

2024 Regular Session Laws

Other Laws of Interest to the Commission

May 30, 2024

After each session, the Commission reviews “crime[s] created or amended by the legislature in the preceding session” for possible related modifications to the Sentencing Guidelines. In accordance with Minn. Stat. § 244.09, subd. 11, the Commission may make such modifications without advance submission to the Legislature. This paper reviews laws enacted in the 2024 Regular Session that are likely to be of interest to the Commission, but, in the opinion of staff, do not require Sentencing Guidelines changes.

Contents

Laws Not Requiring Sentencing Guidelines Changes	1
1. Applying Five-Year Probation Cap Exceptions	2
2. Correcting the Sentence Cap for Juvenile Repeat or Heinous Sex Offenses	2
3. Reconciling Inconsistent Age Thresholds for Prostitution	3
4. Adding First-Degree Witness Tampering to Violent Crime List	3
Note on Legislative Recommendations.....	4
5. MSGC to Report on Certain Veteran-Sentencing Data	4
6. Requiring Sentencing Hearing for Revoked Stays of Adjudication	5
7. Modifying Predatory Offender Registration List.....	5
8. Limiting Predatory Offender Registration Period	6
9. Amending Trigger Activator to include Binary Triggers.....	6
10. Banning “Panic Defense”	7

Laws Not Requiring Sentencing Guidelines Changes

The following are laws that either do not directly affect the Guidelines or do not require action. No Sentencing Guidelines changes are recommended.

This document was prepared by the staff of the Minnesota Sentencing Guidelines Commission for the Commission’s review. This document has not been adopted by the Commission and does not necessarily represent its views.

1. Applying Five-Year Probation Cap Exceptions to Attempts

Act: [2024 Minn. Laws Ch. 123, art. 6, § 9](#)

Description: This law implements MSGC recommendation number 1 from its 2024 Report to the Legislature by explicitly naming attempts and conspiracies in general, as well as attempts and conspiracies to violate life-sentence offenses, to the list of exceptions to the five-year probation cap found in Minn. Stat. § 609.135, subd. 2(b). This allows a probation period of up to the statutory maximum for attempted homicide and sex offenses.

The 2023 Legislature had established a five-year statutory cap on felony probation lengths, with exceptions for several listed offenses—chiefly homicide and sex offenses. The exception list does not explicitly mention attempts and conspiracies. Without such language, staff alerted the Commission to the possibility that courts may construe the statutory exception list as excluding attempts or conspiracies (see *State v. Noggle*, 881 N.W.2d 545 (Minn. 2016)). If so, a court considering a probationary sentence for an attempted homicide or attempted sex offense would be forced to choose between imposing a probation term of not more than five years and imposing an executed prison sentence.

Effective date: August 1, 2024, and applies to sentences announced on or after that date.

References: Minn. Stat. §§ [609.135](#); [609.17](#); [609.175](#) (2022)

Long-Term Fiscal Impact: Not requested.

Demographic Impact: Not applicable.

Sentencing Guidelines Considerations: Generally, the presumptive duration is one-half of that found in the appropriate cell on the applicable Grid for the underlying offense for an attempted offense under Minn. Stat. § 609.17 or for conspiracy to commit an offense under Minn. Stat. § 609.175.

Staff Recommendations: No changes required or recommended.

2. Correcting the Sentence Cap for Juvenile Repeat or Heinous Sex Offenses

Act: [2024 Minn. Laws Ch. 123, art. 4, § 12](#).

Description: This law change implements MSGC recommendation number 2 from its 2024 Report to the Legislature. The intent of this recommendation was to correct a statutory error and clarify the maximum lawful term of imprisonment for certain repeat or heinous juvenile sex offenders.

Minn. Stat. § 609.3455, subds. 3 & 4, require a life sentence for certain repeat or heinous sex offenses—and, for such a life sentence, subd. 5 requires a specified minimum term of imprisonment based on the Sentencing Guidelines. In 2023, this required minimum term of imprisonment was capped, for juvenile offenders, at “the applicable minimum term of imprisonment described in subdivision 4b”—but there is no “subdivision 4b” within § 609.3455.

Minn. Stat. § 244.05, subd. 4b, was intended, and the act corrects the statutory language accordingly.

Effective date: The day following final enactment and applies to crimes committed on or after that date. Signed by the Governor May 24, 2024.

References: [Minn. Stat. § 609.3455](#) (2022).

Long-Term Fiscal Impact: Not requested.

Demographic Impact: Not applicable.

Sentencing Guidelines Considerations: Minn. Stat. § 609.3455, subds. 3 & 4, require a life sentence for certain repeat or heinous sex offenses—and, for such a life sentence, subd. 5 requires a specified minimum term of imprisonment based on the Guidelines (section 2.C).

