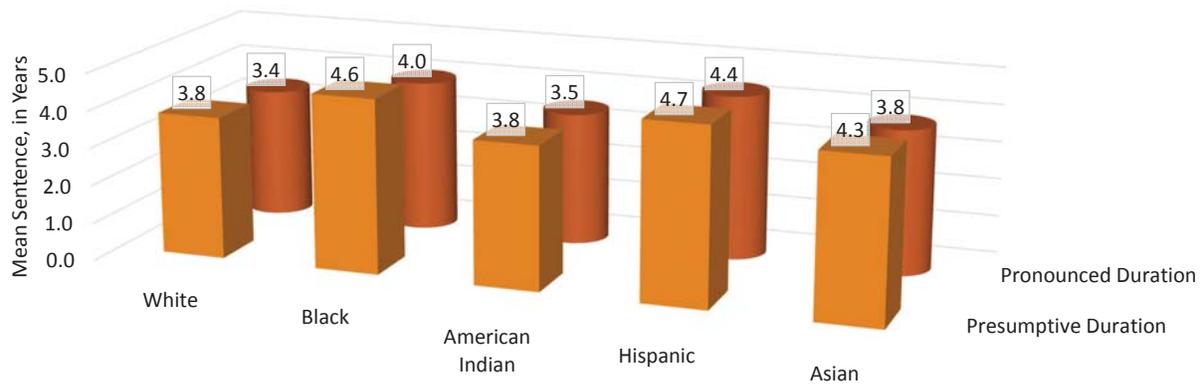
# Reasons for Presumptive Commit Vary

Reasons for Presumptive Commit by Race, 2014



# Presumptive & Actual Prison Durations Also Vary by Race

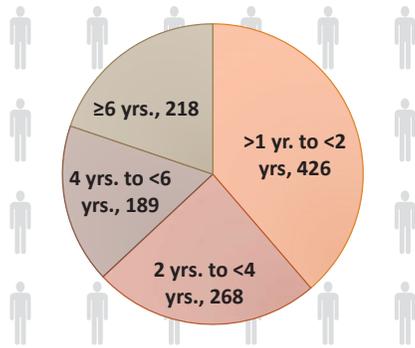
Average Duration of Executed Sentences by Race, 2014



