

Approved Meeting Minutes

May 7, 2026

A meeting of the Minnesota Sentencing Guidelines Commission (MSGC) was held on May 7, 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; Keala Ede, Court of Appeals Judge; Richard Frase, Professor Emeritus, University of Minnesota Law School; Gordon L. Moore, III, Minnesota Supreme Court Justice; and Latonya Reeves, Hennepin County Career Probation Officer. Also present in person were MSGC Executive Director Nate Reitz and MSGC staff members Leah Bower, Matthew Hlina, Jill Payne, and Devonte Roache.

Commission members present by telephone and/or electronically were Amirthini Keefe, Public Member and Executive Director, Domestic Abuse Project; Kyra Ladd, Wadena County Attorney; Marlin Meszaros, Director of Residential Services, FreedomWorks; and Surya Saxena, Public Member; the notice required by Minn. Stat. § 13D.015 having been posted on the MSGC website on April 10, 2026. Also present by telephone and/or electronically were staff members Kathleen Madland and Linda McBrayer; and members of the public Professor Christopher Uggen, Professor Kevin Reitz, Dr. Julia Laskorunsky, and Ethan Ellis, University of Minnesota; Emmy Loycano; Katie McCormick; Brenda Smith and Gina Kubits.

1. Call to Order & Roll Call

Chair Mitchell called the meeting to order at 3:00 p.m.

Director Reitz called the roll. Present were Chair Mitchell, Vice-Chair Middlebrook, and members Ede, Frase, Keefe, Ladd, Meszaros, 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.

At 3:04 p.m., Commissioner Saxena joined the meeting remotely.

Motion by Commissioner Vice-Chair Middlebrook and second by Commissioner Ede to approve the draft meeting agenda for May 7, 2026.

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

Voting “Yes” was Chair Mitchell, Vice-Chair Middlebrook, and members Ede, Frase, Keefe, Ladd, Meszaros, Reeves and Saxena.

3. Approval of Draft Meeting Minutes of April 9, 2026 (Action)

This was on the agenda as an action item.

Motion by Commissioner Ede and second by Commissioner Reeves to approve the draft meeting minutes from April 9, 2026

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

Voting “Yes” was Chair Mitchell, Vice-Chair Middlebrook, and members Ede, Frase, Keefe, Ladd, Meszaros, Reeves, and Saxena.

4. Legislative Update (Discussion/Possible Action)

This was on the agenda as a discussion/possible action item.

At 3:07 p.m., Commissioner Moore joined the Commission meeting in-person.

Chair Mitchell called on Director Reitz to explain the following items.

A. June Meeting Preview – Possible Modifications to the Guidelines Related to Session Laws

Director Reitz presented “June Preview: A Survey of Live Crime Bills,” dated April 27, 2026. He outlined the contents of the staff paper and highlighted updates made since its initial drafting. Director Reitz provided an overview of anticipated topics for the June Commission meeting, including the process for reviewing and ranking new crime legislation. He also discussed the timeline for the summer public hearing cycle and noted additional bills not included in the original document that are still considered active crime legislation.

B. Possible Sentencing Guidelines Technical Modifications

Director Reitz presented “Sentencing Guidelines Technical Modifications,” dated April 27, 2026, and updated May 4, 2026. Director Reitz described the document as containing staff recommended technical modifications to the Sentencing Guidelines. Director Reitz further noted that the item is scheduled for action at the Commission’s June meeting.

5. Comprehensive Review Ranking Project (Discussion)

This was on the agenda as a discussion item.

A. Aggravated and Vehicular Theft-Related Offenses

Chair Mitchell briefly explained the rationale for bringing forward this group of theft-related offenses, describing them as outliers within the typical theft offense scheme.

Chair Mitchell called upon Director Reitz to present the staff paper.

Director Reitz presented “Offenses for Reranking Consideration: Aggravated and Vehicular Theft-Related Offenses,” dated April 28, 2026, and reviewed the two chapters contained in the report:

- Chapter 1: addressed theft offenses ranked at a more severe severity level due to either a high monetary threshold or specific offense characteristics, such as offenses committed against a vulnerable adult.
- Chapter 2: addressed theft and receiving stolen property offenses involving motor vehicles.

The Commission asked questions and engaged in discussion regarding both chapters. Director Reitz also reviewed the reranking worksheets distributed to the Commission and requested that completed worksheets be returned to staff by Monday, May 18, 2026.

B. Next Steps

Director Reitz presented “Most Common Unranked Offenses, 2023–2024,” dated April 30, 2026, and explained the reasons certain offenses are designated as unranked. Director Reitz reviewed a table identifying the unranked offenses with the highest frequencies during 2023 and 2024.

Commission members requested that the data be expanded to include at least 10 years of information. The Commission also discussed the possibility of developing guidance for unranked offenses that encompass a broad range of underlying conduct, including an approach for determining appropriate offense rankings.

Chair Mitchell requested that a formal process be established for the Commission to annually review the most frequently occurring unranked offenses. Under that process, the Commission could determine whether any unranked offenses should be ranked and subsequently reported to the Legislature. Director Reitz suggested September as an appropriate month for conducting that annual review.

6. Committee Updates (Discussion)

This was on the agenda as a discussion item.

- a) *Hernandez* Committee update: Chair Mitchell reported that the Hernandezizing Committee did not meet during the month. Instead, the Chair, Vice-Chair, and the academic member met with research staff to gain a better understanding of the data, which had proven difficult to interpret. Chair Mitchell noted that the group made good progress.
- b) Restructuring Committee update: Director Reitz reported that a draft had been distributed to committee members and that the committee plans to meet virtually once a mutually agreeable meeting date is established.

7. Executive Director’s Report (Discussion)

This was on the agenda as a discussion item.

In addition to Agenda Item 4 (Legislative Update), Director Reitz reported that the National Association of Sentencing Commissions (NASC) will hold its annual conference in Santa Fe.* in August. Director Reitz noted that additional details will be provided as they become available.

8. Public Input

Director Reitz noted that no members of the public were present in person and then invited any members of the public attending remotely to provide comments.

One member of the public attending online addressed the Commission.

Katie McCormick stated that she had previously provided public comments to the Commission and had submitted written comments for the current meeting dated April 27, 2026. Ms. McCormick discussed cases involving perceived sentencing disparities in person offenses, plea practices, and the need for proportional sentencing reform. She referenced several cases, including the criminal vehicular homicide of child victim Lily Loycano. Ms. McCormick urged the Commission to review what she described as inconsistencies within the Sentencing Guidelines that rank certain property and drug offenses more severely than offenses involving victims. Ms. McCormick stated that she intends to continue bringing forward cases that she believes demonstrate sentencing disparities.

Chair Mitchell thanked Ms. McCormick for her comments. Chair Mitchell noted that the Commission had reviewed several person offenses as part of its comprehensive review of the Sentencing Guidelines, including criminal vehicular homicide and criminal vehicular injury offenses, and had adjusted certain offense rankings. Chair Mitchell also acknowledged that those changes may not have altered the outcomes in the example cases referenced by Ms. McCormick.

9. Adjournment

Chair Mitchell stated that the primary focus of the Commission's next meeting will be the ranking of newly enacted criminal legislation.

Chair Mitchell adjourned the meeting at 4:42 p.m., without objection.

* This was a misstatement; the conference will be held in Albuquerque.