

Subject Establishing a limit of five years on the length of probation in most felony sentences

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Overview

Under current law, the maximum length of probation in felony sentences is the longer of four years or the maximum length of imprisonment that could be imposed for the offense. In 2020, the Minnesota Sentencing Guidelines Commission amended the guidelines to limit the length of probation to no more than five years for most felony offenses. The change included exceptions for certain offenses including homicide and criminal sexual conduct. Under the change in the guidelines, courts could impose longer periods of probation based on substantial and compelling reasons to depart from the guidelines. The change in the guidelines was not retroactive.

This bill limits the period of probation in most felony sentences to five years and contains the same exceptions that exist in the Sentencing Guidelines. The bill does not permit judges to depart from that maximum length of probation. It provides for retroactivity and provides for resentencing for individuals who received sentences placing them on probation for more than five years.

Summary

Section	Description
1	Failure to pay restitution. Makes a conforming change.
2	Failure to complete court-ordered treatment. Makes a conforming change.
3	Stay of sentence maximum periods. Provides that the maximum length of probation for most felony sentences is the lesser of five years or the maximum sentence of imprisonment that could be imposed

Section	Description
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for the offense. Establishes exceptions to the five-year limit for certain offenses including homicide and criminal sexual conduct.

4 Probation limits; retroactive application.

Establishes that a person placed on probation is eligible for resentencing if the person was placed on probation for a period of time that exceeded five years and the new changes to the law would have limited that period of probation to no more than five years. Provides that the resentencing does not apply to individuals whose sentences were executed. Establishes that resentencing shall be treated as a modification of sentence under court rules. Provides that the term of probation for a person eligible for resentencing who has served five or more years of probation shall be considered to have expired on October 1, 2023, unless the length of probation is extended for failure to pay restitution or failure to complete treatment.



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