

HOUSE RESEARCH

Bill Summary

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Subject: First Degree Murder Involving Death of Child

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Overview

This bill creates a new type of first-degree murder crime in situations where a person causes the death of a child under the age of 14 with premeditation and with intent to effect the child's death. This new crime is subject to a mandatory life sentence.

Section

- 1** **Life without release.** Provides a mandatory sentence of life imprisonment without the possibility of release for a person who commits the new first-degree murder crime in section 2. The other types of first-degree murder crimes subject to this penalty are:
- ▶ causing the death of a human being while committing or attempting to commit criminal sexual contact in the first- or second-degree with force or violence;
 - ▶ causing the death of a peace officer or a guard employed at a Minnesota state or local correctional facility with intent to effect the death of that person or another, while the peace officer or guard is engaged in the performance of official duties;
 - ▶ causing the death of a human being while committing, conspiring to commit, or attempting to commit a felony crime to further terrorism and the death occurs under circumstances manifesting an extreme indifference to human life;
 - ▶ causing the death of a human being with intent to effect the death of the person or another, while committing or attempting to commit kidnapping; and
 - ▶ causing the death of a human being under any other circumstance described in

Section

the first-degree murder law when the court determines on the record that the person has one or more previous convictions for a heinous crime, as defined by law.

- 2 **Murder in the first degree.** Adds a new type of first-degree murder crime in situations where a person causes the death of a child under the age of 14 with premeditation and with intent to effect that child's death. As noted in section 1, this crime subjects a person to a mandatory sentence of life imprisonment without the possibility of release. Ordinarily, a first-degree crime committed with this type of premeditation and intent subjects a person to a mandatory sentence of at least 30 years imprisonment, after which the commissioner of corrections may release the person. This sentence is also called a life sentence because, even if the person is released from prison, the person remains on supervised release for the rest of the person's life. This type of life sentence will continue to apply to first-degree murder crimes committed with premeditation and with intent to effect the death of another, except when a person causes the death of a child under the age of 14.
- 3 **Effective date.** The day following final enactment, for crimes committed on or after that date.