



March 12, 2021

The Honorable Ryan Winkler  
House Majority Leader  
Minnesota House of Representatives  
459 State Office Building  
St. Paul, MN 55155

Dear Majority Leader Winkler:

I write today on behalf of FAMM to voice our support for HF 901 and urge you to advance the bill. FAMM is a nonpartisan, nonprofit organization that advocates sentencing and prison policies that are individualized and fair, protect public safety, and preserve families.

One of the policies we advocate is second look sentencing to help remedy excessive incarceration and give people a shot at a second chance. We are pleased to support HF 901, which would give county prosecutors the authority to petition courts to have a person's sentence adjusted.

People serving extreme sentences in Minnesota state prisons have little chance of relief, even if they've demonstrated their rehabilitation and readiness to return to their communities. Commutations, which are rarely used, are the only hope of relief for many people serving extremely long sentences. Only two people were granted a commutation in 2020<sup>1</sup>, and none were granted the year before that.<sup>2</sup> Minnesota needs to create additional mechanisms for other actors in the criminal justice system to revisit lengthy sentences and reduce them when it's appropriate.

Revisiting lengthy sentences aligns with criminology research showing that recidivism drops after a person reaches late adolescence and continues to decline when they reach early adulthood. No one is safer when people whose continued incarceration serves no purpose remain in prison. HF 901 would provide a mechanism for the government to recognize individuals who are serving ineffective and excessive sentences and safely remedy them. This bill is a reasonable solution to addressing ineffective and excessive sentences. It does not require or guarantee a sentence reduction or modification. It merely gives prosecutors the discretion to revisit excessive sentences if they choose to do so.

Furthermore, our sentencing laws should recognize people's capacity to mature and provide mechanisms to give people second chances. This is especially important when considering that nearly a third of people incarcerated in Minnesota were 25 years old or younger at the time of the offense.<sup>3</sup> Courts and other system actors need the authority to take a second look at extreme

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<sup>1</sup> 2020 Legislative Report, Minnesota Board of Pardons, [https://mn.gov/doc/assets/Board%20of%20Pardons%202020%20Report%20%28final%29\\_tcm1089-468448.pdf](https://mn.gov/doc/assets/Board%20of%20Pardons%202020%20Report%20%28final%29_tcm1089-468448.pdf)

<sup>2</sup> 2019 Legislative Report, Minnesota Board of Pardons, [https://mn.gov/doc/assets/2019%20Board%20of%20Pardons%20Report%20to%20Legislature\\_tcm1089-468451.pdf](https://mn.gov/doc/assets/2019%20Board%20of%20Pardons%20Report%20to%20Legislature_tcm1089-468451.pdf)

<sup>3</sup> Overview HF 901 [https://www.house.leg.state.mn.us/comm/docs/3W-mli\\_y3kO3lw3rSylrrg.pdf](https://www.house.leg.state.mn.us/comm/docs/3W-mli_y3kO3lw3rSylrrg.pdf)



sentences, and incarcerated people should have the opportunity to have circumstances such as their rehabilitation and readiness for reentry taken into consideration. Our sentencing laws must balance punishment with mercy.

Minnesota is not alone in considering legislation to revisit extreme sentences. The Model Penal Code recommends that people be considered for a sentence modification after they have served 15 years, and reconsidered every 10 years after that.<sup>4</sup> Over 10 states as varied as Texas, Illinois, Virginia, and South Dakota have introduced legislation this year to create mechanisms to reconsider a person's sentence. Legislation such as HF 901 is needed to give people an opportunity at a second chance, reunite families, and safely reduce the number of people in prison.

We urge you to support and advance HF 901. Thank you for considering our views.

Sincerely,

Molly Gill  
Vice President of Policy, FAMM

Cc: Rep. Kelly Moller

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<sup>4</sup> American Law Institute, Model Penal Code: Sentencing Official Statutory Text § 11.02, Modification of Long-Term Prison Sentences; Principles for Legislation