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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 3649

02/13/2024 Authored by Engen; Zeleznikar; Hudson; Anderson, P. E., and Knudsen
The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy

1.1 A bill for an act
1.2 relating to public safety; specifying that restitution can include costs to support a
1.3 minor child whose parent or custodian is incapacitated or killed; amending
1.4 Minnesota Statutes 2023 Supplement, section 611A.04, subdivision 1.

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

1.6 Section 1. Minnesota Statutes 2023 Supplement, section 611A.04, subdivision 1, is
1.7 amended to read:

1.8 Subdivision 1. **Request; decision.** (a) A victim of a crime has the right to receive
1.9 restitution as part of the disposition of a criminal charge or juvenile delinquency proceeding
1.10 against the offender if the offender is convicted or found delinquent. The court, or a person
1.11 or agency designated by the court, shall request information from the victim to determine
1.12 the amount of restitution owed. The court or its designee shall obtain the information from
1.13 the victim in affidavit form or by other competent evidence. Information submitted relating
1.14 to restitution must describe the items or elements of loss, itemize the total dollar amounts
1.15 of restitution claimed, and specify the reasons justifying these amounts, if restitution is in
1.16 the form of money or property. A request for restitution may include, but is not limited to,
1.17 any out-of-pocket losses resulting from the crime, including medical and therapy costs,
1.18 replacement of wages and services, expenses incurred to return a child who was a victim
1.19 of a crime under section 609.26 to the child's parents or lawful custodian, and funeral
1.20 expenses. A request for restitution may also include costs for the support of a minor child
1.21 arising from a crime that caused death of the minor child's parent or lawful custodian or
1.22 made the minor's parent or lawful custodian incapable of normal activity, including the
1.23 reasonably anticipated loss of financial contribution, increase in child care expenses, or
1.24 change in health care coverage as defined in section 518A.41, subdivision 1, paragraph (a).

2.1 An actual or prospective civil action involving the alleged crime shall not be used by the
2.2 court as a basis to deny a victim's right to obtain court-ordered restitution under this section.
2.3 In order to be considered at the sentencing or dispositional hearing, all information regarding
2.4 restitution must be received by the court administrator of the appropriate court at least three
2.5 business days before the sentencing or dispositional hearing. The court administrator shall
2.6 provide copies of this request to the prosecutor and the offender or the offender's attorney
2.7 at least 24 hours before the sentencing or dispositional hearing. The issue of restitution is
2.8 reserved or the sentencing or dispositional hearing or hearing on the restitution request may
2.9 be continued if the victim's affidavit or other competent evidence submitted by the victim
2.10 is not received in time. At the sentencing or dispositional hearing, the court shall give the
2.11 offender an opportunity to respond to specific items of restitution and their dollar amounts
2.12 in accordance with the procedures established in section 611A.045, subdivision 3.

2.13 (b) The court may amend or issue an order of restitution after the sentencing or
2.14 dispositional hearing if:

2.15 (1) the offender is on probation, committed to the commissioner of corrections, or on
2.16 supervised release;

2.17 (2) sufficient evidence of a right to restitution has been submitted; and

2.18 (3) the true extent of the victim's loss or the loss of the Crime Victims Reimbursement
2.19 Board was not known at the time of the sentencing or dispositional hearing, or hearing on
2.20 the restitution request.

2.21 If the court holds a hearing on the restitution request, the court must notify the offender,
2.22 the offender's attorney, the victim, the prosecutor, and the Crime Victims Reimbursement
2.23 Board at least five business days before the hearing. The court's restitution decision is
2.24 governed by this section and section 611A.045.

2.25 (c) The court shall grant or deny restitution or partial restitution and shall state on the
2.26 record its reasons for its decision on restitution if information relating to restitution has been
2.27 presented. If the court grants partial restitution it shall also specify the full amount of
2.28 restitution that may be docketed as a civil judgment under subdivision 3. The court may not
2.29 require that the victim waive or otherwise forfeit any rights or causes of action as a condition
2.30 of granting restitution or partial restitution. In the case of a defendant who is on probation,
2.31 the court may not refuse to enforce an order for restitution solely on the grounds that the
2.32 order has been docketed as a civil judgment.

2.33 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to restitution
2.34 ordered on or after that date.