

HF327 - 0 - Penalty for Introducing Contraband Modified

Chief Author: **Elliott Engen**
 Committee: **Public Safety Finance And Policy**
 Date Completed: **3/3/2025 7:54:46 AM**
 Lead Agency: **Corrections Dept**
 Other Agencies:
 Public Defense Board Sentencing Guidelines Comm
 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
Corrections Dept						
General Fund	-	24	64	81	83	
State Total						
General Fund	-	24	64	81	83	
	Total	-	24	64	81	83
	Biennial Total			88		164

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2025	FY2026	FY2027	FY2028	FY2029
Corrections Dept					
General Fund	-	.2	.4	.5	.5
	Total	-	.2	.4	.5

Lead LBO Analyst's Comment

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

LBO Signature: Susan Nelson **Date:** 3/3/2025 7:54:46 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.

State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands		FY2025	FY2026	FY2027	FY2028	FY2029
Corrections Dept						
General Fund	-	24	64	81	83	
Total	-	24	64	81	83	
	Biennial Total		88		164	
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Corrections Dept						
General Fund	-	24	64	81	83	
Total	-	24	64	81	83	
	Biennial Total		88		164	
2 - Revenues, Transfers In*						
Corrections Dept						
General Fund	-	-	-	-	-	-
Total	-	-	-	-	-	-
	Biennial Total		-		-	-

HF327 - 0 - Penalty for Introducing Contraband Modified

Chief Author: **Elliott Engen**
 Committee: **Public Safety Finance And Policy**
 Date Completed: **3/3/2025 7:54:46 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	-	24	64	81	83	
Total	-	24	64	81	83	
Biennial Total			88		164	

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2025	FY2026	FY2027	FY2028	FY2029
General Fund	-	.2	.4	.5	.5
Total	-	.2	.4	.5	.5

LBO Analyst's Comment

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

LBO Signature: Susan Nelson **Date:** 3/2/2025 9:42:29 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 Dollars in Thousands	Biennium			Biennium	
	FY2025	FY2026	FY2027	FY2028	FY2029
General Fund	-	24	64	81	83
Total	-	24	64	81	83
Biennial Total			88		164
1 - Expenditures, Absorbed Costs*, Transfers Out*					
General Fund	-	24	64	81	83
Total	-	24	64	81	83
Biennial Total			88		164
2 - Revenues, Transfers In*					
General Fund	-	-	-	-	-
Total	-	-	-	-	-
Biennial Total			-		-

Bill Description

HF327 increases the penalty for introducing contraband into a correctional facility; this bill amends Minnesota Statutes 2024, section 641.165, subdivision 2.

Assumptions

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 two additional prison beds in fiscal year 2026 and four additional beds beginning in fiscal year 2027 and every fiscal year thereafter.

Cost of Prison Beds

Fiscal year	2026	2027	2028	2029
Number of Prison Beds	2	4	4	4
Cost of Prison Beds (in 000s)	\$24	\$64	\$81	\$83
FTE	0.2	0.4	0.5	0.5

Long-Term Fiscal Considerations

MSGC projects that the eventual need for four additional prison beds per fiscal year will remain beyond the current budget horizon.

Local Fiscal Impact

MSGC projects a need for three local prison beds statewide as a result of this legislation.

References/Sources

Department of Corrections staff

MSGC

Agency Contact:

Agency Fiscal Note Coordinator Signature: Mark Besonen

Phone: 651-361-7200

Date: 2/28/2025 1:52:54 PM

Email: mark.besonen@state.mn.us

HF327 - 0 - Penalty for Introducing Contraband Modified

Chief Author: **Elliott Engen**
 Committee: **Public Safety Finance And Policy**
 Date Completed: **3/3/2025 7:54:46 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)	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:** 2/19/2025 10:25:37 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.

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

Bill Description

The bill increases the penalty for introducing contraband into a jail, lockup or correctional facility. Violation is a felony and up to two years in prison.

