

DRAFT Meeting Minutes

August 13, 2025

A meeting of the Minnesota Sentencing Guidelines Commission (MSGC) was held on August 13, 2025, in the Afton 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 Commissioners Judge Leonardo Castro, Second Judicial District Court Judge; Richard Frase, Professor Emeritus, University of Minnesota Law School; Amirthini Keefe, Public Member and Executive Director, Domestic Abuse Project; Kyra Ladd, Wadena County Attorney, Marlin Meszaros, Director of Housing & Support Services, Partners Behavioral Healthcare; Cathryn Middlebrook, Chief Appellate Public Defender; Gordon L. Moore, III, Minnesota Supreme Court Justice; Tim Morin, Public Member; Chief Brian Mueller, Stillwater Police Department; Latonya Reeves, Hennepin County Career Probation Officer; and Surya Saxena, Public Member. Also present in person were MSGC Executive Director Nate Reitz; MSGC staff members Leah Bower, Matthew Hlina, Linda McBrayer, and Jill Payne; and members of the public Professor Kevin Reitz, University of Minnesota; Professor Christopher Uggen, University of Minnesota; Aaron Sojourner, Senior Researcher, W.E. Upjohn Institute for Employment Research; Ethan Ellis, Humphrey School of Public Affairs; Dr. Julia Laskorunsky, University of Minnesota; Emma Walsh-Alker, University of Minnesota; Shamsa Dhayow, Charlie Sellew, Stacy Sjogren, Management Analysis and Development (MAD); Anna Hall, Legal Rights Center; and Brad Salberg, MNIT.

No Commission members were present by telephone and/or electronically. A notice required by Minn. Stat. § 13D.015 was posted on the MSGC website on June 9, 2025. Present by telephone and/or electronically were staff members Kathleen Madland and Devonte Roache; and members of the public included Arielle McHenry; Katie Remington Cunningham; and Justin Terrell.

1. Call to Order, Roll Call, and Approval of Agenda

Chair Mitchell called the meeting to order at 10:06 a.m.

Director Reitz called the roll. Present were Chair Mitchell, and members Castro, Frase, Keefe, Ladd, Meszaros, Middlebrook, Moore, Morin, Mueller, Reeves, and Saxena. Twelve members were present. A quorum was present.

Chair Mitchell called for a motion to approve the agenda.

Motion by Commissioner Middlebrook and second by Commissioner Moore to approve the draft meeting agenda for August 13, 2025.

Motion carried on a 12–0 roll-call vote.

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

2. Introductory Remarks

Chair Mitchell explained that the purpose for today’s special meeting was to make all Commission members familiar with the Comprehensive Review Steering Committee report and proposals and to get a sense of member acceptance of the proposals for re-ranking offenses, language adjustments to the Guidelines’ Purposes and Principles statement, and to identify areas in which more work was needed before a final vote in November. Chair Mitchell recalled that the Commission started its Comprehensive Review project with the following objectives:

1. The public and all Commission are confident that the review process was transparent, inclusive, and thoughtfully executed.
2. Practitioners find the Guidelines are easier to understand and use.
3. The presumptive sentences for offenses are proportionate and fair.
4. Relative to the current Guidelines, the revised Guidelines contribute to improved public safety, more consistent sentencing, and decreased disparities.

Chair Mitchell explained items that were out-of-scope for today’s meeting were revisions to simplify the Guidelines and recommendations to the Legislative.

Chair Mitchell introduced Stacy Sjogren, Senior Consultant with Management Analysis and Development (MAD) as process facilitator.

Facilitator Sjogren explained the process for today’s meeting and reviewed the agenda.

Vice-Chair Larkin joined the meeting in-person at 10:15 a.m.

3. Summary of Stakeholder Input

Chair Mitchell introduced Shamsa Dhayow and Charlie Sellw, MAD, who presented, “Minnesota Sentencing Guidelines Comprehensive Review Engagement Report,” dated June 25, 2025.

Results and key takeaways from the report were reviewed and Dhayow and Sellw recommended the Commission review the full report when time permitted.

