

HF181 - 1UE - Crimes Motivated by Bias

Chief Author: **Samantha Vang**
 Committee: **Public Safety Finance & Policy**
 Date Completed: **1/25/2023 10:33:55 PM**
 Lead Agency: **Human Rights Dept**
 Other Agencies:
 Corrections Dept Peace Officers Board (POST)
 Public Defense Board Public Safety Dept
 Sentencing Guidelines Supreme Court
 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
Human Rights Dept						
General Fund	-	538	396	396	396	396
Peace Officers Board (POST)	-	-	-	-	-	-
General Fund	-	-	-	-	-	-
Public Safety Dept	-	-	-	-	-	-
General Fund	-	-	-	-	-	-
State Total						
General Fund	-	538	396	396	396	396
Total	-	538	396	396	396	396
Biennial Total			934			792

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
Human Rights Dept					
General Fund	-	3	3	3	3
Peace Officers Board (POST)	-	-	-	-	-
General Fund	-	-	-	-	-
Public Safety Dept	-	-	-	-	-
General Fund	-	-	-	-	-
Total	-	3	3	3	3

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:** 1/25/2023 10:33:55 PM
Phone: 651-284-6429 **Email:** karen.mckey@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		FY2023	FY2024	FY2025	FY2026	FY2027
Human Rights Dept						
General Fund	-	538	396	396	396	396
Peace Officers Board (POST)						
General Fund	-	-	-	-	-	-
Public Safety Dept						
General Fund	-	-	-	-	-	-
Total		-	538	396	396	396
Biennial Total				934		792
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Human Rights Dept						
General Fund	-	538	396	396	396	396
Peace Officers Board (POST)						
General Fund						
Expenditures	-	2	2	2	2	2
Absorbed Costs	-	(2)	(2)	(2)	(2)	(2)
Public Safety Dept						
General Fund						
Expenditures	-	5	-	-	-	-
Absorbed Costs	-	(5)	-	-	-	-
Total		-	538	396	396	396
Biennial Total				934		792
2 - Revenues, Transfers In*						
Human Rights Dept						
General Fund	-	-	-	-	-	-
Peace Officers Board (POST)						
General Fund	-	-	-	-	-	-
Public Safety Dept						
General Fund	-	-	-	-	-	-
Total		-	-	-	-	-
Biennial Total				-		-

HF181 - 1UE - Crimes Motivated by Bias

Chief Author: **Samantha Vang**
 Committee: **Public Safety Finance & Policy**
 Date Completed: **1/25/2023 10:33:55 PM**
 Agency: **Human Rights 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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State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
General Fund	-	538	396	396	396	396
Total	-	538	396	396	396	396
Biennial Total			934			792

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
General Fund	-	3	3	3	3
Total	-	3	3	3	3

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:** 1/25/2023 10:29:33 PM
Phone: 651-284-6429 **Email:** karen.mckey@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	FY2023	FY2024	FY2025	FY2026	FY2027	
General Fund	-	538	396	396	396	
Total	-	538	396	396	396	396
			934			792
1 - Expenditures, Absorbed Costs*, Transfers Out*						
General Fund	-	538	396	396	396	
Total	-	538	396	396	396	396
			934			792
2 - Revenues, Transfers In*						
General Fund	-	-	-	-	-	
Total	-	-	-	-	-	-
			-			-

Bill Description

Crimes motivated by bias reporting expanded, property damage crime motivated by bias amended, Peace Officer Standards and Training Board bias training required, law enforcement agencies adoption of standard policies regarding crimes motivated by bias required, grant programs established and funded, and other money appropriated.

Assumptions

The Department of Human Rights does not currently investigate, report on, or analyze hate crimes in Minnesota. This bill would create a new area of work for the Department. The Department currently investigates protected class discrimination cases and receives reports of general bias incidents as part of that work. The Department reports on investigations to the legislature every six months as part of current reporting obligations.

This bill adds significant new data collection responsibilities for the Department, including ongoing intake of information from the public and organizations reporting hate crimes. It would also require capacity to analyze and report on this data. This will require hiring staff with expertise in this area.

