



P.O. Box 14720
Minneapolis, MN 55414
T: (651) 645-4097
www.aclu-mn.org
@aclumn

Minnesota

March 22, 2023

Rep. Jamie Becker-Finn, Chair
MN House of Representatives
Judiciary and Civil Law Committee

Rep. Peggy Scott, Minority Lead
MN House of Representatives
Judiciary and Civil Law Committee

SUBMITTED VIA EMAIL

Dear Chair Becker-Finn and Members of the House Judiciary and Civil Law 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. 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 also appreciate the amendment to remove some of the most attenuated language expanding the reach of criminal penalties.

However, the provisions in HF181 still raise 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. 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