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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 2370

03/11/2019 Authored by Dehn, Lesch, Gomez and Lee
The bill was read for the first time and referred to the Committee on Ways and Means

1.1 A bill for an act
1.2 relating to public safety; establishing enhanced fines for individuals whose income
1.3 exceeds a certain threshold; amending Minnesota Statutes 2018, sections 169A.03,
1.4 subdivisions 8, 12; 609.02, subdivisions 3, 4; 609.03; 609.17, subdivision 4;
1.5 609.175, subdivision 2; 629.471; proposing coding for new law in Minnesota
1.6 Statutes, chapter 609; repealing Minnesota Statutes 2018, sections 609.033;
1.7 609.0341, subdivisions 1, 2.

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

1.9 Section 1. Minnesota Statutes 2018, section 169A.03, subdivision 8, is amended to read:

1.10 Subd. 8. Gross misdemeanor. "Gross misdemeanor" means a crime for which a person
1.11 may be sentenced to imprisonment for not more than one year, or to payment of a fine of
1.12 not more than \$3,000, or both.

1.13 Sec. 2. Minnesota Statutes 2018, section 169A.03, subdivision 12, is amended to read:

1.14 Subd. 12. Misdemeanor. "Misdemeanor" means a crime for which a person may be
1.15 sentenced to imprisonment for not more than 90 days, or to payment of a fine of not more
1.16 than \$1,000, or both.

1.17 Sec. 3. Minnesota Statutes 2018, section 609.02, subdivision 3, is amended to read:

1.18 Subd. 3. Misdemeanor. "Misdemeanor" means a crime for which a sentence of not
1.19 more than 90 days or a fine of not more than \$1,000, or both, may be imposed.

2.1 Sec. 4. Minnesota Statutes 2018, section 609.02, subdivision 4, is amended to read:

2.2 Subd. 4. **Gross misdemeanor.** "Gross misdemeanor" means any crime which is not a
 2.3 felony or misdemeanor. ~~The maximum fine which may be imposed for a gross misdemeanor~~
 2.4 ~~is \$3,000.~~

2.5 Sec. 5. Minnesota Statutes 2018, section 609.03, is amended to read:

2.6 **609.03 PUNISHMENT WHEN NOT OTHERWISE FIXED.**

2.7 If a person is convicted of a crime for which no punishment is otherwise provided the
 2.8 person may be sentenced as follows:

2.9 (1) If the crime is a felony, to imprisonment for not more than five years ~~or to payment~~
 2.10 ~~of a fine of not more than \$10,000, or both; or~~

2.11 (2) If the crime is a gross misdemeanor, to imprisonment for not more than one year ~~or~~
 2.12 ~~to payment of a fine of not more than \$3,000, or both; or~~

2.13 (3) If the crime is a misdemeanor, to imprisonment for not more than 90 days ~~or to~~
 2.14 ~~payment of a fine of not more than \$1,000, or both; or~~

2.15 (4) If the crime is other than a misdemeanor and a fine is imposed ~~but the amount is not~~
 2.16 ~~specified~~, to payment of a fine ~~of not more than \$1,000~~, or to imprisonment for a specified
 2.17 term of not more than six months if the fine is not paid.

2.18 Sec. 6. **[609.1005] CALCULATION OF FINES.**

2.19 Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the
 2.20 meanings given.

2.21 (b) "Enhancement percentage" means the percentage equal to the offender's adjusted
 2.22 gross income divided by the product of four times the state's median household income.

2.23 (c) "Adjusted gross income" means adjusted gross income as defined in section 62 of
 2.24 the Internal Revenue Code.

2.25 (d) "State median household income" means the amount identified as the Minnesota
 2.26 median household income in the most recent United States Census Bureau American
 2.27 Community Survey one-year estimate.

2.28 Subd. 2. **Maximum fines.** (a) Except as provided in subdivision 3, a person convicted
 2.29 of a crime may be sentenced to pay a fine as follows:

3.1 (1) if the crime is a misdemeanor, a fine of not more than \$1,000 or the lesser amount
3.2 specified for the offense that was committed;

3.3 (2) if the crime is a gross misdemeanor, a fine of not more than \$3,000; or

3.4 (3) if the crime is a felony, a fine of not more than \$10,000 unless otherwise provided
3.5 for the offense that was committed.

