STATE OF MINNESOTA

IN SUPREME COURT

A20-0758

Court of Appeals

Moore, III, J.

State of Minnesota,

Respondent,

vs.

Filed: June 22, 2022
Office of Appellate Courts

Michael Anthony Lee,

Appellant.

Keith Ellison, Attorney General, Saint Paul, Minnesota; and

Lauri A. Ketola, Carlton County Attorney, Jeffrey L.H. Boucher, Chief Deputy County Attorney, Carlton, Minnesota, for respondent.

Cathryn Middlebrook, Chief Appellate Public Defender, Benjamin J. Butler, Assistant State Public Defender, Saint Paul, Minnesota, for appellant.

Keith Ellison, Attorney General, Leonard J. Schweich, Assistant Attorney General, Saint Paul, Minnesota, for amicus curiae Minnesota Department of Human Services.

Kelsey R. Kelley, Robert I. Yount, Assistant Anoka County Attorneys, Anoka, Minnesota, for amicus curiae Minnesota County Attorneys Association.

S Y L L A B U S

The mandatory conditional release period required by Minn. Stat. § 609.2231, subd. 3a(e) (2020), for persons who are civilly committed as sexually dangerous and

convicted of fourth-degree assault of a secure treatment facility employee under Minn. Stat. § 609.2231, subd. 3a(b)(1), does not violate the guarantees of equal protection under the United States and Minnesota Constitutions.

Affirmed.

O P I N I O N

MOORE, III, Justice.

While civilly committed to the Minnesota Sex Offender Treatment Program (MSOP), appellant Michael Anthony Lee was convicted of fourth-degree assault of a secure treatment facility employee (demonstrable bodily harm) under Minn. Stat. § 609.2231, subd. 3a(b)(1) (2020), for striking an MSOP security counselor in the head. Lee challenges the district court's imposition of a mandatory 5-year conditional release term on equal protection grounds. Specifically, Lee complains that Minn. Stat. § 609.2231, subd. 3a(e) (2020), requires the district court to impose different sentences for the same conduct based on the defendant's civil commitment status. Subdivision 3a(e) requires a 5-year conditional release term for a defendant convicted under Minn. Stat. § 609.2231, subd. 3a(b)(1), for assaulting a secure treatment facility employee while civilly committed as a sexually dangerous person (SDP) under Minn. Stat. § 253D.07 (2020). The mandatory 5-year conditional release term under subdivision 3a(e), does not, however, apply to a defendant convicted under Minn. Stat. § 609.2231, subdivision 3a(c)(1) (2020), for assaulting a secure treatment facility employee while civilly committed as mentally ill and dangerous (MID) under Minn. Stat. § 253B.18 (2020). The court of appeals determined that defendants civilly committed as SDP and convicted under Minn. Stat. § 609.2231,

subd. 3a(b) (2020), are not similarly situated to defendants civilly committed as MID and convicted under Minn. Stat. § 609.2231, subd. 3a(c) (2020), and therefore affirmed the dismissal of Lee's request for post-conviction relief. *Lee v. State,* No. A20-0758, 2021 WL 2639974, at *6 (Minn. App. June 28, 2021). We disagree that the two groups are not similarly situated, but we conclude that there is a rational basis for the sentencing disparity. Therefore, we affirm, though on slightly different grounds.

FACTS

The facts of this case are undisputed. Appellant Michael Anthony Lee is indeterminately committed to MSOP-Moose Lake as an SDP patient under Minn. Stat. §§ 253D.01–.36 (2020).[1] While committed, Lee struck a security counselor at MSOP-Moose Lake on the head with his fist, causing visible redness and a stinging sensation in the counselor's outer ear. Respondent State of Minnesota charged Lee in Carlton County District Court with one count of fourth-degree assault of a secure treatment facility employee causing demonstrable bodily harm in violation of Minn. Stat. § 609.2231, subd. 3a(b)(1).[2] Lee waived his right to a jury trial and entered a guilty plea to the charge.

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[1] Lee was civilly committed as a sexually dangerous person after failing to register as a predatory sex offender following two convictions for third-degree criminal sexual conduct. *In re Civil Commitment of Lee*, No. A09-0288, 2009 WL 2366289, at *1–2 (Minn. App. Aug. 4, 2009).