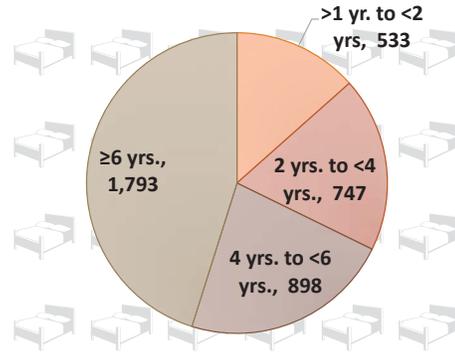
## 5. Drug Prisoner Profiles

# Examining Drug Offenders, Grouped by Executed Sentence Duration

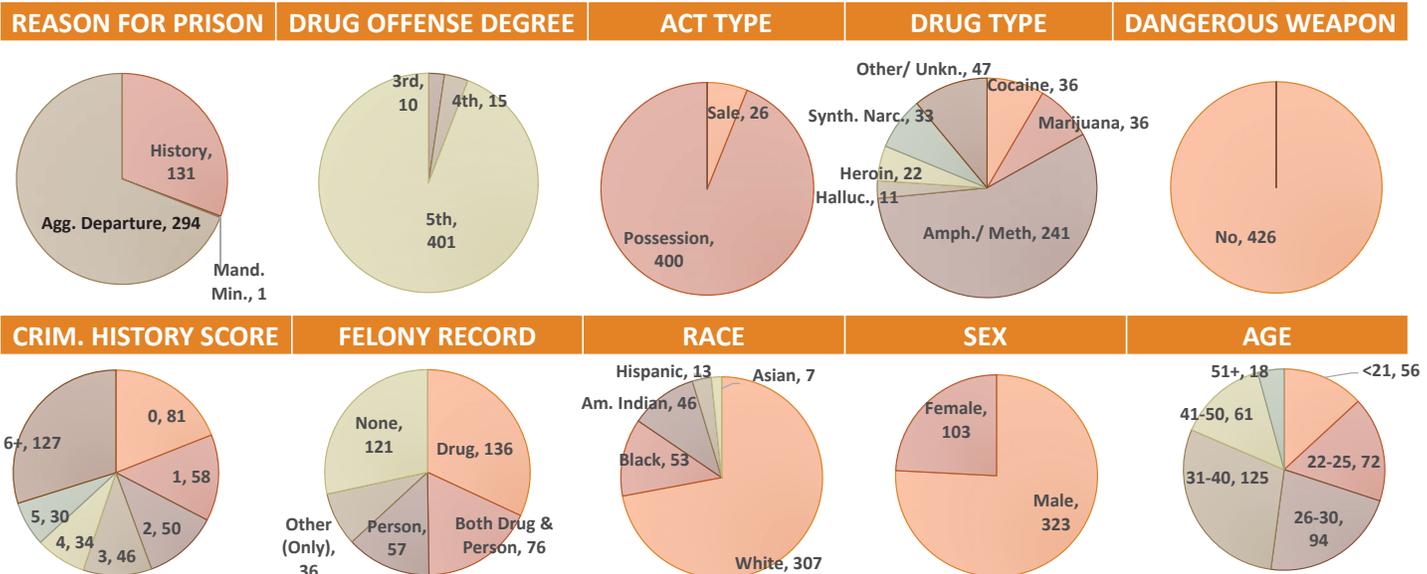
Number of Drug Offenders Sentenced to Executed Prison Sentences in 2014, Grouped by Sentence Duration



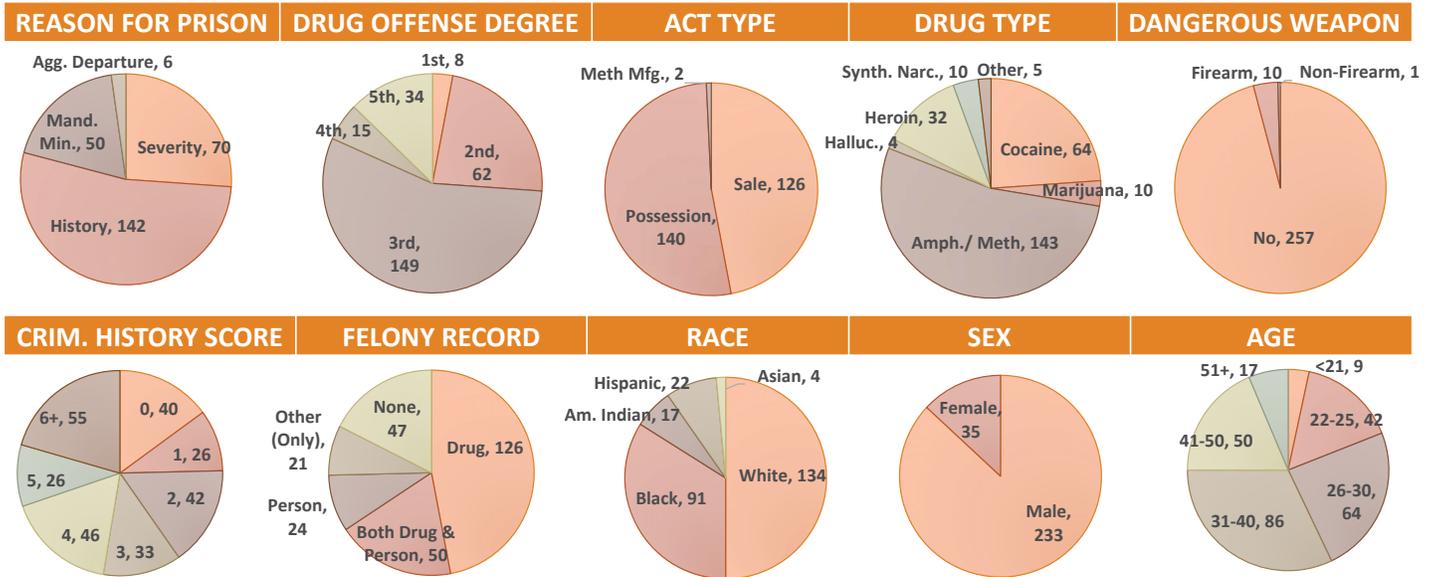
Estimated Prison Beds from Executed Prison Sentences for Drug Offenses in 2014, Grouped by Sentence Duration



