

**HF7 - 1E - Criminal Penalties and Data Modified**

Chief Author: **Paul Novotny**  
 Committee: **Public Safety Finance And Policy**  
 Date Completed: **2/28/2025 7:52:13 AM**  
 Lead Agency: **Sentencing Guidelines Comm**  
 Other Agencies:  
     Corrections Dept                      Metropolitan Council  
     Public Defense Board                Public Safety Dept  
     Supreme Court                         University Of Minnesota

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	
	FY2025	FY2026	FY2027	FY2028	FY2029
<b>Corrections Dept</b>					
General Fund	-	192	523	666	711
<b>Public Defense Board</b>					
General Fund	-	2,078	1,908	1,908	1,908
<b>Public Safety Dept</b>					
General Fund	-	221	221	221	221
<b>Sentencing Guidelines Comm</b>					
General Fund	-	986	620	446	446
<b>Supreme Court</b>					
General Fund	-	498	507	507	507
<b>State Total</b>					
General Fund	-	3,975	3,779	3,748	3,793
<b>Total</b>	-	<b>3,975</b>	<b>3,779</b>	<b>3,748</b>	<b>3,793</b>
<b>Biennial Total</b>			<b>7,754</b>		<b>7,541</b>

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2025	FY2026	FY2027	FY2028	FY2029
<b>Corrections Dept</b>					
General Fund	-	1.2	3.3	4.2	4.5
<b>Public Defense Board</b>					
General Fund	-	3.63	9	10.5	10.5
<b>Public Safety Dept</b>					
General Fund	-	2	2	2	2
<b>Sentencing Guidelines Comm</b>					
General Fund	-	2	2	2	2
<b>Supreme Court</b>					

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2025	FY2026	FY2027	FY2028	FY2029
General Fund	-	3	3	3	3
<b>Total</b>	-	<b>11.83</b>	<b>19.3</b>	<b>21.7</b>	<b>22</b>

**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:** 2/28/2025 7:52:13 AM  
**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.

<b>State Cost (Savings) = 1-2</b>		<b>Biennium</b>			<b>Biennium</b>	
<b>Dollars in Thousands</b>		<b>FY2025</b>	<b>FY2026</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>
<b>Corrections Dept</b>						
General Fund	-	192	523	666	711	
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<b>Sentencing Guidelines Comm</b>						
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General Fund	-	498	507	507	507	
	<b>Total</b>	<b>-</b>	<b>3,975</b>	<b>3,779</b>	<b>3,748</b>	<b>3,793</b>
	<b>Biennial Total</b>		<b>7,754</b>		<b>7,541</b>	
<b>1 - Expenditures, Absorbed Costs*, Transfers Out*</b>						
<b>Corrections Dept</b>						
General Fund	-	192	523	666	711	
<b>Public Defense Board</b>						
General Fund	-	2,078	1,908	1,908	1,908	
<b>Public Safety Dept</b>						
General Fund	-	221	221	221	221	
<b>Sentencing Guidelines Comm</b>						
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General Fund	-	498	507	507	507	
	<b>Total</b>	<b>-</b>	<b>3,975</b>	<b>3,779</b>	<b>3,748</b>	<b>3,793</b>
	<b>Biennial Total</b>		<b>7,754</b>		<b>7,541</b>	
<b>2 - Revenues, Transfers In*</b>						
<b>Corrections Dept</b>						
General Fund	-	-	-	-	-	-
<b>Public Defense Board</b>						
General Fund	-	-	-	-	-	-
<b>Public Safety Dept</b>						
General Fund	-	-	-	-	-	-
<b>Sentencing Guidelines Comm</b>						
General Fund	-	-	-	-	-	-
<b>Supreme Court</b>						
General Fund	-	-	-	-	-	-
	<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
	<b>Biennial Total</b>		<b>-</b>		<b>-</b>	<b>-</b>

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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
General Fund	-	986	620	446	446	
<b>Total</b>	<b>-</b>	<b>986</b>	<b>620</b>	<b>446</b>	<b>446</b>	<b>446</b>
<b>Biennial Total</b>			<b>1,606</b>			<b>892</b>

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2025	FY2026	FY2027	FY2028	FY2029
General Fund	-	2	2	2	2
<b>Total</b>	<b>-</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>

**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:** 2/25/2025 3:00:56 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.

<b>State Cost (Savings) = 1-2</b>		Biennium			Biennium	
Dollars in Thousands	FY2025	FY2026	FY2027	FY2028	FY2029	
General Fund	-	986	620	446	446	
<b>Total</b>	<b>-</b>	<b>986</b>	<b>620</b>	<b>446</b>	<b>446</b>	<b>446</b>
<b>Biennial Total</b>			<b>1,606</b>			<b>892</b>
<b>1 - Expenditures, Absorbed Costs*, Transfers Out*</b>						
General Fund	-	986	620	446	446	
<b>Total</b>	<b>-</b>	<b>986</b>	<b>620</b>	<b>446</b>	<b>446</b>	<b>446</b>
<b>Biennial Total</b>			<b>1,606</b>			<b>892</b>
<b>2 - Revenues, Transfers In*</b>						
General Fund	-	-	-	-	-	
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Biennial Total</b>			<b>-</b>			<b>-</b>

**Bill Description**

Sections 1, 19, 20, and 21 pertain to bail and surety bonds in criminal cases.

Section 2 expands the predatory offender registration requirements of Minn. Stat. section 243.166, subd. 1b (Registration of predatory offenders; Registration required). A new paragraph (e) requires someone to register as a predatory offender who receives a stay of adjudication when the stay of adjudication is statutorily required to be justified in writing and on the record per Minn. Stat. section 609.095(b) (when charged under sections 243.166 (Failure to Register as a Predatory Offender), 609.342 (Criminal Sexual Conduct (CSC) 1st Degree), 609.343 (CSC 2nd Degree), 609.344 (CSC 3rd Degree), 609.345 (CSC 4th Degree), 609.3451, subd. 3 (felony CSC 5th degree), or 609.3453 (Criminal Sexual Predatory Conduct)). If it finds good cause to do so, the court may waive this registration requirement for juvenile offenders. Assigned corrections agents must notify persons sentenced before July 1, 2025, of their registration requirements. If the person required to register does not have a corrections agent, but is obligated to register, the Bureau of Criminal Apprehension must provide notice. No effective date is specified.

Section 3 amends Minn. Stat. § 243.166, subd. 2, in accordance with changes made in section 2.

Section 4 amends Minn. Stat. § 244.09 to require the Minnesota Sentencing Guidelines Commission (MSGC) to establish and maintain a public website with a searchable database that provides the public with information on criminal sentences stayed or imposed by the courts. The data must include information transmitted to MSGC from: the worksheet transmitted pursuant to section 609.115 subdivision 2a, and the sentencing order and departure report, if any, pursuant to rule 27.03 of the Rules of Criminal Procedure. Data is to be entered into separate fields in the data base and must not include information that is not public data as defined in section 13.02, subdivision 8a. It requires that the database must allow a user to search by individual fields and specifies what those fields must include, obtain information grouped or aggregated where feasible, and to download the data into a user-controlled database. No effective date is specified.

Section 5 amends Minn. Stat. § 244.09, to change the process for Sentencing Guidelines modifications. Under the bill, MSGC-proposed modifications to the Sentencing Guidelines will generally take effect only if adopted by the Legislature by law. The new requirement does not apply to a change that relates to a crime created or amended by the legislature in the preceding session; to a change mandated or authorized by the legislature; nor to any other change that does not amend a Sentencing Guidelines grid, a severity level, or a criminal history score, and would not result in the reduction of any sentence or in the early release of any inmate.

Section 6 adds a new subdivision to Minn. Stat. § 244.09 requiring MSGC annually to report to the Legislature the dismissal information reported to it by county attorneys pursuant to section 6 of the bill. This section is effective August 1, 2025.

Section 7 enacts Minn. Stat. § 388.052, which requires county attorneys to record and report the reason for dismissing felony charges. In each case where the defendant is charged with a felony, a county attorney who dismisses any part of a criminal action pursuant to rule 30.01 of the Rules of Criminal Procedure must record in writing, post on the county attorney's website, and forward to MSGC, the following information: defendant's name; offense date; crimes charged; dismissed charges; whether the victim supports the dismissal; dismissal date; and dismissal reason. This section is effective August 1, 2025, and applies to dismissals occurring on or after that date.

Section 8 provides that persons convicted under Minn. Stat. § 609.594 (Critical infrastructure damage) or Minn. Stat. § 609.6055 (Critical infrastructure trespass) are liable for any damages. It also establishes vicarious liability for such damages for a person or entity that recruits, trains, aids, advises, hires, counsels, or conspires with or procures another so to trespass. This section is effective August 1, 2025, and applies to crimes committed on or after that date.

Section 9 amends Minn. Stat. § 609.2231, subd. 1 (Assault in the Fourth Degree), by enhancing the penalty for physically assaulting a peace officer (without inflicting demonstrable bodily harm or intentionally throwing or otherwise transferring bodily fluids or feces) from a gross misdemeanor to a felony with a statutory maximum of two years or a payment of a fine of not more than \$4,000, or both. This section is effective August 1, 2025, and applies to crimes committed on or after that date.

Section 10 amends Minn. Stat. § 609.322 to create statutory presumptive executed sentences of at least 120 months for Sex Trafficking 1st Degree, and of at least 144 months for Aggravated Sex Trafficking 1st Degree. This section is effective August 1, 2025, and applies to crimes committed on or after that date.

Section 11 amends Minn. Stat. § 609.487 (Fleeing a Peace Officer) by adding a new subdivision 3a for fleeing while failing to obey traffic signs (e.g., running a red light) or driving on the wrong side of the road, in violation of applicable traffic laws. The new offense's statutory maximum penalty is five years in prison and/or a \$10,000 fine. This section is effective August 1, 2025, and applies to crimes committed on or after that date.

Section 12 amends Minn. Stat. § 609.52 to establish a misdemeanor for entering or being found in a motor vehicle that the defendant knew or had reason to know was stolen. The offense is a gross misdemeanor if committed after a previous conviction. This section is effective August 1, 2025, and applies to crimes committed on or after that date.

Section 13 amends Minn. Stat. § 609.594 (Critical infrastructure damage) to provide that anyone who is vicariously involved in the crime, and who fails to make a reasonable effort to prevent the violation, is subject to the same penalties as the person who actually commits the damage. This section is effective August 1, 2025, and applies to crimes committed on or after that date.

Section 14 amends Minn. Stat. § 609.6055 (Critical infrastructure trespass) to provide that anyone who is vicariously involved in the crime, and who fails to make a reasonable effort to prevent the violation, is subject to the same penalties as the person who actually commits the trespass. This section is effective August 1, 2025, and applies to crimes committed on or after that date.

Section 15 amends Minn. Stat. § 609.74 (public nuisance) to add a provision for a person who obstructs traffic that is entering, exiting, or on a freeway or entering, exiting, or on a public roadway within the boundaries of airport property. The new crime is a gross misdemeanor. This section is effective August 1, 2025, and applies to crimes committed on or after that date.