From mid-2024 through early 2025, MAD facilitated eighteen engagement sessions with 164 participants which included prosecutors, public defenders, probation officers, crime victims, formerly incarcerated people, treatment providers, and community organizations.

Participants were from across Minnesota and using the ten judicial districts, were split up into five regions: South/Southwest (districts 3, 5, and 8); Northeast (district 6); Northwest (districts 7 and 9);

Suburban Metro (districts 1 and 10); and Twin Cities (districts 2 and 4). This statewide coverage ensure that engagement would reflect the entire state’s diverse population.

Participants indicated the need for the Guidelines to be easier to navigate, equitable, and responsive to individual circumstances. Key themes included balancing clarity and complexity, disparities in sentencing outcomes, and lack of victim influence. Tensions that emerged from the engagement included approaches to public safety and accountability, perspectives on incarceration and probation, consistency and individualization, the use of departures, and perceptions of justice.

MAD also addressed work that had begun to address participant input on a review of severity levels, criminal history reform, guidelines simplification, and revisiting departures. The discussion also noted themes raised by participants on future areas of possible commission discussion including expanding non-custodial sentencing, developing a system for victim input, and revisiting the guidelines purposes and principals.

Facilitator Sjogren led a discussion. A member asked about the Judicial Branch’s separate outreach efforts to District Court Judges, the results of which were presented to the Commission on October 10, 2024. Those efforts were briefly described, and it was explained that results showed that out-of-state convictions posed challenges when calculating a criminal-history score and that the judiciary wished to simplify the Guidelines.

Facilitator Sjogren asked a discussion question, “In what ways did you see these stakeholder input results influence Guidelines revision decisions?”

The Commission discussed this question. Feedback from stakeholders suggested making them easier to understand and including input from victims. There was a comment that it appeared that rehabilitation experts and formally incarcerated people were underrepresented in stakeholder engagement.

4. Reranking Offenses – Presentations and Discussion

Chair Mitchell framed this section by saying that Dr. Julia Laskorunsky had conducted practitioner interviews and that this item was on the agenda before the Commission’s discussion of the reranking project to determine if Dr. Laskorunsky’s research would influence previously made decisions.

Chair Mitchell introduced Dr. Julia Laskorunsky, Robina Institute, who presented, “Understanding Departure Patterns: Practitioner Perspectives on Failure to Register, Felony DWI, and Criminal Vehicular Homicide” dated August 13, 2025. The presentation summarized 20 semi-structured interviews with prosecutors, defense attorneys, and dispositional advisors about their perceptions and reasoning behind departures and recommendations for policy changes. Dr. Laskorunsky reported on themes that appeared multiple times across both defense attorneys and prosecutors about the following offenses: Failure to Register as a Predatory Offender; felony Driving While Impaired; Criminal Vehicular Homicide.

Chair Mitchell explained that the next presentation was that of the reranking project and the three reranking areas. Chair Mitchell called on MSGC staff members Leah Bower and Matthew Hlina who presented, “Areas of Interest in Reranking or Making Legislative Recommendations,” dated August 13, 2025; and “Reranking Offenses Summary,” dated August 13, 2025.

It was explained that the Steering Committee identified three groups of offenses for the Commission to focus. These groupings were Criminal Vehicular Homicide (CVH) and Injury (CVO); Felony Driving While Impaired (DWI) and Fleeing Peace Officer; Registration of Predatory Offenders and Ineligible Person Possessing Firearms; Assaults, Domestic Assaults and Violations; and Aggravated Robbery.

Between March and July of 2025, the Commission completed ranking forms for each of the Offense Groups. The results of the ranking forms were presented at Commission meetings and discussion followed. MSGC Staff then identified those offenses that appeared to have interest in reranking either due to most Commissioners indicating this on the reranking forms or due to discussion.

