



Aiding & Abetting Felony Murder Task Force: Enabling Legislation

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2021 Establishment and Purpose

- To collect and analyze data on the
 - charging,
 - convicting, and
 - sentencing of people for aiding and abetting felony murder
- Assess whether current laws and practices promote public safety and equity in sentencing; and
- Make recommendations to the legislature

2023 Reenactment and Purpose

- To expand the focus of the task force's duties and work beyond the intersection of felony murder and aiding and abetting liability for felony murder to more generally apply to the broader issues regarding the state's felony murder doctrine and aiding and abetting liability schemes discussed in "Task Force on Aiding and Abetting Felony Murder," Report to the Minnesota Legislature, dated February 1, 2022, "The Task Force's recommendations," number 4.
- Recommendation 4:
 - “Expanding the Task Force’s mandate and timeline to undertake similar work on felony murder and/or aiding and abetting liability generally”
- Make recommendations to the legislature

Membership

1. the commissioner of corrections or a designee;
2. the executive director of the Minnesota Sentencing Guidelines Commission or a designee;
3. the state public defender or a designee;
4. the statewide coordinator of the Violent Crime Coordinating Council or a designee;
5. one defense attorney, appointed by the Minnesota Association of Criminal Defense Lawyers;
6. two county attorneys, one from a county within the seven-county metropolitan area and the other from outside the seven-county metropolitan area, appointed by the Minnesota County Attorneys Association;
7. a peace officer familiar with homicide investigations, preferably felony murder, appointed jointly by the Minnesota Sheriffs' Association, and the Minnesota Chiefs of Police Association;
8. one member representing a victims' rights organization, appointed by the senate majority leader;
9. one member of a statewide civil rights organization, appointed by the speaker of the house of representatives;
10. one impacted person who is directly related to a person who has been convicted of felony murder, appointed by the governor; and
11. one person with expertise regarding the laws and practices of other states relating to aiding and abetting felony murder, appointed by the governor.

Officers and Meetings

- Shall elect chair and vice-chair
- May elect other officers as necessary
- DOC to provide meeting space and administrative assistance
- Meet at least monthly or upon call of the chair
- Meetings are subject to Minn. Stat. § 13D – Open Meeting Law

- Task force shall request the cooperation and assistance of
 - local law enforcement agencies,
 - the Minnesota Sentencing Guidelines Commission,
 - the judicial branch,
 - the Bureau of Criminal Apprehension,
 - county attorneys, and
 - Tribal governments
- Task force may request the cooperation of academics and others with experience and expertise in researching the impact of laws criminalizing aiding and abetting felony murder



1. collect and analyze data on charges, convictions, and sentences for aiding and abetting felony murder;
2. collect and analyze data on sentences for aiding and abetting felony murder in which a person received a mitigated durational departure because the person played a minor or passive role in the crime or participated under circumstances of coercion or duress;
3. collect and analyze data on charges, convictions, and sentences for codefendants of people sentenced for aiding and abetting felony murder;
4. review relevant state statutes and state and federal court decisions;
5. receive input from individuals who were convicted of aiding and abetting felony murder;

6. receive input from family members of individuals who were victims of felony murder;
7. analyze the benefits and unintended consequences of Minnesota Statutes and practices related to the charging, convicting, and sentencing of people for aiding and abetting felony murder including but not limited to an analysis of whether current statutes and practice:
 - i. promote public safety; and
 - ii. properly punish people for their role in an offense; and
8. make recommendations for legislative action, if any, on laws affecting:
 - i. the collection and reporting of data; and
 - ii. the charging, convicting, and sentencing of people for aiding and abetting felony murder.

**At its discretion, the task force may examine, as necessary, other related issues consistent with this section.*

Reporting & Expiration

- Report due on or before January 15, 2024
 - Findings and recommendations
- Task force expires the day after submitting its report



Open Meeting Law

Slides provided by Minnesota Department of Administration



Open Meeting Law Overview
Chapter 13D

Open Meetings

- With limited exceptions, all meetings of public bodies must be open to the public
 - The public can attend open meetings
- Minnesota Supreme Court stated three purposes for the OML:
 - To prohibit actions taken at secret meetings
 - To assure the public's right to be informed
 - To give the public an opportunity to present its views to the public body
 - BUT the OML does not require public bodies to reserve time for public comment

What is a “meeting” subject to the law?

- Gatherings subject to the law
 - The “quorum rule” (*Moberg v. Independent School District No. 281*, 336 N.W.2d 510 (Minn. 1983).)
 1. Quorum (majority) or more of full public body, or quorum of any of the public body’s committees, subcommittees, etc. – and
 2. Quorum (majority) discusses, decides, or receives information as a group on issues relating to its official business
- Gatherings not subject to the law
 - Gatherings of less than a quorum of members
 - Chance or social
 - Training/team building activities so long as business is not discussed
- Keep in mind – public perception!

Types of Meetings

- Regular meetings
 - Schedule of meetings on file at primary office
- Special meetings
 - Any meeting not on the regular schedule
 - 3-day advance posting on website, including date, time, place, and meeting purpose
- Emergency meetings
 - Special meetings called because circumstances don't allow for a 3-day prior notice
 - Good faith effort to notify media that requested notice

Special Considerations

- Use of email
 - Avoid “discussion”
 - Advisory Opinion 09-020:
 - Public body did not comply with OML when exchanging certain email messages relating to official activities
 - One-way communication between the chair/staff and members of a public body is permissible, such as sending meeting materials via email to all board members, with no discussion or decision-making
- “Serial meetings”
 - Meetings of less than a quorum
 - Avoid public meetings to fashion agreement
 - Might be a violation

Questions?

DPO Contact Information

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