[2] Minn. Stat. § 609.2231, subd. 3a(b), reads as follows:

> Whoever, while committed under chapter 253D, Minnesota Statutes 2012, section 253B.185, or Minnesota Statutes 1992, section 526.10, commits either of the following acts against an employee or other individual who provides care or treatment at a secure treatment facility while the person is

The district court imposed an executed prison sentence of 1 year and 1 day. As required by Minn. Stat. § 609.2231, subd. 3a(e), the district court also imposed a 5-year conditional release term.[3]

Lee filed a petition for postconviction relief. He argued that imposing a mandatory 5-year conditional release period on persons convicted under Minn. Stat. § 609.2231, subd. 3a(b)(1), but not on persons convicted of the same behavior under Minn. Stat. § 609.2231, subd. 3a(c)(1),[4] violates his equal protection rights under the United States and Minnesota

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> engaged in the performance of a duty imposed by law, policy, or rule is guilty of a felony and may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than $4,000, or both:
>
> (1) assaults the person and inflicts demonstrable bodily harm; or
>
> (2) intentionally throws or otherwise transfers bodily fluids or feces at or onto the person.

[3] Minn. Stat. § 609.2231, subd. 3a(e), reads as follows:

> Notwithstanding the statutory maximum sentence provided in [section 609.2231, subd. 3a(b)], when a court sentences a person to the custody of the commissioner of corrections for a violation of [section 609.2231, subd. 3a(b)], the court shall provide that after the person has been released from prison, the commissioner shall place the person on conditional release for five years. The terms of conditional release are governed by sections 244.05 and 609.3455, subdivision 6, 7, or 8; and Minnesota Statutes 2004, section 609.109.

[4] Minn. Stat. § 609.2231, subd. 3a(c), reads as follows:

> Whoever, while committed under section 253B.18, or admitted under the provision of section 253B.10, subdivision 1, commits either of the following acts against an employee or other individual who supervises and works directly with patients at a secure treatment facility while the person is engaged in the performance of a duty imposed by law, policy, or rule, is

Constitutions. The district court denied Lee's petition for postconviction relief. In doing so, the district court concluded that MID patients convicted under subdivision 3a(c) are not similarly situated to SDP patients convicted under subdivision 3a(b). The district court observed that "[a]lthough there is a mental illness component to commitment as an [SDP patient]," the patients "are additionally found to have committed a course of habitual sexual misconduct or harmful sexual conduct; to lack control over sexual impulses or [to be] likely to engage in acts of harmful sexual conduct; and [to be] dangerous or harmful to other persons." *See* Minn. Stat. § 253D.02, subd. 16 (defining SDP patients). The district court reasoned that the additional components distinguish SDP patients from MID patients because "[n]one of those components apply to those who are committed as [MID patients]." *See* Minn. Stat. § 253B.02, subd. 17 (2020) (defining MID patients). Because Lee failed to make the threshold showing that he was similarly situated to those treated differently under Minn. Stat. § 609.2231, subd. 3a(c), the district court did not consider whether the disparate treatment of persons convicted under the statute is rationally related to any legitimate government interest.

The court of appeals upheld the district court's denial of Lee's petition for postconviction relief. *State v. Lee*, No. A20-0758, 2021 WL 2639974, at *1, *2 (Minn.

> guilty of a felony and may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than $4,000, or both:
>
> (1) assaults the person and inflicts demonstrable bodily harm; or
>
> (2) intentionally throws or otherwise transfers urine, blood, semen, or feces onto the person.

App. June 28, 2021). The court examined the statutes providing for the civil commitment of MID patients and SDP patients, as well as the two subdivisions criminalizing the assault of secure treatment facility personnel. *Id*. at *3–6. The court agreed with the district court that persons convicted under subdivisions 3a(b) and 3a(c) are not similarly situated. *Id.* at *6. The court noted that the two categories of civilly committed persons are committed under "separate, and differing, statutory structures" for "different reasons." *Id.* at *4–5. The court also observed that subdivisions 3a(b) and 3a(c) cover different types of victims and criminalize different types of conduct. *Id.* at *5. The court acknowledged that the sole reason Lee could not have been convicted under subdivision 3a(c) was his status as an SDP patient—otherwise "the conduct [Lee] admitted to having engaged in" and "the victim [Lee] struck" would lead to a conviction under subdivision 3a(c). *Id.* Nonetheless, based on the "several important differences" between the relevant statutes, the court concluded that Lee is not similarly situated with persons who are convicted of violating subdivision 3a(c). *Id.* at *6. The court of appeals did not analyze whether the disparate treatment of the two groups is rationally related to a legitimate government interest. *Id*.