Staff Recommendations: No changes required or recommended.

3. Reconciling Inconsistent Age Thresholds for Prostitution

Act: [2024 Minn. Laws Ch. 123, art. 6, § 14](#)

Description: This law implements MSGC recommendation number 6 from its 2024 Report to the Legislature by replacing “at least 13” with “at least 14” in Minn. Stat. § 609.324, subd. 1(b)(3) (Engage or Hire a Minor to Engage in Prostitution). This change corrects an omission in the comprehensive age-threshold changes implemented in 2021 across various sex-related statutes.

Effective date: August 1, 2024, and applies to crimes committed on or after that date.

References: Minn. Stat. § [609.324](#) (2022).

Long-Term Fiscal Impact (HF 3520-0): No impact.

Demographic Impact: Not applicable.

Sentencing Guidelines Considerations: None.

Staff Recommendations: No changes required or recommended.

4. Adding First-Degree Witness Tampering to Violent Crime List

Act: [2024 Minn. Laws Ch. 123, art. 6, § 8](#)

Description: This law change implements MSGC recommendation number 7 from its 2024 Report to the Legislature.

Currently, the statutory “violent crime” list includes the offense of first-degree witness tampering but excludes the more-violent offense of aggravated first-degree witness tampering, which is incoherent. This law amends the “violent crime” list in Minn. Stat. § 609.1095, subd. 1(d), used to determine who qualifies

for sentencing as a “dangerous offender,” to not only include first-degree witness tampering, but to also include aggravated first-degree witness tampering.

Effective date: August 1, 2024, and applies to sentences announced on or after that date.

References: Minn. Stat. §§ [609.1095](#); [609.498](#) (2022).

Long-Term Fiscal Impact (HF 3554-0): None.

Demographic Impact: Not applicable.

Sentencing Guidelines Considerations: Not applicable.

Staff Recommendations: No changes required or recommended.

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Note on Legislative Recommendations

With the passage of the four laws discussed above, together with the correction of the targeted misdemeanor list (discussed separately), the 2024 Legislature enacted five of the Commission’s seven [2024 legislative recommendations](#). The two unfulfilled recommendations are—

- Complete “mandatory life sentence” list in presentence investigation statute. (*Minn. Stat. § 609.115, subd. 2a, which requires courts to forward sentencing worksheets to MSGC in all mandatory life sentence cases, inexplicably omits first-degree murder of an unborn child from the “mandatory life sentence” offense list.*)
- Clarify whether substantial or great bodily harm is a necessary element of deprivation of a vulnerable adult. (*In Minn. Stat. § 609.233, the crime defined in subd. 1a does not match the penalties described in subd. 3*)

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5. MSGC to Report on Certain Veteran-Sentencing Data

Act: [2024 Minn. Laws Ch. 123, art. 6, § 7](#).

Description: The law requires reporting by the courts to MSGC, and by MSGC to the Legislature, of data pertaining to certain outcomes of deferred sentences under the Veterans Restorative Justice Act (Minn. Stat. § 609.1056).

Effective date: August 1, 2024, and applies to deferred sentences announced on or after that date.

References: Minn. Stat. § [609.1056](#) (2022).

Long-Term Fiscal Impact (SF 3328-0): None.

Demographic Impact (SF 5153-1E & HF 2609-1UE): Not applicable.

Sentencing Guidelines Considerations: MSGC must report summary data to the Legislature by January 15 of each year. The Commission [unanimously supported](#) this bill on April 11, 2024.

Staff Recommendations: No changes required or recommended.

6. Requiring Sentencing Hearing for Revoked Stays of Adjudication

Act: [2024 Minn. Laws Ch. 123, art. 6, §§ 10–13.](#)

Description: The act amends § 609.14 to provide a statutory framework for revoking stays of adjudication, abrogating a Court of Appeals decision (*State v. Solien*, No. A21-0144 (Minn. Ct. App. Nov. 29, 2021) (unpublished)) that held the revocation processes of Minn. Stat. § 609.14 to be inapplicable to the revocation of a deferred prosecution under Minn. Stat. § 152.018. Of particular interest, the act clarifies that the court must hold a sentencing hearing (at which time the Guidelines apply) if a stay of adjudication is revoked and a felony conviction results.

Effective date: August 1, 2024, and applies to crimes committed on or after that date.

References: Minn. Stat. §§ [152.18](#); [609.14](#) (2022).

Long-Term Fiscal Impact: Not requested.

Demographic Impact: Not applicable.

