

Aiding & Abetting Law Reform

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In Minnesota people can be charged with and convicted of murder even though they did not kill anyone nor intend for anyone to die or anticipate a death! This is because of our aiding and abetting homicide laws

WHY MINNESOTA MUST ACT

2021 Bipartisan Legislative Task Force A Task Force including county attorneys, police chiefs, victim advocates, impacted people, public defenders, and other experts examined Minnesota's aiding and abetting felony murder doctrine, compared it to other states, and looked at patterns in who is charged and punished under the doctrine. We strongly encourage you to review the key findings and recommendations included in the task force report

WHO DO THESE LAWS IMPACT

56% of those charged are under the age of 25!

48% charged are black

80% of those convicted are POC

Majority have little or no criminal history

WHAT DO VICTIMS SAY?

The Minnesota Alliance on Crime, with member organizations in communities and prosecutors' offices across the state agrees: people should be held accountable for what they do, not for what somebody else does. MAC also agrees that aiding and abetting felony murder leads to over-punishing aiders and abettors, and that people currently punished under this doctrine should be able to petition for retroactive relief.

WHAT DOES HF1406/SF1478 DO?

- Limit the charge of murder to those who commit murder, aided and abetted the murder or acted with extreme reckless disregard for human life.
- Allow those currently serving under these unjust laws to apply for a resentencing and be held accountable for the crimes they did commit versus the crimes of someone else.
- These reforms would only impact aiders and abettors. People who commit a homicide would still be held accountable

HOW DOES THIS COMPARE TO OTHER STATES & COUNTRIES

- All other common law countries have abolished these laws including England, Canada, Ireland, Scotland and India
- The trends across the United States are for reform and have been doing so for over 50 years! Some states have abolished, others reformed.

WHY HF1406/SF1478 HELP JUSTICE & PUBLIC SAFETY

The legislation proposed would balance how primary actors and those with lesser involvement are dealt with, and it would help fundamental fairness, effective law enforcement, and public safety.

LEGISLATIVE TASK FORCE ON AIDING AND ABETTING FELONY MURDER

A Task Force including county attorneys, police chief, victim advocates, impacted people, public defenders, and other experts examined Minnesota's aiding and abetting and its felony murder laws, compared it to other countries, states, and looked at patterns in who is charged and punished under the doctrine. This Task Force unanimously agreed upon the following:

Recommendations as found in the Task Force report:

1. Revising relevant statutes such that those who aid and abet felonies are not liable for murder where the aider and abettor did not: a. kill another; b. otherwise contribute to the homicidal acts of another while intending to kill; nor, c. act with reckless disregard for human life as a major participant in a felony where a human died.
2. Revising relevant statutes such that people previously convicted of aiding and abetting felony murder may petition the court for relief.
3. Implementing reforms beyond mere adoption of an affirmative defense for aiding and abetting felony murder.
4. Expanding the Task Force's mandate and timeline to undertake similar work as it applies to Minnesota's felony murder doctrine, and/or aiding and abetting liability generally.

Key Findings as found in the report:

80%

charged/convicted are POC

Majority little or NO Criminal history

56%

under the age of 25

*Studies on deterrence, incarceration's lack of impact on re-offense, and adolescent brain development raise concerns with this doctrine.

The adverse consequences of Minnesota's aiding and abetting felony murder doctrine outweigh its benefits.

Victims hose c& convicted under the doctrine support limiting aiding and abetting felony murder liability, with avenues for retroactive relief

*Recent national trends are to limit aiding and abetting felony murder liability, not expand it.

Young people, people charged by Hennepin County, Black people, & males with little to no prior criminal history make up the largest groups of people charged, convicted, & sentenced