

Approved Meeting Minutes

July 23, 2026

A meeting of the Minnesota Sentencing Guidelines Commission (MSGC) was held on July 23, 2026, in the Afton Room at the Department of Corrections, 1450 Energy Park Drive, Saint Paul, MN 55108; and by telephone and/or electronically.

Commission members present in person were Kelly Lyn Mitchell, Chair and Designee of the Commissioner of Corrections; Cathryn Middlebrook, Vice-Chair and Chief Appellate Public Defender; Richard Frase, Professor Emeritus, University of Minnesota Law School; Kyra Ladd, Wadena County Attorney; and Gordon L. Moore, III, Minnesota Supreme Court Justice. Also present in person were MSGC Executive Director Nate Reitz and MSGC staff members Leah Bower, Matthew Hlina, Jill Payne, and Devonte Roache; and member of the public, Professor Kevin Reitz, University of Minnesota Law School.

Commission members present by telephone and/or electronically were Leonardo Castro, District Court Judge; Amirthini Keefe, Public Member and Executive Director, Domestic Abuse Project; Chief Brian Mueller, Stillwater Police Department; and Latonya Reeves, Hennepin County Career Probation Officer, the notice required by Minn. Stat. § 13D.015 having been posted on the MSGC website on June 5, 2026. Also present by telephone and/or electronically were staff members Kathleen Madland and Linda McBrayer; and members of the public Julia Laskorunsky, University of Minnesota; and Elizabeth Ruhland.

1. Call to Order & Roll Call

Chair Mitchell called the meeting to order at 1:32 p.m.

Director Reitz called the roll. Present were Chair Mitchell, Vice-Chair Middlebrook, and members Frase, Keefe, Ladd, Moore, Mueller, and Reeves. Eight members were present; five members were absent. A quorum was present.

2. Adoption of Draft Meeting Agenda (Action)

This was on the agenda as an action item.

Motion by Vice-Chair Middlebrook and second by Commissioner Reeves to approve the draft meeting agenda for July 23, 2026.

Motion carried unanimously on an 8–0 roll-call vote.

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

3. Approval of Draft Meeting Minutes of June 4, 2026 (Action)

This was on the agenda as an action item.

Motion by Commissioner Moore and second by Commissioner Reeves to approve the draft meeting minutes from June 4, 2026.

Motion carried unanimously on an 8–0 roll-call vote.

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

4. Review of the Public Hearing Record (Discussion)

This was on the agenda as a discussion item.

Chair Mitchell called on Director Reitz who read the following review of the public hearing record:

On Monday, June 15, 2026, the notice of public hearing was published in the State Register (Volume 50, Number 50) and the contents of the proposed modifications were posted on the Commission’s website. The 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 July 16, 2026, in this room, and by telephone and/or electronically. Director Reitz was the only person who wished to, or did, testify. After the public hearing, the record remained open for five calendar days, through July 21, 2026, to accept written comments. From the beginning of the public hearing notice period through the end of the public comment period, the Commission received two written comments regarding the subject of the public hearing. The complete public hearing record — including a list of those who spoke at the hearing, a link to the video and audio of the hearing, and copies of the written comments — was provided to all Commission members on July 22, 2026, was posted in its entirety on the Commission’s web site shortly thereafter, and is included in today’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.

5. Accept or Reject Proposed Amendments to the Sentencing Guidelines and Commentary (Action)

This was on the agenda as an action item.

Chair Mitchell said that the next item on the agenda was the acceptance or rejection of proposed amendments to the Sentencing Guidelines and Commentary and that the proposed amendments received the Commission’s preliminary approval, have gone through the public notice-and-hearing process, and were ready for the Commission’s final action.

Chair Mitchell said that changes approved would generally take effect August 1, 2026; and that staff will publish the annual edition of the Sentencing Guidelines on that date.

Chair Mitchell stated there were two public hearing comments that should be discussed. It was suggested to take up items that did not receive public comment first and then separately discuss items that did receive public comments. Those items that received public comment were A.6 (Enhanced Penalties: Theft from Vulnerable Adults) and A.8 (New: Medical Assistance Fraud).

Chair Mitchell first entertained a motion to adopt section A.1 to A.5, A.7, and section B as proposed.

Motion by Commissioner Frase and second by Commissioner Reeves to adopt section A.1, A.2, A.3, A.4, A.5, and A.7 & section B, as proposed and submitted to public hearing on July 16, 2026.

Motion carried unanimously on an 8–0 roll-call vote.

Voting “Yes” was Chair Mitchell, Vice-Chair Middlebrook, and members Frase, Keefe, Ladd, Moore, Mueller, and Reeves.

Chair Mitchell next turned to the proposed changes in A.6 (Enhanced Penalties: Theft from Vulnerable Adults) which received one written comment from Director Reitz dated July 9, 2026. Director Reitz also testified at the public hearing regarding the written comment. Chair Mitchell called on Director Reitz to explain his comment.

Director Reitz explained his recommendation to specify both the original penalty clause and the new penalty-enhancing clause; and, for Theft from a Vulnerable Adult (Over \$35,000), further specifying the select theft-offense clauses to which the SL 7 ranking may apply. Director Reitz made the recommendation to avoid confusion and misapplication, and to be consistent with the existing SL 6 Theft offenses. Director Reitz also recommended rearranging the offense list in Guidelines 5.B in statutory order.

Chair Mitchell entertained a motion.

Motion by Vice-Chair Middlebrook and second by Commissioner Frase to adopt section A.6, as amended by Director Reitz’s memorandum dated July 9, 2026.

Motion carried unanimously on a 7–0 roll-call vote.

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

Commissioner Castro joined the meeting remotely at 1:59 p.m.

