



## OFFICE OF THE NOBLES COUNTY ATTORNEY

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January 22, 2023

House Public Safety Finance and Policy Committee  
Representative Kelly Moller, Chair  
Representative Paul Novotny, Lead

Re: House File. No. 43

Dear Representatives Moller and Novotny:

My name is Joseph Sanow. I am the County Attorney for Nobles County, Minnesota. I write to the Committee today in support of H.F. No. 43.

By way of background, Nobles County is in southwestern Minnesota. Like most counties in this region, agriculture and ag-related industries are our primary economic drivers. These industries are labor-intensive and always hiring. As a result, individuals from countries around the world have migrated to Nobles County to live and work, mainly in the city of Worthington, the county seat.

We have become one of the most racially and ethnically diverse counties in Minnesota. Nobles County has 22,290 residents, per 2020 Census data. Of those residents, 30.8% identified as Hispanic or Latino, 7.1% identified as Asian, and 5.2% identified as Black or African American. In reality, the percentages are likely higher due to reluctance to participate in the Census.

We have benefitted from this influx of workers and the diversity they bring to our community. Visitors to Worthington will see Asian and Hispanic- owned businesses on the same block. In addition, I count at least three Spanish-language speaking churches in Worthington. Nobles County also boasts two Buddhist temples, one of which has been operating for over twenty years. The Worthington High School has been described as "the United Nations" in terms of the diversity of its students. The bottom line is Nobles County enjoys significant economic, social, and cultural benefits due to this diversity.

We experience crime, as all counties do. Most counties can generally prosecute criminal cases without concern for immigration consequences. However, in Nobles County, that is usually not the case. Due to the higher percentage of non-citizen workers in the area, many of our defendants face immigration consequences for a criminal conviction that a citizen does not.

Possible deportation for a gross misdemeanor conviction is often disproportionate to the crime, especially when citizenship status is the only difference. For example, this issue commonly arises in third-degree DWI cases. In a hypothetical case, two individuals, both 23-year-old Latino males with no prior impaired driving offenses, are arrested for DWI. Both men have a blood alcohol level of .18, an aggravating factor under Minnesota Statute 169A. As a result, both men get charged with third-degree DWI. The only difference is one man is a citizen while the other is here from Guatemala on a work visa. Upon a gross misdemeanor conviction, the citizen need not worry about being removed from the country, while the worker from Guatemala faces that possibility. This disparity of outcomes for the same offense is fundamentally unfair.

Further, deporting individuals for gross-misdemeanor convictions can have unintended consequences. Often, the individual supports children and partners as the primary income earner. If that individual gets deported, the remaining partner and children often seek public assistance to compensate for the lost income. This outcome is not desirable from a financial standpoint or, more importantly, a child's mental health and security.

The possibility of adverse immigration consequences can also delay the resolution of cases where the defendant believes they will get deported if they plead guilty and receive a 365-day sentence. Such a possibility has resulted in trials that would otherwise be unnecessary but for the specter of deportation.

In response, my office developed a now long-standing policy of capping gross misdemeanor sentences at 360 days to mitigate these disparities and unintended consequences. This policy applies to everyone regardless of citizenship status, race, or county of origin. It has led to prompt, fair, and consistent resolutions of gross misdemeanor cases, allowing my office more time to focus on felony cases.

Concerning public safety, there is no evidence showing sentencing an individual to 365 days in jail instead of 364 or 360 prevents that individual from committing similar offenses. Moreover, most individuals convicted on a gross-misdemeanor offense typically serve far less than the full 365 days. There is little deterrent value in a 365-day sentence instead of 364.

Weighing the benefits against the potential risks, I support H.F. No. 43. The economic, social, and cultural benefits that non-citizen residents offer far outweigh any perceived public safety risks associated with trimming one day off a gross misdemeanor jail consequence. Therefore, I encourage the House to consider and approve this legislation.

Sincerely,

*/s/ Joseph M. Sanow*

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cc: Immigration Law Center of Minnesota