We granted Lee's request for further review.

ANALYSIS

Minnesota Statutes section 609.2231, subdivision 3a(e) imposes a mandatory 5-year conditional release period on SDP patients convicted of assault under subdivision 3a(b)(1), but not on MID patients convicted of assault under subdivision 3a(c)(1). Lee argues this sentencing disparity in subdivision 3a(e) violates his equal protection rights under the

United States and Minnesota Constitutions because it inflicts a harsher punishment for the same criminal conduct without justification. We disagree.

The Equal Protection Clause of the United States Constitution provides: "No State shall . . . deny to any person within its jurisdiction the equal protection of the laws." U.S. Const. amend. 14, § 1. Similarly, the equal protection guarantee in the Minnesota Constitution provides: "No member of this state shall be disfranchised or deprived of any of the rights or privileges secured to any citizen thereof, unless by the law of the land or the judgment of his peers." Minn. Const. art. 1, § 2.

Lee presented his as-applied constitutional challenge in a petition for postconviction relief, which the district court summarily denied. We review the denial of a petition for postconviction relief for an abuse of discretion. *Bolstad v. State*, 966 N.W.2d 239, 244 (Minn. 2021). "The district court abuses its discretion when it exercises its discretion in an arbitrary or capricious manner, bases its ruling on an erroneous view of the law, or makes clearly erroneous factual findings." *Id.* (internal citation omitted) (internal quotation marks omitted). Minnesota's statutes are presumed constitutional and we "will strike down a statute as unconstitutional only if absolutely necessary." *State v. Cox*, 798 N.W.2d 517, 519 (Minn. 2011).

A.

In analyzing a claimed equal protection violation, our threshold inquiry is whether the claimant is similarly situated in all relevant respects to others whom the claimant contends are being treated differently. *Cox*, 798 N.W.2d at 521. We review equal protection claims de novo, including the question of whether two groups are similarly

situated for equal protection purposes. *State v. Holloway*, 916 N.W.2d 338, 347 (Minn. 2018). When the claimant is not treated differently than all others to whom the claimant is similarly situated, there is no equal protection violation. *Cox*, 798 N.W.2d at 521.

We start by determining "whether the law creates distinct classes within a broader group of similarly situated persons or whether those treated differently by the law are sufficiently dissimilar from others such that the law does not create different classes within a group of similarly situated persons." *Fletcher Props., Inc. v. City of Minneapolis*, 947 N.W.2d 1, 22 (Minn. 2020). To make this determination, we must consider whether the law treats the claimant differently from others "to whom the claimant is similarly situated in *all relevant respects*." *Id.* (internal citations omitted) (internal quotation marks omitted); *see also Cox*, 798 N.W.2d at 521 ("[T]he Equal Protection Clause . . . keeps governmental decisionmakers from treating differently persons who are in all relevant respects alike." (internal citation omitted) (internal quotation marks omitted)).

The similarly situated inquiry is not whether the claimant is similarly situated in *all* respects—instead, the focus is on all *relevant* respects. *See Fletcher Props.*, 947 N.W.2d at 22 ("Whether a claimant is 'similarly situated' to other persons cannot be decided based solely on the very classification challenged as violating equal protection."). The question, then, is which similarities are relevant in this case. Specifically, when considering whether two groups are similarly situated for an equal protection challenge premised on disparate sentencing, is the proper focus on the similarity of the penalized conduct, or the similarity of the broader characteristics of the two groups as a whole?

