

**HF3304 - 0 - Sentencing of Certain Military Veterans; Report**

Chief Author: **Mark Wiens**  
 Committee: **Judiciary Finance And Civil Law**  
 Date Completed: **2/27/2024 10:27:36 AM**  
 Lead Agency: **Supreme Court**  
 Other Agencies:  
     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
State Total						
<b>Total</b>		-	-	-	-	-
<b>Biennial Total</b>				-		-

Full Time Equivalent Positions (FTE)	Biennium			Biennium		
		FY2023	FY2024	FY2025	FY2026	FY2027
<b>Total</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:** Karen McKey    **Date:** 2/27/2024 10:27:36 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.

\*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		FY2023	FY2024	FY2025	FY2026	FY2027
<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>				-		-

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

Full Time Equivalent Positions (FTE)	Biennium			Biennium		
		FY2023	FY2024	FY2025	FY2026	FY2027
<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:** Karen McKey    **Date:** 2/27/2024 10:25:45 AM  
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**State Cost (Savings) Calculation Details**

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Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027	
<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 adds a new subdivision 3a to Minn. Stat. § 609.1056 (military veterans deferred prosecution) to add reporting requirements for the judicial branch and Sentencing Guidelines Commission related to sentencing proceedings conducted pursuant to that statute.

The bill requires that the court send the Sentencing Guidelines Commission a report for each sentence deferred pursuant to Minn. Stat. § 609.1056, subd. 2(d), including specific pieces of data and the sentencing worksheet, and a report regarding each probation revocation and whether it was based on a technical violation or an allegation of a subsequent criminal act.

**Assumptions**

It is assumed that the bill includes a reference to the wrong paragraph in section 609.1056 as a deferred sentence is imposed under subdivision 2(b), not 2(d), based on the 2023 amendments to the statute.

It is assumed that the judicial branch will comply with paragraph (a) of the new subdivision 3a by continuing to make public criminal case data, including all of the data elements listed in paragraphs (1)-(6), and sentencing worksheets available to the Minnesota Sentencing Guidelines Commission (MSGC), and by notifying MSGC when the court imposes a deferred sentence under section 609.1056, likely through electronic notifications and/or reports, and that a separate report containing the data elements listed in paragraph (a) would not need to be created and transmitted.

It is assumed that the sentencing judge would need to prepare and provide MSGC with a separate report to comply with paragraph (b) as the court does not capture data regarding the basis for probation revocation and whether a violation was technical or involved allegations of a subsequent criminal act. It is assumed that compliance with this provision would require the same level of effort by judges as is required for departure reports.

**Expenditure and/or Revenue Formula**

Based on 2 years of judicial branch data, there were on average 60 cases per year statewide in which judges granted sentencing under Minn. Stat. § 609.1056. It is anticipated that the provisions of this bill would require the court to prepare and provide at most 60 probation revocation reports statewide per year, which would not have a significant fiscal impact on the judicial branch.

**Long-Term Fiscal Considerations**

**Local Fiscal Impact**

**References/Sources**

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 Committee: **Judiciary Finance And Civil Law**  
 Date Completed: **2/27/2024 10:27:36 AM**  
 Agency: **Sentencing Guidelines Comm**

State Fiscal Impact	Yes	No
Expenditures		X
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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		
		FY2023	FY2024	FY2025	FY2026	FY2027
<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:** Karen McKey    **Date:** 2/24/2024 11:35:30 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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Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
<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 amends Minn. Stat. § 609.1056 (Military Veterans; Crimes Committed because of Conditions Resulting from Service; Discharge and Dismissal) by adding a new subdivision 3a requiring the Minn. Judicial Branch (MJB) to report to the Minnesota Sentencing Guidelines Commission (MSGC) the following case-level data on military veterans for which a deferred sentence was imposed: (1) the name of the defendant; (2) the case number; (3) the underlying charge or charges; (4) the fact that proceedings have been deferred; (5) the length of the term of probation ordered by the court; (6) the conditions of probation; and (7) a copy of the sentencing worksheet prepared pursuant to Minn. Stat. § 609.115, if a worksheet was prepared.