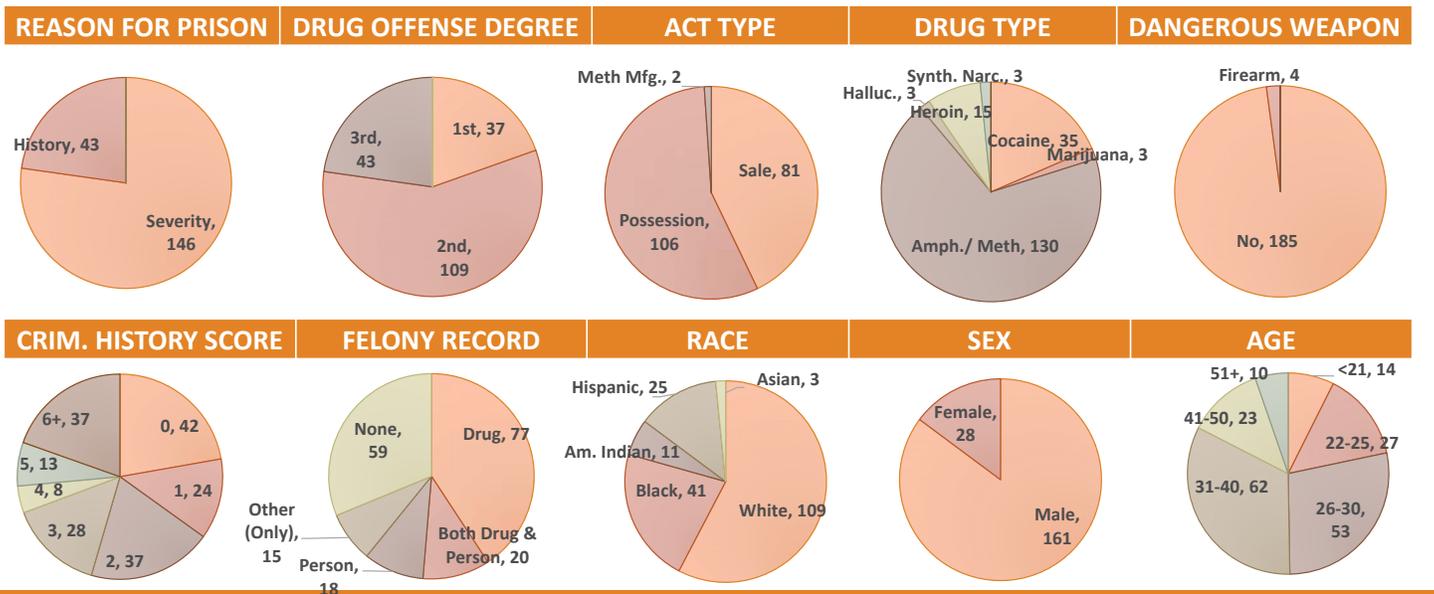
## Characteristics of Cohort Sentenced to Prison for More Than 1, Less Than 2 Yrs.



