

Kelsey Holberg testimony in support of HF131

Good afternoon Mister Chair and members. My name is Kelsey Holberg and I am here testifying today as a victim and survivor of a felony level criminal sexual conduct crime, specifically a 1st degree- penetration or contact with a persons under the age of 13 charge. I am here in support of HF131.

I was sexually molested from the time I was 7 years old until I was 14 years old, with countless instances of abuse throughout those 7 years. The defendant was 14 when it started and into his 20s when the last occurrence of abuse happened. I contacted the police in June of 2023 and I just finished going through 18 months of court proceedings. The sentencing hearing took place in early January of this year. The defendant in the case was offered a plea deal by Pine County that included a stay of adjudication with up to 30 years' probation and up to 6 months in jail. I was shocked when the county came to me with the terms of the plea deal. According to the Minnesota Sentencing Guidelines Commission, the sentencing guidelines for the crime committed are 144-172 months in prison and registering as a sex offender. He ended up getting 6 months in jail and 10 years of probation, probationary terms that have minimal impact on his current lifestyle. He does not have to register as a sex offender as part of the stay of adjudication. A person who openly admitted to the police to having sexual contact with a 7 year old does not have to register as a sex offender in the state of Minnesota.

He is a resident of the state of Pennsylvania and as part of his plea deal the courts are giving him the option to complete his jail time and probation in Pennsylvania or move to Minnesota. However, the state of Pennsylvania will not honor the Minnesota plea deal terms and would make him register as a sex offender if he chooses to stay there. I've provided a legal opinion from a Pennsylvania attorney to the committee that was submitted by the defense in the case. My understanding is he is now contemplating whether he is going to stay in Pennsylvania or move to Minnesota because Minnesota has no problem letting 1st degree, criminal sex offenders live here without informing the public. The fact that Pennsylvania won't honor what Minnesota decided speaks volumes. Pennsylvania would hold him to a higher standard for a crime committed in Minnesota than Minnesota is. A person who admits guilt of any sexual crime let alone a 1st degree charge against a person under 13 should not be allowed to hide in plain sight. I am assuming the defendant had no aspirations to live in Minnesota prior to being sentenced and our laws are quite literally enticing sex offenders to our state. Do you want Minnesota to be known as a sex offender friendly state? Our state claims to care about and prioritize children and families. It is one of the Governor's "One Minnesota" initiatives after all. Without this legislation, this body will knowingly leave our children vulnerable to highly dangerous sexual predators.

My case is an outlier in that the only reason I was able to pursue charges was because he is not a resident of Minnesota. Most victims of my generation do not have the option to pursue justice due to the statutes of that time. With that in mind, I would have hoped that our legal system would have taken the opportunity seriously and sought justice for me and the 1,000s of victims who never come forward.

After 20 years of working through the implications his actions continue to have on my life and roughly 2 years of listening to county legal officials tell me this type of plea deal is “common practice”, the person responsible for completely altering my life is going to sit in jail for 6 months, will have to call his probation officer if he wants to go out of state and then it will all be as if nothing happened.... He may even become my neighbor.

I’ve included a copy of my victim impact statement I read to the judge during sentencing, as well as my mother’s. I invite everyone to read them to have a better understanding of why harsher consequences for defendants and more safeguards for the public are so important. Having your body sexually violated is the least traumatic part of being a victim of child sex crimes and unfortunately, our legal system is not doing enough. People who commit sex crimes against anyone, let alone 7-year-olds, should not be able to live in our communities without the public knowing. They should face harsher consequences for their actions. It is your duty as lawmakers to set the standard in our state and you need to do better. Thank you for letting me testify and I would be happy to answer any questions.