To answer this question, we look at how the claimant frames the issue. *Id*. ("What is most important is identifying clearly the specific equal protection concern raised by the party challenging the law."). In this case, Lee maintains that the relevant comparison is the penalized conduct. He emphasizes that the equal protection claim is a narrow one related solely to the difference in sentences—specifically, the imposition of a 5-year conditional release term. Thus, for the similarly situated inquiry, Lee claims we only need to decide whether people convicted of violating section 609.2231, subdivisions 3a(b)(1) and 3a(c)(1), engage in identical conduct. Because both Lee and an MID patient can be convicted of fourth-degree assault for the same conduct involved here—assaulting and inflicting demonstrable bodily harm on secure treatment facility personnel—Lee believes that he, as an SDP patient convicted under subdivision 3a(b)(1), is similarly situated to MID patients convicted under subdivision 3a(c)(1).

Our equal protection jurisprudence supports Lee's narrow inquiry and his focus on the specific criminalized conduct at issue here. In *Cox*, we held that "to prevail on an equal-protection claim based on the disparity in sentencing for two different offenses . . . a defendant must show that the two statutes prohibit the same conduct because the specific conduct of the defendant would support a conviction for either offense." 798 N.W.2d at 523. Lee's framing of the issue is consistent with our decision in *Cox*: the challenged government action is the imposition of a 5-year conditional release term for persons convicted under one subdivision but not the other. It is logical to limit the relevance inquiry to similarities and differences in the specific criminalized conduct giving rise to the disparate sentence. Lee is similarly situated because subdivisions 3a(b)(1) and 3a(c)(1),

prohibit the same conduct, and his specific conduct—both with respect to the assault and the victim—would support a conviction for either offense.

Though the equal protection challenge in *Cox* did not involve an individual's statutory classification, we have applied the same reasoning in cases that do. Our decision in *Holloway* is illustrative. There, the equal protection challenge focused on a legislative decision to make a mistake-of-age defense available to defendants who were 10 or *fewer* years older than the victim but not to defendants who were more than 10 years *older* than the minor victim of sexual assault. *Holloway*, 916 N.W.2d at 343. When assessing whether the two classes of perpetrators were similarly situated, we did not focus on the challenged classification—that is, the age differential. *Id.* at 347. Instead, we concluded that the two classes were similarly situated because the criminalized conduct was the same—both classes were subject to criminal liability for sexual contact with a minor. *Id.* at 347–48; *cf. Cox*, 798 N.W.2d at 523–24 (holding that the two classes of defendants were not similarly situated because the statutes criminalizing theft by check and dishonored checks require different mens reas); *State v. Frazier*, 649 N.W.2d 828, 838–39 (Minn. 2002) (determining that the defendant was not similarly situated to an individual convicted under RICO because that conviction must be based on participation in at least three criminal acts).

Like the claimant in *Holloway*, whose statutorily-classified age differential placed him in one group rather than the other, Lee has a different statutory classification than the group he compares himself to—namely, his SDP civil commitment status. Consistent with our decision in *Holloway*, we conclude that Lee's statutory classification is irrelevant to

the similarly situated inquiry here. *See Holloway*, 916 N.W.2d at 347–48. Because the penalized conduct in subdivision 3a(b)(1), is the same, Lee is similarly situated to MID persons convicted under subdivision 3a(c)(1), notwithstanding the different statutory classification.

The State and amici would have us engage in a broader relevance inquiry that asks whether individuals committed as SDP or MID—in other words, the two groups as a whole—are similarly situated. The court of appeals framed its analysis using these broad distinctions and concluded that persons convicted under subdivisions 3a(b) and 3a(c) are not similarly situated. *Lee*, 2021 WL 2639974 at *4–*6. It is not surprising that this more generalized inquiry yields several differences between the two groups. But the fact that the Legislature created two different statutory classifications does not determine whether the classifications pass constitutional equal protection muster. *Fletcher Props.*, 947 N.W.2d at 22. In other words, the mere existence of the SDP and MID classifications does not by default mean the groups are "sufficiently dissimilar" from each other. *Id.* The differences, as noted above, must be relevant to the challenged government action. *See also Klinger v. Dep't of Corrections*, 31 F.3d 727, 731 (8th Cir. 1994) ("The similarly situated inquiry focuses on whether the plaintiffs are similarly situated to another group for purposes of the challenged government action.").[5]

The differences relied on by the court of appeals and the State are not relevant to the similarly situated inquiry because the differences do not relate to the specific distinction

[5] We may rely on federal law to determine whether two groups are similarly situated. *Cox*, 798 N.W.2d at 521.

