

HF3465 - 0 - Enhanced Penalties for Theft from Vul. Adults Est.

Chief Author: **Tina Liebling**
 Committee: **Public Safety Finance And Policy**
 Date Completed: **3/2/2026 1:36:59 PM**
 Lead Agency: **Supreme Court**
 Other Agencies:
 Corrections Dept Public Defense Board
 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	FY2025	FY2026	FY2027	FY2028	FY2029
Corrections Dept						
General Fund	-	-	13	35	42	
State Total						
General Fund	-	-	13	35	42	
	Total	-	-	13	35	42
	Biennial Total			13		77

Full Time Equivalent Positions (FTE)	Biennium			Biennium		
	FY2025	FY2026	FY2027	FY2028	FY2029	
Corrections Dept						
General Fund	-	-	.1	.2	.3	
	Total	-	-	.1	.2	.3

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: Susan Nelson **Date:** 3/2/2026 1:36:59 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		Biennium			Biennium	
Dollars in Thousands		FY2025	FY2026	FY2027	FY2028	FY2029
Corrections Dept						
General Fund	-	-	13	35	42	
Total	-	-	13	35	42	
	Biennial Total		13		77	
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Corrections Dept						
General Fund	-	-	13	35	42	
Total	-	-	13	35	42	
	Biennial Total		13		77	
2 - Revenues, Transfers In*						
Corrections Dept						
General Fund	-	-	-	-	-	
Total	-	-	-	-	-	
	Biennial Total		-		-	

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 Committee: **Public Safety Finance And Policy**
 Date Completed: **3/2/2026 1:36:59 PM**
 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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State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2025	FY2026	FY2027	FY2028	FY2029
Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2025	FY2026	FY2027	FY2028	FY2029
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: Susan Nelson **Date:** 3/2/2026 1:32:33 PM
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State Cost (Savings) Calculation Details

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

State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands		FY2025	FY2026	FY2027	FY2028	FY2029
	Total	-	-	-	-	-
	Biennial Total			-		-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
	Total	-	-	-	-	-
	Biennial Total			-		-
2 - Revenues, Transfers In*						
	Total	-	-	-	-	-
	Biennial Total			-		-

Bill Description

HF3465-0 (“the bill”) amends Minn. Stat. § 609.52, subd. 3a, the enhanced penalty provisions for theft, to enhance a misdemeanor offense to a gross misdemeanor, and a gross misdemeanor to a felony, and to increase the statutory maximum for any felony offense by 25%, if the offender knows or has reason to know the victim is a vulnerable adult.

Assumptions

It is assumed the bill will not impact case filings as no new offenses are created. It is assumed the bill may result in an increase in the judicial branch resources needed to process these existing case filings; felony cases require more judicial branch resources than non-felony cases. Although the exact impact is unknown, it is assumed that any increase in resource need will not be significant and will be absorbed by the judicial branch.

Expenditure and/or Revenue Formula

The bill is not expected to have a significant fiscal impact on the judicial branch.

Long-Term Fiscal Considerations

None.

Local Fiscal Impact

References/Sources

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Chief Author: **Tina Liebling**
 Committee: **Public Safety Finance And Policy**
 Date Completed: **3/2/2026 1:36:59 PM**
 Agency: **Corrections Dept**

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	FY2025	FY2026	FY2027	FY2028	FY2029
General Fund	-	-	13	35	42	
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Biennial Total			13		77	

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2025	FY2026	FY2027	FY2028	FY2029
General Fund	-	-	.1	.2	.3
Total	-	-	.1	.2	.3

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: Jim Carlson **Date:** 3/2/2026 11:41:25 AM
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State Cost (Savings) Calculation Details

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

State Cost (Savings) = 1-2 Dollars in Thousands	Biennium			Biennium	
	FY2025	FY2026	FY2027	FY2028	FY2029
General Fund	-	-	13	35	42
Total	-	-	13	35	42
Biennial Total			13		77
1 - Expenditures, Absorbed Costs*, Transfers Out*					
General Fund	-	-	13	35	42
Total	-	-	13	35	42
Biennial Total			13		77
2 - Revenues, Transfers In*					
General Fund	-	-	-	-	-
Total	-	-	-	-	-
Biennial Total			-		-

Bill Description

This bill increases criminal penalties for theft when the victim is a vulnerable adult. It amends Minnesota’s theft statute to add enhanced sentencing in cases where the offender knows, or should know, that the victim meets the legal definition of a vulnerable adult. Under the bill, misdemeanor theft becomes a gross misdemeanor; gross misdemeanor theft becomes a felony with up to two years of imprisonment; and felony theft offenses receive a 25 percent increase in their maximum sentence. These enhancements are added alongside existing penalty increases for theft that creates a foreseeable risk of bodily harm.

