

**HF2976 - 0 - Mitigated Departures for Certain Offenders Est.**

Chief Author: **Kelly Moller**  
 Committee: **Public Safety Finance And Policy**  
 Date Completed: **4/8/2025 1:22:01 PM**  
 Lead Agency: **Sentencing Guidelines Comm**  
 Other Agencies:  
     Clemency Review Commission      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	FY2025	FY2026	FY2027	FY2028	FY2029
<b>Corrections Dept</b>						
General Fund	-	-	(209)	(747)	(1,290)	
State Total						
General Fund	-	-	(209)	(747)	(1,290)	
<b>Total</b>	<b>-</b>	<b>-</b>	<b>(209)</b>	<b>(747)</b>	<b>(1,290)</b>	
<b>Biennial Total</b>			<b>(209)</b>		<b>(2,037)</b>	

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2025	FY2026	FY2027	FY2028	FY2029
<b>Corrections Dept</b>					
General Fund	-	-	(1.3)	(4.7)	(8.2)
<b>Total</b>	<b>-</b>	<b>-</b>	<b>(1.3)</b>	<b>(4.7)</b>	<b>(8.2)</b>

**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:** 4/8/2025 1:22:01 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>		<b>Biennium</b>			<b>Biennium</b>	
<b>Dollars in Thousands</b>		<b>FY2025</b>	<b>FY2026</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>
<b>Corrections Dept</b>						
General Fund	-	-	(209)	(747)	(1,290)	
<b>Total</b>	<b>-</b>	<b>-</b>	<b>(209)</b>	<b>(747)</b>	<b>(1,290)</b>	
	<b>Biennial Total</b>		<b>(209)</b>		<b>(2,037)</b>	
<b>1 - Expenditures, Absorbed Costs*, Transfers Out*</b>						
Corrections Dept						
General Fund	-	-	(209)	(747)	(1,290)	
<b>Total</b>	<b>-</b>	<b>-</b>	<b>(209)</b>	<b>(747)</b>	<b>(1,290)</b>	
	<b>Biennial Total</b>		<b>(209)</b>		<b>(2,037)</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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Chief Author: **Kelly Moller**  
 Committee: **Public Safety Finance And Policy**  
 Date Completed: **4/8/2025 1:22:01 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

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
<b>Total</b>	-	-	-	-	-	-
<b>Biennial Total</b>			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium		
	Dollars in Thousands	FY2025	FY2026	FY2027	FY2028	FY2029
<b>Total</b>	-	-	-	-	-	-

**LBO Analyst's Comment**

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

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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>	
Dollars in Thousands	FY2025	FY2026	FY2027	FY2028	FY2029	
<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**

Section 1 establishes a new Minn. Stat. § 609.1057. Subd. 2(a) requires courts, before felony sentencing, to consider whether the defendant has been the victim of domestic abuse, sexual assault, or sex trafficking. Subd. 2(b), (d), & (e) establish a statutory Sentencing Guidelines departure factor, applicable to mitigated departures from either the Sentencing Guidelines' recommended duration or disposition. The elements of the factor are met, and departure is permitted, if the defendant's experience as the victim of domestic abuse, sexual assault, or sex trafficking was a contributing factor in the offense committed, and a mitigated departure from the presumptive sentence under the Sentencing Guidelines is in the public interest. Subd. 2(c) pertains to the handling of private records. Subd. 3 pertains to supportive probationary services.

Section 7 directs the Minnesota Sentencing Guidelines Commission to incorporate the statutory departure factor in the Sentencing Guidelines.

Sections 2, 3, 4, and 5 require consideration of whether the defendant's past experience as a domestic-abuse, sexual-assault, or sex-trafficking victim was a contributing factor in the crime for which the defendant was convicted in the following respective contexts: presentence investigations; prosecutor-initiated sentence adjustments; pardons (if sentenced before August 1, 2025); and Clemency Review Commission recommendations. Section 6 classifies this sort of information as new and substantial information for purposes of requiring the Clemency Review Commission to consider requests.