Identified re-rankings were summarized in Table 8 (p. 11) of “Areas of Interest in Reranking or Making Legislative Recommendations” and on the last slide of “Reranking Offenses Summary.” That summary appears, below:

Table 8. Summary of Identified Rerankings – All Offenses

Offense	Identified Change	Current SL	Identified SL
Uprank			
<i>CVH–While Impaired & Prior</i>	<i>Uprank</i>	<i>SL 8+ mod</i>	<i>SL 9</i>
<i>CVO-GBH-Gross Negligence</i>	<i>Uprank</i>	<i>SL 5</i>	<i>SL 6</i>
<i>CVO-GBH-While Impaired</i>	<i>Uprank</i>	<i>SL 5</i>	<i>SL 6</i>
<i>Assault 2-SBH</i>	<i>Uprank</i>	<i>SL 6</i>	<i>SL 7</i>
<i>Assault 3-SBH</i>	<i>Uprank</i>	<i>SL 4</i>	<i>SL 5</i>
<i>Assault 4-Peace Officer</i>	<i>Uprank</i>	<i>SL 1</i>	<i>SL 3</i>
<i>Assault 4-Firefighter/EMS</i>	<i>Uprank</i>	<i>SL 1</i>	<i>SL 3</i>
<i>Assault 4-Corr/Prosec/Judge/Prob</i>	<i>Uprank</i>	<i>SL 1</i>	<i>SL 3</i>
<i>Assault 4-Secure Treatment Facility</i>	<i>Uprank</i>	<i>SL 1</i>	<i>SL 3</i>
<i>Assault 4-Bias</i>	<i>Uprank</i>	<i>SL 1</i>	<i>SL 3</i>
<i>Domestic Assault Strangulation</i>	<i>Uprank</i>	<i>SL 4</i>	<i>SL 5</i>
Downrank			
<i>Assault 1-GBH</i>	<i>Downrank</i>	<i>SL 9</i>	<i>SL 8</i>
Other			
<i>Failure to Register – 1st</i>	<i>Move to Standard Grid</i>	<i>SL 1</i>	<i>SL 2</i>
<i>Failure to Register – 2nd or Subsequent</i>	<i>Move to Standard Grid</i>	<i>SL 1</i>	<i>SL 4</i>

The Commission discussed both Dr. Laskorunsky’s presentation and the staff reranking project and asked clarifying questions.

Next the Commission participated in a group activity in which members visited three “feedback stations.” In the room, there were three large posterboards in which each member was asked to respond by writing their initials in the space provided under the prompt for whether they “Loved it,” “Liked it,” could “Live with it,” were “Leery of it; or “Loathed it.” If the member was “Leery of it” or

