

HF3490 - 0 - Commercial Sale of Human Remains Prohibited

Chief Author: **Jamie Becker-Finn**
 Committee: **Public Safety Finance & Policy**
 Date Completed: **2/22/2024 10:16:39 AM**
 Lead Agency: **Sentencing Guidelines Comm**
 Other Agencies:
 Corrections Dept Public Defense Board
 Supreme Court

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
State Total						
Total		-	-	-	-	-
Biennial Total				-		-

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-

Lead LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Karen McKey **Date:** 2/22/2024 10:16:39 AM
Phone: 651-284-6429 **Email:** karen.mckey@lbo.mn.gov

State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands		FY2023	FY2024	FY2025	FY2026	FY2027
Total		-	-	-	-	-
Biennial Total				-		-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Total		-	-	-	-	-
Biennial Total				-		-
2 - Revenues, Transfers In*						
Total		-	-	-	-	-
Biennial Total				-		-

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Chief Author: **Jamie Becker-Finn**
 Committee: **Public Safety Finance & Policy**
 Date Completed: **2/22/2024 10:16:39 AM**
 Agency: **Sentencing Guidelines Comm**

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium		
		FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Karen McKey **Date:** 2/15/2024 4:43:44 PM
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State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2 Dollars in Thousands	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-
Biennial Total			-		-
1 - Expenditures, Absorbed Costs*, Transfers Out*					
Total	-	-	-	-	-
Biennial Total			-		-
2 - Revenues, Transfers In*					
Total	-	-	-	-	-
Biennial Total			-		-

Bill Description

This bill enacts Minn. Stat. § 609.84 (Sale of Human Remains for Commercial Purposes), which prohibits the commercial sale of human remains, with enumerated exceptions. A violation is a felony.

The bill is effective the day following final enactment and applies to crimes committed on or after that date.

Assumptions

Because no statutory maximum is specified for the new felony offense, it is assumed that the statutory maximums in Minn. Stat. § 609.03 (punishment when not otherwise fixed) will be applied: a five-year statutory maximum for a felony.

One of the responsibilities of the Commission is to assign severity-level (SL) rankings to new felony offenses passed by the Legislature. The Commission bases its decisions, in part, on the level of harm caused and the culpability of the person. The statutory maximum is also considered.

The frequency at which the bill's new felony offense will be committed is not known. There is an existing felony prohibition in Minn. Stat. § 307.08 against damaging or illegally molesting human remains or burial grounds. The offense is ranked at SL 3 and has a five-year statutory maximum. Due to the similar subject matter and offense severity, it may plausibly be assumed that the bill's new felony prohibition against commercially selling human remains will be violated approximately as frequently as, and be punished similarly to, the existing felony prohibition against damaging or molesting human remains or burial grounds under § 307.08.

It is generally assumed that due to the COVID-19 health pandemic, the cases sentenced in 2020 and 2021 are not a fair approximation of cases sentenced in the future. According to MSGC Monitoring Data, there were two § 307.08 cases sentenced in the past ten years (0.2 cases annually). Neither case was sentenced to prison. Both received probation sentences with local conditional confinement with an average 16 days pronounced (serve 2/3 term = 11 days).

Expenditure and/or Revenue Formula

Long-Term Fiscal Considerations

Based on the assumption that the new offense will occur as frequently as, and be punished similarly to, felony violations of Minn. Stat. § 307.08, there is no long-term fiscal impact.

Local Fiscal Impact

Based on the assumption that the new offense will occur as frequently as, and be punished similarly to, felony violations of

Minn. Stat. § 307.08, the impact is one new probation case every five years. The impact will be distributed statewide.

References/Sources

MSGC Monitoring Data, 2013-2022.