3.6 (b) The provisions of section 609.101 establishing minimum fines that must be imposed
3.7 apply to fines imposed consistent with this subdivision.

3.8 Subd. 3. **Enhanced fines.** (a) Notwithstanding any law to the contrary, the maximum
3.9 fine for an offender whose adjusted gross income is more than four times the state median
3.10 household income is subject to an enhanced fine which shall be calculated pursuant to this
3.11 subdivision.

3.12 (b) A person subject to an enhanced fine may be sentenced to pay a fine as follows:

3.13 (1) if the crime is a misdemeanor, a fine of not more than an amount equal to the
3.14 enhancement percentage multiplied by \$1,000 or the lesser amount specified for the offense
3.15 that was committed;

3.16 (2) if the crime is a gross misdemeanor, a fine of not more than an amount equal to the
3.17 enhancement percentage multiplied by \$3,000; or

3.18 (3) if the crime is a felony, a fine of not more than the enhancement percentage multiplied
3.19 by either \$10,000 or the amount specified for the offense that was committed.

3.20 (c) The provisions of section 609.101 establishing minimum fines that must be imposed
3.21 apply to fines imposed consistent with this subdivision.

3.22 (d) For purposes of establishing an offender's adjusted gross income, a court shall accept
3.23 the most recently filed state or federal income tax return, and may accept any other relevant
3.24 evidence.

3.25 Sec. 7. Minnesota Statutes 2018, section 609.17, subdivision 4, is amended to read:

3.26 Subd. 4. **Penalties.** Whoever attempts to commit a crime may be sentenced as follows:

3.27 (1) if the maximum sentence provided for the crime is life imprisonment, to not more
3.28 than 20 years; or

3.29 (2) for any other attempt, to not more than one-half of the maximum imprisonment or
3.30 fine, as determined pursuant to section 609.1005, or both provided for the crime attempted,

4.1 but such maximum in any case shall not be less than imprisonment for 90 days or a fine of
4.2 \$100.

4.3 Sec. 8. Minnesota Statutes 2018, section 609.175, subdivision 2, is amended to read:

4.4 Subd. 2. **To commit crime.** Whoever conspires with another to commit a crime and in
4.5 furtherance of the conspiracy one or more of the parties does some overt act in furtherance
4.6 of such conspiracy may be sentenced as follows:

4.7 (1) if the crime intended is a misdemeanor, by a sentence to imprisonment for not more
4.8 than 90 days or to payment of a fine of not more than \$300, subject to an enhanced fine
4.9 calculated pursuant to section 609.1005, or both; or

4.10 (2) if the crime intended is murder in the first degree or treason, to imprisonment for
4.11 not more than 20 years; or

4.12 (3) if the crime intended is any other felony or a gross misdemeanor, to imprisonment
4.13 or to payment of a fine of not more than one-half the imprisonment or fine, as determined
4.14 pursuant to section 609.1005, provided for that felony or gross misdemeanor or both.

4.15 Sec. 9. Minnesota Statutes 2018, section 629.471, is amended to read:

4.16 **629.471 MAXIMUM BAIL ON MISDEMEANORS; GROSS MISDEMEANORS.**

4.17 Subdivision 1. **Double fine.** Except as provided in subdivision 2 or 3, the maximum
4.18 cash bail that may be required for a person charged with a misdemeanor or gross
4.19 misdemeanor offense is double the highest cash fine that may be imposed for that offense
4.20 under section 609.1005, subdivision 2.

4.21 Subd. 2. **Quadruple fine.** (a) For offenses under sections 169.09, 169A.20, 171.24,
4.22 subdivision 5, and 609.525, the maximum cash bail that may be required for a person charged
4.23 with a misdemeanor or gross misdemeanor violation is quadruple the highest cash fine that
4.24 may be imposed for the offense under section 609.1005, subdivision 2.

