

HF424 - 0 - Qualified Domestic Violence-Related Offense

Chief Author: **Kristin Bahner**
 Committee: **Public Safety Finance & Policy**
 Date Completed: **1/23/2023 4:54:18 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) Dollars in Thousands	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
Corrections Dept					
General Fund	-	10	29	49	55
State Total					
General Fund	-	10	29	49	55
	Total	10	29	49	55
	Biennial Total		39		104

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
Corrections Dept					
General Fund	-	-	-	1	1
	Total	-	-	1	1

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: Karen McKey **Date:** 1/23/2023 4:54:18 PM
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State Cost (Savings) Calculation Details

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State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands		FY2023	FY2024	FY2025	FY2026	FY2027
Corrections Dept						
General Fund	-	10	29	49	55	
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	Biennial Total		39		104	
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Corrections Dept						
General Fund	-	10	29	49	55	
Total	-	10	29	49	55	
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2 - Revenues, Transfers In*						
Corrections Dept						
General Fund	-	-	-	-	-	-
Total	-	-	-	-	-	-
	Biennial Total		-		-	-

Fiscal Note

2023-2024 Legislative Session

HF424 - 0 - Qualified Domestic Violence-Related Offense

Chief Author: **Kristin Bahner**
 Committee: **Public Safety Finance & Policy**
 Date Completed: **1/23/2023 4:54:18 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	FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium		
		FY2023	FY2024	FY2025	FY2026	FY2027
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.

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State Cost (Savings) Calculation Details

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Dollars in Thousands		FY2023	FY2024	FY2025	FY2026	FY2027
Total		-	-	-	-	-
Biennial Total				-		-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Total		-	-	-	-	-
Biennial Total				-		-
2 - Revenues, Transfers In*						
Total		-	-	-	-	-
Biennial Total				-		-

Bill Description

This bill adds additional crimes to the list of qualified domestic violence-related offenses (QDVRO) in Minn. Stat. § 609.02, subdivision 16. The list is one of prior offenses that are used to enhance current offenses to a gross misdemeanor (second conviction or adjudication of delinquency within 10 years) or a felony (third or more conviction or adjudication of delinquency within 10 years). The five offenses being added to the QDVRO list are Minn. Statutes §§ 609.195 (third-degree murder); 609.20 (first-degree manslaughter); 609.205 (second-degree manslaughter); 609.25 (kidnapping); and 609.255 (false imprisonment).

The bill is effective August 1, 2023.

Assumptions

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. Cases sentenced from 2015 to 2019 are used instead to estimate the impact of this bill.

According to MSGC monitoring data, from 2015 to 2019, there were 20,649 cases sentenced for felony-level offenses on the QDVRO list (an average of 4,130 a year). According to the Minn. Judicial Branch, from 2015 to 2019, there were 35,099 M/GM QDVRO convictions (an average of 7,020 a year). In sum, the offenses currently on the QDVRO list result in 11,150 convictions per year.

Of the offenses being added to the QDVRO list, only false imprisonment has a misdemeanor or gross misdemeanor (M/GM) level. According to the Minn. Judicial Branch, from 2016 to 2019, there were 13 such convictions (an average of 2.6 a year). According to MSGC monitoring data, from 2015 to 2019, there were 240 sentences for the felony offenses being added to the QDVRO list (an average of 48 a year). In sum, the offenses being added to the QDVRO list currently result in an average 50.6 convictions per year (Table 1).

Offense	Minn. Statute	2015-2019 Cases	5-Year Average
Murder 3	609.195	57	11.4
Manslaughter 1	609.20	28	5.6
Manslaughter 2	609.205	48	9.6
Kidnapping	609.25	37	7.4
False Imprisonment	609.255	70	14
GM False Imprisonment	609.255	13	2.6
Total		253	50.6

It is therefore estimated that the bill will cause the number of QDVRO convictions to increase by 0.45 percent ($50.6 \div 11,150$) annually.

The offenses which are enhanced because of a prior QDVRO are Minn. Statutes §§ 609.2242 (domestic assault); 609.224 (assault in the fifth degree); 518B.01, subdivision 14(d) (violations of orders for protection); 609.748 subdivision 6(d) (violations of harassment restraining orders); 609.749, subdivision 4 (stalking); and 629.75, subdivision 2 (violations of domestic abuse no contact orders). It is assumed that the expansion of the QDVRO list will cause the number of convictions and sentences for these offenses to increase at both the GM and felony levels. According to MSGC monitoring data, from 2015 to 2019, there were 7,560 QDVRO-enhanced felony cases sentenced (an average of 1,512 a year). According to the Minn. Judicial Branch, from 2015 to 2019, there were 6,591 QDVRO-enhanced GM convictions (an average of 1,318 a year).

