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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 417

01/28/2021

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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.