Assumptions

Prison bed costs are based on a marginal cost per diem of \$53.93 for FY26, \$55.64 for FY27, \$58.43 for FY 2028, and \$58.14 for FY 2029. This includes marginal costs for all facility, private and public bed rental, health care, and support costs.

The annual cost is estimated by multiplying the number of prison beds needed by the subsequent annual per diem. Unless otherwise noted, prison beds are phased in on a quarterly basis.

Prison bed impact for the increase in the offender population assumes 80 percent of the ongoing bed impact is personnel-related and the average salary per FTE is \$132,000 per year, including benefits.

Expenditure and/or Revenue Formula

The Minnesota Sentencing Guidelines Commission (MSGC) projects the need for 1 prison bed in fiscal year 2027 and 2 prison beds in fiscal year 2028 and every year thereafter.

Cost of Prison Beds

Fiscal year	2026	2027	2028	2029
Number of Prison Beds	0	1	2	2
Cost of Prison Beds (in 000s)	\$0	\$13	\$35	\$42
FTE	0	0.1	0.2	0.3

Long-Term Fiscal Considerations

MSGC projects that this impact to state correctional resources would continue beyond the current budget horizon.

Local Fiscal Impact

MSGC projects that roughly 3 additional local prison beds would be needed statewide as a result of this legislation.

References/Sources

MSGC

Department of Corrections Staff

Agency Contact:

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HF3465 - 0 - Enhanced Penalties for Theft from Vul. Adults Est.

Chief Author: **Tina Liebling**
 Committee: **Public Safety Finance And Policy**
 Date Completed: **3/2/2026 1:36:59 PM**
 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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State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2025	FY2026	FY2027	FY2028	FY2029
Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium		
		FY2025	FY2026	FY2027	FY2028	FY2029
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: Susan Nelson **Date:** 3/2/2026 9:56:39 AM
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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.

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State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands		FY2025	FY2026	FY2027	FY2028	FY2029
	Total	-	-	-	-	-
	Biennial Total			-		-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
	Total	-	-	-	-	-
	Biennial Total			-		-
2 - Revenues, Transfers In*						
	Total	-	-	-	-	-
	Biennial Total			-		-

Bill Description

The bill provides for penalty enhancements for theft from a vulnerable adult’s estate, if the person who violates knows or has reason to know that the victim of the offense is a vulnerable adult. The penalty enhancements include-

if the penalty is a misdemeanor, the person is guilty of a gross misdemeanor;

if the penalty is a gross misdemeanor, the person is guilty of a two year felony

if the penalty is a felony, the statutory maximum sentence for the offense is 25 percent

longer than for the underlying crime.

Assumptions

There are not enough cases for this to impact caseloads or workloads.

Expenditure and/or Revenue Formula

Long-Term Fiscal Considerations

Local Fiscal Impact

References/Sources

Agency Contact:

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HF3465 - 0 - Enhanced Penalties for Theft from Vul. Adults Est.

Chief Author: **Tina Liebling**
 Committee: **Public Safety Finance And Policy**
 Date Completed: **3/2/2026 1:36:59 PM**
 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	

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Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2025	FY2026	FY2027	FY2028	FY2029
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: Jim Carlson **Date:** 3/2/2026 10:05:47 AM
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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.

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State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands		FY2025	FY2026	FY2027	FY2028	FY2029
Total		-	-	-	-	-
Biennial Total				-		-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Total		-	-	-	-	-
Biennial Total				-		-
2 - Revenues, Transfers In*						
Total		-	-	-	-	-
Biennial Total				-		-

Bill Description

The bill amends Minn. Stat. § 609.52, subd. 3a, which currently provides enhanced penalties for theft offenses that create reasonably foreseeable risks for body harm to another, adding paragraph (b) related to vulnerable adults. Under paragraph (b), if a thief knows or has reason to know that the victim of the theft is a vulnerable adult as defined in section 609.232, subdivision 11, the penalties are enhanced as follows: (1) misdemeanors are enhanced to gross misdemeanors; (2) gross misdemeanors are enhanced to felonies with a maximum penalty of two years imprisonment and a \$5,000 fine; and (3) the maximum sentence for felonies is increased by 25 percent.

