

STATE OF MINNESOTA

IN SUPREME COURT

C1-84-2137

CX-01-926

**PROMULGATION OF AMENDMENTS
TO THE RULES OF CRIMINAL PROCEDURE
AND JUVENILE DELINQUENCY PROCEDURE**

WHEREAS, on February 16, 2005, the Sentencing Forms Subcommittee of the Supreme Court Technology Planning Committee filed a report with the Court, setting forth its recommendations for the required elements of a sentencing order, and requested amendments to the Rules of Criminal Procedure and Juvenile Delinquency Procedure in conformance with those recommendations; and

WHEREAS, by order filed March 15, 2005, this Court established an April 22, 2005 deadline for submitting written comments on the proposals; and

WHEREAS, the Supreme Court reviewed the proposals and submitted comments, and is fully advised in the premises,

NOW, THEREFORE, IT IS HEREBY ORDERED:

The attached amendments to the Minnesota Rules of Criminal Procedure and Minnesota Rules of Juvenile Delinquency Procedure are prescribed and promulgated for the regulation of practice and procedure in criminal and extended jurisdiction juvenile matters in the courts of the State of Minnesota to be effective August 1, 2005.

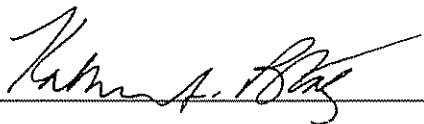
Dated: June 9, 2005

BY THE COURT:

OFFICE OF
APPELLATE COURTS

JUN 13 2005

FILED

A handwritten signature in black ink, appearing to read 'Kathleen A. Blatz', is written over a horizontal line.

Kathleen A. Blatz
Chief Justice

1. Amend Minn. R. Crim. P. 27.03, subd. 6, as follows:

Subd. 6. Record. (A) A verbatim record of the sentencing proceedings shall be made. The defendant, prosecution, or any person may, at their expense, order a transcript of the verbatim record made in accordance with this rule.

(B) Information from the sentencing proceeding for counts for which the offense level prior to sentencing was a felony or gross misdemeanor shall also be recorded in a sentencing ~~form or order~~ that, at a minimum, contains:

- (1) the defendant's name;
- (2) case number;
- (3) for each count:
 - a. if the defendant pled guilty to or was found guilty of the offense:
 - i. the offense date;
 - ii. a citation to the offense statute ~~and level of offense~~;
 - iii. the information specified in subdivision 4 (precise terms of sentence including the amount of any fine, time spent in custody, whether the sentence is a departure and if so, the reasons therefor, and terms and conditions of probation);
 - iv. the level of sentence; and
 - v. restitution, if appropriate, and whether it shall be joint and several with other persons; or
 - b. if the defendant did not plead guilty to or was not found guilty of the offense, that the defendant was acquitted or the count was dismissed;
- (4) other financial obligations such as surcharges, law library fees, court costs, and treatment evaluation costs; and
- (5) the signatures of the sentencing judge ~~and defendant~~.

The sentencing ~~form or~~ order shall be provided in place of the transcript required in Minnesota Statutes sections 243.49 and 631.41.

2. Amend Minn. R. Juv. Del. P. 19.10, subd. 5, as follows:

Subd. 5. Record of Proceedings. (A) Upon a plea of guilty after a child has been determined to be an Extended Jurisdiction Juvenile, a verbatim record shall be made of the plea and sentencing proceedings.

(B) A record of the adult stayed sentence shall also be recorded in a sentencing ~~form~~ or order that, at a minimum, contains:

- (1) the child's name;
- (2) case number;
- (3) for each count:
 - (a) if the child pled guilty to or was found guilty of the offense:
 - (i) the offense date~~:-~~;
 - (ii) a citation to the offense statute~~-and level of offense:-~~;
 - (iii) the precise terms of the adult criminal sentence, and that execution has been stayed;
 - (iv) the level of sentence; and
 - (v) the amount of time spent in custody, if any; or
 - (b) if the child did not plead guilty to or was not found guilty of the offense, that the child was acquitted or the count was dismissed; and
- (4) the signatures of the sentencing judge~~-and child~~.

Where venue is transferred as provided in subdivision 4, a copy of the sentencing ~~form or~~ order shall be filed with the transferring court.