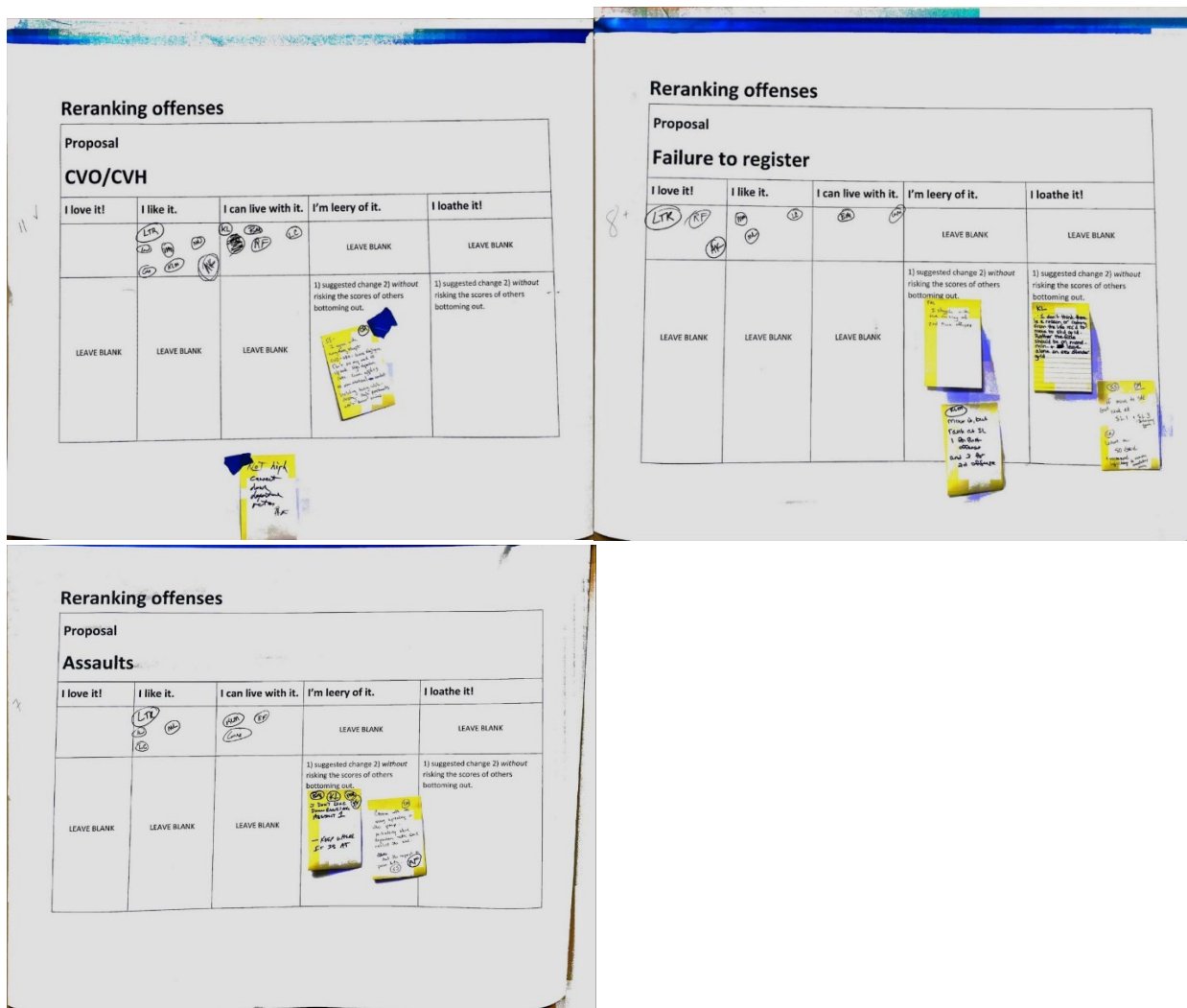
“Loathed it,” they were asked for a suggested change to the proposal, that they could “live with,” but not lose support from others.

It was noted that commissioners should consider if their concern was due to something that they thought was missing from the proposal, that it was fine to reflect that in their explanation if they could also contend with the idea that it might lose others’ votes.

The meeting recessed for lunch at 11:59 p.m., and was called back to order at 12:31 p.m.

The Commission reviewed the results of the feedback stations, and the Commission discussed re-rankings those that received “leery” or “loathe” comments.

Photos were taken of the three completed posterboards and are included below:



The possible re-ranking of Criminal Vehicular Operations (CVO); Great Bodily Harm (GBH); Gross Negligence from Severity Level (SL) 5 to SL 6, was discussed at length. The discussion included the crime’s definition, mens rea, and the range of behavior involved.

The possible re-ranking of Failure to Register as a Predatory Offender, from the Sex Offender Grid at SL 1 to the Standard Grid at SL 2 for a first-time offense, and SL 4 for a subsequent offense was discussed at

length. The Commission discussed Failure to Register behavior and how it may vary. The Commission discussed whether it wanted to make a recommendation to the Legislature to reconsider the mandatory minimums before making changes to severity levels.

Based on discussion, Director Reitz said staff assumed the Commission did not want to act on reranking Failure to Register as a Predatory Offender. Chair Mitchell said the Commission would discuss a recommendation to the Legislature at a future meeting.

5. Steering Committee's Proposed Changes to the Sentencing Guidelines

Next, Ethan Ellis, Humphrey School of Public Affairs, presented, "Commitments Incapacitate But Have No Effect on Medium-Term Re-offense Rates for Low Severity Cases" dated August 8, 2025. Ellis explained the research question which was, "Is it possible to reduce incarceration without increasing re-offense rates?" and methodology. Ellis found that initial lack of incapacitation led to a short-term increase in re-offense rates; however, after a baseline incarceration period, there was no evidence of an increase in re-offense rates. Ellis noted policy implications to include that a reduction in incarceration months which may save the state money and allow those formerly incarcerated people to work, pay taxes, and contribute to their families and communities.

