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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 3349

02/14/2022

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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 corrections; extending the presumptive period of incarceration for

1.3 offenders committed to the custody of the commissioner of corrections; amending

1.4 Minnesota Statutes 2020, sections 244.01, subdivision 8; 244.101, subdivision 1;

1.5 244.14, subdivision 3; 244.171, subdivision 4.

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

1.7 Section 1. Minnesota Statutes 2020, section 244.01, subdivision 8, is amended to read:

1.8 Subd. 8. **Term of imprisonment.** "Term of imprisonment," as applied to inmates whose

1.9 crimes were committed before August 1, 1993, is the period of time for which an inmate is

1.10 committed to the custody of the commissioner of corrections minus earned good time. "Term

1.11 of imprisonment," as applied to inmates whose crimes were committed on or after August

1.12 1, 1993, is the period of time equal to ~~two-thirds~~ three-fourths of the inmate's executed

1.13 sentence.

1.14 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to persons

1.15 sentenced on or after that date.

1.16 Sec. 2. Minnesota Statutes 2020, section 244.101, subdivision 1, is amended to read:

1.17 Subdivision 1. **Executed sentences.** When a felony offender is sentenced to a fixed

1.18 executed sentence for an offense committed on or after August 1, 1993, the executed sentence

1.19 consists of two parts: (1) a specified minimum term of imprisonment that is equal to

1.20 ~~two-thirds~~ three-fourths of the executed sentence; and (2) a specified maximum supervised

1.21 release term that is equal to ~~one-third~~ one-quarter of the executed sentence. The amount of

1.22 time the inmate actually serves in prison and on supervised release is subject to the provisions

1.23 of section 244.05, subdivision 1b.

2.1 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to persons
 2.2 sentenced on or after that date.

2.3 Sec. 3. Minnesota Statutes 2020, section 244.14, subdivision 3, is amended to read:

2.4 Subd. 3. **Sanctions.** The commissioner shall impose severe and meaningful sanctions
 2.5 for violating the conditions of an intensive community supervision program. The
 2.6 commissioner shall provide for revocation of intensive community supervision of an offender
 2.7 who:

2.8 (1) commits a material violation of or repeatedly fails to follow the rules of the program;

2.9 (2) commits any misdemeanor, gross misdemeanor, or felony offense; or

2.10 (3) presents a risk to the public, based on the offender's behavior, attitude, or abuse of
 2.11 alcohol or controlled substances. The revocation of intensive community supervision is
 2.12 governed by the procedures in the commissioner's rules adopted under section 244.05,
 2.13 subdivision 2.

2.14 An offender whose intensive community supervision is revoked shall be imprisoned for
 2.15 a time period equal to the offender's term of imprisonment, but in no case for longer than
 2.16 the time remaining in the offender's sentence. "Term of imprisonment" means a time period
 2.17 equal to ~~two-thirds~~ three-fourths of the sentence originally executed by the sentencing court,
 2.18 minus jail credit, if any.

2.19 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to persons
 2.20 sentenced on or after that date.

2.21 Sec. 4. Minnesota Statutes 2020, section 244.171, subdivision 4, is amended to read:

2.22 Subd. 4. **Sanctions.** The commissioner shall impose severe and meaningful sanctions
 2.23 for violating the conditions of the challenge incarceration program. The commissioner shall
 2.24 remove an offender from the challenge incarceration program if the offender:

2.25 (1) commits a material violation of or repeatedly fails to follow the rules of the program;

2.26 (2) commits any misdemeanor, gross misdemeanor, or felony offense; or

2.27 (3) presents a risk to the public, based on the offender's behavior, attitude, or abuse of
 2.28 alcohol or controlled substances. The removal of an offender from the challenge incarceration
 2.29 program is governed by the procedures in the commissioner's rules adopted under section
 2.30 244.05, subdivision 2.

3.1 An offender who is removed from the challenge incarceration program shall be
3.2 imprisoned for a time period equal to the offender's term of imprisonment, minus earned
3.3 good time if any, but in no case for longer than the time remaining in the offender's sentence.
3.4 "Term of imprisonment" means a time period equal to ~~two-thirds~~ three-fourths of the sentence
3.5 originally executed by the sentencing court, minus jail credit, if any.

3.6 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to persons
3.7 sentenced on or after that date.