

HF3822 - 0 - Enhanced Public Officer Misconduct Penalty Est.

Chief Author: **Walter Hudson**
 Committee: **Public Safety Finance And Policy**
 Date Completed: **3/11/2026 2:32:07 PM**
 Lead Agency: **Supreme Court**
 Other Agencies:
 Corrections Dept Public Defense Board
 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 |
| 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:** 3/11/2026 2:32:07 PM
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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 | | | | - | | - |

HF3822 - 0 - Enhanced Public Officer Misconduct Penalty Est.

Chief Author: **Walter Hudson**
 Committee: **Public Safety Finance And Policy**
 Date Completed: **3/11/2026 2:32:07 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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| 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:** 3/11/2026 2:10:17 PM
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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

HF3822-0 (“the bill”) modifies Minn. Stat. § 609.43 to make it a felony offense, instead of a gross misdemeanor, for public officers or employees to commit misconduct, as defined by the statute. The bill adds enhanced felony penalties for second or subsequent offenses.

Assumptions

It is assumed that case filing rates will not change, because the bill does not create, eliminate, or redefine any criminal offense, other than enhancing the sentence that may be imposed.

It is assumed that case filings that include charges under Minn. Stat. § 609.43 may take more judge time because felony cases generally require more judge time than gross misdemeanor cases. Given the relatively low criminal case filing rate, it is assumed that any increase in judge time needed would not have a measurable impact on judicial branch resources.

Expenditure and/or Revenue Formula

Based on judicial branch data from the past five years (2021-2025), there were a total of 39 charges filed statewide alleging violations of Minn. Stat. § 609.43, or an annual average of approximately 8 charges. (39 / 5 = 7.8) Even if each charge represented a separate criminal case filing, 8 criminal cases requiring a relatively small increase in judge time will not have a measurable impact on judicial branch resources.

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

Long-Term Fiscal Considerations

Local Fiscal Impact

References/Sources

Agency Contact:

Agency Fiscal Note Coordinator Signature: Anna Borgerding

Date: 3/11/2026 1:38:22 PM

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HF3822 - 0 - Enhanced Public Officer Misconduct Penalty Est.

Chief Author: **Walter Hudson**
 Committee: **Public Safety Finance And Policy**
 Date Completed: **3/11/2026 2:32:07 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:** 3/11/2026 2:29:19 PM
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State Cost (Savings) Calculation Details

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| 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 increases the penalties for Minnesota public officers or employees who engage in official misconduct, such as refusing to perform required duties, exceeding their legal authority, injuring someone under the guise of official authority, or knowingly filing false official documents. Under the changes, any violation becomes a felony. A first offense is punishable by up to one year in jail and a fine of up to \$5,000, while a second or subsequent offense can result in up to five years in prison and a fine of up to \$10,000. The revised penalties apply to crimes committed on or after August 1, 2026.

Assumptions

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

Expenditure and/or Revenue Formula

None

Long-Term Fiscal Considerations

None

Local Fiscal Impact

MSGC projects a negligible fiscal impact to local correctional resources as a result of this legislation.

References/Sources

MSGC

Department of Corrections Staff

Agency Contact:

Agency Fiscal Note Coordinator Signature: Mark Besonen

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Phone: 651-361-7200

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HF3822 - 0 - Enhanced Public Officer Misconduct Penalty Est.

Chief Author: **Walter Hudson**
 Committee: **Public Safety Finance And Policy**
 Date Completed: **3/11/2026 2:32:07 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:** 3/5/2026 3:35:31 PM
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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 would increase the penalty for misconduct by a public officer from misdemeanor to a felony, with a second offense being a 5 year felony.

Assumptions

There were no public defender cases under this statute last year.

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

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HF3822 - 0 - Enhanced Public Officer Misconduct Penalty Est.

Chief Author: **Walter Hudson**
 Committee: **Public Safety Finance And Policy**
 Date Completed: **3/11/2026 2:32:07 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: Jim Carlson **Date:** 3/9/2026 9:45:04 AM
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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 | 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

This bill amends Minn. Stat. § 609.43 (Misconduct of Public Officer or Employee), by increasing the penalty from a gross misdemeanor to a felony with two penalty levels: a one-year statutory maximum for a first violation; and a five-year statutory maximum for a second or subsequent violation.

The bill is effective August 1, 2026, and applies 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.

Per Minn. Stat. § 609.02, subd. 11, it is assumed that a “second or subsequent” violation means that the defendant had been convicted of violating § 609.43 before committing the current violation of § 609.43.

According to Minn. Judicial Branch (MJB) data, from 2021 to 2025, there were 12 convictions (an annual average 2.4 convictions) under § 609.43. It is not known if any of these were second or subsequent violations. It is therefore assumed that the bill will cause approximately 2.4 gross misdemeanors to become felonies annually.