Section 16 amends Minn. Stat. § 609.855, subd. 2 (unlawful interference with transit) to expand the elements and penalties of that crime. After amendment, the crime may be committed by restricting passenger access to a transit vehicle after having been warned to stop. When not accompanied by force, violence, or a threat thereof, the crime is elevated from a misdemeanor to a gross misdemeanor. The felony penalty is unchanged. This section is effective August 1, 2025, and applies to crimes committed on or after that date.

Sections 17 and 18 amend Minn. Stat. § 626A.34, pertaining to the use of mobile tracking devices on stolen motor vehicles. No effective date is specified.

Section 22 appropriates funds to MSGC for the development and maintenance of the public searchable database required

by section 4.

### **Assumptions**

MSGC has no information pertaining to the fiscal cost, if any, that may pertain to sections 1, 8, 17, 18, 19, 20, and 21.

**Section 2.** It is assumed that the section becomes effective August 1, 2025, per Minn. Stat. § 645.02, and applies to stays of adjudication granted on or after that date. The remaining assumptions are based on those made in the MSGC fiscal note for HF226 (2021).

The Bureau of Criminal Apprehension (BCA) reported that there were 18,143 active registrants on the Predatory Offender Registry on February 8, 2021, and the average time on the registry is 10.6 years:

7,219 (39.80%) 10 years from last release from incarceration including those leaving prison for original sentence and those incarcerated for any type of new conviction or for a probation violation;

7,017 (38.68%) Lifetime Registration;

2,164 (11.9%) Original 10-year registration period (not sentenced to prison); and

1,167 (6.43%) Duration of Probation.

Factors that change the original registration period, except those on lifetime, are as follows:

Failure to Register convictions add 5 years to the registration requirement;

Any period of incarceration for a conviction restarts the registration period (includes probation violations for the original registration offense); and

If non-compliant on the date of completion 5 years is added to the end date.

It is assumed that cases subject to this bill will not be required to register for life and will most likely receive probation rather than prison. According to MSGC Monitoring Data from 2017 to 2019, there were 1,556 cases sentenced for one of the sex offenses listed in the bill. Of those, 57 percent received stayed sentences and were put on probation for an average of 12 years. Because the average length of probation is greater than the average 10.6 years reported by the BCA, it is assumed that people stay on the registry for at least 12 years.

According to the Minn. Judicial Branch, from 2017 to 2019, there were 229 adult cases in which a person received a stay of adjudication while charged with Failure to Register as a Predatory Offender (41 cases) or one of the sex offenses listed in the bill (188 cases). Of this number, it is assumed that the 41 defendants receiving stays of adjudication for Failure to Register as a Predatory Offender were already required to register and will not be affected. It is assumed that the remaining 188 people who received stays of adjudication for one of the sex offenses listed will be new registrants, an annual average of 63 people. It is therefore assumed that the bill will cause the predatory offender register to grow by 63 registrants each year. Based on information from MSGC, above, it is assumed that the new annual registrants will remain in the register for 12 years, for an eventual, cumulative register increase of 756 [= 63 × 12] registrants, or 4.2 [= 756 ÷ 18,000] percent. In the absence of information about the individual characteristics of these 756 registrants, it is assumed that they will commit the offense of Failure to Register as a Predatory Offender at a similar rate to those now on the register; and receive similar sentences to those now convicted of Failure to Register as a Predatory Offender. Thus, it is assumed that there will be an eventual 4.2 percent increase in the number of prison beds required for Failure to Register as a Predatory Offender.

It is assumed that this increase will have three delays in implementation: First, as described above, it is assumed that the expansion of the register will occur over a 12-year period (average probation period). Second, it is assumed that it will take 2 years for the first new registrant to violate their registration requirements, and every year after. Third, it is assumed that there will be a 1-year implementation delay caused by the due process between the offense date and the date of sentence.

To determine the timing delay, above, MSGC staff sampled two percent of the Failure to Register as a Predatory Offender cases from 2017 to 2019. The sample contains 23 cases: 18 first-time offenses (78%) and 5 subsequent offenses (22%). This is consistent with the ratio of cases sentenced from 2017 to 2019 where 76 percent were first-time offenses and 24 percent were subsequent. After reviewing the individual criminal histories of the two-percent sample worksheets, 8 first-time cases were moved to the subsequent category. The average time between the disposition of the most recent prior

offense and the disposition of the current Failure to Register offense was 9 years. For those cases going to prison, there was the following delay between the disposition of their current offense to the disposition of their previous offense (in months and years) (Table 1).

Table 1. Delay Between Disposition of Current Predatory Offense and Imprisonment for Failure to Register as Predatory Offender, Sampled Cases

Months	Years
21.9	1.82
28	2.35
36	3.04
40	3.36
53.6	4.47
77	6.39
81.45	6.79
90	7.51
148	12.33
148.9	12.41
156	12.99
280	23.34

According to MSGC Monitoring Data from 2017 to 2019, 1,276 cases (an average 425 per year) were sentenced for Failure to Register as a Predatory Offender; 52.1 percent received prison sentences with an average sentence of 21.4 months (serve 2/3 term of imprisonment; 14.3 mo.); and 47.9 percent received stayed sentences and put on probation. Eighty-five percent of probation case received a term of conditional confinement for an average 112 days (serve 2/3 term of imprisonment; 74 days).

Recognizing that stays of adjudication require agreement of the parties (Minn. Stat. § 609.095(b)), the registration and public-notice requirements of this bill may make stays of adjudication less attractive for defendants charged with sex offenses. This may result in fewer stays of adjudication in sex offense cases. On one hand, this may result in more dismissals and acquittals at trial; on the other hand, this may result in more convictions at trial. Because the likelihood or extent of any of these outcomes is not known, no impact is estimated for this potential effect.

**Sections 4 & 22.** It is assumed that section 4 becomes effective August 1, 2025, per Minn. Stat. § 645.02. The remaining assumptions are based on those made in the MSGC fiscal note for SF3356 (2022). It is assumed that MSGC will be unable to host and maintain the publicly searchable database described in the bill without the additional resources described in the “Expenditures and/or Revenue Formula” section below. This would include the addition of 1.0 FTE Research Analyst Intermediate to the MSGC staff, beginning in FY26.

**Section 5.** It is assumed that, beginning January 15, 2026, any Commission-initiated changes to the Sentencing Guidelines will require legislative enactment. It is assumed that the enactment of this section will result in no direct fiscal cost. Indirect fiscal costs are not estimated due to the speculation that would be required.

**Sections 6 & 7.** Assumptions are based on those made in the MSGC fiscal note for SF2841 (2022).

It is assumed that each of Minnesota’s 87 County Attorneys will need to post on each of their county attorney web sites the defendant’s name, the date of offense, all crimes that were charged, any charges that were dismissed, whether the victim supports the dismissal, the date of the dismissal, and any reasons for the dismissal, for each felony charged. The resulting information will be reported to MSGC by the county attorneys. MSGC is mandated to summarize and analyze these reports and include it in its annual report to the legislature.

It is assumed that the analysis is for dismissals by the prosecutor only. Dismissals by the court will not be included. Because section 388.052 uses the term “defendant,” this research would exclude juvenile cases except juveniles certified to adult court. This will include summary and analysis of reports received from county attorneys under section 388.052. MSGC will have to create a request for reasons for dismissal form and create a process for knowing when a felony charge



was dismissed, if the information was received by MSGC, and, if not received, a procedure for distributing the request for reasons for dismissal form.

It is assumed that MSGC would be required to create and oversee a new process, coordinate with 87 County Attorneys' offices, and prepare reports. This would require the addition of 1.0 FTE Research Analyst Intermediate to the MSGC staff, beginning in FY26. Those costs are estimated, below, and detailed in the "Expenditures" section.

It is assumed that, for each felony charged, there are as many of these charges that get dismissed as receive a pronounced sentence. Therefore, it is assumed that the time spent retrieving, processing, and analyzing dismissal data will be similar to the time spent retrieving, processing, and analyzing felony sentencing data. In total, this process takes approximately 93 work hours a month, which equates to 1.0 FTE Research Analyst position (rounding up). Those costs are estimated, below, and detailed in the "Expenditures" section.

"Felony dismissal" refers to any felony-level charge that was dismissed. Many cases have multiple counts. MSGC assumes that information about dismissal would have to be gathered for each count that was dismissed. Currently, MSGC reports information on felony-level offenses that receive a pronounced sentence. On a limited basis, MSGC gathers, but does not report, information on felony-level stays of adjudication.

According to the Minn. Judicial Branch data, there were a total of 218,416 adult felony charges filed between 2016 and 2019; an annual average of 54,604 charges. Of those, 106,506 were dismissed; an annual average of 26,627.

It is assumed that, although felony charges and dismissals are currently available through the Minn. Judicial Branch, victim support of dismissal and reasons for dismissal data are not available and must be collected. It is assumed that MSGC must create a form in a way that allows county attorneys to input the data and MSGC to categorize it to generate and present statistical information.

Under existing criminal rules, the prosecutor must articulate reasons for dismissal on the record. It is assumed that, under the new process, MSGC would need to collaborate with the Minn. County Attorneys Criminal Law Committee to develop a list of acceptable reasons for collecting dismissal reasons; that list is expected to number several dozen.

It is assumed that MSGC would develop, host and maintain a secure web application and database to collect all felony dismissals from county attorneys. It is assumed that the initial development and implementation costs and ongoing maintenance costs of the application will be borne by MSGC. It is assumed that County Attorneys' offices would be able to produce a report from the application that could be posted to their own web sites.

According to State of Minnesota's Information Technology (MNIT) staff, it is assumed that the initial development and implementation would require a 12- to 18-month project to begin in FY26, with a request for proposal and acquiring MNIT personnel to lead the project (Project Manager (PM), Business Analyst (BA), and Quality Assurance Specialist (QA), in addition to the MSGC personnel who would serve as a subject-matter expert (SME) on the project. The total one-time project cost estimate is \$509,000 in FY26; and an ongoing annual IT cost estimate of 115,000 in FY26, and every year after; for a combined one-time project cost and annual ongoing MNIT Costs of \$624,000. It is assumed that the costs will be borne by MSGC. Those costs are estimated, below, in the "Expenditures" section.

**Section 9.** Assumptions are based on those made in the MSGC fiscal note for HF2651 (2023).

It is assumed that due to the COVID-19 health pandemic, the cases sentenced in 2020 and 2021 may not be a fair approximation of cases sentenced in the future. Therefore, averages from 2017 to 2021, and 2018 to 2022, will be used for this fiscal note. 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. Table 2, below, describes, for the existing crimes under Minn. Stat. § 609.2231, the offense levels, statutory maximums, and, for felonies, severity levels and maximum probation lengths.

Table 2. Assault in the Fourth Degree: Severity Level; Max. Probation; Stat. Max.

