

HF764 - 0 - Statute of Limitations for Arson Modified

Chief Author: **Walter Hudson**
 Committee: **Public Safety Finance And Policy**
 Date Completed: **2/27/2025 2:14:26 PM**
 Lead Agency: **Supreme Court**
 Other Agencies:
 Corrections Dept Public Defense Board
 Sentencing Guidelines
 Comm

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2025	FY2026	FY2027	FY2028	FY2029
State Total						
Total		-	-	-	-	-
Biennial Total				-		-

Full Time Equivalent Positions (FTE)	Biennium			Biennium		
		FY2025	FY2026	FY2027	FY2028	FY2029
Total		-	-	-	-	-

Lead LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Susan Nelson **Date:** 2/27/2025 2:14:26 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.

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

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Chief Author: **Walter Hudson**
 Committee: **Public Safety Finance And Policy**
 Date Completed: **2/27/2025 2:14:26 PM**
 Agency: **Supreme Court**

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

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State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2025	FY2026	FY2027	FY2028	FY2029
Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2025	FY2026	FY2027	FY2028	FY2029
Total	-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Susan Nelson **Date:** 2/26/2025 7:01:16 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.

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

Bill Description

HF764-0 ("the bill") amends Minn. Stat. § 628.26 to extend the period of time that criminal charges under Minn. Stat. § 609.561 (Arson in the First Degree) may be brought from five years to any time after the commission of the offense.

The bill applies to crimes committed on/after August 1, 2025, and any offenses committed before that date for which the statute of limitations does not expire prior to August 1, 2025.

Assumptions

It is assumed that the bill will not have a significant impact on criminal case filing numbers because the bill does not create, eliminate, or redefine any criminal offenses. It is assumed there may be a slight increase in case filings under Minn. Stat. § 609.561 because the bill expands the length of time that first-degree arson charges can be brought.

Due to the relatively low numbers of current case filings with charges under Minn. Stat. § 609.561, it is anticipated that any resulting increase in workload will be absorbed by the judicial branch.

It is assumed that this bill will not have a significant fiscal impact on the judicial branch.

Expenditure and/or Revenue Formula

Based on the last five years of judicial branch data (2020-2024), there is an annual average of 82 cases filed statewide alleging charges of first-degree arson under Minn. Stat. § 609.561. As noted above, it is assumed that there may be a slight increase in the number of first-degree arson cases as a result of this bill. However, even if there were a 50% increase in first-degree arson cases it would result in only 41 additional cases statewide annually.

Based on judicial branch data used to estimate the amount of judge and staff time needed to process various types of criminal cases, an additional 41 first-degree arson cases annually would not be expected to require an additional judge or staff person statewide.

- 215 judge minutes * 41 cases = 8,815 additional judge minutes statewide or 0.11 judge FTE. (78,000 minutes/yr)
- 379 staff minutes * 41 cases = 15,539 additional staff minutes statewide or 0.21 staff FTE. (74,830 minutes/yr)

Long-Term Fiscal Considerations

None

Local Fiscal Impact

References/Sources

Agency Contact:

Agency Fiscal Note Coordinator Signature: Callie Lehman

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HF764 - 0 - Statute of Limitations for Arson Modified

Chief Author: **Walter Hudson**
 Committee: **Public Safety Finance And Policy**
 Date Completed: **2/27/2025 2:14:26 PM**
 Agency: **Corrections Dept**

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

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State Cost (Savings)	Biennium			Biennium		
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Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2025	FY2026	FY2027	FY2028	FY2029
Total	-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Susan Nelson **Date:** 2/27/2025 2:12:31 PM
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State Cost (Savings) Calculation Details

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Dollars in Thousands		FY2025	FY2026	FY2027	FY2028	FY2029
	Total	-	-	-	-	-
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1 - Expenditures, Absorbed Costs*, Transfers Out*						
	Total	-	-	-	-	-
	Biennial Total			-		-
2 - Revenues, Transfers In*						
	Total	-	-	-	-	-
	Biennial Total			-		-

Bill Description

HF764 is a bill that eliminates the statute of limitations for the crime of arson in the first degree, amending Minnesota Statutes 2024, section 628.26.