Lee is challenging here. For instance, the court of appeals noted that Minn. Stat. § 609.2231, subds. 3a(b)(2) and 3a(c)(2), penalize different conduct as it relates to the transfer of bodily fluids and feces from a patient to a staff person. *Lee*, 2021 WL 2639974 at *5. But Lee was neither convicted under subdivision 3a(b)(2), nor is he challenging the disparate sentence that a conviction under that subdivision carries for SDP patients. These differences are immaterial to Lee's narrow challenge to the imposition of a 5-year conditional release term on persons convicted under subdivision 3a(b)(1) but not persons convicted under subdivision 3a(c)(1). Similarly, both the State and the court of appeals relied on the fact that the two groups are committed for different reasons and are subject to different statutory commitment procedures. *See Lee*, 2021 WL 2639974 at *4–*5. The State further points out that patients committed as SDP and patients committed as MID may reside in different institutions subject to different programming. But these differences are equally irrelevant because Lee is not challenging any of them.

Determining the scope of "all relevant respects" in the similarly situated inquiry is "not a contextless comparison of the classes." *Fletcher Props.*, 947 N.W.2d at 22. Thus, when determining whether two classes are similarly situated, we also consider "the position[] of the claimant and all others in light of the broad purpose and operation of the statute." *Id.*; *see also Klinger*, 31 F.3d at 731 ("Thus, because the similarly situated inquiry depends on what government action the plaintiffs are challenging, we must first precisely define the plaintiffs' claim.").

The fourth-degree assault statute, Minn. Stat. § 609.2231 (2020), imposes harsher punishments for assaulting certain defined victims. *See, e.g.*, Minn. Stat. § 609.2231,

subd. 1 (peace officers); subd. 2 (firefighters and emergency medical personnel); subd. 5 (school officials); subd. 11 (transit operators). Subdivision 3a, the provision relevant here, covers assaultive conduct committed against secure treatment facility personnel. The parties agree that the broad purpose of the subdivision is to protect the staff at secure treatment facilities—the secure portions of the Minnesota Security Hospital and the MSOP facility at Moose Lake—from being assaulted by patients. We, therefore, examine the challenged classifications within the context of that specific statutory purpose. *Fletcher Props.*, 947 N.W.2d at 22.

Subdivisions 3a(b)(1) and 3a(c)(1), prohibit the same conduct—assaulting and inflicting demonstrable bodily harm on secure treatment facility personnel—in identical language. The patients' commitment status is not relevant to the statutory purpose of protecting the staff at secure treatment facilities from bodily harm because victims of the conduct prohibited by subdivisions 3a(b)(1) and 3a(c)(1) suffer the same harm. There is no indication that the purpose of the statute is to reduce the risk of ordinary assault by SDP patients but *not* MID patients. Thus, the commitment classifications have minimal relevance to the similarly situated analysis for the equal protection claim.

Because persons convicted and sentenced under subdivisions 3a(b)(1) and 3a(c)(1), are alike in all respects relevant to the challenged government action, we conclude that Lee, as an SDP patient convicted under 3a(b)(1), is similarly situated to an MID patient convicted under subdivision 3a(c)(1). Lee has therefore satisfied the first step of our equal protection framework.

We emphasize that this conclusion is limited to section 609.2231, subdivisions 3a(b)(1) and 3a(c)(1). Lee acknowledged in his briefing and during oral argument before this court that the other subparts of Minn. Stat. § 609.2231, subd. 3a, such as those pertaining to the transfer of patients' bodily fluids or feces at or onto the person of secure treatment facility personnel, are not analogous. Our narrow ruling here has no application to other statutes that may treat SDP and MID patients differently, nor does it apply to broader classifications between patients committed as SDP and the general public.

B.

Having concluded that Lee's equal protection claim crosses the "similarly situated" threshold, we must next consider whether his right to equal protection has been violated. The level of scrutiny we apply to his equal protection claim depends on the nature of the challenged statute. If the statute involves a fundamental right or a suspect classification, then we apply a heightened level of scrutiny. *Holloway*, 916 N.W.2d at 348 (discussing strict scrutiny); *see State ex rel. Forslund v. Bronson*, 305 N.W.2d 748, 750 (Minn. 1981) (applying intermediate scrutiny to gender-based classifications). If not, we review whether the challenged statute has a rational basis. *Holloway*, 916 N.W.2d at 348. Because Lee's challenge does not implicate a fundamental right and because he does not claim to be a member of a suspect class, we consider whether the sentencing disparity between SDP patients convicted under subdivision 3a(b)(1) and MID patients convicted under subdivision 3a(c)(1) survives rational basis review.