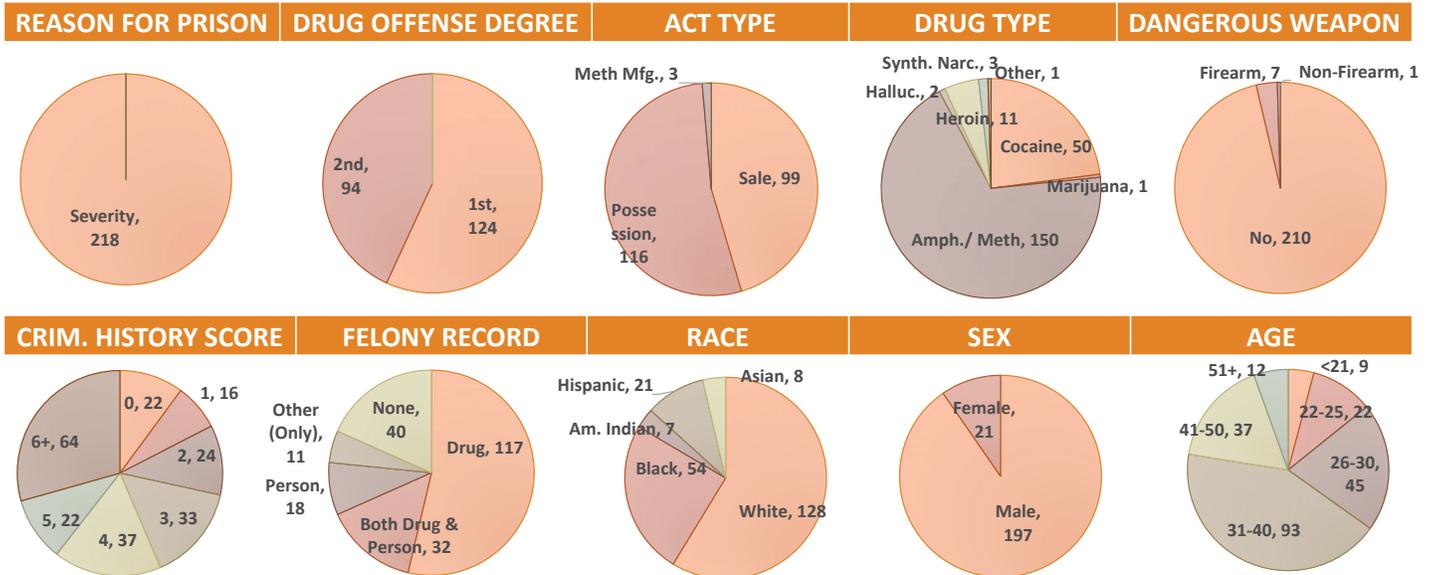
# Characteristics of Cohort Sentenced to Prison for 2 to Less Than 4 Years



# Characteristics of Cohort Sentenced to Prison for 4 to Less Than 6 Years



# Characteristics of Cohort Sentenced to Prison for 6 or More Years



## A Word About Drug Quantities

The degree (and offense severity) of a drug crime is primarily established by—

- The act (sale/possession),
- The drug type, and
- The drug quantity (weight thresholds)

Drug quantities and weight thresholds are beyond the scope of this presentation

MSGC does have data for—

- Quantity-based sentencing practices (2011 data)
- History of weight thresholds in Minnesota
- Comparison of Minn. thresholds to elsewhere



#### 4.A. Sentencing Guidelines Grid

Presumptive sentence lengths are in months. Italicized numbers within the grid denote the discretionary range within which a court may sentence without the sentence being deemed a departure. Offenders with stayed felony sentences may be subject to local confinement.

