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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 2834

03/13/2023 Authored by Lee, F., 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; providing life imprisonment without release for certain
1.3 violent offenses when offender is at least five years older than minor victim;
1.4 amending Minnesota Statutes 2022, sections 609.106; 609.185.

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

1.6 Section 1. Minnesota Statutes 2022, section 609.106, is amended to read:

1.7 609.106 HEINOUS CRIMES.

1.8 Subdivision 1. Terms. (a) As used in this section, the following terms have the meanings
1.9 given.

1.10 (b) "Heinous crime" means:

1.11 (1) a violation or attempted violation of section 609.185 or 609.19;

1.12 (2) a violation of section 609.195 or 609.221; or

1.13 (3) a violation of section 609.342, 609.343, or 609.344, if the offense was committed
1.14 with force or violence.

1.15 (c) "Minor" means an individual under the age of 18 years.

1.16 (d) "Previous conviction" means a conviction in Minnesota for a heinous crime or
1.17 a conviction elsewhere for conduct that would have been a heinous crime under this chapter
1.18 if committed in Minnesota. The term includes any conviction that occurred before the
1.19 commission of the present offense of conviction, but does not include a conviction if 15
1.20 years have elapsed since the person was discharged from the sentence imposed for the
1.21 offense.

2.1 Subd. 2. **Life without release.** The court shall sentence a person to life imprisonment
2.2 without possibility of release under the following circumstances:

2.3 (1) the person is convicted of first-degree murder under section 609.185, paragraph (a),
2.4 clause (1), (2), (4), ~~or (7)~~, or (8);

2.5 (2) the person is convicted of committing first-degree murder in the course of a
2.6 kidnapping under section 609.185, paragraph (a), clause (3); ~~or~~

2.7 (3) the person is convicted of first-degree murder under section 609.185, paragraph (a),
2.8 clause (3), (5), or (6), and the court determines on the record at the time of sentencing that
2.9 the person has one or more previous convictions for a heinous crime;~~;~~

2.10 (4) the person is convicted of second-degree murder of a minor under section 609.19,
2.11 subdivision 1, clause (1), and the person is at least 25 years old and five years older than
2.12 the age of the minor; or

2.13 (5) the person is convicted of first-degree assault of a minor under section 609.221,
2.14 subdivision 1, and the person is at least 25 years old and five years older than the age of the
2.15 minor.

2.16 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
2.17 committed on or after that date.

2.18 Sec. 2. Minnesota Statutes 2022, section 609.185, is amended to read:

2.19 **609.185 MURDER IN THE FIRST DEGREE.**

2.20 (a) Whoever does any of the following is guilty of murder in the first degree and shall
2.21 be sentenced to imprisonment for life:

2.22 (1) causes the death of a human being with premeditation and with intent to effect the
2.23 death of the person or of another;

2.24 (2) causes the death of a human being while committing or attempting to commit criminal
2.25 sexual conduct in the first or second degree with force or violence, either upon or affecting
2.26 the person or another;

2.27 (3) causes the death of a human being with intent to effect the death of the person or
2.28 another, while committing or attempting to commit burglary, aggravated robbery, kidnapping,
2.29 arson in the first or second degree, a drive-by shooting, tampering with a witness in the first
2.30 degree, escape from custody, or any felony violation of chapter 152 involving the unlawful
2.31 sale of a controlled substance;

3.1 (4) causes the death of a peace officer, prosecuting attorney, judge, or a guard employed
3.2 at a Minnesota state or local correctional facility, with intent to effect the death of that person
3.3 or another, while the person is engaged in the performance of official duties;

3.4 (5) causes the death of a minor while committing child abuse, when the perpetrator has
3.5 engaged in a past pattern of child abuse upon a child and the death occurs under
3.6 circumstances manifesting an extreme indifference to human life;

3.7 (6) causes the death of a human being while committing domestic abuse, when the
3.8 perpetrator has engaged in a past pattern of domestic abuse upon the victim or upon another
3.9 family or household member and the death occurs under circumstances manifesting an
3.10 extreme indifference to human life; ~~or~~

3.11 (7) causes the death of a human being while committing, conspiring to commit, or
3.12 attempting to commit a felony crime to further terrorism and the death occurs under
3.13 circumstances manifesting an extreme indifference to human life; or

3.14 (8) causes the death of a minor when the perpetrator is at least 25 years old and five
3.15 years older than the age of the minor.

3.16 (b) For the purposes of paragraph (a), clause (4), "prosecuting attorney" has the meaning
3.17 given in section 609.221, subdivision 2, paragraph (c), clause (4).

3.18 (c) For the purposes of paragraph (a), clause (4), "judge" has the meaning given in section
3.19 609.221, subdivision 2, paragraph (c), clause (5).

3.20 (d) For purposes of paragraph (a), clause (5), "child abuse" means an act committed
3.21 against a minor victim that constitutes a violation of the following laws of this state or any
3.22 similar laws of the United States or any other state: section 609.221; 609.222; 609.223;
3.23 609.224; 609.2242; 609.342; 609.343; 609.344; 609.345; 609.377; 609.378; or 609.713.

3.24 (e) For purposes of paragraph (a), clause (6), "domestic abuse" means an act that:

3.25 (1) constitutes a violation of section 609.221, 609.222, 609.223, 609.224, 609.2242,
3.26 609.342, 609.343, 609.344, 609.345, 609.713, or any similar laws of the United States or
3.27 any other state; and

3.28 (2) is committed against the victim who is a family or household member as defined in
3.29 section 518B.01, subdivision 2, paragraph (b).

3.30 (f) For purposes of paragraph (a), clause (7), "further terrorism" has the meaning given
3.31 in section 609.714, subdivision 1.

- 4.1 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
- 4.2 committed on or after that date.