Sentencing Guidelines Considerations: When a felony stay of adjudication is vacated and conviction is entered, the Guidelines must be applied (Minn. Sentencing Guidelines 2.D.1.e). To the extent that the sentence pronounced immediately following a revocation of a stay of adjudication is contrary to the Guidelines presumptive sentence, that sentence is a departure. These principles are sometimes misunderstood, and staff is hopeful that this act will help to clarify this point.

Staff Recommendations: No changes required or recommended.

7. Modifying Predatory Offender Registration List

Act: [2024 Minn. Laws Ch. 123, art. 7, § 2.](#)

Description: The law amends the predatory offender registration (POR) list under Minn. Stat. § 243.166, subd. 1b. Offenses on the POR list trigger registration upon conviction, or adjudication of delinquency, of a listed offense or another offense arising out of the same set of circumstances as a charged, listed offense. The list is modified by deleting false imprisonment and adding dissemination of child pornography.

In its fiscal note, staff assumed that the addition of dissemination of child pornography was either a superfluous clarification (see *Rye v. Minnesota*, No. A21-1731 (Minn. Ct. App. Aug. 22, 2022) (unpublished)) or commonly redundant, in practice, to other offenses charged but not convicted (as in *Rye*, which involved a dismissed possession charge arising out of the same circumstances).

Effective date: July 1, 2024, and apply to convictions and delinquency adjudications that occur on or after that date and to convictions and delinquency adjudications that are not yet final on that date.

References: Minn. Stat. § [243.166](#) (2023 Supplement).

Long-Term Fiscal Impact (HF 3555-1UE): One fewer prison bed every four years.

Demographic Impact (HF 3555-1UE): Not applicable.

Sentencing Guidelines Considerations: Not applicable.

Staff Recommendations: No changes required or recommended.

8. Limiting Predatory Offender Registration Period

Act: [2024 Minn. Laws Ch. 123, art. 7, § 5.](#)

Description: Currently, the law requires “restarting” POR—with a new ten-year registration period—for a registrant who is incarcerated after any conviction or probation revocation. The law significantly limits what incarceration will trigger POR restart: the offense of incarceration must itself be a predatory offense.

Effective date: July 1, 2024, and applies to convictions and revocations of probation, supervised release, or conditional release that occur on or after that date and to convictions that are not yet final on that date.

References: Minn. Stat. § [243.166](#) (2022).

Long-Term Fiscal Impact: Not requested.

Demographic Impact: Not applicable.

Sentencing Guidelines Considerations: Not applicable.

Staff Recommendations: No changes required or recommended.

9. Amending Trigger Activator to include Binary Triggers

Act: [2024 Minn. Laws Ch. 127, art. 36, § 2.](#)

Description: The law expands the definition of a trigger activator, possession of which is banned by Minn. Stat. § 609.67, to include a device that allows a semiautomatic firearm to shoot more than one shot with a single pull and release of the trigger (“binary trigger”).

Effective date: January 1, 2025.

References: Minn. Stat. § [609.67](#) (2022).

Long-Term Fiscal Impact (SF 5153-1E & HF 2609-1UE): None.

Demographic Impact (SF 5153-1E & HF 2609-1UE): Not applicable.

Sentencing Guidelines Considerations: The Commission ranked the offense at severity level 8 in 2023.

Staff Recommendations: No changes required or recommended.

10. Banning “Panic Defense”

Act: [2024 Minn. Laws Ch. 123, art. 6, § 5-6.](#)

Description: Section 5 of the law amends Minn. Stat. § 609.06, Authorized Use of Force, by adding subdivision 4, which prohibits the use of force against another based on the discover of, knowledge about, or potential disclosure of the victim’s actual or perceived sexual orientation, including gender identity and expression, including under circumstances in which the victim made an unwanted nonforcible romantic or sexual advance toward the actor, or if the actor and victim dated or had a romantic or sexual relationship.

Section 6 amends Minn. Stat. § 609.075, Intoxication as Defense, by changing the title to include Reaction to Victim’s Sexual Orientation, and by creating subdivisions 1 and 2. Subdivision 1 consists of the existing language under Minn. Stat. § 609.075 (intoxication as a defense). Subdivision 2 establishes that it is not a defense to a crime that the defendant acted based on discovery of, knowledge about, or potential disclosure of the victim’s actual or perceived sexual orientation, including gender identity and expression, including under circumstances in which the victim made an unwanted nonforcible romantic or sexual advance toward the defendant, or if the defendant and victim dated or had a romantic or sexual relationship.

Effective date: August 1, 2024, and applies to crimes committed on or after that date.

References: Minn. Stat. §§ [609.06](#); [609.075](#) (2022).

Long-Term Fiscal Impact (2022 HF3172-0): None.

Demographic Impact (2022 HF3172-0): Not applicable.

Sentencing Guidelines Considerations: Not applicable.

Staff Recommendations: No changes required or recommended.