



April 29, 2021

Senator Warren Limmer
Chair, Senate Judiciary and Public Safety Finance and Policy Committee
3221 Minnesota Senate Bldg.
St. Paul, MN 55155

Representative Carlos Mariani
Chair, House Public Safety and Criminal Justice Reform Finance and Policy
479 State Office Building
St. Paul, MN 55155

Dear Chair Limmer and Chair Mariani:

I write today on behalf of FAMM to voice our support for Article 14, Section 18 of SF 970 as amended and passed by the House and urge you to include this provision in the final piece of legislation approved by this conference committee. FAMM is a nonpartisan, nonprofit organization that advocates sentencing and prison policies that are individualized and fair, protect public safety, and preserve families.

One of the policies we advocate is second look sentencing to help remedy excessive incarceration and give people a shot at a second chance. We are pleased to support this provision, which would give county prosecutors the authority to petition courts to have a person's sentence adjusted.

People serving extreme sentences in Minnesota state prisons have little chance of relief, even if they've demonstrated their rehabilitation and readiness to return to their communities. Commutations, which are rarely used, are the only hope of relief for many people serving extremely long sentences. Only two people were granted a commutation in 2020¹, and none were granted the year before that.² Minnesota needs to create additional mechanisms for other actors in the criminal justice system to revisit lengthy sentences and reduce them when it's appropriate.

Revisiting lengthy sentences aligns with criminology research showing that recidivism drops after a person reaches late adolescence and continues to decline when they reach early adulthood. No one is safer when people whose continued incarceration serves no purpose remain in prison. This sentence adjustment provision would provide a mechanism for the government to recognize individuals who are serving ineffective and excessive sentences and safely remedy them. This provision is a reasonable, though limited, solution to addressing ineffective and excessive

¹ 2020 Legislative Report, Minnesota Board of Pardons,
https://mn.gov/doc/assets/Board%20of%20Pardons%202020%20Report%20%28final%29_tcm1089-468448.pdf

² 2019 Legislative Report, Minnesota Board of Pardons,
https://mn.gov/doc/assets/2019%20Board%20of%20Pardons%20Report%20to%20Legislature_tcm1089-468451.pdf



sentences. It does not require or guarantee a sentence reduction or modification. It merely gives prosecutors the discretion to revisit excessive sentences if they choose to do so.

Furthermore, our sentencing laws should recognize people's capacity to mature and provide mechanisms to give people second chances. This is especially important when considering that nearly a third of people incarcerated in Minnesota were 25 years old or younger at the time of the offense.³ Courts and other system actors need the authority to take a second look at extreme sentences, and incarcerated people should have the opportunity to have circumstances such as their rehabilitation and readiness for reentry taken into consideration. Our sentencing laws must balance punishment with a recognition of redemption.

Minnesota is not alone in considering legislation to revisit extreme sentences. The Model Penal Code recommends that people be considered for a sentence modification after they have served 15 years, and reconsidered every 10 years after that.⁴ We endorse the Model Penal Code version of a second look, and in comparison, the sentence adjustment provision is a modest first step. Over 10 states as varied as Texas, Illinois, Virginia, and South Dakota have introduced legislation this year to create mechanisms to reconsider a person's sentence. Second look sentencing, such as the one laid out provision in Article 14, Section 18 of the House amendments to SF 970 is needed to give people an opportunity at a second chance, reunite families, and safely reduce the number of people in prison.

We urge you to include a second look sentencing reform in your crime bill, for the benefit of everyone in the state. Thank you for considering our views.

Sincerely,

Molly Gill
Vice President of Policy, FAMM

cc: Members of the Conference Committee on Omnibus Judiciary and Public Safety Policy and Finance Bill:

Rep. Jamie Becker-Finn
Rep. Kelly Moller
Rep. Cedric Frazier
Rep. Tim Miller

Sen. Andrew Matthews
Sen. Mark Johnson
Sen. Bill Ingebrigtsen
Sen. Ron Latz

³ Overview HF 901 https://www.house.leg.state.mn.us/comm/docs/3W-mli_y3kO3lw3rSylrrg.pdf

⁴ American Law Institute, Model Penal Code: Sentencing Official Statutory Text § 11.02, Modification of Long-Term Prison Sentences; Principles for Legislation

