

HENNEPIN COUNTY

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Senator Clare Oumou Verbeten
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Rep. Frazier, Sen. Oumou Verbeten, and Members of the House and Senate:

Thank you for giving me the opportunity to express my support for HF1406 and SF1478, legislation that reforms the aiding and abetting statute's application in certain murder cases by limiting liability to those who were a major participant in the underlying act.

Minnesota's laws controlling accomplice liability and those defining different counts of murder lead to unforeseeable and disproportionate outcomes that degrade confidence in our system and are ineffective at deterring crime. Under Minnesota law, a person can be convicted of and sentenced to life in prison for one of the most serious offenses, intentional first-degree murder, without ever intending to kill. Under Minnesota law, a person can be convicted of second-degree murder without ever intending to harm someone in any way. Indeed, under Minnesota law, a person can be convicted of murder while not being on the scene where someone died or having any knowledge that the acts causing death occurred. These outcomes are the reality driven by the state's current law of accomplice liability.

A key principle of criminal law is that people should be accountable for the harm they intend or that, at a minimum, they know is a likely outcome of their conduct. The circumstances outlined above lead to shocking and unforeseeable punishments, in some cases, and to outcomes that are grossly disproportionate to an individual's culpable conduct. That disconnect from a person's conduct makes this punishment scheme wholly ineffective at deterring crime -- people can't be deterred from doing something they don't intend or even know is occurring.

This statutory scheme is also problematic because the extreme penalties associated with it can be used to coerce plea deals with harsh consequences for acts a person did not participate in, want to occur, or even know occurred. The realities of how criminal cases develop, combined with these laws, also can result in those charged under aiding and abetting liability being sentenced to longer terms than the person who actually committed a murder because they refuse to admit to a murder they did not commit. This further undermines the basic tenets of fairness, proportionality, and justice in our legal system.

This change will ensure individuals are not held accountable for harm they do not commit. It ensures individuals are held accountable for crimes they do actually commit and actively participate in. By doing so, we can promote fairness, proportionality, and improve confidence in our criminal legal system.

Sincerely,



Mary F. Moriarty

