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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 5260

04/04/2024 Authored by Engen, Zeleznikar, Mekeland, Murphy, Niska 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 public safety; increasing the penalty for certain crimes committed after
1.3 unlawful reentry or for the benefit of a transnational crime organization; amending
1.4 Minnesota Statutes 2022, section 609.229, subdivisions 1, 2; proposing coding for
1.5 new law in Minnesota Statutes, chapter 609.

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

1.7 Section 1. [609.1097] INCREASED SENTENCES AFTER UNLAWFUL REENTRY.

1.8 (a) As used in this section, "removal" means any agreement in which a person stipulates
1.9 to removal during a criminal proceeding under federal or state law.

1.10 (b) A person who commits a felony after being deported or removed from the United
1.11 States under federal immigration proceedings for committing a felony, or after departing
1.12 the United States while such an order of deportation or removal is outstanding, is guilty of
1.13 a crime and may be sentenced as provided in paragraph (c).

1.14 (c) The statutory maximum for a crime committed in violation of paragraph (b) is five
1.15 years longer than the statutory maximum for the underlying crime. The statutory maximum
1.16 for a crime committed in violation of paragraph (b) is ten years longer than the statutory
1.17 maximum for the underlying crime if the victim of the crime is a child under the age of 18
1.18 years.

1.19 EFFECTIVE DATE. This section is effective August 1, 2024, and applies to crimes
1.20 committed on or after that date.

2.1 Sec. 2. Minnesota Statutes 2022, section 609.229, subdivision 1, is amended to read:

2.2 Subdivision 1. **Definition.** (a) As used in this section, "criminal gang" means any ongoing
2.3 organization, association, or group of three or more persons, whether formal or informal,
2.4 that:

2.5 (1) has, as one of its primary activities, the commission of one or more of the offenses
2.6 listed in section 609.11, subdivision 9;

2.7 (2) has a common name or common identifying sign or symbol; and

2.8 (3) includes members who individually or collectively engage in or have engaged in a
2.9 pattern of criminal activity.

2.10 (b) As used in this section, "transnational crime organization" means an organization
2.11 that routinely facilitates the international trafficking of drugs, humans, or weapons or the
2.12 international smuggling of humans.

2.13 **EFFECTIVE DATE.** This section is effective August 1, 2024.

2.14 Sec. 3. Minnesota Statutes 2022, section 609.229, subdivision 2, is amended to read:

2.15 Subd. 2. **Crimes.** A person who commits a crime for the benefit of, at the direction of,
2.16 in association with, or motivated by involvement with a criminal gang or transnational crime
2.17 organization, with the intent to promote, further, or assist in criminal conduct by gang
2.18 members or the transnational crime organization is guilty of a crime and may be sentenced
2.19 as provided in subdivision 3.

2.20 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to crimes
2.21 committed on or after that date.