

Approved Meeting Minutes

May 8, 2025

A meeting of the Minnesota Sentencing Guidelines Commission (MSGC) was held on May 8, 2025, in the Itasca Room at the Department of Corrections headquarters, 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 David Knutson, First Judicial District Court Judge; Kyra Ladd, Wadena County Attorney, Marlin Meszaros, Director of Reentry Services for Damascus Way – Golden Valley; Cathryn Middlebrook, Chief Appellate Public Defender; 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; MSGC staff members Leah Bower, Matthew Hlina, and Jill Payne; and members of the public Professor Kevin Reitz, University of Minnesota; and Professor Christopher Uggen, University of Minnesota.

Commission members present by telephone and/or electronically were Richard Frase, Professor Emeritus, University of Minnesota Law School; Amirthini Keefe, Public Member and Executive Director, Domestic Abuse Project; and Surya Saxena, Public Member, the notice required by Minn. Stat. § 13D.015 having been posted on the MSGC website on April 11, 2025. Also present by telephone and/or electronically were MSGC staff members Kathleen Madland, Linda McBrayer, and Devonte Roache; and member of the public Dr. Julia Laskorunsky, University of Minnesota.

1. Call to Order and Roll Call

Chair Mitchell called the meeting to order at 3:03 p.m.

Director Reitz called the roll. Present were Chair Mitchell, Vice-Chair Larkin, and members Frase, Keefe, Knutson, Ladd, Meszaros, Middlebrook, Moore, Reeves, and Saxena. Eleven members were present. Two 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 Commissioner Reeves and second by Commissioner Middlebrook to approve the draft meeting agenda for May 8, 2025.

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

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

3. Approval of Draft Meeting Minutes (Action)

This was on the agenda as an action item.

Motion by Vice-Chair Larkin and second by Commissioner Middlebrook to approve the draft meeting minutes from April 10, 2025.

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

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

4. Comprehensive Review Ranking Project (Discussion)

This was on the agenda as a discussion item.

Chair Mitchell said that part of the goal for today’s meeting was to revisit and review some earlier offense groups. Chair Mitchell called on Director Reitz who presented a staff paper entitled, “Ranking Great Bodily Harm Offenses,” dated May 1, 2025. Director Reitz explained that, rather than looking at all levels of harm caused by a particular type of misbehavior, the paper looked at one level of harm, and all types of misbehavior that may cause such harm. Director Reitz explained that this paper was relevant to offense groups 1 and 3. Director Reitz also pointed out that, although there was some earlier discussion that legislative changes were expected this session related to the offense of fleeing a peace officer, it now appeared to be unlikely to have changes. Director Reitz said that this was relevant to the Commission’s discussion if the Commission wished to revisit this offense during the comprehensive review process.

A. Continue Reviewing Results from Offense Group 1 – Felony Motor Vehicle Operation

MSGC staff members Leah Bower and Matthew Hlina presented, “Offense Group 1: Ranking Exercise Feedback,” dated April 10, 2025, which was previously reviewed at the Commission’s April 10, 2025, meeting. Bower explained that the review was to find common agreement statements and observations based on ranking forms from offense group 1.

Bower summarized the survey results for Criminal Vehicular Homicide (CVH). There was general agreement to keep CVH ranked at severity level (SL) 8, except there was agreement to “uprank” CVH – while impaired & with a prior conviction to SL 9. (This offense currently has a modifier in which the penalty is increased by 50 percent under Guidelines section 2.G.11.) There also appeared to be support to uprank Criminal Vehicular Operation/Injury (CVO) – gross negligence and while impaired to SL 6. For Felony DWI, there was general agreement to keep the offense ranked at SL 7. For fleeing a peace officer in a motor vehicle, Bower said there appeared to be general agreement to retain the SL 1 ranking for the base offense, but some support to uprank fleeing a peace officer resulting in great bodily harm to SL 7.

The Commission had a lengthy discussion including statutory maximums for CVH and CVO, high departure rates especially for people with no criminal history, whether the Commission should make recommendations to the Legislature to increase statutory maximums, whether it was too complicated to rerank some offenses and not all within the same offense, the impact of collateral sanctions related to driving privileges, comparing sanctions for CVH and DWI vs. drug offenses, and whether reranking would promote public safety given the offense elements (for CVH and CVO) are not knowledge based.

B. Results from Offense Group 2 – Status Offenses

Before beginning, Director Reitz told the Commission that there is a bill in the Senate which would create a task force on mandatory minimums. Then MSGC staff members Leah Bower and Matthew Hlina presented, “Offense Group 2: Ranking Exercise Feedback,” dated May 8, 2025. The two offenses were Failure to Register as a Predatory Offender (FRPO); and Certain Persons not to Possess Firearms or Ammunition. Both offenses have mandatory minimums and both are “status” offenses because the behavior is not illegal except for the fact that the defendant has a prior conviction.

Bower summarized the survey results. For FRPO, there was some support to make recommendations to the Legislature about first-time FRPOs, moving FRPO from the Sex Offender Grid to the Standard Grid given FRPOs no longer include only sex offenses, and providing community-based sanctions which include resources versus prison sentences.

For felon in possession of a firearm, there was some support to make recommendations to the Legislature to distinguish between ammunition-only cases, and whether the firearm was loaded or not; and to do further research to identify the underlying offenses resulting in a conviction that caused the person to be ineligible to possess a firearm. Bower said that Dr. Julia Laskorunsky from the University of Minnesota would be presenting practitioner interview results at an upcoming meeting that related to some of these status offenses.

