

SENATE

STATE OF MINNESOTA

EIGHTY-NINTH SESSION

S.F. No. 1284

(SENATE AUTHORS: ORTMAN, Petersen, B., Hall, Tomassoni and Sheran)

DATE	D-PG	OFFICIAL STATUS
03/02/2015	503	Introduction and first reading Referred to Judiciary

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A bill for an act

relating to public safety; modifying stay of sentence maximum periods; requiring

public defender at all probation revocation hearings; amending Minnesota

Statutes 2014, sections 609.135, subdivision 2; 609.14, subdivision 2.

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

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Section 1. Minnesota Statutes 2014, section 609.135, subdivision 2, is amended to read:

Subd. 2. **Stay of sentence maximum periods.** (a) ~~If the conviction is for a felony~~

~~other than section 609.2113, subdivision 1 or 2, or 609.2114, subdivision 2, or Minnesota~~

~~Statutes 2012, section 609.21, subdivision 1a, paragraph (b) or (c);~~ The stay of a sentence

for the conviction of any offense shall be for not more than four years or the maximum

period for which the sentence of imprisonment might have been imposed, whichever

is ~~longer~~ less.

(b) ~~If the conviction is for a gross misdemeanor violation of section 169A.20,~~

~~609.2113, subdivision 3, or 609.3451, or for a felony described in section 609.2113,~~

~~subdivision 1 or 2, or 609.2114, subdivision 2, the stay shall be for not more than six years.~~

~~The court shall provide for unsupervised probation for the last year of the stay unless the~~

~~court finds that the defendant needs supervised probation for all or part of the last year.~~

(c) ~~If the conviction is for a gross misdemeanor not specified in paragraph (b), the~~

~~stay shall be for not more than two years.~~

(d) ~~If the conviction is for any misdemeanor under section 169A.20; 609.746,~~

~~subdivision 1; 609.79; or 617.23; or for a misdemeanor under section 609.2242 or~~

~~609.224, subdivision 1, in which the victim of the crime was a family or household~~

~~member as defined in section 518B.01, the stay shall be for not more than two years. The~~

Section 1.

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court shall provide for unsupervised probation for the second year of the stay unless the court finds that the defendant needs supervised probation for all or part of the second year.

(e) If the conviction is for a misdemeanor not specified in paragraph (d), the stay shall be for not more than one year.

(f) (b) The defendant shall be discharged six months after the term of the stay expires, unless the stay has been revoked or extended under paragraph (g) (c), or the defendant has already been discharged.

(g) (c) Notwithstanding the maximum periods specified for stays of sentences under paragraphs (a) to (f) and (b), a court may extend a defendant's term of probation for up to one year if it finds, at a hearing conducted under subdivision 1a, that:

(1) the defendant has not paid court-ordered restitution in accordance with the payment schedule or structure; and

(2) the defendant is likely to not pay the restitution the defendant owes before the term of probation expires.

This one-year extension of probation for failure to pay restitution may be extended by the court for up to one additional year if the court finds, at another hearing conducted under subdivision 1a, that the defendant still has not paid the court-ordered restitution that the defendant owes.

Nothing in this subdivision limits the court's ability to refer the case to collections under section 609.104.

(h) (d) Notwithstanding the maximum periods specified for stays of sentences under paragraphs (a) to (f) and (b), a court may extend a defendant's term of probation for up to three years if it finds, at a hearing conducted under subdivision 1c, that:

(1) the defendant has failed to complete court-ordered treatment successfully; and

(2) the defendant is likely not to complete court-ordered treatment before the term of probation expires.

EFFECTIVE DATE. This section is effective August 1, 2015, and applies to sentencing for conviction of an offense on or after that date.

Sec. 2. Minnesota Statutes 2014, section 609.14, subdivision 2, is amended to read:

Subd. 2. **Notification of grounds for revocation.** The defendant shall thereupon be notified in writing and in such manner as the court directs of the grounds alleged to exist for revocation of the stay of imposition or execution of sentence. If such grounds are brought in issue by the defendant, a summary hearing shall be held thereon at which the defendant

- 3.1 is entitled to be heard and to be represented by counsel. For a defendant unable to pay, the
- 3.2 court shall appoint counsel according to Minnesota Rules of Criminal Procedure, rule 5.04.