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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 3406

02/14/2022 Authored by Novotny, Haley and Robbins

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; requiring electronic monitoring as a condition of pretrial
1.3 release for certain offenders; amending Minnesota Statutes 2020, section 629.53.

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

1.5 Section 1. Minnesota Statutes 2020, section 629.53, is amended to read:

1.6 629.53 PROVIDING RELEASE ON BAIL; COMMITMENT.

1.7 (a) Except as provided in paragraph (b), a person charged with a criminal offense may
1.8 be released with or without bail in accordance with rule 6.02 of the Rules of Criminal
1.9 Procedure. Money bail is the property of the accused, whether deposited by that person or
1.10 by a third person on the accused's behalf. When money bail is accepted by a judge, that
1.11 judge shall order it to be deposited with the court administrator. The court administrator
1.12 shall retain it until the final disposition of the case and the final order of the court disposing
1.13 of the case. Upon release, the amount released must be paid to the accused personally or
1.14 upon that person's written order. In case of conviction, the judge may order the money bail
1.15 deposit to be applied to any fine or restitution imposed on the defendant by the court and,
1.16 if the fine or restitution is less than the deposit, order the balance to be paid to the defendant.
1.17 Money bail deposited with the court or any officer of it is exempt from garnishment or levy
1.18 under attachment or execution.

1.19 (b) A person may not be released without bail unless the court orders electronic
1.20 monitoring as a condition of release if the person is charged with a violation of:

1.21 (1) section 169A.20 (driving while impaired);

1.22 (2) section 243.166 (violation of predatory offender registration law);

- 2.1 (3) section 518B.01 (order for protection violation);
- 2.2 (4) section 609.165 (possession of firearm or ammunition by ineligible person);
- 2.3 (5) section 609.185 (murder in the first degree);
- 2.4 (6) section 609.19 (murder in the second degree);
- 2.5 (7) section 609.195 (murder in the third degree);
- 2.6 (8) section 609.20 (manslaughter in the first degree);
- 2.7 (9) section 609.205 (manslaughter in the second degree);
- 2.8 (10) section 609.221 (assault in the first degree);
- 2.9 (11) section 609.222 (assault in the second degree);
- 2.10 (12) section 609.223 (assault in the third degree);
- 2.11 (13) section 609.2231 (assault in the fourth degree);
- 2.12 (14) section 609.224 (assault in the fifth degree);
- 2.13 (15) section 609.2242 (domestic assault);
- 2.14 (16) section 609.2243 (domestic assault);
- 2.15 (17) section 609.2247 (domestic assault by strangulation);
- 2.16 (18) section 609.228 (great bodily harm caused by distribution of drugs);
- 2.17 (19) section 609.229 (crime committed for benefit of gang);
- 2.18 (20) section 609.235 (use of drugs to injure or facilitate crime);
- 2.19 (21) section 609.245 (aggravated robbery);
- 2.20 (22) section 609.25 (kidnapping);
- 2.21 (23) section 609.255 (false imprisonment);
- 2.22 (24) section 609.2661 (murder of an unborn child in the first degree);
- 2.23 (25) section 609.2662 (murder of an unborn child in the second degree);
- 2.24 (26) section 609.2663 (murder of an unborn child in the third degree);
- 2.25 (27) section 609.322 (solicitation, inducement, and promotion of prostitution);
- 2.26 (28) section 609.324, subdivision 1 (other prohibited acts);
- 2.27 (29) section 609.342 (criminal sexual conduct in the first degree);

- 3.1 (30) section 609.343 (criminal sexual conduct in the second degree);
- 3.2 (31) section 609.344 (criminal sexual conduct in the third degree);
- 3.3 (32) section 609.345 (criminal sexual conduct in the fourth degree);
- 3.4 (33) section 609.3451 (criminal sexual conduct in the fifth degree);
- 3.5 (34) section 609.3453 (criminal sexual predatory conduct);
- 3.6 (35) section 609.3458 (sexual extortion);
- 3.7 (36) section 609.352 (solicitation of children to engage in sexual conduct);
- 3.8 (37) section 609.365 (incest);
- 3.9 (38) section 609.377 (malicious punishment of a child);
- 3.10 (39) section 609.378 (neglect or endangerment of a child);
- 3.11 (40) section 609.498 (tampering with a witness);
- 3.12 (41) section 609.561 (arson in the first degree);
- 3.13 (42) section 609.582 (burglary);
- 3.14 (43) section 609.66 (drive-by shooting);
- 3.15 (44) section 609.746 (interference with privacy);
- 3.16 (45) section 609.748 (harassment or restraining order violation);
- 3.17 (46) section 609.749 (harassment or stalking);
- 3.18 (47) section 609.855, subdivision 5 (shooting at or in a public transit vehicle or facility);
- 3.19 (48) section 617.23 (indecent exposure);
- 3.20 (49) section 617.246 (use of minors in sexual performance prohibited);
- 3.21 (50) section 617.247 (possession of pictorial representations of minors);
- 3.22 (51) section 624.713 (certain persons not to possess firearms); or
- 3.23 (52) section 629.75 (domestic abuse no contact order).
- 3.24 (c) For purposes of this section, if a person is charged with a violation of section 169A.20,
- 3.25 electronic home monitoring includes a program of electronic alcohol monitoring as described
- 3.26 in section 169A.44, subdivision 1, paragraph (b), clause (2).
- 3.27 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to pretrial
- 3.28 release granted on or after that date.