

Revised

Consolidated Fiscal Note

2025-2026 Legislative Session

HF340 - 0 - Penalty for Fleeing Peace Officer Modified

Chief Author: **Terry Stier**
 Committee: **Public Safety Finance And Policy**
 Date Completed: **2/19/2025 2:42:58 PM**
 Lead Agency: **Public Safety Dept**
 Other Agencies:
 Administrative Hearings Corrections Dept
 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 | FY2025 | FY2026 | FY2027 | FY2028 | FY2029 |
| Administrative Hearings | - | - | - | - | - |
| Administrative Hearings | - | - | - | - | - |
| Corrections Dept | | | | | |
| General Fund | - | 180 | 491 | 626 | 644 |
| Public Defense Board | | | | | |
| General Fund | - | 125 | 167 | 167 | 167 |
| Public Safety Dept | | | | | |
| Restrict Misc Special Revenue | - | 47 | - | - | - |
| State Total | | | | | |
| Administrative Hearings | - | - | - | - | - |
| General Fund | - | 305 | 658 | 793 | 811 |
| Restrict Misc Special Revenue | - | 47 | - | - | - |
| Total | - | 352 | 658 | 793 | 811 |
| Biennial Total | | | 1,010 | | 1,604 |

| Full Time Equivalent Positions (FTE) | Biennium | | | Biennium | |
|--------------------------------------|----------|--------|--------|----------|--------|
| | FY2025 | FY2026 | FY2027 | FY2028 | FY2029 |
| Administrative Hearings | - | - | - | - | - |
| Administrative Hearings | - | - | - | - | - |
| Corrections Dept | | | | | |
| General Fund | - | 1.1 | 3.1 | 4 | 4.1 |
| Public Defense Board | | | | | |
| General Fund | - | 1 | 1 | 1 | 1 |
| Public Safety Dept | | | | | |
| Restrict Misc Special Revenue | - | - | - | - | - |
| Total | - | 2.1 | 4.1 | 5 | 5.1 |

Revised

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.

This fiscal note was revised to include OAH.

LBO Signature: Laura Cecko **Date:** 2/19/2025 2:42:58 PM
Phone: 651-284-6543 **Email:** laura.cecko@lbo.mn.gov

Revised

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 |
| Administrative Hearings | - | - | - | - | - | - |
| Administrative Hearings | - | - | - | - | - | - |
| Corrections Dept | | | | | | |
| General Fund | - | 180 | 491 | 626 | 644 | |
| Public Defense Board | | | | | | |
| General Fund | - | 125 | 167 | 167 | 167 | 167 |
| Public Safety Dept | | | | | | |
| Restrict Misc Special Revenue | - | 47 | - | - | - | - |
| Total | - | 352 | 658 | 793 | 811 | |
| Biennial Total | | | 1,010 | | 1,604 | |
| 1 - Expenditures, Absorbed Costs*, Transfers Out* | | | | | | |
| Administrative Hearings | - | - | - | - | - | - |
| Administrative Hearings | - | 3 | - | - | - | - |
| Corrections Dept | | | | | | |
| General Fund | - | 180 | 491 | 626 | 644 | |
| Public Defense Board | | | | | | |
| General Fund | - | 125 | 167 | 167 | 167 | 167 |
| Public Safety Dept | | | | | | |
| Restrict Misc Special Revenue | - | 47 | - | - | - | - |
| Total | - | 355 | 658 | 793 | 811 | |
| Biennial Total | | | 1,013 | | 1,604 | |
| 2 - Revenues, Transfers In* | | | | | | |
| Administrative Hearings | - | - | - | - | - | - |
| Administrative Hearings | - | 3 | - | - | - | - |
| Corrections Dept | | | | | | |
| General Fund | - | - | - | - | - | - |
| Public Defense Board | | | | | | |
| General Fund | - | - | - | - | - | - |
| Public Safety Dept | | | | | | |
| Restrict Misc Special Revenue | - | - | - | - | - | - |
| Total | - | 3 | - | - | - | - |
| Biennial Total | | | 3 | | | - |

