

Tuesday, January 24, 2023

To: Ellen McDaniel
Committee Administrator
Public Safety Finance and Policy Committee
200 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd
St. Paul, MN 55155

RE: MACDL Support of HF 43

Dear Public Safety Finance and Policy Committee,

The Minnesota Association of Criminal Defense Lawyers (MACDL) supports HF 43 (Rep. Feist) because of the collateral consequences attached to a 365 day sentence. Under federal law, a "felony" is defined in various statutes as "crime punishable by imprisonment for a term exceeding one year." One example is in firearm prohibition under 18 USC 921(a)(20), but it has similar effects in the immigration and employment contexts. This leads to people being treated like felons even though they were convicted only of a crime categorized as a gross misdemeanor under Minnesota law.

Changing the statutory definition of a "gross misdemeanor" to 364 days instead of 365 days simply effectuates what the legislature already intended when they designated the offense categories. If the Committee Chair or Members have additional questions or concerns, please let me know.

My email is ryan@brockhunterlaw.com and my cell is 612-232-8767. Thank you for your consideration of this information.

Sincerely,

Ryan Else –
Legislative Chair for Minnesota Association of Criminal Defense Lawyers (MACDL)