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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 3833

02/15/2024 Authored by Daniels, Jacob, Schultz, Zeleznikar, Scott and others
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 corrections; expanding exclusions to earned incentive release credit;
1.3 amending Minnesota Statutes 2023 Supplement, section 244.45.

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

1.5 Section 1. Minnesota Statutes 2023 Supplement, section 244.45, is amended to read:

1.6 244.45 INELIGIBILITY FOR EARNED INCENTIVE RELEASE CREDIT.

1.7 ~~The following individuals are ineligible for earned incentive release credit:~~

1.8 ~~(1) those serving life sentences;~~

1.9 ~~(2) those given indeterminate sentences for crimes committed on or before April 30,~~

1.10 ~~1980; or~~

1.11 ~~(3) those subject to good time under section 244.04 or similar laws.~~

1.12 (a) A person committed to the commissioner for any of the following offenses shall be
1.13 ineligible for earned incentive release credit under sections 244.42 to 244.44:

1.14 (1) section 609.185, murder in the first degree, or 609.19, murder in the second degree;

1.15 (2) section 609.195, murder in the third degree, or 609.221, assault in the first degree;

1.16 (3) section 609.342, criminal sexual conduct in the first degree, 609.343, criminal sexual
1.17 conduct in the second degree, or 609.344, criminal sexual conduct in the third degree, if the
1.18 offense was committed with force or violence;

1.19 (4) section 609.3455, subdivision 5, dangerous sex offenders, where the court shall
1.20 specify a minimum term of imprisonment, based on the Sentencing Guidelines or any

2.1 applicable mandatory minimum sentence, that must be served before the offender may be  
2.2 considered for supervised release;

2.3 (5) section 609.229, subdivision 4, paragraph (b), crimes committed for the benefit of  
2.4 a gang where any person convicted and sentenced as required by section 609.229, subdivision  
2.5 4, paragraph (a), is not eligible for probation, parole, discharge, work release, or supervised  
2.6 release until that person has served the full term of imprisonment as provided by law;

2.7 (6) section 152.026 where a person with a mandatory minimum sentence imposed for  
2.8 a first or second degree controlled substance crime is not eligible for probation, parole,  
2.9 discharge, or supervised release until that person has served the full term of imprisonment  
2.10 as provided by law;

2.11 (7) a person who was convicted in any other jurisdiction of a crime and the person's  
2.12 supervision was transferred to this state;

2.13 (8) section 243.166, subdivision 5, paragraph (e), predatory offender registration;

2.14 (9) section 609.11, subdivision 6, use of firearm or dangerous weapon during the  
2.15 commission of certain offenses;

2.16 (10) section 609.221, subdivision 5, paragraph (b), use of deadly force against a peace  
2.17 officer, prosecutor, judge, or correctional employee;

2.18 (11) section 609.2231, subdivision 3a, paragraph (d), assault against secure treatment  
2.19 personnel; and

2.20 (12) a person subject to a conditional release term under section 609.3455, subdivisions  
2.21 6 and 7, whether on the present offense or previous offense for which a term of conditional  
2.22 release remains.

2.23 (b) Persons serving life sentences; persons given indeterminate sentences for crimes  
2.24 committed on or before April 30, 1980; or persons subject to good time under section 244.04  
2.25 or similar laws, are ineligible for earned incentive release credit.