This bill adds new duties to the Department creating responsible for training and policy development in collaboration with the POST Board related to bias-motivated incidences. This will require hiring staff with expertise in this area.

The Department will need to update its OnBase database software to account for new data collection responsibilities, these upgrades would be one-time costs.

The effective dates for MDHR are July 1, 2023.

Expenditure and/or Revenue Formula

The costs for this proposal are ongoing. MDHR assumes a 3% compensation cost increase from FY24 to FY25.

Total Salary Costs:

- o Positions:

- 1.0 FTE director level position to oversee data collection and implementation. \$85,000 salary,

\$37,761 benefits in FY24.

· 1.0 FTE investigator for program implementation. \$70,000 salary, \$35,676 benefits in FY24.

· 1.0 FTE director level position to work with the POST Board on policy development and training. \$85,000 salary, \$37,761 benefits in FY24.

o FY24 \$351,198

o FY25 and beyond \$365,203

· **Total non-salary costs:**

o This fiscal note also incorporates costs for staffing overhead (Rent, IT, Supplies, etc.).

o FY24 \$56,608

o FY25 and beyond - \$30,933

· **OnBase Computer Software Update (one-time):**

o Updates to MDHR's database system to account for tracking new categories of data with the ability to report out on that information, one-time costs.

o FY24 - \$130,000

Long-Term Fiscal Considerations

Ongoing implementation will require staffing and associated costs to maintain the program. There will also be ongoing IT maintenance costs.

Local Fiscal Impact

References/Sources

Agency Contact: Scott Beutel (651-539-1104)

Agency Fiscal Note Coordinator Signature: Scott Beutel

Phone: 651-539-1104

Date: 1/25/2023 4:15:58 PM

Email: scott.beutel@state.mn.us

HF181 - 1UE - Crimes Motivated by Bias

Chief Author: **Samantha Vang**
 Committee: **Public Safety Finance & Policy**
 Date Completed: **1/25/2023 10:33:55 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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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:** 1/25/2023 10:30:03 PM
Phone: 651-284-6429 **Email:** karen.mckey@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.

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State Cost (Savings) = 1-2		Biennium			Biennium	
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

H.F. 181-1UE expands the categories crimes motivated by bias to include bias against a person due to the person’s gender, gender identity, or gender expression, and bias against a person who associates as someone in a protected group.

Assumptions

The Department assumes that this bill will have a minimal impact on state correctional resources given the small number of existing offenses that are sentenced, according to the MSGC.

Expenditure and/or Revenue Formula

N/A

Long-Term Fiscal Considerations

N/A

Local Fiscal Impact

The Department estimates that this bill will have a minimal impact to local units of government.

References/Sources

Department of Corrections Staff

MSGC

Agency Contact:

Agency Fiscal Note Coordinator Signature: Kwesi Pasley

Date: 1/25/2023 5:57:59 PM

Phone: 651-259-3667

Email: kwesi.pasley@state.mn.us

HF181 - 1UE - Crimes Motivated by Bias

Chief Author: **Samantha Vang**
 Committee: **Public Safety Finance & Policy**
 Date Completed: **1/25/2023 10:33:55 PM**
 Agency: **Peace Officers Board (POST)**

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
General Fund	-	-	-	-	-	-
Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
General Fund	-	-	-	-	-
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: Laura Cecko **Date:** 1/18/2023 11:01:45 AM
Phone: 651-284-6543 **Email:** laura.cecko@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		FY2023	FY2024	FY2025	FY2026	FY2027
General Fund		-	-	-	-	-
Total		-	-	-	-	-
Biennial Total				-		-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
General Fund						
Expenditures		-	2	2	2	2
Absorbed Costs		-	(2)	(2)	(2)	(2)
Total		-	-	-	-	-
Biennial Total				-		-
2 - Revenues, Transfers In*						
General Fund						
Total		-	-	-	-	-
Biennial Total				-		-

Bill Description

Section 1 of the bill (20) requires the commissioner of the Department of Human Rights (DHR) collaborate and consult with the Board of Peace Officer Standards and Training (POST) regarding the training of peace officers in identifying, responding to, and reporting crimes motivated by bias pursuant to sections 626.8451, subdivision 1, and 626.8469.