Revised

Fiscal Note

2025-2026 Legislative Session

HF340 - 0 - Penalty for Fleeing Peace Officer Modified

Chief Author: **Terry Stier**
Committee: **Public Safety Finance And Policy**
Date Completed: **2/19/2025 2:42:58 PM**
Agency: **Public Safety 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 | |
|-------------------------------|----------|--------|--------|----------|--------|
| | FY2025 | FY2026 | FY2027 | FY2028 | FY2029 |
| Dollars in Thousands | | | | | |
| Restrict Misc Special Revenue | - | 47 | - | - | - |
| Total | - | 47 | - | - | - |
| Biennial Total | | | 47 | | - |

| Full Time Equivalent Positions (FTE) | Biennium | | | Biennium | |
|--------------------------------------|----------|--------|--------|----------|--------|
| | FY2025 | FY2026 | FY2027 | FY2028 | FY2029 |
| Restrict Misc Special Revenue | - | - | - | - | - |
| 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: Laura Cecko **Date:** 2/16/2025 8:58:23 AM
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Revised

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 |
| Restrict Misc Special Revenue | - | 47 | - | - | - | - |
| Total | - | 47 | - | - | - | - |
| Biennial Total | | | 47 | | | - |
| 1 - Expenditures, Absorbed Costs*, Transfers Out* | | | | | | |
| Restrict Misc Special Revenue | - | 47 | - | - | - | - |
| Total | - | 47 | - | - | - | - |
| Biennial Total | | | 47 | | | - |
| 2 - Revenues, Transfers In* | | | | | | |
| Restrict Misc Special Revenue | - | - | - | - | - | - |
| Total | - | - | - | - | - | - |
| Biennial Total | | | - | | | - |

Bill Description

This bill relates to public safety by modifying crime of fleeing peace officer in motor vehicle to add heightened penalty for fleeing in culpably negligent manner; establishing crime of fleeing in motor vehicle and failing to obey certain traffic laws; authorizing expanded use of tracking devices for fleeing motor vehicles; amending Minn. Stat. 171.174 and 609.487 Subd. 5 by adding subdivisions and 626A.35 by adding a subdivision. This bill adds culpable negligence and failure to obey signs while fleeing a peace officer as reasons for driver license revocation and it allows for the use of mobile tracking devices on a fleeing motor vehicle.

Assumptions

State Patrol

The proposed modifications to Minn. Stat. 171.174 and 609.487 would adjust criminal penalties and driver license revocation periods for each section within the Fleeing a Peace Officer in a Motor Vehicle statutes, but would not have a fiscal impact associated with it for the State Patrol. Training and familiarity of these statutes would be conducted at regularly scheduled in-service sessions with all State Troopers if these changes were made.

Minn. Stat. 171.174 (3) is added to include a driver license revocation period of up to four years associated with Minn. Stat. 609.487 (3a) that addresses Fleeing a Peace Officer when culpable negligence is involved.

MinnStat. 171.174 (4) is added to include a driver license revocation period associated with Minn. Stat. 609.487 (3b) that addresses Fleeing a Peace Officer when the failure to obey traffic signs, signals or markings is involved.

Minn. Stat. 609.487 Subd. 3a, is added to this chapter and outlines Fleeing a Peace Officer in a Motor Vehicle with culpable negligence, creating unreasonable risk, or "consciously takes chances" and assigns a felony level offense along with associated penalties to the crime.

Minn. Stat. 609.487, Subd. 3b is added to this chapter and outlines Fleeing a Peace Officer in a Motor Vehicle when the failure to obey signs, signals, or markings is involved in the act. It also includes the failure to stay on the proper side of the roadway and assigns a felony level offense along with associated penalties to these crimes.

