



Minnesota House of Representatives
State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155-1298

Minnesota House Public Safety Finance and Policy Committee

January 18th, 2023

Re: HF 28

I write in opposition to HF28, the restoration of voting rights upon the completion of any term of incarceration. This proposal erodes an already weakened system of accountability for criminal behavior in Minnesota and sends the wrong message at the wrong time.

In Minnesota, those who have become involved as a defendant in a criminal matter can already vote under the following circumstances:

- If charged with or convicted of a misdemeanor or gross misdemeanor
- If in jail, but not currently serving a felony sentence
- If charged with a felony, but not yet convicted
- If convicted but given a stay of adjudication
- If all parts of a felony sentence are completed

The current prohibition against felons who have yet to complete their sentence (not just those who are incarcerated) is grounded in the understanding that our sentencing policies lean away from incarceration and towards community supervision. It is understood that in exchange for the freedom associated with supervision rather than incarceration, a convicted felon is appropriately held accountable through other measures – a temporary suspension of voting rights being an important and historical example of such measures.

Minnesota's imprisonment rate is among lowest in the nation, less than one half the national average. At the same time, our Part 1 crime rate has exceeded the national average for the first time in our states history. So, what is the status of all of these offenders? They are largely serving their sentences in our communities. In fact, according to the MSGC's 2023 Report to the Legislature, Minnesota is among the top 5 highest states in its use of probation, rather than incarceration.

Further 2021 data germane to this proposal:

- In 2021, there were 14,429 felony cases throughout the state – this number is representative of the number of felony cases from 2010, and when adjusted for the



change in population, represents a 7% drop in the rate of felony cases from 10 years earlier.

- Despite less felony cases being charged, Minnesota's lenient sentencing policy accounted for just 36% of felony cases meet the presumptive prison sentence threshold.
- Of that low 36%, judges only sentenced 21.5% of those offenders to prison, and the remaining 78.5% to a community-based sentence. That 14.5% disparity between presumptive and actual prison sentences represented an all-time high for Minnesota in 2021.
- In 45.7% of all presumptive prison commitment cases, Minnesota judges departed from a prison disposition. This represented the 4th consecutive year that a new record high percentage of such prison departures was set.
- Minnesota judges also departed down on a record 55% of aggravated (armed) robberies, and an amazing 59% of assaults with a deadly weapon.
- Minnesota judges also failed to apply the mandatory minimum sentence for crimes involving the use of a firearm as intended by the legislature in 609.11, 48.5% of the time.
- One-third of prison admissions are historically release returns – returning for violating conditions of release.
- Over 90% of prison releases were not releases from their sentence, but rather released to supervised release or continued oversight.

This data is crucial to consider when debating a measure such as this. The narrative that the convicted felons who would be affected by this proposal are non-violent, first-time offenders who have served their debt to society is just not supported by the facts.

I am supportive of the restoration of voting rights for convicted felons – society must value the concept of redemption. But for redemption to have meaning it must be earned, not guaranteed. This proposal sends the wrong message at the wrong time, and I encourage this body to reject it, and any measures that further weaken accountability and our system of justice in Minnesota.

Thank you

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