4.25 (b) Unless the court imposes the conditions of release specified in section 169A.44, the
4.26 court must impose maximum bail when releasing a person from detention who has been
4.27 charged with violating section 169A.20 if the person has three or more prior impaired driving
4.28 convictions within the previous ten years. As used in this subdivision, "prior impaired
4.29 driving conviction" has the meaning given in section 169A.03.

4.30 Subd. 3. **Six times fine.** For offenses under sections 609.224 and 609.377, the maximum
4.31 cash bail that may be required for a person charged with a misdemeanor or gross

5.1 misdemeanor violation is six times the highest cash fine that may be imposed for the offense
5.2 under section 609.1005, subdivision 2.

5.3 Subd. 3a. **Ten times fine.** For offenses under sections 518B.01, 609.2242, and 629.75,
5.4 the maximum cash bail that may be required for a person charged with a misdemeanor or
5.5 gross misdemeanor violation is ten times the highest cash fine that may be imposed for the
5.6 offense under section 609.1005, subdivision 2.

5.7 Subd. 4. **Not applicable for felony DWI.** This section does not apply to persons charged
5.8 with a felony violation under section 169A.20.

5.9 Sec. 10. **REVISOR INSTRUCTION.**

5.10 The revisor of statutes shall insert the phrase "subject to an enhanced fine calculated
5.11 pursuant to section 609.1005," wherever a criminal penalty identifying the maximum amount
5.12 of a fine for a particular offense appears in statute. The revisor shall also make technical
5.13 and other necessary changes to sentence structure to preserve the meaning of the text.

5.14 Sec. 11. **REPEALER.**

5.15 Minnesota Statutes 2018, sections 609.033; and 609.0341, subdivisions 1 and 2, are
5.16 repealed.

609.033 MAXIMUM PENALTIES; MISDEMEANORS.

Any law of this state which provides for a maximum fine of \$700 as a penalty for a misdemeanor shall, on or after August 1, 2000, be deemed to provide for a maximum fine of \$1,000.

609.0341 MAXIMUM FINES FOR GROSS MISDEMEANORS; FELONIES.

Subdivision 1. **Gross misdemeanors.** Any law of this state which provides for a maximum fine of \$1,000 or for a maximum sentence of imprisonment of one year or which is defined as a gross misdemeanor shall, on or after August 1, 1983, be deemed to provide for a maximum fine of \$3,000 and for a maximum sentence of imprisonment of one year.

Subd. 2. **Felonies.** (a) Any law of this state which provides for a maximum fine of \$2,000 shall, on or after August 1, 1983, be deemed to provide for a maximum fine of \$4,000.

(b) Any law of this state which provides for a maximum fine of \$3,000 shall, on or after August 1, 1983, be deemed to provide for a maximum fine of \$5,000.

(c) Any law of this state which provides for a maximum fine of \$5,000 shall, on or after August 1, 1983, be deemed to provide for a maximum fine of \$10,000.

(d) Any law of this state which provides for a maximum fine of \$7,000 shall, on or after August 1, 1983, be deemed to provide for a maximum fine of \$14,000.

(e) Any law of this state which provides for a maximum fine of \$10,000 shall, on or after August 1, 1983, be deemed to provide for a maximum fine of \$20,000.

(f) Any law of this state which provides for a maximum fine of \$15,000 shall, on or after August 1, 1983, be deemed to provide for a maximum fine of \$30,000.

(g) Any law of this state which provides for a maximum fine of \$20,000 shall, on or after August 1, 1983, be deemed to provide for a maximum fine of \$35,000.

(h) Any law of this state which provides for a maximum fine of \$25,000 shall, on or after August 1, 1983, be deemed to provide for a maximum fine of \$40,000.

(i) Any law of this state which provides for a maximum fine of \$30,000 shall, on or after August 1, 1983, be deemed to provide for a maximum fine of \$45,000.

(j) Any law of this state which provides for a maximum fine of \$40,000 shall, on or after August 1, 1983, be deemed to provide for a maximum fine of \$50,000.