



1 regarding state and local sentencing and proposed release policies  
2 and practices for felonies and the use of prisons and jails.

3 (b) Collect and analyze information concerning how misdemeanor  
4 sentences and the detention of defendants pending trial affect  
5 local jails.

6 (c) Conduct ongoing research regarding the effectiveness of  
7 the sentencing guidelines in achieving the purposes set forth in  
8 subdivision (f).

9 (d) In cooperation with the department of corrections,  
10 collect, analyze, and compile data and make projections regarding  
11 the populations and capacities of state and local correctional  
12 facilities, the impact of the sentencing guidelines and other laws,  
13 rules, and policies on those populations and capacities, and the  
14 effectiveness of efforts to reduce recidivism. Measurement of  
15 recidivism ~~shall~~**must** include, as applicable, analysis of all of  
16 the following:

17 (i) Rearrest rates, resentence rates, and return to prison  
18 rates.

19 (ii) One-, 2-, and 3-year intervals after exiting prison or  
20 jail and after entering probation.

21 (iii) The statewide level, and by locality and discrete program,  
22 to the extent practicable.

23 (e) In cooperation with the state court administrator,  
24 collect, analyze, and compile data regarding the effect of  
25 sentencing guidelines on the caseload, docket flow, and case  
26 backlog of the trial and appellate courts of this state.

27 (f) Develop modifications to the sentencing guidelines for  
28 recommendation to the legislature. Any modifications to the  
29 sentencing guidelines ~~shall~~**must** accomplish all of the following:

1 (i) Provide for the protection of the public.

2 (ii) Consider offenses involving violence against a person or  
3 serious and substantial pecuniary loss as more severe than other  
4 offenses.

5 (iii) Be proportionate to the seriousness of the offense and the  
6 offender's prior criminal record.

7 (iv) Reduce sentencing disparities based on factors other than  
8 offense characteristics and offender characteristics and ensure  
9 that offenders with similar offense and offender characteristics  
10 receive substantially similar sentences.

11 (v) Specify the circumstances under which a term of  
12 imprisonment is proper and the circumstances under which  
13 intermediate sanctions are proper.

14 (vi) Establish sentence ranges for imprisonment that are within  
15 the minimum and maximum sentences allowed by law for the offenses  
16 to which the ranges apply.

17 (vii) Maintain separate sentence ranges for convictions under  
18 the habitual offender provisions in sections 10, 11, 12, and 13 of  
19 this chapter, which may include as an aggravating factor, among  
20 other relevant considerations, that the accused has engaged in a  
21 pattern of proven or admitted criminal behavior.

22 (viii) Establish sentence ranges that the commission considers  
23 appropriate.

24 (ix) Recognize the availability of beds in the local  
25 corrections system and that the local corrections system is an  
26 equal partner in corrections policy, and preserve its funding  
27 mechanisms.

28 (g) Consider the suitability and impact of offense variable

1 scoring with regard to physical and psychological injury to victims  
2 and victims' families.

3 (2) In developing proposed modifications to the sentencing  
4 guidelines, the commission shall submit to the legislature a prison  
5 and jail impact report relating to any modifications to the  
6 sentencing guidelines. The report ~~shall~~**must** include the projected  
7 impact on total capacity of state and local correctional  
8 facilities.

9 (3) Proposed modifications to sentencing guidelines ~~shall~~**must**  
10 include recommended intermediate sanctions for each case in which  
11 the upper limit of the recommended minimum sentence range is 18  
12 months or less.

13 (4) The commission may recommend modifications for submission  
14 to the legislature to any law, administrative rule, or policy that  
15 affects sentencing or the use and length of incarceration. The  
16 recommendations ~~shall~~**must** reflect all of the following policies:

17 (a) To render sentences in all cases within a range of  
18 severity proportionate to the gravity of offenses, the harms done  
19 to crime victims, and the blameworthiness of offenders.

20 (b) When reasonably feasible, to achieve offender  
21 rehabilitation, general deterrence, incapacitation of dangerous  
22 offenders, restoration of crime victims and communities, and  
23 reintegration of offenders into the law-abiding community.

24 (c) To render sentences no more severe than necessary to  
25 achieve the applicable purposes in subdivisions (a) and (b).

26 (d) To preserve judicial discretion to individualize sentences  
27 within a framework of law.

28 (e) To produce sentences that are uniform in their reasoned  
29 pursuit of the objectives described in subsection (1).

1 (f) To eliminate inequities in sentencing and length of  
2 incarceration across population groups.

3 (g) To encourage the use of intermediate sanctions.

4 (h) To ensure that adequate resources are available for  
5 carrying out sentences imposed and that rational priorities are  
6 established for the use of those resources.

7 (i) To promote research on sentencing policy and practices,  
8 including assessments of the effectiveness of criminal sanctions as  
9 measured against their purposes.

10 (j) To increase the transparency of the sentencing and  
11 corrections system, its accountability to the public, and the  
12 legitimacy of its operations.

13 (5) The commission shall submit any recommended modifications  
14 to the sentencing guidelines or to other laws, administrative  
15 rules, or policies to the senate majority leader, the speaker of  
16 the house of representatives, and the governor.

17 (6) This section ~~and section 32a of this chapter are~~ **is**  
18 repealed September 30, ~~2019.~~ **2023.**

19 Enacting section 1. This amendatory act does not take effect  
20 unless Senate Bill No. 470 of the 100th Legislature is enacted into  
21 law.