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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 3514

02/19/2020 Authored by Johnson
The bill was read for the first time and referred to the Public Safety and Criminal Justice Reform Finance and Policy Division

1.1 A bill for an act
1.2 relating to public safety; providing for the collection of probation data; requiring
1.3 a report on probation sentences; amending Minnesota Statutes 2018, section 244.09,
1.4 subdivision 6, by adding a subdivision.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2018, section 244.09, subdivision 6, is amended to read:

1.7 Subd. 6. Clearinghouse and information center. The commission, in addition to
1.8 establishing Sentencing Guidelines, shall serve as a clearinghouse and information center
1.9 for the collection, preparation, analysis and dissemination of information on state and local
1.10 sentencing and probation practices, and shall conduct ongoing research regarding Sentencing
1.11 Guidelines, use of imprisonment and alternatives to imprisonment, probation terms,
1.12 conditions of probation, probation revocations, early discharge of probation, plea bargaining,
1.13 and other matters relating to the improvement of the criminal justice system. The commission
1.14 shall from time to time make recommendations to the legislature regarding changes in the
1.15 Criminal Code, criminal procedures, and other aspects of sentencing and probation.

1.16 This information shall include information regarding the impact of statutory changes to
1.17 the state's criminal laws related to controlled substances, including those changes enacted
1.18 by the legislature in Laws 2016, chapter 160.

1.19 EFFECTIVE DATE. This section is effective the day following final enactment.

2.1 Sec. 2. Minnesota Statutes 2018, section 244.09, is amended by adding a subdivision to  
2.2 read:

2.3 Subd. 15. **Report on probation.** The commission shall include in its annual report to  
2.4 the legislature a summary and analysis of the average time offenders serve on probation.  
2.5 The report must disaggregate data for each judicial district by the announced duration of  
2.6 probation, rate of departure from presumptive prison sentences, rate of revocation of  
2.7 probation, period of probation served before revocation, rate of early discharge of probation,  
2.8 period of probation served before early discharge, and average length of probation actually  
2.9 served by offenders who successfully complete probation.

2.10 **EFFECTIVE DATE.** This section is effective the day following final enactment.

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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 3515

02/19/2020 Authored by Johnson
The bill was read for the first time and referred to the Public Safety and Criminal Justice Reform Finance and Policy Division

1.1 A bill for an act
1.2 relating to public safety; amending the membership of the Minnesota Sentencing
1.3 Guidelines Commission; amending Minnesota Statutes 2018, section 244.09,
1.4 subdivisions 1, 2.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2018, section 244.09, subdivision 1, is amended to read:

1.7 Subdivision 1. Commission; establishment. There is hereby established the Minnesota
1.8 Sentencing Guidelines Commission which shall be comprised of 11 voting members.

1.9 EFFECTIVE DATE. This section is effective the day following final enactment.

1.10 Sec. 2. Minnesota Statutes 2018, section 244.09, subdivision 2, is amended to read:

1.11 Subd. 2. Members. (a) The Sentencing Guidelines Commission shall consist of the
1.12 following voting members:

- 1.13 (1) the chief justice of the supreme court or a designee;
1.14 (2) one judge of the court of appeals, appointed by the chief justice of the supreme court;
1.15 (3) one district court judge appointed by the chief justice of the supreme court;
1.16 (4) one public defender appointed by the governor upon recommendation of the state
1.17 public defender;
1.18 (5) one county attorney appointed by the governor upon recommendation of the board
1.19 of directors of the Minnesota County Attorneys Association;
1.20 (6) the commissioner of corrections or a designee;

2.1 ~~(7)~~ (6) one peace officer as defined in section 626.84 who is a county sheriff or deputy  
2.2 sheriff appointed by the governor upon recommendation of the Minnesota Sheriff's  
2.3 Association;

2.4 (7) one peace officer as defined in section 626.84 who is a member of a municipal police  
2.5 department appointed by the governor upon recommendation of the Minnesota Chiefs of  
2.6 Police Association;

2.7 (8) one probation officer or parole officer appointed by the governor; and

2.8 (9) three public members appointed by the governor, one of whom shall be a victim of  
2.9 a crime defined as a felony.

2.10 (b) The commissioner of corrections or a designee shall serve as a nonvoting member  
2.11 of the commission.

2.12 (c) When an appointing authority selects individuals for membership on the commission,  
2.13 the authority shall make reasonable efforts to appoint qualified members of protected groups,  
2.14 as defined in section 43A.02, subdivision 33.

2.15 (d) One of the members shall be designated by the governor as chair of the commission.

2.16 **EFFECTIVE DATE.** This section is effective the day following final enactment.

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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 3516

02/19/2020 Authored by Johnson

The bill was read for the first time and referred to the Public Safety and Criminal Justice Reform Finance and Policy Division

1.1 A bill for an act
1.2 relating to public safety; prohibiting Sentencing Guidelines on the length of
1.3 probation; amending Minnesota Statutes 2018, section 244.09, subdivision 5.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2018, section 244.09, subdivision 5, is amended to read:

1.6 Subd. 5. Promulgation of Sentencing Guidelines. The commission shall promulgate
1.7 Sentencing Guidelines for the district court. The guidelines shall be based on reasonable
1.8 offense and offender characteristics. The guidelines promulgated by the commission shall
1.9 be advisory to the district court and shall establish:

1.10 (1) the circumstances under which imprisonment of an offender is proper; and

1.11 (2) a presumptive, fixed sentence for offenders for whom imprisonment is proper, based
1.12 on each appropriate combination of reasonable offense and offender characteristics. The
1.13 guidelines shall provide for an increase of 20 percent and a decrease of 15 percent in the
1.14 presumptive, fixed sentence.

1.15 To promote consistency in sentencing, the Sentencing Guidelines promulgated by the
1.16 commission may also establish appropriate report statewide statistics on sanctions for
1.17 imposed on offenders for whom imprisonment is not proper. Any guidelines promulgated
1.18 by the commission establishing The report on sanctions for offenders for whom imprisonment
1.19 is not proper shall may make specific reference to noninstitutional sanctions, including but
1.20 not limited to the following: payment of fines, day fines, restitution, community work orders,
1.21 work release programs in local facilities, community based residential and nonresidential
1.22 programs, incarceration in a local correctional facility, and probation and the conditions

2.1 thereof. The commission may not establish guidelines for or limits on noninstitutional  
2.2 sanctions. Any guidelines for or limits on noninstitutional sanctions, including any limit on  
2.3 the period of time for which a court may stay a sentence and place an offender on probation,  
2.4 proposed or adopted by the commission on or before August 1, 2020, are void.