We have used several formulations to describe rational basis review. *See Fletcher Props.*, 947 N.W.2d at 21 (summarizing various rational basis frameworks from past equal

protection cases). But these different formulations are not "a strict checklist that must be run down in every case." *Id.* They "are best understood as lenses that courts use to examine different types of equal protection problems that may arise in a given case." *Id*. "[D]epending on the specific distinction or classification made in the law, [the] questions may be different." *Id.* at 22. The basic question is whether "the different treatment of classes of people is a rational means of achieving . . . the legislative body's policy goal." *Id.* at 20. In other words, there must be "*some* fit" between the means used and the ends to be achieved. *Back v. State*, 902 N.W.2d 23, 29 (Minn. 2017). We are "deferential to the judgment of the lawmaking body" in this analysis, and therefore, "in the absence of overwhelming evidence to the contrary, we will not second-guess the accuracy of a legislative determination of facts." *Fletcher Props.*, 947 N.W.2d at 19.

Here, the parties agree that the purpose of subdivisions 3a(b)(1) and 3a(c)(1), is to protect secure treatment facility staff. Neither party disputes that this is a legitimate policy goal. Thus, the question is whether imposing a conditional release period on SDP patients for assaulting and inflicting demonstrable bodily harm on facility staff, but not doing the same for MID patients, is a rational way of protecting staff who work with them.

The State argues that deterrence is an adequate justification for the distinction. According to the State, the disparate sentence is a rational means of protecting staff because, unlike MID patients, SDP patients do not suffer from organic disorders of the brain and therefore are more likely to understand the consequences of their actions. Consequently, they are more likely than MID patients to be deterred from assaulting staff if additional punishment is imposed.

The legislative history of the statute supports the State's position. The fourth-degree assault statute, Minn. Stat. § 609.2231, was amended to add subdivision 3a in 2005. *See* Act of Jun 2, 2005, ch. 136, art. 17, § 11, 2005 Minn. Laws 901, 1128–29 (codified as amended at Minn. Stat. § 609.2231, subd. 3a (2006)). At the time it was passed, the amendment only applied to patients committed as SDP—it did not penalize assaults by patients committed as MID. Senator Steve Murphy sponsored the amendment. *See* S.F. 804, 84th Minn. Leg. 2005. He explained to the Senate Crime Prevention and Public Safety Committee that the purpose of the bill was to protect staff at MSOP-Moose Lake by enhancing the penalty for perpetrators who assault them. Hearing on S.F. 804, Sen. Crime and Pub. Safety Comm., 84th Minn. Leg, Mar. 22, 2005 (audio file 2) at 00:02:34. In a committee hearing for the same bill the previous year,[6] Sen. Murphy explained his belief that "it is in [SDP patients'] best interests therefore to learn how to adhere to rules that have been established at Moose Lake and in society in general and receive appropriate consequences for breaking [them]." Hearing on S.F. 0096, Sen. Crime Prevention and Pub. Safety Comm., 83rd Minn. Leg., Mar. 31, 2003 (audio file 1) at 00:02:47. Senator Murphy

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[6] Senator Murphy explained in his 2005 testimony supporting the amendment that an identical version of his bill had passed committee in the previous legislative session but was not passed into law due to legislative circumstances unrelated to his bill. Hearing on S.F. 804, Sen. Crime and Pub. Safety Comm., 84th Minn. Leg, Mar. 22, 2005 (audio file 2) at 00:02:49; *see* S.F. 0096 (2003). For that reason, Senator Murphy explained he did not call any witnesses to testify for the bill because he had already done so the previous year and did not see the need to call the same witnesses again. Hearing on S.F. 804, Sen. Crime and Pub. Safety Comm., 84th Minn. Leg, Mar. 22, 2005 (audio file 2) at 00:03:02. Because the language of the bill was identical and the committee membership was largely the same between the 2003-04 and 2004-05 sessions, Senator Murphy's 2003 committee testimony is relevant to the legislative history even though the bill that became Minn. Stat. § 609.2231, subd. 3a, was not passed into law until the following legislative session.

further stressed that, in his view, SDP patients do not necessarily have mental illnesses that prevent them from understanding right from wrong. *Id.* at 00:05:20. He also called as a witness the chief executive director of the Department of Human Services' State-Operated Services Division, who testified about several past assaults on staff at MSOP-Moose Lake and expressed his belief that the legitimate threat of felony prosecution for violent acts against staff help to protect staff safety. *Id.* at 00:14:40–53.

