Task Force on Mandatory Minimum Sentences

Date: 11/14/2025
Location: Afton Room, DOC, 1450 Energy Park Drive, St. Paul, MN 55108 and via Webex

Members attending in-person (5): John Donavan, Morgan Kunz, Kelly Mitchell, Nathan Reitz, Nick Sasser

Members attending online (6): Shane Baker, Mark Osler, Ashley Sturz-Griffith, Amber Johnson, Dale Harris, Robert Stewart

Members absent (2): Jeremiah Carlson, Ken Sass

Also present: Adam Gallagher, Eric Sagvold (BCA), Donald Klick (DOC), Sophie Mom (Wilder Foundation), Julie Atella (Wilder Foundation), Melissa Serafin (Wilder Foundation)

1. Call to Order & Roll Call

Nate Reitz (Task Force Chair) called the meeting to order at 9:02 am.

2. Approval of Draft Agenda and Draft Meeting Minutes from 10/10/25 (ACTION)

Agenda and Meeting Minutes from 10/10/2025 were approved by unanimous consent.

3. Predatory Offender Registration overview of recent work and recap of laws (Presentation and Discussion) - Nate Reitz and Eric Sagvold

- Historical context: Predatory Offender Registry (POR) created in 1989 in response to the abduction of Jacob Wetterling, going into effect in 1991, with the purpose of ensuring law enforcement and community members have access to information regarding offenders. BCA manages the POR with compliance as the goal.
- There have been many changes to the Predatory Offender Registration law and related processes over time (including the types of offenses, duration of registration, information offenders are required to report, verification processes), resulting in a patchwork of statutes and making analysis difficult.
- Typical POR violation is failing to return verification form.
- Procedures for people who are unhoused, including weekly in-person check-ins at local law enforcement.
- Discussion regarding barriers faced by people who lack stable housing.
- Discussion of who is required to register and the information required.

- Unlikely data exists regarding whether registration compliance improved after mandatory minimum took effect, how often failure to register correlates with harm caused to another person, and the proportion of people required to register based on convictions of registerable offenses and people required to register based on being charged with the offense or arising out the same set of circumstances.
- Active registrants as of 11/13/25
    - 19,209 total registrants
    - 91.9% are compliant
    - 18k are male and 425 are female
    - Appx. 30 are juveniles
    - By risk level
        - Level 1/low risk: 4,806
        - Level 2/moderate: 2,887
        - Level 3/high: 1,280
        - Not assigned: 10,221; most often because they came on the registry prior to risk level or DOC never saw them/assigned a level (didn't spend time in prison)
- In 2000, the Minnesota legislature created mandatory minimum sentences for failure to register. Discussion regarding the discrepancy between a mandatory minimum for failure to complete an administrative task vs. the lack of a mandatory minimum for criminal sexual conduct or other offenses that cause significant harm. Some expressed concern that POR mandatory minimums disproportionately affect individuals who struggle with homelessness, mental health, or instability. Others emphasized victim and community expectations for accountability.
- Suggestion to look deeper at departure data to explore various questions, including:
    - Whether departures are based on agreement between parties or the judge on their own
    - How often departures are given for first or second violations
    - Whether someone's criminal history affects departures
    - How many are durational vs. dispositional departures
    - Where in Minnesota are departures being used
- Robert Stewart shared that one of his graduate students will review Task Force documents to identify questions this Task Force could seek to explore.
- Discussion of how Minnesota is the only state that requires registration based on charges rather than convictions.
- Discussion of how most offenders are not on supervision based on data from Bloomington.

