

**HF998 - 2UE - "Veteran Offenders Restorative Justice Sent"**

Chief Author: **Robert Ecklund**  
 Committee: **Public Safety and Criminal Justice Reform Finance & Policy Division**  
 Date Completed: **04/08/2019**  
 Lead Agency: **Corrections Dept**  
 Other Agencies:  
     Public Defense Board      Sentencing Guidelines Comm  
     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	FY2019	FY2020	FY2021	FY2022	FY2023
<b>Corrections Dept</b>						
<b>General Fund</b>	-	(422)	(885)	(1,110)	(1,211)	
<b>State Total</b>						
<b>General Fund</b>	-	(422)	(885)	(1,110)	(1,211)	
	<b>Total</b>	<b>-</b>	<b>(422)</b>	<b>(885)</b>	<b>(1,110)</b>	<b>(1,211)</b>
	<b>Biennial Total</b>			<b>(1,307)</b>		<b>(2,321)</b>

Full Time Equivalent Positions (FTE)	Biennium			Biennium		
	FY2019	FY2020	FY2021	FY2022	FY2023	
<b>Corrections Dept</b>						
General Fund	-	(4.7)	(9.8)	(12.3)	(13.5)	
	<b>Total</b>	<b>-</b>	<b>(4.7)</b>	<b>(9.8)</b>	<b>(12.3)</b>	<b>(13.5)</b>

**Lead Executive Budget Officer's Comment**

I have reviewed this fiscal note for reasonableness of content and consistency with MMB's Fiscal Note policies.

EBO Signature: Jim King      Date: 04/08/2019  
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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.

<b>State Cost (Savings) = 1-2</b>		<b>Biennium</b>			<b>Biennium</b>	
<b>Dollars in Thousands</b>		<b>FY2019</b>	<b>FY2020</b>	<b>FY2021</b>	<b>FY2022</b>	<b>FY2023</b>
<b>Corrections Dept</b>						
General Fund	-	(422)	(885)	(1,110)	(1,211)	
<b>Total</b>	<b>-</b>	<b>(422)</b>	<b>(885)</b>	<b>(1,110)</b>	<b>(1,211)</b>	
	<b>Biennial Total</b>		<b>(1,307)</b>		<b>(2,321)</b>	
<b>1 - Expenditures, Absorbed Costs*, Transfers Out*</b>						
Corrections Dept						
General Fund	-	(422)	(885)	(1,110)	(1,211)	
<b>Total</b>	<b>-</b>	<b>(422)</b>	<b>(885)</b>	<b>(1,110)</b>	<b>(1,211)</b>	
	<b>Biennial Total</b>		<b>(1,307)</b>		<b>(2,321)</b>	
<b>2 - Revenues, Transfers In*</b>						
Corrections Dept						
General Fund	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
	<b>Biennial Total</b>		<b>-</b>		<b>-</b>	<b>-</b>

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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	FY2019	FY2020	FY2021	FY2022	FY2023
General Fund	-	(422)	(885)	(1,110)	(1,211)	
<b>Total</b>	<b>-</b>	<b>(422)</b>	<b>(885)</b>	<b>(1,110)</b>	<b>(1,211)</b>	
<b>Biennial Total</b>			<b>(1,307)</b>		<b>(2,321)</b>	

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2019	FY2020	FY2021	FY2022	FY2023
General Fund	-	(4.7)	(9.8)	(12.3)	(13.5)
<b>Total</b>	<b>-</b>	<b>(4.7)</b>	<b>(9.8)</b>	<b>(12.3)</b>	<b>(13.5)</b>

**Executive Budget Officer's Comment**

I have reviewed this fiscal note for reasonableness of content and consistency with MMB's Fiscal Note policies.

