

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 5399

(SENATE AUTHORS: KORAN)

DATE	D-PG	OFFICIAL STATUS
04/09/2024	13581	Introduction and first reading Referred to Judiciary and Public Safety

1.1A bill for an act

1.2relating to public safety; providing that undocumented noncitizens are ineligible

1.3for early release from incarceration; providing that undocumented noncitizens are

1.4ineligible for prosecutor-initiated sentence adjustments; amending Minnesota

1.5Statutes 2023 Supplement, section 609.133, by adding a subdivision; proposing

1.6coding for new law in Minnesota Statutes, chapter 244.

1.7BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8Section 1. [244.52] EARLY RELEASE FOR UNDOCUMENTED OFFENDERS

1.9PROHIBITED.

1.10(a) As used in this section the following terms have the meanings given:

1.11(1) "term of imprisonment" has the meaning given in section 244.01, subdivision 8; and

1.12(2) "undocumented offender" means an undocumented noncitizen who resides in the

1.13United States without the approval or acquiescence of the United States Citizenship and

1.14Immigration Services who has been committed to the custody of the commissioner of

1.15corrections.

1.16(b) Notwithstanding any law to the contrary, an undocumented offender is not eligible

1.17for early supervised release, conditional medical or epidemic release, the challenge

1.18incarceration program, earned incentive release credit, or any other program or credit that

1.19would reduce the undocumented offender's term of imprisonment.

1.20(c) The commissioner must not release an undocumented offender from incarceration

1.21until the inmate has completed the inmate's term of imprisonment and any disciplinary

1.22confinement period imposed by the commissioner due to the inmate's violation of any

2.1 disciplinary rule adopted by the commissioner or refusal to participate in a rehabilitative
2.2 program required under section 244.03.

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

2.4 Sec. 2. Minnesota Statutes 2023 Supplement, section 609.133, is amended by adding a
2.5 subdivision to read:

2.6 Subd. 1a. **Undocumented offenders; ineligible for sentence adjustment.** An
2.7 undocumented noncitizen who resides in the United States without the approval or
2.8 acquiescence of the United States Citizenship and Immigration Services is ineligible for
2.9 sentence adjustment under this section.

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