The bill is effective August 1, 2026, and applies to crimes committed on or after that date.

Assumptions

It is assumed that due to the COVID-19 health pandemic, the cases sentenced in 2020 and 2021 are not necessarily fair approximations of cases sentenced in the future.

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.

It is assumed that the Commission will rank the new enhanced felony (that would otherwise be a gross misdemeanor) under subd. 3a(b)(2) at SL 2, given that this is the SL for the existing theft - reasonably foreseeable risk bodily harm \$1,000 or less, under Minn. Stat. § 609.52, subd. 3a (Table 1).

It is assumed that the Commission will rank the new offenses under subd. 3a(b)(3) similarly to felony financial exploitation of a vulnerable adult (FEVA, Minn. Stat. § 609.2335) (Table 1).

Table 1. Model Offenses; Assumed Rankings for Theft from a Vulnerable Adult.

Model Offense	Bill Offense Assumed to be Ranked Identically	SL
FEVA over \$35,000	Theft from a vulnerable adult over \$35,000	7
FEVA over \$5,000	Theft from a vulnerable adult over \$5,000	5
FEVA \$5,000 or less	Felony theft from a vulnerable adult - \$5,000 or less	4
Theft Reasonably foreseeable risk bodily harm \$1,000 or less	Gross misdemeanor theft from a vulnerable adult enhanced to felony	2

The frequency at which the bill's sentencing enhancements will apply to theft offenses is not known. The sentencing enhancements are similar to FEVA, in that the victim must be a vulnerable adult, but, unlike FEVA, it is not necessary to establish the defendant's fiduciary or statutory obligation to the vulnerable adult (required for Minn. Stat. § 609.2335, subd.

1(1) offenses), nor is it necessary to establish undue influence, harassment, duress, force, compulsion, coercion, enticement, etc. (required for Minn. Stat. § 609.2335, subd. 1(2) offenses). Without those restrictions, it is assumed that the bill's sentencing enhancements will be sentenced somewhat commonly, even while the existing FEVA crimes will continue to be sentenced.

It is plausible to assume that the new SL 7 sentencing enhancement will apply to as many theft cases as there are SL 7 FEVA cases; that the new SL 5 sentencing enhancement will apply to as many theft cases as there are SL 5 FEVA cases; that the new SL 4 sentencing enhancement will apply to as many theft cases as there are SL 4 FEVA cases; and that the new SL 2 sentencing enhancement will apply to as many theft cases as there are gross misdemeanor FEVA cases.

According to MSGC sentencing data, from 2001 to 2024, there were 474 felony cases (20 annual average) sentenced under Minn. Stat. § 609.2335. According to Minnesota Judicial Branch (MJB) data, from 2021 to 2025, there were 28 gross misdemeanor cases (5.6 annual average) sentenced.

It is assumed that the imprisonment rates and average prison sentences for the new offenses will be similar to the imprisonment rates for the model offenses shown on Table 1. Those prison rates and durations, as well as the local confinement rates and durations, are shown on Table 2.

Table 2. Impact of new enhanced penalties for theft from vulnerable adults

New enhanced theft from vulnerable adult	Assumed Number New Cases	Assumed New Prison Rate (%)	Assumed New Avg. Sentence (Mos.)	Assumed New Local Confine. Rate (%)	Assumed New Avg. Local Confine. (Days)
Over \$35,000	4	3.1	41	83.0	78
Over \$5,000	10	1.3	31	68.2	161
\$5,000 or less	6	2.9	21	65.7	55
Enhanced Gross Misd.	6	13.6	20	94.7	75

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Expenditure and/or Revenue Formula

Long-Term Fiscal Considerations

Based on the assumptions above, there will be the need for two additional prison beds. Assuming six months for implementation, it is estimated that one bed will be needed in FY2027, and two beds will be needed in FY2028, and every year thereafter.

(cases × imprisonment rate × months per case × 2/3 term of imprisonment ÷ 12 months per year = estimated prison beds.)

Local Fiscal Impact

Based on the assumptions above, there will be the need for three additional local beds statewide.

(non-prison cases × local confinement as condition of probation rate × days per case × 2/3 term of confinement ÷ 365 days per year = local beds.)

References/Sources

MJB conviction data, 2021 to 2025.

MSGC sentencing data, 2001 to 2024.

Agency Contact:

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