

# Approved Meeting Minutes

**October 9, 2025**

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A meeting of the Minnesota Sentencing Guidelines Commission (MSGC) was held on October 9, 2025, in the Itasca Room at the Department of Corrections, 1450 Energy Park Drive, Saint Paul, MN 55108; and by telephone and/or electronically.

Present in person were Chair Kelly Lyn Mitchell, Chair and Designee of the Commissioner of Corrections, Vice-Chair Michelle A. Larkin, Minnesota Court of Appeals Judge, and Commissioner members Leonardo Castro, District Court Judge; Richard Frase, Professor Emeritus, University of Minnesota Law School; Marlin Meszaros, Director of Housing & Support Services, Partners Behavioral Healthcare; Cathryn Middlebrook, Chief Appellate Public Defender; Gordon L. Moore, III, Minnesota Supreme Court Justice; Chief Brian Mueller, Stillwater Police Department. Also present in person were MSGC Executive Director Nate Reitz; MSGC staff members Leah Bower, Matthew Hlina, Jill Payne, and Devonte Roache; and members of the public Professor Kevin Reitz, University of Minnesota; and Professor Christopher Uggen, University of Minnesota.

Commission members present by telephone and/or electronically were Amirthini Keefe, Public Member and Executive Director, Domestic Abuse Project; Kyra Ladd, Wadena County Attorney, and Latonya Reeves, Hennepin County Career Probation Officer, the notice required by Minn. Stat. § 13D.015 having been posted on the MSGC website on September 12, 2025. Also present by telephone and/or electronically were staff members Kathleen Madland and Linda McBrayer; and member of the public Ben Johnson, Bill Lemons, Caroline Koerner, Elizabeth Ruhland, Jamael Lundy, and Julia Laskorunsky.

## **1. Call to Order & Roll Call**

Chair Mitchell called the meeting to order at 1:04 p.m.

Director Reitz called the roll. Present were Chair Mitchell, Vice-Chair Larkin, and members Castro, Frase, Ladd, Meszaros, Middlebrook, Mueller, and Reeves. Nine members were present. Four members were absent. A quorum was present.

## **2. Adoption of Draft Meeting Agenda**

This was on the agenda as an action item.

**Motion** by Vice-Chair Larkin and seconded by Commissioner Reeves to approve the draft meeting agenda for October 9, 2025.

**Motion carried** on a 9–0 roll-call vote.

Voting “Yes” were Chair Mitchell, Vice-Chair Larkin, and members Castro, Frase, Ladd, Meszaros, Middlebrook, Mueller, and Reeves.

### **3. Approval of Draft Meeting Minutes**

This was on the agenda as an action item.

**Motion** by Commissioner Middlebrook and second by Vice-Chair Larkin to approve the draft meeting minutes from September 11, 2025.

**Motion carried** on a 9–0 roll-call vote.

Voting “Yes” were Chair Mitchell, Vice-Chair Larkin, and members Castro, Frase, Ladd, Meszaros, Middlebrook, Mueller, and Reeves.

At 1:09 p.m., Commissioner Keefe, having been previously attending remotely as a member of the public, gained full participation access to the meeting.

### **4. Executive Director’s Report**

This was on the agenda as a discussion item. It was originally on the agenda at item 6. It was moved for convenience.

Director Reitz informed the Commission that Guidelines policy trainings will resume October 23, 2025, for the online “Lunch & Learn” sessions, which will include CLE credits. The MSGC website has been redesigned to improve the user experience, featuring new sections for Comprehensive Review project and a more expansive data library. Director Reitz also marked the passing of Judge Mark Wernick who served on the Commission as a Public Member from 2015 to 2019, following his retirement from the bench.

At 1:16 p.m., Commissioner Moore joined the meeting in person.

**FOLLOWING THE COMPLETION OF ITEM 6 ON THE AGENDA:** The Commission discussed moving the previously scheduled meeting on November 6, 2025, to November 20, 2025, the scheduled public hearing date. Instead of the regular November Commission meeting, a special meeting will take place on November 20, 2025, at 1:00 p.m., followed by the public hearing at 2:00 p.m. The special meeting and public hearing will be at the Minnesota Senate Building, 95 University Avenue W, St. Paul, MN 55103.

### **5. Adoption of Language Permitting the Proposed First-Offender Departure Factor to Support a Dispositional or Durational Departure**

This was on the agenda as an action item.

**Motion** by Commissioner Frase and second by Commissioner Mesaros to append the sentence “This factor may support a dispositional or durational departure” to the departure factor proposed to be added at Guidelines 2.D.3.a(10).

There was lengthy discussion including case law complexities and their potential impacts, waiting to see how the new reason is used in practice, and if this could be clarified in commentary.

**Motion withdrawn** by Commissioners Frase and Mesaros.

## 6. 2025 Release-Ready Consensus Package, with Legislative Recommendations

This was on the agenda as an action item.

The Commission discussed the September consensus package at length. Other than Chair Mitchell’s memo, no one came forward with any other changes to the consensus package. The Commission will be presenting this as a consensus package; however, it will be offered to the public and the Legislature in a two-category approach to provide clearer understanding of the consensus package and its contents. The two categories are: 1) changes to criminal history score calculation; and 2) changes to severity levels of offenses. Discussion included proportionality within criminal history components, and adjustments to severity levels of specific offenses. The chair noted that this vote is not on the final package as there will be consideration given to testimony received during the public hearing and the written comments window.

**Motion** by Commissioner Castro and second by Commissioner Moore to approve and send to public hearing the 2025 Consensus Policy Package with Legislative Recommendations, subject to in-meeting typographical corrections made on October 9, 2025.

**Motion carried** unanimously on an 11–0 roll-call vote.

Voting “Yes” were Chair Mitchell, Vice-Chair Larkin, and members Castro, Keefe, Frase, Ladd, Mesaros, Moore, Middlebrook, Mueller, and Reeves.

Following the vote, staff provided an overview of the updated fiscal-note for the Legislative recommendations portion of the consensus package. This was updated a request made by the Commission at the September 11, 2025, meeting.

## 7. Public Input

Chair Mitchell asked if any member of the public wished to speak. There was no public input.

## 8. Adjournment

Chair Mitchell adjourned the meeting at 3:45 p.m., without objection.