Agency Contact:

Agency Fiscal Note Coordinator Signature: Jill Payne

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HF3490 - 0 - Commercial Sale of Human Remains Prohibited

Chief Author: **Jamie Becker-Finn**
 Committee: **Public Safety Finance & Policy**
 Date Completed: **2/22/2024 10:16:39 AM**
 Agency: **Corrections Dept**

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

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	Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium		
		FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Karen McKey **Date:** 2/22/2024 10:12:53 AM
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State Cost (Savings) Calculation Details

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Total	-	-	-	-	-	-
Biennial Total			-			-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Total	-	-	-	-	-	-
Biennial Total			-			-
2 - Revenues, Transfers In*						
Total	-	-	-	-	-	-
Biennial Total			-			-

Bill Description

H.F. 3490 provides that the sale of human remains, or offering to sell human remains, is prohibited, except in certain situations. The bill also establishes a penalty for violations.

Assumptions

The Minnesota Sentencing Guidelines Commission (MSGC) does not assume a frequency at which the bill's new felony offense will be committed, and they use data associated with a similar penalty related to damaging or illegally molesting human remains or burial grounds, to determine an impact for this bill. According to MSGC monitoring data, there were two cases sentenced in the past ten years and neither case was sentenced to prison. It assumed that there will be no correctional impact.

Expenditure and/or Revenue Formula

N/A

Long-Term Fiscal Considerations

N/A

Local Fiscal Impact

There is no anticipated cost to local units of government.

References/Sources

Department of Corrections Staff

Minnesota Sentencing Guidliness Commission (MSGC)

Agency Contact:

Agency Fiscal Note Coordinator Signature: Kwesi Pasley

Date: 2/21/2024 9:12:32 PM

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HF3490 - 0 - Commercial Sale of Human Remains Prohibited

Chief Author: **Jamie Becker-Finn**
 Committee: **Public Safety Finance & Policy**
 Date Completed: **2/22/2024 10:16:39 AM**
 Agency: **Public Defense Board**

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

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Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
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Total	-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Karen McKey **Date:** 2/14/2024 3:34:18 PM
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State Cost (Savings) Calculation Details

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	Total	-	-	-	-	-
	Biennial Total			-		-
2 - Revenues, Transfers In*						
	Total	-	-	-	-	-
	Biennial Total			-		-

Bill Description

The bill would prohibit the the sale of human remains for commerical purposes.

Assumptions

We do not foresee an impact on caseloads or workloads as a result of this bill.

Expenditure and/or Revenue Formula

Long-Term Fiscal Considerations

Local Fiscal Impact

References/Sources

Agency Contact:

Agency Fiscal Note Coordinator Signature: Kevin Kajer

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Date: 2/9/2024 2:29:58 PM

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HF3490 - 0 - Commercial Sale of Human Remains Prohibited

Chief Author: **Jamie Becker-Finn**
 Committee: **Public Safety Finance & Policy**
 Date Completed: **2/22/2024 10:16:39 AM**
 Agency: **Supreme Court**

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

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LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Karen McKey **Date:** 2/14/2024 3:34:34 PM
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State Cost (Savings) Calculation Details

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Biennial Total			-			-
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Total	-	-	-	-	-	-
Biennial Total			-			-

Bill Description

The bill creates a new statute criminalizing the sale of human remains for commercial purposes. The bill defines the acts prohibited along with the authorized exceptions to the general prohibition. The bill designates any violation as a felony.

Assumptions

It is assumed that the bill could lead to an increase in case filings because it creates a new crime. It is assumed that the rate of criminal case filing under the statute would be comparable to the rate of filing under the following statutes: Minn. Stat. § 525A.17 (prohibited acts related to anatomical gifts); Minn. Stat. § 80D.16 (willful violation of laws pertaining to continuing care facilities); Minn. Stat. chapter 149A (pertaining to mortuary science and disposition of dead bodies); and Minn. Stat. § 609.502 (interference with body/scene of death).

Expenditure and/or Revenue Formula

There were no criminal charges filed under Minn. Stat. §§ 525A.17, 80D.16, or Minn. Stat. chapter 149A in the last 10 years (2014-2023).

Between 2014 and 2023 there were 29 criminal charges filed statewide under Minn. Stat. § 609.502, which is an average of fewer than 3 cases per year statewide.

Given the low case filing rate under comparable criminal statutes, this bill is not anticipated to have a significant fiscal impact on the Judicial Branch.

Long-Term Fiscal Considerations

None

Local Fiscal Impact

References/Sources

Agency Contact:

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