

Approved Meeting Minutes

December 18, 2025

A meeting of the Minnesota Sentencing Guidelines Commission (MSGC) was held on December 18, 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, and Commissioners 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. 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; Professor Christopher Uggen, University of Minnesota; and Shamsa Dhayow, Management Analysis and Development (MAD).

Commission members present by telephone and/or electronically were Vice-Chair Michelle A. Larkin, Minnesota Court of Appeals Judge, and Kyra Ladd, Wadena County Attorney; Chief Brian Mueller, Stillwater Police Department; Latonya Reeves, Hennepin County Career Probation Officer; and Surya Saxena, Public Member, the notice required by Minn. Stat. § 13D.015 having been posted on the MSGC website on November 21, 2025. Also present by telephone and/or electronically were staff members Kathleen Madland and Linda McBrayer; and members of the public Keale Ede, Morgan Kunz, and Julie Laskorunsky.

1. Call to Order & Roll Call

Chair Mitchell called the meeting to order at 1:01 p.m.

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

2. & 3. Adoption of Draft Meeting Agenda and Approval of October and November Draft Meeting Minutes

These were on the agenda as two separate action items. In the interest of time, the Chair combined the adoption of the agenda and the approval of the previous months' meeting minutes into a single motion for approval.

Prior to the motion, Director Reitz brought corrections to the Chair's attention. For the October 9, 2025, minutes under Approval of the Agenda, the correct agenda date was October 9, 2025. Likewise, in the November 20, 2025, minutes, the correct date of the agenda to be approved was November 20, 2025. Additionally, Vice-Chair Larkin's name was incorrectly included on the list of those who voted on the adoption of the November draft meeting agenda.

Motion by Commissioner Reeves and second by Commissioner Middlebrook to approve the draft meeting agenda for December 18, 2025, and the minutes from the October 9, 2025, and November 20, 2025, as corrected on the record.

Motion carried on a 11–0 roll-call vote.

Voting "Yes" were Chair Mitchell, Vice-Chair Larkin, and members Castro, Frase, Ladd, Meszaros, Middlebrook, Moore, Mueller, Reeves, and Saxena.

Commissioner Keefe joined the meeting remotely at 1:12 p.m.

3. Review of Public Hearing Record

This was on the agenda as a discussion item.

Chair Mitchell called on Director Reitz who reviewed the public hearing record, as follows:

On Monday, October 20, 2025, the notice of public hearing was published in the State Register (Volume 50, No. 16) and the contents of the proposed modifications were posted on the Commission's website. That same day, an e-mail notice of public hearing was sent to persons who have signed up on the Commission's website to receive informational e-mails. No one was notified by United States mail because there are no longer members of the public on the United States mailing list.

Pursuant to the public hearing notice, the public hearing was held on November 20, 2025, in the Minnesota Senate Building, Room 1100, and by telephone and/or electronically. Four members of the public wished to, and did, testify. After the public hearing, the record remained open for five calendar days, through November 25, 2025, to accept written comments. From the beginning of the public hearing notice period through the end of the public comment period, the Commission received 17 written comments regarding the subject of the public hearing. The complete public hearing record, a link to the video and audio of the hearing, and copies of the written comment were provided to the Commission, posted on the Commission's web site, and included in December's meeting materials.

Director Reitz said that the Commission appeared to have substantially complied with all public notice and hearing requirements to permit it to take final action on the proposed modifications today.

Chair Mitchell then called on Commission members to discuss these comments and determine any changes that needed to be made to the 2025 Sentencing Guidelines and Commentary.

Discussion followed regarding comments made by the public on the decisions to increase the ranking of Assault in the Fourth Degree, custody status changes, and the change to juvenile point calculation. In response to one of the comments, the Commission determined that the addition of the word "adult"

before the phrase “stay of adjudication” in the proposed changes to Guidelines 2.D would aid in clarifying the Commission’s intent with that policy.

4. Proposed Modifications to the 2025 Minnesota Sentencing Guidelines and Commentary

This was on the agenda as an action item.

Chair Mitchell called for a motion to approve the modifications to the 2025 Guidelines.

