

This Document can be made available in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 1761

03/01/2021

Authored by Hollins

The bill was read for the first time and referred to the Committee on Public Safety and Criminal Justice Reform Finance and Policy

1.1 A bill for an act  
1.2 relating to courts; prohibiting execution of criminal sentences for certain probation  
1.3 violations; amending Minnesota Statutes 2020, section 609.14, subdivision 3.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2020, section 609.14, subdivision 3, is amended to read:

1.6 Subd. 3. **Sentence.** (a) If any of such grounds are found to exist the court may:

1.7 (1) if imposition of sentence was previously stayed, again stay sentence or impose  
1.8 sentence and stay the execution thereof, and in either event place the defendant on probation  
1.9 or order intermediate sanctions pursuant to section 609.135, or impose sentence and order  
1.10 execution thereof; or

1.11 (2) if sentence was previously imposed and execution thereof stayed, continue such stay  
1.12 and place the defendant on probation or order intermediate sanctions in accordance with  
1.13 the provisions of section 609.135, or order execution of the sentence previously imposed.

1.14 (b) Absent additional grounds found to exist, the court may not order execution of the  
1.15 sentence for the first occurrence of the following violations:

1.16 (1) failure to pay surcharges, fees, fines, or restitution;

1.17 (2) a positive test for illegal or nonprescribed mood-altering drugs;

1.18 (3) a positive test for alcohol;

1.19 (4) failure to make a good-faith effort to obtain or maintain employment;

1.20 (5) failure to report changes in employment;

- 2.1 (6) curfew violation;
- 2.2 (7) failure to report contact with law enforcement;
- 2.3 (8) citation or guilty finding for a petty misdemeanor offense; or
- 2.4 (9) failure to contact agent as directed, absent absconding or intention thereof.
- 2.5 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to a
- 2.6 revocation proceeding initiated on or after that date.