

**HF2168 - 0 - Motor Vehicle Theft Penalty Modified**

Chief Author: **Erica Schwartz**  
 Committee: **Public Safety Finance And Policy**  
 Date Completed: **4/14/2026 10:52:01 AM**  
 Lead Agency: **Sentencing Guidelines Comm**  
 Other Agencies:  
     Corrections Dept

| State Fiscal Impact       | Yes | No |
|---------------------------|-----|----|
| Expenditures              | X   |    |
| Fee/Departmental Earnings |     | X  |
| Tax Revenue               |     | X  |
| Information Technology    |     | X  |
| Local Fiscal Impact       |     | X  |

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

| State Cost (Savings)    | Biennium              |        |        | Biennium   |            |              |
|-------------------------|-----------------------|--------|--------|------------|------------|--------------|
|                         | Dollars in Thousands  | FY2025 | FY2026 | FY2027     | FY2028     | FY2029       |
| <b>Corrections Dept</b> |                       |        |        |            |            |              |
| <b>General Fund</b>     | -                     | -      | 254    | 707        | 870        |              |
| <b>State Total</b>      |                       |        |        |            |            |              |
| <b>General Fund</b>     | -                     | -      | 254    | 707        | 870        |              |
|                         | <b>Total</b>          | -      | -      | <b>254</b> | <b>707</b> | <b>870</b>   |
|                         | <b>Biennial Total</b> |        |        | <b>254</b> |            | <b>1,577</b> |

| Full Time Equivalent Positions (FTE) | Biennium     |        |        | Biennium   |            |            |
|--------------------------------------|--------------|--------|--------|------------|------------|------------|
|                                      | FY2025       | FY2026 | FY2027 | FY2028     | FY2029     |            |
| <b>Corrections Dept</b>              |              |        |        |            |            |            |
| General Fund                         | -            | -      | 1.5    | 4.3        | 5.3        |            |
|                                      | <b>Total</b> | -      | -      | <b>1.5</b> | <b>4.3</b> | <b>5.3</b> |

**Lead LBO Analyst's Comment**

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

**LBO Signature:** Jim Carlson      **Date:** 4/14/2026 10:52:01 AM  
**Phone:** 651-284-6540      **Email:** jim.carlson@lbo.mn.gov

**State Cost (Savings) Calculation Details**

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

\*Transfers In/Out and Absorbed Costs are only displayed when reported.

| <b>State Cost (Savings) = 1-2</b>                        |  | <b>Biennium</b> |               |               | <b>Biennium</b> |               |
|--|--|-----------------|---------------|---------------|-----------------|---------------|
| Dollars in Thousands                                     |  | <b>FY2025</b>   | <b>FY2026</b> | <b>FY2027</b> | <b>FY2028</b>   | <b>FY2029</b> |
| <b>Corrections Dept</b>                                  |  |                 |               |               |                 |               |
| General Fund   |  | -               | -             | 254           | 707             | 870           |
| <b>Total</b>   |  | -               | -             | <b>254</b>    | <b>707</b>      | <b>870</b>    |
| <b>Biennial Total</b>                                    |  |                 |               | <b>254</b>    |                 | <b>1,577</b>  |
| <b>1 - Expenditures, Absorbed Costs*, Transfers Out*</b> |  |                 |               |               |                 |               |
| Corrections Dept   |  |                 |               |               |                 |               |
| General Fund   |  | -               | -             | 254           | 707             | 870           |
| <b>Total</b>   |  | -               | -             | <b>254</b>    | <b>707</b>      | <b>870</b>    |
| <b>Biennial Total</b>                                    |  |                 |               | <b>254</b>    |                 | <b>1,577</b>  |
| <b>2 - Revenues, Transfers In*</b>                       |  |                 |               |               |                 |               |
| Corrections Dept   |  |                 |               |               |                 |               |
| General Fund   |  | -               | -             | -             | -               | -             |
| <b>Total</b>   |  | -               | -             | -             | -               | -             |
| <b>Biennial Total</b>                                    |  |                 |               | -             |                 | -             |