Following the presentation, a commissioner commented that often discussions are too focused on such things as confinement in terms of durations and that the Commission's purview is larger and could extend to discussions about what resources could be made available while people are incarcerated to assist them to become law-abiding citizens.

Chair Mitchell presented, "Steering Committee Report" slides dated August 13, 2025, and acknowledged and thanked the Steering Committee members: Hon. Michelle Larkin, Vice-Chair, Court of Appeals Representative; Hon. David Knutson, District Court Representative; Kyra Ladd, Prosecutor Representative; Cathryn Middlebrook, Public Defender Representative; and LaTonya Reeves, Probation Representative. Chair Mitchell explained that the report was intentionally a packaged proposal that would garner consensus among the Commission.

Chair Mitchell explained the criminal history proposal by first recalling that its original relative importance was secondary to offense severity. Chair Mitchell articulated, in her opinion, that the purpose of criminal history was to address both risk of reoffending and blameworthiness.

Chair Mitchell described each of the nine proposals and rationales:

- Two criminal history proposals were to eliminate the juvenile point; and convert the custody status point to a durational increase.
- Two proposals were to reduce the decay period for felonies from 15 years to 10 years and to reduce the decay for Misdemeanors and Gross Misdemeanors from 10 years to 7 years.
- A proposal to adjust and simplify counting criminal history for felony Driving while Impaired (DWI), to simplify it and not count predicate offenses.
- Clarification that the burden of proof for out-of-state offenses was on the prosecutor.

- Departure changes, which did not have Steering Committee consensus, included departure language that would remove distinctions for departure characteristics that were “offense-based” vs. “offender-based”; and to add a new mitigated departure factor for a person being sentenced who has no prior criminal conviction or stay of adjudication.
- Changes to the grids in which ranges would apply to non-prison sentences; and changing example offenses on the grid.

Chair Mitchell described items that may be addressed in the future including rankings for drug offenses, motor vehicle theft, and offenses resulting in death; reorganizing, renumbering, and simplifying the Guidelines; and “Hernandizing.”

At 2:20 p.m., the Commission took a 10-minute break.

At 2:30 p.m., the Commission participated in a group activity in which non-steering committee members were matched with a steering committee member. Each group visited up to nine proposal “poster stations.” There were large posterboards stationed around the room. At each station, non-member participants identified their gradient of agreement on the chart: “love,” “like,” “live with,” “leery,” “loathe.” The Steering Committee member was directed to accompany the non-member, field questions, but to not influence their scoring. However, for the item in which there was no Steering Committee consensus (Proposal 7: “Add new language focusing courts on logic, rather than factor class, in departure decisions”) Steering Committee members were instructed that they may also leave comments.

This item was discussed at the conclusion of agenda item 6.

6. Revisions to Sentencing Guidelines’ Purpose and Principles Statement

Chair Mitchell called on Kevin Reitz, Faculty Director, Robina Institute; James Annenberg La Veia Land Grant Chair in Criminal Procedure Law, University of Minnesota Law School, who presented, “Minnesota Sentencing Guidelines, Proposed Revisions, Purposes of the Guidelines and the Criminal History Score,” dated August 1, 2025.

Prof. Reitz described two revisions to the principles section of the Guidelines and one revision to the criminal history section. Prof. Reitz suggested making changes to “purposes provisions” in the Guidelines because it was important to memorialize them. The first proposed revision was for public safety which would read:

Public safety is furthered by sentences that work to reduce future crimes and victimizations through means such as rehabilitation, deterrence, and incapacitation. In some cases, it is furthered by reasonable caution in the choice of sanctions that could hinder a defendant’s reintegration into the law-abiding community.

Next, Prof. Reitz recommended clarification to the elements of proportionality explaining that the Guidelines had always related proportionality first with offense severity, and then criminal history; however, the Guidelines did not address how the two factors should be weighed and measured in proportionality. The proposed revision would read:

Proportionate sentence severity is measured against the defendant's blameworthiness and the harms done or risked to victims and the community in the current offense. Criminal history contributes to this assessment because it adds to the defendant's blameworthiness in the commission of the current offense.