2.5 Although the Sentencing Guidelines are advisory to the district court, the court shall  
2.6 follow the procedures of the guidelines when it pronounces sentence in a proceeding to  
2.7 which the guidelines apply by operation of statute. Sentencing pursuant to the Sentencing  
2.8 Guidelines is not a right that accrues to a person convicted of a felony; it is a procedure  
2.9 based on state public policy to maintain uniformity, proportionality, rationality, and  
2.10 predictability in sentencing.

2.11 In establishing and modifying the Sentencing Guidelines, the primary consideration of  
2.12 the commission shall be public safety. The commission shall also consider current sentencing  
2.13 and release practices; correctional resources, including but not limited to the capacities of  
2.14 local and state correctional facilities; and the long-term negative impact of the crime on the  
2.15 community.

2.16 The provisions of sections 14.001 to 14.69 do not apply to the promulgation of the  
2.17 Sentencing Guidelines, and the Sentencing Guidelines, including severity levels and criminal  
2.18 history scores, are not subject to review by the legislative commission to review  
2.19 administrative rules. However, the commission shall adopt rules pursuant to sections 14.001  
2.20 to 14.69 which establish procedures for the promulgation of the Sentencing Guidelines,  
2.21 including procedures for the promulgation of severity levels and criminal history scores,  
2.22 and these rules shall be subject to review by the Legislative Coordinating Commission.

2.23 **EFFECTIVE DATE.** This section is effective August 1, 2020.

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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. **4016**

1.1 A bill for an act  
1.2 relating to judiciary; modifying requirement for presentence investigation and  
1.3 written report; amending Minnesota Statutes 2018, sections 244.10, subdivision  
1.4 1; 609.115, subdivisions 1, 2, 8.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2018, section 244.10, subdivision 1, is amended to read:

1.7 Subdivision 1. **Sentencing hearing.** Whenever a person is convicted of a felony, the  
1.8 court, upon motion of either the defendant or the state, shall hold a sentencing hearing. The  
1.9 hearing shall be scheduled so that the parties have adequate time to prepare and present  
1.10 arguments regarding the issue of sentencing. The parties may submit written arguments to  
1.11 the court prior to the date of the hearing and may make oral arguments before the court at  
1.12 the sentencing hearing. Prior to the hearing, the court shall transmit to the defendant or the  
1.13 defendant's attorney and the prosecuting attorney copies of the presentence investigation  
1.14 report, if a presentence investigation and report are requested under section 609.115.

1.15 At the conclusion of the sentencing hearing or within 20 days thereafter, the court shall  
1.16 issue written findings of fact and conclusions of law regarding the issues submitted by the  
1.17 parties, and shall enter an appropriate order.

1.18 **EFFECTIVE DATE.** This section is effective August 1, 2020, and applies to presentence  
1.19 investigations conducted on or after that date.

1.20 Sec. 2. Minnesota Statutes 2018, section 609.115, subdivision 1, is amended to read:

1.21 Subdivision 1. **Presentence investigation.** (a) When a defendant has been convicted of  
1.22 a misdemeanor ~~or~~, gross misdemeanor, or felony, the court may, ~~and when the defendant~~

2.1 ~~has been convicted of a felony, the court shall,~~ before sentence is imposed, cause a  
2.2 presentence investigation and written report to be made to the court concerning the  
2.3 defendant's individual characteristics, circumstances, needs, potentialities, criminal record  
2.4 and social history, the circumstances of the offense and the harm caused by it to others and  
2.5 to the community. At the request of the prosecutor in a gross misdemeanor or felony case,  
2.6 the court shall order that a presentence investigation and report be prepared. The investigation  
2.7 shall be made by a probation officer of the court, if there is one; otherwise it shall be made  
2.8 by the commissioner of corrections. The officer conducting the presentence or  
2.9 predispositional investigation shall make reasonable and good faith efforts to contact and  
2.10 provide the victim with the information required under section 611A.037, subdivision 2.  
2.11 Presentence investigations shall be conducted and summary hearings held upon reports and  
2.12 upon the sentence to be imposed upon the defendant in accordance with this section, section  
2.13 244.10, and the Rules of Criminal Procedure.

2.14 (b) When the crime is a violation of sections 609.561 to 609.563, 609.5641, or 609.576  
2.15 and involves a fire, the report shall include a description of the financial and physical harm  
2.16 the offense has had on the public safety personnel who responded to the fire. For purposes  
2.17 of this paragraph, "public safety personnel" means the state fire marshal; employees of the  
2.18 Division of the State Fire Marshal; firefighters, regardless of whether the firefighters receive  
2.19 any remuneration for providing services; peace officers, as defined in section 626.05,  
2.20 subdivision 2; individuals providing emergency management services; and individuals  
2.21 providing emergency medical services.

2.22 (c) When the crime is a felony violation of chapter 152 involving the sale or distribution  
2.23 of a controlled substance, the report may include a description of any adverse social or  
2.24 economic effects the offense has had on persons who reside in the neighborhood where the  
2.25 offense was committed.

2.26 (d) The report shall also include the information relating to crime victims required under  
2.27 section 611A.037, subdivision 1. If the court directs, the report shall include an estimate of  
2.28 the prospects of the defendant's rehabilitation and recommendations as to the sentence which  
2.29 should be imposed. In misdemeanor cases the report may be oral.

2.30 (e) When a defendant has been convicted of a felony, and before sentencing, the court  
2.31 shall cause a sentencing worksheet to be completed to facilitate the application of the  
2.32 Minnesota Sentencing Guidelines. The worksheet shall be submitted as part of the  
2.33 presentence investigation report, if a presentence investigation and report are requested.



3.1 (f) When a person is convicted of a felony for which the Sentencing Guidelines presume  
3.2 that the defendant will be committed to the commissioner of corrections under an executed  
3.3 sentence and no motion for a sentencing departure has been made by counsel, the court  
3.4 may, when there is no space available in the local correctional facility, commit the defendant  
3.5 to the custody of the commissioner of corrections, pending completion of the presentence  
3.6 investigation and report, if a presentence investigation and report are requested. When a  
3.7 defendant is convicted of a felony for which the Sentencing Guidelines do not presume that  
3.8 the defendant will be committed to the commissioner of corrections, or for which the  
3.9 Sentencing Guidelines presume commitment to the commissioner but counsel has moved  
3.10 for a sentencing departure, the court may commit the defendant to the commissioner with  
3.11 the consent of the commissioner, pending completion of the presentence investigation and  
3.12 report, if a presentence investigation and report are requested. The county of commitment  
3.13 shall return the defendant to the court when the court so orders.