Minnesota Statutes section 609.2231, subdivision 3a, was amended again in 2015 to penalize assault by MID patients against secure treatment facility staff. *See* Act of May 11, 2015, ch. 23, § 1, 2015 Minn. Laws 1, 1 (codified as amended at Minn. Stat. § 609.2231, subd. 3a(c) (2016)). As originally drafted, the bill would have imposed the same sentence on MID patients that subdivision 3a already imposed on SDP patients: a mandatory minimum year-and-a-day sentence, a 2-year maximum sentence, and a 5-year conditional release term. S.F. 1120, 89th Minn. Leg. 2015. Senator Kathleen Sheran, who co-sponsored the bill, explained to the Senate Judiciary Committee that staff at security hospitals were being assaulted at a very high rate. Hearing on S.F. 1120, Sen. Jud. Comm., 89th Minn. Leg., Mar. 24, 2015 (audio file) at 01:38:50. After some committee members expressed general concerns about mandatory penalties, the committee compromised by removing the mandatory minimum and conditional release provisions from the bill. The amended form was passed into law. Act of May 11, 2015, ch. 23, § 1, 2015 Minn. Laws 1, 1 (codified as amended at Minn. Stat. § 609.2231, subd. 3a(c) (2016)).

Having examined the legislative history of subdivisions 3a(b)(1) and 3a(c)(1), we turn back to the question of "whether, in view of the purpose the Legislature is trying to

achieve, there is *any* rational distinction between the similarly situated persons covered by the classification and those who are excluded."[7] *Fletcher Props.*, 947 N.W.2d at 27. Based on the committee discussions of what would become subdivisions 3a(b)(1) and 3a(c)(1), it is evident the Legislature found that the specter of a 5-year conditional release period would be more effective at deterring SDP patients from assaulting staff than deterring MID patients from the same behavior. Senator Murphy's belief that SDP patients are more capable of understanding right from wrong, combined with the fact that the Legislature had the opportunity to add the 5-year conditional release portion of the fourth-degree assault statute for MID patients in 2015 and did not do so, also points to a legislative determination that SDP patients are more likely to be deterred when facing harsher punishment than their MID counterparts.

We are "deferential to the judgment of the lawmaking body" in our rational basis analysis, so "in the absence of overwhelming evidence to the contrary, we will not second-guess the accuracy of a legislative determination of facts." *Fletcher Props.*, 947 N.W.2d at 19. Under this deferential standard, we conclude that the potential deterrent effect of a 5-year conditional release period on SDP patients who inflict demonstrable bodily harm on

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[7] Lee argues there is no rational basis for the disparate sentence because the State failed to offer actual—not just conceivable or theoretical—proof that the classification serves the legislative purpose. *See Fletcher Props.*, 947 N.W.2d at 19. But Lee states the wrong standard. Under the equal protection guarantee of the Minnesota Constitution, lawmakers are only held to a higher rational basis standard "when a statutory classification demonstrably and adversely affects one race differently than other races." *Id.* Lee challenges the disparate sentencing as applied to him. He does not allege any disparate impact along racial lines. Therefore, the ordinary rational basis rule applies: a law does not violate the equal protection principle of the Minnesota Constitution when it is a rational means of achieving a legislative body's legitimate policy goal. *Id.* at 20.

secure treatment staff is an adequate justification for the disparate sentence required by Minn. Stat. § 609.2231, subd. 3a(e). Because the disparate sentence survives rational basis review, we conclude that the mandatory conditional release period required by Minn. Stat. § 609.2231, subd. 3a(e), does not violate the equal protection guarantees of the federal or state constitutions.

CONCLUSION

For the foregoing reasons, we affirm the decision of the court of appeals.

Affirmed.