Finally, Prof. Reitz explained that the Comprehensive Review would make an important contribution to the Guidelines by adding language that addressed the purpose of the criminal history score. Prof. Reitz presented a proposed revision to the criminal history section of the Guidelines, related to the dual Guidelines' goals of public safety and proportionality that read:

The horizontal axis on the Sentencing Guidelines Grids is the criminal history score, which advances the Guidelines' goals of public safety and proportionality. The criminal history score reflects policy judgments that prior convictions are an important indicator of a defendants' risk of recidivism; and that they add to a defendant's blameworthiness in the commission of the current offense. The criminal history score is not meant to impose cumulative penalties for prior offenses that have previously been punished.

The Commission asked questions and discussed the presentation and draft language. The discussion included a question about how blameworthiness for the current offense and criminal history were related and whether a revision to the criminal history section was necessary.

Facilitator Sjogren asked each commissioner whether they wished to proceed with changes to the purposes and principles. There was agreement to proceed.

The Commission next discussed its results from the group exercise about the nine Steering Committee proposals. Discussion focused on three proposals that received either "loathing" or "leery" feedback which were proposals 1, 2, and 7.

Photos were taken of the nine completed posterboards and are included below:

Proposal 1: Change the felony decay period from 15 to 10 years. This proposal received the following votes: love it!=3; like it=2; live with it=1; leery=0; and loathe=3. For the three "loathe" votes, recommendations were to make distinctions for felony decay based on whether the offense was a "low-level" felony which would be five years and a "high-level" felony which would be 10 years. One "loathe" vote agreed with this recommendation except for domestic-related offenses.

Steering Committee's proposed guideline changes

Proposal:
Change the felony decay period from 15 to 10 years.

I love it!	I like it.	I can live with it.	I'm leery of it.	I loathe it!
			LEAVE BLANK	LEAVE BLANK
LEAVE BLANK	LEAVE BLANK	LEAVE BLANK	1) suggested change 2) without risking the scores of others bottoming out.	1) suggested change 2) without risking the scores of others bottoming out.

Proposal 2: Change the misdemeanor decay period from 10 to 7 years. This proposal received the following votes: love it!=3; like it=2; live with it=1; leery=0; and loathe=3. For the three “loathe” votes, a recommendation was to make the decay five years. One “loathe” vote agreed with this recommendation except for domestic-related offenses.

Steering Committee's proposed guideline change

Proposal:
Change the misdemeanor decay period from 10 to 7 years.

I love it!	I like it.	I can live with it.	I'm leery of it.	I loathe it!
			LEAVE BLANK	LEAVE BLANK
LEAVE BLANK	LEAVE BLANK	LEAVE BLANK	1) suggested change 2) without risking the scores of others bottoming out.	1) suggested change 2) without risking the scores of others bottoming out.

Proposal 3: Eliminate special rules for counting DWIs in misdemeanor criminal history. This proposal received the following votes: love it!=0; like it=4; live with it=4; leery=0; and loathe=0. There was no discussion on proposal 3.

Steering Committee's proposed guideline change				
Proposal: Eliminate special rules for counting DWIs in misdemeanor criminal history.				
I love it!	I like it.	I can live with it.	I'm leery of it.	I loathe it!
			LEAVE BLANK	LEAVE BLANK
LEAVE BLANK	LEAVE BLANK	LEAVE BLANK	1) suggested change 2) without risking the scores of others bottoming out.	1) suggested change 2) without risking the scores of others bottoming out.

Proposal 4: Eliminate juvenile points from the criminal history score. This proposal received the following votes: love it!=1; like it=4; live with it=3; leery=0; and loathe=0. There was no discussion.

Steering Committee's proposed guideline change				
Proposal: Eliminate juvenile points from the criminal history score.				
I love it!	I like it.	I can live with it.	I'm leery of it.	I loathe it!
			LEAVE BLANK	LEAVE BLANK
LEAVE BLANK	LEAVE BLANK	LEAVE BLANK	1) suggested change 2) without risking the scores of others bottoming out.	1) suggested change 2) without risking the scores of others bottoming out.