Minn. Stat. 626A.35, Subd. 2c, provides an exception to fleeing motor vehicles that applies to a mobile tracking device on a fleeing motor vehicle as outlined in the definitions within Minn. Stat. 609.487, Subd. 1.

Revised

The bill does not have fiscal impact to the State Patrol.

Driver and Vehicle Services (DVS)

This bill adds subdivisions to Minn. Stat. 609.487 and 171.174; however due to statutory language of “not less than,” actual revocation of a driver’s license is governed by Minn. Rule 7410.1100. Therefore, rulemaking authority must be granted by legislature in order to implement this bill.

Small rulemaking costs are assumed at \$46,905.

Rulemaking of this size takes a minimum of one year to complete, and implementing this bill by Aug. 1, 2025, may not be feasible. DVS recommends an implementation date of Aug. 1, 2026.

DVS estimates minimal amount of programming costs which will be covered by existing resources.

Expenditure and/or Revenue Formula

\$46,905 - rulemaking

Long-Term Fiscal Considerations

Local Fiscal Impact

References/Sources

Driver and Vehicle Services

Minnesota State Patrol

Agency Contact:

Agency Fiscal Note Coordinator Signature: Brian Awsumb

Phone: 651-539-3387

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Email: brian.awsumb@state.mn.us

Revised

Fiscal Note

2025-2026 Legislative Session

HF340 - 0 - Penalty for Fleeing Peace Officer Modified

Chief Author: **Terry Stier**
Committee: **Public Safety Finance And Policy**
Date Completed: **2/19/2025 2:42:58 PM**
Agency: **Administrative Hearings**

| 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 | | | | | |
| Administrative Hearings | - | - | - | - | - |
| Total | - | - | - | - | - |
| Biennial Total | | | - | | - |

| Full Time Equivalent Positions (FTE) | Biennium | | | Biennium | |
|--------------------------------------|----------|--------|--------|----------|--------|
| | FY2025 | FY2026 | FY2027 | FY2028 | FY2029 |
| Administrative Hearings | - | - | - | - | - |
| 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.

This fiscal note was revised to show the fiscal impact of DPS rulemaking and OAH was added to show that cost.

LBO Signature: Shannon Zila **Date:** 2/19/2025 1:44:20 PM
Phone: 651-296-6053 **Email:** shannon.zila@lbo.mn.gov

Revised

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 |
| Administrative Hearings | - | - | - | - | - | - |
| Total | - | - | - | - | - | - |
| Biennial Total | | | | - | | - |
| 1 - Expenditures, Absorbed Costs*, Transfers Out* | | | | | | |
| Administrative Hearings | - | 3 | - | - | - | - |
| Total | - | 3 | - | - | - | - |
| Biennial Total | | | 3 | | | - |
| 2 - Revenues, Transfers In* | | | | | | |
| Administrative Hearings | - | 3 | - | - | - | - |
| Total | - | 3 | - | - | - | - |
| Biennial Total | | | 3 | | | - |

Bill Description

SF191 adds heightened penalties for failure to obey traffic signs and for culpable negligence while fleeing a peace officer in a motor vehicle. The bill provides for suspending an individual's drivers license if they commit either of these crimes and allows for use of a mobile tracking device on a fleeing motor vehicle.

Assumptions

The Office of Administrative Hearings (OAH) in consultation with Minnesota Management and Budget (MMB) assesses agencies the cost of services rendered to them. All agencies shall include in their budgets provisions for such assessments.

OAH has used the Department of Public Safety's (DPS) assumption that a small rulemaking will be required to meet the requirements of SF191. Based on past practices, OAH assumes that a small rulemaking under chapter 14 will require an estimated 10 hours of Administrative Law Judge (ALJ) time for activity related to rulemaking procedures. Of the total rulemaking amount estimated by DPS, \$2,700 is for the estimated 10 hours of ALJ time for a small rulemaking.

