



Minnesota
State Bar
Association

600 Nicollet Mall
Suite 380
Minneapolis, MN 55402

Honorable Minnesota State Representatives and Senators.

**Re: Uniform Collateral Consequences of Conviction Act
H.F. 1845 and S.F. 1676**

I write on behalf of the Criminal Law Section of the Minnesota State Bar Association. Our section consists of city and county prosecutors and defense lawyers actively engaged in Minnesota's criminal justice system.

On numerous occasions, our section has discussed the above-referenced bills, which are expressions of the Uniform Collateral Consequences of Conviction Act (the "Act"). While other bills attempt to redress society's increasing awareness of problems associated with collateral consequences, the Act advances perhaps the most comprehensive public policy in favor of offender rehabilitation and re-entry presently before the House or Senate. The Act also creates a procedure with judicial oversight to address specific collateral consequences in particular cases when the application of those consequences is unreasonable or unjust under the circumstances. The MSBA Criminal Law Section supports the passage of this legislation.

Most collateral consequences required by statute following an offender's criminal conviction are necessary to promote and protect public safety. The automatic application of some collateral consequences, however, can sometimes impede the proper functioning of the criminal justice system and create unreasonable or unjust barriers to re-entry. Minnesota, like the rest of the nation, faces a tremendous problem of managing an ever-growing population of citizens convicted of criminal offenses. Over the past 40 years, the Minnesota Criminal Code has grown from approximately 35 pages in length to over 200 pages. New mandatory sentences and new and more severe penalties have contributed to sizeable increases in the numbers of people with criminal records. And, as we are sure you are aware, all those records have become much more accessible today than in any other time in our nation's history. According to the U.S. Department of Justice, as of December 31, 2006, nearly 81 million individuals appeared in the criminal history files of state criminal history databases. There is a strong and compelling public interest in preventing recidivism and facilitating re-entry in the vast majority of cases; and the Act promotes that public interest. We encourage you to consider the submission of retired Anoka County Attorney, Robert M.A. Johnson, entitled "Hidden Punishment." He has spoken more eloquently on the issue than we can in this letter.

As a result of our meetings with the Uniform Law Commissioners, input from prosecutors, defense attorneys, other interested parties, and our own consideration of the policy issues



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involved, our section council voted unanimously to support this legislation. Our section is authorized to take a section-only position in support of H.F. 1845 and S.F. 1676, and their underlying public policies, but please do not misconstrue this as association-wide support.

If you have any questions, please do not hesitate to call me at the number below, or call Brad Johnson, the Criminal Law Section Council Member and our past Chair who we have asked to continue to voice our support.

Sincerely,

Joe VanThomme
Chair, Criminal Law Section
Minnesota State Bar Association
(763) 561-2800
joe.vanthomme@carsoncs.net

cc: Emily McGann, Staff Liaison to the MSBA Legislative Committee
Brad Johnson, MSBA Criminal Law Section Council Member, 612-388-6595

SECRETARY

Honorable Bernice B. Donald
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AMERICAN BAR ASSOCIATION

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April 23, 2010

Mr. John A. Sebert
Executive Director
National Conference of Commissioners on Uniform State Laws
Suite 1010
111 N. Wabash Avenue
Chicago, IL 60602

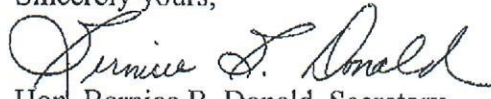
RE: Uniform Collateral Consequences of Conviction Act

Dear Mr. Sebert:

At the meeting of the House of Delegates of the American Bar Association held February 8-9, 2010, the enclosed resolution was adopted upon recommendation of the National Conference of Commissioners on Uniform State Laws. Thus, this resolution now states the official policy of the Association.

We are transmitting it for your information and whatever action you think appropriate. Please advise if you need any further information, have any questions or if we can be of any assistance. Such inquiries should be directed to the Chicago office.

Sincerely yours,


Hon. Bernice B. Donald, Secretary

BBD/apb
Enclosure

cc: Robert A. Stein John A. Sebert
Robin K. Roy R. Larson Frisby