Section 8 of the bill amends 626.8451, subd. 1, described in paragraph a, requiring the POST Board to approve a list of training courses to assist peace officers in identifying and reporting crimes motivated by bias. This section also requires final approval of the course list by the commissioner of DHR.

Section 9 of the bill amends 626.8469, subd. 1, described in paragraph a, by adding mandatory training on responding to crimes motivated by bias, incorporated in the existing 16 hours of mandated training for each officer’s three year licensing cycle. The bill further requires that the training objectives be reviewed every three years.

Assumptions

Assumes that POST Board staff (primarily the Continuing Education (CE) Coordinators) will work with DHR to develop/update CE learning objectives during the next peace officer licensing cycle (begins July 1, 2023 and ends June 30, 2026). This will require approximately 40 hours of staff time to coordinate the development of the learning objectives, gain approval of the DHR commissioner and promulgate that information to training providers. It is further assumed that the review of courses every three years will require minimal staff time.

Expenditure and/or Revenue Formula

40 hours of professional staff member time at \$59.00 per hour (includes fringe), 40 x \$59.00 = \$2,360.00

Long-Term Fiscal Considerations

Once the learning objectives are completed, long term costs for POST should be minimal.

Local Fiscal Impact

N/A

References/Sources

Erik Misselt, Executive Director, MN POST, 651-201-7789, erik.misselt@state.mn.us.

Agency Contact: Erik Misselt (651-201-7789)

Agency Fiscal Note Coordinator Signature: Erik Misselt

Phone: 651-201-7789

Date: 1/18/2023 9:54:40 AM

Email: erik.misselt@state.mn.us

HF181 - 1UE - Crimes Motivated by Bias

Chief Author: **Samantha Vang**
 Committee: **Public Safety Finance & Policy**
 Date Completed: **1/25/2023 10:33:55 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:** 1/20/2023 5:24:28 PM
Phone: 651-284-6429 **Email:** karen.mckey@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.

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State Cost (Savings) = 1-2		Biennium			Biennium	
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

House file 181 would require the Commissioner of the Department of Public Safety to expand the reporting for crimes motivated by bias. It would expand the definitions of bias for crimes of assault, property damage, and harassment. It would require the Board of Peace Officer Standards and Training to update training in recognizing, responding to, and reporting bias crimes. The bill would also make appropriations to the Department of Human Rights to compile reports on crimes of bias, and to make grants to nonprofits to collect and report data on what may be crimes motivated by bias. The bill would also provide funding to the Office of Justice Programs in DPS for grants to nonprofits to provide support services to victims of crimes of bias.

Assumptions

There is insufficient information to determine the impact of the bill on caseloads. In any event the cases that may be involved here would likely be charged without these changes, so the impact on caseloads would be minimal.

Expenditure and/or Revenue Formula

Long-Term Fiscal Considerations

Local Fiscal Impact

References/Sources

Agency Contact:

Agency Fiscal Note Coordinator Signature: Kevin Kajer

Phone: 612-279-3508

Date: 1/20/2023 3:26:22 PM

Email: Kevin.kajer@pubdef.state.mn.us

HF181 - 1UE - Crimes Motivated by Bias

Chief Author: **Samantha Vang**
 Committee: **Public Safety Finance & Policy**
 Date Completed: **1/25/2023 10:33:55 PM**
 Agency: **Public Safety 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	FY2023	FY2024	FY2025	FY2026	FY2027
General Fund	-	-	-	-	-	-
Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
General Fund	-	-	-	-	-
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: Laura Cecko **Date:** 1/25/2023 8:04:55 AM
Phone: 651-284-6543 **Email:** laura.cecko@lbo.mn.gov

State Cost (Savings) Calculation Details

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Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027	
General Fund	-	-	-	-	-	-
Total	-	-	-	-	-	-
Biennial Total			-			-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
General Fund						
Expenditures	-	5	-	-	-	-
Absorbed Costs	-	(5)	-	-	-	-
Total	-	-	-	-	-	-
Biennial Total			-			-
2 - Revenues, Transfers In*						
General Fund	-	-	-	-	-	-
Total	-	-	-	-	-	-
Biennial Total			-			-

Bill Description

Section 1: Requires the Department of Human Rights to collaborate and consult with the Board of Peace Officer Standards and Training regarding training of peace officers in identifying, responding to, and reporting crimes motivated by bias, including but not limited to the duty of peace officers to report crimes motivated by bias.

