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C O U N T Y A T T O R N E Y S  
A S S O C I A T I O N

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February 17, 2025

Senator Alice Mann  
95 University Avenue W  
Minnesota Senate Building, Room 3225  
St. Paul, MN 55155

Dear Senator Mann:

The Minnesota County Attorneys Association appreciates the advocates supporting SF 971 for bringing this bill to our attention earlier this session. While our Association has not had the opportunity to officially review and take a formal position on the bill, we want to raise some issues of concern that we hope you will consider as you discuss proposed immunity from criminal liability language this session.

Criminal prosecution is very rare for medical errors as prosecutors make their own decisions when choosing the cases they decide to pursue based on the law, the facts and the circumstances of each situation. We are currently unaware of any case in Minnesota that has brought punitive measures for a self-reporting mistake that had a catastrophic result. Furthermore, the bill as currently drafted would grant immunity even if it could be proved beyond a reasonable doubt that a health care provider acted with gross negligence or extreme recklessness.

We appreciate the challenging situation COVID and its aftermath has brought to the health care industry and the recruitment and retention shortages being felt. The health care profession is one that our Association has great respect for, however, as ministers of justice and those outlined in statute and asked by the community to protect and hold accountable those who do harm, we do not think a blanket immunity solution is best for our state. We encourage a more narrowly tailored proposal based on continued outreach and engagement with stakeholders to attempt to resolve the concerns raised about the need for change in this area of law.

We will share more input on this bill as our Association considers the bill through our regular process of reviewing through our Criminal Law Committee and Board of Directors, which will take place this week. We also welcome more direct conversations about the intent of the proposed change and the desired outcomes with the you.

Sincerely,

Robert Small  
Executive Director