

A bill for an act

1.1 relating to public safety; imposing per-page filing fees for court papers;
1.2 increasing various court fees and the criminal and traffic surcharge; authorizing
1.3 the imposition of a public defender fee for licensed attorneys; establishing a court
1.4 and public defender account in the special revenue fund and depositing these
1.5 fees into that account; temporarily reducing the penalty for numerous first-time
1.6 misdemeanors throughout the statutes and local ordinances; increasing the
1.7 maximum fine for petty misdemeanors and authorizing restitution to be ordered;
1.8 temporarily eliminating the authority of local units of government to enact
1.9 ordinances with misdemeanor penalties for first-time offenders; prohibiting local
1.10 authorities from enforcing criminal provisions with administrative penalties;
1.11 expanding the application of the criminal and traffic surcharge; authorizing
1.12 referees to preside over conciliation courts and increasing the conciliation court
1.13 civil claim limit; providing the Fourth Judicial District with fiscal flexibility as
1.14 to the location of court facilities; repealing the mandatory minimum sentences
1.15 for predatory offender registration offenses and subsequent controlled substance
1.16 offenses; adjusting the threshold amounts for certain controlled substances
1.17 crimes; establishing a marijuana plant possession crime; expanding the stay of
1.18 adjudication provision for low-level controlled substance offenders; providing a
1.19 90-day cap on incarceration for certain first-time supervised release violations;
1.20 eliminating the requirement that judges impose a minimum sentence on felony
1.21 DWI offenders; requesting the Sentencing Guidelines Commission to rerank the
1.22 felony DWI offense; requiring that prisoners serve a minimum of 60 percent of
1.23 their prison sentence; providing for supervised release of offenders; providing
1.24 a restorative justice-based alternative disposition process for certain adult and
1.25 juvenile offenders; providing for the use of special masters to handle pretrial
1.26 matters; imposing criminal penalties; appropriating money; amending Minnesota
1.27 Statutes 2008, sections 152.01, subdivision 16, by adding subdivisions; 152.021,
1.28 subdivisions 1, 2, 3; 152.022, subdivisions 1, 2, 3; 152.023, subdivisions 2,
1.29 3; 152.024, subdivision 3; 152.025, subdivisions 2, 3; 152.027, by adding
1.30 a subdivision; 152.18, subdivision 1; 169.89, subdivision 2; 169A.275,
1.31 subdivisions 3, 4, 5; 169A.276, subdivisions 1, 2; 243.166, subdivision 5;
1.32 244.01, subdivision 8; 244.04, subdivisions 1, 1a; 244.101, subdivision 1;
1.33 244.14, subdivision 3; 244.171, subdivision 4; 357.021, subdivisions 1a, 2, 6,
1.34 7; 357.022; 357.08; 366.01, subdivision 10; 368.01, subdivision 22; 375.53;
1.35 412.231; 484.91, subdivision 1; 491A.01, subdivision 3; 491A.03, subdivision 1;
1.36 609.02, subdivision 4a; 609.0331; 609.0332, subdivision 1; 609.095; 609.105,
1.37 subdivision 1a; 643.29, subdivision 1; 645.241; proposing coding for new law in
1.38

2.1 Minnesota Statutes, chapters 244; 410; 484; 609; repealing Minnesota Statutes
2.2 2008, sections 152.026; 383B.65, subdivision 2.

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

2.4 **ARTICLE 1**

2.5 **FEE INCREASES; CREATION OF NEW ACCOUNT;**

2.6 **APPROPRIATION**

2.7 Section 1. Minnesota Statutes 2008, section 357.021, subdivision 1a, is amended to
2.8 read:

2.9 Subd. 1a. **Transmittal of fees to commissioner of finance.** (a) Every person,
2.10 including the state of Minnesota and all bodies politic and corporate, who shall transact
2.11 any business in the district court, shall pay to the court administrator of said court the
2.12 sundry fees prescribed in subdivision 2. Except as otherwise provided in this paragraph or
2.13 paragraph (d), the court administrator shall transmit the fees monthly to the commissioner
2.14 of finance for deposit in the state treasury and credit to the general fund. \$30 of each
2.15 fee collected in a dissolution action under subdivision 2, clause (1), must be deposited
2.16 by the commissioner of finance in the special revenue fund and is appropriated to the
2.17 commissioner of employment and economic development for the displaced homemaker
2.18 program under section 116L.96. The per-page charges collected under subdivision 2 and
2.19 the fee increases made in section 2 must be deposited by the commissioner of finance in
2.20 the court and public defender account in the special revenue fund under section 484.99.