**Assumptions**

First, the rate at which defendants have been victims of domestic abuse, sexual assault, or sex trafficking is not known. Second, the rate at which the victimization of such defendants will be found to have been a contributing factor in their current offenses is not known, but this rate is assumed to be smaller than the first rate. Third, the rates at which mitigated dispositional and/or durational departures will result among defendants found to qualify for the bill's departure factor is not known, but is assumed to be high. It is assumed that some defendants who would qualify for mitigated dispositional departure under this bill are already receiving such departures under existing law and Guidelines.

It is assumed that the unknown rates described in the previous paragraph may relate, in some degree, to the global rates of PTSD among prisoners, found to be 10% among male prisoners and 26% among female prisoners (one-year prevalence rates; Baranyi et al.). Discounting these rates for PTSD not caused by past domestic abuse, sexual assault, or sex trafficking; for current offenses in which such victimization was not a contributing factor; and for mitigated departures already being granted to such defendants, it may be assumed that this bill will perhaps result in an increase in mitigated dispositional departures of 1% among males and 2.6% among females. Because it is assumed that defendants who qualify for the bill's mitigating factor will likely receive mitigated dispositional departures, no additional durational departure rate is assumed.

According to MSGC monitoring data, for cases sentenced in 2023 that had a presumptive commitment to prison, the mitigated dispositional departure rate was 42 percent (40% for male defendants and 58% for female defendants). If such a sentencing pattern were sustained over time, mitigated dispositional departures would avoid the need for 5,983 estimated prison beds (5,120 for males and 863 for females). Applying the assumed 1-percent and 2.6-percent increases in mitigated

dispositional departures would result in an eventual bed savings of 73 beds (51 for males and 22 for females).

**Expenditure and/or Revenue Formula**

**Long-Term Fiscal Considerations**

Based on the above assumptions, the bill may plausibly be expected to cause an eventual savings of approximately 73 prison beds. Allowing for a due-process delay of one year and gradual implementation thereafter, it is estimated that the bill may plausibly avoid the need for 17 prison beds in FY 2027, for 49 prison beds in FY 2028, for 70 prison beds in FY 2029, and for 73 prison beds in FY 2030 and every year thereafter.

Table 1. Timing of Prison Beds

Fiscal Year	Males	Females	Total Beds Plausibly Required (+) or Saved (-)
2026	--	--	--
2027	-12	-5	-17
2028	-35	-14	-49
2029	-49	-21	-70
2030	-51	-22	-73

**Local Fiscal Impact**

Not estimated.

**References/Sources**

MSGC Monitoring Data

Baranyi, G., Cassidy, M., Fazel, S., Priebe, S. and Mundt, A.P., 2018, Prevalence of posttraumatic stress disorder in prisoners, *Epidemiologic reviews*, 40(1), pp.134-145 (retrieved April 2, 2025, from <https://academic.oup.com/epirev/article-pdf/40/1/134/25085617/mxx015.pdf>).

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**HF2976 - 0 - Mitigated Departures for Certain Offenders Est.**

Chief Author: **Kelly Moller**  
 Committee: **Public Safety Finance And Policy**  
 Date Completed: **4/8/2025 1:22:01 PM**  
 Agency: **Clemency Review Commission**

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
<b>Total</b>	-	-	-	-	-	-
<b>Biennial Total</b>			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium		
	Dollars in Thousands	FY2025	FY2026	FY2027	FY2028	FY2029
<b>Total</b>	-	-	-	-	-	-

**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:** 4/8/2025 1:20:43 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		FY2025	FY2026	FY2027	FY2028	FY2029
	<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**

The bill waives the initial waiting period requirement for pardons if an individual has been the victim of domestic abuse, sexual assault, or sex trafficking, and that experience was a contributing factor in the crime for which the applicant is convicted.

It also adds a factor that the Clemency Review Commission and Board of Pardons may consider for recommending clemency that relates to the applicants status as a victim of domestic abuse, sexual assault, or sex trafficking, and the extent to which that experience was a contributing factor in the crime.

Removes discretion of the Board of Pardons to determine if a request to reapply early after a denial contains new and substantial information in situations where information is added or amended after the date of the denial of a prior application that relates to the applicants status as a victim of domestic abuse, sexual assault, or sex trafficking, and the extent to which that experience was a contributing factor in the crime.