Assumptions

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

Expenditure and/or Revenue Formula

Long-Term Fiscal Considerations

Local Fiscal Impact

References/Sources

Agency Contact:

Agency Fiscal Note Coordinator Signature: Kevin Kajer

Phone: 612-279-3508

Date: 2/17/2025 5:58:27 PM

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

HF327 - 0 - Penalty for Introducing Contraband Modified

Chief Author: **Elliott Engen**
 Committee: **Public Safety Finance And Policy**
 Date Completed: **3/3/2025 7:54:46 AM**
 Agency: **Sentencing Guidelines Comm**

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

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

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

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

LBO Analyst's Comment

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

LBO Signature: Susan Nelson **Date:** 2/18/2025 5:21:55 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

This bill amends Minn. Stat. § 641.165 (Contraband Articles Forbidden) and changes introducing a contraband controlled substance into any jail, lockup, or correctional facility from a gross misdemeanor to a felony with a statutory maximum of two years. Contraband is defined as a drug, substance, or immediate precursor in Schedules I through V of Minn. Stat. § 152.02; or any intoxicating or alcoholic liquor or malt beverages. This was previously a gross misdemeanor. No effective date is specified.

Assumptions

It is assumed that the bill becomes effective August 1, 2025, for crimes committed on or after that date,

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

It is assumed that the new two-year felony will be ranked at SL 1. At SL 1, cases with a criminal history score of 6 or more are recommended prison sentences and the maximum duration is 22 months, prison. However, it is possible for a defendant to get 25 months, prison (with a one-time 3-month enhancement up to 25 months, prison). Because the statutory maximum is two-years (24 months), the maximum sentence for this offense is 24 months.

SL 1 is lower than the existing felony offense of bringing a dangerous weapon into any jail, lockup, or correctional facility under Minn. Stat. § 641.165, subd. 2(b), which has a five-year statutory maximum and is ranked at SL 4; and lower than bringing contraband into a state prison under Minn. Stat. § 243.55, which has a 10-year statutory maximum and is ranked at SL 4. At SL 3, cases with a criminal history score of 4 or more are recommended prison sentences and the maximum duration is 36 months.

According to MSGC monitoring data from 2019 to 2023, there were six cases sentenced under Minn. Stat. § 641.165, subd. 2(b); and 18 cases sentenced under Minn. Stat. § 243.55, for a total 24 cases (an annual average five cases per year). Nine cases (37.5%) received prison sentences with an average pronounced sentence of 23.1 months (serve 2/3 term of imprisonment = 15.5 months). Thirteen cases (54.2%) received local confinement as a condition of their stayed probationary sentences. The average pronounced local confinement time was 70.5 days (serve 2/3 term = 47 days).

According to the Minn. Judicial Branch (MJB), from 2020 to 2024, there were 139 gross misdemeanor cases sentenced for introduction of contraband under Minn. Stat. § 641.165, subd. 2(a); an average of 28 per year. In the future, it is assumed that this bill will cause these 28 gross misdemeanor cases annually to become felonies ranked at SL 1.

Because it is assumed that the new two-year felony will be ranked at SL 1, MSGC assumed the imprisonment rate and

average prison sentence at SL 1. The most frequent offenses at SL 1 are fleeing a peace officer in a motor vehicle and fourth-degree assault against a peace officer. According to MSGC monitoring data from 2019 to 2023, out of a total 5,462 cases sentenced at SL 1, 763 cases (14.0%) received prison sentences with an average pronounced sentence of 16.9 months (serve 2/3 term of imprisonment = 11.3 months). There were 3,862 cases (70.7%) that received local confinement as a condition of their stayed probationary sentences. The average pronounced local confinement time was 62.1 days (serve 2/3 term = 41.6 days).

Expenditure and/or Revenue Formula

Long-Term Fiscal Considerations

It is estimated that there will be an eventual need for four additional prison beds: two beds in FY2026, and four beds in FY2027, and every year after.

With an expected prison rate of 14.0 percent, there will be an additional four prison cases with an expected average duration of 16.9 months, assuming service of 2/3 of the pronounced sentence (11.3 mos.); 4 prison cases x 11.3 mos. to serve = 45.2 ÷ 12 mos. = 3.76 prison beds.

