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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 3894

03/03/2022 Authored by Johnson and Poston

The bill was read for the first time and referred to the Committee on Public Safety and Criminal Justice Reform Finance and Policy

1.1 A bill for an act  
1.2 relating to public safety; prohibiting courts from sentencing a person without regard  
1.3 to the mandatory minimum sentence applicable to certain designated crimes  
1.4 involving firearms; amending Minnesota Statutes 2020, section 609.11, subdivision  
1.5 8.

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

1.7 Section 1. Minnesota Statutes 2020, section 609.11, subdivision 8, is amended to read:

1.8 Subd. 8. **Motion by prosecutor.** (a) Except as otherwise provided in ~~paragraphs~~  
1.9 paragraph (b) and (e), prior to the time of sentencing, the prosecutor may file a motion to  
1.10 have the defendant sentenced without regard to the mandatory minimum ~~sentences~~ sentence  
1.11 established ~~by this section~~ in subdivision 4. The motion shall be accompanied by a statement  
1.12 on the record of the reasons for it. When presented with the motion, or on its own motion,  
1.13 the court may sentence the defendant without regard to the mandatory minimum ~~sentences~~  
1.14 sentence established ~~by this section~~ in subdivision 4 if the court finds substantial and  
1.15 compelling reasons to do so. A sentence imposed under this subdivision is a departure from  
1.16 the Sentencing Guidelines.

1.17 (b) The court may not, on its own motion or the prosecutor's motion, sentence a defendant  
1.18 without regard to the mandatory minimum ~~sentences~~ sentence established ~~by this section~~  
1.19 in subdivision 4 if the defendant previously has been convicted of an offense listed in  
1.20 subdivision 9 in which the defendant used or possessed a firearm or other dangerous weapon.

1.21 ~~(c) The court may not, on its own motion or the prosecutor's motion, sentence a defendant~~  
1.22 ~~without regard to the mandatory minimum sentences established by subdivision 5, if the~~  
1.23 ~~defendant was convicted of a crime under section 152.021, subdivision 1, or 152.022,~~

2.1 ~~subdivision 1, and the person or an accomplice possessed on their person or within immediate~~  
2.2 ~~reach, or used, whether by brandishing, displaying, threatening with, or otherwise employing,~~  
2.3 ~~a firearm.~~

2.4 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes  
2.5 committed on or after that date.