

Subject Prohibiting execution of criminal sentences for some violations of probation

Authors Hollins

Analyst Ben Johnson (ben.johnson@house.mn)

Date March 23, 2021

Overview

Under Minnesota law, a judge can stay execution of a sentence and place a person on probation with certain conditions. If a person violates the conditions, a probation agent can initiate revocation proceedings and bring the person before the judge. In some instances, an agent can issue a written order to have the person arrested and in other cases the agent files a report with the judge and the judge issues an arrest warrant. If the judge finds that the person violated probation, the judge may continue the person on probation with a consequence that includes time in jail, or execute the entire sentence. This bill limits when a person who violates probation can be arrested and prohibits a judge from executing a sentence if a person violates one of a specified list of conditions for the first time. The bill establishes exceptions to the limits in cases where a person poses a risk to public safety.

Summary

Section	Description
---------	-------------

1	Detention pending hearing.
----------	-----------------------------------

Limits when a supervising agent, employed by the Department of Corrections, can issue a written order to have a person under supervision arrested. The limitation applies when (1) the person under supervision has not previously violated a condition of release and (2) the violation is one described in paragraph (a) of the new subdivision 1a of section 609.14 contained in section 4 of the bill. The limitation does not apply if the agent has a reasonable belief that detention is necessary to prevent the person from escaping or absconding, or if the agent has a reasonable belief that the person poses a risk to public safety.

2	Peace officers and probation officers serving CCA counties.
----------	--

Limits when a supervising agent, employed by a Community Corrections Act county, can issue a written order to have a person under supervision arrested. The limitation

Section	Description
---------	-------------

- | | |
|---|---|
| | applies when (1) the person under supervision has not previously violated a condition of release and (2) the violation is one described in paragraph (a) of the new subdivision 1a of section 609.14 contained in section 4 of the bill. The limitation does not apply if the agent has a reasonable belief that detention is necessary to prevent the person from escaping or absconding, or if the agent has a reasonable belief that the person poses a risk to public safety. |
| 3 | Grounds.
Establishes that revocation of probation should only be used as a last resort when rehabilitation has failed. |
| 4 | Violations where policies favor continued rehabilitation.
Prohibits a court from revoking a person’s probation and executing a suspended sentence for a first violation of several common conditions including failing to pay restitution, having a positive test for alcohol or a controlled substance, failing to report a contact with law enforcement, and failing to contact a probation agent. Limits when a court can issue a warrant for the arrest of a person under supervision. The limitation applies when (1) the person under supervision has not previously violated a condition of release and (2) the violation is one described in paragraph (a). The limitation does not apply if the written report submitted by the supervising agent establishes, by a preponderance of the evidence, that the person poses a risk to public safety. Permits the court to request a supplemental report from the supervising agent if the court does not issue an arrest warrant. |



**MN HOUSE
RESEARCH**

Minnesota House Research Department provides nonpartisan legislative, legal, and information services to the Minnesota House of Representatives. This document can be made available in alternative formats.

www.house.mn/hrd | 651-296-6753 | 155 State Office Building | St. Paul, MN 55155