3.14 **EFFECTIVE DATE.** This section is effective August 1, 2020, and applies to presentence  
3.15 investigations conducted on or after that date.

3.16 Sec. 3. Minnesota Statutes 2018, section 609.115, subdivision 2, is amended to read:

3.17 Subd. 2. **Life imprisonment report.** If the defendant has been convicted of a crime for  
3.18 which a mandatory sentence of life imprisonment is provided by law, the probation officer  
3.19 of the court, if there is one, otherwise the commissioner of corrections, shall forthwith make  
3.20 a postsentence investigation and make a written report if a presentence investigation and  
3.21 report are requested and as provided by subdivision 1.

3.22 **EFFECTIVE DATE.** This section is effective August 1, 2020, and applies to presentence  
3.23 investigations conducted on or after that date.

3.24 Sec. 4. Minnesota Statutes 2018, section 609.115, subdivision 8, is amended to read:

3.25 Subd. 8. **Chemical use assessment required.** (a) If a person is convicted of a felony,  
3.26 the probation officer shall determine in the report requested and prepared under subdivision  
3.27 1 whether or not alcohol or drug use was a contributing factor to the commission of the  
3.28 offense. If so, the report shall contain the results of a chemical use assessment conducted  
3.29 in accordance with this subdivision. The probation officer shall make an appointment for  
3.30 the defendant to undergo the chemical use assessment if so indicated.

3.31 (b) The chemical use assessment report must include a recommended level of care for  
3.32 the defendant in accordance with the criteria contained in rules adopted by the commissioner  
3.33 of human services under section 254A.03, subdivision 3. The assessment must be conducted

4.1 by an assessor qualified under rules adopted by the commissioner of human services under  
4.2 section 254A.03, subdivision 3. An assessor providing a chemical use assessment may not  
4.3 have any direct or shared financial interest or referral relationship resulting in shared financial  
4.4 gain with a treatment provider, except as authorized under section 254A.19, subdivision 3.  
4.5 If an independent assessor is not available, the probation officer may use the services of an  
4.6 assessor authorized to perform assessments for the county social services agency under a  
4.7 variance granted under rules adopted by the commissioner of human services under section  
4.8 254A.03, subdivision 3.

4.9 **EFFECTIVE DATE.** This section is effective August 1, 2020, and applies to presentence  
4.10 investigations conducted on or after that date.

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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 4062

03/04/2020 Authored by Johnson

The bill was read for the first time and referred to the Public Safety and Criminal Justice Reform Finance and Policy Division

1.1 A bill for an act  
1.2 relating to public safety; prohibiting courts from sentencing a person without regard  
1.3 to the mandatory minimum sentence applicable to certain designated crimes  
1.4 involving firearms; amending Minnesota Statutes 2018, section 609.11, subdivision  
1.5 8.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2018, section 609.11, subdivision 8, is amended to read:

1.8 Subd. 8. **Motion by prosecutor.** (a) Except as otherwise provided in ~~paragraphs~~  
1.9 paragraph (b) and (e), prior to the time of sentencing, the prosecutor may file a motion to  
1.10 have the defendant sentenced without regard to the mandatory minimum ~~sentences~~ sentence  
1.11 established ~~by this section~~ in subdivision 4. The motion shall be accompanied by a statement  
1.12 on the record of the reasons for it. When presented with the motion, or on its own motion,  
1.13 the court may sentence the defendant without regard to the mandatory minimum ~~sentences~~  
1.14 sentence established ~~by this section~~ in subdivision 4 if the court finds substantial and  
1.15 compelling reasons to do so. A sentence imposed under this subdivision is a departure from  
1.16 the Sentencing Guidelines.

1.17 (b) The court may not, on its own motion or the prosecutor's motion, sentence a defendant  
1.18 without regard to the mandatory minimum ~~sentences~~ sentence established ~~by this section~~  
1.19 in subdivision 4 if the defendant previously has been convicted of an offense listed in  
1.20 subdivision 9 in which the defendant used or possessed a firearm or other dangerous weapon.

1.21 ~~(c) The court may not, on its own motion or the prosecutor's motion, sentence a defendant~~  
1.22 ~~without regard to the mandatory minimum sentences established by subdivision 5, if the~~  
1.23 ~~defendant was convicted of a crime under section 152.021, subdivision 1, or 152.022,~~

2.1 ~~subdivision 1, and the person or an accomplice possessed on their person or within immediate~~  
2.2 ~~reach, or used, whether by brandishing, displaying, threatening with, or otherwise employing,~~  
2.3 ~~a firearm.~~

2.4 **EFFECTIVE DATE.** This section is effective August 1, 2020, and applies to crimes  
2.5 committed on or after that date.

**SENATE  
STATE OF MINNESOTA  
NINETY-FIRST SESSION**

**S.F. No. 3894**

(SENATE AUTHORS: INGEBRIGTSEN)

DATE  
03/02/2020

D-PG

OFFICIAL STATUS  
Introduction and first reading  
Referred to Judiciary and Public Safety Finance and Policy

1.1 A bill for an act  
1.2 relating to public safety; abolishing the Sentencing Guidelines and the Minnesota  
1.3 Sentencing Guidelines Commission; repealing Minnesota Statutes 2018, sections  
1.4 244.01, subdivision 6; 244.09, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13,  
1.5 14; 244.10, subdivisions 2, 4, 5, 5a, 6, 7, 8, 9.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. **REVISOR INSTRUCTION.**

1.8 In the 2020 edition of Minnesota Statutes, the revisor of statutes shall use its editorial  
1.9 authority to strike references to the Sentencing Guidelines and the Minnesota Sentencing  
1.10 Guidelines Commission and language associated with these references. If the revisor  
1.11 determines that certain references are more substantive in nature and that striking the  
1.12 language is outside the scope of its authority or would leave the provision unworkable, the  
1.13 revisor shall prepare a bill for introduction in the 2021 legislative session making amendments  
1.14 necessary to fully implement this act.

1.15 Sec. 2. **REPEALER.**

1.16 Minnesota Statutes 2018, sections 244.01, subdivision 6; 244.09, subdivisions 1, 2, 3,  
1.17 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14; and 244.10, subdivisions 2, 4, 5, 5a, 6, 7, 8, and 9,  
1.18 are repealed.