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**State Cost (Savings) Calculation Details**

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

<b>State Cost (Savings) = 1-2</b>		<b>Biennium</b>			<b>Biennium</b>	
Dollars in Thousands		FY2019	FY2020	FY2021	FY2022	FY2023
General Fund	-	(422)	(885)	(1,110)	(1,211)	(1,211)
<b>Total</b>		<b>-</b>	<b>(422)</b>	<b>(885)</b>	<b>(1,110)</b>	<b>(1,211)</b>
<b>Biennial Total</b>				<b>(1,307)</b>		<b>(2,321)</b>
<b>1 - Expenditures, Absorbed Costs*, Transfers Out*</b>						
General Fund	-	(422)	(885)	(1,110)	(1,211)	(1,211)
<b>Total</b>		<b>-</b>	<b>(422)</b>	<b>(885)</b>	<b>(1,110)</b>	<b>(1,211)</b>
<b>Biennial Total</b>				<b>(1,307)</b>		<b>(2,321)</b>
<b>2 - Revenues, Transfers In*</b>						
General Fund	-	-	-	-	-	-
<b>Total</b>		<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Biennial Total</b>				<b>-</b>		<b>-</b>

**Bill Description**

The proposed legislation would establish presentence supervision procedures for veterans with service-related disorders facing felony charges. If a defendant is a service member or veteran charged with an offense no more severe than severity level 7 who could be sentenced to a county jail or state correctional facility, and the defendant alleges that the offense was committed as a result of sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health conditions stemming from military service, then the court must, before entering a guilty plea, make a determination as to the alleged service-related disorder. If the offense is found or stipulated to be related to a service-related disorder, if the defendant is otherwise eligible for probation, and if the defendant pleads guilty and consents to the deferred judgment procedure, then the court must defer further proceedings without adjudicating guilt and place the defendant on probation. When available, the court and treatment program shall collaborate with the Minnesota Department of Veterans Affairs and the United States Department of Veterans Affairs to maximize services and benefits. The offender may be supervised by veterans treatment court programs where available.

If residential treatment is ordered as a condition of probation, the defendant shall earn service credit for residential treatment time served.

The legislation would establish dismissal relief for defendants who were eligible for deferred judgment procedures at the time they were placed on probation. After notice to the victim and prosecutor, and hearing, a court must discharge such a person and dismiss the proceedings, without adjudication of guilt, if the defendant is in substantial compliance with probation conditions, has successfully participated in court-ordered treatment and services to address the service-related disorder, does not represent a health or safety danger, and whose demonstrated significant benefit from the court-ordered education, treatment or rehabilitation clearly shows that discharge and dismissal is in the interests of justice. If the offender violates the conditions of probation, the court may enter an adjudication of guilt and proceed as otherwise provided.

Alternative relief would be established for offenses where the presumptive sentence is commitment to prison; for such offenses the court may employ the listed factors to justify a mitigated dispositional or durational departure, or any appropriate sentence, a finding of those factors would cause a defendant to be presumably amenable to probation. Offenses subject to predatory offender registration would be exempt from dismissal procedures.

Optional veterans' courts and local diversion programs would be authorized under the provisions of this bill.

**Assumptions**

The Minnesota Sentencing Guidelines Commission (MSGC) assumes that neither the dismissal nor departure of relief would be available to an offender facing a mandatory, executed prison term for which no departure is permitted.

The MSGC assumes the dismissal relief would not be available for offenders facing presumptive commitment to prison; only the departure relief would be available.

The MSGC assumes a finding of the factors listed in subd. 2(a) would effectively nullify the presumption of commitment that might otherwise exist for such offenders.

The MSGC assumes the provisions of this bill would apply to offenses on the Drug Offender Grid ranked at severity level 7/D7 or below.

The MSGC assumes the dismissal procedures and the departure procedures would apply to any offender on probation as of August 1, 2019, who can establish eligibility and can establish the existence of the factors found in subd. 2(a).

The MSGC has no information as to how many felony offenses are committed by veterans and how many might qualify for the discharge and dismissal procedure.

Six percent of offenders incarcerated in a Minnesota correctional facility (569 of 9,479) on January 1, 2019 self-reported that they were a veteran.

A Bureau of Justice report indicates that, from 2011 - 2012, eight percent of state and federal inmates were reported veterans, and about one-half of them were diagnosed with a mental health disorder.

It is therefore assumed that about three percent of Minnesota Department of Corrections (DOC) inmates are veterans with a mental health disorder. It is not known how many of those mental health disorders are service-connected or offense-connected.

Assuming one-third are both service- and offense-connected and would have been able to satisfactorily complete probation and meet the requirements of this bill, it is assumed that one percent of DOC inmates would have been eligible for departure under the provisions of this bill; so it is therefore assumed that one percent of offenders in the future who would otherwise receive prison sentences would be eligible for departure, excluding offenders on the sex offender grid, predatory offenses, and offenses ranked at severity level 8/D8 and above.

