

1.1 moves to amend H.F. No. 167 as follows:

1.2 Page 1, line 14, delete "requested" and insert "ordered"

1.3 Page 1, delete section 2 and insert:

1.4 "Sec. 2. Minnesota Statutes 2020, section 609.115, subdivision 1, is amended to read:

1.5 Subdivision 1. **Presentence investigation.** (a) ~~When a defendant has been convicted of~~
1.6 ~~a misdemeanor or gross misdemeanor, the court may, and when the defendant has been~~
1.7 ~~convicted of a felony, the court shall, ordered by the court before sentence is imposed, cause~~
1.8 a presentence investigation and written report ~~to~~ shall be made to the court concerning the
1.9 defendant's individual characteristics, circumstances, needs, potentialities, criminal record
1.10 and social history, the circumstances of the offense and the harm caused by it to others and
1.11 to the community. ~~At the request of the prosecutor in a gross misdemeanor case,~~ The court
1.12 shall order that a presentence investigation and report be prepared:

1.13 (1) when a defendant has been convicted of a felony violation of section 609.2242
1.14 (domestic assault); 609.322 (sex trafficking); 609.324, subdivision 1 (hiring a minor to
1.15 engage in prostitution); 609.2247 (domestic assault by strangulation); 609.342 (first-degree
1.16 criminal sexual conduct); 609.343 (second-degree criminal sexual conduct); 609.344
1.17 (third-degree criminal sexual conduct); 609.345 (fourth-degree criminal sexual conduct);
1.18 609.352 (solicitation of children to engage in sexual conduct); 609.713 (threats of violence);
1.19 609.748, subdivision 6 (violation of harassment restraining order); 609.749 (harassment or
1.20 stalking); 609.78, subdivision 2 (interference with an emergency call); or 629.75 (violation
1.21 of domestic abuse no contact order);

1.22 (2) when a defendant intends to present evidence and argument in support of a mitigated
1.23 departure during a sentencing hearing, the prosecuting attorney gives notice under section

2.1 244.10, subdivision 4, of the intent to bring a motion for an aggravated sentence, or the
2.2 court intends to consider a mitigated departure from the sentencing guidelines; or

2.3 (3) at the request of a prosecutor or defendant in a felony or gross misdemeanor case.

2.4 The court may order that a presentence investigation and report be prepared when a defendant
2.5 has been convicted of a misdemeanor, gross misdemeanor, or any felony not listed in clause
2.6 (1). The investigation shall be made by a probation officer of the court, if there is one;
2.7 otherwise it shall be made by the commissioner of corrections. The officer conducting the
2.8 presentence or predispositional investigation shall make reasonable and good faith efforts
2.9 to contact and provide the victim with the information required under section 611A.037,
2.10 subdivision 2. Presentence investigations shall be conducted and summary hearings held
2.11 upon reports and upon the sentence to be imposed upon the defendant in accordance with
2.12 this section, section 244.10, and the Rules of Criminal Procedure.

2.13 (b) When the crime is a violation of sections 609.561 to 609.563, 609.5641, or 609.576
2.14 and involves a fire, the report shall include a description of the financial and physical harm
2.15 the offense has had on the public safety personnel who responded to the fire. For purposes
2.16 of this paragraph, "public safety personnel" means the state fire marshal; employees of the
2.17 Division of the State Fire Marshal; firefighters, regardless of whether the firefighters receive
2.18 any remuneration for providing services; peace officers, as defined in section 626.05,
2.19 subdivision 2; individuals providing emergency management services; and individuals
2.20 providing emergency medical services.

2.21 (c) When the crime is a felony violation of chapter 152 involving the sale or distribution
2.22 of a controlled substance, the report may include a description of any adverse social or
2.23 economic effects the offense has had on persons who reside in the neighborhood where the
2.24 offense was committed.

2.25 (d) The report shall also include the information relating to crime victims required under
2.26 section 611A.037, subdivision 1. If the court directs, the report shall include an estimate of
2.27 the prospects of the defendant's rehabilitation and recommendations as to the sentence which
2.28 should be imposed. In misdemeanor cases the report may be oral.

2.29 (e) When a defendant has been convicted of a felony, and before sentencing, the court
2.30 shall cause a sentencing worksheet to be completed to facilitate the application of the
2.31 Minnesota Sentencing Guidelines. The worksheet shall be prepared by a probation officer
2.32 of the court, if there is one, or by the commissioner of corrections and shall be submitted
2.33 as before sentencing. The worksheet may be made part of the presentence investigation
2.34 report, if a report is ordered.

3.1 (f) When a person is convicted of a felony for which the Sentencing Guidelines presume
3.2 that the defendant will be committed to the commissioner of corrections under an executed
3.3 sentence and no motion for a sentencing departure has been made by counsel, the court
3.4 may, when there is no space available in the local correctional facility, commit the defendant
3.5 to the custody of the commissioner of corrections, pending completion of the presentence
3.6 investigation and report, if a presentence investigation and report are ordered. When a
3.7 defendant is convicted of a felony for which the Sentencing Guidelines do not presume that
3.8 the defendant will be committed to the commissioner of corrections, or for which the
3.9 Sentencing Guidelines presume commitment to the commissioner but counsel has moved
3.10 for a sentencing departure, the court may commit the defendant to the commissioner with
3.11 the consent of the commissioner, pending completion of the presentence investigation and
3.12 report, if a presentence investigation and report are ordered. The county of commitment
3.13 shall return the defendant to the court when the court so orders.

3.14 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to presentence
3.15 investigations conducted on or after that date."

3.16 Page 3, line 21, delete "requested" and insert "ordered"

3.17 Page 3, line 26, delete "requested" and insert "ordered"