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## Minnesota

January 13, 2023

Chair Kelly Moller  
Public Safety Finance and Policy Committee  
Minnesota House of Representatives

### *SUBMITTED VIA EMAIL*

Dear Chair Moller and Members of the House Public Safety Committee,

The ACLU of Minnesota respectfully submits this letter regarding HF181. We are grateful to the committee for taking on this important discussion around crimes motivated by bias. Violence against Minnesotans on account of race, religion and/or other traits is a serious concern. At the same time, ACLU-MN often raises caution flags when a bill may negatively impact civil liberties, and that is the situation we find ourselves in with HF181.

We appreciate the demonstrated recognition in this bill that people and communities whose identities place them at the intersection of multiple characteristics are particularly vulnerable to bias-motivated violence. We are also cognizant of the fact that bias, bias-motivated violence, and individual and community identities may be perceived as associations with certain groups. However, the expansive provisions in HF181 introduce the prospect that speech and/or associations unrelated to a particular action may be inappropriately used to infer biased motivation. While an individual's words or associations may be repugnant to some, if they are not directly connected to a specific action, using them to impose criminal penalties does raise constitutional concerns.

In addition, ACLU-MN has consistently urged the legislature to move away from increased criminalization. Sweeping more and more conduct into criminal statutes, especially felonies, contributes to mass incarceration and detrimental collateral consequences for Minnesotans, including disenfranchisement. Moreover, increased criminalization puts additional power to enforce and prosecute into the hands of a legal system that has historically contributed to disparities in all aspects, from arrests and charges to incarceration and probation.

When expanding the reach of criminal statutes, even with good intentions, we urge the legislature to carefully consider not only the constitutional implications, but also how a government that one may not always agree with could wield those expanded crimes.

Thank you,

Julia Decker  
ACLU-MN  
Policy Director