

Public Hearing Summary

December 16, 2021

The Minnesota Sentencing Guidelines Commission (MSGC) held a public hearing on December 16, 2021, in the Minnesota State Capitol Building, Room G3, 75 Dr. Martin Luther King, Jr. Blvd., St. Paul, MN 55155; and by telephone and/or electronically. This document is an MSGC staff summary of that public hearing. The list of persons who testified at the public hearing, found on pages 3 and 4 of this document, is part of the record of the public hearing ([Minn. R. 3000.0500\(C\)](#)).

Present in person were Commission Chair Kelly Lyn Mitchell and Commission members Cathryn Middlebrook and Brooke Morath; and MSGC Executive Director Nate Reitz and staff members Shanna Mohabir and Jill Payne. Approximately 25 members of the public were present in person.

Present by telephone and/or electronically were Vice-Chair Valerie Estrada and members Captain Brooke Blakey, Tonja Honsey, Judge David Knutson, Kyra Ladd, Judge Michelle Larkin, Justice Gordon L. Moore, and Commissioner of Corrections Paul Schnell, the notice required by Minn. Stat. § 13D.015 having been posted on the MSGC website on November 15, 2021. Also present by telephone and/or electronically were MSGC staff members Linda McBrayer and Anne Wall, and 148 members of the public.

A. Call to Order

Chair Mitchell called the public hearing to order at 1:02 p.m., and welcomed those in attendance.

B. Purpose of the Hearing

Chair Mitchell stated that the public hearing was being held to consider a proposal to amend sections 2.B and 8 of the Minnesota Sentencing Guidelines and Commentary, as well as Comment 2.A.01, and that the proposed changes include the repeal of section 2.B.2, Custody Status at the Time of the Offense, as well as conforming and clarifying changes; that the specified effective date of all proposed modifications was August 1, 2022; and that a complete copy of the proposed modifications were on the Commission's website at mn.gov/sentencing-guidelines/meetings, and that they were available on the website since November 15, 2021, the same day the notice of the hearing was published in the State Register. Chair Mitchell further explained that there were a limited number of 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.
- Members of the public who registered to testify prior to the hearing will be called first, in the order they registered.
- Member of the public who wished to testify about the proposed modifications who had not registered prior to the hearing 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 everyone had testified, 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 next meet on Thursday, January 13th at 1 p.m., to finally adopt or reject this proposal. That meeting will take place in room, Capitol Room G3, with remote participation optional.
- Thirty people had signed up to testify in advance of the public hearing.
- Because of the large number of people who wished to testify, Chair Mitchell imposed a 5-minute limit on testimony but said that if testifiers wished to say more, they could do so in writing.
- Chair Mitchell made clear that the testimony should be about the policy changes and not personal attacks.

D. Public Testimony

In total, 29 people testified. The table that begins on the following page lists the names of the testifiers in the order they testified, names of any individuals or associations that they represented in connection with the hearing, their positions on the proposal (as understood by staff), and a link to their testimony and where it appears in the recording on the Commission's YouTube channel (<https://www.youtube.com/watch?v=tnH7LjZiYIc>).

At 3:38 p.m., after the first 24 testifiers, Director Reitz made an announcement that there were five more testifiers: one who signed up in advance; two who signed up in person; and two who signed up remotely.

At 3:42 p.m., after the first 25 testifiers, Chair Mitchell made a last call to members of the public, stating that if they wished to testify, they would be allowed to do so after registering with staff. Chair Mitchell and Director Reitz reiterated the requirements to register to testify. No additional members of the public came forward to testify, whether in person, by email, or by telephone.