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 Agency: **Sentencing Guidelines Comm**

| State Fiscal Impact       | Yes | No |
|---------------------------|-----|----|
| Expenditures              |     | X  |
| Fee/Departmental Earnings |     | X  |
| Tax Revenue               |     | X  |
| Information Technology    |     | X  |
| Local Fiscal Impact       |     | X  |

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

| State Cost (Savings)  | Biennium             |        |        | Biennium |        |        |
|-----------------------|----------------------|--------|--------|----------|--------|--------|
|                       | Dollars in Thousands | FY2025 | FY2026 | FY2027   | FY2028 | FY2029 |
| <b>Total</b>          | -                    | -      | -      | -        | -      | -      |
| <b>Biennial Total</b> |                      |        |        | -        |        | -      |

| Full Time Equivalent Positions (FTE) | Biennium |        |        | Biennium |        |
|--------------------------------------|----------|--------|--------|----------|--------|
|                                      | FY2025   | FY2026 | FY2027 | FY2028   | FY2029 |
| <b>Total</b>                         | -        | -      | -      | -        | -      |

**LBO Analyst's Comment**

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

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\*Transfers In/Out and Absorbed Costs are only displayed when reported.

| <b>State Cost (Savings) = 1-2</b>                        |        | <b>Biennium</b> |        |        | <b>Biennium</b> |   |
|--|--------|-----------------|--------|--------|-----------------|---|
| Dollars in Thousands                                     | FY2025 | FY2026          | FY2027 | FY2028 | FY2029          |   |
| <b>Total</b>   | -      | -               | -      | -      | -               | - |
| <b>Biennial Total</b>                                    |        |                 | -      |        |                 | - |
| <b>1 - Expenditures, Absorbed Costs*, Transfers Out*</b> |        |                 |        |        |                 |   |
| <b>Total</b>   | -      | -               | -      | -      | -               | - |
| <b>Biennial Total</b>                                    |        |                 | -      |        |                 | - |
| <b>2 - Revenues, Transfers In*</b>                       |        |                 |        |        |                 |   |
| <b>Total</b>   | -      | -               | -      | -      | -               | - |
| <b>Biennial Total</b>                                    |        |                 | -      |        |                 | - |

**Bill Description**

Section 1 of the bill amends Minn. Stat. § 609.52 (Theft) by establishing the penalty for theft of a motor vehicle under subdivision 3(2), where the statutory maximum is 10 years or payment of a fine of not more than \$20,000, or both. Conforming, enumerating, and corrective amendments are made as well.

Section 1 is effective August 1, 2025, and applies to crimes committed on or after that date.

Section 2 provides a revisor instruction.

**Assumptions**

It is assumed that the bill is effective August 1, 2026, and applies to crimes committed on or after that date.

One of the responsibilities of the Commission is to assign severity-level (SL) rankings to new or amended felony offenses passed by the Legislature. The Commission bases its decisions, in part, on the level of harm caused and the culpability of the person. The statutory maximum is also considered.

According to the Sentencing Guidelines, section 7, theft crimes are generally treated similarly, and the SL is based on the monetary value of the property stolen. Theft crimes of \$5,000 or less, with reference to Minn. Stat. § 609.52, subdivision 3(3)(a), are generally ranked at SL 2; and theft crimes over \$5,000, with reference to Minn. Stat. § 609.52, subdivision 3(2), are generally ranked at SL 3.

Permanent theft of a motor vehicle is ranked higher, at SL 4, regardless of the property value. Because theft of motor a vehicle is already ranked at SL 4, which is higher than SL 3, where most theft crimes over \$5,000 are ranked, it is assumed that the Commission will maintain the existing SL 4, regardless of the amendment to the statutory maximum, and will generally apply that ranking to all thefts of a motor vehicle, except motor vehicle use without consent. It is assumed that the Commission will leave the severity ranking for motor vehicle use without consent (Minn. Stat. § 609.52, subd. 2a(17)) unchanged at SL 3.

