

CHAPTER 610 — S.F.No. 2138

An act relating to sentencing; permitting courts to utilize a variety of noninstitutional sanctions as a condition of a stayed sentence and order restitution when sentence is executed; providing a preference for noninstitutional sanctions in certain cases; amending Minnesota Statutes 1982, sections 609.10; 609.125; 609.135, by adding a subdivision; 609.14, subdivisions 1 and 3; and Minnesota Statutes 1983 Supplement, section 609.135, subdivision 1.

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

Section 1. Minnesota Statutes 1982, section 609.10, is amended to read:

609.10 SENTENCES AVAILABLE.

Upon conviction of a felony and compliance with the other provisions of this chapter the court, if it imposes sentence, may sentence the defendant to the extent authorized by law as follows:

(1) To life imprisonment; or

(2) To imprisonment for a fixed term of years set by the court; or

(3) To both imprisonment for a fixed term of years and payment of a fine;

or

(4) To payment of a fine without imprisonment or to imprisonment for a fixed term of years if the fine is not paid; or

(5) To payment of court-ordered restitution in addition to either imprisonment or payment of a fine, or both.

Sec. 2. Minnesota Statutes 1982, section 609.125, is amended to read:

609.125 SENTENCE FOR MISDEMEANOR OR GROSS MISDEMEANOR.

Upon conviction of a misdemeanor or gross misdemeanor the court, if sentence is imposed, may, to the extent authorized by law, sentence the defendant:

(1) To imprisonment for a definite term; or

(2) To payment of a fine, or to imprisonment for a specified term if the fine is not paid; or

(3) To both imprisonment for a definite term and payment of a fine; or

(4) To payment of court-ordered restitution in addition to either imprisonment or payment of a fine, or both.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Sec. 3. Minnesota Statutes 1983 Supplement, section 609.135, subdivision 1, is amended to read:

Subdivision 1. **TERMS AND CONDITIONS.** Except when a sentence of life imprisonment is required by law, or when a mandatory minimum term of imprisonment is required by section 609.11, any court may stay imposition or execution of sentence and (a) may order noninstitutional sanctions without placing the defendant on probation, or (b) may place the defendant on probation with or without supervision and on the terms the court prescribes, including restitution noninstitutional sanctions when practicable. The court may order the supervision to be under the probation officer of the court, or, if there is none and the conviction is for a felony or gross misdemeanor, by the commissioner of corrections, or in any case by some other suitable and consenting person. For purposes of this subdivision, subdivision 6, and section 609.14, the term "noninstitutional sanctions" includes but is not limited to restitution, community work service, and work in lieu of or to work off fines.

A court may not stay the revocation of the driver's license of a person convicted of violating the provisions of section 169.121.

Sec. 4. Minnesota Statutes 1982, section 609.135, is amended by adding a subdivision to read:

Subd. 6. PREFERENCE FOR NONINSTITUTIONAL SANCTIONS. A court staying imposition or execution of a sentence that does not include a term of incarceration as a condition of the stay shall order noninstitutional sanctions where practicable.

Sec. 5. Minnesota Statutes 1982, section 609.14, subdivision 1, is amended to read:

Subdivision 1. **GROUND.** When it appears that the defendant has violated any of the conditions of his probation or noninstitutional sanction, or has otherwise been guilty of misconduct which warrants the imposing or execution of sentence, the court may without notice revoke the stay thereof and probation and direct that the defendant be taken into immediate custody.

Sec. 6. Minnesota Statutes 1982, section 609.14, subdivision 3, is amended to read:

Subd. 3. **SENTENCE.** If any of such grounds are found to exist the court may:

(1) If imposition of sentence was previously stayed, again stay sentence or impose sentence and stay the execution thereof, and in either event place the defendant on probation or order noninstitutional sanctions pursuant to section 609.135, or impose sentence and order execution thereof; or

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(2) If sentence was previously imposed and execution thereof stayed, continue such stay and place the defendant on probation or order noninstitutional sanctions in accordance with the provisions of section 609.135, or order execution of the sentence previously imposed.

Sec. 7. **EFFECTIVE DATE.**

Sections 3 and 4 apply to sentences imposed or stayed on or after August 1, 1984.

Approved May 2, 1984

CHAPTER 611 — S.F.No. 1559

An act relating to public utilities; permitting the public utilities commission to order reimbursement payments to intervenors in telephone rate proceedings; amending Minnesota Statutes 1982, section 237.075, by adding a subdivision.

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

Section 1. Minnesota Statutes 1982, section 237.075, is amended by adding a subdivision to read:

Subd. 10. INTERVENOR REIMBURSEMENT. The commission may order a telephone company to pay all or a portion of a party's intervention costs not to exceed \$20,000 per intervention in any general rate case when the commission finds that the intervenor has materially assisted the commission's deliberation and the intervenor has insufficient financial resources to afford the costs of intervention. No entity which provides telephone services of any kind is eligible for reimbursement of intervention costs under this subdivision.

Sec. 2. **EFFECTIVE DATE.**

This act is effective the day after final enactment and shall apply to expenses incurred after the effective date.

Approved May 2, 1984

CHAPTER 612 — S.F.No. 1330

An act relating to landlords and tenants; providing for recovery by the tenant from the landlord of damages and attorney's fees for unlawful ouster or exclusion from residential premises; proposing new law coded in Minnesota Statutes, chapter 504.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.