SEVERITY LEVEL OF CONVICTION OFFENSE (Example offenses listed in italics)		CRIMINAL HISTORY SCORE						
		0	1	2	3	4	5	6 or more
<i>Murder, 2nd Degree</i> (intentional murder; drive-by-shootings)	<b>11</b>	306 <i>261-367</i>	326 <i>278-391</i>	346 <i>295-415</i>	366 <i>312-439</i>	386 <i>329-463</i>	406 <i>346-480<sup>2</sup></i>	426 <i>363-480<sup>2</sup></i>
<i>Murder, 3rd Degree</i> <i>Murder, 2nd Degree</i> (unintentional murder)	<b>10</b>	150 <i>128-180</i>	165 <i>141-198</i>	180 <i>153-216</i>	195 <i>166-234</i>	210 <i>179-252</i>	225 <i>192-270</i>	240 <i>204-288</i>
<i>Assault, 1st Degree</i> <i>Controlled Substance Crime, 1<sup>st</sup> Degree</i>	<b>9</b>	86 <i>74-103</i>	98 <i>84-117</i>	110 <i>94-132</i>	122 <i>104-146</i>	134 <i>114-160</i>	146 <i>125-175</i>	158 <i>135-189</i>
<i>Aggravated Robbery, 1st Degree; Controlled Substance Crime, 2<sup>nd</sup> Degree</i>	<b>8</b>	48 <i>41-57</i>	58 <i>50-69</i>	68 <i>58-81</i>	78 <i>67-93</i>	88 <i>75-105</i>	98 <i>84-117</i>	108 <i>92-129</i>
<i>Felony DWI; Financial Exploitation of a Vulnerable Adult</i>	<b>7</b>	36	42	48	54 <i>46-64</i>	60 <i>51-72</i>	66 <i>57-79</i>	72 <i>62-84<sup>2,3</sup></i>
<i>Controlled Substance Crime, 3<sup>rd</sup> Degree</i>	<b>6</b>	21	27	33	39 <i>34-46</i>	45 <i>39-54</i>	51 <i>44-61</i>	57 <i>49-68</i>
<i>Residential Burglary; Simple Robbery</i>	<b>5</b>	18	23	28	33 <i>29-39</i>	38 <i>33-45</i>	43 <i>37-51</i>	48 <i>41-57</i>
<i>Nonresidential Burglary</i>	<b>4</b>	12 <sup>1</sup>	15	18	21	24 <i>21-28</i>	27 <i>23-32</i>	30 <i>26-36</i>
<i>Theft Crimes (Over \$5,000)</i>	<b>3</b>	12 <sup>1</sup>	13	15	17	19 <i>17-22</i>	21 <i>18-25</i>	23 <i>20-27</i>
<i>Theft Crimes (\$5,000 or less)</i> <i>Check Forgery (\$251-\$2,500)</i>	<b>2</b>	12 <sup>1</sup>	12 <sup>1</sup>	13	15	17	19	21 <i>18-25</i>
<i>Sale of Simulated Controlled Substance</i>	<b>1</b>	12 <sup>1</sup>	12 <sup>1</sup>	12 <sup>1</sup>	13	15	17	19 <i>17-22</i>

<sup>1</sup> 12<sup>1</sup>=One year and one day



Presumptive commitment to state imprisonment. First-degree murder has a mandatory life sentence and is excluded from the Guidelines under Minn. Stat. § 609.185. See section 2.E, for policies regarding those sentences controlled by law.



Presumptive stayed sentence; at the discretion of the court, up to one year of confinement and other non-jail sanctions can be imposed as conditions of probation. However, certain offenses in the shaded area of the Grid always carry a presumptive commitment to state prison. See sections 2.C and 2.E.

<sup>2</sup> Minn. Stat. § 244.09 requires that the Guidelines provide a range for sentences that are presumptive commitment to state imprisonment of 15% lower and 20% higher than the fixed duration displayed, provided that the minimum sentence is not less than one year and one day and the maximum sentence is not more than the statutory maximum. See section 2.C.1-2.

<sup>3</sup> The stat. max. for Financial Exploitation of Vulnerable Adult is 240 months; the standard range of 20% higher than the fixed duration applies at CHS 6 or more. (The range is 62-86.)

## Examples of Executed Sentences (Length in Months) Broken Down by:

### Term of Imprisonment and Supervised Release Term

*Under Minn. Stat. § 244.101, offenders committed to the Commissioner of Corrections for crimes committed on or after August 1, 1993 will receive an executed sentence pronounced by the court consisting of two parts: a specified minimum term of imprisonment equal to two-thirds of the total executed sentence and a supervised release term equal to the remaining one-third. The court is required to pronounce the total executed sentence and explain the amount of time the offender will serve in prison and the amount of time the offender will serve on supervised release, assuming the offender commits no disciplinary offense in prison that results in the imposition of a disciplinary confinement period. The court must also explain that the amount of time the offender actually serves in prison may be extended by the Commissioner if the offender violates disciplinary rules while in prison or violates conditions of supervised release. This extension period could result in the offender's serving the entire executed sentence in prison.*