The impact of penalty changes in Minn. Stat. § 609.52, subd. 3, is not limited to the offense of theft. Relevant to motor vehicles, the offense of receiving stolen property (§ 609.53) applies the theft penalties found in § 609.52, subd. 3, which the bill amends. Currently, receiving a stolen motor vehicle follows the general theft-offense rule: it is ranked at SL 2 or SL 3, depending on value. Consistent with the bill's adoption of a uniform penalty for motor-vehicle theft, it is assumed that the Commission will adopt a uniform severity ranking for receiving a stolen motor vehicle, at either SL 3 (like motor vehicle use without consent) or SL 4 (like permanent theft of a motor vehicle). It is assumed that the Commission will be more likely to select SL 4 than SL 3, as the offense of receiving a stolen motor vehicle lacks the impermanence that typically applies to SL 3 motor vehicle use without consent.

This assumed ranking change, then, will increase the SL of receiving stolen property cases involving motor vehicles from SL 2 (value \$5,000 or less) or SL 3 (value over \$5,000) to SL 4.

It is assumed that due to the COVID-19 health pandemic, the cases sentenced in 2020 and 2021 are not necessarily fair approximations of cases sentenced in the future.

Minnesota Offense Codes (MOCs), which identify and categorize law enforcement incident information, were used to determine the number of receiving stolen property cases that involved motor vehicles. MOCs are not validated by MSGC staff.

According to MSGC sentencing data from 2020 to 2024, 1,965 cases of receiving stolen property were sentenced. According to MOC data collected on these cases, 1,116 (57%) involved motor vehicles: 914 cases (an annual average 183 cases) were sentenced at SL 2; 194 cases (an annual average 39 cases) were sentenced at SL 3; and eight cases (an annual average 1.6 cases) were sentenced at SL 4.

It is assumed that, in the future, an annual average of 222 cases of receiving stolen motor vehicles currently sentenced at SL 2 and SL 3 will be sentenced at SL 4. It is assumed that the prison bed impact will result from:

- Cases moving from SL 2, criminal history score (CHS) 4 and CHS 5, where the disposition is a presumptive “stayed” probationary sentence, to SL 4, CHS 4 and CHS 5, where the disposition is a presumptive prison “commitment” sentence with prison durations of 24 and 27 months instead of 17 and 19 months, respectively. For these new presumptive commitment cases, the average imprisonment rate for motor vehicle theft under Minn. Stat. § 609.52, subd. 2(a)(1), CHS 4 and CHS 5, was applied. That imprisonment rate was 51 percent.

- Cases moving from SL 2 and SL 3, CHS 6 or more, that currently received prison sentences and will presumably continue to receive prison sentences but will serve longer prison durations 30 months instead of 21 and 23 months, respectively.

### **Expenditure and/or Revenue Formula**

### **Long-Term Fiscal Considerations**

Based on the assumptions above, there will be the need for an estimated 41 additional prison beds. Assuming six months for implementation, it is estimated that 20 beds will be needed in FY2027, and 41 beds will be needed in FY2028, and every year thereafter.

(For SL 2/CHS 4 & 5:  $4,443 \text{ new prison months} \times \frac{2}{3} \text{ term of imprisonment} \times 51\% \text{ imprisonment rate} \div 12 \text{ months per year} \div 5 \text{ years} = 25.2 \text{ estimated prison beds.}$ )

(For SL 2/CHS 6+:  $2,806.5 \text{ new prison months} \times (30-21 \div 21 \times 100) 42.8\% \text{ percent increase in prison months} \times \frac{2}{3} \text{ term of imprisonment} \div 12 \text{ months per year} \div 5 \text{ years} = 13.4 \text{ estimated prison beds.}$ )

(For SL 3/ CHS 6+:  $681.09 \text{ new prison months} \times (30-23 \div 23 \times 100) 30.4\% \text{ percent increase in prison months} \times \frac{2}{3} \text{ term of imprisonment} \div 12 \text{ months per year} \div 5 \text{ years} = 2.3 \text{ estimated prison beds.}$ )

( $25.2 \text{ beds} + 13.4 \text{ beds} + 2.3 \text{ beds} = 40.9 \text{ estimated prison beds.}$ )

### **Local Fiscal Impact**

Unknown. There may be some savings from those cases that will no longer receive probationary sentences. The extent of those savings was not estimated.