OAH currently bills ALJ time for rulemaking at the MMB-approved billable rate of \$270 per hour (see Minn. Stat. § 16A.126, subd. 1 (2023)).

Expenditure and/or Revenue Formula

Estimated 10 hours of ALJ time for rulemaking activities in FY26 related to implementing the requirements of this bill = 10 hours x \$270/hr = \$2,700 charged to DPS in FY2026 pursuant to the requirements of Minn. Stat. § 14.53.

Long-Term Fiscal Considerations

Costs associated with the rulemaking activities are a one-time occurrence.

Local Fiscal Impact

References/Sources

Revised

Agency Contact: William Moore

Agency Fiscal Note Coordinator Signature: William Moore

Phone: 651-361-7893

Date: 2/19/2025 12:49:44 PM

Email: william.t.moore@state.mn.us

Revised

Fiscal Note

2025-2026 Legislative Session

HF340 - 0 - Penalty for Fleeing Peace Officer Modified

Chief Author: **Terry Stier**
 Committee: **Public Safety Finance And Policy**
 Date Completed: **2/19/2025 2:42:58 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 | | - | 180 | 491 | 626 | 644 |
| Total | | - | 180 | 491 | 626 | 644 |
| Biennial Total | | | | 671 | | 1,270 |

| Full Time Equivalent Positions (FTE) | | Biennium | | | Biennium | |
|--------------------------------------|--|----------|--------|--------|----------|--------|
| | | FY2025 | FY2026 | FY2027 | FY2028 | FY2029 |
| General Fund | | - | 1.1 | 3.1 | 4 | 4.1 |
| Total | | - | 1.1 | 3.1 | 4 | 4.1 |

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:** 2/12/2025 10:47:55 AM
Phone: 651-296-6054 **Email:** susan.nelson@lbo.mn.gov

Revised

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 |
| General Fund | - | 180 | 491 | 626 | 644 |
| Total | - | 180 | 491 | 626 | 644 |
| Biennial Total | | | 671 | | 1,270 |
| 1 - Expenditures, Absorbed Costs*, Transfers Out* | | | | | |
| General Fund | - | 180 | 491 | 626 | 644 |
| Total | - | 180 | 491 | 626 | 644 |
| Biennial Total | | | 671 | | 1,270 |
| 2 - Revenues, Transfers In* | | | | | |
| General Fund | - | - | - | - | - |
| Total | - | - | - | - | - |
| Biennial Total | | | - | | - |

Bill Description

SF 191 creates a new felony-level offense for when an individual knowingly flees a peace officer who is acting in the lawful discharge of an official duty and who the individual knows or should reasonably know is a peace officer.

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

Cost of Prison Beds

| Fiscal year | 2026 | 2027 | 2028 | 2029 |
|-------------------------------|-------|-------|-------|-------|
| Number of Prison Beds | 15 | 31 | 31 | 31 |
| Cost of Prison Beds (in 000s) | \$180 | \$491 | \$626 | \$644 |
| FTE | 1.1 | 3.1 | 4 | 4.1 |

Long-Term Fiscal Considerations

The Minnesota Sentencing Guidelines Commission (MSGC) estimates that the eventual need for 31 additional prison beds will remain beyond the budget horizon.

Local Fiscal Impact

Revised

MSGC estimates that five local correctional beds will be needed statewide.