Proposal 5: Specify state's burden to prove out-of-state criminal history. This proposal received the following votes: love it!=4; like it=1; live with it=3; leery=0; and loathe=0. There was no discussion.

Steering Committee's proposed guideline change

Proposal:
Specify state's burden to prove out-of-state criminal history.

I love it!	I like it.	I can live with it.	I'm leery of it.	I loathe it!
4	1	3	0	0
LEAVE BLANK	LEAVE BLANK	LEAVE BLANK	1) suggested change 2) without risking the scores of others bottoming out.	1) suggested change 2) without risking the scores of others bottoming out.

Proposal 6: Convert custody status to a durational increase. This proposal received the following votes: love it!=0; like it=2; live with it=6; leery=0; and loathe=0. There was no discussion.

Steering Committee's proposed guideline change

Proposal:
Convert custody status to a durational increase.

I love it!	I like it.	I can live with it.	I'm leery of it.	I loathe it!
0	2	6	0	0
LEAVE BLANK	LEAVE BLANK	LEAVE BLANK	1) suggested change 2) without risking the scores of others bottoming out.	1) suggested change 2) without risking the scores of others bottoming out.

The Commission discussed this proposal at length. It was acknowledged that this was not a Steering Committee consensus item. Facilitator Sjogren asked each commissioner “yes” or “no” whether they wished to continue discussion in the future and there was consensus to continue the conversation.

Steering Committee's proposed guideline change				
Proposal:				
Add new language focusing courts on logic, rather than factor class, in departure decisions.				
I love it!	I like it.	I can live with it.	I'm leery of it.	I loathe it!
			LEAVE BLANK	LEAVE BLANK
LEAVE BLANK	LEAVE BLANK	LEAVE BLANK		



Steering Committee's proposed guideline change

Proposal:				
Add new mitigated departure factor for first offenders.				
I love it!	I like it.	I can live with it.	I'm leery of it.	I loathe it!
			<p>LEAVE BLANK</p>	<p>LEAVE BLANK</p>
<p>LEAVE BLANK</p>	<p>LEAVE BLANK</p>	<p>LEAVE BLANK</p>	<p>1) suggested change 2) without risking the scores of others bottoming out.</p>	<p>1) suggested change 2) without risking the scores of others bottoming out.</p>

Proposal 9: Add ranges to shaded grid cells; revamp example offenses. This proposal received the following votes: love it!=6; like it=2; live with it=1; leery=0; and loathe=0. There was no discussion.

Steering Committee's proposed guideline change

Proposal:
Add ranges to shaded grid cells; revamp example offenses.

I love it!	I like it.	I can live with it.	I'm leery of it.	I loathe it!
			LEAVE BLANK	LEAVE BLANK
LEAVE BLANK	LEAVE BLANK	LEAVE BLANK	1) suggested change 2) without risking the scores of others bottoming out.	1) suggested change 2) without risking the scores of others bottoming out.

7. Taking Stock of the Commission's Progress

Although this was on the agenda as item 7, it was taken after item 8.

Facilitator Sjogren thanked the Commission and asked each member to speak about the Commission's progress after today's meeting in a weather report format.

8. Public Input

Although this was on the agenda as item 8, it was taken before item 7.

Anna Hall, a defense attorney at the Legal Rights Center in Minneapolis, said that she supported the Steering Committee's proposals and encouraged the Commission to support the recommendations. Hall said that it was often difficult to explain departures to her clients. Hall encouraged the Commission to consider the full range of behavior within a statute (least to most serious). Hall asked the Commission to reconsider its decisions to uprank offenses unless they were based in research.

9. Concluding Remarks & Adjournment

Chair Mitchell asked the Commission to give Stacy Sjogren a round of applause for navigating the meeting. Chair Mitchell also showed appreciation to members for being present and engaged. Chair Mitchell said the remaining meetings on the 2025 calendar will be extended to three hours, from 1:00 p.m. to 4:00 p.m.

Chair Mitchell adjourned the meeting at 4:02 p.m., without objection.