HF135 - 1UE - Assaults by Inmates; Consec. Sentence

Chief Author:	**Andrew Myers**
Commitee:	**Public Safety Finance And Policy**
Date Completed:	**4/4/2025 2:19:11 PM**
Lead Agency:	Sentencing Guidelines Comm
Other Agencies:	
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**
State Total					
Total	-	-	-	-	-
Biennial Total			-		-

Full Time Equivalent Positions (FTE)		Biennium		Biennium	
	FY2025	**FY2026**	**FY2027**	**FY2028**	**FY2029**
Total	-	-	-	-	-

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:** 4/4/2025 2:19:11 PM
Phone: 651-296-6054 **Email:** susan.nelson@lbo.mn.gov

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			-		-

HF135 - 1UE - Assaults by Inmates; Consec. Sentence

Chief Author:	**Andrew Myers**
Commitee:	**Public Safety Finance And Policy**
Date Completed:	**4/4/2025 2:19:11 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**
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:** 4/4/2025 2:18:17 PM
Phone: 651-296-6054 **Email:** susan.nelson@lbo.mn.gov

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

The bill amends Minn. Stat. section 609.2232 (Consecutive Sentences for Assaults Committed by State Prison Inmates) by adding a new paragraph that applies to inmates of local correctional facilities who commit assaults against a county sheriff or sheriff's deputy. No stay of adjudication is permitted, and the sentence imposed for the assault must be executed and run consecutively to any sentence previously imposed or that may be imposed for any crime or offense for which the person was in custody when the person committed the assault.

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

Assumptions

It is assumed that the bill applies to inmates in a local correctional facility in which the victim is a county sheriff or sheriff's deputy and the inmate commits a felony assault in the first-degree under Minn. Stat. section 609.221, felony assault in the second-degree under section 609.222, felony assault in the third-degree under section 609.223, felony assault in the fourth degree under section 609.2231, and felony, gross misdemeanor, or misdemeanor assault in the fifth degree under section 609.224.

Under the rules of "presumptive consecutive" sentencing (Guidelines section 2.F.1.a), consecutive sentencing is presumptive when: (1) the defendant was, at the time of the current offense: (i) serving an executed term of imprisonment, disciplinary confinement, or reimprisonment; or (ii) on escape status from an executed term of imprisonment, disciplinary confinement, or reimprisonment; and (2) the presumptive disposition for the current offense(s) is commitment.

Presumptive consecutive sentencing also applies to defendants who are "prison inmates" serving their term of imprisonment in local correctional facilities. The presumptive disposition for any felony assault committed by a prison inmate serving an executed term of imprisonment is commitment (Guidelines section 2.C.3.e). If a prison inmate's total time to serve would be longer if a concurrent sentence were imposed, a concurrent sentence is presumptive (Guidelines section 2.F.1.d). When a consecutive sentence is presumptive, a criminal history score (CHS) 1 is applied.

Under the rules of "permissive consecutive" sentencing, (Guidelines section 2.F.2.a(2)(iv)), if the defendant is convicted of felony assault committed while in a local jail or workhouse, the felony assault conviction may be sentenced consecutively to any other executed prison sentence if the presumptive disposition for the other offense was commitment as outlined in the general rules in Guidelines section 2.C. When a consecutive sentence is permissive, a CHS 0 is applied.

It is assumed that in response to this bill, the Commission will make assault against a county sheriff or sheriff's deputy in a local correctional facility presumptive commitment, with such sentences presumed to run consecutively to any unexpired portion of the earlier sentence or that may be imposed, following conviction, for any crime or offense for which the person was in custody when the person committed the assault . It is assumed that jail credit will not be awarded.

Currently, Guidelines section 2.F.2 do not apply to gross-misdemeanor sentences or to consecutive sentences imposed for offenses against multiple victims pursuant to State v. Rivers, 787 N.W.2d 206 (Minn. App. 2010).

It is assumed that anyone currently receiving a consecutive sentence will continue receiving a consecutive sentence under this bill.

According to MSGC monitoring data from 2017 to 2019, there were 117 cases sentenced for first- through fifth-degree assault in which the person was “confined” according to the custody status on the sentencing worksheet. Of those cases, 61 were presumptive consecutive (i.e., assaults that occurred while an inmate was serving an executed term of imprisonment, disciplinary confinement, or reimprisonment) and 56 cases were presumptive concurrent.

Of the 56 cases that were presumptive concurrent, MSGC staff reviewed the probable cause statements in the criminal complaints to determine where the assault took place and whether it was an assault on a correctional employee. Of the 56 presumptive concurrent cases, 23 were committed in a state correctional facility and 33 were committed in a local correctional facility.

Of the 33 cases committed in a local correctional facility, 20 were correctional-employee victims and 13 were other-inmate victims.

It is assumed that the 20 presumptive concurrent assault cases committed in local correctional facilities are the offenses that may be affected by this bill. It is assumed that assaults now committed in local correctional facilities against correctional employees are always charged as felony assault in the fourth degree, unless substantial bodily harm or great bodily harm results. It is assumed that such offenses will be charged under section 609.2231, subd. 1 (peace officers) if the victim is a sheriff or sheriff’s deputy, as the bill requires, and under subd. 3 if the victim is another correctional employee to whom the bill does not apply. Assault in the fourth degree is ranked at Severity Level 1. At CHS 1 (used for consecutive sentencing), the presumptive duration is 12 months (serve two-thirds term of imprisonment = 8 mos.).

