



Minnesota

March 21, 2022

SUBMITTED VIA E-MAIL

Rep. Jamie Becker-Finn, Chair
Judiciary Finance and Civil Law Committee
Minnesota House of Representatives

Dear Chair Becker-Finn, Vice-Chair Moller, and Members of the Judiciary Finance and Civil Law Committee:

The American Civil Liberties Union of Minnesota submits this letter in support of HF4174, as amended HF4174DE4, which largely implements the recommendations of the Task Force on Aiding and Abetting Felony Murder. While the ACLU of Minnesota continues to urge legislators to consider how this bill would apply to people convicted of aiding and abetting felony murder who are no longer in custody or on supervised release, this bill is a major step toward reducing the inequities in our criminal legal system and ensuring that all people are treated equally under the law.

The Legislative Commissioned Task Force on Aiding and Abetting Felony Murder, was comprised of prosecutors, defense attorneys, law enforcement officers, victims-rights and civil-rights advocates, legal scholars, the executive director of the Minnesota Sentencing Guidelines Commissions, and the mother of someone convicted of aiding and abetting felony murder.¹ The Task Force's mandate was multifold, but notably included: analyzing data on charges, convictions, and sentences for aiding and abetting felony murder; examining the benefits and unintended consequences of the aiding and abetting doctrine in Minnesota with an eye towards public safety and ensuring proper punishments; and reviewing relevant state statutes and court decisions.²

¹ Task Force on Aiding and Abetting Felony Murder Membership Roster, https://mn.gov/doc/assets/Task%20Force%20Membership%20Roster_tcm1089-505328.pdf.

² Task Force on Aiding and Abetting Felony Murder: Report to the Minnesota Legislature (Feb. 2022) at 4, https://mn.gov/doc/assets/AAFMM-LegislativeReport_ACCESSIBLE_2-1-22_tcm1089-518411.pdf.

The data collected and analyzed was startling, reflecting deep disparities in charging, convictions, and sentences for aiding and abetting felony murder based on race, age, and even geography. For example, from 2010-2019, of those convicted of aiding and abetting felony murder:

- More than 60% were people of color³
- 63% were under 25 years old⁴
- 42% were charged in Hennepin County⁵

The inequities didn't stop there: the Task Force also heard from people convicted of aiding and abetting felony murder who were serving nearly as much or *more* prison time than the principal actor who actually caused a death,⁶ or who were serving *life* in prison, though they were not responsible for a death.⁷

After working for more than six months and hearing from impacted people, including victims' groups, **the Task Force was unanimous** in its recommendations to revise aiding and abetting felony murder in Minnesota and allow those previously convicted to petition for limited relief.⁸ The Task Force further concluded that "public safety would be *enhanced* by the contemplated reforms."⁹

This bill largely implements the Task Force's recommendations. The ACLU of Minnesota would love to see the legislature ensure that people still suffering the collateral consequences of a conviction, though they are no longer in prison or on supervised release, have a clear avenue for potential relief consistent with the Task Force recommendations. To that end, we continue to urge legislators to ensure that subdivision 7 does not impose additional requirements on petitioners who have served their sentences and completed supervised release.

³ *Id.* at 13. And that percentage may be an undercount. *See id.*

⁴ *Id.* at 14.

⁵ *Id.*

⁶ *Id.* at 37-38.

⁷ *Id.* at 39.

⁸ *Id.* at 7, 46-49.

⁹ *Id.* at 44 (emphasis added).

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Sincerely,

Clare Diegel

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Member of the Task Force on Aiding and Abetting Felony Murder

Julia Decker

Policy Director

CC via E-Mail: Representative Pinto; Representative Moller