



Aiding and Abetting Felony Murder Task Force

Wednesday, January 19, 2022

10:00 am – 12:00 pm

Via Webex

Members Present (11 of 12): Gregory Egan (chair), KiloMarie Granda (vice-chair), Nick Kimball, William Ward, Toni Cater, Clare Diegel, Kathleen Keena, Kenneth Sass, Perry Moriearty, Pat McDermott, Brian Mueller

Staff/Contractor:

Tavia Osgood (DOC), Julie Atella (Wilder, Research Scientist, contractor supporting report writing), Lindsay Turner (Wilder)

Minutes

I. Approval of Jan. 5 minutes

- a. Motion carried

II. Subcommittee Reports

- a. Data
 - i. Nothing new to report
- b. Statute/Case Law
 - i. Drawing distinctions between first level differences and second level differences in states. First level differences are in state where the Aiding and Abetting have been abolished vs. states that have not or have reduced liability. Second level states that have abandonment or don't confer liability if the killing was, for example, by law enforcement.
- c. Community Outreach
 - i. Nothing new to report

III. Wilder Consultants' Report

- a. Feedback
 - i. Have any feedback in to Lindsay by 8:00pm on January 19, 2022

IV. Reflections on men's listening session

- a. Task forces appreciate the listening sessions.

V. Group discussion of second draft of report

a. Recommendation 1 (Revision to relevant statutes those who aid and abet felonies are not liable for murder in certain circumstances)

- i. Recommendation number 1 (no concerns address)
- ii. Appreciates how there is a comparison to the California statute.
- iii. Task force agrees to support the recommendation as written and using the stories heard throughout this process to support the need for statutory change.
- iv. More work is needed to fully vet and dig into how the California process could work in Minnesota. Retroactivity could be bastardized and be viewed as letting criminals out of jail.
- v. Victim input needs to be looked at when thinking about retroactive sentencing.

b. Recommendation 2 (Legislature implement reform to those charged with aiding and abetting)

- i. No questions or concerns for this recommendation as its written.

c. Recommendation 3 (Task Force scope mandate and timeline be expanded)

- i. Asking about an expansion of the task force to review those charged under 609.18511.
- ii. There is a significant amount of those charged under these specific statutes where the task force was not able to review under the current mandate.
- iii. Combining the third and fifth recommendation together to include the task force was not tasked with investigating both doctrines or explaining the benefits and consequences of those doctrines. However, during the work there were concerns raised about both and would like legislator to expand the mandate and timeline.
- iv. Need to consider the reality of this year being an election year and it may be difficult to have legislator address the report's recommendations.
- v. Will make explicit the concerns of recommendations 1 and 2. Combine recommendations three and five then move towards the bottom of the report

d. Recommendation 4 (Implementing reform beyond mere adoption)

- i. No questions or concerns for this recommendation as its written

e. Urgent Context

- i. No questions or concerns for this Urgent Context as its written

f. Background information

- i. No questions or concerns for this Background information as its written

g. Who felony murder impacts

- i. Some restructuring needed on this area

h. Recommendation to expand the mandate

- i. No questions or concerns for this recommendation as its written

VI. Adjournment