References/Sources

Department of Corrections Staff

MSGC

Agency Contact:

Agency Fiscal Note Coordinator Signature: Mark Besonen

Date: 2/12/2025 10:44:16 AM

Phone: 651-361-7200

Email: mark.besonen@state.mn.us

Revised

Fiscal Note

2025-2026 Legislative Session

HF340 - 0 - Penalty for Fleeing Peace Officer Modified

Chief Author: **Terry Stier**
 Committee: **Public Safety Finance And Policy**
 Date Completed: **2/19/2025 2:42:58 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 | |
|----------------------|----------|--------|--------|----------|--------|
| | FY2025 | FY2026 | FY2027 | FY2028 | FY2029 |
| Dollars in Thousands | | | | | |
| General Fund | - | 125 | 167 | 167 | 167 |
| Total | - | 125 | 167 | 167 | 167 |
| Biennial Total | | | 292 | | 334 |

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

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:** 2/17/2025 8:54:03 AM
Phone: 651-296-6054 **Email:** susan.nelson@lbo.mn.gov

Revised

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 |
| General Fund | - | 125 | 167 | 167 | 167 | 167 |
| Total | - | 125 | 167 | 167 | 167 | 167 |
| Biennial Total | | | 292 | | | 334 |
| 1 - Expenditures, Absorbed Costs*, Transfers Out* | | | | | | |
| General Fund | - | 125 | 167 | 167 | 167 | 167 |
| Total | - | 125 | 167 | 167 | 167 | 167 |
| Biennial Total | | | 292 | | | 334 |
| 2 - Revenues, Transfers In* | | | | | | |
| General Fund | - | - | - | - | - | - |
| Total | - | - | - | - | - | - |
| Biennial Total | | | - | | | - |

Bill Description

Provides for a four year felony penalty for conviction of fleeing a police officer, where the individual operates a vehicle in culpably negligent manner creating an unreasonable risk and takes chances of causing death or great bodily harm to another. The bill also provides for a felony penalty for conviction of fleeing a police officer, where the individual fails to obey signs, signals or markings or fails to keep on the proper side of the road.

The bill would also provide for suspension of the individual's driver's license for not less than four years for violation of either of the above provisions.

Assumptions

In fiscal year 2024 public defenders opened 3,389 non-felony cases under MS 609.487. Assuming just 10% of these cases meet the criteria and are now felony cases this would mean an additional 339 felony cases.

Expenditure and/or Revenue Formula

Board standards state that a public defender should handle no more than 150 felony cases or 400 misdemeanor cases in a year. Using the difference between these two standards and the 339 cases we would expect to need an additional FTE attorney to handle the increased workload. An attorney at Step 5 of the pay scale including insurance, retirement, FICA, and non-personnel costs would amount to \$167,000 annually. Prorated the first year we would expect first year's costs of \$125,000.

In addition, the revocation of a driver's license for four years will lead to additional individuals who drive without a valid license. Some of these individuals will be stopped and charged with driving after revocation. There is not enough information to determine how many of these cases there may be.

Long-Term Fiscal Considerations

Local Fiscal Impact

Revised

References/Sources

Agency Contact:

Agency Fiscal Note Coordinator Signature: Kevin Kajer

Phone: 612-279-3508

Date: 2/13/2025 8:50:32 AM

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Revised

Fiscal Note

2025-2026 Legislative Session

HF340 - 0 - Penalty for Fleeing Peace Officer Modified

Chief Author: **Terry Stier**
Committee: **Public Safety Finance And Policy**
Date Completed: **2/19/2025 2:42:58 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 | |
|----------------------|----------|--------|--------|----------|--------|
| | FY2025 | FY2026 | FY2027 | FY2028 | FY2029 |
| Dollars in Thousands | | | | | |
| 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:** 2/11/2025 1:52:12 PM
Phone: 651-296-6054 **Email:** susan.nelson@lbo.mn.gov

Revised

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

Bill Description

Sections 1 and 4 are related to revocation of drivers' licenses. Section 5 is related to an exception for tracking devices.

Section 2 amends Minn. Stat. § 609.487 (Fleeing a Peace Officer) by adding a new subdivision 3a for fleeing a peace officer in motor vehicle. The new offense is committed when the fleeing driver operates the vehicle in a culpably negligent manner, thereby creating an unreasonable risk and consciously taking chances of causing death or great bodily harm to another. The new offense's statutory maximum penalty is four years in prison and/or a \$8,000 fine.