Executed Sentence	Term of Imprisonment	Supervised Release Term	Executed Sentence	Term of Imprisonment	Supervised Release Term
12 and 1 day	8 and 1 day	4	78	52	26
13	8 2/3	4 1/3	86	57 1/3	28 2/3
15	10	5	88	58 2/3	29 1/3
17	11 1/3	5 2/3	98	65 1/3	32 2/3
18	12	6	108	72	36
19	12 2/3	6 1/3	110	73 1/3	36 2/3
21	14	7	122	81 1/3	40 2/3
23	15 1/3	7 2/3	134	89 1/3	44 2/3
24	16	8	146	97 1/3	48 2/3
27	18	9	150	100	50
28	18 2/3	9 1/3	158	105 1/3	52 2/3
30	20	10	165	110	55
33	22	11	180	120	60
36	24	12	190	126 2/3	63 1/3
38	25 1/3	12 2/3	195	130	65
39	26	13	200	133 1/3	66 2/3
42	28	14	210	140	70
43	28 2/3	14 1/3	220	146 2/3	73 1/3
45	30	15	225	150	75
48	32	16	230	153 1/3	76 2/3
51	34	17	240	160	80
54	36	18	306	204	102
57	38	19	326	217 1/3	108 2/3
58	38 2/3	19 1/3	346	230 2/3	115 1/3
60	40	20	366	244	122
66	44	22	386	257 1/3	128 2/3
68	45 1/3	22 2/3	406	270 2/3	135 1/3
72	48	24	426	284	142

#### 4.B. Sex Offender Grid

Presumptive sentence lengths are in months. Italicized numbers within the grid denote the discretionary range within which a court may sentence without the sentence being deemed a departure. Offenders with stayed felony sentences may be subject to local confinement.

#### CRIMINAL HISTORY SCORE

SEVERITY LEVEL OF CONVICTION OFFENSE		0	1	2	3	4	5	6 or More
<i>CSC 1<sup>st</sup> Degree</i>	<b>A</b>	144 <i>144-172</i>	156 <i>144-187</i>	168 <i>144-201</i>	180 <i>153-216</i>	234 <i>199-280</i>	306 <i>261-360</i>	360 <i>306-360</i> <sup>2</sup>
<i>CSC 2<sup>nd</sup> Degree—(c)(d)(e)(f)(h) Prostitution; Sex Trafficking<sup>3</sup> 1<sup>st</sup> Degree—1(a)</i>	<b>B</b>	90 <i>90<sup>3</sup>-108</i>	110 <i>94-132</i>	130 <i>111-156</i>	150 <i>128-180</i>	195 <i>166-234</i>	255 <i>217-300</i>	300 <i>255-300</i> <sup>2</sup>
<i>CSC 3<sup>rd</sup> Degree—(c)(d)(g)(h)(i)(j)(k)(l)(m)(n)(o) Prostitution; Sex Trafficking 2<sup>nd</sup> Degree—1a</i>	<b>C</b>	48 <i>41-57</i>	62 <i>53-74</i>	76 <i>65-91</i>	90 <i>77-108</i>	117 <i>100-140</i>	153 <i>131-180</i>	180 <i>153-180</i> <sup>2</sup>
<i>CSC 2<sup>nd</sup> Degree—(a)(b)(g) CSC 3<sup>rd</sup> Degree—(a)(e)(f) or(b)with ref. to subd. 2(1) Dissemination of Child Pornography (Subsequent or by Predatory Offender)</i>	<b>D</b>	36	48	60 <i>51-72</i>	70 <i>60-84</i>	91 <i>78-109</i>	119 <i>102-142</i>	140 <i>119-168</i>
<i>CSC 4<sup>th</sup> Degree—(c)(d)(g)(h)(i)(j)(k)(l)(m)(n)(o) Use Minors in Sexual Performance Dissemination of Child Pornography<sup>2</sup></i>	<b>E</b>	24	36	48	60 <i>51-72</i>	78 <i>67-93</i>	102 <i>87-120</i>	120 <i>102-120</i> <sup>2</sup>
<i>CSC 4<sup>th</sup> Degree—(a)(b)(e)(f); CSC 5<sup>th</sup> Degree; Possession of Child Pornography (Subsequent or by Predatory Offender)</i>	<b>F</b>	18	27	36	45 <i>39-54</i>	59 <i>51-70</i>	77 <i>66-92</i>	84 <i>72-100</i>
<i>CSC 3<sup>rd</sup> Degree—(b)with subd. 2(2); Indecent Exposure Possession of Child Pornography; Solicit Child for Sexual Conduct<sup>2</sup></i>	<b>G</b>	15	20	25	30	39 <i>34-46</i>	51 <i>44-60</i>	60 <i>51-60</i> <sup>2</sup>
<i>Registration Of Predatory Offenders</i>	<b>H</b>	12 <sup>1</sup> <i>12<sup>1</sup>-14</i>	14 <i>12<sup>1</sup>-16</i>	16 <i>14-19</i>	18 <i>16-21</i>	24 <i>21-28</i>	30 <i>26-36</i>	36 <i>31-43</i>

