

SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION

S.F. No. 635

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DATE	D-PG	OFFICIAL STATUS
02/04/2021	246	Introduction and first reading Referred to Judiciary and Public Safety Finance and Policy
02/18/2021	451	Comm report: To pass
	452	Second reading
	4795	Rule 47, returned to Judiciary and Public Safety Finance and Policy

- 1.1 A bill for an act
- 1.2 relating to public safety; specifying the term of imprisonment for first-degree
- 1.3 murder of an unborn child; amending Minnesota Statutes 2020, sections 244.05,
- 1.4 subdivisions 4, 5; 609.106, subdivision 2; 609.115, subdivision 2a.
- 1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.6 Section 1. Minnesota Statutes 2020, section 244.05, subdivision 4, is amended to read:
- 1.7 Subd. 4. **Minimum imprisonment, life sentence.** (a) An inmate serving a mandatory
- 1.8 life sentence under section 609.106 or 609.3455, subdivision 2, must not be given supervised
- 1.9 release under this section.
- 1.10 (b) An inmate serving a mandatory life sentence under section 609.185, paragraph (a),
- 1.11 clause (3), (5), or (6); 609.2661, clause (3); or Minnesota Statutes 2004, section 609.109,
- 1.12 subdivision 3, must not be given supervised release under this section without having served
- 1.13 a minimum term of 30 years.
- 1.14 (c) An inmate serving a mandatory life sentence under section 609.385 must not be given
- 1.15 supervised release under this section without having served a minimum term of imprisonment
- 1.16 of 17 years.
- 1.17 (d) An inmate serving a mandatory life sentence under section 609.3455, subdivision 3
- 1.18 or 4, must not be given supervised release under this section without having served the
- 1.19 minimum term of imprisonment specified by the court in its sentence.
- 1.20 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes
- 1.21 committed on or after that date.

2.1 Sec. 2. Minnesota Statutes 2020, section 244.05, subdivision 5, is amended to read:

2.2 Subd. 5. **Supervised release, life sentence.** (a) The commissioner of corrections may,
2.3 under rules promulgated by the commissioner, give supervised release to an inmate serving
2.4 a mandatory life sentence under section 609.185, paragraph (a), clause (3), (5), or (6);
2.5 609.2661, clause (3); 609.3455, subdivision 3 or 4; 609.385; or Minnesota Statutes 2004,
2.6 section 609.109, subdivision 3, after the inmate has served the minimum term of
2.7 imprisonment specified in subdivision 4.

2.8 (b) The commissioner shall require the preparation of a community investigation report
2.9 and shall consider the findings of the report when making a supervised release decision
2.10 under this subdivision. The report shall reflect the sentiment of the various elements of the
2.11 community toward the inmate, both at the time of the offense and at the present time. The
2.12 report shall include the views of the sentencing judge, the prosecutor, any law enforcement
2.13 personnel who may have been involved in the case, and any successors to these individuals
2.14 who may have information relevant to the supervised release decision. The report shall also
2.15 include the views of the victim and the victim's family unless the victim or the victim's
2.16 family chooses not to participate.

2.17 (c) The commissioner shall make reasonable efforts to notify the victim, in advance, of
2.18 the time and place of the inmate's supervised release review hearing. The victim has a right
2.19 to submit an oral or written statement at the review hearing. The statement may summarize
2.20 the harm suffered by the victim as a result of the crime and give the victim's recommendation
2.21 on whether the inmate should be given supervised release at this time. The commissioner
2.22 must consider the victim's statement when making the supervised release decision.

2.23 (d) When considering whether to give supervised release to an inmate serving a life
2.24 sentence under section 609.3455, subdivision 3 or 4, the commissioner shall consider, at a
2.25 minimum, the following: the risk the inmate poses to the community if released, the inmate's
2.26 progress in treatment, the inmate's behavior while incarcerated, psychological or other
2.27 diagnostic evaluations of the inmate, the inmate's criminal history, and any other relevant
2.28 conduct of the inmate while incarcerated or before incarceration. The commissioner may
2.29 not give supervised release to the inmate unless:

2.30 (1) while in prison:

2.31 (i) the inmate has successfully completed appropriate sex offender treatment;

2.32 (ii) the inmate has been assessed for chemical dependency needs and, if appropriate, has
2.33 successfully completed chemical dependency treatment; and

3.1 (iii) the inmate has been assessed for mental health needs and, if appropriate, has
3.2 successfully completed mental health treatment; and

3.3 (2) a comprehensive individual release plan is in place for the inmate that ensures that,
3.4 after release, the inmate will have suitable housing and receive appropriate aftercare and
3.5 community-based treatment. The comprehensive plan also must include a postprison
3.6 employment or education plan for the inmate.

3.7 (e) As used in this subdivision, "victim" means the individual who suffered harm as a
3.8 result of the inmate's crime or, if the individual is deceased, the deceased's surviving spouse
3.9 or next of kin.

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

3.12 Sec. 3. Minnesota Statutes 2020, section 609.106, subdivision 2, is amended to read:

3.13 Subd. 2. **Life without release.** The court shall sentence a person to life imprisonment
3.14 without possibility of release under the following circumstances:

3.15 (1) the person is convicted of first-degree murder under section 609.185, paragraph (a),
3.16 clause (1), (2), (4), or (7);

3.17 (2) the person is convicted of committing first-degree murder in the course of a
3.18 kidnapping under section 609.185, paragraph (a), clause (3); ~~or~~

3.19 (3) the person is convicted of first-degree murder under section 609.185, paragraph (a),
3.20 clause (3), (5), or (6), or 609.2661, clause (3), and the court determines on the record at the
3.21 time of sentencing that the person has one or more previous convictions for a heinous crime;
3.22 or

3.23 (4) the person is convicted of first-degree murder of an unborn child under section
3.24 609.2661, clause (1) or (2).

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

3.27 Sec. 4. Minnesota Statutes 2020, section 609.115, subdivision 2a, is amended to read:

3.28 Subd. 2a. **Sentencing worksheet; sentencing guidelines commission.** If the defendant
3.29 has been convicted of a felony, including a felony for which a mandatory life sentence is
3.30 required by law, the court shall cause a sentencing worksheet as provided in subdivision 1
3.31 to be completed and forwarded to the Sentencing Guidelines Commission.

4.1 For the purpose of this section, "mandatory life sentence" means a sentence under section
4.2 609.106, subdivision 2; 609.185; 609.2661; 609.3455; 609.385, subdivision 2; or Minnesota
4.3 Statutes 2004, section 609.109, subdivision 3, and governed by section 244.05.

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