The MSGC estimates the provisions of this bill would result in 31 additional offenders a year receiving mitigated dispositional departures, however it is possible that many veterans who commit offenses due to mental health issues resulting from military service who are amenable to probation are already receiving mitigated dispositional departures.

The MSGC estimates the provisions of this bill would result in 113 offenders receiving deferrals and dismissals. They would serve less time in local correctional facilities because they would receive credit for time in treatment. It is not known how many of those deferrals might end in probation violations which could end in the imposition of a sentence.

The MSGC estimates the number of prison beds saved could eventually reach 56 beds per year.

The MSGC estimates that bed savings would be 30 beds in FY2020, 45 beds in FY2021, 52 beds in FY2022, 55 beds in FY2023 and FY2024, and 56 beds in FY2025 and each subsequent year.

Prison bed savings are based on a marginal per diem cost of \$61.57 for each fiscal year. This includes marginal costs for all facility, private and public bed rental, health care and support costs.

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

Prison bed FTE impact for the decrease in the offender population assumes 80 percent of the ongoing bed impact is personnel-related and the average salary per FTE is \$72,000 including benefits.

There would be some minimal impact to supervision caseloads statewide if offenders receive probation dismissals sooner than they would have if a sentence had been imposed.

This bill would be effective August 1, 2019.

### **Expenditure and/or Revenue Formula**

Costs/(Savings) for Prison Beds - DOC

Fiscal Year	2020	2021	2022	2023
Number of Prison Beds	-30	-45	-52	-55
Cost of Prison Beds (in 000s)	(\$422)	(\$885)	(\$1,110)	(\$1,211)
FTEs	-4.7	-9.8	-12.3	-13.5

**Long-Term Fiscal Considerations**

Estimated prison bed savings would reach \$1.258 million in FY2026 and continue into subsequent years.

**Local Fiscal Impact**

There may be some savings for local correctional resources as result of this bill if qualifying veterans serve less time in local correctional facilities. The MSGC cannot identify the number of veteran offenders, and cannot estimate an impact at this time.

**References/Sources**

Minnesota Sentencing Guidelines Commission

Department of Corrections staff

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**HF998 - 2UE - "Veteran Offenders Restorative Justice Sent"**

Chief Author: **Robert Ecklund**  
 Committee: **Public Safety and Criminal Justice Reform Finance & Policy Division**  
 Date Completed: **04/08/2019**  
 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

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	FY2019	FY2020	FY2021	FY2022	FY2023
<b>Total</b>	-	-	-	-	-	-
<b>Biennial Total</b>				-		-

Full Time Equivalent Positions (FTE)	Biennium			Biennium		
	Dollars in Thousands	FY2019	FY2020	FY2021	FY2022	FY2023
<b>Total</b>	-	-	-	-	-	-

**Executive Budget Officer's Comment**

I have reviewed this fiscal note for reasonableness of content and consistency with MMB's Fiscal Note policies.

EBO Signature: Jim King      Date: 3/25/2019 7:27:03 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.

<b>State Cost (Savings) = 1-2</b>		Biennium			Biennium	
Dollars in Thousands		FY2019	FY2020	FY2021	FY2022	FY2023
	<b>Total</b>	-	-	-	-	-
	<b>Biennial Total</b>			-		-
<b>1 - Expenditures, Absorbed Costs*, Transfers Out*</b>						
	<b>Total</b>	-	-	-	-	-
	<b>Biennial Total</b>			-		-
<b>2 - Revenues, Transfers In*</b>						
	<b>Total</b>	-	-	-	-	-
	<b>Biennial Total</b>			-		-

**Bill Description**

**Assumptions**

We do not anticipate a significant increase in caseload or workload as a result of this bill.

**Expenditure and/or Revenue Formula**

**Long-Term Fiscal Considerations**

**Local Fiscal Impact**

**References/Sources**

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**HF998 - 2UE - "Veteran Offenders Restorative Justice Sent"**

Chief Author: **Robert Ecklund**  
 Committee: **Public Safety and Criminal Justice Reform Finance & Policy Division**  
 Date Completed: **04/08/2019**  
 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	FY2019	FY2020	FY2021	FY2022	FY2023
<b>Total</b>	-	-	-	-	-	-
<b>Biennial Total</b>			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium		
	Dollars in Thousands	FY2019	FY2020	FY2021	FY2022	FY2023
<b>Total</b>	-	-	-	-	-	-

**Executive Budget Officer's Comment**

I have reviewed this fiscal note for reasonableness of content and consistency with MMB's Fiscal Note policies.

