

Public Hearing Summary

November 20, 2025

The Minnesota Sentencing Guidelines Commission (MSGC) held a public hearing on November 20, 2025, at 2:00 p.m., in the Minnesota Senate Building, Room 1100, 95 University Ave. W., Saint Paul, MN 55155; and by telephone and/or electronically. This document is an MSGC staff summary of that public hearing.

[Minn. R. 3000.0500](#) provides that the record of a public hearing on proposed amendments to the Sentencing Guidelines will include the names of all persons who testified with respect to the proposed amendments, as well as the audio recording of the hearing. The audio and video recording of the hearing is available at the following link: <https://www.youtube.com/watch?v=XdyGkgipRL0>.

Present in person were Chair Kelly Lyn Mitchell, and Commissioners Richard Frase, Marlin Meszaros, and Cathryn Middlebrook. Also present in person were MSGC Executive Director Nate Reitz and staff member Matt Hlina, Jill Payne, and Devonte Roache; and an estimated 10 members of the public.

Present by telephone and/or electronically were Commissioners Amirthini Keefe, Kyra Ladd, Tim Morin, and Surya Saxena; the notice required by Minn. Stat. § 13D.015 having been posted on the MSGC website on October 10, 2025. Also present by telephone and/or electronically were MSGC staff Kathleen Madland and Linda McBryer; and approximately 15 members of the public.

A. Call to Order

At 2:07 p.m., Chair Mitchell called the public hearing to order.

B. Purpose of the Hearing

1. Chair Mitchell stated that the public hearing was being held to consider proposed modifications to the 2025 Minnesota Sentencing Guidelines and Commentary resulting from the Commission's comprehensive review. By a unanimous vote, the Commission preliminarily adopted proposed modifications at its meeting on October 9, 2025. In brief, the nature and effect of these proposed modifications are:
 - A. **Changes to criminal history score calculation.** As a result of its comprehensive review of the Sentencing Guidelines, the Commission proposes changes to each of the four components of the criminal history score: prior felonies; custody status at the time of

the offense; prior misdemeanors and gross misdemeanors; and prior juvenile adjudications.

- B. **Changes to offense severity.** As a result of its comprehensive review of the Sentencing Guidelines, the Commission proposes to increase the severity level assigned to several offenses; to replace one sentencing modifier with an increased severity-level ranking; and to decrease the severity level assigned to one offense. Each proposal amends Guidelines 5.A (the offense severity reference table) and 5.B (severity levels by statutory citation); and other amendments are as stated.
- C. **Other changes.** In addition to changes to criminal history score calculation and offense severity, the Commission, as a result of its comprehensive review of the Sentencing Guidelines, also proposes to make changes to:
1. **Clarifying the Guidelines' purpose and principles;**
 2. **Clarifying the burden of proving out-of-state offenses;**
 3. **Displaying ranges in shaded cells and revising example offenses;** and
 4. **Adding a "True first offender departure factor"** to the nonexclusive list of mitigating factors that judges may use when articulating substantial and compelling reasons for departing from the Sentencing Guidelines' presumptive sentence.

A complete copy of the proposed modifications were on the Commission's website at <https://mn.gov/sentencing-guidelines/commission/meetings/upcoming>, and they were available on the website since October 20, 2025, the same day the notice of the hearing was published in the State Register. Chair Mitchell further explained that there were public-inspection copies available in the room, together with website access information.

C. Public Hearing Procedures

Chair Mitchell explained the procedures for the public hearing, as follows:

- Members of the public may make oral or written statements regarding the proposed modifications, and that they may address questions about the proposed modifications to the Commission, its staff, or witnesses, and, if members of the public make an oral statement, the Commission or its staff may ask questions of them.
- Member of the public who wished to testify about the proposed modifications must first register their name, address, telephone number, and the names of any individuals or associations that they represent in connection with the hearing.
- After public testimony, the public hearing will end. The Commission will hold the record open for five calendar days to accept additional written comments. The Commission will give due

consideration to all written comments received within the five-day comment period, as well as all written comments received up until the public hearing.