**Assumptions**

The bill will add additional factors for staff consideration at screening that are not anticipated to substantially increase workload.

**Expenditure and/or Revenue Formula**

**Long-Term Fiscal Considerations**

**Local Fiscal Impact**

**References/Sources**

**Agency Contact:**

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**HF2976 - 0 - Mitigated Departures for Certain Offenders Est.**

Chief Author: **Kelly Moller**  
 Committee: **Public Safety Finance And Policy**  
 Date Completed: **4/8/2025 1:22:01 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	-	-	(209)	(747)	(1,290)	
<b>Total</b>	-	-	<b>(209)</b>	<b>(747)</b>	<b>(1,290)</b>	
<b>Biennial Total</b>			<b>(209)</b>		<b>(2,037)</b>	

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2025	FY2026	FY2027	FY2028	FY2029
General Fund	-	-	(1.3)	(4.7)	(8.2)
<b>Total</b>	-	-	<b>(1.3)</b>	<b>(4.7)</b>	<b>(8.2)</b>

**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:** 4/7/2025 1:21:23 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		FY2025	FY2026	FY2027	FY2028	FY2029
General Fund	-	-	(209)	(747)	(1,290)	
<b>Total</b>		-	-	<b>(209)</b>	<b>(747)</b>	<b>(1,290)</b>
		<b>Biennial Total</b>			<b>(209)</b>	<b>(2,037)</b>
<b>1 - Expenditures, Absorbed Costs*, Transfers Out*</b>						
General Fund	-	-	(209)	(747)	(1,290)	
<b>Total</b>		-	-	<b>(209)</b>	<b>(747)</b>	<b>(1,290)</b>
		<b>Biennial Total</b>			<b>(209)</b>	<b>(2,037)</b>
<b>2 - Revenues, Transfers In*</b>						
General Fund	-	-	-	-	-	
<b>Total</b>		-	-	-	-	-
		<b>Biennial Total</b>			-	-

**Bill Description**

This bill makes changes to existing statute and creates new statute requiring courts to consider whether the defendant has been the victim of domestic abuse, sexual assault, or sex trafficking when making certain sentencing determinations. It also provides the option for the courts to require that the victim participate in treatment or programming as a condition of probation.

The bill makes corresponding changes to existing statute requiring that relevant reports include information regarding whether defendants in question have been victims of domestic abuse, sexual assault, or sex trafficking, and whether those experiences had or have any connection to the offense committed. It also provides for an individual to be able to apply for pardon if sentenced before August 1, 2025, if the person was a victim of these crimes.

Finally, the bill requires the Minnesota Sentencing Guidelines Commission (MSGC) to amend the nonexclusive list of mitigating factors that may be used as reasons for departure to include these situations.

**Assumptions**

Prison bed costs are based on a marginal cost per diem of \$52.61 for FY 2026, \$53.79 for FY 2027, \$55.29 for FY 2028, and \$56.89 for FY 2029 and each subsequent year. 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 \$126,000 per year, including benefits.

**Expenditure and/or Revenue Formula**

MSGC projects the need for a reduction of 17 prison beds in fiscal year 2027, a reduction of 49 prison beds in fiscal year 2028, and a reduction of 70 prison beds in fiscal year 2029.

**Cost of Prison Beds**

Fiscal year	2026	2027	2028	2029
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Number of Prison Beds	0	-17	-49	-70
Cost of Prison Beds (in 000s)	\$0	-\$209	-\$747	-\$1,290
FTE	0	-1.3	-4.7	-8.2

**Long-Term Fiscal Considerations**

MSGC projects the need for a reduction of 73 prison beds beginning in fiscal year 2030 and every year thereafter.

**Local Fiscal Impact**

Unknown

**References/Sources**

Department of Corrections staff

MSGC

**Agency Contact:**

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**HF2976 - 0 - Mitigated Departures for Certain Offenders Est.**

Chief Author: **Kelly Moller**  
 Committee: **Public Safety Finance And Policy**  
 Date Completed: **4/8/2025 1:22:01 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

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
<b>Total</b>	-	-	-	-	-	-
<b>Biennial Total</b>			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium		
	Dollars in Thousands	FY2025	FY2026	FY2027	FY2028	FY2029
<b>Total</b>	-	-	-	-	-	-

**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:** 4/4/2025 2:44:52 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.

