

## Approved Meeting Minutes

**April 9, 2026**

---

A meeting of the Minnesota Sentencing Guidelines Commission (MSGC) was held on April 9, 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; Leonardo Castro, Second Judicial District Court Judge; Keala Ede, Court of Appeals Judge; Richard Frase, Professor Emeritus, University of Minnesota Law School; Kyra Ladd, Wadena County Attorney; and Chief Brian Mueller, Stillwater Police Department. Also present in person were MSGC Executive Director Nate Reitz; and MSGC staff members Leah Bower, Matthew Hlina, Linda McBrayer, Jill Payne, and Devonte Roache.

Commission members present by telephone and/or electronically were Amirthini Keefe, Public Member and Executive Director, Domestic Abuse Project; Marlin Meszaros, Director of Residential Services, FreedomWorks; Gordon L. Moore, III, Minnesota Supreme Court Justice; and Latonya Reeves, Hennepin County Career Probation Officer; the notice required by Minn. Stat. § 13D.015 having been posted on the MSGC website on March 13, 2026. Also present by telephone and/or electronically was staff member Kathleen Madland; and members of the public Calista Moxey and Michelle Hipsag.

### 1. Call to Order & Roll Call

Chair Mitchell called the meeting to order at 3:01 p.m.

Director Reitz called the roll. Present were Chair Mitchell, Vice-Chair Middlebrook, and members Castro, Ede, Frase, Ladd, Meszaros, Moore, Mueller, and Reeves. Ten members were present; three 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 Ede and second by Vice-Chair Middlebrook to approve the draft meeting agenda for April 9, 2026.

**Motion carried** unanimously on a 10–0 roll-call vote.

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

### 3. Approval of Draft Meeting Minutes of March 12, 2026 (Action)

This was on the agenda as an action item.

Prior to the motion, an error was brought to Chair Mitchell’s attention. In the second paragraph, Commissioner Ede’s first name was misspelled.

**Motion** by Commissioner Reeves and second by Commissioner Castro to approve the draft meeting minutes from March 12, 2026, **as corrected**.

**Motion carried** unanimously on a 10–0 roll-call vote.

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

### 4. Legislative Update (Discussion/Possible Action)

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

At 3:34 p.m., Commissioner Keefe joined the meeting remotely.

Director Reitz described two bills that may be of interest to the Commission.

- a) SF 4735, as introduced; and
- b) HF 2354, third engrossment.

The Commission discussed both bills.

**Motion** by Commissioner Ede and second by Commissioner Castro to make a recommendation to the Legislature to insert an intermediate penalty tier between loss of \$0 and loss of \$100,000 in HF 2354, third engrossment.

**Motion carried** on a 10-0 roll-call vote.

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

Commissioner Keefe **abstained**.

### 5. Comprehensive Review Ranking Project (Discussion)

This was on the agenda as a discussion item.

For the benefit of the new Commissioners, Chair Mitchell briefly explained the ranking process that the Commission has undergone during the comprehensive review.

#### A. Results from Offense Group 6 – Other Offenses Resulting in Death

Chair Mitchell called on MSGC research staff Leah Bower and Matthew Hlina to present “Results from Offense Group 6 – Other offenses Resulting in Death.”

The Commission asked questions and discussed offenses.

The Commission engaged in an extended discussion regarding Murder in the Third Degree resulting from a drug sale, which is currently ranked at Severity Level 9. Members considered whether the offense should be re-ranked. Chair Mitchell concluded the conversation by noting that further discussion would continue at a later date.

## **B. Next Steps: How to Tackle Theft-Related Offenses?**

Chair Mitchell called on Director Reitz to discuss next steps on how to tackle theft-related offenses.

Director Reitz presented “Ranking Project: How to Tackle Theft-Related Offenses?” The staff paper summarized the issues before the Commission and posed several questions, including:

- Which, if any, of the listed offenses the Commission is interested in reviewing for potential re-ranking;
- Whether the offense-group process is the appropriate approach for theft-related offenses or if an alternative process should be considered; and
- Whether the Commission is comfortable having the restructuring committee address the gaps and anomalies identified in Table 2.

Commission members discussed the staff paper. One member noted the difficulty of reviewing and discussing some offenses on Table 2 due to their low frequency. Members expressed interest in knowing when the offenses were initially codified in statute and ranked, and in reviewing whether the monetary thresholds should be adjusted for inflation.

## **C. Next Steps: Examining Drug Offenses or Sex Offenses?**

Director Reitz explained that the Drug Offender Grid was last reviewed comprehensively in 2016 with the enactment of the Drug Sentencing Reform Act (DSRA), and that the Sex Offender Grid was last fully reviewed in 2006 when it was enacted. He noted that many sex offenses on the Sex Offender Grid such as sex trafficking and child sexual abuse material have been reviewed more recently, leaving criminal sexual conduct as the only remaining group of offenses that has not recently undergone review.

There was some interest among Commission members in reviewing these two grids.

Chair Mitchell indicated that she would like additional time to consider this further.

## **6. Committee Updates (Discussion)**

This was on the agenda as a discussion item.

This agenda item was taken out of order. This item was taken after agenda item 8.

- a) *Hernandez* Committee update: Chair Mitchell reported that the *Hernandizing* Committee met earlier in the day and discussed topics such as defining what constitutes a prior offense, understanding what qualifies as a crime spree, how cases are charged, and how those charging decisions intersect with the Sentencing Guidelines. Chair Mitchell said the next meeting will focus on reviewing data and testing some of the committee’s working assumptions.
  
- b) Restructuring Committee update: Director Reitz reported that the Guidelines Restructuring Committee has not yet met but that he plans to prepare materials in advance of the next Commission meeting.

## **7. Executive Director’s Report (Discussion)**

This was on the agenda as a discussion item.

This agenda item was taken out of order. This item was taken before agenda item 5B.

Director Reitz reported that staff responded to 74 official and unofficial fiscal notes during this session, marking the second-highest total in at least the last decade and the highest number in an even (non-budget) year.

## **8. Public Input**

Director Reitz asked if there were members of the public who wished to speak.

There were no members of the public in person. There were no members of the public online who wished to make a public comment.

Director Reitz said that there was one written comment from John Melina in the Commission’s meeting materials.

## **9. Adjournment**

Chair Mitchell stated that the May 7, 2026, meeting is planned to begin at 3:00 p.m. to allow committees to meet beforehand, and that the June 4, 2026, meeting will begin at the regularly scheduled time of 1:30 p.m.

Chair Mitchell adjourned the meeting at 4:37 p.m., without objection.