



## Legal Services Advocacy Project

January 19, 2023

The Honorable Kelly Moller, Chair  
Public Safety Finance and Policy Committee  
Minnesota House of Representatives  
509 State Office Building  
St. Paul, MN 55155

The Honorable Paul Novotny, Republican Lead  
Public Safety Finance and Policy Committee  
Minnesota House of Representatives  
301 State Office Building  
St. Paul MN. 55155

The Honorable Sandra Feist, Vice Chair  
Public Safety Finance and Policy Committee  
Minnesota House of Representatives  
409 State Office Building  
St. Paul, MN 55155

Re: HF 43

Dear Chair Moller, Vice Chair Feist, Lead Novotny, and Committee Members:

The Legal Services Advocacy Project (LSAP) writes to express its support for HF 43, which corrects the inconsistency and confusion that exists in the current sentencing guidelines. Legal Aid provides free civil legal services, statewide, for low-income clients, elder Minnesotans, and Minnesotans with disabilities. For the past 44 years, LSAP has conducted Legal Aid's legislative and policy advocacy.

Under current law, one person convicted of an offense can receive a 364-day sentence, while another convicted of exactly the same offense can receive a 365-day sentence. This single day difference can have a life-altering impact for the immigrant and refugee community because of its implications for deportation. It is inequitable for two similarly situated individuals to suffer enormously disparate consequences. Punishment for the same offense should be equal, but in this context it is not. Even if the actual sentence is far less than 365 days, the fact that the person *could* be sentenced to the maximum of 365 days can trigger an inequitable and unfairly adverse result.

The interaction of criminal and immigration law is complicated. The 364/365 day discrepancy places an undue burden on criminal law attorneys to understand the intricacies of the repercussions of the advice they give to each client.

HF 43 provides a logical and necessary fix to address the inequities caused by the current system. Enactment will remove inconsistency, confusion, and disparate treatment. LSAP urges passage of HF 37.

Thank you for your consideration of LSAP's viewpoint.

Sincerely,

A handwritten signature in cursive script that reads "Ron Elwood".

Ron Elwood  
Supervising Attorney