

Minnesota Commanders' Task Force

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April 23, 2021

Majority Leader Gazelka
Speaker Hortman
Minority Leader Kent
Minority Leader Daudt



On behalf of Minnesota's Commanders Task Force, we want to thank all four caucuses for their continued support of the Veteran's Restorative Justice Act: SF116 (Chamberlin)/HF478 (Feist).

On Thursday both in Senate Finance and on the floor to the Senate Judiciary bill, amendments were placed on the Omnibus Veteran's Bill and the Omnibus Public Safety bill regarding the Veteran's Restorative Justice Act. In both cases the amendments offered and adopted were almost identical to SF1633 (Rarick) that is not supported by the groups that are signatories to this letter.

Both SF 1633 (Rarick)/HF1098(O'Neil) have not been vetted by any committees nor been endorsed by any of the groups signing on to this letter. We understand that a remote session and the fast pace of the budget process sometimes leads to misunderstanding, so we wanted to send this letter to correct any confusion.

For the following reasons we will not be supporting SF1633(Rarick)/HF1098 (O'Neill) amendments or bills:

- Excluding crimes of violence and domestic assault cases would mean that veterans who pose the greatest public safety risk because they are most in need of rehabilitation would not have the legal incentive to participate in the rehabilitative process. In addition, this would be a step *backwards* from the current protocols in Veteran Treatment Courts (VTCs), which offer stays of adjudication on these offenses. Many of the veterans that have been the greatest VTC success stories entered the courts on such offenses.
- Giving prosecutors and victims a veto over a veteran's participation is precisely the system that we currently have in the courts. The VRJA working group was formed for this precise reason – because the system was failing veterans as too many prosecutors were not using their discretion to offer a stay of adjudication in a way that promotes rehabilitation of our veterans.
- It abandons the valuable input with Senate Counsel. The current HF 478 includes amendments that are the product of significant work between stakeholders and Senate Counsel to make the bill function as intended. One very important area of concern is the

departure language. Subdivision 4 of HF 478 has language that repairs the original language, but this new version does not. This problem will lead to in-court problems throughout the bill as the VRJA as it stands in HF 478 is the product of very careful deliberation over years of work, which this current version is not.

- Another important recommendation from Counsel was the definitional structure and cross-references that keeps the VRJA consistent with the rest of the criminal code.

Bottom line: The VRJA was drafted and redrafted over two years by stakeholders including the Minnesota County Attorneys Association, the Board of Public Defense, and state and federal Departments of Veterans Affairs. These groups debated and negotiated terms such as the inclusion of crimes of violence for good reason: that these justice-involved veterans need a strong legal incentive to rehabilitate because of the debt our nation owes to them and the unique public safety risk they pose when untreated. This is why groups that advocate for victims, such as Violence Free Minnesota support this bill despite the legal benefits provided to the offending veteran.

Current language in HF 478 has all the negotiated language between republicans and democrats and includes technical changes from senate counsel. This language has been worked on for three years and is supported by the following groups.

Groups who support VRJA

Minnesota County Attorneys Association
Hennepin County Attorney, Michael Freeman
Washington County Attorney, Peter Orput
Lawyers
Ramsey County Attorney, John Choi
Commanders Task Force
Veterans of Foreign Wars (VFW)
American Legion
Disabled American Veterans (DAV)

Minnesota Board of Public Defense
State Public Defender, William Ward
Minnesota Association of Criminal Defense
Minnesota Department of Veterans Affairs
Minnesota Social Services Association
Violence Free Minnesota

Again, we would like to thank both caucuses for their continued support of this bill and want to be clear that the language in HF478 is the language that we support and would hope to become law in 2021.

Sincerely,

ToddAKemery

Todd Kemery

Chair

Minnesota Commanders Task Force

CC:

Sen. Lang

Sen. Limmer

Sen. Latz

Sen. Cwudzinski

Sen. Rarick

Sen. Chamberlin

Rep. Feist

Rep. O'Neill

Rep. Ecklund

Rep. Dettmer