Minn. Statute	Assault in the Fourth Degree	Offense Level	Stat. Max. (Yrs.)	Severity Level	Max. Probation Length (Yrs.)
609.2231					
Subd. 1(b)	Peace Officer Physically Assaults	GM	1		
Subd. 1(c)(1)	Peace Officer Demonstrable Bodily Harm (DBH)	Felony	3	1	4
Subd. 1(c)(2)	Peace Officer Throws/transfers body fluids (BF)	Felony	3	1	4

Subd. 2	Fire, EMS, Hospital Emergency DBH	Felony	2	1	4
Subd. 2a	Certain DNR Employees DBH	GM	1		
Subd. 3	Corrections, Prosecutor, Judge, Probation DBH or BF	Felony	2	1	4
Subd. 3a	Secure Treatment Facility DBH or BF	Felony	2	1	4
Subd. 4(a)	Motivated by Bias	GM	1		
Subd. 4(b)	Motivated by Bias Previous Conviction	Felony	1, and 1 day	1	4
Subd. 5	School Official DBH	GM	1		
Subd. 6	Certain Public Employees DBH	GM	1		
Subd. 7	Community Crime Prevention DBH	GM	1		
Subd. 8	Vulnerable Adult DBH	GM	1		
Subd. 9	Reserve Officer DBH	GM	1		
Subd. 10	Utility and Postal Service DBH	GM	1		
Subd. 11	Transit Operator Assault or BF	GM	1		

It is assumed that that the new, two-year assault against a peace officer under subd. 1(b) will be ranked at SL 1. To ensure proportionality, it is assumed that the Commission will increase the severity level for the existing, three-year assault against a peace officer under subd. 1(c) from SL 1 to SL 2. At SL 1 and SL 2, cases with a criminal history score of 6 or more are recommended prison sentences.

According to MSGC monitoring data from 2017 to 2021, there were 687 cases sentenced under subd. 1(c), an average 137 cases per year: 248 cases (36.1%) for assaulting a peace officer and inflicting demonstrable bodily harm; and 439 (63.9%) for intentionally throwing or otherwise transferring bodily fluids or feces at a peace officer an average of 137 per year. Forty-five cases received prison sentences (6.6%) with an average pronounced sentence of 16 months (serve 2/3 term of imprisonment = 11 months). An average 84 percent of probationers received local confinement as a condition of probation. The average pronounced confinement time was 64 days (serve 2/3 term = 43 days).

According to the Minn. Judicial Branch (MJB), from 2018 to 2022, there were 590 gross misdemeanor cases sentenced for physically assaulting a peace officer under Minn. Stat. § 609.2231, subd. 1(b); an average of 118 per year. In the future, it is assumed that the bill will cause 118 gross misdemeanor cases annually to become felonies ranked at SL 1, which will have the same imprisonment rate and average prison sentence as the existing felony assaults. It is assumed that the existing felony assault against a peace officer under subd. 1(c) will be moved to SL 2, with the same imprisonment rate but with longer prison time (from 16 mos. to 18 mos.) to accommodate the increase to SL 2.

#### Section 10.

Estimates are based on the annual average for cases sentenced between 2014 and 2023. It is assumed that future cases will be similar in terms of offenses, offense severity, offense distribution, criminal history scores (CHS), departure rates, and demographic characteristics to those sentenced in 2014-2023.

Aggravated Sex Trafficking 1st Degree. Before August 1, 2023, the presumptive sentence for Aggravated Sex Trafficking under Minn. Stat. § 609.322 subd. 1(b), was determined by adding 48 months to the presumptive duration of the base Sex Trafficking 1st Degree offense, which is ranked at Severity Level B. For offenses committed on or after August 1, 2023, Aggravated Sex Trafficking 1st Degree is ranked at Severity Level A. For Severity Level A, Criminal History Scores 0, 1, and 2, the ranges are 123 and 172, 133 and 187, and 143 and 201, respectively.

According to MSGC Monitoring data, during the 10-year period from 2014 to 2023, there were 6 Aggravated Sex Trafficking 1st Degree cases. None of these cases had offense dates on or after August 1, 2023; therefore, none were subject to the new Severity Level A ranking.

To make assumptions about future cases, MSGC first made upward sentencing adjustments to the six Aggravated First-Degree Sex Trafficking cases to reflect Guidelines' modifications effective August 1, 2023, that would reflect at least their new presumptive sentences at Severity Level A, given their criminal history scores (Table 3).

Table 3. Upward Sentencing Adjustments to Reflect 8/1/2023 Guidelines Change

Pronounced Sentence	Severity Level if committed on/after 8/1/2023	Criminal History Score	Presumptive duration if committed on/after 8/1/2023	Adjusted sentence if the crime had been committed on/after 8/1/2023
111 mos., prison	A	2	143 201 mos.	168 mos., prison
240 mos., prison	A	8	306 360 mos.	360 mos., prison
96 mos., prison	A	2	143 201 mos.	168 mos., prison
156 mos., stayed	A	0	123172 mos.	156 mos., stayed
481 mos., prison (incl. consecutive sentences)	A	9	306 360 mos.	481 mos., prison
240 mos., prison	A	6	306 360 mos.	360 mos., prison

Adjusted for the 2023 Guidelines changes, none of the six cases sentenced from 2014 and 2023 would have received a duration shorter than 144 months. The bill's 144-month statutory presumptive executed sentence is therefore assumed to have no prison-bed impact. It is assumed that the one case with a stayed disposition would have continued to receive a stayed disposition after the bill's enactment, because it is assumed that the bill provides for deviations from the 144-month executed sentence if the case satisfied the criteria for a departure from the Guidelines, which that case evidently did.

Sex Trafficking 1st Degree. For Severity Level B, Criminal History Score 0, the range is 77 and 108. According to MSGC Monitoring data, during a 10-year period, from 2014 to 2023, there were 40 Sex Trafficking 1st Degree cases (an annual average 4 cases per year). MSGC recalculated new sentences for all Sex Trafficking 1st Degree cases based on the 120-month presumptive minimum duration established in the bill.

Of the 40 Sex Trafficking 1st Degree cases from 2014 to 2023, nine cases (22.5%) received stayed dispositions. It is assumed that those cases would have continued to receive a stayed disposition after the bill's enactment, because it is assumed that the bill provides for deviations from the 120-month executed sentence if the case satisfied the criteria for a departure from the Guidelines, which those cases evidently did. In 13 other cases, the executed durations were equal to or greater than 120 months; it is assumed that the bill would have no impact on those cases. The remaining 18 cases involved executed durations of less than 120 months; it is assumed that those cases would be sentenced to 120-month executed prison sentences. The average increase among those 18 cases was 46 months.

It is assumed that attempts and conspiracies are not subject to the changes described in this bill. In two attempted offenses of Sex Trafficking First Degree, sentences were therefore not adjusted.

## Section 11.

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.

Currently there are four felony fleeing offenses with different statutory maximum based on the level of harm created. Subdivision 3 is the "basic" fleeing a peace officer in a motor vehicle if the perpetrator knows or should have reason to know that they are fleeing a peace officer and has a statutory maximum of three years. This offense is ranked at Severity Level (SL) 1. According to MSGC monitoring data, from 2019 to 2023, there were 3,336 cases sentenced (an annual average 667 cases). Subdivision 4(c) is fleeing that results in substantial bodily harm, has a statutory maximum of five years, is ranked at SL 4, and 14 cases were sentenced from 2019 to 2023 (an annual average 2.8 cases). Subdivision 4(b) is fleeing that results in great bodily harm, has a statutory maximum of seven years, is ranked at SL 6, and three cases were sentenced from 2019 to 2023 (an annual average 0.6 cases). Subdivision 4(a) is fleeing that results in death, has a statutory maximum of 40 years, is ranked at SL 10, and five cases were sentenced from 2019 to 2023 (an annual average 1 case).

Because the new fleeing for fleeing while failing to obey traffic signs (subd. 3a) contains all the elements of the basic fleeing offense, it is assumed that all new fleeing would have been basic fleeing cases under existing law. Although the number of future sentences for the new offenses is not known, it will be less than the 667 basic fleeing sentences annually. It is assumed that the newly required elements will be provably common among many fleeing cases: perhaps one-half of

basic fleeing cases will instead be successfully prosecuted under fleeing for fleeing while failing to obey traffic signs (subd. 3a); and one-half will continue to be prosecuted as basic fleeing (subd. 3) or 333 cases annually for each category ( $667 \div 2$ ).

The Minnesota Sentencing Guidelines Commission assigns severity-level (SL) rankings to new felonies. Among its considerations are statutory maximum penalty and harm to the victim in a typical case. The fleeing offense resulting in substantial bodily harm has a five-year statutory maximum penalty and is ranked at SL 4. Because the new offenses lack the element of harm, it is assumed that the new offense will be ranked lower, at SL 3. At SL 3, offenses with a criminal history score (CHS) 4 or more are recommended a prison sentence with presumptive durations that range from 17 to 27 months.

From 2019 to 2023, the average imprisonment rate for SL 3 cases was 20 percent with an average duration of 20 months (serve  $2/3$  term of imprisonment = 13 mos.); an average of 65 percent of the SL 3 offenses that received probation sentences received local confinement as a condition of probation. The average pronounced confinement time was 78 days (serve  $2/3$  = 52 days).

From 2019 to 2023, the average imprisonment rate for SL 1 fleeing cases was 15 percent with an average duration of 17.5 months (serving  $2/3$  term of imprisonment = 11.7 mos.); an average of 71.5 percent of the SL 1 fleeing cases that received probation sentences received local confinement as a condition of probation. The average pronounced confinement time was 63 days (serve  $2/3$  = 42 days).

**Section 12.** It is assumed that since no new felonies are created, there will be no impact on state correctional resources.

**Sections 13 & 14.** Assumptions are based on those made in the MSGC fiscal note for HF129 (2021).

Violations of Minn. Stat. § 609.594 are all felonies. They are ranked at Severity Level (SL) 2. At that SL only persons with a Criminal History Score (CHS) of six or more are recommended a prison sentence. According to MSGC monitoring data, from 2017 to 2019, one person was sentenced for this offense. That person received a stayed sentence. The bill adds those convicted of vicarious involvement in damage to the property of critical public service facilities, utilities, and pipelines to those subject to the existing penalty provision. It is assumed that those vicariously liable under Minn. Stat. § 609.05 (Liability for crimes of another) were already subject to the existing penalty provisions of Minn. Stat. § 609.594.

Violations of Minn. Stat. § 609.6055 are all gross misdemeanors. Information from the State Court Administrator's Office indicate that from 2017 to 2019, 35 cases were sentenced (an annual average of 12 cases per year). The bill adds those convicted of vicarious involvement in trespass on property of critical public service facilities, utilities, and pipelines to those subject to the existing criminal penalty provision. It is assumed that those vicariously liable under Minn. Stat. § 609.05 were already subject to the existing penalty provisions of Minn. Stat. § 609.6055.