- The Commission will meet on Thursday, December 18, 2025, at 1 p.m., to finally adopt or reject its proposal. That meeting will take place at the Minn. Department of Corrections – Itasca Training Room – ETC Building (West Entrance), 1450 Energy Park Drive, St. Paul, Minnesota, 55108, with remote participation optional.

D. Public Testimony

1. **Morgan Kunz**, Criminal Division Director at the Hennepin County Attorney’s Office, spoke in support of the Commission’s comprehensive review proposal. Mr. Kunz consulted extensively with the staff at the Hennepin County Attorney’s office as he prepared his testimony today. Mr. Kunz spoke in favor of reducing the decay period for felony offenses from 15 to 10 years, noting that this is consistent with research and with other states. He also supported the elimination of juvenile points from criminal history scores, emphasizing that juvenile law focuses on rehabilitation while still accounting for serious offenses. Mr. Kunz supported converting the custody status point into a durational increase, making sentencing more equitable and consistent. Finally, he spoke in favor of allowing offender-related factors and mitigated departures, giving prosecutors and judges greater flexibility to tailor sentences appropriately.
2. **Anna Hall**, Community Defense Attorney at the Legal Rights Center in Minneapolis, supported most of the Commission’s comprehensive review proposal. Hall emphasized that reducing decay periods and eliminating juvenile adjudications recognized that people should not be defined by a single act and deserve future opportunities. Hall noted that individuals with convictions already face significant collateral consequences such as loss of housing, employment, and benefits, and research shows crime rates decline with age. Hall raised concerns about raising the severity level for assault in the fourth degree, saying that these offenses often arise from situations where law enforcement fails to de-escalate, particularly with community members experiencing mental health issues. Finally, Hall urged the Commission to reconsider allowing judges to use the same factors for both durational and dispositional departures, arguing that the distinction is unnecessary and within the Commission’s power to change.
3. **Marvina Hanes**, Executive Director and Founder of Minnesota Wrongfully Convicted Judicial Reform, spoke about the lifelong impact of wrongful incarceration and her family’s fight for justice. Hanes expressed strong support for eliminating juvenile points from criminal history scores, arguing that children should not carry lifelong burdens for youthful mistakes. Hanes also favored reducing the misdemeanor decay period to seven years, requiring prosecutors to prove prior out-of-state convictions, and ensuring sentences reflect fairness and justice rather than punishment alone. Hanes opposed increases in offense severity levels, highlighting that they worsen racial disparities and contribute to wrongful incarceration. Finally, Hanes called for independent transparency

reviews, opportunities for re-sentencing, and deeper collaboration with community organizations to build a more just and humane system.

4. **Dr. Raj Sethuraju**, Criminal Justice Chair of the NAACP Minneapolis Branch, urged the Commission to incorporate restorative and transformative justice practices into the sentencing guidelines. Dr. Raj supported approaches that involved communities and restored dignity and humanity rather than focusing on incarceration. Dr. Raj emphasized the effectiveness of community-based restorative practices and called for greater recognition of research, including University of Minnesota research on genetics and epigenetics that highlight the need for healing over punishment. Dr. Raj opposed the current punitive sentencing framework, criticizing its reliance on numerical measures of crime and its failure to support victims or address generational harm, particularly in communities of color. Dr. Raj called for a shift away from punishment and towards accountability, healing, and community-centered justice.

Chair Mitchell thanked those who spoke for their testimony. Chair Mitchell asked if there were any questions from the Commission.

Commissioner Keefe thanked testifiers for bringing important issues to the Commission and holding the Commission accountable. Commissioner Keefe noted similar conversations have taken place nationally and that the Commission is considering how to incorporate these ideas into its work. Commissioner Keefe acknowledged the challenges of balancing past approaches with the Commission's purpose for the future.

Commissioner Meszaros thanked Dr. Raj for his testimony and expressed appreciation for his perspectives. Commissioner Meszaros said that he is working on related ideas outside his Commission work and hoped to present them in the future. Commissioner Meszaros emphasized the importance of focusing on healing rather than harm, in the justice system.

E. Adjournment

After determining that there were no other testifiers, Chair Mitchell stated that the record would remain open for five calendar days, through November 25, 2025, to receive additional written comments at sentencing.guidelines@state.mn.us.

The Chair adjourned the public hearing at 2:47 p.m., without objection.