

This Document can be made available in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 5396

04/18/2024 Authored by Frazier
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; increasing criminal liability for certain crimes resulting
1.3 in felony murder; modifying criminal liability for conviction of aiding and abetting
1.4 felony murder; reviving Task Force on Aiding and Abetting Felony Murder;
1.5 amending Minnesota Statutes 2022, section 609.19, subdivisions 1, 2, by adding
1.6 a subdivision; Minnesota Statutes 2023 Supplement, section 609.05, subdivision
1.7 2a.

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

1.9 Section 1. Minnesota Statutes 2023 Supplement, section 609.05, subdivision 2a, is amended
1.10 to read:

1.11 Subd. 2a. Exception. (a) A person may not be held criminally liable for a violation of
1.12 section 609.185, paragraph (a), clause (3), for a death caused by another unless the person
1.13 intentionally aided, advised, hired, counseled, or conspired with or otherwise procured the
1.14 other with the intent to cause the death of a human being.

1.15 (b) A person may not be held criminally liable for a violation of section 609.185,
1.16 paragraph (a), clause (1), for a death of a human being caused by another unless the person
1.17 intentionally aided, advised, hired, counseled, or conspired with or otherwise procured the
1.18 other with premeditation and with intent to cause the death of a human being.

1.19 (c) A person may not be held criminally liable for a violation of section 609.19,
1.20 subdivision (1), clause (1), for a death of a human being caused by another unless the person
1.21 intentionally aided, advised, hired, counseled, or conspired with or otherwise procured the
1.22 other with the intent to cause the death of a human being.

2.1 ~~(b)~~ (d) A person may not be held criminally liable for a violation of section 609.19,  
 2.2 subdivision 2, clause (1), for a death caused by another unless the person was a major  
 2.3 participant in the underlying felony and acted with extreme indifference to human life.

2.4 ~~(e)~~ (e) As used in this subdivision, "major participant" means a person who:

2.5 (1) used a deadly weapon during the commission of the underlying felony or provided  
 2.6 a deadly weapon to another participant where it was reasonably foreseeable that the weapon  
 2.7 would be used in the underlying felony;

2.8 (2) caused substantial bodily harm to another during the commission of the underlying  
 2.9 felony;

2.10 (3) coerced or hired a participant to undertake actions in furtherance of the underlying  
 2.11 felony that proximately caused the death, and where it was reasonably foreseeable that such  
 2.12 actions would cause death or great bodily harm; or

2.13 (4) impeded another person from preventing the death either by physical action or by  
 2.14 threat of physical action where it was reasonably foreseeable that death or great bodily harm  
 2.15 would result.

2.16 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to crimes  
 2.17 committed on or after that date.

2.18 Sec. 2. Minnesota Statutes 2022, section 609.19, subdivision 2, is amended to read:

2.19 Subd. 2. **Unintentional murders.** Whoever does either of the following is guilty of  
 2.20 unintentional murder in the second degree and may be sentenced to imprisonment for not  
 2.21 more than 40 years:

2.22 (1) causes the death of a human being, without intent to effect the death of any person,  
 2.23 while committing or attempting to commit ~~a felony offense other than criminal sexual~~  
 2.24 ~~conduct in the first or second degree with force or violence or a drive-by shooting~~ burglary;  
 2.25 aggravated robbery; carjacking in the first or second degree; kidnapping; arson in the first  
 2.26 or second degree; a drive-by shooting; tampering with a witness in the first degree; escape  
 2.27 from custody; any felony violation of chapter 152 involving the unlawful sale of a controlled  
 2.28 substance; any felony violation of malicious punishment of a child; any felony violation of  
 2.29 domestic assault; domestic assault by strangulation; or a felony crime to further terrorism;  
 2.30 or

2.31 (2) causes the death of a human being without intent to effect the death of any person,  
 2.32 while intentionally inflicting or attempting to inflict bodily harm upon the victim, when the

3.1 perpetrator is restrained under an order for protection and the victim is a person designated  
3.2 to receive protection under the order. As used in this clause, "order for protection" includes  
3.3 an order for protection issued under chapter 518B; a harassment restraining order issued  
3.4 under section 609.748; a court order setting conditions of pretrial release or conditions of  
3.5 a criminal sentence or juvenile court disposition; a restraining order issued in a marriage  
3.6 dissolution action; and any order issued by a court of another state or of the United States  
3.7 that is similar to any of these orders.

3.8 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to crimes  
3.9 committed on or after that date.

3.10 Sec. 3. Minnesota Statutes 2022, section 609.19, is amended by adding a subdivision to  
3.11 read:

3.12 Subd. 3. **Exception.** A person shall not be held liable for a violation of section 609.19,  
3.13 subdivision 2, clause (1), unless their acts present a special danger to human life based on  
3.14 the circumstances under which the predicate felony was committed.

3.15 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to crimes  
3.16 committed on or after that date.

3.17 Sec. 4. **TASK FORCE ON AIDING AND ABETTING FELONY MURDER.**

3.18 (a) Laws 2021, First Special Session chapter 11, article 2, section 53, subdivisions 2, 3,  
3.19 4, and 5, are revived and reenacted on the effective date of this section to expand the focus  
3.20 of the task force's duties and work on felony murder, aiding and abetting liability generally,  
3.21 and other implicated issues pursuant to recommendation number six in the February 14,  
3.22 2024, Task Force on Aiding and Abetting Felony Murder report to the Minnesota legislature.

3.23 (b) On or before February 1, 2026, the task force shall submit a report to the chairs and  
3.24 ranking minority members of the legislative committees and divisions with jurisdiction over  
3.25 crime and sentencing on the findings and recommendations of the task force.

3.26 (c) The task force expires February 2, 2026, or the day after submitting its report under  
3.27 paragraph (b), whichever is earlier.

3.28 **EFFECTIVE DATE.** This section is effective August 1, 2024.