The Commission discussed the results. The discussion included that the behavior in these cases may be very divergent and that the Commission is constrained by the Legislature’s mandatory minimums, public safety concerns for unloaded weapons in proximity to ammunition-only, predicate offenses for felon in possession that are domestic-abuse related, and possibly making a recommendation to the Legislature to improve laws for relinquishing firearms.

C. Introduction to Offense Group 3 – Assaults, Protective-Order Violations, & Agg. Robbery

Director Reitz presented “Offenses for Reranking Consideration, Offense Group 3 – Assaults, Protective-Order Violations, and Aggravated Robbery 1,” dated May 1, 2025.

Director Reitz explained that this group was very long. Director Reitz asked that these packets be completed by Sunday, May 18, 2025. Offense group 3 included several characteristics that qualify it for the Commission’s ranking considerations:

- Several offenses have high mitigated dispositional departure rates, which may rationally be interpreted as the criminal justice system’s signal that the Guidelines’ presumptive disposition exceeds the punishment appropriate for a typical case; and
- The group contains some high-volume offenses and some high-prison-bed-impact offenses, and many offenses within the group share common characteristics.

D. Comprehensive Review Steering Committee Update

Commissioner Middlebrook gave an update from the Comprehensive Review Steering Committee saying that there has been engaging discussion about modifications to the grids, making a mitigated departure factor for people with “true zero” criminal history, reviews of the custody status point and possibly giving it its own column on the grids that would provide additional time, but would not affect a person’s disposition.

5. Legislative Update (Discussion)

This was on the agenda as a discussion item.

Chair Mitchell called on Director Reitz who presented on two items:

A. June Meeting Preview – Possible Modifications to the Guidelines

Director Reitz presented “2025 Omnibus Public Safety Bills,” dated May 1, 2025. Director Reitz summarized sentencing-related policies in the 2025 Public Safety Omnibus Bills and the differences between the House and the Senate. Director Reitz said that the bills were in conference committee now that that this would be an opportunity for the Commission to make recommendations to the Legislature. Director Reitz said that the Commission had already made one recommendation regarding support for a task force on mandatory minimum sentences for which Director Reitz intended to write a letter to the conference committee.

Director Reitz pointed out two items that may be of particular interest if the Commission wished to make further recommendations to the conference committee for the possible law changes to better comport with the Guidelines: 1) Ten- and twelve-year mandatory minimum sentences required for Sex Trafficking 1st Degree and Aggravated Sex Trafficking 1st Degree, respectively; and 2) A threat to disseminate private sexual images resulting in great bodily harm or death is a new felony Coercion offense.

Director Reitz explained that, regarding felony Coercion, the bill is written to include both great bodily harm and death in the same numbered paragraph and that this may present a challenge to the Commission when ranking the offenses. Director Reitz explained that, regarding the new mandatory-minimum penalty for Sex Trafficking First Degree, the ten-year (120-month) mandatory-minimum penalty does not align with the existing mandatory-minimum penalty for several Second-Degree Criminal Conduct offenses (90 months, ranked at Severity Level B).

Motion by Commissioner Ladd and second by Commissioner Reeves to make recommendations to the Legislature to change the mandatory minimum for Sex Trafficking First Degree from 120-

months to 90-months; and to assigned separate numbered paragraphs or clauses to coercion for threats to disseminate private sexual images resulting in great bodily harm or death.

Discussion: There was no discussion.

Motion carried unanimously on an 11–0 roll-call vote.

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

B. Demographic Impact Statement (DIS) – Senate File 667 (Crime of Violence Definition Modified)

Director Reitz presented the “Demographic Impact Statement (DIS) – Senate File 667 (Crime of Violence Definition Modified),” dated April 24, 2025. Director Reitz explained the bill and said it is no longer active in the Legislature. A DIS was prepared on Senate File 667-0 because it met both of MSGC’s significance criteria. The reductions were not evenly distributed by demographics: American Indian population would see the largest reduction in both its felony sentence rate (–35 per 100,000 adults annually) and its imprisonment rate (–52 per 100,000 adults); the Second Judicial District (includes St. Paul) would see the largest reduction in both its felony-sentence rate (–11 per 100,000 adults annually) and its imprisonment rate (–16 per 100,000 adults); and men would see a larger reduction in both their felony-sentence rate (–7 per 100,000 adults annually) and imprisonment rate (–10 per 100,000 adults annually).

6. Executive Director's Report (Discussion)

This was on the agenda as a discussion item.

Chair Mitchell explained that the Commission’s meeting on June 5, 2025, would begin at 1:00 p.m., and was important because the Commission must review new laws to determine whether any related changes to the Sentencing Guidelines are appropriate. Chair Mitchell explained that the Commission then must hold a public hearing in July (July 17), and, one week later, the Commission must meet again to take final action (July 24), and that any changes are reflected in the August 1 edition of the Sentencing Guidelines.

Director Reitz concurred with Chair Mitchell.

7. Public Input

Chair Mitchell asked if there were members of the public present either in person or remotely who wished to speak. Dr. Julia Laskorunsky from the University of Minnesota, who was present remotely, spoke and said that the interviews with prosecutors and defense attorneys were wrapping up and that results could be presented at the Commission’s meeting on June 5, 2025, if time permitted.

8. Adjournment

Chair Mitchell adjourned the meeting at 4:32 p.m., without objection.