

February 12th, 2025

Representative Paul Novotny, Chair  
Representative Kelly Moller, DFL Lead  
House Public Safety Committee  
Minnesota House of Representatives  
Centennial Office Building  
658 Cedar Street  
St. Paul, MN 55155

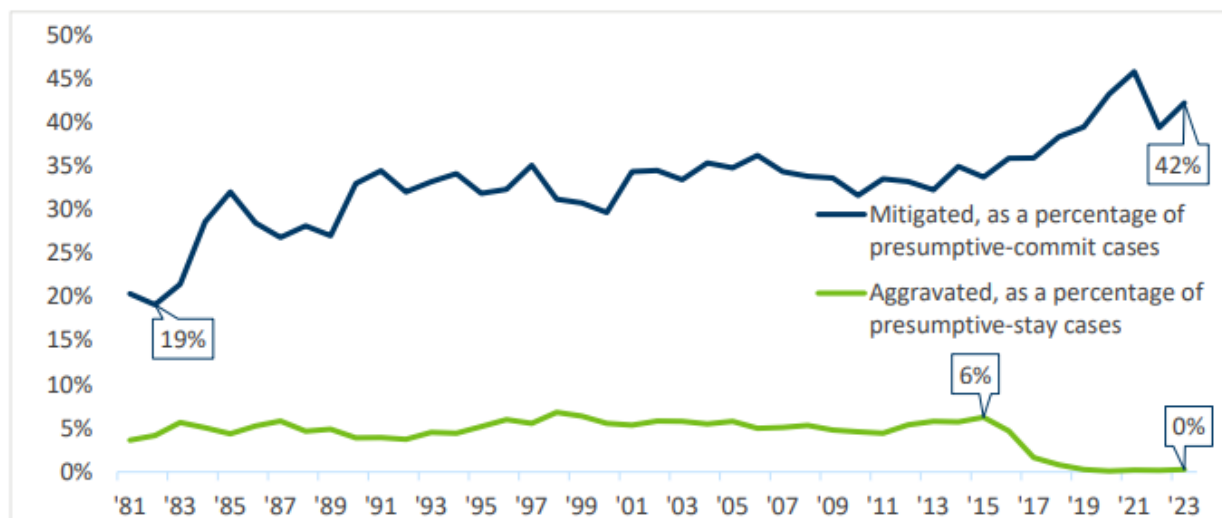
Subject: Accusation of incorrect data made by Representative Moller

Representatives Novotny and Moller,

I testified in support of HF-7 yesterday. My testimony was supplied in writing in advance and is a matter of record in written and video form in the Committee file.