Chair Mitchell lastly turned to the proposed changes in part A.8 (New: Medical Assistance Fraud). There was one public comment from Attorney General Keith Ellison dated July 15, 2026. Attorney General Ellison asked “that the Commission consider ranking offenses punishable under Minn. Stat. § 609.467, subd 2(c), the most serious new offense, at a Severity Level 8. This ranking is supported by a comparison of the penalties for this new offense to other similar, newly-enacted crimes and to previously-enacted offenses.”

The Commission discussed Attorney General Ellison’s letter and the rankings for similar offenses. The Commission also discussed the dispositional line if ranked at Severity Level 8, where the offense would be a presumptive commit at criminal history score zero rather than a presumptive stay if ranked at Severity Level 7, which may impact such things as repayment of restitution to the victim if the individual were committed to prison.

Motion by Commissioner Ladd and second by Commissioner Reeves to adopt section A.8, amending Medical Assistance Fraud (Over \$1,000,000) to Severity Level 8 as recommended in Attorney General Ellison’s letter dated July 15, 2026.

Discussion: Vice-Chair Middlebrook asked whether staff knew the fiscal impact of ranking the most serious offense at Severity Level 8. Director Reitz said that the MSGC fiscal note identified two cases in ten years that would most likely qualify for the highest severity-level ranking.

Motion carried on an 8–1 roll-call vote.

Voting “Yes” were Chair Mitchell and members Castro, Frase, Keefe, Ladd, Moore, Mueller, and Reeves.

Voting “No” was Vice-Chair Middlebrook.

Director Reitz stated that the changes approved would generally take effect August 1, 2026; this year that falls on a Saturday, so the staff will publish the annual edition of the Sentencing Guidelines on Friday, July 31, 2026.

6. Comprehensive Review Ranking Project – Present Packet Results; Aggravated and Vehicular Theft-Related Offenses (Discussion)

This was on the agenda as a discussion item.

Chair Mitchell called on MSGC staff to present the Comprehensive Review Ranking Project – Packet Results; Aggravated and Vehicular Theft-Related Offenses.

MSGC staff Leah Bower and Matthew Hlina presented “Aggravated and Motor Vehicle Theft Offenses: Ranking Exercise Feedback,” dated June 4, 2026. Bower explained that the exercise was divided into two chapters: 1. Aggravated Theft Offenses which were theft offenses ranked at a more severe severity level because of the monetary threshold and/or theft/receiving stolen property offenses that involve a motor vehicle; and 2. Theft involving Motor Vehicles.

Bower presented the results for Chapter 1, saying that the majority of the Commissioners answered “Rerank” for the Aggravated Theft Offenses in order to keep offenses rankings consistent.

The Commission discussed the ranking of Identity Theft of eight or more victims or the loss of over \$35,000, ranked at Severity Level 8, and why it is ranked that high when other over \$35,000 theft offenses are ranked at Severity Level 7 or Severity Level 6. The Commission discussed the tangible and intangible harm these offenses cause, which may or should be a determining factor.

Hlina presented the results for Chapter 2. The majority of the Commission answered “No Rerank” for Thefts Involving Motor Vehicle. Hlina said that the Commission’s responses indicated that

characteristics of these offenses are similar, and not significant enough to have different Severity Level rankings.

The Commission discussed whether it wished to make any recommendations to the Legislature regarding possible statutory changes. Chair Mitchell asked staff to bring back the identity theft issue to the September meeting.

7. Committee Updates (Discussion)

This was on the agenda as a discussion item.

- a) Restructuring Committee update: Director Reitz stated that the committee has met and there is a willingness to get something done this year.
- b) *Hernandez* Committee update: Chair Mitchell stated that the committee has met a couple of times and that the next meeting was scheduled in August and will focus on more data and a few potential policy changes.

8. Task Force on Mandatory Minimum Sentences (Discussion)

This was on the agenda as a discussion item.

Chair Mitchell shared that both she and Director Reitz are part of the Task Force on Mandatory Minimum Sentences (TFMMS). Chair Mitchell called on Director Reitz, who is the Chair of the TFMMS, to share updates.

Director Reitz explained that the TFMMS was created by the Legislature in 2025, that it expired in August of 2026, and that one meeting remained. Director Reitz said that TFMMS worked to study and identify issues with mandatory minimum statutes including but not limited to Minn. Stat. § 609.11. Director Reitz explained that the TFMMS identified issues in Minn. Stat. § 609.11, that may not adequately account for people who commit more serious crimes with firearms. The TFMMS must submit its final report to the Legislature on or before August 15, 2026. It is anticipated that the report will include consensus policy recommendations requiring the MSGC, subject to legislative guidance, to create a penalty-enhancement scheme in the Sentencing Guidelines.

9. Executive Director's Report (Discussion)

This was on the agenda as a discussion item.

Chair Mitchell called on Director Reitz to discuss the Executive Director's Report.

Director Reitz reported that five Commission members would be attending the National Association of Sentencing Commissions (NASC) annual conference this August in Albuquerque, New Mexico.

Director Reitz reported on terms of commissioners, when they expire, and what will happen with the transition of Governors. Director Reitz also explained the differences between the ex-officio members and appointees, and that appointees serve until a replacement is named.

10. Public Input

Director Reitz noted that there were no members of the public either online or in person who wished to speak.

11. Adjournment

Before adjourning, the Commission discussed the remaining 2026 calendar, the possibility of needing to add a public hearing on December 10, 2026, and approving the Report to the Legislature at its meeting December 17, 2026, rather than January 14, 2027. Director Reitz said that the 2027 meeting calendar would be available soon.

Chair Mitchell adjourned the meeting at 3:19 p.m., without objection.