### **References/Sources**

2025 Minn. Sentencing Guidelines and Commentary.

MSGC Sentencing Data, 2020 to 2024.

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| Fee/Departmental Earnings  |     | X  |
| Tax Revenue                |     | X  |
| Information Technology     |     | X  |
| <b>Local Fiscal Impact</b> |     |    |
|                            |     | X  |

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|-----------------------|----------------------|--------|------------|------------|--------------|--------|
|                       | Dollars in Thousands | FY2025 | FY2026     | FY2027     | FY2028       | FY2029 |
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|--------------------------------------|----------|--------|------------|------------|------------|
|                                      | FY2025   | FY2026 | FY2027     | FY2028     | FY2029     |
| General Fund                         | -        | -      | 1.5        | 4.3        | 5.3        |
| <b>Total</b>                         | -        | -      | <b>1.5</b> | <b>4.3</b> | <b>5.3</b> |

**LBO Analyst's Comment**

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**Phone:** 651-284-6540      **Email:** jim.carlson@lbo.mn.gov

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|--|---|----------|------------|------------|--------------|--------|
| Dollars in Thousands                                     |   | FY2025   | FY2026     | FY2027     | FY2028       | FY2029 |
| General Fund   | - | -        | 254        | 707        | 870          |        |
| <b>Total</b>   | - | -        | <b>254</b> | <b>707</b> | <b>870</b>   |        |
| <b>Biennial Total</b>                                    |   |          | <b>254</b> |            | <b>1,577</b> |        |
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| General Fund   | - | -        | 254        | 707        | 870          |        |
| <b>Total</b>   | - | -        | <b>254</b> | <b>707</b> | <b>870</b>   |        |
| <b>Biennial Total</b>                                    |   |          | <b>254</b> |            | <b>1,577</b> |        |
| <b>2 - Revenues, Transfers In*</b>                       |   |          |            |            |              |        |
| General Fund   | - | -        | -          | -          | -            |        |
| <b>Total</b>   | - | -        | -          | -          | -            |        |
| <b>Biennial Total</b>                                    |   |          | -          |            | -            |        |

**Bill Description**

This bill increases penalties for stealing a motor vehicle in Minnesota. It also directs the revisor of statutes to update cross-references.

**Assumptions**

Prison bed costs are based on a marginal cost per diem of \$53.93 for FY26, \$55.64 for FY27, \$58.43 for FY28, and \$58.14 for FY29. This includes marginal costs for all facility, private and public bed rental, health care, and support costs.

The annual cost is estimated by multiplying the number of prison beds needed by the subsequent annual per diem. Unless otherwise noted, prison beds are phased in on a quarterly basis.

Prison bed impact for the increase in the offender population assumes 80 percent of the ongoing bed impact is personnel-related and the average salary per FTE is \$132,000 per year, including benefits.

**Expenditure and/or Revenue Formula**

The Minnesota Sentencing Guidelines Commission (MSGC) projects that 20 additional prison beds will be needed in Fiscal Year 2027 and then 41 additional prison beds will be needed each fiscal year, beginning in Fiscal Year 2028 and ongoing, as a result of this legislation.

**Cost of Prison Beds**

| Fiscal year                   | 2026 | 2027  | 2028  | 2029  |
|-------------------------------|------|-------|-------|-------|
| Number of Prison Beds         | 0    | 20    | 41    | 41    |
| Cost of Prison Beds (in 000s) | \$0  | \$254 | \$707 | \$870 |
| FTE                           | 0    | 1.5   | 4.3   | 5.3   |

**Long-Term Fiscal Considerations**

MSGC projects that this budget impact will continue beyond the current budget horizon.

**Local Fiscal Impact**

Unknown

**References/Sources**

MSGC

Department of Corrections staff

**Agency Contact:**

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