

**Racial Impact Statement for HF34:  
Public Safety Personnel Protection Act  
Minnesota Sentencing Guidelines Commission  
February 6, 2017**

By providing the following information on race, the staff of the Sentencing Guidelines Commission (MSGC) seeks to enrich the discussion on how racial minorities in Minnesota are affected by changes in sentencing policy. If a significant racial disparity can be predicted before a bill is passed, it may be possible to consider alternatives that enhance public safety without creating additional disparity in Minnesota's criminal justice system. Just as with the fiscal impact notes, the agency does not intend to comment on whether a particular bill should be enacted. Rather, it is setting out facts that may be useful to the Legislature, whose members frequently express concerns about the disparity between the number of minorities in our population and the number in our prisons.

According to the 2010 U.S. Census (the most recent census data available), 86.1 percent of Minnesotans 18 years of age or older were white. The remaining 13.8 percent were: 4.3 percent black; 3.7 percent Hispanic; 3.7 percent Asian; 1 percent American Indian; and roughly 1.2 percent who identify themselves with two or more races or another race. (Figure 1-Bar 1.)

By comparison, 2015 MSGC monitoring data show the following racial make-up of the felony population: 57.7 percent white; 26.3 percent black; 5.0 percent Hispanic; 2.7 percent Asian; and 8.2 percent American Indian. (Figure 1-Bar 2.) Therefore, racial disparities may be said to exist in Minnesota's black, Hispanic, and American Indian felony population.

According to the Minnesota Department of Corrections, the racial composition of prisoners on January 1, 2017, was as follows: 47.3 percent white; 34.4 percent black; 6.3 percent Hispanic; 2.6 percent Asian; and 9.2 percent American Indian. (Figure 1-Bar 4.) Therefore, racial disparities may be said to exist in Minnesota's black, Hispanic, and American Indian prison population.

**Bill Description**

This bill expands the responders covered in the offense of obstructing legal process, arrest or firefighting. It establishes a 24-month mandatory minimum for the existing felony offense and creates a new felony offense, with a 12-month mandatory minimum, for what are now misdemeanor and gross misdemeanor offenses.

**Racial Disparity Impact**

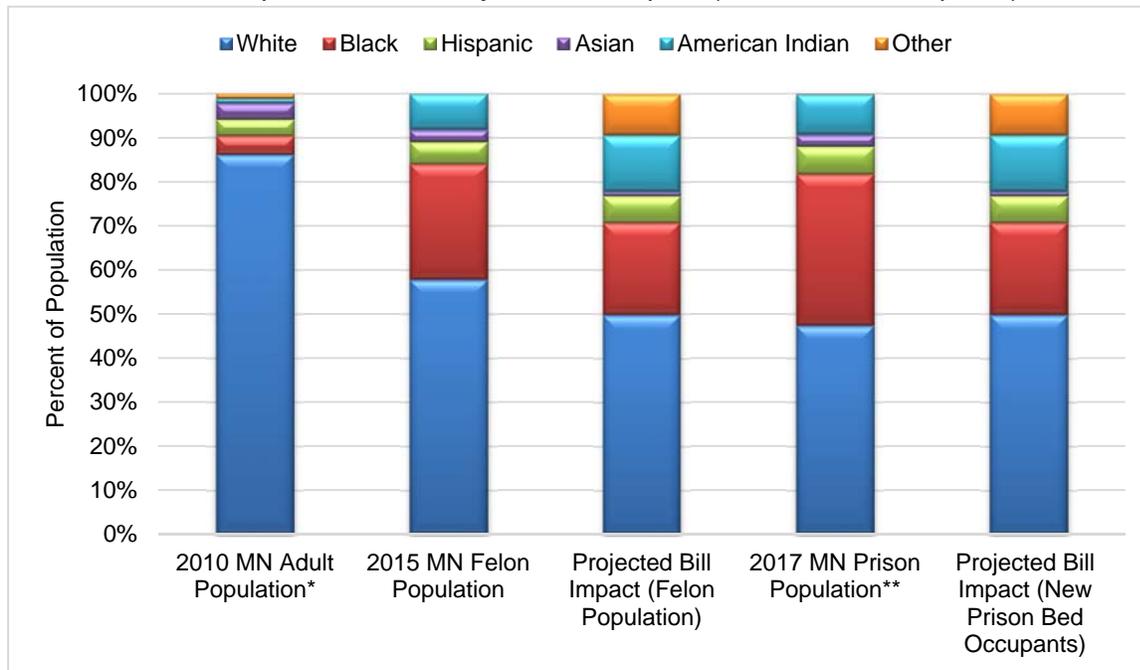
If enacted, the bill will result in an increase in the number of people sentenced for felonies and an increase the number of people receiving either an executed prison sentence or a jail sentence as a condition of probation. To estimate the racial impact, MSGC staff assumed that the racial distribution of people sentenced for the new felony-level obstruction will be similar to the racial distribution of people currently sentenced for the misdemeanor and gross

**Racial Impact Statement for HF34:  
Public Safety Personnel Protection Act  
Minnesota Sentencing Guidelines Commission  
February 6, 2017**

misdemeanor obstruction offenses.<sup>1</sup> Of the expected 1,543 additional people receiving felony sentences annually, if this bill is enacted, 49.7 percent are expected to be white, 21.0 percent are expected to be black, 6.1 percent are expected to be Hispanic, 0.9 percent are expected to be Asian, and 12.8 percent are expected to be American Indians.<sup>2</sup> (Figure 1-Bar 3.) Due to a lack of data regarding the criminal histories of the additional people receiving felony sentences, it is assumed that the racial distribution of the occupants of the 506 prison beds required as a result of this bill will be the same as the racial distribution of the projected additional felony offenders.

Compared to the racial disparities now existing in Minnesota’s felony population, it appears the bill, if enacted, will increase the existing racial disparity of the American Indian felony population and, to a lesser extent, the Hispanic felony population. Compared to the racial disparities now existing in Minnesota’s prison population, it appears the bill, if enacted, will increase the existing racial disparity of the American Indian prison population.

Figure 1. 2010 MN Census, 2015 Felon Population, Projected Bill Impact (Felon Population), 2017 MN Prison Population, and Projected Bill Impact (Prison Bed Occupants)



\* U.S. Census Bureau; Census 2010, Summary File 1, Table 11; generated by Sarah Welter, Kathleen Madland, and Jill Payne (November 2013).

\*\* Communication to MSGC staff, Jan. 30, 2017. *Adult Inmate Population as of 1/1/2017*. Minn. Department of Corrections.

<sup>1</sup> Source: State Court Administration, Research and Evaluation, 2012 to 2015 self-reported race and ethnicity data.

<sup>2</sup> “Other” as displayed (Figure 1-Bar 3), is a combination of 0.7% who self-reported as “multiracial” and 8.7% “unknown” or “unavailable” for a total of 9.4%.