

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 1551

03/13/2013 Authored by Holberg

The bill was read for the first time and referred to the Committee on Government Operations

1.1 A bill for an act
1.2 relating to public safety; limiting the authority of local units of government to
1.3 enact new criminal ordinances; providing for a delayed reduction in the criminal
1.4 penalties applicable to existing local ordinance violations; amending Minnesota
1.5 Statutes 2012, sections 366.01, subdivision 10; 375.53; 412.231; proposing
1.6 coding for new law in Minnesota Statutes, chapters 410; 609; repealing
1.7 Minnesota Statutes 2012, section 609.034.

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

1.9 Section 1. Minnesota Statutes 2012, section 366.01, subdivision 10, is amended to read:

1.10 Subd. 10. **Penal Petty misdemeanor offenses.** (a) They may declare that a violation
1.11 of an ordinance is ~~a penal offense~~ a petty misdemeanor and prescribe penalties for
1.12 violations, except as otherwise provided by law. No penalty shall exceed that provided by
1.13 law for ~~a misdemeanor~~ a petty misdemeanor, but the costs of prosecution may be added.

1.14 (b) Notwithstanding paragraph (a), the penalty for an ordinance violation may be
1.15 set at a misdemeanor if the elements of the offense and the penalty are substantively
1.16 identical to a state criminal law.

1.17 **EFFECTIVE DATE.** This section is effective the day following final enactment
1.18 and applies to ordinances enacted on or after that date.

1.19 Sec. 2. Minnesota Statutes 2012, section 375.53, is amended to read:

1.20 **375.53 VIOLATIONS OF ORDINANCES, PENALTIES.**

1.21 (a) The county board may declare that the violation of any ordinance ~~shall be a penal~~
1.22 ~~offense~~ is a petty misdemeanor and prescribe penalties for a violation. The penalties
1.23 shall not exceed those permitted for ~~conviction of a misdemeanor~~ petty misdemeanors
1.24 as defined by law.

(b) Notwithstanding paragraph (a), the penalty for an ordinance violation may be set at a misdemeanor if the elements of the offense and the penalty are substantively identical to a state criminal law.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to ordinances enacted on or after that date.

Sec. 3. **[410.28] PETTY MISDEMEANOR PENALTIES.**

(a) The charter may authorize petty misdemeanor penalties for violations of the city's ordinances. A home rule charter city may not establish a penalty for an ordinance violation that exceeds the maximum penalty for a petty misdemeanor.

(b) Notwithstanding paragraph (a), the penalty for an ordinance violation may be set at a misdemeanor if the elements of the offense and the penalty are substantively identical to a state criminal law.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to ordinances enacted on or after that date.

Sec. 4. Minnesota Statutes 2012, section 412.231, is amended to read:

412.231 PENALTIES.

(a) The council shall have the power to may declare that the violation of any ordinance shall be a penal offense is a petty misdemeanor and to prescribe penalties therefor for a violation. No such penalty shall exceed a fine of \$1,000 or imprisonment in a city or county jail for a period of 90 days, or both that provided by law for a petty misdemeanor, but in either case the costs of prosecution may be added.

(b) Notwithstanding paragraph (a), the penalty for an ordinance violation may be set at a misdemeanor if the elements of the offense and the penalty are substantively identical to a state criminal law.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to ordinances enacted on or after that date.

Sec. 5. **[609.0333] LOCAL ORDINANCES; ADJUSTED MAXIMUM PENALTIES.**

Subdivision 1. **Certain misdemeanors under ordinances converted to petty misdemeanors.** (a) Any ordinance of a local unit of government that provides for misdemeanor punishment, or for payment of a fine of not more than \$1,000, or for a

3.1 sentence of incarceration for 90 days or less with or without a fine, is deemed on or after
3.2 August 1, 2018, to provide that the violator is guilty of a petty misdemeanor.

3.3 (b) Paragraph (a) does not apply to ordinances that are substantively identical to and
3.4 have the same penalty as a state criminal law.

3.5 Subd. 2. **Local units of government; limited authority to enact new criminal**
3.6 **penalties.** (a) Any law of this state or ordinance or charter of a local unit of government
3.7 that authorizes a local unit of government to prescribe a sentence of incarceration for an
3.8 ordinance violation is deemed to provide that the local unit of government has the power
3.9 to prescribe a petty misdemeanor penalty.

3.10 (b) Paragraph (a) does not apply to ordinances that are substantively identical to and
3.11 have the same penalty as a state criminal law.

3.12 Subd. 3. **Exceptions.** The legislature may, by a law enacted after August 1, 2013,
3.13 specifically provide exceptions to this section.

3.14 **EFFECTIVE DATE.** This section is effective the day following final enactment.
3.15 Subdivision 2 applies to ordinances enacted on or after that date.

3.16 Sec. 6. **ORDINANCES IN EFFECT ON EFFECTIVE DATE; CLARIFICATION.**
3.17 An ordinance of a local unit of government that is in effect on the effective date of
3.18 this act is not affected by sections 1 to 4, but is subject to section 5, subdivision 1.

3.19 Sec. 7. **REPEALER.**

3.20 Minnesota Statutes 2012, section 609.034, is repealed.

3.21 **EFFECTIVE DATE.** This section is effective August 1, 2018.

APPENDIX
Repealed Minnesota Statutes: 13-2311

609.034 MAXIMUM PENALTY; ORDINANCE VIOLATIONS.

Any law of this state or municipal charter which limits the power of any statutory or home rule charter city, town, county, or other political subdivision to prescribe a maximum fine of \$700 or less for an ordinance shall on or after August 1, 2000, be deemed to provide that the statutory or home rule charter city, town, county, or other political subdivision has the power to prescribe a maximum fine of \$1,000.