**244.01 DEFINITIONS.**

Subd. 6. **Commission.** "Commission" means the Minnesota Sentencing Guidelines Commission established pursuant to section 244.09.

**244.09 MINNESOTA SENTENCING GUIDELINES COMMISSION.**

Subdivision 1. **Commission; establishment.** There is hereby established the Minnesota Sentencing Guidelines Commission which shall be comprised of 11 members.

Subd. 2. **Members.** The Sentencing Guidelines Commission shall consist of the following:

- (1) the chief justice of the Supreme Court or a designee;
- (2) one judge of the Court of Appeals, appointed by the chief justice of the Supreme Court;
- (3) one district court judge appointed by the chief justice of the Supreme Court;
- (4) one public defender appointed by the governor upon recommendation of the state public defender;
- (5) one county attorney appointed by the governor upon recommendation of the board of directors of the Minnesota County Attorneys Association;
- (6) the commissioner of corrections or a designee;
- (7) one peace officer as defined in section 626.84 appointed by the governor;
- (8) one probation officer or parole officer appointed by the governor; and
- (9) three public members appointed by the governor, one of whom shall be a victim of a crime defined as a felony.

When an appointing authority selects individuals for membership on the commission, the authority shall make reasonable efforts to appoint qualified members of protected groups, as defined in section 43A.02, subdivision 33.

One of the members shall be designated by the governor as chair of the commission.

Subd. 3. **Appointment terms.** Each appointed member shall be appointed for four years and shall continue to serve during that time as long as the member occupies the position which made the member eligible for the appointment. Each member shall continue in office until a successor is duly appointed. Members shall be eligible for reappointment, and appointment may be made to fill an unexpired term. The term of any member appointed or reappointed by the governor before the first Monday in January 1991 expires on that date. The term of any member appointed or reappointed by the governor after the first Monday in January 1991 is coterminous with the governor. The members of the commission shall elect any additional officers necessary for the efficient discharge of their duties.

Subd. 4. **Reimbursement.** Each member of the commission shall be reimbursed for all reasonable expenses actually paid or incurred by that member in the performance of official duties in the same manner as other employees of the state. The public members of the commission shall be compensated at the rate of \$50 for each day or part thereof spent on commission activities.

Subd. 5. **Promulgation of Sentencing Guidelines.** The commission shall promulgate Sentencing Guidelines for the district court. The guidelines shall be based on reasonable offense and offender characteristics. The guidelines promulgated by the commission shall be advisory to the district court and shall establish:

- (1) The circumstances under which imprisonment of an offender is proper; and
- (2) A presumptive, fixed sentence for offenders for whom imprisonment is proper, based on each appropriate combination of reasonable offense and offender characteristics. The guidelines shall provide for an increase of 20 percent and a decrease of 15 percent in the presumptive, fixed sentence.

The Sentencing Guidelines promulgated by the commission may also establish appropriate sanctions for offenders for whom imprisonment is not proper. Any guidelines promulgated by the commission establishing sanctions for offenders for whom imprisonment is not proper shall make specific reference to noninstitutional sanctions, including but not limited to the following: payment of fines, day fines, restitution, community work orders, work release programs in local facilities,

APPENDIX  
Repealed Minnesota Statutes: 20-7633

community based residential and nonresidential programs, incarceration in a local correctional facility, and probation and the conditions thereof.

Although the Sentencing Guidelines are advisory to the district court, the court shall follow the procedures of the guidelines when it pronounces sentence in a proceeding to which the guidelines apply by operation of statute. Sentencing pursuant to the Sentencing Guidelines is not a right that accrues to a person convicted of a felony; it is a procedure based on state public policy to maintain uniformity, proportionality, rationality, and predictability in sentencing.

In establishing and modifying the Sentencing Guidelines, the primary consideration of the commission shall be public safety. The commission shall also consider current sentencing and release practices; correctional resources, including but not limited to the capacities of local and state correctional facilities; and the long-term negative impact of the crime on the community.

The provisions of sections 14.001 to 14.69 do not apply to the promulgation of the Sentencing Guidelines, and the Sentencing Guidelines, including severity levels and criminal history scores, are not subject to review by the legislative commission to review administrative rules. However, the commission shall adopt rules pursuant to sections 14.001 to 14.69 which establish procedures for the promulgation of the Sentencing Guidelines, including procedures for the promulgation of severity levels and criminal history scores, and these rules shall be subject to review by the Legislative Coordinating Commission.

**Subd. 6. Clearinghouse and information center.** The commission, in addition to establishing Sentencing Guidelines, shall serve as a clearinghouse and information center for the collection, preparation, analysis and dissemination of information on state and local sentencing practices, and shall conduct ongoing research regarding Sentencing Guidelines, use of imprisonment and alternatives to imprisonment, plea bargaining, and other matters relating to the improvement of the criminal justice system. The commission shall from time to time make recommendations to the legislature regarding changes in the Criminal Code, criminal procedures, and other aspects of sentencing.

This information shall include information regarding the impact of statutory changes to the state's criminal laws related to controlled substances, including those changes enacted by the legislature in Laws 2016, chapter 160.

**Subd. 7. Study.** After the implementation of the Sentencing Guidelines promulgated by the commission, the commission shall study their impact and review the powers and duties of the commissioner of corrections.

**Subd. 8. Administrative services.** The commissioner of corrections shall provide adequate office space and administrative services for the commission, and the commission shall reimburse the commissioner for the space and services provided. The commission may also utilize, with their consent, the services, equipment, personnel, information and resources of other state agencies; and may accept voluntary and uncompensated services, contract with individuals, public and private agencies, and request information, reports and data from any agency of the state, or any of its political subdivisions, to the extent authorized by law.

**Subd. 9. Funds acceptance.** When any person, corporation, the United States government, or any other entity offers funds to the Sentencing Guidelines Commission to carry out its purposes and duties, the commission may accept the offer by majority vote and upon acceptance the chair shall receive the funds subject to the terms of the offer, but no money shall be accepted or received as a loan nor shall any indebtedness be incurred except in the manner and under the limitations otherwise provided by law.

**Subd. 10. Research director.** The commission may select and employ a research director who shall perform the duties the commission directs, including the hiring of any clerical help and other employees as the commission shall approve. The research director and other staff shall be in the unclassified service of the state and their compensation shall be established pursuant to chapter 43A. They shall be reimbursed for the expenses necessarily incurred in the performance of their official duties in the same manner as other state employees.