<b>State Cost (Savings) = 1-2</b>		<b>Biennium</b>			<b>Biennium</b>	
Dollars in Thousands		FY2025	FY2026	FY2027	FY2028	FY2029
	<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**

The bill allows for a mitigated departure for a person convicted of a felony if the person has been a victim of domestic abuse, sexual assault, or sex trafficking, that experience was a contributing factor in the offense the person committed, and the departure is in the public interest.

The bill would also allow individual sentenced prior to August 1, 2025, to apply for a pardon if the individual has been the victim of domestic abuse, sexual assault, or sex trafficking and that experience was a contributing factor in the crime for which the applicant was convicted.

The bill would require that the Minnesota Sentencing Guidelines Commission amend the list of mitigating factors to take into account where a person has been the victim of domestic abuse, sexual assault or sex trafficking.

**Assumptions**

There is not enough information to determine the impact of the changes being proposed.

**Expenditure and/or Revenue Formula**

**Long-Term Fiscal Considerations**

**Local Fiscal Impact**

**References/Sources**

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**Agency Fiscal Note Coordinator Signature:** Kevin Kajer

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**HF2976 - 0 - Mitigated Departures for Certain Offenders Est.**

Chief Author: **Kelly Moller**  
 Committee: **Public Safety Finance And Policy**  
 Date Completed: **4/8/2025 1:22:01 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

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	
	FY2025	FY2026	FY2027	FY2028	FY2029
Dollars in Thousands					
<b>Total</b>	-	-	-	-	-
<b>Biennial Total</b>			-		-

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2025	FY2026	FY2027	FY2028	FY2029
<b>Total</b>	-	-	-	-	-

**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:** 4/7/2025 11:09:28 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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<b>State Cost (Savings) = 1-2</b>		<b>Biennium</b>			<b>Biennium</b>	
Dollars in Thousands	FY2025	FY2026	FY2027	FY2028	FY2029	
<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**

SF3002-0 (“the bill”) creates a new statute, section 609.1057, which authorizes a mitigated sentencing departure for a felony offense if: (1) the defendant has been a victim of domestic abuse, sexual assault, or sex trafficking; (2) their status as a victim was a contributing factor to the underlying crime; and (3) a mitigated departure is in the public interest. The bill authorizes the court to review records from a variety of sources for purposes of considering such a departure and authorizes the court issue an order allowing such reports to be filed with the court as nonpublic if the reports were previously nonpublic. The bill also authorizes the court to order supportive services as part of probationary requirements.

The bill modifies other statutes as follows:

- Minn. Stat. § 609.115 (presentence investigation) to require that presentence investigation reports include relevant information regarding a defendant’s status as a victim of any of the listed offenses.
- Minn. Stat. § 609.133 (prosecutor-initiated sentence adjustments) to allow the court to consider a defendant’s status as a victim of one of the listed offenses in determining whether a sentence adjustment may be appropriate.
- Several statutes in Chapter 638 (Board of Pardons; Clemency Review Commission) to allow specific consideration of someone’s status as a victim of any of the listed offenses when considering relief under Ch. 638 and authorizing early application for clemency if someone who was such a victim was sentenced prior to Aug. 1, 2025, and their status as a victim was a contributing factor to the underlying crime.

The bill also requires the Minnesota Sentencing Guidelines Commission to amend the list of mitigating factors in the sentencing guidelines.

**Assumptions**

It is assumed that this bill will not change criminal case filing rates, because the bill does not create, eliminate, or modify any existing crimes. It is assumed that arguments raised by parties regarding sentencing departures due to the provisions of this bill will be handled in the regular course of sentencing hearings and will not have a measurable impact on the judicial branch.

It is assumed that there may be a slight increase in prosecutor-initiated sentencing adjustments under Minn. Stat. § 609.133 due to the provisions of this bill and that the judicial branch would absorb any such additional work. It is assumed that any change to the work of the Board of Pardons and Clemency Review Commission as a result of this bill would not have a measurable impact on the work of the judicial branch.

**Expenditure and/or Revenue Formula**

This bill is not expected 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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