Motion by Commissioner Moore and second by Commissioner Larkin to adopt the proposed changes to the Minnesota Sentencing Guidelines and Commentary that were subject of the November 20, 2025, public hearing, with the addition of the word “adult” before the phrase “stay of adjudication” in proposed Guidelines 2.D.3.a(10).

Motion carried on a 10–1 roll-call vote.

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

Voting “No” was member Saxena.

The Commission took a 5-minute recess at 1:59 p.m.

The Commission resumed at 2:06 p.m.

5. Draft 2026 Report to the Legislature

This was on the agenda as a discussion item.

A. 2024 Sentencing Data

Chair Mitchell called on MSGC staff to present the 2024 sentencing data.

The presentation given covered sentencing trends, departures from the Guidelines, and demographic characteristics.

There were 14,229 felony cases sentenced in 2024, which calculated to 317 cases per 100,000 Minnesota adult (18+) residents. Since 2019, the gap between the presumptive and actual prison rate has been over 10 percent, with a rate of 13.7 percent in 2024. This is an area that was highlighted during the comprehensive review. In 2024, the average pronounced prison sentence reached a record high of 57.4 months, with the average jail time as a condition of probation falling to 88 days. Over time, it was noted that stays of execution have been increasing while stays of imposition have decreased. For the distribution of the felony cases in 2024, 81 percent of the cases were person, property, and drug offenses.

Departures occur when the sentence differs from what is reflected on the grid, affecting the disposition, the duration, or both. Overall, total departure rates have increased over time, increasing from 13 percent in 1981, to 27 percent in 2002, to 29 percent in 2024. When looking specifically at the disposition, 84 percent of felony cases received the recommend disposition. Data shows that, in 2024, 41 percent of the presumptive prison sentences were mitigated dispositional

departures, a trend that has generally been increasing over time. On the other hand, 17 percent of 2024 prison cases were mitigated durational departures, a trend that has been decreasing over time. Since 2015, offenses such as Identity theft, felony DWI, and failure to register as a predatory offender have had high mitigated dispositional departure rates approaching or exceeding 50 percent of presumptive prison cases. Four offenses show a high aggravated durational departure rate of between 12 and 20 percent, specifically unintentional murder 2nd degree, manslaughter 1st degree, certain kidnapping offenses, and theft over \$35,000.

Of the cases sentenced since the implementation of the Guidelines in 1981, at least 80 percent of the defendants were male. The racial and ethnic composition of adults in Minnesota has changed over time, but it still looks different than those in prison. For example, the population of black adults in Minnesota was 8 percent, but made up 30 percent of those sentenced to prison. Additionally, the racial distribution of people sentenced in 2024 looks different when examined across Minnesota's ten judicial districts.

Mitigated dispositional and durational departure rates varied in 2024 across gender, race, and geography. When a prison sentence was recommended, females were more likely to receive a mitigated dispositional departure. By race, the white population was more likely than average to get a mitigated dispositional departure; however, this population was less likely to get a mitigated durational departure. The Asian population was the only demographic to have both a higher-than-average mitigated dispositional and durational departure rate, with the American Indian and Hispanic populations less likely than average to receive either type of mitigated departure.

B. & C. Recommendations to the Legislature; Report's Organization and Text

Chair Mitchell asked Director Reitz to lead the discussion on the Recommendations to the Legislature and the draft Report to the Legislature in general.

Director Reitz walked the Commission members through the draft 2026 Report to the Legislature, including the section on legislative recommendations. Commission members had suggestions for language changes.

Commission members were asked to send any proposed edits for the report to Director Reitz. Approval of the final report will come before the Commission at the January meeting.

6. Executive Director's Report

The next meeting for the Commission will be January 8, 2026. The meeting will require a quorum due to the need to approve the final Report to the Legislature in time for its publication deadline on January 15, 2026. A member suggested moving the start time for Commission meetings back to 1:30, and no member voiced objection. This will be the start time for all 2026 Commission meetings.

Chair Mitchell gave a report on the round table she attended with the U.S. Sentencing Commission. The focus for this round table was whether the U.S. Sentencing Commission should make changes to its Guidelines that would result in more probation sentences.

7. Public Input

Chair Mitchell called upon any member of the public present who wished to speak. No member of the public spoke.

8. Adjournment

The meeting adjourned at 3:18 p.m., without objection.