E. List of Testifiers

| No. | Name of Testifier | Representing (if applicable) | Speaking In Person or Remotely | Position on Proposal | Question(s) from Commissioner(s) | Link & Timestamp to Testimony |
|-----|--------------------|--|--------------------------------|----------------------|---------------------------------------|----------------------------------|
| 1. | Jon Uhler | SurvivorSupport.net | Remotely | Opposed | | 8:16 (1:10PM) |
| 2. | Will Cooley | Decarcerate Minn. Coalition | In Person | In Favor | Larkin | 14:18 (1:16PM) |
| 3. | Warren Limmer | Senator, Minn. Senate | In Person | Opposed | Chair Mitchell & Vice-Chair Estrada | 19:49 (1:27PM) |
| 4. | Kelly Janssen | Child Protection League | In Person | Opposed | | 29:53 (1:36PM) |
| 5. | Willis L. Krumholz | Part-time writer for The Federalist | In Person | Opposed | | 34:58 (1:42PM) |
| 6. | Robert Small | Executive Director, Minn. County Attorneys Assoc. | In Person | Opposed | Larkin, Schnell, & Vice-Chair Estrada | 39:41 (1:47PM) |
| 7. | Anne Neu Brindley | Representative, Minn. House, District 32B | In Person | Opposed | Chair Mitchell | 50:11 (1:57PM) |
| 8. | Lars Negstad | Policy Director, ISAIAH | Remotely | In Favor | | 57:41 (2:00PM) |
| 9. | Jay Lindgren | | Remotely | In Favor | | 1:01:33 (2:09PM) |
| 10. | Eric Werner | Maple Grove Chief of Police, Minn. Chiefs of Police Assoc. | Remotely | Opposed | | 1:05:03 (2:12PM) |
| 11. | Matt Grossell | Representative, Minn. House, District 02A | In Person | Opposed | Morath & Schnell | 1:07:19 (2:15PM) |
| 12. | Dave Lange | Nicollet County Sheriff, Minn. Sheriff's Association | Remotely | Opposed | | 1:21:10 (2:28PM) |
| 13. | Carlos Mariani | Representative, Minn. House, District 65B | Remotely | In Favor | | 1:23:14 (2:30PM) |
| 14. | Latrell Snider | | Remotely | In Favor | | 1:29:10 (2:31PM) |
| 15. | Kira Caudill | | In Person | Opposed | | 1:32:33 (2:34PM) |

| No. | Name of Testifier | Representing (if applicable) | Speaking In Person or Remotely | Position on Proposal | Question(s) from Commissioner(s) | Link & Timestamp to Testimony |
|-----|------------------------|--|--------------------------------|----------------------|----------------------------------|---|
| 16. | Catherine (Kay) Strand | St. Stephen's Shelter | In Person | In Favor | | 1:38:49 (2:40PM) |
| 17. | Julie Wickland | | Remotely | Opposed | | 1:43:10 (2:45PM) |
| 18. | Lisa Walker | | Remotely | Opposed | | 1:47:57 (2:50PM) |
| 19. | Justin Terrell | Executive Director, Minn. Justice Research Center | Remotely | In Favor | Larkin | 1:55:50 (2:57PM) |
| 20. | Amy Diederich | | Remotely | Opposed | | 2:13:00 (3:15PM) |
| 21. | Bill Ward | State Public Defender, Minn. Board of Public Defense | Remotely | In Favor | | 2:17:38 (3:20PM) |
| 22. | Heidi Vardeman | Rev. Dr., Peace Presbyterian Church, St. Louis Park, Minn. | Remotely | In Favor | | 2:25:52 (3:33PM) |
| 23. | Paulette Orlicki | | Remotely | Opposed | | 2:29:37 (3:36PM) |
| 24. | JaNae Bates | Minister & Public Relations Director, ISAIAH | Remotely | In Favor | | 2:31:18 (2:38PM) |
| 25. | Beau RaRa | Legal Rights Center | Remotely | In Favor | | 2:36:29 (3:43PM) |
| 26. | Maurice Ward | Host of "I got Somethang ta say" Podcast | In Person | In Favor | Schnell | 2:41:52 (3:34PM) |
| 27. | Kevin Hill | | In Person | Opposed | Larkin & Vice-Chair Estrada | 2:46:22 (3:53PM) |
| 28. | Jean Day | | Remotely | Opposed | | 2:57:55 (4:05PM) |
| 29. | Matt Majovski | | Remotely | In Favor | Larkin | 3:02:11 (4:09PM) |

F. Adjournment

At the conclusion of public testimony, Chair Mitchell stated that the record would remain open for five calendar days, through December 21, 2021, to receive additional written comments at sentencing.guidelines@state.mn.us. The Chair adjourned the public hearing at 4:12 p.m., without objection. The Chair called a 10-minute break before beginning the Commission's regular December meeting. Members of the public were invited to remain for the public meeting if they wished.