<sup>1</sup> 12<sup>1</sup>=One year and one day



Presumptive commitment to state imprisonment. Sex offenses under Minn. Stat. § 609.3455, subd. 2, have mandatory life sentences and are excluded from the Guidelines. See section 2.E, for policies regarding those sentences controlled by law, including conditional release terms for sex offenders.



Presumptive stayed sentence; at the discretion of the court, up to one year of confinement and other non-jail sanctions can be imposed as conditions of probation. However, certain offenders in the shaded area of the Grid may qualify for a mandatory life sentence under Minn. Stat. § 609.3455, subd. 4. See sections 2.C and 2.E.

<sup>2</sup> Minn. Stat. § 244.09 requires that the Guidelines provide a range for sentences that are presumptive commitment to state imprisonment of 15% lower and 20% higher than the fixed duration displayed, provided that the minimum sentence is not less than one year and one day and the maximum sentence is not more than the statutory maximum. See section 2.C.1-2.

<sup>3</sup> Prostitution; Sex Trafficking is not subject to a 90-month minimum statutory presumptive sentence so the standard range of 15% lower and 20% higher than the fixed duration applies. (The range is 77-108.)

**Examples of Executed Sentences (Length in Months) Broken Down by:  
Term of Imprisonment and Supervised Release Term**

*Under Minn. Stat. § 244.101, offenders committed to the Commissioner of Corrections for crimes committed on or after August 1, 1993 will receive an executed sentence pronounced by the court consisting of two parts: a specified minimum term of imprisonment equal to two-thirds of the total executed sentence and a supervised release term equal to the remaining one-third. The court is required to pronounce the total executed sentence and explain the amount of time the offender will serve in prison and the amount of time the offender will serve on supervised release, assuming the offender commits no disciplinary offense in prison that results in the imposition of a disciplinary confinement period. The court must also explain that the amount of time the offender actually serves in prison may be extended by the Commissioner if the offender violates disciplinary rules while in prison or violates conditions of supervised release. This extension period could result in the offender's serving the entire executed sentence in prison.*

<b>Executed Sentence</b>	<b>Term of Imprisonment</b>	<b>Supervised Release Term</b>	<b>Executed Sentence</b>	<b>Term of Imprisonment</b>	<b>Supervised Release Term</b>
12 and 1 day	8 and 1 day	4	84	56	28
14	9 1/3	4 2/3	90	60	30
15	10	5	91	60 2/3	30 1/3
16	10 2/3	5 1/3	102	68	34
18	12	6	110	73 1/3	36 2/3
20	13 1/3	6 2/3	117	78	39
24	16	8	119	79 1/3	39 2/3
25	16 2/3	8 1/3	120	80	40
27	18	9	130	86 2/3	43 1/3
30	20	10	140	93 1/3	46 2/3
36	24	12	144	96	48
39	26	13	150	100	50
40	26 2/3	13 1/3	153	102	51
45	30	15	156	104	52
48	32	16	168	112	56
51	34	17	180	120	60
59	39 1/3	19 2/3	195	130	65
60	40	20	234	156	78
62	41 1/3	20 2/3	255	170	85
70	46 2/3	23 1/3	300	200	100
76	50 2/3	25 1/3	306	204	102
77	51 1/3	25 2/3	360	240	120
78	52	26			