



May 1, 2023

Via E-Mail Delivery

Representative Kelly Moller, Chair  
Public Safety Finance & Policy  
Minnesota House of Representatives  
479 State Office Building  
Saint Paul, MN 55155

Senator Ron Latz, Chair  
Judiciary & Public Safety  
Minnesota State Senate  
3105 Minnesota Senate Building  
Saint Paul, MN 55155

Representative Jamie Becker-Finn, Chair  
Minnesota House of Representatives  
Judiciary Finance and Civil Law  
479 State Office Building  
Saint Paul, MN 55155

Dear Chairs Moller, Becker-Finn and Latz:

On behalf of the Justice Action Network, the largest bipartisan criminal justice organization in the nation, I am writing to extend support for the following legislation included in SF2909, the Omnibus Judiciary and Public Safety Finance bill. Thank you for your work this session on these important public safety and workforce initiatives.

**Minnesota Clean Slate Act**

Since 2019, the Justice Action Network has been leading efforts, along with partner organizations and key Minnesota stakeholders, to simplify and automate the complicated, confusing, and expensive existing expungement process in the state. Legislation that would establish a process to allow for qualified individuals to have their low-level criminal records automatically expunged after remaining crime free for a number of years passed the Minnesota House of Representatives in 2021 and 2022, but was not enacted into law. During the legislative interim in 2022, the Justice Action Network continued to work with partner organizations and stakeholders on refining the legislation. HF2023/SF2055 reflects this work and was introduced by Rep. Jamie Long and Sen. Bobby Joe Champion this session.

The changes made to the legislation applies lessons we've learned from states that adopted Clean Slate early on: Pennsylvania, Utah, Oklahoma, and more. Since the start of our work in Minnesota in 2019, ten states have now enacted an automatic expungement system along-side their current petition-based system.

A recent study from Santa Clara University examined the petition-based expungement system in Minnesota and found that the system is rarely used by Minnesotans who are eligible for expungement: just 5 percent Minnesotans who are eligible to have their records expunged have done so. This underscores the need to make our existing process more accessible.

There's also a significant economic case that can be made for moving to an automatic expungement system: A University of Michigan study found that those who obtained expungement saw an average 23% improvement in wages over the pre-expungement average.

Lastly, the automatic expungement legislation included in the Omnibus Judiciary and Public Safety Finance bill provides important guardrails to protect the public. An expunged record of conviction may be viewed by law enforcement and opened as part of a criminal background check required for an

occupation, job, or license, and the Minnesota Department of Human Services would continue to have access to records for the purpose of background studies.

This bill is an acknowledgement of Minnesotans' hard work and commitment to changing their lives and earning a second chance. It does not absolve them of responsibility for the mistakes they've made, but it does recognize that one mistake should not define us for the rest of our lives.

### **Cap on Probation Sentences**

In 2019-2020 Legislative Session, the Justice Action Network supported legislation moving to a five-year probation cap for certain offenses. Working with MCAA and other stakeholder groups, legislation was introduced in 2019 to establish a five-year probation cap for certain offenses. In 2020, the Minnesota Sentencing Guidelines Commission (MSGC) moved forward with enacting the probation cap and the policy was finalized in 2020 when the legislature did not act on the recommendation from MSGC.

The Justice Action Network is supporting legislation, introduced by Rep. Jamie Long and Sen. Clare Oumou Verbeten, to move the currently enacted probation cap into state statute. This provision is included in the House version of SF2909 and is moving in a separate bill in the Senate. Those offenses that will be excluded from the five-year cap include sexual assaults and other violent crimes. This will allow Minnesota to stay in line with the vast majority of states, which have enacted similar limits on the length of probation sentences.

In addition, the Justice Action Network supports extending this framework to those who have been sentenced prior to the enactment of the legislation. This would provide a pathway, which currently does not exist in any form, for those sentenced to decades on probation to have their probation term shortened if they have met all of the requirements. This component is contained in the legislation as well.

Existing data shows that if an individual is going to violate their probation, they will do so in the first three years of serving that sentence. If these individuals have been deemed safe enough to serve their sentences in their communities, they've completed the terms of their supervision, and they have no pending revocation hearings or violation, we should also allow for their sentence to be adjusted so that Minnesota can better focus its limited supervision resources on those who pose a bigger risk to public safety.

### **Prosecutor Initiated Resentencing (PIR)**

Legislation referred to as "Prosecutor Initiated Resentencing (PIR)," introduced by Rep. Kelly Moller and Sen. Ron Latz, establishes a formal mechanism for prosecutorial discretion after a sentence is imposed. This provision is included in the House version of SF2909 and is moving in a separate bill in the Senate.

The Justice Action Network supports PIR as an important and wholly discretionary tool – one that empowers prosecutors to determine and establish uniformity as it relates to sentencing. Core to this legislation are the important protections for victims and the requirement for judicial review.

PIR laws have passed in a number of states over the past three years, including Illinois, Louisiana, California, Oregon, and Washington state. Other states have introduced similar legislation, such as: Texas, Maryland, Georgia, New York, Massachusetts, and Florida.

### **Free Video/Phone Calls for Families**

Every year, Minnesota families spend an estimated \$4.5 million to keep in contact with loved ones who are incarcerated in state prisons. For many families, this is a significant economic burden on their budgets that either forces them to take on debt to maintain contact with an incarcerated family member or forego communication at all.

The Justice Action Network supports changing this policy and appropriating funding to allow family members to have access to loved ones who are incarcerated at state facilities, at no out-of-pocket expense. Data shows that staying in regular contact with family during incarceration dramatically reduces recidivism rates upon release, and because of this, reducing the barrier to communication will ultimately save the state money in the long run.

Thank you for the opportunity to provide input to the conference committee as final decisions are made before the adjournment of the regular legislative session. We strongly encourage the conference committee to include the provisions listed above in your final Omnibus Judiciary and Public Safety Finance Bill.

If you have any questions, please do not hesitate to reach out to our government relations representatives, Chas Anderson at 612-308-2132 or [chas@parkstreetpublic.com](mailto:chas@parkstreetpublic.com) or Angela Garin at 612-839-4645.

Sincerely,



Lauren Krisai  
Deputy Director

C: Governor Tim Walz  
Rep. Cedrick Frazier  
Rep. Sandra Feist  
Rep. Brion Curran  
Sen. Sandy Pappas  
Sen. Clare Oumou Verbeten  
Sen. Judy Seeberger  
Sen. Bonnie Westlin