

SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION

S.F. No. 82

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DATE	D-PG	OFFICIAL STATUS
01/14/2021	93	Introduction and first reading Referred to Judiciary and Public Safety Finance and Policy
01/21/2021	137	Author stricken Tomassoni Author added Rosen
03/11/2021	830a	Comm report: To pass as amended and re-refer to Finance
04/19/2021	2925	Comm report: To pass
	2954	Second reading
	4795	Rule 47, returned to Finance See First Special Session 2021, HF63, Art. 2, Sec. 31

1.1 A bill for an act

1.2 relating to public safety; increasing penalties for certain assaults on peace officers,

1.3 judges, prosecuting attorneys, and correctional employees; providing for mandatory

1.4 minimum sentences; amending Minnesota Statutes 2020, section 609.221.

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

1.6 Section 1. Minnesota Statutes 2020, section 609.221, is amended to read:

1.7 **609.221 ASSAULT IN THE FIRST DEGREE.**

1.8 Subdivision 1. **Great bodily harm.** Whoever assaults another and inflicts great bodily

1.9 harm may be sentenced to imprisonment for not more than 20 years or to payment of a fine

1.10 of not more than \$30,000, or both.

1.11 Subd. 2. **Use of deadly force against peace officer, prosecuting attorney, judge, or**

1.12 **correctional employee.** ~~(a)~~ Whoever assaults a peace officer, prosecuting attorney, judge,

1.13 or correctional employee by using or attempting to use deadly force against the officer,

1.14 attorney, judge, or employee while the person is engaged in the performance of a duty

1.15 imposed by law, policy, or rule may be sentenced to imprisonment for not more than 20

1.16 years or to payment of a fine of not more than \$30,000, or both.

1.17 ~~(b) A person convicted of assaulting a peace officer, prosecuting attorney, judge, or~~

1.18 ~~correctional employee as described in paragraph (a) shall be committed to the commissioner~~

1.19 ~~of corrections for not less than ten years, nor more than 20 years. A defendant convicted~~

1.20 ~~and sentenced as required by this paragraph is not eligible for probation, parole, discharge,~~

1.21 ~~work release, or supervised release, until that person has served the full term of imprisonment~~

1.22 ~~as provided by law, notwithstanding the provisions of sections 241.26, 242.19, 243.05,~~

2.1 ~~244.04, 609.12, and 609.135. Notwithstanding section 609.135, the court may not stay the~~
 2.2 ~~imposition or execution of this sentence.~~

2.3 Subd. 3. **Great bodily harm; peace officer, prosecuting attorney, judge, or**
 2.4 **correctional employee.** Whoever assaults a peace officer, prosecuting attorney, judge, or
 2.5 correctional employee and inflicts great bodily harm on the officer, attorney, judge, or
 2.6 employee while the person is engaged in the performance of a duty imposed by law, policy,
 2.7 or rule may be sentenced to imprisonment for not more than 25 years or to payment of a
 2.8 fine of not more than \$35,000, or both.

2.9 Subd. 4. **Use of dangerous weapon or deadly force resulting in great bodily harm**
 2.10 **against peace officer, prosecuting attorney, judge, or correctional employee.** Whoever
 2.11 assaults and inflicts great bodily harm upon a peace officer, prosecuting attorney, judge, or
 2.12 correctional employee with a dangerous weapon or by using or attempting to use deadly
 2.13 force against the officer, attorney, judge, or employee while the person is engaged in the
 2.14 performance of a duty imposed by law, policy, or rule may be sentenced to imprisonment
 2.15 for not more than 30 years or to payment of a fine of not more than \$40,000, or both.

2.16 Subd. 5. **Mandatory sentences for assaults against a peace officer, prosecuting**
 2.17 **attorney, judge, or correctional employee.** (a) A person convicted of assaulting a peace
 2.18 officer, prosecuting attorney, judge, or correctional employee shall be committed to the
 2.19 custody of the commissioner of corrections for not less than:

2.20 (1) ten years, nor more than 20 years, for a violation of subdivision 2;

2.21 (2) 15 years, nor more than 25 years, for a violation of subdivision 3; or

2.22 (3) 25 years, nor more than 30 years, for a violation of subdivision 4.

2.23 (b) A defendant convicted and sentenced as required by this subdivision is not eligible
 2.24 for probation, parole, discharge, work release, or supervised release, until that person has
 2.25 served the full term of imprisonment as provided by law, notwithstanding the provisions of
 2.26 sections 241.26, 242.19, 243.05, 244.04, 609.12, and 609.135. Notwithstanding section
 2.27 609.135, the court may not stay the imposition or execution of this sentence.

2.28 Subd. 6. **Definitions.** (c) As used in this ~~subdivision~~ section:

2.29 (1) "correctional employee" means an employee of a public or private prison, jail, or
 2.30 workhouse;

2.31 (2) "deadly force" has the meaning given in section 609.066, subdivision 1;

2.32 (3) "peace officer" has the meaning given in section 626.84, subdivision 1;

3.1 (4) "prosecuting attorney" means an attorney, with criminal prosecution or civil
3.2 responsibilities, who is the attorney general, a political subdivision's elected or appointed
3.3 county or city attorney, or a deputy, assistant, or special assistant of any of these; and

3.4 (5) "judge" means a judge or justice of any court of this state that is established by the
3.5 Minnesota Constitution.

3.6 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes
3.7 committed on or after that date.