

SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION

S.F. No. 89

(SENATE AUTHORS: LIMMER, Johnson and Ingebrigtsen)		
DATE	D-PG	OFFICIAL STATUS
01/14/2021	94	Introduction and first reading
		Referred to Judiciary and Public Safety Finance and Policy
01/25/2021	146a	Comm report: To pass as amended
	150	Second reading

1.1

A bill for an act

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relating to public safety; clarifying the penalties for violations related to Minnesota

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Statutes, chapter 12; amending Minnesota Statutes 2020, section 12.45.

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

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Section 1. LEGISLATIVE FINDINGS AND PURPOSE.

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(a) Under Minnesota Statutes, section 609.095, the legislature has the exclusive authority

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to define crimes and the range of sentences and punishments for their violation. A willful

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violation of Minnesota Statutes, chapter 12, and associated rules and orders, is a misdemeanor

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under Minnesota Statutes, section 12.45, unless a different penalty or punishment is

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specifically prescribed. Accordingly, a violation is a misdemeanor unless another statute

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provides a different penalty.

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(b) Numerous emergency executive orders signed and filed by Governor Walz under

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Minnesota Statutes, section 12.45, during 2020 provide for misdemeanor and gross

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misdemeanor penalties. The gross misdemeanor penalties are predicated on the theory that

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Minnesota Statutes, section 12.45, authorizes the governor to prescribe a different penalty

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from the misdemeanor in that law.

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(c) The governor's interpretation of Minnesota Statutes, section 12.45, is incorrect and

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inconsistent with legislative intent and with a more measured reading of the law. In addition,

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it is an infringement on the legislature's authority to define and prescribe the punishment

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for a crime. Finally, the governor's interpretation is alarming because there would be no

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limitation to the severity of the punishment that a governor could impose without any

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legislative involvement.

(d) Therefore, this act amends Minnesota Statutes, section 12.45, to make it clear that the applicable penalty is a misdemeanor unless a different penalty is specifically prescribed in another statute and that the governor does not have the authority to unilaterally establish a criminal penalty.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 2. Minnesota Statutes 2020, section 12.45, is amended to read:

12.45 VIOLATIONS, PENALTIES.

Unless a different penalty or punishment is specifically prescribed in statute, a person who willfully violates a provision of this chapter or a rule or order having the force and effect of law issued under authority of this chapter is guilty of a misdemeanor and upon conviction must be punished by a fine not to exceed \$1,000, or by imprisonment for not more than 90 days.

EFFECTIVE DATE. This section is effective the day following final enactment.