Also requires the Department to solicit, receive, and compile reports from organizations, schools, and other entities regarding crimes that they believe are motivated by the victim’s or another’s actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression, age, etc. This information is permitted to be gathered to develop data on crimes motivated by bias then provide said data on the Dept.’s website.

Section 2: Modifies the definition of assaults motivated by bias to include other biases.

Section 3: Modifies felony assault motivated by bias to include other biases.

Section 4: Modifies criminal damage to property in the second degree to include additional biases, reorganizes format.

Section 5: Modifies criminal damage to property in the third degree to reflect additional biases, reorganizes format.

Section 6: Modifies aggravated violations for harassment and stalking to reflect additional biases, reorganizes format.

Section 7: Modifies the requirement that a peace officer to report crimes motivated by bias, which is to be sent to the Bureau of Criminal Apprehension (BCA), to reflect additional biases and crimes that should be accounted for in consideration of the need to report. This language makes no change to the content of the reporting form to be submitted to the Bureau of Criminal Apprehension.

Section 8 & 9: Modifies the training course on crimes motivated by bias to reflect additional biases and to require the POST Board to review the approved courses every three years then update the list of approved courses, in consultation with the Commissioner of Human Rights, who must approve the list, if needing updates. Also requires in service training.

HF 181 requires the Department of Human Rights to solicit, receive, and compile reports from community organizations, school districts and charter schools, and individuals regarding crimes a community member or community organization believes are motivated by bias as defined in statute. The Commissioner of Human Rights must provide information on the Department’s website about when and how a victim reports criminal conduct to a law enforcement agency.

HF 181 directs the Department of Public Safety, Office of Justice Programs to administer grants to nonprofit organizations to provide support services for victims of crimes where there is a reasonable belief that the crimes were committed due to bias against protected classes as defined in state statute.

HF 181 directs the Department of Public Safety, Office of Justice Programs to administer grants to nonprofit organizations to collect and report to the Commissioner of Human Rights data on crimes where there is a reasonable belief that the crimes were committed in whole or in part because of actual or perceived bias.

HF 181 allows the Department of Public Safety, Office of Justice Programs to retain 4% of the grant appropriation for administration.

Assumptions

Bureau of Criminal Apprehension

The Bureau of Criminal Apprehension (BCA) will continue to collect data on the newly updated crimes motivated by bias when peace officers, and therefore their departments, are required to report the incidents.

All peace officers employed by the BCA will participate in the requisite training regarding crimes motivated by bias as a part of their 16 continuing education credits per three-year licensing cycle. The number of continuing education credits necessary for each peace officer to complete within each three-year licensing cycle will not change, in spite of the content change of these credits. Therefore, individuals will not need to be absent from work for any additional time and work at the BCA will not be fiscally impacted by additional absent hours.

The BCA operates the Statute Service that documents criminal offenses and is used by all portions of the criminal justice community.

The Statute Service will need to be modified to reflect the changes made by the bill. It is assumed that the costs of making the requisite changes will be under \$5,000.00.

Office of Justice Programs

The Department of Public Safety, Office of Justice Programs assumes funding for grants in Section 11 and Section 12 will be awarded based on a competitive Request for Proposal.

The Department of Public Safety assumes 4% of the grant appropriation will be available for grant administration costs.

Assume the grant appropriation amount is unknown at this time.

Minnesota State Patrol

Additional In-Service Training time required would not result in extending the entire training curriculum into an additional day, which would incur expenditures related to lodging and per diem. The bill expands the definitions of crimes of bias and includes additional training in conjunction with implicit bias, which is already being taught.

Expenditure and/or Revenue Formula

BCA

As the BCA currently collects data on the crimes motivated by bias, the change in definitions of crimes and modifications to the need to report will have no fiscal impact on the BCA.