EBO Signature: Jim King      Date: 3/25/2019 7:27:48 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.

<b>State Cost (Savings) = 1-2</b>		Biennium			Biennium	
Dollars in Thousands	FY2019	FY2020	FY2021	FY2022	FY2023	
<b>Total</b>	-	-	-	-	-	-
<b>Biennial Total</b>			-			-
<b>1 - Expenditures, Absorbed Costs*, Transfers Out*</b>						
<b>Total</b>	-	-	-	-	-	-
<b>Biennial Total</b>			-			-
<b>2 - Revenues, Transfers In*</b>						
<b>Total</b>	-	-	-	-	-	-
<b>Biennial Total</b>			-			-

**Bill Description**

This bill establishes presentence supervision procedures for veterans with service-related disorders facing felony charges. Subdivision 1 establishes deferred judgment procedures for criminal offenses related to service-related disorders. If a defendant is a service member or veteran charged with an offense no more severe than Severity Level (SL) 7 on the standard grid or D7 on the drug grid who could be sentenced to a county jail or state correctional facility, and the defendant alleges that the offense was committed as a result of sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health conditions stemming from military service, then the court must, before entering a guilty plea, make a determination as to the alleged service-related disorder. If the offense is found or stipulated to be related to a service-related disorder, if the defendant is otherwise eligible for probation, and if the defendant pleads guilty and consents to the deferred judgment procedure, then the court must defer further proceedings without adjudicating guilt and place the defendant on probation. When available, the court and treatment program shall collaborate with the United States Departments of Defense and or Veterans Affairs to maximize services and benefits. The offender may be supervised by veterans treatment court programs where available.

An offender who requests to be sentenced under the new provision, must release or authorize access to military service and records relating to the alleged condition. The court must make a finding based on clear and convincing evidence whether the defendant suffers from a diagnosable condition and whether that condition stems from military service.

If residential treatment is ordered as a condition of probation, the defendant shall earn sentence credit for residential treatment time served. Subdivision 1 also provides optional guidance regarding the parameters of such treatment.

Subdivision 2(a) and 2(c) establish dismissal relief for defendants who were eligible for deferred judgment procedures under subdivision 1 at the time they were placed on probation. After notice to the victim and prosecutor, and hearing, a court must discharge such a person and dismiss the proceedings, without adjudication of guilt, if the defendant is in substantial compliance with probation conditions, has successfully participated in court-ordered treatment and services to address the service-related disorder, does not represent a health or safety danger, and whose demonstrated, significant benefit from court-ordered education, treatment, or rehabilitation clearly shows that discharge and dismissal is in the interests of justice. To aid the court in determining whether granting such relief is in the interests of justice, Subdivision 2(b) gives the court a list of optional considerations. The records of such proceedings shall be nonpublic, but records shall be maintained by the BCA for purposes of future criminal investigation. If the offender violates the conditions of probation, the court may enter an adjudication of guilt and proceed as otherwise provided.

Subdivision 2(d) establishes alternative relief for offenses whose presumptive sentence is commitment to prison; for such offenses, the court may employ the factors in subd. 2(a) to justify a mitigated dispositional departure, or any appropriate sentence; a finding of those factors causes a defendant to be presumably amenable to probation. Subdivision 2(e) exempts offenses subject to predatory offender registration requirements from dismissal procedures.

Subdivisions 3 and 4 authorize optional veterans' courts and local diversion programs.

The bill is effective August 1, 2019.

## **Assumptions**

By the phrase, "if the defendant is otherwise eligible for probation," it is assumed that neither the dismissal nor departure relief of subd. 2 is available to an offender facing a mandatory, executed prison term for which no departure is permitted.

It is assumed that the dismissal relief (subd. 2(c)) is not available for offenders facing presumptive commitment to prison; for such offenders, it is assumed that only the departure relief (subd. 2(d)) is available.

By the phrase, "the defendant is presumed amenable to probation," it is assumed that a finding of the factors listed in subd. 2(a) will effectively nullify the presumption of commitment that might otherwise exist for such offenders.