Of the 20 correctional-employee victims, one was convicted under 609.2231, subd. 1 (peace officers). The defendant received a 13-month prison sentence to serve concurrently to another 13-month prison sentence. It is assumed that future cases will be like this case and there will be an additional one prison case every three years (an annual average 0.33 cases).

Expenditure and/or Revenue Formula

Long-Term Fiscal Considerations

Based on the assumptions above, there will be minimal impact of less than one bed annually.

With an expected annual number of 0.3 cases; and an expected prison rate of 100 percent, there will be an additional 0.3 prison cases annually with an expected average duration of 12 months to serve assuming service of 2/3 of the pronounced sentence (8 mos.); 0.3 prison case x 8 mos. to serve = 2.4 ÷ 12 mos. = 0.2 prison beds.

Local Fiscal Impact

None.

References/Sources

2020 Minn. Sentencing Guidelines and Commentary

MSGC Monitoring Data, 2017 to 2019

Agency Contact:

Agency Fiscal Note Coordinator Signature: Jill Payne **Date:** 4/4/2025 11:09:58 AM

Phone: 651-757-1725 **Email:** jill.payne@state.mn.us

HF135 - 1UE - Assaults by Inmates; Consec. Sentence

Chief Author:	**Andrew Myers**
Commitee:	**Public Safety Finance And Policy**
Date Completed:	**4/4/2025 2:19:11 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**
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:** 4/4/2025 2:18:36 PM
Phone: 651-296-6054 **Email:** susan.nelson@lbo.mn.gov

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

HF135 makes changes to Minnesota Statutes 609.2232 by adding new penalties for incarcerated persons convicted of certain offenses who assault a sheriff or sheriff's deputy while incarcerated in a local correctional facility.

This bill has an effective date of August 1, 2025.

Assumptions

The Minnesota Sentencing Guidelines Commission (MSGC) projects a minimal fiscal impact to state correctional resources as a result of this legislation.

Expenditure and/or Revenue Formula

N/A

Long-Term Fiscal Considerations

N/A

Local Fiscal Impact

MSGC does not project a fiscal impact to local correctional resources as a result of this legislation.

References/Sources

Department of Corrections staff

MSGC

Agency Contact:

Agency Fiscal Note Coordinator Signature: Mark Besonen **Date:** 4/4/2025 1:32:00 PM

Phone: 651-361-7200 **Email:** mark.besonen@state.mn.us

HF135 - 1UE - Assaults by Inmates; Consec. Sentence

Chief Author:	**Andrew Myers**
Commitee:	**Public Safety Finance And Policy**
Date Completed:	**4/4/2025 2:19:11 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**
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:** 4/4/2025 2:18:26 PM
Phone: 651-296-6054 **Email:** susan.nelson@lbo.mn.gov

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

The bill provides that an inmate of a county or regional jail, work farm, workhouse or local correction facility who is guilty of an assault on a sheriff or sheriff's deputy must serve the sentence for assault consecutively and is not entitled to credit against the sentence.

Assumptions

There is not enough information to provide an estimate on the impact of these changes.

Expenditure and/or Revenue Formula

Long-Term Fiscal Considerations

Local Fiscal Impact

References/Sources

Agency Contact:

Agency Fiscal Note Coordinator Signature: Kevin Kajer **Date:** 4/2/2025 3:15:30 PM

Phone: 612-279-3508 **Email:** Kevin.kajer@pubdef.state.mn.us

HF135 - 1UE - Assaults by Inmates; Consec. Sentence

Chief Author:	**Andrew Myers**
Commitee:	**Public Safety Finance And Policy**
Date Completed:	**4/4/2025 2:19:11 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	
Dollars in Thousands	**FY2025**	**FY2026**	**FY2027**	**FY2028**	**FY2029**
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:** 4/4/2025 2:18:45 PM
Phone: 651-296-6054 **Email:** susan.nelson@lbo.mn.gov

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

HF135-1UE ("the bill") amends Minn. Stat. § 609.2232 by adding a new paragraph (b) providing that if an inmate of a county jail, county regional jail, county work farm, county workhouse, or other local correctional facility is convicted of violating section 609.221,609.222, 609.223, 609.2231, or 609.224 (various assault statutes) while confined in the facility and the victim is a county sheriff or sheriff's deputy, the court must not stay adjudication or imposition of sentence and the court must impose an executed sentence. The executed sentence must be consecutive to any executed sentence that the inmate was already serving at the time of the assault, or to any executed sentence imposed for a crime for which the person was in custody at the time of the assault. If the inmate was serving a probationary sentence or the court imposes a stayed sentence for any crime for which the person was in custody at the time of the assault, the sentence for the assault shall be executed.

Assumptions

It is assumed that the provisions of the bill will not increase case filings as the bill does not create any new crimes. It is also assumed that the bill will not significantly impact the judicial resources required to process these existing assault cases.

Expenditure and/or Revenue Formula

The bill is not anticipated to have a significant fiscal impact on the judicial branch.

Long-Term Fiscal Considerations

None

Local Fiscal Impact

References/Sources

Agency Contact:

Agency Fiscal Note Coordinator Signature: Callie Lehman **Date:** 4/3/2025 3:32:14 PM

Phone: 651-297-7579 **Email:** callie.lehman@courts.state.mn.us