

Agenda: Task Force on Mandatory Minimum Sentences

Date: April 10, 2026, 9:30-12pm

Location: Afton Room, DOC, 1450 Energy Park Drive, St. Paul, MN 55108 and via Webex

Members attending in person (#): 3

Members attending online (#): 8

Members absent (#): 2

Also present: Dr. Julia Laskorunsky (Robina Institute), Julie Atella, Jennifer McCleary, and Sophak Mom (Wilder Research)

1. Roll call (Don Klick)

- A quorum was established with the following members present: Kelly Mitchell, Nate Reitz, John Donovan, Shane Baker, Mark Haase, Dale Harris, Amber Johnson, Ken Sass, Nick Sasser, Rob Stewart, and Ashley Sturz-Griffith.

2. Approval of March 2026 minutes and today's agenda (All members)

- The Meeting Minutes from 3/13/2026 were approved as drafted, and the agenda was accepted without objections.

3. Share information - Stakeholder engagement findings from the Sentencing Guideline Commission (Dr. Julia Laskorunsky, Robina)

- Dr. Julia Laskorunsky from the Robina Institute presented findings from qualitative research conducted during the Sentencing Guidelines Commission's comprehensive review. The research involved 20 semi-structured interviews with defense attorneys, prosecutors, and dispositional advisers. The goal was to examine offenses with very high downward departure rates for MSGC. The focus of the presentation was to help the Task Force understand how mandatory minimums influence real-world charging, plea, and sentencing decisions. The presentation focused on three offenses: 1. Failure to Register, 2. Assault in the Second Degree, and 3. Aggravated Robbery. Below are key findings from her presentation.

- Dr. Laskorunsky explained the **“Key decision points where mandatory minimums can exert pressure”**: 1. Charging → 2. Plea Negotiation → 3. Trial or Straight Plea → 4. Sentencing
- Charge amendments (reducing the charge to avoid the minimum) VS. departures (keeping the charge but sentencing below the minimum) – both are workarounds, but they look very different in the data
- Judges authorize departures, but prosecutors and defense attorneys shape outcomes through plea negotiations influenced by mandatory minimums.
- **“The plea incentive problem”**: It was noted that hard mandatory minimums can undermine the plea process by eliminating incentives to plead, resulting in more trials and increased demands on court resources.
- **“Equity concerns around mandatory minimums”**:
 - **Upstream disparities**: practitioners noted that if there are disparities in who gets stopped, charged, and prosecuted for weapon offenses, mandatory minimums amplify those disparities by removing judicial discretion to account for individual circumstances.
 - **Socioeconomic dimension**: Several practitioners observed that defendants with resources (private attorneys, treatment access, stable housing), can influence the likelihood of securing departures. Mandatory minimums may fall hardest on those with fewer resources.
 - While disparities were not directly studied, practitioners raised equity concerns. Dr. Laskorunsky noted that the Task Force should further examine disparities.
- **“Practitioner confusion”**: There was a surprising amount of confusion regarding mandatory minimums, including prosecutors who were unaware that certain statutes (such as Assault 2) carried a mandatory minimum, and defense attorneys struggling to explain the interplay between these statutes and the grid to their clients. Practitioners reported confusion over “soft” versus “hard” mandatory minimums, sometimes resulting in improper plea agreements or misunderstandings about when departures are allowed.
- Dr. Laskorunsky presented the following information on her slide about **“Other cross-cutting themes”**
 - **“Wide sweep + rigid minimums = workarounds**: When a mandatory minimum applies equally to the most and least serious versions of an offense, practitioners find ways around it –either through downward departures or charge amendments.”
 - **“Charge amendments as shadow sentencing**: Reducing charges to avoid minimums means the sentencing guidelines grid isn’t capturing what’s actually happening. The “real” sentencing decision is being made at the charging/plea stage.”
 - **“First-Time Offenders are the biggest pain point**: Across all three offenses, practitioners view the mandatory prison for the first-time or low-history defendants as the most problematic application of the minimums.”
 - **“Proportionality concerns**: Practitioners repeatedly compare these offenses to others on the grid that carry lower consequences for what they perceive as comparable or greater harm.”
- **“Closing considerations”**:
 - Dr. Laskorunsky acknowledged the carefully calibrated grid for the sentencing guideline– consideration of harm, blameworthiness, stat max, and proportionality.
 - “Mandatory minimums sit outside that framework as a legislative override.”
 - Dr. Laskorunsky invites the Task Force to weigh in on how the mandatory minimums interact with a well-established guideline system.