**Subd. 11. Modification.** The commission shall meet as necessary for the purpose of modifying and improving the guidelines. Any modification which amends the Sentencing Guidelines grid, including severity levels and criminal history scores, or which would result in the reduction of any sentence or in the early release of any inmate, with the exception of a modification mandated or authorized by the legislature or relating to a crime created or amended by the legislature in the preceding session, shall be submitted to the legislature by January 15 of any year in which the

commission wishes to make the change and shall be effective on August 1 of that year, unless the legislature by law provides otherwise. All other modifications shall take effect according to the procedural rules of the commission. On or before January 15 of each year, the commission shall submit a written report to the committees of the senate and the house of representatives with jurisdiction over criminal justice policy that identifies and explains all modifications made during the preceding 12 months and all proposed modifications that are being submitted to the legislature that year.

Subd. 12. **Submission of guidelines.** The guidelines shall be submitted to the legislature on January 1, 1980, and shall be effective May 1, 1980, unless the legislature provides otherwise.

Subd. 13. **Rulemaking power.** The commission shall have authority to promulgate rules to carry out the purposes of subdivision 5.

Subd. 14. **Report on mandatory minimum sentences.** The Sentencing Guidelines Commission shall include in its annual report to the legislature a summary and analysis of reports received from county attorneys under section 609.11, subdivision 10.

#### **244.10 SENTENCING HEARING; DEVIATION FROM GUIDELINES.**

Subd. 2. **Deviation from guidelines.** Whether or not a sentencing hearing is requested pursuant to subdivision 1, the district court shall make written findings of fact as to the reasons for departure from the Sentencing Guidelines in each case in which the court imposes or stays a sentence that deviates from the Sentencing Guidelines applicable to the case.

Subd. 4. **Aggravated departures.** In bringing a motion for an aggravated sentence, the state is not limited to factors specified in the Sentencing Guidelines provided the state provides reasonable notice to the defendant and the district court prior to sentencing of the factors on which the state intends to rely.

Subd. 5. **Procedures in cases where state intends to seek an aggravated departure.** (a) When the prosecutor provides reasonable notice under subdivision 4, the district court shall allow the state to prove beyond a reasonable doubt to a jury of 12 members the factors in support of the state's request for an aggravated departure from the Sentencing Guidelines or the state's request for an aggravated sentence under any sentencing enhancement statute or the state's request for a mandatory minimum under section 609.11 as provided in paragraph (b) or (c).

(b) The district court shall allow a unitary trial and final argument to a jury regarding both evidence in support of the elements of the offense and evidence in support of aggravating factors when the evidence in support of the aggravating factors:

- (1) would be admissible as part of the trial on the elements of the offense; or
- (2) would not result in unfair prejudice to the defendant.

The existence of each aggravating factor shall be determined by use of a special verdict form.

Upon the request of the prosecutor, the court shall allow bifurcated argument and jury deliberations.

(c) The district court shall bifurcate the proceedings, or impanel a resentencing jury, to allow for the production of evidence, argument, and deliberations on the existence of factors in support of an aggravated departure after the return of a guilty verdict when the evidence in support of an aggravated departure:

- (1) includes evidence that is otherwise inadmissible at a trial on the elements of the offense; and
- (2) would result in unfair prejudice to the defendant.

Subd. 5a. **Aggravating factors.** (a) As used in this section, "aggravating factors" include, but are not limited to, situations where:

- (1) the victim was particularly vulnerable due to age, infirmity, or reduced physical or mental capacity, which was known or should have been known to the offender;
- (2) the victim was treated with particular cruelty for which the offender should be held responsible;



APPENDIX  
Repealed Minnesota Statutes: 20-7633

(3) the current conviction is for a criminal sexual conduct offense or an offense in which the victim was otherwise injured and there is a prior felony conviction for a criminal sexual conduct offense or an offense in which the victim was otherwise injured;

(4) the offense was a major economic offense, identified as an illegal act or series of illegal acts committed by other than physical means and by concealment or guile to obtain money or property, to avoid payment or loss of money or property, or to obtain business or professional advantage. The presence of two or more of the circumstances listed below are aggravating factors with respect to the offense:

(i) the offense involved multiple victims or multiple incidents per victim;

(ii) the offense involved an attempted or actual monetary loss substantially greater than the usual offense or substantially greater than the minimum loss specified in the statutes;

(iii) the offense involved a high degree of sophistication or planning or occurred over a lengthy period of time;

(iv) the offender used the offender's position or status to facilitate the commission of the offense, including positions of trust, confidence, or fiduciary relationships; or

(v) the offender had been involved in other conduct similar to the current offense as evidenced by the findings of civil or administrative law proceedings or the imposition of professional sanctions;

(5) the offense was a major controlled substance offense, identified as an offense or series of offenses related to trafficking in controlled substances under circumstances more onerous than the usual offense. The presence of two or more of the circumstances listed below are aggravating factors with respect to the offense:

(i) the offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so;

(ii) the offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use;

(iii) the offense involved the manufacture of controlled substances for use by other parties;

(iv) the offender knowingly possessed a firearm during the commission of the offense;

(v) the circumstances of the offense reveal the offender to have occupied a high position in the drug distribution hierarchy;

(vi) the offense involved a high degree of sophistication or planning or occurred over a lengthy period of time or involved a broad geographic area of disbursement; or

(vii) the offender used the offender's position or status to facilitate the commission of the offense, including positions of trust, confidence, or fiduciary relationships;

(6) the offender committed, for hire, a crime against the person;

(7) the offender is sentenced according to section 609.3455, subdivision 3a;

(8) the offender is a dangerous offender who committed a third violent crime, as described in section 609.1095, subdivision 2;

(9) the offender is a career offender as described in section 609.1095, subdivision 4;

(10) the offender committed the crime as part of a group of three or more persons who all actively participated in the crime;

(11) the offender intentionally selected the victim or the property against which the offense was committed, in whole or in part, because of the victim's, the property owner's, or another's actual or perceived race, color, religion, sex, sexual orientation, disability, age, or national origin;

(12) the offender used another's identity without authorization to commit a crime. This aggravating factor may not be used when the use of another's identity is an element of the offense;

(13) the offense was committed in the presence of a child; and

(14) the offense was committed in a location in which the victim had an expectation of privacy.

