

Felony Murder Law Reform

In Minnesota people can be charged and convicted of murder even though they did not kill anyone nor intend for anyone to die! This is because of our aiding and abetting felony murder doctrine



What Reform Looks Like

- Limit the charge of murder to those who commit murder, aided and abetted the murder or acted with such reckless disregard for human life.
- Allow those currently serving under these unjust laws to apply for a resentencing and be held **accountable** for the crimes they did commit versus the crimes of someone else.
- These reforms would **only** impact aiders and abettors. People who kill would still be punished for the murder.



Who is Being Punished this way

- 56% of those charged are under the age of 25!
- 48% charged are black and 64% of those convicted are POC
- Majority have **little or no criminal history**



How Do Other Countries & States Address This

- All other common law countries have abolished these laws including England, Canada, Ireland, Scotland and India
- The trends across the United States are for reform and have been doing so for over 50 years! Some states have abolished, others reformed.



What Do Victims Want

The Minnesota Alliance on Crime, with member organizations in communities and prosecutors' offices across the state agrees: people should be held accountable for what they do, not for what somebody else does. MAC also agrees that aiding and abetting felony murder leads to over-punishing aiders and abettors, and that people currently punished under this doctrine should be able to petition for retroactive relief.



Sentencing Disparities That Are Unacceptable

There are MANY cases where the aider and abetter has received a longer sentence than the person who committed the murder. This does not align with common sense public safety



2021 Legislative Task Force

A Task Force including county attorneys, police chiefs, victim advocates, impacted people, public defenders, and other experts examined Minnesota's aiding and abetting felony murder doctrine, compared it to other states, and looked at patterns in who is charged and punished under the doctrine. We strongly encourage you to review the key findings and recommendations included in the task force report



BRIANA- 13.5 YRS



MEGAN- 13.5 YRS



KRYSTAL- 15 YRS



LOUISE- 25 yrs



MAUREEN- LIFE!

LEGISLATIVE TASK FORCE ON AIDING AND ABETTING FELONY MURDER

A Task Force including county attorneys, police chief, victim advocates, impacted people, public defenders, and other experts examined Minnesota's aiding and abetting felony murder doctrine, compared it to other states, and looked at patterns in who is charged and punished under the doctrine. This Task Force unanimously agreed upon the following:

Recommendations as found in the report:

1. Revising relevant statutes such that those who aid and abet felonies are not liable for murder where the aider and abettor did not: a. kill another; b. otherwise contribute to the homicidal acts of another while intending to kill; nor, c. act with reckless disregard for human life as a major participant in a felony where a human died.
2. Revising relevant statutes such that people previously convicted of aiding and abetting felony murder may petition the court for relief.
3. Implementing reforms beyond mere adoption of an affirmative defense for aiding and abetting felony murder.
4. Expanding the Task Force's mandate and timeline to undertake similar work as it applies to Minnesota's felony murder doctrine, and/or aiding and abetting liability generally.

Key Findings as found in the report:

- *The adverse consequences of Minnesota's aiding and abetting felony murder doctrine outweigh its benefits.
- *Studies on deterrence, incarceration's lack of impact on re-offense, and adolescent brain development raise concerns with this doctrine.
- *Young people, people charged by Hennepin County, Black people, and males with little to no prior criminal history make up the largest groups of people charged, convicted, and sentenced under this doctrine.
- *Recent national trends are to limit aiding and abetting felony murder liability, not expand it.
- *Victims and those convicted under the doctrine support limiting aiding and abetting felony murder liability, with avenues for retroactive relief

To review the entire Task Force Report go to:

https://mn.gov/doc/assets/AAFM-LegislativeReport_2-1-22_tcm1089-517039.pdf

Figure 5. Charges of aiding and abetting felony murder by race, 2010-2019 (N=138; includes aiding and abetting felony murder – attempt)

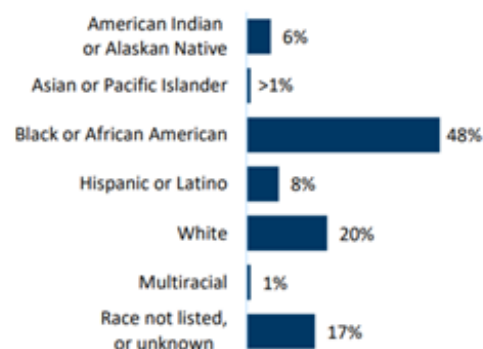
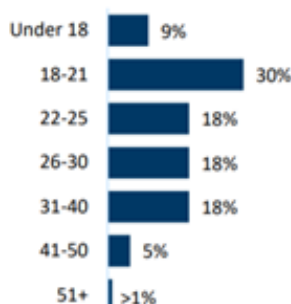
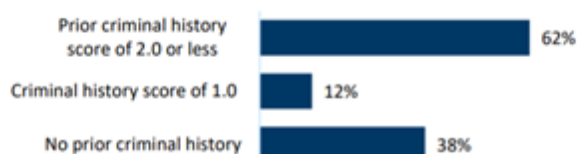


Figure 2. Aiding and abetting felony murder charges by age at the time of charge filing, 2010-2019



52 had a prior criminal history score of 2.0 or less (62%), including 32 people who had no prior criminal history (38% of 84), and 10 people who had a criminal history score of 1.0 (12%)



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