With respect to both Section 13 and Section 14, it is assumed that the bill expands on vicarious liability by adding the means of recruiting and training to the existing means of vicarious liability defined in Minn. Stat. § 609.05 (aiding, advising, hiring, counseling, or conspiring with, or otherwise procuring another). It is assumed that the means of recruiting and training are generally encompassed by the existing means, particularly those of aiding, advising, hiring, counseling, and procuring another. It is therefore assumed that the number of persons sentenced for the redefined crimes will be no larger than the number now sentenced for committing the existing crimes.

**Section 15.** It is assumed that since no new felonies are created, there will be no impact on state correctional resources.

**Section 16.** It is assumed that since the felony penalty is unchanged, there will be no impact on state correctional resources.

#### **Expenditure and/or Revenue Formula**

**Table 4.Total Expenditures**

<b>Expenditures</b>	<b>FY26</b>	<b>FY27</b>	<b>FY28</b>	<b>FY29</b>
Section 4-MNIT one-time cost	265,000	288,500	-	-
Section 4-MNIT ongoing	-	-	115,000	115,000
Section 4-Salary/fringe (FTE)	105,702	108,158	108,158	108,158
Section 6-MNIT one-time cost	509,000	-	-	-
Section 6-MNIT ongoing	-	115,000	115,000	115,000
Section 6-Salary/fringe (FTE)	105,702	108,158	108,158	108,158
<b>Total</b>	<b>\$985,404</b>	<b>\$619,816</b>	<b>\$446,316</b>	<b>\$446,316</b>

**Section 4. Publicly Searchable Database Required**

**MSGC Personnel Costs:** one-time MSGC personnel cost of \$105,702 in FY26; and ongoing salary and fringe of \$108,158, thereafter.

**FY26 Total salary/fringe, operating costs, and one-time office setup: \$105,702**

Salary: \$61,963

Fringe: \$38,007

MNIT: \$3,232

Setup: \$2,500

**FY27 and ongoing Total salary/fringe and operating costs: \$108,158**

Salary: \$64,438

Fringe: \$40,488

MNIT: \$3,232

MNIT provided MSGC with a rough estimate of the costs of funding the project required by the bill, refinable with additional time. The estimate assumed the creation of one data collection application that would allow county attorney offices to log in and enter the data on a per-court-case basis.

The MNIT estimate assumed 18 to 24 months of project execution, procurement, and contracting needs to take place before project execution could start. Within that timeframe, MNIT assumed a development/implementation project cost of \$60,000 for business analysis, \$60,000 for project management, \$375,000 for vendor/developer/contractor cost, and \$15,000 for a development infrastructure/hosting costs, for a total of \$510,000. Given the estimated timeframe, MSGC assumes that these costs would be evenly distributed between FY26 and FY27, for \$255,000 each year.

In addition, the MNIT estimate assumed \$30,000 for project quality assurance costs. MSGC assumes that \$10,000 of this cost would be required in FY26 and \$20,000 in FY27.

In addition, the MNIT estimate assumed \$4,500 of staging infrastructure/hosting costs over 4 months and Q/A UAT environment over 9 months, for a total of \$13,500. MSGC assumes these costs would be required entirely in FY27.

Thus, it is assumed that the total one-time project costs of \$553,500 would be required as follows: FY26, \$265,000; FY27, \$288,500.

If the development of integrations with various county systems for data to be provided to MSGC via system-to-system communication were required, the costs would rise above this estimate.

In addition, MNIT assumes ongoing annual hosting costs of \$25,000 and \$90,000 annual MNIT compensation costs (0.5 FTE ITS-3, high end of range), for a total ongoing costs of \$115,000. MSGC assumes that these costs would be required in FY28 and every year thereafter.

### **Sections 6 & 7. Reason for Dismissing Charges; Report Required**

**MSGC Personnel Costs:** one-time MSGC personnel cost of \$105,702 in FY26; and ongoing salary and fringe of \$108,158, thereafter.

#### **FY26 Total salary/fringe, operating costs, and one-time office setup: \$105,702**

Salary: \$61,963

Fringe: \$38,007

MNIT: \$3,232

Setup: \$2,500

#### **FY27 and ongoing Total salary/fringe and operating costs: \$108,158**

Salary: \$64,438

Fringe: \$40,488

MNIT: \$3,232

#### **Development/Implementation Project Estimates 12- to 18-Month Project after procurement/contracting**

Vendor/Developer/Contractor Cost: \$300,000.00

Agency PM Cost: \$50,000.00

Agency BA Cost: \$60,000.00

Agency QA Cost: \$30,000.00

Development Infrastructure/Hosting 11 months: \$11,000.00

Staging Infrastructure/Hosting 3 months: \$3,000.00

Q/A - UAT Environment - 9 months: \$9,000.00

Subtotal One Time Project Costs: \$463,000.00

Add 10% contingency due to uncertainty about final requirements: \$46,000.00

Total One-Time Project Costs Estimate: \$509,000.00

**Annual Ongoing Costs**

Annual Hosting Fee: \$25,000

Ongoing Annual IT Support Salary: \$90,000

Total Ongoing cost estimate: \$115,000

**Combined One-Time Project Costs + Annual Ongoing MNIT Costs: \$624,000**

Expenditure	FY26	FY27	FY28	FY29
Section 4-MNIT one-time cost	265,000	288,500	-	-
Sec. 4-MNIT ongoing	-	-	115,000	115,000
Section 4-Salary/fringe (FTE)	105,702	108,158	108,158	108,158
Section 6-MNIT one-time cost	509,000	-	-	-
Sec. 6-MNIT ongoing	-	115,000	115,000	115,000
Section 6-Salary/fringe (FTE)	105,702	108,158	108,158	108,158
<b>Total</b>	<b>\$985,404</b>	<b>\$619,816</b>	<b>\$446,316</b>	<b>\$446,316</b>

**Long-Term Fiscal Considerations**

Based on the assumptions, if the proposed modifications in this bill are applied, the projected eventual prison beds needed are 47 beds, as described in Table 5.

Table 5. Prison-Bed Impact

Section	Description	Prison Beds
Section 2	Expanded predatory offender registration	11
Section 9	Enhanced penalty for physically assaulting a peace officer	8
Section 10	Statutory presumptive executed sentences for sex trafficking	4
Section 11	Fleeing while failing to obey traffic signs	24
<b>Total</b>		<b>47</b>

**Section 2:** The projected eventual prison beds needed (based on a 4.2% increase in cases) is 11 prison beds. Based on the delay assumptions (that it will take time for those who must register to fail and then be given due process), the first bed will be needed in year 2027 and the full 11 beds will be needed in 2042, and every year after as displayed in Table 6.

Table 6. Prison-Bed Timing

Year	Prison Beds
------	-------------

2026	0
2027	1
2028	1
2029	2
2030	3
2031	3
2032	4
2033	4
2034	4
2035	6
2036	8
2037	8
2038	9
2039	9
2040	10
2041	10
2042	11

**Section 4.** MSGC estimates a one-time MSGC estimates a one-time MNIT project cost of personnel cost of \$105,702 in FY26; and ongoing salary and fringe of \$108,158, in FY27 and every year thereafter. \$265,000 in FY26, \$288,500 in FY27, and \$115,000 in FY28, and every year thereafter.

**Sections 6 & 7.** MSGC estimates a one-time MNIT project cost of \$509,000.00 in FY26; and \$115,000, in FY27 and every year thereafter. MSGC estimates a one-time personnel cost of \$105,702 in FY26; and ongoing salary and fringe of \$108,158, in FY27 and every year thereafter.

**Section 9.** It is estimated that there will be an eventual need for eight additional prison beds: Four beds in FY2026, and eight beds in FY2027 and every year after.

Seven of these beds will result from the 118 new cases of assault against a peace officer under subd. 1(b). With an expected prison rate of 6.6%, there will be an additional 8 prison cases with an expected average duration of 16 months, assuming service of 2/3 of the pronounced sentence (11 mos.); 8 prison cases x 11 mos. to serve = 88 ÷ 12 mos. = 7 prison beds.

One of these beds will result from the 137 existing cases of assault against a peace officer under subd. 1(c) moved up to SL 2. ((9 prison cases x 12 mos. to serve = 108 ÷ 12 mos. = 9 prison beds) (9 prison cases x 11 mos. to serve = 99 ÷ 12 mos. = 8.25 prison beds) = 0.75 beds.)

**Section 10.** It is estimated that there will be an eventual need for four additional prison beds: one bed in FY2029, two beds in FY2030, three beds in FY2031, and four beds in FY2032, and every year after as displayed in (Table 7).

Table 7. Prison-Bed Timing

Year	Prison Beds
2026	0
2027	0
2028	0
2029	1
2030	2



2031	3
2032	4

It is estimated that this section will result in the eventual need for 24 additional prison beds. Allowing six months for implementation, there will be a need for 12 beds in FY2026, and 24 beds in FY2027, and every year after. **Section 11.**

Because the SL 1 fleeing cases have an imprisonment rate of 15 percent, whereas SL 3 cases have an imprisonment rate of 20 percent, it is estimated that the number of prison cases for the 333 assumed to change severity levels will change from 50 (15% of 333) to 67 (20% of 333). The SL 1 fleeing offenses sentenced had an average pronounced sentence of 17.5 months (serve 2/3=11.7 mo.); whereas at SL 3 it is estimated that the average term of imprisonment will be 13 months. Thus, it is estimated that for the 333 cases assumed to switch severity levels, the prison bed need will change from 49 beds ((50 cases × 11.7) ÷ 12) to 73 beds ((67 cases × 13) ÷ 12). Thus, it is estimated that these changes will result in the need for 24 additional prison beds a year (73 beds - 49 beds = 24 beds). Allowing six months for implementation, there will be a need for 12 beds in FY2026, and 24 beds in FY2027, and every year after.

**Section 13.** Because it is assumed that the bill will not change the number of cases sentenced for damage or trespass to critical infrastructure property crimes, no impact on state and local correctional resources is anticipated.

**Section 14.** Because it is assumed that the bill will not change the number of cases sentenced for damage or trespass to critical infrastructure property crimes, no impact on state and local correctional resources is anticipated.

**Local Fiscal Impact**

**Section 2:** It is estimated that the projected eventual impact on local correctional resources (based on a 4.2% increase) is 1.5 jail beds per year statewide beginning in 2035.

Sections 6 & 7. The Minn. County Attorneys Association estimated that this would require one additional staff (Salary and Benefits= \$75,000) for all greater Minnesota county attorney offices (\$75,000 × 80 = \$6,000,000) and two additional staff for the seven metro county attorneys (\$150,000 × 7 = \$1,050,000) for a total statewide staff cost of \$7,050,000. In addition, it was reported, by a number of county attorneys that their case tracking system would need to be updated in order to accurately collect this information. The cost of the update was unknown. Lastly, there were at least five county attorneys who reported that they currently do not have space for an additional staff person so that would be an additional cost to obtain office space for the added staff.

**Section 9.** It is estimated that there will be a need for 13 local correctional beds statewide. There will be 110 new cases of assault against a peace officer under subd. 1(b) requiring local felony supervision; and 92 cases (84%) will receive local confinement as a condition of felony probation for an average pronounced confinement time of 64 days. ((110 cases × 43 days) ÷ 365 = 13 local correctional beds).