Assuming the costs of modifying the statute service will be under \$5,000.00 and the BCA will absorb this expense.

Long-Term Fiscal Considerations

Local Fiscal Impact

References/Sources

Agency Contact: Olivia Anderson 651-793-2713

Agency Fiscal Note Coordinator Signature: Dan Boytim

Phone: 651-201-7040

Date: 1/25/2023 7:45:36 AM

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HF181 - 1UE - Crimes Motivated by Bias

Chief Author: **Samantha Vang**
 Committee: **Public Safety Finance & Policy**
 Date Completed: **1/25/2023 10:33:55 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

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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:** 1/20/2023 5:23:59 PM
Phone: 651-284-6429 **Email:** karen.mckey@lbo.mn.gov

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 relates to bias motivated incidents and crimes. It expands reporting requirements of incidents and appropriates training funding for peace officers.

Sections 2 through 6 amend the elements of the crimes of assault motivated by bias, criminal damage to property in the second and third degrees motivated by bias, and harassment motivated by bias under Minn. Stat. section 609.2231, subdivision 4; 609.2233; 609.595, subdivisions 1a, 2; and 609.749, subdivision 3. A person’s ethnicity, gender, gender identity, and gender expression are added to the list of attributes that may qualify as biased motivations; and the qualifying motivations are amended to include the victim’s association with a person or group of a certain actual or perceived attribute on the list. For the criminal damage to property offenses, the bill specifies that the biased motivation need not be the entire motivation, and clarifies that intent to intimidate or harm satisfies the elements of the crime.

Sections 2 through 6 are effective August 1, 2023, and apply to crimes committed on or after that date.

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.

It is assumed that expanding the elements may cause some expansion of the number of cases sentenced. Because the existing offenses are sentenced so rarely, however (8 cases sentenced from 2011 to 2021, resulting in no prison sentences during those 10 years), it is assumed that this expansion will cause minimal impact on state and local correctional resources.

Expenditure and/or Revenue Formula

Long-Term Fiscal Considerations

Based on the above assumptions, there is minimal estimated impact on state correctional resources.

Local Fiscal Impact

Based on the above assumptions, there is minimal estimated impact on local government resources.

References/Sources

MSGC Monitoring Data, 2011-2021

Agency Contact:

Agency Fiscal Note Coordinator Signature: Jill Payne

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Date: 1/18/2023 3:30:43 PM

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HF181 - 1UE - Crimes Motivated by Bias

Chief Author: **Samantha Vang**
 Committee: **Public Safety Finance & Policy**
 Date Completed: **1/25/2023 10:33:55 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	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:** 1/24/2023 4:58:58 PM
Phone: 651-284-6429 **Email:** karen.mckey@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	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

HF181-1UE amends Minn. Stat. § 363A.06 (Powers and Duties of Commissioner of Human Rights) at subdivision 1 to require peace officer training and reporting on crimes motivated by bias; Minn. Stat. §§ 626.5531, subd. 1 (reporting of crimes motivated by bias) and 626.8451, subd. 1 (training course; crimes motivated by bias) to clarify the references to and requirements regarding crimes motivated by bias; and Minn. Stat. § 626.8469, subd. 1 (in-service training required) to add requirements related to crimes motivated by bias.

The bill also amends Minn. Stat. §§ 609.2231, subd. 4 (assaults motivated by bias); 609.2233 (felony assault motivated by bias); 609.595, subs. 1a and 2 (criminal damage to property in the 2nd and 3rd degree); and 609.749, subd. 3 (aggravated harassment) to clarify the elements of the bias-related crimes.

The bill also appropriates money to the commissioner of human rights for training and reporting, and to the commissioner of public safety for the Office of Justice and the commissioner of human rights for grants to nonprofit organizations.

Assumptions

It is assumed that because the provisions of this bill clarify the existing language governing bias-related crimes, and because all of these crimes can be charged under existing law with or without an allegation relating to bias, the bill will not increase case filings but instead will perhaps impact the rate of conviction for cases filed under the existing statutes.

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

None

References/Sources

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