Local Fiscal Impact

It is estimated that there will be a need for three local correctional beds statewide. There will be 24 new cases requiring local felony supervision; and 20 cases (70.7%) will receive local confinement as a condition of felony probation for an average pronounced confinement time of 62.1 days. ((20 cases × 41.6 days) = 832 ÷ 365 = 2.279 local correctional beds.)

References/Sources

2020-2024 Minn. Judicial Branch data.

2019-2023 MSGC Monitoring data.

Agency Contact:

Agency Fiscal Note Coordinator Signature: Jill Payne

Date: 2/18/2025 1:23:53 PM

Phone: 651-757-1725

Email: jill.payne@state.mn.us

HF327 - 0 - Penalty for Introducing Contraband Modified

Chief Author: **Elliott Engen**
 Committee: **Public Safety Finance And Policy**
 Date Completed: **3/3/2025 7:54:46 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
Total	-	-	-	-	-	-
Biennial Total				-		-

Full Time Equivalent Positions (FTE)	Biennium			Biennium		
	Dollars in Thousands	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:** 2/19/2025 10:26:18 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.

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

HF327-0 amends Minn. Stat. § 641.165 to increase penalties for the introduction of contraband into a jail, lockup, or correctional facility by making such introduction of contraband a felony offense, rather than a gross misdemeanor.

Specifically, this bill separates conduct currently prohibited under Minn. Stat. § 641.165, subd. 2(a) into two sections: possession of contraband remains a gross misdemeanor under subd. 2(a), but the introduction of contraband becomes a felony under subd. 2(b).

The current provisions of subd. 2(b) (addressing introduction of a dangerous weapon to a jail, lockup, or correctional facility) move to a new subd. 2(c) and are otherwise unchanged.

Assumptions

It is assumed that case filings will not increase because the bill modifies penalties for already prohibited conduct. It is assumed that increased judge time will be necessary for handling offenses charged under the new provisions of Minn. Stat. § 641.165, subd. 2(b), because felony cases generally require more judge time than gross misdemeanor cases.

Based on the information in the Expenditure section below, it is assumed that the increase in judge time will be minimal due to the low number of overall cases currently charged under Minn. Stat. § 641.165, subd. 2(a), and that any increase in judge workload would be absorbed by the branch.

Expenditure and/or Revenue Formula

Based on the judicial branch's most recent standardized caseload data, felony cases charged under Minn. Stat. § 641.165 take an average of 99 minutes of judge time per case, whereas gross misdemeanor cases charged under the same statute take an average of 64 minutes of judge time per case. Therefore, felony cases charged under Minn. Stat. § 641.165, subd. 2(b) pursuant to the provisions of this bill would be expected to require an additional 35 minutes of judge time per case compared with gross misdemeanor cases currently charged under subd. 2(a). (99 - 64 = 35 minutes)

Based on five years of judicial branch data (2020-2024), there is an annual average of approximately 246 criminal charges filed statewide alleging a violation of Minn. Stat. § 641.165, subd. 2(a). If each of those charges constituted a separate criminal case filing, and if each of those cases specifically involved an allegation of the introduction of contraband (rather than the possession thereof), that would amount to an annual statewide average of 8,610 additional judge minutes spent addressing cases charged under Minn. Stat. § 641.165, subd. 2. (35 minutes * 246 cases = 8,610 total additional judge minutes.)

An annual judge year is calculated at 78,000 minutes, so the additional judge minutes would amount to approximately 0.1

judge FTE. It is possible that the fiscal impact of this bill could be somewhat lower, because not every charge necessarily constitutes a separate criminal case filing and some charges might solely involve allegations of possession of contraband, rather than the introduction thereof.

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

Long-Term Fiscal Considerations

None

Local Fiscal Impact

References/Sources

Agency Contact:

Agency Fiscal Note Coordinator Signature: Callie Lehman

Phone: 651-297-7579

Date: 2/19/2025 10:10:35 AM

Email: callie.lehman@courts.state.mn.us