It is assumed that the increase in the number of QDVRO-enhanced offense convictions and sentences will correspond to the increase in the number of convictions for QDVROs themselves. Because it is estimated that the bill will cause the number of QDVRO convictions to increase by 0.45 percent annually, it is assumed the number of QDVRO-enhanced offense convictions and sentences will likewise increase by 0.45 percent. Application of this assumption results in a 7-case annual increase in QDVRO-enhanced felony sentences ($1,512 \times 0.45\%$), and a 6-case annual increase in QDVRO-enhanced gross misdemeanor sentences ($1,318 \times 0.45\%$).

The prison rate from 2015 to 2019 among the 7,560 QDVRO-enhanced felony cases was 29.4 percent ($2,221 \div 7,560$, for an annual average of 444 prison sentences). The average pronounced sentence was 24 months (serve 2/3 term of imprisonment = 16 mos.). It is estimated that those currently receiving prison sentence will occupy 592 prison beds ($16 \times 444 \div 12$). Based on the 0.45 percent estimated increase in QDVRO-enhanced felony cases, it likewise is assumed that there will also be a 0.45 percent increase in the number of prison beds needed among QDVRO-enhanced felony cases, resulting in the need for three additional prison beds ($592 \times 0.45\%$).

The felony-level cases not receiving prison sentences will receive probation sentences with local conditional confinement being a possible condition of probation. From 2015 to 2019, the average rate of conditional confinement for felony enhanceable offenses was 65 percent with an average local jail time of 92 days pronounced.

Expenditure and/or Revenue Formula

Long-Term Fiscal Considerations

Based on the assumptions above, the eventual estimated prison bed impact is an increase of three beds. One bed will be needed in FY2024, two beds will be needed in FY2025, and three beds will be needed in FY2026 and every year after.

Local Fiscal Impact

Since it is estimated that the expansion of the QDVRO list will result in an additional 7 felony-level cases a year and 3 of them will receive prison sentences, it is estimated that 4 additional felony cases a year will receive probation sentences. Based on the assumptions above, it is estimated that local supervision caseloads will increase by 10 a year (4 felonies and 6 GM).

It is estimated that 3 of the 4 additional felony-level cases will receive local conditional confinement with an average pronounced duration of 92 days (serve 2/3 term = 62) as a condition of probation. It is estimated that this will result in minimal local impact when spread across the whole state.

The estimated 6 additional gross misdemeanor cases a year may also receive some local sanctions including conditional confinement; the rate and average amount is unknown. Since there are only 6 additional cases a year expected and the impact will be spread across the whole state, this impact is expected to be minimal.

References/Sources

2015-2019 Minn. Judicial Branch data.

2015-2019 MSGC Monitoring data.

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HF424 - 0 - Qualified Domestic Violence-Related Offense

Chief Author: **Kristin Bahner**
 Committee: **Public Safety Finance & Policy**
 Date Completed: **1/23/2023 4:54:18 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	

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	Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
General Fund	-	10	29	49	55	
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Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
General Fund	-	-	-	1	1
Total	-	-	-	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: Karen McKey **Date:** 1/23/2023 4:52:50 PM
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State Cost (Savings) Calculation Details

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Biennial Total			39		104	
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General Fund	-	10	29	49	55	
Total	-	10	29	49	55	
Biennial Total			39		104	
2 - Revenues, Transfers In*						
General Fund	-	-	-	-	-	
Total	-	-	-	-	-	
Biennial Total			-		-	

Bill Description

H.F. 424 amends the definition of qualified domestic-violence-related offenses to include the additional crimes of third-degree murder, first- and second-degree manslaughter, kidnapping, and false imprisonment.

Assumptions

The Minnesota Sentencing Guidelines Commission assumed the following:

- Because of the COVID-19 pandemic, the cases sentenced in 2020 and 2021 are not fair approximations of cases sentenced in the future. Cases sentenced from 2015 to 2019 are used instead to estimate the fiscal impact.
- The offenses on the list of qualified domestic-violence-related offenses result in **11,150** convictions per year.
- The offenses being added to the list result in an average **50.6** convictions per year.
- The bill will cause the number of convictions to increase by **0.45%** ($50.6 \div 11,150$) annually.
- Because it is estimated that the bill will cause the number of convictions to increase by 0.45% annually, it is assumed the number of enhanced offense convictions and sentences will also increase by **0.45%**. Applying this assumption results in a seven-case annual increase in enhanced felony sentences ($1,512 \times 0.45\%$), and a six-case annual increase in enhanced gross misdemeanor sentences ($1,318 \times 0.45\%$).
- The prison rate from 2015 to 2019 among the 7,560 enhanced felony cases was **29.4%** ($2,221 \div 7,560$, for an annual average of 444 prison sentences). The average pronounced sentence was **24 months** (serve 2/3 term of imprisonment = 16 months). It is estimated that those receiving prison sentence will occupy **592 prison beds** ($16 \times 444 \div 12$). Based on the 0.45% estimated increase in enhanced felony cases, it is assumed that there will also be a **0.45%** increase in the number of prison beds needed among enhanced felony cases, resulting in the need for three additional prison beds ($592 \times 0.45\%$).
- The felony-level cases not receiving prison sentences will receive probation sentences with local conditional confinement being a possible condition of probation. From 2015 to 2019, the average rate of conditional confinement for enhanced felony offenses was **65%** with an average local jail time of **92 days** pronounced.
- Prison bed costs are based on a marginal cost per diem of \$42.50 for FY2024, \$48.55 for FY2025, \$50.67 for FY2026 and \$50.58 for FY2027 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 FTE 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 \$72,000 per year including benefits.

Expenditure and/or Revenue Formula

Cost/(Savings) for Prison Beds

Fiscal Year	2024	2025	2026	2027
# of Prison Beds	1	2	3	3
Cost of Prison Beds	\$9,711	\$28,814	\$48,567	\$55,385
FTEs	0	0	1	1

Long-Term Fiscal Considerations

N/A

Local Fiscal Impact

Because the commission estimates that expanding the list domestic-violence-related offenses will result in an additional seven felony-level cases a year, with three of them receiving prison sentences, it is estimated that four additional felony cases a year will receive probation sentences. Based on the assumptions, the commission estimates that local supervision caseloads will increase by ten a year (four felonies and six gross misdemeanors).

The commission estimates that three of the four additional felony-level cases will receive local conditional confinement with an average pronounced duration of 92 days (serve 2/3 term = 62) as a condition of probation. The commission estimates that this will result in minimal local impact when spread across the whole state.

The estimated six additional gross misdemeanor cases a year may also receive some local sanctions including conditional confinement; the rate and average amount is unknown. Since there are only six additional cases a year expected and the impact will be spread across the whole state, this impact is expected to be minimal.

References/Sources

Department of Corrections Staff

Minnesota Sentencing Guidelines Commission

Agency Contact:

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HF424 - 0 - Qualified Domestic Violence-Related Offense

Chief Author: **Kristin Bahner**
 Committee: **Public Safety Finance & Policy**
 Date Completed: **1/23/2023 4:54:18 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

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State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium		
		FY2023	FY2024	FY2025	FY2026	FY2027
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: Karen McKey **Date:** 1/21/2023 5:51:30 PM
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State Cost (Savings) Calculation Details

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Dollars in Thousands		FY2023	FY2024	FY2025	FY2026	FY2027
	Total	-	-	-	-	-
	Biennial Total			-		-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
	Total	-	-	-	-	-
	Biennial Total			-		-
2 - Revenues, Transfers In*						
	Total	-	-	-	-	-
	Biennial Total			-		-

Bill Description

The bill would add 1st and 2nd degree manslaughter, third-degree murder, kidnapping, and false imprisonment to the "Qualified domestic violence-related offense".

Assumptions

These are cases that public defenders would already be handling.

Expenditure and/or Revenue Formula

Long-Term Fiscal Considerations

Local Fiscal Impact

References/Sources

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Fiscal Note

2023-2024 Legislative Session

HF424 - 0 - Qualified Domestic Violence-Related Offense

Chief Author: **Kristin Bahner**
 Committee: **Public Safety Finance & Policy**
 Date Completed: **1/23/2023 4:54:18 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

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Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium		
		FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-	-

LBO Analyst's Comment

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

Bill Description

This bill amends Minn. Stat. § 609.02, subdivision 16, the definition of qualified domestic violence-related offense to also include violations of 609.195 (third-degree murder); 609.20 (first-degree manslaughter); 609.205 (second-degree manslaughter); 609.25 (kidnapping); and 609.255 (false imprisonment).

Assumptions

It is assumed that the provisions of the bill will not increase case filings as the bill does not create any new criminal offenses. Rather, the bill may result in some cases alleging violations of sections 518B.01, 609.224, 609.2242, 609.748, 609.749, and 629.75 being charged at a higher level of offense.

Expenditure and/or Revenue Formula

This bill is not anticipated to have a significant fiscal impact on the judicial branch as it will not increase case filing rates or measurably increase the judicial branch resources required to process these cases.

Long-Term Fiscal Considerations

None

Local Fiscal Impact

None

References/Sources

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