

State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. **1851**

05/18/2013 Authored by Kieffer, Paymar and Ward, J.E.,
The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy
03/13/2014 Adoption of Report: Amended and re-referred to the Committee on Judiciary Finance and Policy
03/21/2014 Adoption of Report: Placed on the General Register
Read Second Time

1.1 A bill for an act
1.2 relating to public safety; enhancing penalties for certain repeat criminal sexual
1.3 conduct offenders; amending Minnesota Statutes 2012, sections 243.167,
1.4 subdivision 1; 609.135, subdivision 2; 609.3451, subdivision 3.

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

1.6 Section 1. Minnesota Statutes 2012, section 243.167, subdivision 1, is amended to read:

1.7 Subdivision 1. **Definition.** As used in this section, "crime against the person" means
1.8 a violation of any of the following or a similar law of another state or of the United States:
1.9 section 609.165; 609.185; 609.19; 609.195; 609.20; 609.205; 609.221; 609.222; 609.223;
1.10 609.2231; 609.224, subdivision 2 or 4; 609.2242, subdivision 2 or 4; 609.2247; 609.235;
1.11 609.245, subdivision 1; 609.25; 609.255; 609.3451, subdivision ~~2~~ 3; 609.498, subdivision
1.12 1; 609.582, subdivision 1; or 617.23, subdivision 2; or any felony-level violation of
1.13 section 609.229; 609.377; 609.749; or 624.713.

1.14 Sec. 2. Minnesota Statutes 2012, section 609.135, subdivision 2, is amended to read:

1.15 Subd. 2. **Stay of sentence maximum periods.** (a) If the conviction is for a felony
1.16 other than section 609.21, subdivision 1a, paragraph (b) or (c), the stay shall be for not
1.17 more than four years or the maximum period for which the sentence of imprisonment
1.18 might have been imposed, whichever is longer.

1.19 (b) If the conviction is for a gross misdemeanor violation of section 169A.20
1.20 or 609.21, subdivision 1a, paragraph (d), or for a felony described in section 609.21,
1.21 subdivision 1a, paragraph (b) or (c), the stay shall be for not more than six years. The
1.22 court shall provide for unsupervised probation for the last year of the stay unless the court
1.23 finds that the defendant needs supervised probation for all or part of the last year.

2.1 (c) If the conviction is for a gross misdemeanor violation of section 609.3451,
2.2 subdivision 1, the stay shall be for not more than six years.

2.3 ~~(e)~~ (d) If the conviction is for a gross misdemeanor not specified in paragraph (b),
2.4 the stay shall be for not more than two years.

2.5 ~~(d)~~ (e) If the conviction is for any misdemeanor under section 169A.20; 609.746,
2.6 subdivision 1; 609.79; or 617.23; or for a misdemeanor under section 609.2242 or
2.7 609.224, subdivision 1, in which the victim of the crime was a family or household
2.8 member as defined in section 518B.01, the stay shall be for not more than two years. The
2.9 court shall provide for unsupervised probation for the second year of the stay unless the
2.10 court finds that the defendant needs supervised probation for all or part of the second year.

2.11 ~~(e)~~ (f) If the conviction is for a misdemeanor not specified in paragraph ~~(d)~~ (e), the
2.12 stay shall be for not more than one year.

2.13 ~~(f)~~ (g) The defendant shall be discharged six months after the term of the stay
2.14 expires, unless the stay has been revoked or extended under paragraph ~~(g)~~ (h), or the
2.15 defendant has already been discharged.

2.16 ~~(g)~~ (h) Notwithstanding the maximum periods specified for stays of sentences under
2.17 paragraphs (a) to ~~(f)~~ (g), a court may extend a defendant's term of probation for up to one
2.18 year if it finds, at a hearing conducted under subdivision 1a, that:

2.19 (1) the defendant has not paid court-ordered restitution in accordance with the
2.20 payment schedule or structure; and

2.21 (2) the defendant is likely to not pay the restitution the defendant owes before the
2.22 term of probation expires.

2.23 This one-year extension of probation for failure to pay restitution may be extended by
2.24 the court for up to one additional year if the court finds, at another hearing conducted
2.25 under subdivision 1a, that the defendant still has not paid the court-ordered restitution
2.26 that the defendant owes.

2.27 Nothing in this subdivision limits the court's ability to refer the case to collections
2.28 under section 609.104.

2.29 ~~(h)~~ (i) Notwithstanding the maximum periods specified for stays of sentences under
2.30 paragraphs (a) to ~~(f)~~ (g), a court may extend a defendant's term of probation for up to three
2.31 years if it finds, at a hearing conducted under subdivision 1c, that:

2.32 (1) the defendant has failed to complete court-ordered treatment successfully; and

2.33 (2) the defendant is likely not to complete court-ordered treatment before the term of
2.34 probation expires.

3.1 **EFFECTIVE DATE.** This section is effective August 1, 2014, and applies to crimes
3.2 committed on or after that date.

3.3 Sec. 3. Minnesota Statutes 2012, section 609.3451, subdivision 3, is amended to read:

3.4 Subd. 3. **Felony.** A person is guilty of a felony and may be sentenced to
3.5 imprisonment for not more than ~~five~~ ten years or to payment of a fine of not more than
3.6 \$10,000, or both, if the person violates ~~subdivision 1, clause (2), this section~~ after having
3.7 been previously convicted of ~~or adjudicated delinquent for violating subdivision 1, clause~~
3.8 ~~(2) this section; sections 609.342 to 609.345; or 609.3453; section 617.23, subdivision~~
3.9 ~~2, clause (1); 617.247; or a statute from another state in conformity with subdivision 1,~~
3.10 ~~clause (2), or section 617.23, subdivision 2, clause (1) therewith.~~

3.11 **EFFECTIVE DATE.** This section is effective August 1, 2014, and applies to crimes
3.12 committed on or after that date.

3.13 Sec. 4. **REVISOR'S INSTRUCTION.**

3.14 In the next edition of Minnesota Statutes, the revisor of statutes shall change the
3.15 headnote of section 609.3451, subdivision 2, from "Penalty" to "Gross misdemeanor."