(b) Notwithstanding section 609.04 or 609.035, or other law to the contrary, when a court sentences an offender for a felony conviction, the court may order an aggravated sentence beyond

APPENDIX  
Repealed Minnesota Statutes: 20-7633

the range specified in the sentencing guidelines grid based on any aggravating factor arising from the same course of conduct.

(c) Nothing in this section limits a court from ordering an aggravated sentence based on an aggravating factor not described in paragraph (a).

**Subd. 6. Defendants to present evidence and argument.** In either a unitary or bifurcated trial under subdivision 5, a defendant shall be allowed to present evidence and argument to the jury or fact finder regarding whether facts exist that would justify an aggravated departure or an aggravated sentence under any sentencing enhancement statute or a mandatory minimum sentence under section 609.11. A defendant is not allowed to present evidence or argument to the jury or fact finder regarding facts in support of a mitigated departure during the trial, but may present evidence and argument in support of a mitigated departure to the judge as fact finder during a sentencing hearing.

**Subd. 7. Waiver of jury determination.** The defendant may waive the right to a jury determination of whether facts exist that would justify an aggravated sentence. Upon receipt of a waiver of a jury trial on this issue, the district court shall determine beyond a reasonable doubt whether the factors in support of the state's motion for aggravated departure or an aggravated sentence under any sentencing enhancement statute or a mandatory minimum sentence under section 609.11 exist.

**Subd. 8. Notice of information regarding predatory offenders.** (a) Subject to paragraph (b), in any case in which a person is convicted of an offense and the presumptive sentence under the Sentencing Guidelines is commitment to the custody of the commissioner of corrections, if the court grants a dispositional departure and stays imposition or execution of sentence, the probation or court services officer who is assigned to supervise the offender shall provide in writing to the following the fact that the offender is on probation and the terms and conditions of probation:

(1) a victim of and any witnesses to the offense committed by the offender, if the victim or the witness has requested notice; and

(2) the chief law enforcement officer in the area where the offender resides or intends to reside.

The law enforcement officer, in consultation with the offender's probation officer, may provide all or part of this information to any of the following agencies or groups the offender is likely to encounter: public and private educational institutions, day care establishments, and establishments or organizations that primarily serve individuals likely to be victimized by the offender. The law enforcement officer, in consultation with the offender's probation officer, also may disclose the information to individuals the officer believes are likely to be victimized by the offender. The officer's belief shall be based on the offender's pattern of offending or victim preference as documented in the information provided by the Department of Corrections or Department of Human Services.

The probation officer is not required under this subdivision to provide any notice while the offender is placed or resides in a residential facility that is licensed under section 241.021 or 245A.02, subdivision 14, if the facility staff is trained in the supervision of sex offenders.

(b) Paragraph (a) applies only to offenders required to register under section 243.166, as a result of the conviction.

(c) The notice authorized by paragraph (a) shall be limited to data classified as public under section 13.84, subdivision 6, unless the offender provides informed consent to authorize the release of nonpublic data or unless a court order authorizes the release of nonpublic data.

(d) Nothing in this subdivision shall be interpreted to impose a duty on any person to use any information regarding an offender about whom notification is made under this subdivision.

**Subd. 9. Computation of criminal history score.** If the defendant contests the existence of or factual basis for a prior conviction in the calculation of the defendant's criminal history score, proof of it is established by competent and reliable evidence, including a certified court record of the conviction.

**SENATE  
STATE OF MINNESOTA  
NINETY-FIRST SESSION**

**S.F. No. 3975**

(SENATE AUTHORS: LIMMER, Ingebrigtsen, Johnson, Relph and Anderson, B.)  
DATE 03/04/2020 D-PG 5235 OFFICIAL STATUS  
Introduction and first reading  
Referred to Judiciary and Public Safety Finance and Policy

1.1 A bill for an act  
1.2 relating to public safety; rejecting certain proposed modifications to the Sentencing  
1.3 Guidelines relating to lengths of probation; removing authority for Sentencing  
1.4 Guidelines Commission to establish guidelines on nonprison sanctions; requiring  
1.5 Sentencing Guidelines Commission to submit proposal to the legislature regarding  
1.6 lengths of probation; providing for collection of probation data; requiring a report  
1.7 on probation sentences; amending Minnesota Statutes 2018, section 244.09,  
1.8 subdivisions 5, 6, by adding a subdivision.

1.9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.10 Section 1. Minnesota Statutes 2018, section 244.09, subdivision 5, is amended to read:

1.11 Subd. 5. **Promulgation of Sentencing Guidelines.** The commission shall promulgate  
1.12 Sentencing Guidelines for the district court. The guidelines shall be based on reasonable  
1.13 offense and offender characteristics. The guidelines promulgated by the commission shall  
1.14 be advisory to the district court and shall establish:

1.15 (1) the circumstances under which imprisonment of an offender is proper; and

1.16 (2) a presumptive, fixed sentence for offenders for whom imprisonment is proper, based  
1.17 on each appropriate combination of reasonable offense and offender characteristics. The  
1.18 guidelines shall provide for an increase of 20 percent and a decrease of 15 percent in the  
1.19 presumptive, fixed sentence.

1.20 ~~The Sentencing Guidelines promulgated by the commission may also establish appropriate~~  
1.21 ~~sanctions for offenders for whom imprisonment is not proper. Any guidelines promulgated~~  
1.22 ~~by the commission establishing sanctions for offenders for whom imprisonment is not proper~~  
1.23 ~~shall make specific reference to noninstitutional sanctions, including but not limited to the~~  
1.24 ~~following: payment of fines, day fines, restitution, community work orders, work release~~

2.1 ~~programs in local facilities, community based residential and nonresidential programs,~~  
 2.2 ~~inarceration in a local correctional facility, and probation and the conditions thereof.~~

2.3 Although the Sentencing Guidelines are advisory to the district court, the court shall  
 2.4 follow the procedures of the guidelines when it pronounces sentence in a proceeding to  
 2.5 which the guidelines apply by operation of statute. Sentencing pursuant to the Sentencing  
 2.6 Guidelines is not a right that accrues to a person convicted of a felony; it is a procedure  
 2.7 based on state public policy to maintain uniformity, proportionality, rationality, and  
 2.8 predictability in sentencing.

2.9 In establishing and modifying the Sentencing Guidelines, the primary consideration of  
 2.10 the commission shall be public safety. The commission shall also consider current sentencing  
 2.11 and release practices; correctional resources, including but not limited to the capacities of  
 2.12 local and state correctional facilities; and the long-term negative impact of the crime on the  
 2.13 community.