4. Review of report from September 2025 New York State Justice Task Force, entitled "Recommendations for Reforms Relating to Mandatory Minimum Sentences" (Discussion) - Morgan Kunz

- New York shares similarities with Minnesota in that they have large urban centers with the rest of the state largely rural
- Suggestion to look at the process they used and the recommendations

- Discussion regarding whether sentencing guidelines are needed and whether mandatory minimums are needed if there are sentencing guidelines

5. Review of report from November 2025 "State trends in Mandatory Minimum Gun Sentences" (Mark Osler and Adam Gallagher)

- Many states have lowered mandatory minimums for narcotics but many are resisting changes for firearm-related offenses
- Generally, mandatory minimums for firearm-related offenses are higher in Minnesota than surrounding states. Michigan and Wisconsin have few or no mandatory minimums.
- Minnesota does not distinguish between violent and non violent felony prior offenses.
- North Dakota recently voted down the Truth in Sentencing Act, which would have increased mandatory minimums across the board, requiring offenders to serve 85% of a felony sentence before they would be eligible for parole, which would be a de facto mandatory minimum.
- North Dakota tracks departures, and there have only been 3 departures since 2016.
- The Texas Governor and Attorney General are consistently sponsoring legislation to increase mandatory minimums, but these efforts have not been successful.
- Discussion regarding the reasons why efforts to expand mandatory minimums have failed, including the questioning of whether mandatory minimums promote justice and the desire to avoid increased costs to the criminal/legal system
- Discussion regarding the lack of clarity of legislative intent for many efforts pertaining to mandatory minimums and how enhancements in sentencing guidelines, increased penalties, and judicial discretion have been used by states to still promote public safety.
- Discussion regarding the importance of distinguishing between sentencing schemes and sentencing guidelines and challenges in cross-state comparisons due to structural differences.

6. Reflection – what have we learned/what stands out/what do we still need to know (All members)

- Discussion regarding how police have a lot of discretion in what they choose to investigate and what is presented to prosecutors, and prosecutors have a lot of discretion in what the charge is, whether to bring a charge, whether a charge has merit, etc. While we typically think of discretion as a key tool used by judges, mandatory minimums prevent judicial discretion, which causes frustration.
- Discussion regarding how judges need substantive and compelling reasons for departures.
- Discussion regarding how every party has some amount of discretion and suggestion to consider creating parameters to guide decision-making.
- Discussion regarding whether we need mandatory minimums when they aren't really mandatory and how that causes public confusion.
- Suggestion to explore findings from gun violence prevention researchers and positions held by gun violence prevention advocacy organizations regarding mandatory minimums.

- Suggestion to explore the reasons why departures are occurring and avoid assuming they are avoided because of hostility toward mandatory minimums.
- Suggestion to explore the effectiveness of mandatory minimums and registration laws and assessing alignment between purpose and impact.
- Robert Stewart and his graduate student will work on a literature review regarding alignment between motivations for mandatory minimums and their effectiveness.
- Suggestion to clarify the Task Force's goals and sharing the perspectives and values of members.

7. Subcommittee breakouts (All members)

- Data
    - Members
        - Robert Stewart (Chair)
        - Morgan Kunz
        - Amber Johnson
        - Ken Sass
        - Jeremiah Carlson
        - Nick Sassor
    - The subcommittee has identified many questions of interest. Rob Stewart's graduate student will review Task Force documentation and identify questions the Task Force could try to answer and potential data sources.
- Legal analysis and purpose
    - Members
        - Mark Osler (Chair)
        - John Donovan
        - Shane Baker
        - Nate Reitz
        - Ken Sass
        - Dale Harris
    - Discussion regarding the need to better understand existing data, findings from existing research, and the intent behind mandatory minimums
    - Suggestion to look at specific statutes and identify areas that need clarity or revisions to be more effective
    - Suggestion to consider whether the Task Force recommends folding mandatory minimums into sentencing guidelines
- Stakeholder
    - Members
        - Kelly Mitchell (Chair)
        - Ashley Sturz-Griffith
        - Morgan Kunz
        - Rob Stewart
    - DOC will release a mini-solicitation to hire a contractor for the stakeholder engagement component (e.g. collect community, victim, defendant, and advocacy input). DOC is

prohibited from providing incentives for participants, but Kelly is exploring alternative options.

8. Review Vacancies (Don Klick)

- House of Representatives appointee position still unfilled. Nate is working with the point of contact to fill the position.

9. Public Comment

- No public comment.

10. Adjournment

- Nate Reitz adjourned the meeting at 11:52 am.

11. Next Meeting

Date: 12/12/2025
Time: 9:00 am – 12:00 pm
Location: Afton Room, DOC, 1450 Energy Park Drive, St. Paul, MN 55108 and via Webex