Due to the rarity of the offense, the significant potential for loss of public office or public employment and therefore loss of opportunity to violate § 609.43 after the first conviction, and the deterrent effect of the first conviction, the number of second or subsequent violations annually is assumed to be negligible.

This assumption is bolstered by data from other offenses. The misdemeanor crime of falsely reporting a crime (Minn. Stat. § 609.505, subd. 1) becomes a gross misdemeanor upon a second or subsequent conviction. According to MJB data, there were 259 misdemeanor convictions, and 6 gross misdemeanor convictions, for violating that subdivision, implying that second or subsequent violations comprised 2 percent (6 ÷ (259 + 6)) of the convictions of falsely reporting a crime. Assuming a similar percentage of second or subsequent violations among the 2.4 annual convictions for violating § 609.43 would yield a negligible number of annual second or subsequent convictions for violating § 609.43, which is consistent with the assumption in the previous paragraph.

One of the responsibilities of the Commission is to assign severity-level (SL) rankings to new felony offenses passed by the Legislature. The Commission bases its decisions, in part, on the level of harm caused and the culpability of the person. The statutory maximum is also considered.

It is assumed that the Commission will rank a first violation (with a 1-year statutory maximum) at SL 1; and a second or subsequent violation (with a five-year statutory maximum) from SL 2 to SL 4.

For purposes of determining the average imprisonment rate, average prison sentence duration, average local “jail” rate for

those probationers serving time in jail as a condition of their probation, and average jail sentence, MSGC took averages from the following cases sentenced from 2005 to 2024 (Table 1).

Table 1. Comparison offenses; Severity Level, Maximum Length of Stay, Statutory Maximum

| Minn. Stat. § | Title | SL | Max. Stay Length (yrs.) | Stat. Max. (yrs.) |
|---------------------------|---|----------|-------------------------|-------------------|
| 53B.66(a) | Money Transmitter Regulations; False statement, misrepresentation, false entry in record | 1 | 5 | 5 |
| 53B.66(b) | Money Transmitter Regulations; engage in activity where license is required; Paid more than \$1,000 | 1 | 5 | 5 |
| 168A.30 | False Information Certificate of Title Application | 1 | 4 | 4 |
| 204C.41 | Voting Violations; Neglect of Duty by Election Officials | 1 | 5 | 5 |
| 211B.15 | Corporate Political Contribution Violations | Unranked | 5 | 5 |
| 228.45;47;49;51 | Issuing Bill for Goods Not Received, Controlled | 1 | 5 | 5 |
| 256.984 | False Declaration | 1 | 5 | 5 |
| 471.392 | False Declaration of Claim \$5,000 or less | 2 | 5 | 5 |
| 508.80 | Fraudulent Instrument/Entry Procuring Certificate of Title | 1 | 5 | 5 |
| 609.425 | Corrupting Legislator | Unranked | 5 | 5 |
| 609.455 | Permit False Claims Against Government; \$5,000 or less | 2 | 5 | 5 |
| 609.465 | Presenting False Claims to Public Officer | 2 | 5 | 5 |
| 609.64 | Recording, Filing of Forged Instrument | 2 | 3 | 3 |
| 609.645 | Fraudulent Statements | 1 | 3 | 3 |
| 609.65 | False Certification by Notary Public | 1 | 3 | 3 |
| 609.651 subd. 1 with 4(a) | State Lottery Fraud | 1 | 5 | 10 |
| 609.825 subd. 2 | Bribery of Participant or Official in Contest | 2 | 5 | 5 |

From 2005 to 2024, there were 294 cases sentenced (an annual average 14.7 cases) of the comparison offenses listed in Table 1. According to MSGC sentencing data, 8.2 percent received prison sentences for an average 17.1 months (serve 2/3 term of imprisonment = 11.4 mos.). Of the probationary cases, 70.4 percent received confinement as a condition of probation for an average 51 days (serve 2/3 term = 34 days).

Because the statutory maximum described in the bill for a first violation is 12 months, and because second or subsequent violations are assumed to be negligible, the average prison sentence described in the above paragraph was capped at 12 months (serve 2/3 term of imprisonment = 8 mos.) for estimating prison beds.

Expenditure and/or Revenue Formula

Long-Term Fiscal Considerations

Based on the assumptions above, the long-term correctional impact is negligible.

(2.4 cases annually × 8.2% imprisonment rate × 12 months per case × 2/3 term of imprisonment ÷ 12 months per year = 0.13 estimated prison beds.)

Local Fiscal Impact

Based on the above assumptions, the local impact statewide is negligible.

(2.2 non-prison cases annually × 70.4% local confinement as condition of probation rate × 51 days per case × 2/3 term of imprisonment ÷ 365 days per year = 0.144 local beds.)

References/Sources

Minn. Judicial Branch (MJB) conviction data, from 2021 to 2025.
MSGC Sentencing Data, 2005 to 2024.

Agency Contact:

Agency Fiscal Note Coordinator Signature: Jill Payne

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