

HOUSE RESEARCH

Bill Summary

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Subject: Life Imprisonment for Third Violent Crime

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Overview

This bill requires courts to sentence a person who is convicted of a violent felony after two or more convictions for violent crimes to imprisonment for life, unless the court finds substantial and compelling mitigating reasons to waive the mandatory life imprisonment penalty.

The bill also (1) reduces (from two to one) the number of violent crimes that are needed for the court to sentence the offender under the statutory provision imposing an increased sentence for certain dangerous offenders; and (2) reduces (from two to one) the number of violent felonies that are needed for the court to sentence an offender under the statutory provision requiring imposition of a mandatory sentence of at least the length of the presumptive sentence under the sentencing guidelines.

- 1 Minimum imprisonment, life sentence.** Current law provides that an inmate serving a mandatory life sentence under certain statutory provisions may not be given supervised release without having served a minimum term of 30 years. This section includes a life sentence for a third violent felony under section 609.1095, subdivision 3a (section 5 of bill) within the scope of this statute.
- 2 Supervised release, life sentence.** Current law allows the commissioner of corrections to give supervised release to an inmate under certain statutory provisions after the inmate has served the minimum term of imprisonment. This section includes within the statute's scope those offenders who have served a minimum term of imprisonment under section 609.1095, subdivision 3a (life sentence for third violent felony; section 5 of bill).
- 3 Increased sentences for dangerous offender who commits a third violent crime.** Current law allows a judge, who is imposing an executed sentence based on a sentencing guidelines presumptive imprisonment sentence for a violent crime that is a felony, to impose an aggravated durational departure from the presumptive imprisonment sentence up to the statutory maximum sentence if:
the court determines on the record at the time of sentencing that the offender has *two* or

more prior convictions for violent crimes; and

the court finds that the offender is a danger to public safety and specifies on the record the basis for the finding, based upon the criteria set forth in the statute.

This bill reduces from *two to one* the number of prior convictions an offender must have in order for a judge to sentence an offender under this statute.

- 4** **Mandatory sentence for dangerous offender who commits a third violent felony.** Current law requires the court to sentence an offender who is convicted of a violent crime that is a felony to the commissioner of corrections for a mandatory sentence under the sentencing guidelines if the court determines on the record at the time of sentencing that the person has two or more prior felony convictions for violent crimes. The law also requires the court to impose and execute the prison sentence regardless of whether the guidelines presume an executed prison sentence. This sentence applies unless a longer sentence is called for by law.

This bill reduces from two to one the number of prior felony convictions for violent crimes an offender must have for the court to sentence the offender under this provision.

- 5** **Third violent felony; life sentence.** Unless a longer mandatory minimum sentence is otherwise required by law, requires a court to sentence a person who is convicted of a violent crime that is a felony to imprisonment for life if the court determines on the record at the time of sentencing that the person has two or more prior felony convictions for violent crimes. Allows the court to waive the mandatory life imprisonment penalty and sentence the person as provided in subdivision 3 (mandatory sentence for dangerous offender (section 4 of bill)) if the court finds substantial and compelling mitigating reasons for doing so.

Provides that "violent crime" does not include a violation of certain controlled substance crimes (sections 152.023 and 152.024), possession of firearms by a person convicted of a crime of violence (section 609.165), assault in the third degree (section 609.223), false imprisonment (609.255), arson in the second degree (section 609.562), adulteration (section 609.687), and illegal possession of a firearm or pistol or semiautomatic military-style assault weapon (section 624.713).

- 6** **Effective date.** Provides that sections 1 to 5 are effective August 1, 1999, and apply to crimes committed on or after that date. Requires courts to consider convictions occurring before August 1, 1999, as prior convictions in sentencing offenders under sections 1 to 5.