It is assumed that the dismissal procedures of subd. 2(c) and the departure procedures of subd. 2(d) apply to any offender on probation as of August 1, 2019, who can establish eligibility under subdivision 1 and who can establish the existence of the factors found in subd. 2(a). However, because subdivision 1 did not exist heretofore, it is assumed that few offenders would have been placed on deferred judgement pursuant to subdivision 1 and therefore be eligible for the dismissal or departure relief of subdivision 2. On the other hand, it is assumed that the law will, upon enactment, have immediate effect for eligible guilty pleas, with the first defendants to benefit from dismissal or departure relief to do so upon completion of probation.

Section 3.F, Military Veterans, of the Minn. Sentencing Guidelines states: "Under Minn. Stat. § 609.115, subd. 10, when a defendant is convicted of a crime, the court must inquire whether the defendant is currently serving in or is a veteran of the armed forces of the United States, and if so, may take further action as permitted by that provision." It is assumed that the Commission will modify this section of the Guidelines, as well as the section on grounds for mitigated departures, to comport with the bill's language.

MSGC has no information as to how many felony offenses are committed by veterans and how many might qualify for the discharge and dismissal procedure.

According to the Minn. Department of Corrections (DOC), on January 1, 2019, six percent of offenders incarcerated in a Minnesota Correctional Facility (569 of 9,479), self-reported that they were a veteran. This is similar to a Bureau of Justice Statistics (BJS) report indicating that, from 2011-12, eight percent of state and federal inmates were reportedly veterans.

According to BJS data, about half of the incarcerated veterans reported having been diagnosed with a mental health disorder. Thus, it is assumed that about 3 percent of DOC inmates are veterans with a mental health disorder. It is not known how many of those mental health disorders are service-connected, nor offense-connected. Assuming that one-third are both service- and offense-connected and would have been able to satisfactorily complete probation and meet the requirements of subd. 2(a) of the bill, it is assumed that 1 percent of DOC inmates would have been eligible for departure under subd. 2(d) of the bill. It is therefore assumed that 1 percent of offenders in the future who would otherwise receive prison sentences would be eligible for departure, excluding offenders on the sex offender grid, predatory offenses, and offenses ranked at SL 8/D8 and above.

In 2017, there were 2,354 offenders sentenced to prison for offenses ranked at SL 7 or below who had presumptive prison sentences (aggravated dispositional departures excluded because most are requests for prison). In 2017, there were 780 offenders who received prison sentences for drug offenses that would be ranked at SL D7 or below on the Drug Grid. Therefore, a total of 3,134 might be eligible for mitigated dispositional departures based on their offense. If one percent were to qualify as veterans who meet the criteria in 2(a), that would result in 31 additional offenders a year receiving mitigated dispositional departures. However, it is possible that many veterans who commit offenses due to mental health issues resulting from military service who are amenable to probation are already receiving mitigated dispositional departures.

In 2017, 7,350 offenders received non-prison sentences for offenses that were non-drug offenses at SL7 or below. This figure excludes offenders who received mitigated dispositional departures (1,105) because they are assumed not to be eligible for deferral and dismissal. In 2017, there were 3,982 offenders who received non-prison sentences for drug offenses that would be ranked at SL D7 or below on the Drug Grid. A total of 11,332 offenders might be eligible for deferral and dismissal under subd. 2(c); based on their offense. If one percent of the 11,332 offenders were to qualify as veterans who meet the criteria in 2(a), it is estimated that 113 offenders might receive deferrals and dismissals under the provisions of this bill.

It is assumed that offenders who qualify for deferral and dismissal will serve less time in local correctional facilities because they will receive credit for time in treatment. However, this savings may be offset to some extent by time served

in local facilities by offenders receiving subd. 2(d) departures. It is also not known what percent of those deferrals might end in probation violations which could end in the imposition of a sentence.

**Expenditure and/or Revenue Formula**

NA

**Long-Term Fiscal Considerations**

If the bill results in an increase in mitigated dispositional departures, there could be some eventual prison bed savings. The 3,134 offenders sentenced to prison who could possibly qualify for a departure under 2(d) will eventually use 5,589 beds. If one percent of those prison beds are saved, the eventual savings would be 56 beds. It is estimated that 30 beds would be saved in FY2020, 45 in FY2021, 52 in FY2022, 55 in FY2023 and FY2024 and 56 in FY2025 and every year after.