2.14 The provisions of sections 14.001 to 14.69 do not apply to the promulgation of the  
 2.15 Sentencing Guidelines, and the Sentencing Guidelines, including severity levels and criminal  
 2.16 history scores, are not subject to review by the legislative commission to review  
 2.17 administrative rules. However, the commission shall adopt rules pursuant to sections 14.001  
 2.18 to 14.69 which establish procedures for the promulgation of the Sentencing Guidelines,  
 2.19 including procedures for the promulgation of severity levels and criminal history scores,  
 2.20 and these rules shall be subject to review by the Legislative Coordinating Commission.

2.21 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.22 Sec. 2. Minnesota Statutes 2018, section 244.09, subdivision 6, is amended to read:

2.23 Subd. 6. **Clearinghouse and information center.** The commission, in addition to  
 2.24 establishing Sentencing Guidelines, shall serve as a clearinghouse and information center  
 2.25 for the collection, preparation, analysis and dissemination of information on state and local  
 2.26 sentencing and probation practices, and shall conduct ongoing research regarding Sentencing  
 2.27 Guidelines, use of imprisonment and alternatives to imprisonment, probation terms,  
 2.28 conditions of probation, probation revocations, early discharge of probation, plea bargaining,  
 2.29 and other matters relating to the improvement of the criminal justice system. The commission  
 2.30 shall from time to time make recommendations to the legislature regarding changes in the  
 2.31 Criminal Code, criminal procedures, and other aspects of sentencing and probation.

3.1 This information shall include information regarding the impact of statutory changes to  
3.2 the state's criminal laws related to controlled substances, including those changes enacted  
3.3 by the legislature in Laws 2016, chapter 160.

3.4 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.5 Sec. 3. Minnesota Statutes 2018, section 244.09, is amended by adding a subdivision to  
3.6 read:

3.7 Subd. 15. **Report on probation.** The commission shall include in its annual report to  
3.8 the legislature a summary and analysis of the average time offenders serve on probation.  
3.9 The report must disaggregate data for each judicial district by the announced duration of  
3.10 probation, rate of departure from presumptive prison sentences, rate of revocation of  
3.11 probation, period of probation served before revocation, rate of early discharge of probation,  
3.12 period of probation served before early discharge, and average length of probation actually  
3.13 served by offenders who successfully complete probation.

3.14 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.15 Sec. 4. **MODIFICATIONS TO SENTENCING GUIDELINES REJECTED.**

3.16 The modifications to the Sentencing Guidelines relating to probation terms proposed in  
3.17 the Minnesota Sentencing Guidelines Commission's 2020 report to the legislature and  
3.18 contained in appendix 2.3 are rejected and do not take effect.

3.19 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.20 Sec. 5. **PROBATION PROPOSAL REQUIRED.**

3.21 (a) The Minnesota Sentencing Guidelines Commission shall comprehensively review  
3.22 issues involving conditions and lengths of stayed sentences and probation and develop a  
3.23 proposal to modify the Sentencing Guidelines that includes presumptive lengths by range  
3.24 for stayed sentences in a grid format based on reasonable offense and offender characteristics.  
3.25 This proposal must ensure public safety and proportionality in sentencing based on the  
3.26 severity of the offense and the offender's history. In addition, the proposal must provide for  
3.27 departures in appropriate circumstances and enumerate permissible grounds for departures,  
3.28 including by agreement of the parties. The proposal must also allow for the extension of  
3.29 the length of a stayed sentence for situations involving public safety, treatment completion,  
3.30 and payment of restitution.

4.1 (b) By January 15, 2022, the commission shall submit the proposal to the chairs and  
4.2 ranking minority members of the legislative committees with jurisdiction over criminal  
4.3 justice policy and finance.

4.4 (c) If the commission determines that statutory amendments and modifications to the  
4.5 Sentencing Guidelines are necessary to best effectuate the proposal, the proposal must  
4.6 include draft legislation to make the recommended statutory changes.

4.7 (d) Any modifications to the Sentencing Guidelines in the proposal do not take effect  
4.8 unless the legislature approves the modifications by law.

4.9 **EFFECTIVE DATE.** This section is effective the day following final enactment.

**Senate Counsel, Research  
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# Senate

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State of Minnesota

## S.F. No. 3975 - Probation Modifications

**Author:** Senator Warren Limmer

**Prepared By:** Kenneth P. Backhus, Senate Counsel (651/296-4396)

**Date:** March 6, 2020

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**Section 1** amends the Minnesota Sentencing Guidelines Commission's (MSGC) enabling law to remove its authority to establish nonprison-related sanctions for criminal offenders.

**Section 2** amends the MSGC's enabling law to require it to conduct ongoing research on probation terms, conditions of probation, probation revocations, and early discharges of probation.

**Section 3** amends the MSGC's enabling law to require it to include in its annual report specified information related to how long offenders spend on probation.

**Section 4** rejects the probation-related changes proposed by the MSGC in its 2020 report to the Legislature. These changes involved imposing a presumptive probation term for most felony offenders, subject to departure based on substantial and compelling reasons, of up to five years or the statutory maximum period, whichever is less. By statute, these changes take effect on August 1, 2020, unless the Legislature, by law, provides otherwise.

**Section 5** requires the MSGC to comprehensively review specified issues relating to probation and submit a proposal to the Legislature for modifications to the guidelines and, if necessary, statute. Any proposed modifications must be approved by law to take effect.

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1.1 Senator ..... moves to amend S.F. No. 3975 as follows:

1.2 Page 3, line 24, delete "in a grid format" and before the period, insert "and expressed in  
1.3 an easily understandable manner. The proposal must delineate presumptive lengths by use  
1.4 of a grid format, if feasible"

1.5 Page 3, line 25, delete "This" and insert "The"



**SENATE  
STATE OF MINNESOTA  
NINETY-FIRST SESSION**

**S.F. No. 3649**

(SENATE AUTHORS: EICHORN, Ruud and Rarick)

**DATE**  
02/27/2020

**D-PG**  
5020

**OFFICIAL STATUS**  
Introduction and first reading  
Referred to Judiciary and Public Safety Finance and Policy

1.1 A bill for an act  
1.2 relating to public safety; specifying the term of imprisonment for first-degree  
1.3 murder of an unborn child; amending Minnesota Statutes 2018, sections 244.05,  
1.4 subdivisions 4, 5; 609.106, subdivision 2; 609.115, subdivision 2a.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2018, section 244.05, subdivision 4, is amended to read:

1.7 Subd. 4. **Minimum imprisonment, life sentence.** (a) An inmate serving a mandatory  
1.8 life sentence under section 609.106 or 609.3455, subdivision 2, must not be given supervised  
1.9 release under this section.

