



TASK FORCE ON AIDING & ABETTING FELONY MURDER

2021 Legislative Commissioned Task Force

January 31, 2022

Senate Judiciary and Public Safety Finance and Policy Committee

Senator Warren Limmer, Chair
3221 Minnesota Senate Bldg.
St. Paul, MN 55155

Senator Ron Latz, DFL Lead
2215 Minnesota Senate Bldg.
St. Paul, MN 55155

House Public Safety and Criminal Justice Reform Finance and Policy Division Committee

Representative Carlos Mariani, Chair
479 State Office Building
St. Paul, MN 55155

Representative, Brian Johnson, Republican Lead
243 Rev. Dr. Martin Luther King Jr. Blvd.
St Paul, MN 55155

House Judiciary Finance and Civil Law Committee

Representative Jamie Becker-Finn, Chair
559 State Office Building
St. Paul, MN 55155

Representative Peggy Scott, Republican Lead
335 Rev. Dr. Martin Luther King Jr. Blvd.
St Paul, MN 55155

RE: Submission of the Task Force on Aiding & Abetting Felony-Murder Report as Required by 2021 First Special Session Law, Chapter 11, Article 2, Sec. 53

Dear Legislators:

Minnesota 2021 First Special Session Law, Chapter 11, Article 2, Sec. 53 requires that the Task Force on Aiding & Abetting Felony-Murder submit a report on findings and recommendations to the chairs and ranking minority members of the committees with jurisdiction over criminal sentencing. The Task Force was established to collect and analyze data on those charged with, convicted of, and sentenced for aiding and abetting felony-murder, and to assess whether current laws and practices promote public safety, retribution, and equity in sentencing, with an eye towards both benefits and unintended consequences of current practices.

The Task Force drew membership from a diverse group of professionals, ranging from a law professor, a Police Chief, State Public Defender, executive director of a victims' advocacy organization, executive director of the Minnesota Sentencing Guidelines Commission, two County Attorneys, a Department of Corrections representative, and others. Together, we obtained and analyzed a sweeping range of data on those charged, convicted, and sentenced under the various statutory subdivisions of aiding and abetting felony-murder. We heard the perspectives of victims' family members. We also heard directly from people sentenced for aiding and abetting felony-murder, with Task Force members traveling to the Shakopee Women's Prison and also participating in a men's virtual panel where we heard the stories of people incarcerated at the Stillwater and Faribault Prisons. A third listening session featured people reintegrating into the community after serving their sentences. Finally, we completed a comprehensive statutory and common law comparative analysis of the laws in

all fifty states. The attached report also includes limited international data from other common law countries. We took to heart our comprehensive statutory charge and were thorough in our research and outreach.

Our efforts culminated in the unanimous recommendations contained in the enclosed report. Together, we concluded that **statutes should be revised such that aiding and abetting felony-murder liability, while remaining applicable in some cases, should not attach to an actor who did not actually kill another, or contribute to the homicidal acts, or act with reckless disregard for human life as a major participant in the felony.** The personal experiences shared with the Task Force buttress conclusions drawn from our research: the current aiding and abetting felony-murder statutory framework is resulting in punishment wildly disproportionate to individuals' underlying culpability; the stories from all involved are heartbreaking. Minnesota is not safer with this group of people incarcerated for decades and lifetimes. Someone who aids and abets a lesser felony is not as guilty and should not be punished as severely as a principal actor who kills, in some cases with intent.

Reform is urgent, and we sincerely hope that you and other legislative leaders take steps to initiate change in an arena vital to public safety, fundamental fairness, and the integrity of the criminal justice system in Minnesota and beyond.

If you have questions, please contact me at 612-360-9897 or greg.egan@pubdef.state.mn.us. Although the work the Task Force was formed to undertake is technically complete, I, my Vice-Chair, and other former members feel strongly enough about our findings and recommendations that we would remain eagerly available, in whatever capacity needed, to help you and your colleagues move forward with long-overdue change.

Sincerely,

/s/ Gregory Egan

Gregory Egan, Chair
Task Force on Aiding & Abetting Felony-Murder

Enclosure

cc: Vice Chair KiloMarie Granda
Legislative Reference Library