

# HOUSE RESEARCH

## Bill Summary

**FILE NUMBER:** H. F. 135

**DATE:** February 4, 1999

**Version:** As introduced

**Authors:** Bishop and others

**Subject:** Assault enhancement provisions

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### Overview

This bill provides that certain prior adjudications of delinquency for specified offenses can be considered for the purpose of enhancing penalties for fifth degree assault and domestic assault. These enhancement provisions result in treating fifth degree assault or domestic assault, which would otherwise be a misdemeanor, as a gross misdemeanor or felony.

- 1**      **Gross misdemeanor.** Current law provides a gross misdemeanor penalty when a person commits fifth degree assault:

*against the same victim* during the time period between a previous conviction under this section, sections 609.221 to 609.2231, 609.2242, 609.342 to 609.345, or 609.713, or any similar law of another state and the end of five years following discharge from sentence for that conviction; or

within two years of a previous conviction under this section of sections 609.221 to 609.2231, 609.2242, or 609.713.

This section allows consideration of prior adjudications of delinquency for any of the specified offenses to enhance the penalty for fifth degree assault. For juveniles, the time period runs from the time of the previous conviction until five years following *disposition* for that adjudication.

- 2**      **Felony.** Current law provides a felony penalty when a person commits fifth degree assault:

*against the same victim* during the time period between the first of *two or more* previous convictions under this section or sections 609.221 to 609.2231, 609.2242, 609.342 to 609.345, or 609.713, and the end of five years following discharge from sentence for that conviction; or

within three years of the first of *two or more* previous convictions under this section or sections 609.221 to 609.2231, 609.2242, or 609.713.

This section allows consideration of prior adjudications of delinquency for any of the

specified offenses to enhance the penalty for fifth degree assault. For juveniles, the time period runs from the time of the previous conviction until five years following *disposition* for that adjudication.

- 3** **Gross Misdemeanor.** Current law provides a gross misdemeanor penalty when a person commits domestic assault during the time period between a previous conviction under this section or sections 609.221 to 609.2231, 609.224, 609.342 to 609.345, or 609.713 *against a family or household member*, and the end of five years following discharge from sentence for that conviction.

This section allows consideration of prior adjudications of delinquency for any of the specified offenses to enhance the penalty for domestic assault. For juveniles, the time period runs from the time of the previous conviction until five years following *disposition* for the adjudication.

- 4** **Felony.** Current law provides a felony penalty when a person commits domestic assault *against the same victim* during the time period between the first of *two or more* previous convictions under this section or sections 609.221 to 609.2231, 609.224, 609.342 to 609.345, or 609.713, and the end of five years following discharge from sentence for that conviction.

This section allows consideration of prior adjudications of delinquency for any of the specified offenses to enhance the penalty for domestic assault. For juveniles, the time period runs from the time of the previous conviction until five years following *disposition* for the adjudication.

- 5** **Effective date.** Sections 1 to 4 are effective August 1, 1999, and apply to crimes committed on or after that date.