**Section 11.** It is estimated that this bill will result in the need for four local beds statewide because of the difference in the estimated local beds needed for SL 1 fleeing probationers (27 local beds) compared to the estimated local beds that will be needed for the new SL 3 fleeing probationers (31 local beds).

At SL 1, the local confinement rate was 71.5 percent with an average pronounced confinement time of 63 days (serving 2/3 term of imprisonment = 42 days). For the estimated 238 probation cases at SL 1 (71.5% of 333 cases), among the 333 cases assumed to change severity levels, the estimated local bed need at SL 1 is 27 beds (238 cases × 42 days ÷ 365 = 27 local beds).

At SL 3, the local confinement rate was 65 percent. The average pronounced confinement time was 78 days (serving 2/3 term of imprisonment = 52 days). For the estimated 216 probation cases at SL 3 (65% of 333 cases), among the 333 cases assumed to change severity levels, it is estimated that the local bed need will be 31 beds (216 cases × 52 days ÷ 365 = 31 local beds).

**References/Sources**

**Section 2.** See HF226 (2021).

MSGC Monitoring Data, 2017-2019.

Minnesota Judicial Branch, 2011-2017.

Bureau of Criminal Apprehension, Program Administrator Katie Meiers, Predatory Offender Registration Unit. 8 Feb. 2021. E-Mail "RE: Fiscal Note for HF 226-0: Average Length of Stay on Registry."

Prison-Bed Calculation: Based on the average pronounced executed prison term of 21.4 months, assuming service of 2/3 of the pronounced sentence (14.3 months) and 52.1% prison rate.  $222 \text{ cases per year} \times 14.3 = 3,169 \div 12 \text{ mos.} = 264 \text{ beds}$  x 4.2 percent increase = 11.1 prison beds.

Local-Bed Calculation: Based on the average local confinement term 112 days, assuming service of 2/3 of the pronounced sentence (74 days) and 85% local jail rate.  $173 \text{ cases} \times 74 \text{ days} = 12,815 \div 365 \text{ days} = 35 \text{ beds}$  x 4.2 percent increase = 1.5 local beds.

**Section 4.** See SF3356 (2022).

Ogg, Tim "RE: New Fiscal Note: HF7-0 Public Safety Data, Sentencing Guidelines, Crimes: DUE 2/18/2025." Message to Nate Reitz, 2/14/2025.

**Sections 6 & 7.** See SF2841 (2022).

McBrayer, Linda "RE: New Fiscal Note: HF7-0 Public Safety Data, Sentencing Guidelines, Crimes: DUE 1/31." Message to Jill Payne, 1/23/2025.

Small, Robert. "RE: SF2841 Fiscal Note - Burden on County Attorneys." Message to Nate Reitz, 2/9/2022.

2016-2019 Minn. Judicial Branch data.

Ogg, Tim "RE: New Fiscal Note: HF7-0 Public Safety Data, Sentencing Guidelines, Crimes: DUE 2/18/2025." Message to Nate Reitz, 2/14/2025.

**Section 9.** See HF2651 (2023).

2018-2022 Minn. Judicial Branch data.

2017-2021 MSGC Monitoring data.

**Section 10.**

MSGC Monitoring Data, 2014-2023

**Section 11.**

2019-2023 MSGC Monitoring Data.

**Section 13 & 14.** See HF129 (2021).

MSGC Monitoring Data, 2017-2019

Minn. Judicial Branch, 2017-2019

**Agency Contact:**

**Agency Fiscal Note Coordinator Signature:** Jill Payne

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HF7 - 1E - Criminal Penalties and Data Modified

Chief Author: **Paul Novotny**  
 Committee: **Public Safety Finance And Policy**  
 Date Completed: **2/28/2025 7:52:13 AM**  
 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
General Fund	-	192	523	666	711	
<b>Total</b>	<b>-</b>	<b>192</b>	<b>523</b>	<b>666</b>	<b>711</b>	
<b>Biennial Total</b>			<b>715</b>		<b>1,377</b>	

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2025	FY2026	FY2027	FY2028	FY2029
General Fund	-	1.2	3.3	4.2	4.5
<b>Total</b>	<b>-</b>	<b>1.2</b>	<b>3.3</b>	<b>4.2</b>	<b>4.5</b>

**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:** 2/25/2025 2:20:13 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.

<b>State Cost (Savings) = 1-2</b>		Biennium			Biennium	
Dollars in Thousands		FY2025	FY2026	FY2027	FY2028	FY2029
General Fund	-	192	523	666	711	
<b>Total</b>	<b>-</b>	<b>192</b>	<b>523</b>	<b>666</b>	<b>711</b>	
<b>Biennial Total</b>			<b>715</b>			<b>1,377</b>
<b>1 - Expenditures, Absorbed Costs*, Transfers Out*</b>						
General Fund	-	192	523	666	711	
<b>Total</b>	<b>-</b>	<b>192</b>	<b>523</b>	<b>666</b>	<b>711</b>	
<b>Biennial Total</b>			<b>715</b>			<b>1,377</b>
<b>2 - Revenues, Transfers In*</b>						
General Fund	-	-	-	-	-	
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
<b>Biennial Total</b>			<b>-</b>			<b>-</b>

**Bill Description**

HF 7 is a wide-ranging public safety bill that looks to expand or change various criminal sentences as a part of the broader Minnesota Sentencing Guidelines, as well as making corresponding changes to the rules and operations of the Minnesota Sentencing Guidelines Commission.

**Assumptions**

The department does not project an information technology impact to its digital operations as a result of this bill. It assumes that the required database included in the bill will be constructed by the Minnesota Sentencing Guidelines Commission (MSGC).

Prison bed costs are based on a marginal cost per diem of \$52.61 for FY 2026, \$53.79 for FY 2027, \$55.29 for FY 2028, and \$56.89 for FY 2029 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 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 \$126,000 per year, including benefits.

**Expenditure and/or Revenue Formula**

The Minnesota Sentencing Guidelines Commission (MSGC) projects the need for 16 prison beds in fiscal year 2026, 33 prison beds in fiscal year 2027, 33 prison beds in fiscal year 2028, and 35 prison beds in fiscal year 2029.

**Cost of Prison Beds**

Fiscal year	2026	2027	2028	2029
Number of Prison Beds	16	33	33	35
Cost of Prison Beds (in 000s)	\$192	\$523	\$666	\$711
FTE	1.2	3.3	4.2	4.5

### **Long-Term Fiscal Considerations**

MSGC projects that 37 prison beds will be needed in fiscal year 2030, 38 prison beds will be needed in fiscal year 2031, 40 prison beds will be needed each year in fiscal years 2032, 2033, and 2034, 42 prison beds will be needed in fiscal year 2035, 44 prison beds will be needed each year in fiscal years 2036 and 2037, 45 prison beds will be needed each year in fiscal years 2038 and 2039, 46 prison beds will be needed each year in fiscal years 2040 and 2041, and 47 prison beds will be needed in fiscal year 2042 and each year ongoing.

### **Local Fiscal Impact**

MSGC projects that 17 local prison beds will be needed each fiscal year beginning in fiscal year 2027. This number will increase to 18.5 local prison beds each fiscal year beginning in fiscal year 2035 and each year ongoing.

### **References/Sources**

Department of Corrections staff

MSGC

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HF7 - 1E - Criminal Penalties and Data Modified

Chief Author: **Paul Novotny**  
 Committee: **Public Safety Finance And Policy**  
 Date Completed: **2/28/2025 7:52:13 AM**  
 Agency: **Metropolitan Council**

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
<b>Total</b>	-	-	-	-	-	-
<b>Biennial Total</b>			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2025	FY2026	FY2027	FY2028	FY2029
<b>Total</b>	-	-	-	-	-

**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:** 2/27/2025 8:08:13 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.

\*Transfers In/Out and Absorbed Costs are only displayed when reported.

<b>State Cost (Savings) = 1-2</b>		<b>Biennium</b>			<b>Biennium</b>	
Dollars in Thousands	FY2025	FY2026	FY2027	FY2028	FY2029	
<b>Total</b>	-	-	-	-	-	-
<b>Biennial Total</b>			-			-
<b>1 - Expenditures, Absorbed Costs*, Transfers Out*</b>						
<b>Total</b>	-	-	-	-	-	-
<b>Biennial Total</b>			-			-
<b>2 - Revenues, Transfers In*</b>						
<b>Total</b>	-	-	-	-	-	-
<b>Biennial Total</b>			-			-

**Bill Description**

(a) The commission shall maintain a public website with a searchable database that provides the public with information on criminal sentences stayed or imposed by the courts. The website must not include information that is not public data, as defined in section 13.02, subdivision 8a.

(b) The website required under paragraph (a) must contain all the information transmitted from the sentencing court to the commission including information in the sentencing worksheet transmitted pursuant to section 609.115, subdivision 2a, and the sentencing order and departure report, if any, sent pursuant to rule 27.03 of the Rules of Criminal Procedure. Data received by the commission must be entered into separate fields in the database

PROVIDING RELEASE ON BAIL; COMMITMENT. A person charged with a criminal offense may be released with or without bail in accordance with rule 6.02 of the Rules of Criminal Procedure. Money bail is the property of the accused, whether deposited by that person or by a third person on the accused's behalf. When money bail is accepted by a judge, that judge shall order it to be deposited with the court administrator and shall notify the agency having custody of the arrested or detained person or the agency's designee that money bail has been posted, the amount posted, and, if the arrested or detained person is being held in custody for a crime against a person listed in section 611A.031 or a crime of violence as defined in section 629.725, the identity of the person or entity that posted the bail. The court administrator shall retain it until the final disposition of the case and the final order of the court disposing of the case.

**Assumptions**

This bill was reviewed and will have no impact on the Metro Transit Police Department.

**Expenditure and/or Revenue Formula**

NA

**Long-Term Fiscal Considerations**

NA

**Local Fiscal Impact**

**References/Sources**

Ed Petrie MT Finance Director 612 812 2714

**Agency Contact:** Ed Petrie 612 812 2714

**Agency Fiscal Note Coordinator Signature:** Stewart McMullan

**Phone:** 651-602-1374

**Date:** 2/27/2025 8:04:15 AM

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HF7 - 1E - Criminal Penalties and Data Modified

Chief Author: **Paul Novotny**  
 Committee: **Public Safety Finance And Policy**  
 Date Completed: **2/28/2025 7:52:13 AM**  
 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) Dollars in Thousands	Biennium			Biennium	
	FY2025	FY2026	FY2027	FY2028	FY2029
General Fund	-	2,078	1,908	1,908	1,908
<b>Total</b>	<b>-</b>	<b>2,078</b>	<b>1,908</b>	<b>1,908</b>	<b>1,908</b>
<b>Biennial Total</b>			<b>3,986</b>		<b>3,816</b>

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2025	FY2026	FY2027	FY2028	FY2029
General Fund	-	3.63	9	10.5	10.5
<b>Total</b>	<b>-</b>	<b>3.63</b>	<b>9</b>	<b>10.5</b>	<b>10.5</b>

**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:** 2/27/2025 6:56:36 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.