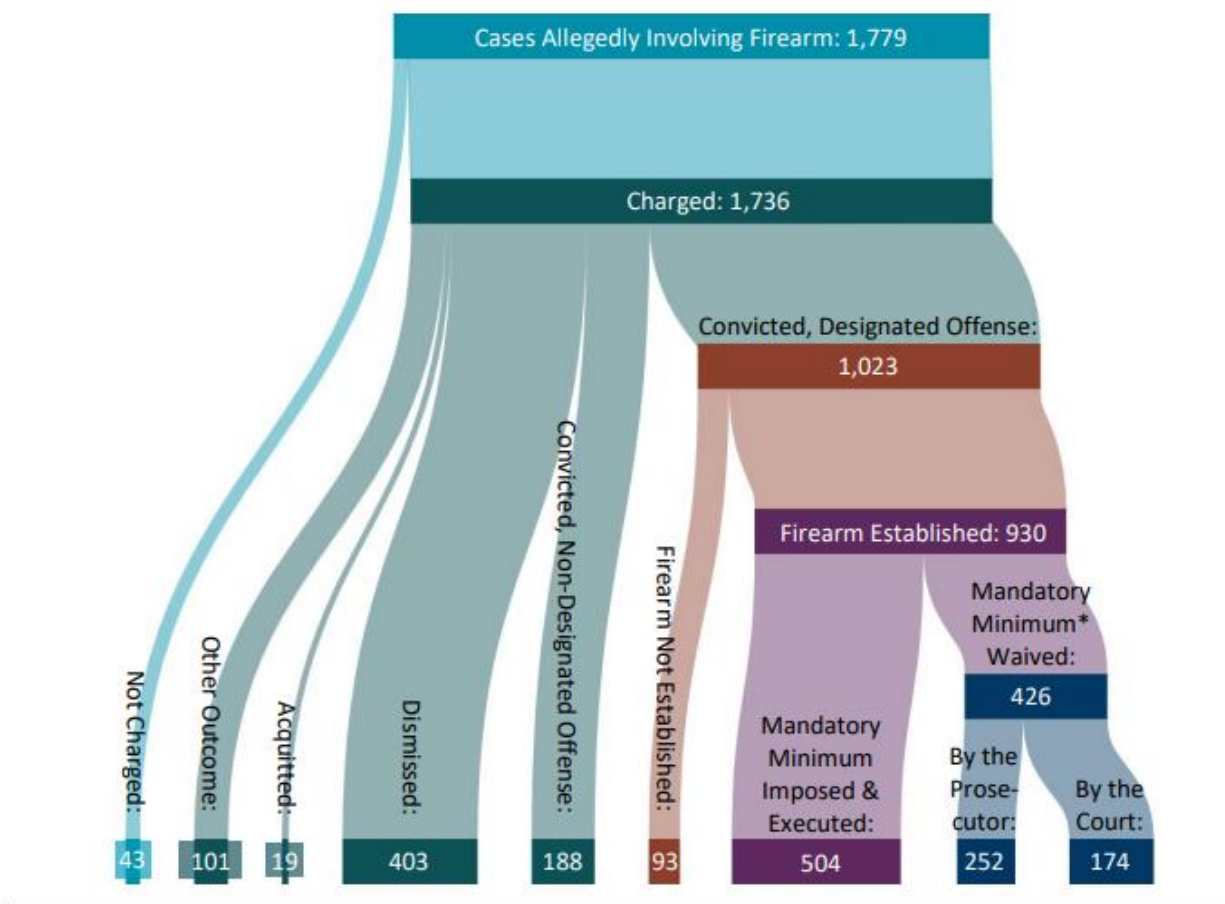
During my testimony I referred to data derived directly from the Minnesota Sentencing Guidelines Commission's 2025 Annual Report to the Legislature. Specifically, I shared the Mitigated Dispositional Departure Rate of 42% - which is the rate judges are currently departing from presumptive commitments to prison and instead sentencing the defendants to probation. This data can be found on page 28 of the report, and I've attached the applicable chart below.

*Figure 12. Dispositional Departure Rates, 1981–2023*



I also referred to data relevant to mandatory minimum sentences for offenses where a firearm was used in commission of the crime. My reference was to the percentage of these cases that are charged but ultimately fail to result in a mandatory minimum sentence. That figure comes by dividing the number of applicable cases that ultimately received the intended mandatory minimum sentencing (504) by the number of cases charged (1,736). The result is that only 29% of cases charged receive the mandatory minimum sentencing. I flipped the perspective and reported that 71% didn't receive the mandatory minimum sentence as intended by statute. The data can be found on page 39 of the report, and I've attached the applicable chart.

*Figure 25. Disposition of Cases, Alleged Designated Offenses Involving Firearms, as Reported by County Attorneys, Cases Disposed of Between July 1, 2023, and June 30, 2024*



Following testimony Representative Moller falsely declared on the record that the committee had just received “incorrect information from the Center for (sic) the American Experiment.” Representative Moller defended her statement by referring to two data points that I did not refer to in my testimony - the felony sentencing rate since 1981, and the percentage of all cases which received the “standard disposition.”



Accusations that discredit my professional reputation as a policy fellow and the reputation of my employer, Center of the American Experiment, are a significant concern to us. I shared accurate data, and the direct accusation that I provided “incorrect information” is an issue that needs to be addressed.

I am asking for Representative Moller’s improper accusation to be corrected on the record, and that all representatives pause and ensure they understand the data being shared before they accuse me or others of providing incorrect information.

Sincerely

*David P. Zimmer*

David Zimmer  
Public Safety Policy Fellow