

**SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION**

S.F. No. 3802

(SENATE AUTHORS: CHAMBERLAIN, Pappas, Latz and Anderson, B.)

DATE
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Introduction and first reading
Referred to Judiciary and Public Safety Finance and Policy

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to public safety; establishing a task force on sentencing for aiding and
1.3 abetting felony murder; requiring a report.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. **TASK FORCE ON SENTENCING FOR AIDING AND ABETTING**
1.6 **FELONY MURDER.**

1.7 Subdivision 1. Definitions. As used in this section, the following terms have the meanings
1.8 given:

1.9 (1) "aiding and abetting" means a person who is criminally liable for a crime committed
1.10 by another because that person intentionally aided, advised, hired, counseled, or conspired
1.11 with or otherwise procured the other to commit the crime; and

1.12 (2) "felony murder" means a violation of Minnesota Statutes, section 609.185, paragraph
1.13 (a), clause (2), (3), (5), (6), or (7); or 609.19, subdivision 2, clause (1).

1.14 Subd. 2. Establishment. The task force on sentencing for aiding and abetting felony
1.15 murder is established to collect and analyze data on the charging, convicting, and sentencing
1.16 of people for aiding and abetting felony murder; assess whether current laws and practices
1.17 promote public safety and equity in sentencing; and make recommendations to the legislature.

1.18 Subd. 3. Membership. (a) The task force consists of the following members:

1.19 (1) the commissioner of corrections or a designee;

1.20 (2) the executive director of the Minnesota Sentencing Guidelines Commission or a
1.21 designee;

- 2.1 (3) the attorney general or a designee;
- 2.2 (4) the state public defender or a designee;
- 2.3 (5) the statewide coordinator of the Violent Crime Coordinating Council;
- 2.4 (6) one defense attorney appointed by the Minnesota Association of Criminal Defense
- 2.5 Lawyers;
- 2.6 (7) one county attorney appointed by the Minnesota County Attorneys Association;
- 2.7 (8) two members representing victims' rights organizations appointed by the Office of
- 2.8 Justice Programs director in the Department of Public Safety;
- 2.9 (9) two members of a criminal justice advocacy organization, one of which is a licensed
- 2.10 attorney appointed by the commissioner of human rights; and
- 2.11 (10) an impacted person who is directly related to a person who has been convicted of
- 2.12 felony murder appointed by the governor.
- 2.13 (b) Appointments must be made no later than July 30, 2020.
- 2.14 (c) Members shall serve without compensation.
- 2.15 (d) Members of the task force serve at the pleasure of the appointing authority or until
- 2.16 the task force expires. Vacancies shall be filled by the appointing authority consistent with
- 2.17 the qualifications of the vacating member required by this subdivision.
- 2.18 Subd. 4. **Officers; meetings.** (a) The task force shall elect a chair and vice-chair and
- 2.19 may elect other officers as necessary.
- 2.20 (b) The commissioner of corrections shall convene the first meeting of the task force no
- 2.21 later than August 1, 2020, and shall provide meeting space and administrative assistance
- 2.22 as necessary for the task force to conduct its work.
- 2.23 (c) The task force shall meet at least monthly or upon the call of its chair. The task force
- 2.24 shall meet sufficiently enough to accomplish the tasks identified in this section. Meetings
- 2.25 of the task force are subject to Minnesota Statutes, chapter 13D.
- 2.26 (d) To compile and analyze data, the task force shall request the cooperation and
- 2.27 assistance of local law enforcement agencies, the Minnesota Sentencing Guidelines
- 2.28 Commission, the judicial branch, the Bureau of Criminal Apprehension, county attorneys,
- 2.29 and tribal governments and may request the cooperation of academics and others with
- 2.30 experience and expertise in researching the impact of laws criminalizing aiding and abetting
- 2.31 felony murder.

3.1 Subd. 5. Duties. (a) The task force shall, at a minimum:

3.2 (1) collect and analyze data on charges, convictions, and sentences for aiding and abetting
3.3 felony murder;

3.4 (2) collect and analyze data on sentences for aiding and abetting felony murder in which
3.5 a person received a mitigated durational departure because the person played a minor or
3.6 passive role in the crime or participated under circumstances of coercion or duress;

3.7 (3) collect and analyze data on charges, convictions, and sentences for codefendants of
3.8 people sentenced for aiding and abetting felony murder;

3.9 (4) review relevant state statutes and state and federal court decisions;

3.10 (5) receive input from individuals who were convicted of aiding and abetting felony
3.11 murder;

3.12 (6) receive input from family members of individuals who were victims of felony murder;

3.13 (7) analyze the benefits and unintended consequences of Minnesota Statutes and practices
3.14 related to the charging, convicting, and sentencing of people for aiding and abetting felony
3.15 murder including but not limited to an analysis of whether current statutes and practice:

3.16 (i) promote public safety; and

3.17 (ii) properly punish people for their role in an offense; and

3.18 (8) make recommendations for legislative action, if any, on laws affecting:

3.19 (i) the collection and reporting of data; and

3.20 (ii) the charging, convicting, and sentencing of people for aiding and abetting felony
3.21 murder.

3.22 (b) At its discretion, the task force may examine, as necessary, other related issues
3.23 consistent with this section.

3.24 Subd. 6. Report. On or before January 15, 2021, the task force shall submit a report to
3.25 the chairs and ranking minority members of the house of representatives and senate
3.26 committees and divisions with jurisdiction over criminal sentencing on the findings and
3.27 recommendations of the task force.

3.28 Subd. 7. Expiration. The task force expires the day after submitting its report under
3.29 subdivision 6.

3.30 EFFECTIVE DATE. This section is effective July 1, 2020.