If 113 offenders a year receive deferral and dismissals, there could be long-term savings in probation supervision costs if those offenders receive probation dismissals sooner than would have if a sentence was imposed.

**Local Fiscal Impact**

Because it is assumed that this bill will result in qualifying veterans serving less time in local correctional facilities, there may be some local government fiscal impact. Because MSGC cannot identify veteran offenders, it is unable to estimate an impact at this time.

**References/Sources**

Minn. Sentencing Guidelines Commission. Minn. Sentencing Guidelines and Commentary (2018).

Duwe, Grant. "RE: Veterans information for SF 1153." Message to Anne Wall.

Bureau of Justice Statistics. Veterans in Prison and Jail, 2011-12. Retrieved at <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=5479>.

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**HF998 - 2UE - "Veteran Offenders Restorative Justice Sent"**

Chief Author: **Robert Ecklund**  
 Committee: **Public Safety and Criminal Justice Reform Finance & Policy Division**  
 Date Completed: **04/08/2019**  
 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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<b>Total</b>	-	-	-	-	-	-
<b>Biennial Total</b>				-		-

Full Time Equivalent Positions (FTE)	Biennium			Biennium		
	Dollars in Thousands	FY2019	FY2020	FY2021	FY2022	FY2023
<b>Total</b>	-	-	-	-	-	-

**Executive Budget Officer's Comment**

I have reviewed this fiscal note for reasonableness of content and consistency with MMB's Fiscal Note policies.

EBO Signature: Jim King      Date: 4/8/2019 4:10:12 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.

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<b>State Cost (Savings) = 1-2</b>		<b>Biennium</b>			<b>Biennium</b>	
Dollars in Thousands	FY2019	FY2020	FY2021	FY2022	FY2023	
<b>Total</b>	-	-	-	-	-	-
<b>Biennial Total</b>			-			-
<b>1 - Expenditures, Absorbed Costs*, Transfers Out*</b>						
<b>Total</b>	-	-	-	-	-	-
<b>Biennial Total</b>			-			-
<b>2 - Revenues, Transfers In*</b>						
<b>Total</b>	-	-	-	-	-	-
<b>Biennial Total</b>			-			-

**Bill Description**

HF998-2UE adds a new Minn. Stat. § 609.1056, Military Veteran Offenders Restorative Justice Sentence, which at subdivision 1 provides that if the court determines that a defendant charged with certain criminal offenses committed the offense as a result of conditions stemming from military service, the court, upon the entry of a guilty plea, shall not enter a judgment of guilty, and shall place the defendant on probation on certain conditions. If a condition is violated, the court may enter an adjudication of guilt. Subdivision 2 provides that a court must hold a public hearing not less than 15 days after notice to the parties and any victim and determine whether the person was eligible for the program, is in substantial compliance, and meets other requirements, and if so found, then upon the expiration of the probation period the court shall discharge the person and dismiss the proceedings, and a not public record shall be retained by the Bureau of Criminal Apprehension. Subdivision 3 provides that a county or judicial district may supervise the probation under this section through a veterans treatment court, and any other resources available to the court. Subdivision 4 provides that a county or city may establish and operate a veterans pretrial diversion program for eligible offenders without penalty under section 477A.0175 (Aid Reductions For Operating An Unauthorized Diversion Program).

**Assumptions**

It is assumed that the provisions of this bill will not result in additional criminal case filings and that it will not significantly impact the amount of time the Judicial Branch currently spends on these existing criminal cases. It is also assumed that if a defendant is not alleged and found to have violated a condition of probation, conviction cannot be entered, and the case will be dismissed at the end of the term of probation, whether or not a hearing is held, as required by existing case law. Finally, it is assumed that the records of these criminal cases, even if discharge and dismissal occurs, will remain public in the court's case management system unless and until a petition for expungement is filed and the petition granted by the court, or a judge otherwise orders the case expunged or sealed.

**Expenditure and/or Revenue Formula**

It is not anticipated that the provisions of this bill will have a significant fiscal impact on the Judicial Branch.

**Long-Term Fiscal Considerations**

None

**Local Fiscal Impact**

None

**References/Sources**

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