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# State of Minnesota

## HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

# H. F. No. 3962

03/02/2020 Authored by Moller, O'Neill and Stephenson

The bill was read for the first time and referred to the Public Safety and Criminal Justice Reform Finance and Policy Division

- 1.1 A bill for an act
- 1.2 relating to crime; clarifying sentencing with prior sex offense convictions; amending
- 1.3 Minnesota Statutes 2018, section 609.3455, subdivisions 4, 7.
- 1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.5 Section 1. Minnesota Statutes 2018, section 609.3455, subdivision 4, is amended to read:
- 1.6 Subd. 4. **Mandatory life sentence; repeat offenders.** (a) Notwithstanding the statutory
- 1.7 maximum penalty otherwise applicable to the offense, the court shall sentence a person to
- 1.8 imprisonment for life if the person is convicted of violating section 609.342, 609.343,
- 1.9 609.344, 609.345, or 609.3453 and:
- 1.10 (1) the person has two previous sex offense convictions;
- 1.11 (2) the person has a previous sex offense conviction and:
- 1.12 (i) the fact finder determines that the present offense involved an aggravating factor that
- 1.13 would provide grounds for an upward durational departure under the sentencing guidelines
- 1.14 other than the aggravating factor applicable to repeat criminal sexual conduct convictions;
- 1.15 (ii) the person received an upward durational departure from the sentencing guidelines
- 1.16 for the previous sex offense conviction; or
- 1.17 (iii) the person was sentenced under this section or Minnesota Statutes 2004, section
- 1.18 609.108, for the previous sex offense conviction; or
- 1.19 (3) the person has two prior sex offense convictions, and the fact finder determines that
- 1.20 the prior convictions and present offense involved at least three separate victims, and:

(i) the fact finder determines that the present offense involved an aggravating factor that would provide grounds for an upward durational departure under the sentencing guidelines other than the aggravating factor applicable to repeat criminal sexual conduct convictions;

(ii) the person received an upward durational departure from the sentencing guidelines for one of the prior sex offense convictions; or

(iii) the person was sentenced under this section or Minnesota Statutes 2004, section 609.108, for one of the prior sex offense convictions.

(b) When the court is sentencing a person for two or more separate behavioral incidents of a sex offense at the same hearing, the court shall sentence the person for each incident as a separate offense regardless of whether the pleas or verdicts are or have been simultaneously or sequentially accepted, recorded, or adjudicated. The court shall consider each incident occurring earlier in time as a prior sex offense conviction for the purposes of paragraph (a), clause (3).

~~(b)~~ (c) Notwithstanding paragraph (a), a court may not sentence a person to imprisonment for life for a violation of section 609.345, unless the person's previous or prior sex offense convictions that are being used as the basis for the sentence are for violations of section 609.342, 609.343, 609.344, or 609.3453, or any similar statute of the United States, this state, or any other state.

**EFFECTIVE DATE.** This section is effective August 1, 2020, and applies to crimes committed on or after that date.

Sec. 2. Minnesota Statutes 2018, section 609.3455, subdivision 7, is amended to read:

Subd. 7. **Mandatory lifetime conditional release term.** (a) When a court sentences an offender under subdivision 3 or 4, the court shall provide that, if the offender is released from prison, the commissioner of corrections shall place the offender on conditional release for the remainder of the offender's life.

(b) Notwithstanding the statutory maximum sentence otherwise applicable to the offense, when the court commits an offender to the custody of the commissioner of corrections for a violation of or attempt to violate section 609.342, 609.343, 609.344, 609.345, or 609.3453, and the offender has a previous or prior sex offense conviction, the court shall provide that, after the offender has been released from prison, the commissioner shall place the offender on conditional release for the remainder of the offender's life.

(c) Notwithstanding paragraph (b), an offender may not be placed on lifetime conditional release for a violation of or attempt to violate section 609.345, unless the offender's previous

3.1 or prior sex offense conviction is for a violation of section 609.342, 609.343, 609.344, or  
3.2 609.3453, or any similar statute of the United States, this state, or any other state.

3.3 **EFFECTIVE DATE.** This section is effective August 1, 2020, and applies to crimes  
3.4 committed on or after that date.