<b>State Cost (Savings) = 1-2</b>		Biennium			Biennium	
Dollars in Thousands	FY2025	FY2026	FY2027	FY2028	FY2029	
General Fund	-	2,078	1,908	1,908	1,908	1,908
<b>Total</b>	<b>-</b>	<b>2,078</b>	<b>1,908</b>	<b>1,908</b>	<b>1,908</b>	<b>1,908</b>
			<b>3,986</b>			<b>3,816</b>
<b>1 - Expenditures, Absorbed Costs*, Transfers Out*</b>						
General Fund	-	2,078	1,908	1,908	1,908	1,908
<b>Total</b>	<b>-</b>	<b>2,078</b>	<b>1,908</b>	<b>1,908</b>	<b>1,908</b>	<b>1,908</b>
			<b>3,986</b>			<b>3,816</b>
<b>2 - Revenues, Transfers In*</b>						
General Fund	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
			<b>-</b>			<b>-</b>

**Bill Description**

Section 1

Requires disclosure of the person or entity posting bail on behalf of an accused charged with a crime against a person or crime of violence.

Section 2

Requires registration as sex offender in cases where there is a stay of adjudication.

In addition, the bill would require the corrections agent or in the case where an individual does not have an agent the bureau to notify individuals sentenced prior to July 1, 2025 that they are now subject to the registration requirement. There is no date on the retroactive nature of this provision so presumably would include all individuals who received a stay of adjudication prior to July 1, 2025 The individual would have 30 days in which to register. A person sentenced as juvenile could petition the court to exclude them from registering.

Section 4

Requires the Minnesota Sentencing Guidelines Commission to maintain a public database on sentences stayed or imposed by the courts.

Section 5

Amends the statute to make modifications by MSGC subject to legislative approval

Sections 6 and 7

Requires county attorneys to report on felony dismissals and for the MSGC to report on the data.

Section 8

Provides that a person who is convicted of a crime under MS 609.594 or 609055 can be held liable for damages to critical infrastructure. Likewise, a person who recruits, trains, aids, advises, hires counsels or conspires to trespass on a critical infrastructure site can be held liable for damages to the site.

Section 9

Increases the penalty for assaulting a police officer from a gross misdemeanor to a felony

#### Section 10

Provides for a presumptive prison sentence of 120 months for soliciting, promoting, profiting in sex trafficking of individuals under the age of 18.

#### Section 11

Provides for a felony penalty for conviction of fleeing a police officer, where the individual fails to obey signs, signals or markings or fails to keep on the proper side of the road.

#### Section 12

Creates a misdemeanor penalty for a person who enters or is found in a stolen vehicle where the person knows or reasonably should have known it was stolen. A second offense is a gross misdemeanor.

#### Section 13

Provides for a 10-year felony penalty for a person who recruits, trains, aids, advises, hires, counsels, or conspires to cause damage to a critical public service facility.

#### Section 14

Provides for a gross misdemeanor penalty for a person who recruits, trains, aids, advises, hires, counsels, or conspires to trespass on a critical public service facility.

#### Section 15

Provides for a gross misdemeanor penalty for a person who interferes or obstructs traffic entering or exiting a freeway or public roadway, or on a freeway or public roadway within the boundaries of an airport.

#### Section 16

Amends the statute to make it a crime to restrict passenger access to a transit vehicle and provides for up to 364 days of incarceration and a \$3,000 fine.

#### Section 17

Amends the statute to allow law enforcement to use a mobile tracking device on an unoccupied vehicle that has been reported stolen.

#### Section 18

Allows the use of a tracking device on a vehicle without a court order if an individual is fleeing in the vehicle.

#### Section 19

Requires the court to report to the agency having custody of an individual that cash bail has been posted for the individual, the amount posted, and if the individual has been detained for a crime against a person or crime of violence, the identity of the person posting the bail.

#### Section 20

Requires the court to report to the agency having custody of an individual who is charged with a crime against a person or a crime of violence that bond has been posted for the individual.

#### Section 21

Requires the court to report to the agency having custody of an individual who is charged with a crime against a person or a crime of violence that a corporation authorized by law to execute bonds posted bond for an individual, who has been

charged with a crime of violence or a crime against a person.

## **Assumptions**

### **Assumptions**

Sections 2,9,10,11,12,13,14,15, and 16 all have enhanced penalties or new crimes in them.

**Section 2** of the bill amends M.S. 243.166 (registration for predatory offenders) to require a person who received a stay of adjudication for a charge violating the predatory-offender registration law, 1st through 4th degree criminal sexual conduct, felony 5th degree criminal sexual conduct, or criminal sexual predatory conduct to register as a predatory offender, unless the offender is a juvenile and the court finds, on the record, that there is good cause to waive the registration.

Requiring someone who gets a stay of adjudication by agreement with the prosecutor and the court to register as a predatory offender contradicts the primary purpose of the stay of adjudication. In effect, it is requiring a person to register when they are not adjudicated guilty and not convicted of the offense. With this requirement to register there is no longer the benefit of a stay of adjudication. This will result in more trials. This is especially true since it has been our experience that many of the stays of adjudication are either because the state's case may not be that strong or there are particular mitigating factors to justify the stay of adjudication.

In fiscal year 2024, public defenders reported closing 148 files with stays of adjudication under the statutes mentioned above. For the reasons listed above, many of these cases are now likely go to trial. Of those additional people having to register, a number of them would fail to do so and be charged with the felony offense of failure to register, thus increasing the number of these cases. With additional people having to register there will be more individuals charged with the felony offense of failure to register each year. This will be a cumulative number as more individuals have to register.

If even 70% of the cases (stay of adjudication) now go to trial, there would be an additional 103 trials each year (experienced estimate based on the fact that under the bill there is very little, if any, incentive to plead).

Based on an estimate of 60% of the trials being appealed we would estimate that there would be 61 direct appeals of the verdicts in the original cases (while not a direct measure, this is the proportion of appeals to felony trials where the client was found guilty for fiscal year 2024). The appeals would more than likely begin in the second year of the biennium, and we would not expect to reach this level until later in the second year.

### **Section 2 Retroactive Requirement to Register-Trial Level**

With the retroactivity amendment there will undoubtedly be individuals who fail to register. In the last 10 years public defenders reported 403 felony stays of adjudication for adults under the statutes referenced in the bill. Assuming that 25 percent of the individuals fail to register, and then are arrested for that charge, this would mean an additional 100 felony cases. Board standards call for an attorney to handle no more than 150 felony cases in a year or approximately 12 hours of time based on 1,820 available hours in a year, or a need for 1,200 hours of attorney time.

Over the last ten years public defenders reported 920 stays of adjudication in juvenile cases. Assuming that 25 percent of the individuals fail to register, and then are arrested for that charge, this would mean an additional 230 juvenile cases (though some of these may actually be adults by the time the requirement is in place). Board standards call for an attorney to handle no more than 175 juvenile cases in a year or approximately 11 hours of time based on 1,820 available hours in a year, or a need for 2,530 hours of attorney time.

Assuming that 75% of the remaining individuals (690) will seek to petition the court to exclude them from registering, this would mean 518 petitions would be filed. Board standards call for an attorney to handle no more than 175 juvenile cases in a year or approximately 11 hours of time based on 1,820 available hours in a year, or a need for 5,698 hours of attorney time.

Combined there would be a total need of 9,428 hours of attorney time needed on the trial court level.

### **Section 2 Retroactive Requirement to Register Appellate Level**

In fiscal year 2024, public defenders reported closing 326 cases under M.S. 243.166. In these cases, 15% were found guilty in a bench trial, jury trial or pled as charged. Applying this percentage to the 618 cases on the trial level(100 felony + 518 juvenile) we would expect that there would be 93 possible felony and juvenile cases for appeal. Board standards call for an appellate attorney to handle no more than 25-30 appeals in a year, approximately 60 hours per case, or 5,580 hours

of attorney time.

**Section 9** Increase the penalty for assaulting a police officer from a gross misdemeanor to a felony. In fiscal year 2024 public defenders opened 1,999 cases under MS 609.22231 of which 1,234 were cases other than a felony. The statute includes assaults on peace officers, firefighters and EMTs, forest fire fighters in the DNR, correctional employees prosecuting attorneys, judges, probation officers, secure treatment facility personnel, assaults motivated by bias, school official, public employees with mandated duties, community crime prevention group members, vulnerable adults, reserve offices, utility and post employees, contractors and transit operators. Of these groups peace officers would likely have the most contact with the public and be subject to more assaults than the other groups in the statute. Assuming that 25% of the assaults occurred against peace officers this would mean that there would be an additional 309 felony cases.

**Section 10** Provides for a mandatory presumptive prison sentence of 120 months for soliciting, promoting, profiting in sex trafficking of individuals under the age of 18. Mandatory sentences lead to more trials as the defendant has no incentive to plead to the offense. There are not enough cases opened by public defenders to have a significant impact on caseloads or workloads.

**Section 11** Provides for a felony penalty for conviction of fleeing a police officer, where the individual fails to obey signs, signals or markings or fails to keep on the proper side of the road. In fiscal year 2024 public defenders opened 3,389 non-felony cases under MS 609.487. Assuming just 10% of these cases meet the criteria and are now felony cases this would mean an additional 339 felony cases.

**Section 12** Creates a misdemeanor penalty for a person who enters or is found in a stolen vehicle where the person knows or reasonably should have known it was stolen. A second offense is a gross misdemeanor. In fiscal year 2024 public defenders opened 918 cases under MS 609.52 Sub 2 (17). Assuming that in one half of these cases where there was another person there would be an additional 459 misdemeanor cases.

**Section 13** Provides for a 10-year felony penalty for a person who recruits, trains aids, advises, hires, counsels, or conspires to cause damage to a critical public service facility.

**Section 14** Provides for a gross misdemeanor penalty for a person who recruits, trains aids, advises, hires, counsels, or conspires to trespass on a critical public service facility.

**Section 15** Provides for a gross misdemeanor penalty for interferes or obstructs traffic entering or exiting a freeway or public roadway, or on a freeway or public roadway within the boundaries of an airport.

**Section 16** Amends the statute to make it a crime to restrict passenger access to a transit vehicle and provides for up to 364 days of incarceration and a \$3,000 fine.

Combined sections 13-16 do not impact enough cases to have a significant impact on caseloads or workloads. However, as we saw in highway demonstrations in 2020, and pipeline protest cases in 2021 and 2022 there is the potential to have an enormous impact on the resources of the public defense system. The pipeline protest cases in the Ninth Judicial District in 2021 and 2022 resulted in more than 300 public defender cases.

