

Subject Prosecutor-initiated resentencing
Authors Moller and others
Analyst Ben Johnson (ben.johnson@house.mn.gov)
Date March 6, 2023

Overview

Under current law, a criminal sentence cannot be reduced based on the rehabilitation of the offender, other good conduct by the offender, or significant changes in law or sentencing practice. This bill establishes a process known as a prosecutor-initiated sentence adjustment that permits prosecutors to petition a court to reduce a sentence for an offender based on those factors.

Summary

Section	Description
1	<p>Report on sentencing adjustments.</p> <p>Directs the Sentencing Guidelines Commission to include a summary and analysis of prosecutor-initiated resentencing in the commission’s annual report to the legislature.</p>
2	<p>Sentence adjustment.</p> <p>Subd. 1. Definition. Defines the term “prosecutor” to include the attorney general, county attorney, or city attorney responsible for prosecuting an individual charged with a crime.</p> <p>Subd. 2. Prosecutor-initiated sentence adjustment. Authorizes the prosecutor responsible for the prosecution of an individual convicted of a crime to commence a proceeding to adjust the person’s sentence provided the adjustment does not increase the period of confinement or supervision. Establishes that prosecutors in seven identified counties are authorized to begin seeking sentence adjustments on August 1, 2023. Prosecutors in other counties can begin seeking sentence adjustments on August 1, 2026.</p> <p>Subd. 3. Review by prosecutor. Permits a prosecutor to review cases at that prosecutor’s discretion. Directs prosecutors to make a reasonable effort to seek input from any identifiable victim. Authorizes the commissioner of corrections, a supervising agent, or an offender to request review. Establishes that inaction by a</p>

Section	Description
---------	-------------

prosecutor is not the basis for any other person to seek a sentence adjustment under this section.

Subd. 4. Petition; contents; fee. Provides that the petition for a sentence adjustment must include specific information including details of the offense, a statement of the reason the prosecutor is seeking the adjustment, and information about any steps the offender has taken toward rehabilitation.

Subd. 5. Service of petition. Requires the prosecutor to serve the petition on any person on whose behalf the petition is sought. Requires a reasonable effort to notify any person determined to be a victim in the offense for which an adjustment is sought, and requires that the notice include information about the victim's right to make or submit a statement regarding the adjustment.

Subd. 6. Hearing. Requires the court to hold a hearing on the petition no sooner than 60 days after it is filed. Requires the attendance of the offender unless the offender is excused pursuant to court rules. Permits a victim to make or submit a statement and requires the court to consider any victim statement. Authorizes individuals with relevant information to make statements.

Subd. 7. Nature of remedy; standard. Requires the court to determine if there are substantial and compelling reasons to adjust a sentence. Directs the court to consider specific factors, including what impact the adjustment would have on public safety and whether it would promote the rehabilitation of the individual. Authorizes the court to adjust a sentence provided the adjustment does not increase the period of confinement or supervision, reduce or eliminate restitution, or reduce or eliminate a term of conditional release. Specifies that an adjustment is not a valid basis to vacate a judgment of conviction or impose a conviction for any other offense. Requires the court to state the reasons for its decision on the record and forward a sentencing worksheet that specifically indicates that it is for a sentence adjustment.

Subd. 8. Appeals. Provides that an order issued under this section must be treated as an order imposing or staying a sentence and not a final judgment.



Minnesota House Research Department provides nonpartisan legislative, legal, and information services to the Minnesota House of Representatives. This document can be made available in alternative formats.

www.house.mn/hrd | 651-296-6753 | 155 State Office Building | St. Paul, MN 55155