

Prosecutor Initiated Resentencing

House File 226/Senate File 586

For some people sentenced to prison in the past, their sentence may no longer serve the interests of justice; may no longer be needed to protect public safety; and may not be a good use of critical public safety resources. This legislation will allow locally elected prosecutors, who are accountable to the community where a crime occurred, to recommend prison sentences for judicial review based on the input of victims, the interests of justice, and other current circumstances.

How it Works:

County Attorney would evaluate whether there are incarcerated people from their county who can clearly demonstrate that they are rehabilitated, and further confinement is no longer in the interest of public safety or the interest of justice. Examples of possible eligibility:

- MN's aging population - 183 incarcerated people are over age 65, and 27 of them are incarcerated on non-violent and non-sex offenses.
- People incarcerated for crimes committed as youth - 54 committed their crimes at age 18 or under and have been incarcerated for 15 years or more.
- People who are incarcerated for non-violent offenses - for example, 58 are incarcerated on drug offenses and have served 7 years or more.

Any victims must be consulted and involved in the process.

After a prosecutor refers a case, a judge would decide if a sentence should be reduced based on required factors such as public safety, evidence of rehabilitation, and victim input.

Five states have prosecutor initiated sentencing adjustment statutes: California, Washington, Oregon, Illinois, and Louisiana. Minnesota joins several states considering legislation including Texas, Maryland, Georgia, New York, Massachusetts, and Florida.

Benefits:

- Would create a safety valve with checks and balances to ensure sentences continue to be fair and just.
- Gives local prosecutors and judges, who know their community and the facts of the case best, additional discretion to balance public safety, fiscal responsibility, and fairness in our criminal justice system.
- Process would require minimal court time because the cases would be uncontested and only require one hearing.

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