Section 3 amends Minn. Stat. § 609.487 (Fleeing a Peace Officer) by adding a new subdivision 3b for fleeing while failing to obey traffic signs (e.g., running a red light) or driving on the wrong side of the road, in violation of applicable traffic laws. The new offense's statutory maximum penalty is five years in prison and/or a \$10,000 fine.

The bill is effective August 1, 2025, and applies to crimes committed on or after that date.

Assumptions

MSGC has no data regarding the impact, if any, of sections 1, 4, and 5.

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.

Currently there are four felony fleeing offenses with different statutory maximum based on the level of harm created. Subdivision 3 is the "basic" fleeing a peace officer in a motor vehicle if the perpetrator knows or should have reason to know that they are fleeing a peace officer and has a statutory maximum of three years. This offense is ranked at Severity Level (SL) 1. According to MSGC monitoring data, from 2019 to 2023, there were 3,336 cases sentenced (an annual average 667 cases). Subdivision 4(c) is fleeing that results in substantial bodily harm, has a statutory maximum of five years, is ranked at SL 4, and 14 cases were sentenced from 2019 to 2023 (an annual average 2.8 cases). Subdivision 4(b) is fleeing that results in great bodily harm, has a statutory maximum of seven years, is ranked at SL 6, and three cases were sentenced from 2019 to 2023 (an annual average 0.6 cases). Subdivision 4(a) is fleeing that results in death, has a statutory maximum of 40 years, is ranked at SL 10, and five cases were sentenced from 2019 to 2023 (an annual average 1 case).

Because the new fleeing culpable negligence (subd. 3a) and fleeing failing to obey traffic signs offense (subd. 3b) contain all the elements of the basic fleeing offense, it is assumed that all new fleeing would have been basic fleeing cases under existing law. Although the number of future sentences for the new offenses is not known, it will be less than the 667 basic fleeing sentences annually. It is assumed that the newly required elements will be provably common among many fleeing cases: perhaps one-third of basic fleeing cases will instead be successfully prosecuted under fleeing culpable negligence (subd. 3a); one-third will instead be successfully prosecuted under the new fleeing failing to obey traffic signs (subd. 3b);

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and one-third will continue to be prosecuted as basic fleeing (subd. 3) or 222 cases annually for each category ($667 \div 3$).

The Minnesota Sentencing Guidelines Commission assigns severity-level (SL) rankings to new felonies. Among its considerations are statutory maximum penalty and harm to the victim in a typical case. The fleeing offense resulting in substantial bodily harm has a five-year statutory maximum penalty and is ranked at SL 4. Because the new offenses lack the element of harm, it is assumed that the new offenses will be ranked lower, at SL 3. At SL 3, offenses with a criminal history score (CHS) 4 or more are recommended a prison sentence with presumptive durations that range from 17 to 27 months.

From 2019 to 2023, the average imprisonment rate for SL 3 cases was 20 percent with an average duration of 20 months (serve 2/3 term of imprisonment = 13 mos.); an average of 65 percent of the SL 3 offenses that received probation sentences received local confinement as a condition of probation. The average pronounced confinement time was 78 days (serve 2/3 = 52 days).

From 2019 to 2023, the average imprisonment rate for SL 1 fleeing cases was 15 percent with an average duration of 17.5 months (serving 2/3 term of imprisonment = 11.7 mos.); an average of 71.5 percent of the SL 1 fleeing cases that received probation sentences received local confinement as a condition of probation. The average pronounced confinement time was 63 days (serve 2/3 = 42 days).

Expenditure and/or Revenue Formula

Long-Term Fiscal Considerations

Based on the above assumptions, it is estimated that this bill will result in the eventual need for 31 additional prison beds. Allowing six months for implementation, there will be a need for 15 beds in FY2026, and 31 beds in FY2027, and every year after.