## **Expenditure and/or Revenue Formula**

### **Section 2 Trial Level**

Based on the 103 cases and assuming on average a week-long trial with additional out-of-court time to prepare this would require an additional 8,240 hours of attorney time. Based on 1,820 hours of actual time in a year this would mean an additional 4.5 FTE attorney positions. Board standards also call for one legal office assistant/secretary for every four attorney positions.

The attorney positions required would need to be experienced attorneys to handle felony cases. An attorney at Step 5 of the pay scale including insurance, retirement, FICA, and non-personnel costs would amount to \$167,000 annually. A legal office assistant position including the above costs amounts to \$110,000 annually. Prorating the first year's costs to the last quarter of the first year would mean a first-year cost of \$216,000 and a second year cost of \$863,000.

### **Section 2 Appellate Level**

Board standards call for an attorney to open no more than 25-30 appeals in a year. There would be a need for 2 FTE attorneys (\$334,000 annually) In addition, every appellate case has to have the transcript of the proceedings. The average is approximately 200 pages per day, \$750 or \$3,750 per one week trial, for a total of \$210,000 annually for a total of

\$544,000. Assuming that these cases would not start until the final quarter of the first year and assuming the hiring of 2 attorneys (\$84,000) during this period, along with trial transcripts (\$52,000) the prorated costs of the first year would be \$136,000.

**Section 2 Retroactivity- Trial Level**

With the retroactive requirement to register, combined there would be a total need of 9,428 hours of attorney time needed on the trial court level. The current contract rate for attorneys is \$90 per hour, or a need of \$849,000. Funding is expected to be needed in the first year of the biennium but would need to be available until expended as there will be a continual flow of cases.

**Section 2 Retroactivity- Appellate Level**

With the retroactive requirement to register, combined there would be a total need of 5,580 hours of attorney time needed on the appellate level. The current contract rate for attorneys is \$90 per hour, or a need of \$502,000. Funding is expected to be needed in the first year of the biennium but would need to be available until expended as there will be a continual flow of cases.

**Section 8** Board standards state that a public defender should handle no more than 150 felony cases or 400 misdemeanor cases in a year. Using the difference between these two standards and the 309 cases we would expect to need an additional FTE attorney to handle the increased workload. An attorney at Step 5 of the pay scale including insurance, retirement, FICA, and non-personnel costs would amount to \$167,000 annually. Pro-rated for 9 months the first year we would expect first year's costs of \$125,000.

**Section 10** Board standards state that a public defender should handle no more than 150 felony cases or 400 misdemeanor cases in a year. Using the difference between these two standards and the 339 cases we would expect to need an additional FTE attorney to handle the increased workload. An attorney at Step 5 of the pay scale including insurance, retirement, FICA, and non-personnel costs would amount to \$167,000 annually. Pro-rated for 9 months the first year we would expect first year's costs of \$125,000.

**Section 11** Board standards state that a public defender should handle no more than 400 misdemeanor cases in a year creating a need for an additional FTE attorney to handle the increased workload. An attorney at Step 5 of the pay scale including insurance, retirement, FICA, and non-personnel costs would amount to \$167,000 annually. Pro-rated for 9 months the first year we would expect first year's costs of \$125,000.

**Long-Term Fiscal Considerations**

**Local Fiscal Impact**

**References/Sources**

**Agency Contact:**

**Agency Fiscal Note Coordinator Signature:** Kevin Kajer

**Phone:** 612-279-3508

**Date:** 2/27/2025 4:41:28 PM

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

HF7 - 1E - Criminal Penalties and Data Modified

Chief Author: **Paul Novotny**  
 Committee: **Public Safety Finance And Policy**  
 Date Completed: **2/28/2025 7:52:13 AM**  
 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	FY2025	FY2026	FY2027	FY2028	FY2029
General Fund	-	221	221	221	221	221
<b>Total</b>	-	<b>221</b>	<b>221</b>	<b>221</b>	<b>221</b>	<b>221</b>
<b>Biennial Total</b>			<b>442</b>			<b>442</b>

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2025	FY2026	FY2027	FY2028	FY2029
General Fund	-	2	2	2	2
<b>Total</b>	-	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>

**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:** 2/27/2025 10:14:51 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.

<b>State Cost (Savings) = 1-2</b>		<b>Biennium</b>			<b>Biennium</b>	
Dollars in Thousands		FY2025	FY2026	FY2027	FY2028	FY2029
General Fund	-	221	221	221	221	221
<b>Total</b>	<b>-</b>	<b>221</b>	<b>221</b>	<b>221</b>	<b>221</b>	<b>221</b>
<b>Biennial Total</b>		<b>442</b>		<b>442</b>		
<b>1 - Expenditures, Absorbed Costs*, Transfers Out*</b>						
General Fund	-	221	221	221	221	221
<b>Total</b>	<b>-</b>	<b>221</b>	<b>221</b>	<b>221</b>	<b>221</b>	<b>221</b>
<b>Biennial Total</b>		<b>442</b>		<b>442</b>		
<b>2 - Revenues, Transfers In*</b>						
General Fund	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Biennial Total</b>		<b>-</b>		<b>-</b>		

**Bill Description**

The bill modifies various provisions of criminal law, creates new crimes and reporting requirements, amends sentencing guidelines and duties of the Sentencing Guidelines Commission, etc.

**SEC. 2:** Requires persons to register as predatory offenders if they would have been required to register but for having received a stay of adjudication. Exempts juveniles from the registration requirement if the court makes a good-cause determination that the requirement should be waived. Allows offenders sentenced before July 1, 2025, and who were juveniles at the time of sentencing to petition the court to waive the registration requirement. Requires that the corrections agent assigned to an offender who now must register under this law change must notify him or her of the requirement by July 31, 2025. For a person who does not have an assigned corrections agent, the Bureau of Criminal Apprehension must make the notification to both the offender and the law enforcement authority having jurisdiction over the offender’s primary address. Persons who now must register as predatory offenders must do so within 30 days of being notified of the duty to do so.

**SEC. 9:** Amends Minn. Stat. 609.2231, subd. 1 to make physical assault of a peace officer a felony (rather than gross misdemeanor).

**SEC. 11:** Creates a new felony crime of violating various traffic laws while fleeing law enforcement in a motor vehicle.

**SEC. 12:** Creates new misdemeanor and gross misdemeanor crimes of entering into or being found in a motor vehicle known to be stolen.

**SEC. 13:** Creates a new felony crime of training, advising, aiding, hiring, etc. a person to damage or disrupt critical infrastructure if the person goes on to commit such damage or disruption.

**SEC. 14:** Creates a new gross misdemeanor crime of training, advising, aiding, hiring, etc. a person to trespass onto property containing critical infrastructure if the person goes on to commit such trespass.

**SEC. 15:** Creates a new gross misdemeanor crime of willfully disrupting traffic on a freeway or freeway entrance or exit or on a public roadway located on airport property.

**SEC. 16:** Creates a new crime of restricting passenger access to a transit vehicle.

**SEC. 17:** Deletes the provision in current law that law enforcement may only attach tracking devices to stolen cars if the



cars are occupied.

**SEC. 18:** Allows law enforcement to affix a mobile tracking device to a vehicle being driven by a fleeing suspect.

**Assumptions**

Minnesota’s Predatory Offender Registry (POR) is operated by the Bureau of Criminal Apprehension (BCA) of the Department of Public Safety. The requirement in this bill that offenders who received stays of adjudication must now register in the POR is retroactive.

The BCA has preliminarily identified 2,688 offenders who were given stays of adjudication and might be subject to registration. This number may change upon additional research of offense circumstances, a finding that an offender is deceased, or other factors.

A sample data set is below, though this is not the exhaustive list of statutory violations requiring registration.

	Statute	Continued Without Adjudication (736)	Adjudication Withheld (318)
CSC 1st Degree	609.342	2	111
CSC 2nd Degree	609.343	3	352
CSC 3rd Degree	609.344	8	977
CSC 4th Degree	609.345	8	692
CSC 5th Degree	609.3451	8	398
Criminal Sexual Predatory Conduct	609.3453	0	0
Use of Minors in Sexual Performance	617.246	0	11
Possession of pornographic work involving minors	617.247	0	118

The BCA estimates that the required notification of 2,688 new POR registrants by July 31, 2025, and the subsequent processing and oversight of their registration will require the work of two (2) additional State Program Admin Tech Specialist (SPA Tech) FTEs. In addition to the retroactive registrations, the BCA estimates that there will be an average of 14 additional registrations per month (168 per year) under this legislation for a total POR registration increase of 2,856 offenders in FY 2026 and 168 per year thereafter. (Under existing law, new POR registrations currently average 141 per month.)

Each POR registration requires about 1-2 hours hours of SPA Tech work for initial registration (approximately 20% of registration paperwork submissions require correction or significant follow-up.) Each registration also requires an average

of one hour of SPA Tech work per year for verification and maintenance. There would also be staff effort to maintain a greater volume of records. The two new FTE staff would be needed to perform the notification requirements under the legislation and to maintain the records.

Apart from the Predatory Offender Registry changes in this legislation, the BCA will absorb the nominal cost of cataloging the new and modified criminal offenses in its Criminal Justice Statute Service.

**Expenditure and/or Revenue Formula**

Ancillary costs for phones, space, equipment, training, and computers/software are calculated at \$16,300 per year for SPA Tech personnel. Two 2 FTE SPA Techs at \$188,894 per year for salary and fringe plus \$16,300 each per year for ancillary costs totals to \$221,494 beginning in FY 2026 ongoing.

**Long-Term Fiscal Considerations**

**Local Fiscal Impact**

**References/Sources**

**Agency Contact:**

**Agency Fiscal Note Coordinator Signature:** Brian Awsumb

**Phone:** 651-539-3387

**Date:** 2/27/2025 10:01:31 AM

**Email:** brian.awsumb@state.mn.us

HF7 - 1E - Criminal Penalties and Data Modified

Chief Author: **Paul Novotny**  
 Committee: **Public Safety Finance And Policy**  
 Date Completed: **2/28/2025 7:52:13 AM**  
 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
General Fund	-	498	507	507	507	507
<b>Total</b>	-	<b>498</b>	<b>507</b>	<b>507</b>	<b>507</b>	<b>507</b>
<b>Biennial Total</b>			<b>1,005</b>			<b>1,014</b>

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2025	FY2026	FY2027	FY2028	FY2029
General Fund	-	3	3	3	3
<b>Total</b>	-	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>

**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:** 2/24/2025 2:09:50 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.

<b>State Cost (Savings) = 1-2</b>		Biennium			Biennium	
Dollars in Thousands	FY2025	FY2026	FY2027	FY2028	FY2029	
General Fund	-	498	507	507	507	
<b>Total</b>	<b>-</b>	<b>498</b>	<b>507</b>	<b>507</b>	<b>507</b>	<b>507</b>
<b>Biennial Total</b>			<b>1,005</b>			<b>1,014</b>
<b>1 - Expenditures, Absorbed Costs*, Transfers Out*</b>						
General Fund	-	498	507	507	507	
<b>Total</b>	<b>-</b>	<b>498</b>	<b>507</b>	<b>507</b>	<b>507</b>	<b>507</b>
<b>Biennial Total</b>			<b>1,005</b>			<b>1,014</b>
<b>2 - Revenues, Transfers In*</b>						
General Fund	-	-	-	-	-	
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Biennial Total</b>			<b>-</b>			<b>-</b>

**Bill Description**

HF7-1E provides:

Sec. 1: Modifies Minn. Stat. § 13.82, subd. 2, by adding language in paragraph (i) making additional arrest data created or collected by law enforcement public data under this statute.