Assumptions

The Minnesota Sentencing Guidelines Commission (MSGC) states that there would be a minimal fiscal impact to state correctional resources as a result of this legislation.

Expenditure and/or Revenue Formula

N/A

Long-Term Fiscal Considerations

N/A

Local Fiscal Impact

MSGC states that there would be a minimal fiscal impact to local correctional resources as a result of this legislation.

References/Sources

Department of Corrections staff

MSGC

Agency Contact:

Agency Fiscal Note Coordinator Signature: Mark Besonen

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HF764 - 0 - Statute of Limitations for Arson Modified

Chief Author: **Walter Hudson**
 Committee: **Public Safety Finance And Policy**
 Date Completed: **2/27/2025 2:14:26 PM**
 Agency: **Public Defense Board**

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

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Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium		
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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:** 2/26/2025 7:01:49 PM
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State Cost (Savings) Calculation Details

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	Biennial Total			-		-
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	Biennial Total			-		-

Bill Description

The bill would eliminate the statute of limitations for the crime of arson in the first degree.

Assumptions

There are not enough cases to have a significant impact on workloads or caseloads.

Expenditure and/or Revenue Formula

Long-Term Fiscal Considerations

Local Fiscal Impact

References/Sources

Agency Contact:

Agency Fiscal Note Coordinator Signature: Kevin Kajer

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HF764 - 0 - Statute of Limitations for Arson Modified

Chief Author: **Walter Hudson**
 Committee: **Public Safety Finance And Policy**
 Date Completed: **2/27/2025 2:14:26 PM**
 Agency: **Sentencing Guidelines Comm**

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

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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 1:22:38 PM
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State Cost (Savings) Calculation Details

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Biennial Total			-			-

Bill Description

This bill would eliminate the statute of limitation for Arson in the First Degree by amending Minn. Stat. § 628.26 (Limitations). Currently, indictments or complaints must be made within five years after the commission of the offense. This language is deleted.

The bill is effective August 1, 2025, and applies to crimes committed on or after that date and to crimes committed before that date if the limitations period for the crime did not expire before August 1, 2025.

Assumptions

It is assumed that the bill does not create, eliminate, or redefine any criminal offenses. It is assumed that by removing the limitation in which indictments or complaint may be filed will increase the number of prosecutions for Arson in the First Degree. The extent to which is unknown. It is also unknown how many prosecutions will lead to convictions. MSGC has no information on the number of Arson in the First-Degree incidents that were not prosecuted because five years had passed after commission of the offense.

According to the Minnesota County Attorneys Association, one case was identified that could not be prosecuted because five years had passed after commission of the offense. Based on this information, it is assumed that, in the future, there will be one additional prosecution that will lead to conviction every five years.

The Minnesota Sentencing Guidelines Commission assigns severity-level (SL) rankings to felonies. Among its considerations are statutory maximum penalty and harm to the victim in a typical case. Arson in the First Degree is ranked at SL 8, where all offenses are recommended a prison sentence (“presumptive commitment”) regardless of criminal history. The presumptive durations range from 41 to 129 months, depending on criminal history score.

According to MSGC Monitoring Data, from 2019 to 2023, 83 Arson in the First-Degree cases were sentenced (an annual average 16.6 cases). In the future, it is assumed that this will increase to 84 Arson in the First-Degree cases sentenced every five years (an annual average 16.8 cases). The average imprisonment rate was 42 percent with an average duration of 69 months (serve 2/3 term of imprisonment = 46 mos.). Of the probation cases, 51 percent received local confinement as a condition of probation. The average pronounced confinement time was 141 days (serve 2/3 = 94 days).

Expenditure and/or Revenue Formula

Long-Term Fiscal Considerations

Based on the above assumptions, there will be minimal long-term fiscal impact.

Local Fiscal Impact

Based on the above assumptions, there will be minimal local government impact.

References/Sources

2019 to 2023 MSGC Monitoring data.

Small, R. "RE: HF764-0 Statute of Limitations for Arson Modified." Message to J. Payne, 2/26/2025.

Agency Contact:

Agency Fiscal Note Coordinator Signature: Jill Payne

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