- **Geographic Variations:** While she did not perform a deep comparative analysis, Dr. Laskorunsky noted that rural areas appeared more comfortable with downward charge bargaining, whereas urban districts often faced stricter limitations on plea bargaining for specific offenses like firearm cases.

4. Proposed approach to the task force’s purpose (Chair, Nate Reitz)

- Chair Nate Reitz presented his "version one" proposal for legislative recommendations, emphasizing that his proposals were intended to be a starting point for discussion rather than a finalized plan. He explicitly stated that "the cake has not been baked" and clarified that while he was putting forward a "full-throated proposal" and advocating for it, he did not want members to interpret this as a decision having been made "behind some smoke-filled room." He further reiterated that the task force would work collaboratively and that the proposal was intended to "get the ball rolling." He noted that even though they were working toward a deadline in August, it was necessary to be flexible once all the data was in, describing the process metaphorically as trying to "steer a moving car." The following are his three main proposed approaches for 609.11, 243.266, and Chapter 152:
 - **609.11: Possess or use a firearm or other dangerous weapon while committing violent crimes**
 - **Proposal:** Repeal all mandatory minimums under section 609.11 while retaining the list of offenses in subdivision 9. He suggests that if a defendant is found to have used a firearm in committing a listed felony, the maximum statutory penalty should be increased by five years.
 - **Rationale:** Reitz argues this would eliminate "one-size-fits-all" inequities and bring sentencing under the rubric of the sentencing guidelines, where judges can still depart if they articulate "substantial and compelling" reasons. He believes this would actually increase the presumptive sentences for the "worst cases" while providing a clearer disincentive to use firearms, noting that current mandatory minimums are often confusing and "Byzantine."
 - **243.166: Failure to Register Predatory Offender**
 - **Proposal:** Adopt the 2022 recommendation to eliminate the mandatory minimum for a first "failure to register" conviction, while maintaining the mandatory minimum for second and subsequent offenses.
 - **Rationale:** Reitz notes that departure rates for first-time offenders are high (over 50%), suggesting the mandatory minimum is not an effective deterrent. He argues that the existing requirement for an automatic five-year extension of the predatory offender registration period upon conviction serves as a sufficient deterrent for compliance.
 - **3. Chapter 152: Controlled Substances**
 - **Proposal:** No new recommendations.
 - **Rationale:** Reitz explains that most of these mandatory minimums are already tied to the sentencing guidelines, which avoids the problematic "one-size-fits-all" issue. He also notes that the legislature already significantly narrowed these provisions in 2016, making them more rational.

5. Gauge taskforce members’ thoughts about approach (Wilder, all)

- Wilder facilitated a "fist-to-five" voting method to gauge consensus on the proposed approach. Members expressed a range of opinions, and the Chair emphasized that this is a collaborative process

where alternative proposals are welcome. Members were invited to submit feedback or alternative concepts by April 30th to prepare for the May meeting.

6. Subcommittee report outs

- Stakeholder Input Subcommittee: Vice Chair Kelly Mitchell reported that the Minnesota Justice Research Center was selected for this work. They are currently developing surveys for criminal justice professionals and recruiting for interviews. The goal is to collect data by the end of April, with findings potentially ready for presentation by June.
- Data Subcommittee: Dr. Robert Stewart discussed preliminary planning for additional data analysis. The committee aims to present findings to the task force by the June meeting to support final recommendations.

7. May agenda items (All)

a. Confirm plan to gather additional or differing input by the May meeting

b. Review timeline and work plan (Wilder)

- The group discussed the timeline, noting that final recommendations must be established before August.
- The team will continue to integrate findings into a draft report.
- The Chair offered to put the proposed recommendations into bill language if it would assist members in evaluating the concepts.

8. Public comment

- No members of the public were present for comment.

9. Next Meeting Dates

- The meeting was adjourned at 11:56AM.

a. May 8, 2026, 9-12