Sec. 2: Modifies Minn. Stat. § 243.166, subd. 1b (Registration Required), by adding a new paragraph (e) to require predatory offender registration if a person receives a stay of adjudication under Minn. Stat. § 609.095(b) for certain offenses, unless the offender is a juvenile and the court finds good cause to waive the requirement. Those sentenced before July 1, 2025, have 30 days from the date of receiving notice of the registration requirement to register; a juvenile may petition the court for waiver of the requirement.

Sec. 3 makes conforming amendments to Minn. Stat. § 243.166, subd. 2.

Sec. 4: Modifies Minn. Stat. § 244.09, by creating a new subd. 6a that requires the Minnesota Sentencing Guidelines Commission (MSGC) to create and maintain a publicly searchable database of criminal sentences stayed or imposed by the courts, including data from the sentencing worksheet required by Minn. Stat. § 609.115, subd. 2. The database is required to include “all” information transmitted by the sentencing court but must not include nonpublic data as defined by section 13.02.

Sec. 5: Modifies Minn. Stat. § 244.09, subd. 11, to provide that updates to the Sentencing Guidelines will take effect if the legislature adopts or amends those updates, which is a change from current law, which provides that updates to the Sentencing Guidelines take effect on August 1 annually, unless the legislature provides otherwise. The bill also adds a requirement that the MSGC’s annual report detail the commission’s activities.

Sec. 6: Modifies Minn. Stat. § 244.09 by creating a new subd. 16 requiring the MSGC to include a summary of reports received from county attorneys regarding dismissals in the annual report.

Sec. 7: Creates a new statute, Minn. Stat. § 388.052, requiring prosecutors to record and report to MSGC certain information in all felony cases in which the prosecutor dismisses any part of the case.

Sec. 8: Creates a new statute, Minn. Stat. § 604.135, providing that a person arrested or convicted for a critical infrastructure offense under section 609.594 or 609.6055, and anyone who recruits, trains, aids, etc., may be held liable for any damages.

Sec. 9: Increases the offense level of Minn. Stat. § 609.2231, subd. 1(b) (assault of a peace officer) from a gross

misdemeanor to a felony.

Sec. 10: Amends Minn. Stat. § 609.322, subd. 1 (1<sup>st</sup> degree prostitution; sex trafficking) to require certain mandatory minimum sentences be imposed.

Sec. 11: Adds a new subdivision 3a to Minn. Stat. § 609.487 to impose higher felony penalties for fleeing police in a motor vehicle while failing to obey signs and keep to the proper side of the road.

Sec. 12: Amends Minn. Stat. § 609.52 (theft) by adding a new subdivision 2a to make it a misdemeanor to enter into or be found in a motor vehicle the person knows or has reason to know was taken in violation of subdivision 2, and a gross misdemeanor to do so after being previously convicted or adjudicated delinquent for the same offense.

Sec. 13: Amends Minn. Stat. § 609.594 (Damage to Property of Critical Public Service Facilities, Utilities, and Pipelines) at subdivision 2 to make it a felony offense for someone to recruit, train, aid, etc. another to commit a violation of that subdivision.

Sec. 14: Amends Minn. Stat. § 609.6055 (Trespass on Critical Public Service Facility; Utility; or Pipeline) at subdivision 2 to make it a felony offense for someone to recruit, train, aid, etc. another to commit a violation of that subdivision.

Sec. 15: Amends Minn. Stat. § 609.74 (Public Nuisance), making it a gross misdemeanor to interfere with or obstruct traffic on a public roadway on airport property.

Sec. 16: Amends Minn. Stat. § 609.855, subdivision 2, to expand the offense of interference with transit to also prohibit restricting passenger access to the transit vehicle, and to increase the offense level for all violations from a misdemeanor to a gross misdemeanor.

Sec. 17: Amends the exceptions to the court order requirements for use of a mobile tracking device under Minn. Stat. § 626A.35, subd. 2b, by striking the requirement that a stolen vehicle be occupied when the device is installed.

Sec. 18: Adds a new subdivision 2c to Minn. Stat. § 626A.35 to add an exception from the court order requirement for use of a mobile tracking device on a fleeing motor vehicle.

Sec. 19: Amends Minn. Stat. § 629.53 to add additional requirements to the provisions governing when money bail is accepted by a judge, including a requirement that the judge notify the agency having custody of a defendant charged with a crime against the person under section 611A.031 or crime of violence under section 629.725 the identify of the person or entity that posted bail.

Sec. 20: Amends Minn. Stat. § 629.67 governing sureties on bond to require that the court provide the agency having custody of a defendant charged with a crime against the person under section 611A.031 or crime of violence under section 629.725 a copy of the personal surety's affidavit.

Sec. 21: Amends Minn. Stat. § 629.70 (Authorized Corporate Bonds and Recognizances) to require that when a corporation authorized to execute bonds has given a surety bond on behalf of a defendant charged with a crime against the person under section 611A.031 or crime of violence under section 629.725 the court shall notify the agency having custody of the defendant certain information about the bond, including the identity of the person or entity that posted the bond.

Sec. 22: Appropriates unspecified funds to the MSGC for a searchable database.

### **Assumptions**

Sec. 8: It is assumed that the addition of Minn. Stat. § 604.135, providing that a person arrested for a critical infrastructure offense under section 609.594 or 609.6055, and anyone who recruits, trains, aids, etc., may be held liable for any damages will require creation of a new civil case process as there is no process for establishing liability for damages in a criminal case based on arrest. It is assumed this could result in an increase in civil case filings but that any such increase would be absorbed by the judicial branch.

Sec 9: It is assumed that it will take additional judge time to handle felony cases under Minn. Stat. § 609.2231, subd. 1(b),

because felony assault cases take more judge time than gross misdemeanor cases. Based on the data below, it is assumed an additional judge FTE will be necessary, due to the volume of cases currently charged under Minn. Stat. § 609.2231, subd. 1(b), and that the need will begin when the law takes effect on August 1, 2025 so the new FTE will need to be funded in FY26, with one month of the annual cost deducted from the total.

It is assumed that all other provisions will not significantly impact the judicial branch as the conduct covered is already a crime under existing provisions, the process changes are minimal, and/or the case filing rates for impacted sections are relatively low.

### **Expenditure and/or Revenue Formula**

Sec. 9: Based on five years of judicial branch data (2020-2024), there is an annual average of approximately 452 adult criminal cases alleging a violation of Minn. Stat. § 609.2231, subd. 1(b), and an annual average of approximately 87 juvenile cases alleging the same. (2259 adult cases / 5 years = 451.8 cases annually; 437 juvenile cases / 5 years = 87.4 cases annually)

Based on the most recent data regarding judicial caseloads, it is anticipated that it will take an additional 151 minutes of judge time per case to handle adult criminal cases alleging felony assaults under Minn. Stat. § 609.2231, subd. 1(b), rather than gross misdemeanors. Felony assaults of this type take an average of 215 minutes of judge time per case, and gross misdemeanor assaults of this type take an average of 64 minutes of judge time per case.)

Based on the most recent data regarding judicial caseloads, it is anticipated that it will take an additional 83 minutes of judge time per case to handle juvenile cases alleging felony assaults under Minn. Stat. § 609.2231, subd. 1(b), rather than gross misdemeanors. Felony juvenile cases take an average of 147 minutes of judge time per case, and gross misdemeanor juvenile cases take an average of 64 minutes of judge time per case.)

If an annual average of 452 adult criminal cases takes an additional 151 minutes of judge time per case as a result of the provisions of this bill, and an annual average of 87 juvenile cases takes an additional 83 minutes of judge time per case as a result of this bill, that amounts to an additional 75,473 minutes of judge time annually. (452 adult cases \* 151 minutes = 68,252 additional minutes of judge time for adult criminal cases) (87 juvenile cases \* 83 minutes = 7,221 additional minutes of judge time for juvenile cases)

A judge year is calculated as 78,000 minutes, so an additional 75,473 minutes equates to 0.97 judge FTE.

The cost of an additional judge FTE includes the cost of a judge, law clerk, and court reporter, and in the first year also includes initial chambers set up costs.

The estimated FY26 cost for a district court judge unit comprised of a judge, court reporter and law clerk is \$497,750 in the first year (\$507,000 annual cost + \$33,000 startup costs - \$42,250 (\$507,000/12), and at least \$507,000 in subsequent years.

### **Long-Term Fiscal Considerations**

The additional judge FTE need and cost will be ongoing and will likely increase in FY28 and beyond.

### **Local Fiscal Impact**

This bill could also increase costs for the counties.

### **References/Sources**

#### **Agency Contact:**

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HF7 - 1E - Criminal Penalties and Data Modified

Chief Author: **Paul Novotny**  
 Committee: **Public Safety Finance And Policy**  
 Date Completed: **2/28/2025 7:52:13 AM**  
 Agency: **University Of Minnesota**

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
<b>Total</b>	-	-	-	-	-	-
<b>Biennial Total</b>			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium		
		FY2025	FY2026	FY2027	FY2028	FY2029
<b>Total</b>	-	-	-	-	-	-

**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:** Steve McDaniel    **Date:** 2/26/2025 8:39:22 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.

\*Transfers In/Out and Absorbed Costs are only displayed when reported.

<b>State Cost (Savings) = 1-2</b>		Biennium			Biennium	
Dollars in Thousands		FY2025	FY2026	FY2027	FY2028	FY2029
	<b>Total</b>	-	-	-	-	-
	<b>Biennial Total</b>			-		-
<b>1 - Expenditures, Absorbed Costs*, Transfers Out*</b>						
	<b>Total</b>	-	-	-	-	-
	<b>Biennial Total</b>			-		-
<b>2 - Revenues, Transfers In*</b>						
	<b>Total</b>	-	-	-	-	-
	<b>Biennial Total</b>			-		-

**Bill Description**

The bill requires agencies to report, to the extent known, the identity of any person or entity who posted bail or a bond to secure the release of the individual who was held in custody for a crime against a person listed in section 611A.031 or a crime of violence as defined in section 629.725.

**Assumptions**

The University does not collect this information, nor is it informed of when it occurs. This creates no new reporting responsibilities for the University, and as a result no cost.

**Expenditure and/or Revenue Formula**

**Long-Term Fiscal Considerations**

**Local Fiscal Impact**

**References/Sources**

Captain Erik Swanson, University of Minnesota Police Department

**Agency Contact:** Keeya Steel

**Agency Fiscal Note Coordinator Signature:** Keeya Steel

**Phone:** 612-625-5512

**Date:** 2/26/2025 5:46:21 AM

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