1.10 (b) An inmate serving a mandatory life sentence under section 609.185, paragraph (a),  
1.11 clause (3), (5), or (6); 609.2661, clause (3); or Minnesota Statutes 2004, section 609.109,  
1.12 subdivision 3, must not be given supervised release under this section without having served  
1.13 a minimum term of 30 years.

1.14 (c) An inmate serving a mandatory life sentence under section 609.385 must not be given  
1.15 supervised release under this section without having served a minimum term of imprisonment  
1.16 of 17 years.

1.17 (d) An inmate serving a mandatory life sentence under section 609.3455, subdivision 3  
1.18 or 4, must not be given supervised release under this section without having served the  
1.19 minimum term of imprisonment specified by the court in its sentence.

1.20 **EFFECTIVE DATE.** This section is effective August 1, 2020, and applies to crimes  
1.21 committed on or after that date.

2.1 Sec. 2. Minnesota Statutes 2018, section 244.05, subdivision 5, is amended to read:

2.2 Subd. 5. **Supervised release, life sentence.** (a) The commissioner of corrections may,  
2.3 under rules promulgated by the commissioner, give supervised release to an inmate serving  
2.4 a mandatory life sentence under section 609.185, paragraph (a), clause (3), (5), or (6);  
2.5 609.2661, clause (3); 609.3455, subdivision 3 or 4; 609.385; or Minnesota Statutes 2004,  
2.6 section 609.109, subdivision 3, after the inmate has served the minimum term of  
2.7 imprisonment specified in subdivision 4.

2.8 (b) The commissioner shall require the preparation of a community investigation report  
2.9 and shall consider the findings of the report when making a supervised release decision  
2.10 under this subdivision. The report shall reflect the sentiment of the various elements of the  
2.11 community toward the inmate, both at the time of the offense and at the present time. The  
2.12 report shall include the views of the sentencing judge, the prosecutor, any law enforcement  
2.13 personnel who may have been involved in the case, and any successors to these individuals  
2.14 who may have information relevant to the supervised release decision. The report shall also  
2.15 include the views of the victim and the victim's family unless the victim or the victim's  
2.16 family chooses not to participate.

2.17 (c) The commissioner shall make reasonable efforts to notify the victim, in advance, of  
2.18 the time and place of the inmate's supervised release review hearing. The victim has a right  
2.19 to submit an oral or written statement at the review hearing. The statement may summarize  
2.20 the harm suffered by the victim as a result of the crime and give the victim's recommendation  
2.21 on whether the inmate should be given supervised release at this time. The commissioner  
2.22 must consider the victim's statement when making the supervised release decision.

2.23 (d) When considering whether to give supervised release to an inmate serving a life  
2.24 sentence under section 609.3455, subdivision 3 or 4, the commissioner shall consider, at a  
2.25 minimum, the following: the risk the inmate poses to the community if released, the inmate's  
2.26 progress in treatment, the inmate's behavior while incarcerated, psychological or other  
2.27 diagnostic evaluations of the inmate, the inmate's criminal history, and any other relevant  
2.28 conduct of the inmate while incarcerated or before incarceration. The commissioner may  
2.29 not give supervised release to the inmate unless:

2.30 (1) while in prison:

2.31 (i) the inmate has successfully completed appropriate sex offender treatment;

2.32 (ii) the inmate has been assessed for chemical dependency needs and, if appropriate, has  
2.33 successfully completed chemical dependency treatment; and

3.1 (iii) the inmate has been assessed for mental health needs and, if appropriate, has  
3.2 successfully completed mental health treatment; and

3.3 (2) a comprehensive individual release plan is in place for the inmate that ensures that,  
3.4 after release, the inmate will have suitable housing and receive appropriate aftercare and  
3.5 community-based treatment. The comprehensive plan also must include a postprison  
3.6 employment or education plan for the inmate.

3.7 (e) As used in this subdivision, "victim" means the individual who suffered harm as a  
3.8 result of the inmate's crime or, if the individual is deceased, the deceased's surviving spouse  
3.9 or next of kin.

3.10 **EFFECTIVE DATE.** This section is effective August 1, 2020, and applies to crimes  
3.11 committed on or after that date.

3.12 Sec. 3. Minnesota Statutes 2018, section 609.106, subdivision 2, is amended to read:

3.13 Subd. 2. **Life without release.** The court shall sentence a person to life imprisonment  
3.14 without possibility of release under the following circumstances:

3.15 (1) the person is convicted of first-degree murder under section 609.185, paragraph (a),  
3.16 clause (1), (2), (4), or (7);

3.17 (2) the person is convicted of committing first-degree murder in the course of a  
3.18 kidnapping under section 609.185, paragraph (a), clause (3); ~~or~~

3.19 (3) the person is convicted of first-degree murder under section 609.185, paragraph (a),  
3.20 clause (3), (5), or (6), or 609.2661, clause (3), and the court determines on the record at the  
3.21 time of sentencing that the person has one or more previous convictions for a heinous crime;  
3.22 or

3.23 (4) the person is convicted of first-degree murder of an unborn child under section  
3.24 609.2661, clause (1) or (2).

3.25 **EFFECTIVE DATE.** This section is effective August 1, 2020, and applies to crimes  
3.26 committed on or after that date.

3.27 Sec. 4. Minnesota Statutes 2018, section 609.115, subdivision 2a, is amended to read:

3.28 Subd. 2a. **Sentencing worksheet; sentencing guidelines commission.** If the defendant  
3.29 has been convicted of a felony, including a felony for which a mandatory life sentence is  
3.30 required by law, the court shall cause a sentencing worksheet as provided in subdivision 1  
3.31 to be completed and forwarded to the Sentencing Guidelines Commission.

4.1 For the purpose of this section, "mandatory life sentence" means a sentence under section  
4.2 609.106, subdivision 2; 609.185; 609.2661; 609.3455; 609.385, subdivision 2; or Minnesota  
4.3 Statutes 2004, section 609.109, subdivision 3, and governed by section 244.05.

4.4 **EFFECTIVE DATE.** This section is effective August 1, 2020, and applies to crimes  
4.5 committed on or after that date.