

1.1 A bill for an act
1.2 relating to public safety; requiring an aggravated durational departure for certain
1.3 violent offenders who use a firearm; requiring certain sentences to be imposed
1.4 consecutively to other sentences; requiring certain offenders to serve an entire
1.5 announced sentence in prison; amending Minnesota Statutes 2024, sections 244.45;
1.6 609.1095, subdivisions 2, 3, 4, by adding a subdivision.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. Minnesota Statutes 2024, section 244.45, is amended to read:

1.9 **244.45 INELIGIBILITY FOR EARNED INCENTIVE RELEASE CREDIT.**

1.10 The following individuals are ineligible for earned incentive release credit:

1.11 (1) those serving life sentences;

1.12 (2) those sentenced under section 609.1095;

1.13 ~~(2)~~ (3) those given indeterminate sentences for crimes committed on or before April 30,

1.14 1980; or

1.15 ~~(3)~~ (4) those subject to good time under section 244.04 or similar laws.

1.16 **EFFECTIVE DATE.** This section is effective the day following final enactment.

1.17 Sec. 2. Minnesota Statutes 2024, section 609.1095, subdivision 2, is amended to read:

1.18 Subd. 2. **Increased sentences for dangerous offender who commits third violent**

1.19 **crime; mandatory increase for crimes involving a firearm.** (a) Whenever a person is

1.20 convicted of a violent crime that is a felony, and the judge is imposing an executed sentence

1.21 based on a Sentencing Guidelines presumptive imprisonment sentence, the judge may

impose an aggravated durational departure from the presumptive imprisonment sentence up to the statutory maximum sentence if the offender was at least 18 years old at the time the felony was committed, and:

(1) the court determines on the record at the time of sentencing that the offender has two or more prior convictions for violent crimes; and

(2) the fact finder determines that the offender is a danger to public safety. The fact finder may base its determination that the offender is a danger to public safety on the following factors:

(i) the offender's past criminal behavior, such as the offender's high frequency rate of criminal activity or juvenile adjudications, or long involvement in criminal activity including juvenile adjudications; or

(ii) the fact that the present offense of conviction involved an aggravating factor that would justify a durational departure under the Sentencing Guidelines.

(b) The judge must impose an aggravated durational departure from the presumptive imprisonment sentence up to the statutory maximum if the offender meets the requirements under paragraph (a) and:

(1) the offender or an accomplice at the time of the offense, had in possession or used, whether by brandishing, displaying, threatening with, or otherwise employing, a firearm; and

(2) in at least two of the prior convictions for violent crimes determined under paragraph (a), clause (1), the offender or an accomplice, at the time of the offense, had in possession or used a firearm.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to crimes committed on or after that date.

Sec. 3. Minnesota Statutes 2024, section 609.1095, subdivision 3, is amended to read:

Subd. 3. **Mandatory sentence for dangerous offender who commits third violent felony.** (a) Unless a longer mandatory minimum sentence is otherwise required by law or the court imposes a longer aggravated durational departure under subdivision 2, a person who is convicted of a violent crime that is a felony must be committed to the commissioner of corrections for a mandatory sentence of at least the length of the presumptive sentence under the Sentencing Guidelines if the court determines on the record at the time of sentencing that the person has two or more prior felony convictions for violent crimes. The

court shall impose and execute the prison sentence regardless of whether the guidelines presume an executed prison sentence.

~~Any person convicted and sentenced as required by this subdivision is not eligible for probation, parole, discharge, or work release, until that person has served the full term of imprisonment imposed by the court, notwithstanding sections 241.26, 242.19, 243.05, 244.04, 609.12, and 609.135.~~

(b) For purposes of this subdivision, "violent crime" does not include a violation of section 152.023 or 152.024.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 4. Minnesota Statutes 2024, section 609.1095, subdivision 4, is amended to read:

Subd. 4. **Increased sentence for offender who commits sixth felony.** (a) Whenever a person is convicted of a felony, and the judge is imposing an executed sentence based on a Sentencing Guidelines presumptive imprisonment sentence, the judge may impose an aggravated durational departure from the presumptive sentence up to the statutory maximum sentence if the ~~factfinder~~ fact finder determines that the offender has five or more prior felony convictions and that the present offense is a felony that was committed as part of a pattern of criminal conduct.

(b) The judge must impose an aggravated durational departure from the presumptive imprisonment sentence up to the statutory maximum if the offender meets the requirements under paragraph (a) and the offender or an accomplice at the time of the offense, had in possession or used, whether by brandishing, displaying, threatening with, or otherwise employing, a firearm.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 5. Minnesota Statutes 2024, section 609.1095, is amended by adding a subdivision to read:

Subd. 5. **Consecutive sentences; release.** (a) Any person convicted and sentenced as required by subdivision 2, paragraph (b), or subdivision 4, paragraph (b), must serve any imposed sentences consecutively to any unexpired portion of a previously imposed sentence unless the total time to serve in prison would be longer if a concurrent sentence were imposed

(b) Any person convicted and sentenced as required by this section is not eligible for probation, parole, discharge, or work release, until that person has served the full term of

- 4.1 imprisonment imposed by the court, notwithstanding sections 241.26, 242.19, 243.05,
- 4.2 244.04, 244.40 to 244.51, 609.12, and 609.135.
- 4.3 **EFFECTIVE DATE.** This section is effective the day following final enactment.