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# State of Minnesota

## HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. **417**

01/28/2021 Authored by Edelson and Gomez

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

- 1.1 A bill for an act
- 1.2 relating to public safety; providing for probationary sentences for certain nonviolent
- 1.3 offenders; proposing coding for new law in Minnesota Statutes, chapter 244.
- 1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.5 Section 1. **[244.105] SENTENCING PRIMARY CARETAKER OF CHILD.**
- 1.6 (a) As used in this section, "primary caretaker of a child" means a person who has custody
- 1.7 of a minor child or parenting time with a minor child.
- 1.8 (b) Prior to sentencing a defendant, in addition to considerations set forth in section
- 1.9 244.10 and the Minnesota Sentencing Guidelines, the court shall determine whether the
- 1.10 defendant is the primary caretaker of a child. This requirement does not apply to a defendant
- 1.11 who committed an offense that involved violence against a person.
- 1.12 (c) The court may find that a defendant who is the primary caretaker of a child is
- 1.13 particularly amenable to probation based on the relationship between the defendant and the
- 1.14 child and the defendant's duties and responsibilities for the child.
- 1.15 (d) If the court departs from the Sentencing Guidelines, stays imposition or execution
- 1.16 of sentence, and places the defendant on probation, the court may impose conditions of
- 1.17 probation with a focus on the relationship between the defendant and the child including
- 1.18 but not limited to:
- 1.19 (1) undergoing a chemical dependency evaluation and complying with any
- 1.20 recommendations from that assessment;
- 1.21 (2) attending and successfully completing domestic violence education and prevention
- 1.22 classes;

- 2.1 (3) attending and successfully completing anger management programming;
- 2.2 (4) participating in vocational and educational services;
- 2.3 (5) cooperating with job training and placement services;
- 2.4 (6) attending and successfully completing parenting classes;
- 2.5 (7) attending family and individual counseling; and
- 2.6 (8) accessing and complying with family case management services.
- 2.7 (e) Violations of the terms of probation are subject to section 609.14.
- 2.8 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to sentences
- 2.9 imposed on or after that date.