If the defendant violates a condition of probation and the court enters an adjudication of guilt, the MJB must report to MSGC the following: (1) the name of the defendant; (2) the case number; (3) whether the violation was a technical violation or involved allegation of a subsequent criminal act; and (4) the sentence announced.

MSGC must report the following summary data to the Legislature by January 15 of each year: (1) the number of individuals who received a deferred sentence in the previous year, disaggregated by county; (2) the number of individuals who received an adjudication of guilt in the previous year, disaggregated by county; (3) for the individuals who received an adjudication of guilt, the number who committed a technical violation of probation and the number alleged to have committed a subsequent criminal act; and (4) the number of proceedings dismissed in the previous year, disaggregated by county.

The bill is effective August 1, 2023, and applies to deferred sentences announced on or after that date.

**Assumptions**

It is assumed that the bill is effective August 1, 2024, and applies to deferred sentences announced on or after that date.

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It is assumed that MSGC will be required to compile data reported from MJB and that no original research will be required. In that regard, MSGC assumes it is similar to the mandate described in Minn. Stat. § 244.09, subd. 14, which requires MSGC to report on summary data from 87 forms reporting the number of criminal cases involving firearms from each of Minnesota’s 87 counties. The form on which to report the summary data is provided to the county attorney’s offices. It is assumed that, unlike the county attorney reports, MSGC will not know whether there are missing data reports and will not initiate correspondence to request missing reports.

It is assumed that deferred sentencing data, by law, retains the same level of accessibility at MSGC as that at MJB. Minn. Rule of Public Access to Records of the Judicial Branch 8, subd. 3, limits the bulk distribution of court records. Unless the recipient executes an agreement with the State Court Administrator (Rule 8, subd. 3(b)) or the State Court Administrator otherwise provides permission (Rule 8, subd. 3(d)) something MSGC is unable to do on the State Court Administrator’s behalf electronic bulk data must be released with a case number as the only identifier (Rule 8, subd. 3(c)).

It is assumed that MSGC will absorb the MNIT costs. It is assumed that MJB will report the deferred sentencing data in a way in which MSGC will be able to use a standardized spreadsheet or database with predictably defined fields to compile the data.

For purposes of determining the estimated impact of this bill on MSGC's workload, it was assumed that the volume of cases reported will be different from the above-mentioned county attorney reports, but can be calculated based on the number of deferred sentences per year that were imposed under Minn. Stat. § 609.1056, subd. 2. Instead of receiving and compiling 87 reports in a year, MSGC will receive as many reports in a year as there are deferred sentences. This number will be multiplied by the number of staff resources currently spent on the county attorney report and divided by 87 (the number of Minnesota counties).

According to MJB, there were 64 deferred sentences imposed under Minn. Stat. § 609.1056, subd. 2 in 2023. According to MSGC, 18 Research Analysis Specialist hours were spent on the county attorney reports' project in 2023. Based on the above assumptions, it is estimated that 13.2 Research Analysis Specialist hours will be required for compiling and reporting the data required by this bill ( $18 \text{ hours} \div 87 \text{ county-attorney reports} \times 64 \text{ deferred-sentence reports} = 13.2 \text{ hours}$ ), for annual agency cost of \$713.46.

If deferred sentences under 609.1056, subd. 2 were to increase as a result of this bill, the above estimate would understate the agency cost.

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

### **Long-Term Fiscal Considerations**

Based on the above assumptions, MSGC agency costs are \$713 annually (.006 FTE) which will be absorbed by the agency.

### **Local Fiscal Impact**

### **References/Sources**

Minn. Stat. § 13.03, subd. 4(e).

MJB 2023 Deferred Sentencing Data.

Reported FTE and staff time to prepare county attorney reports; 2024 MSGC Report to the Legislature.

#### **Agency Contact:**

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