Because the SL 1 fleeing cases have an imprisonment rate of 15 percent, whereas SL 3 cases have an imprisonment rate of 20 percent, it is estimated that the number of prison cases for the 444 assumed to change severity levels will change from 67 (15% of 444) to 89 (20% of 444). The SL 1 fleeing offenses sentenced had an average pronounced sentence of 17.5 months (serve 2/3=11.7 mo.); whereas at SL 3 it is estimated that the average term of imprisonment will be 13 months. Thus, it is estimated that for the 444 cases assumed to switch severity levels, the prison bed need will change from 65 beds ($(67 \text{ cases} \times 11.7) \div 12$) to 96 beds ($(89 \text{ cases} \times 13) \div 12$). Thus, it is estimated that these changes will result in the need for 31 additional prison beds a year (96 beds - 65 beds = 31 beds). Allowing six months for implementation, there will be a need for 15 beds in FY2026, and 31 beds in FY2027, and every year after.

Local Fiscal Impact

Based on the above assumptions, it is estimated that this bill will result in the need for five local beds statewide because of the difference in the estimated local beds needed for SL 1 fleeing probationers (36 local beds) compared to the estimated local beds that will be needed for the new SL 3 fleeing probationers (41 local beds).

At SL 1, the local confinement rate was 71.5 percent with an average pronounced confinement time of 63 days (serving 2/3 term of imprisonment = 42 days). For the estimated 317 probation cases at SL 1 (71.5% of 444 cases), among the 444 cases assumed to change severity levels, the estimated local bed need at SL 1 is 36 beds ($317 \text{ cases} \times 42 \text{ days} = 13,314 \text{ "jail days"} \div 365 = 36 \text{ local beds}$).

At SL 3, the local confinement rate was 65 percent. The average pronounced confinement time was 78 days (serving 2/3 term of imprisonment = 52 days). For the estimated 287 probation cases at SL 3 (65% of 444 cases), among the 444 cases assumed to change severity levels, it is estimated that the local bed need will be 41 beds ($287 \text{ cases} \times 52 \text{ days} = 14,924 \text{ "jail days"} \div 365 = 41 \text{ local beds}$).

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References/Sources

2019-2023 MSGC Monitoring Data.

Agency Contact:

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Fiscal Note

2025-2026 Legislative Session

HF340 - 0 - Penalty for Fleeing Peace Officer Modified

Chief Author: **Terry Stier**
Committee: **Public Safety Finance And Policy**
Date Completed: **2/19/2025 2:42:58 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 | | | | | |
| 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:** 2/11/2025 1:52:35 PM
Phone: 651-296-6054 **Email:** susan.nelson@lbo.mn.gov

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

Bill Description

SF191-0 (the "bill") adds new subdivisions 3a and 3b to section 609.487 (Fleeing a Peace Officer) to impose higher felony penalties for fleeing while operating the vehicle in a culpably negligent manner (3a) and while failing to obey signs and keep to the proper side of the road (3b). The bill amends section 609.487, subdivision 5 to require the court to report convictions under the new subdivisions to the department of public safety, and amends Minn. Stat. § 171.174 to require the commissioner to revoke a person's driver's license for a certain number of years for those offenses. The bill amends section 626A.35 by adding a new subdivision 2c, which exempts the use of mobile tracking devices on fleeing motor vehicles from the court order requirement in subdivision 1 of that statute.

Assumptions

It is assumed that the bill will not result in any increase or decrease in cases filed with the district court as the predicate offense of fleeing a peace officer in a motor vehicle is already a felony under section 609.487, subdivision 3. It is also assumed that felony offenses charged under the new subdivisions will not require more judicial branch resources than other felony offenses charged under the existing provisions of that statute.

Expenditure and/or Revenue Formula

The bill will not have a significant fiscal impact on the judicial branch.

Long-Term Fiscal Considerations

None

Local Fiscal Impact

References/Sources

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