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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. **2399**

03/02/2023 Authored by Johnson

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

1.1 A bill for an act
1.2 relating to public safety; establishing the crime of carjacking; requiring reporting;
1.3 imposing criminal penalties; proposing coding for new law in Minnesota Statutes,
1.4 chapters 609; 626.

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

1.6 Section 1. **[609.2456] CARJACKING.**

1.7 Subdivision 1. **Crime described.** A person who commits simple robbery as described
1.8 in section 609.24, or aggravated robbery as described in section 609.245, where the personal
1.9 property taken is a motor vehicle as defined in section 609.487, subdivision 2a, is guilty of
1.10 carjacking and may be punished as provided in subdivision 2.

1.11 Subd. 2. **Penalties.** (a) A person who violates subdivision 1 through the commission of
1.12 simple robbery as described in section 609.24 may be sentenced to imprisonment for not
1.13 more than 15 years or to payment of a fine of not more than \$30,000, or both.

1.14 (b) A person who violates subdivision 1 through the commission of aggravated robbery
1.15 as described in section 609.245, subdivision 2, may be sentenced to imprisonment for not
1.16 more than 20 years or to payment of a fine of not more than \$35,000, or both.

1.17 (c) A person who violates subdivision 1 through the commission of aggravated robbery
1.18 as described in section 609.245, subdivision 1, may be sentenced to imprisonment for not
1.19 more than 25 years or to payment of a fine of not more than \$40,000, or both.

1.20 Subd. 3. **Mandatory minimum sentences.** (a) A person convicted of carjacking shall
1.21 be committed to the custody of the commissioner of corrections for not less than:

1.22 (1) two years, nor more than 15 years, for a violation of subdivision 2, paragraph (a);

2.1 (2) four years, nor more than 20 years, for a violation of subdivision 2, paragraph (b);
 2.2 or
 2.3 (3) six years, nor more than 25 years, for a violation of subdivision 2, paragraph (c).

2.4 (b) Notwithstanding the provisions of sections 241.26, 242.19, 243.05, 244.04, 609.12,
 2.5 and 609.135, a defendant convicted and sentenced as required by this subdivision is not
 2.6 eligible for probation, parole, discharge, work release, or supervised release until that person
 2.7 has served the full term of imprisonment as provided by law. Notwithstanding section
 2.8 609.135, the court may not stay the imposition or execution of this sentence.

2.9 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
 2.10 committed on or after that date.

2.11 **Sec. 2. [626.5535] CARJACKING; REPORTING REQUIRED.**

2.12 Subdivision 1. **Definition.** For purposes of this section, "carjacking" has the meaning
 2.13 given in section 609.2456.

2.14 Subd. 2. **Use of information collected.** (a) The head of a local law enforcement agency
 2.15 or state law enforcement department that employs peace officers, as defined in section
 2.16 626.84, subdivision 1, paragraph (c), must forward the following carjacking information
 2.17 from the agency's or department's jurisdiction to the commissioner of public safety at least
 2.18 quarterly each year:

- 2.19 (1) the number of carjacking attempts;
 2.20 (2) the number of carjackings;
 2.21 (3) the number of persons injured in each offense;
 2.22 (4) the number of persons killed in each offense; and
 2.23 (5) weapons used in each offense, if any.

2.24 (b) The commissioner of public safety must include the data received under paragraph
 2.25 (a) in a separate carjacking category in the department's annual uniform crime report.

2.26 **Sec. 3. REVISOR INSTRUCTION.**

2.27 (a) The revisor of statutes shall insert a cross-reference to Minnesota Statutes, section
 2.28 609.2456, in the following statutory sections: Minnesota Statutes, sections 145A.061,
 2.29 subdivision 3; 146A.08, subdivision 1, paragraph (c); 253B.02, subdivision 4e; 253D.02,
 2.30 subdivision 8, paragraph (b); 260B.171, subdivision 3, paragraph (a), clause (1); 299A.296,

3.1 subdivision 2, paragraph (a), clause (5); 299C.105, subdivision 1, paragraph (a), clause (1),
3.2 item (iv), and clause (3), item (iv); 299C.67, subdivision 2, paragraph (b), clause (1);
3.3 609.1095, subdivision 1, paragraph (d); 609.11, subdivision 9; 609.341, subdivision 22;
3.4 609.52, subdivision 3, clause (3), paragraph (c); 609.531, subdivision 1, paragraph (f),
3.5 clause (3); 609.631, subdivision 4, clause (3), paragraph (b); 609.632, subdivision 4,
3.6 paragraph (b), clause (3), item (ii); 609.821, subdivision 3, paragraph (a), clause (1), item
3.7 (iv); 611A.031; 611A.036, subdivision 7; 611A.08, subdivision 6; and 624.712, subdivision
3.8 5.

3.9 (b) The revisor shall insert a cross-reference to Minnesota Statutes, section 609.2456,
3.10 subdivision 2, paragraph (a), in the following statutory sections: Minnesota Statutes, sections
3.11 245C.15, subdivision 2, paragraph (a), and subdivision 4a, paragraph (d); and 245C.24,
3.12 subdivision 3, paragraph (a).

3.13 (c) The revisor shall insert a cross-reference to Minnesota Statutes, section 609.2456,
3.14 subdivision 2, paragraph (c), in Minnesota Statutes, section 243.167, subdivision 1.

3.15 (d) The revisor shall insert a cross-reference to Minnesota Statutes, section 609.2456,
3.16 subdivision 2, paragraphs (b) and (c), in the following statutory sections: Minnesota Statutes,
3.17 sections 245C.15, subdivision 1, paragraph (a), and subdivision 4a, paragraph (a); 609.902,
3.18 subdivision 4; and 626A.05, subdivision 2, clause (1).

3.19 (e) Consistent with paragraphs (a) to (d), the revisor may make technical and other
3.20 necessary changes to language, grammar, and sentence structure in the statutory sections
3.21 listed in this section to preserve the meaning of the text.