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## **S.F. No. 3669 (1<sup>st</sup> Engrossment) - Aiding and Abetting Felony Murder; Change in Standard to Have Conviction Vacated**

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### **Overview**

**S.F. No. 3669** amends the changes made last year to the aiding and abetting felony murder law to conform the standard for seeking retroactive relief for certain convictions to the standard applicable for initial criminal liability.

### **Background**

In 2023, Minnesota Statutes, section 609.05 (liability for crimes committed by another) was amended to provide that a person could no longer be held criminally liable for second degree felony murder under an accomplice liability theory when the death was caused by another unless the person was a major participant in the underlying felony *and* acted with extreme indifference to human life. In addition to this change, the law authorized persons already convicted of such a crime to petition to have the conviction vacated. However, the standard for retroactive relief did not match the standard for limiting initial criminal liability. For retroactive relief, the standard requires that a person seeking relief establish that the person was not a major participant *and* did not act with extreme indifference to human life. Thus, as drafted, the standard for retroactive relief is narrower than the standard for avoiding initial criminal liability.

**Sections 1 to 3 and 5** replace the “and” with “or” relating to being a major participant and acting with extreme indifference to human life in the provisions relating to seeking retroactive relief and receiving a pardon.

**Sections 3 and 4** extend deadlines in the retroactive relief law to accommodate persons seeking to take advantage of the new standard provided in sections 3 and 5.

**Section 6** authorizes persons denied retroactive relief under the current standard and who would be now eligible for relief under the bill to reapply for relief. Requires the commissioner of corrections to notify persons who may be eligible for relief.