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C O U N T Y A T T O R N E Y S  
A S S O C I A T I O N

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May 4, 2021

Senator Warren Limmer  
3221 Minnesota Senate Building  
St. Paul, MN 55155

Representative Carlos Mariani  
479 State Office Building  
St. Paul, MN 55155

Re: Conference Committee on Public Safety, Judiciary Omnibus Bills

Dear Chairs Limmer and Mariani,

As we enter the Conference Committee phase in session, I write today to aid you in your work and share key Minnesota County Attorneys Association priorities and thoughts on your omnibus bills. Given the remote nature of legislative work this year we are hopeful this letter is helpful, and as always, we pledge to be available to answer your questions or work on issues as they arise in the final weeks of the legislative session.

Several priorities of our Association are included in your bills, and we are extremely thankful for that work and recognition. Key among those are our training dollars which are in the House bill, the fentanyl funding in the Senate bill which we hope accompanies the policy recently passed off the Senate floor, and our technical correction request for the drive by shooting language in the House bill. These priorities:

- 1) Help ensure the State of Minnesota has the best trained prosecutors that stay abreast of critically emerging law changes and prosecution policies and procedures (SF970 FIRST UNOFFICIAL Article 2, Subdivision 7(k) House Language).;
- 2) Properly address the safety of our communities who may fall into dangerous drugs laced with fentanyl by providing disincentive for dealers and better statutory framework for the treatment and non-profit providers to prevent overdoses (SF 1279); and
- 3) Clarifies an important statutory provision for drive by shooting crimes based on a Supreme Court decision interpreting the language of the statute that a shooter must shoot at a building or vehicle (not just a person) to commit this offense (SF970 FIRST UNOFFICIAL Section 34 House Language).

We are hopeful these three items make their way into your final conference committee report.

The House bill contains a number of policy provision the Minnesota County Attorneys Association has worked diligently on with stakeholders over the course of the last year or two and represent important policy changes we hope you will consider passing this year. These provisions include:

- 1) Reforming our state's forfeiture laws (SF970 FIRST UNOFFICIAL Article 7, House Language) ;
- 2) Sentencing alternatives for veterans who have service-related trauma, substance abuse or mental health considerations (SF970 FIRST UNOFFICIAL Article 14, Section 11, House Language) ;

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- 3) Creation of automatic expungements for low level crimes that offer a second chance for Minnesotans to better their chances in finding jobs, housing and pursuing educational advancement (SF970 FIRST UNOFFICIAL Section 37 House Language);
- 4) Advancing the important recommendations of the Criminal Sexual Conduct workgroup provisions, the timely intoxication defense modifications and the elimination of the statute of limitations for Criminal Sexual Conduct offenses (SF970 FIRST UNOFFICIAL Article 13 House Language);
- 5) Addresses an important exception to the post-conviction relief time limitations, which we support with a clarifying effective date (SF970 FIRST UNOFFICIAL Article 4, Section 6 House Language); and
- 6) Establishing a welcomed Task Force on Aiding and Abetting Felony Murder ((SF970 FIRST UNOFFICIAL Article 11, Section 46, House Language).

These items have our collective support and are worthy of your consideration for passage this year.

Not surprisingly, there are several policy provisions you will consider in conference committee that cause our members significant pause, and we think they require additional stakeholder work prior to passage and implementation. These policy areas include: prosecutor resentencing, immunity for drug and alcohol violations, the Minnesota Rehabilitation and Reinvestment Act, requirements for jailhouse witnesses/informants, and the Juvenile Life without Parole language. As it relates to the JLWOP, MCAA has spent many years discussing an alternative structure for reviewing cases and thoughtfully considering an amended time period that protects the public yet allows for rehabilitation, and is something less than the current 30 years. The House proposal of a release authority is modeled after stakeholder conversations but we think needs more work to adequately capture the necessary due process and public safety considerations. We have committed to ongoing work on this topic prior to the 2022 legislative session.

Finally, as you engage in important criminal justice reform conversations we offer our Association as a partner in the work. We have had a chance to briefly review language presented around pre-textual stops and sign and release warrants. We acknowledge and support tackling the issues these policy recommendations seek to address, but would welcome additional conversations about how to formulate public policy and structure statutes and practice to best accomplish agreed upon goals.

Thank you for your consideration of our comments. Please reach out to me or our Legislative Counsel, Nancy Haas, should you need anything in the coming weeks.

Sincerely,



Robert Small  
Executive Director, MCAA

cc: Conference Committee Members