2.21 (b) In a county which has a screener-collector position, fees paid by a county
2.22 pursuant to this subdivision shall be transmitted monthly to the county treasurer, who
2.23 shall apply the fees first to reimburse the county for the amount of the salary paid for the
2.24 screener-collector position. The balance of the fees collected shall then be forwarded to
2.25 the commissioner of finance for deposit in the state treasury and credited to the general
2.26 fund. In a county in a judicial district under section 480.181, subdivision 1, paragraph
2.27 (b), which has a screener-collector position, the fees paid by a county shall be transmitted
2.28 monthly to the commissioner of finance for deposit in the state treasury and credited to the
2.29 general fund. A screener-collector position for purposes of this paragraph is an employee
2.30 whose function is to increase the collection of fines and to review the incomes of potential
2.31 clients of the public defender, in order to verify eligibility for that service.

2.32 (c) No fee is required under this section from the public authority or the party the
2.33 public authority represents in an action for:

2.34 (1) child support enforcement or modification, medical assistance enforcement, or
2.35 establishment of parentage in the district court, or in a proceeding under section 484.702;

- 3.1 (2) civil commitment under chapter 253B;
- 3.2 (3) the appointment of a public conservator or public guardian or any other action
3.3 under chapters 252A and 525;
- 3.4 (4) wrongfully obtaining public assistance under section 256.98 or 256D.07, or
3.5 recovery of overpayments of public assistance;
- 3.6 (5) court relief under chapters 260, 260A, 260B, and 260C;
- 3.7 (6) forfeiture of property under sections 169A.63 and 609.531 to 609.5317;
- 3.8 (7) recovery of amounts issued by political subdivisions or public institutions under
3.9 sections 246.52, 252.27, 256.045, 256.25, 256.87, 256B.042, 256B.14, 256B.15, 256B.37,
3.10 260B.331, and 260C.331, or other sections referring to other forms of public assistance;
- 3.11 (8) restitution under section 611A.04; or
- 3.12 (9) actions seeking monetary relief in favor of the state pursuant to section 16D.14,
3.13 subdivision 5.
- 3.14 (d) \$20 from each fee collected for child support modifications under subdivision 2,
3.15 clause (13), must be transmitted to the county treasurer for deposit in the county general
3.16 fund and \$35 from each fee shall be credited to the state general fund. The fees must be
3.17 used by the county to pay for child support enforcement efforts by county attorneys.

3.18 **EFFECTIVE DATE.** This section is effective July 1, 2009.

3.19 Sec. 2. Minnesota Statutes 2008, section 357.021, subdivision 2, is amended to read:

3.20 Subd. 2. **Fee amounts.** The fees to be charged and collected by the court
3.21 administrator shall be as follows:

3.22 (1) In every civil action or proceeding in said court, including any case arising
3.23 under the tax laws of the state that could be transferred or appealed to the Tax Court, the
3.24 plaintiff, petitioner, or other moving party shall pay, when the first paper is filed for that
3.25 party in said action, a fee of ~~\$240~~ \$250 plus \$1 per page, except in marriage dissolution
3.26 actions the fee is ~~\$270~~ \$280 plus \$1 per page.

3.27 The defendant or other adverse or intervening party, or any one or more of several
3.28 defendants or other adverse or intervening parties appearing separately from the others,
3.29 shall pay, when the first paper is filed for that party in said action, a fee of ~~\$240~~ \$250 plus
3.30 \$1 per page, except in marriage dissolution actions the fee is ~~\$270~~ \$280 plus \$1 per page.

3.31 The party requesting a trial by jury shall pay ~~\$75~~ \$100.

3.32 The fees above stated shall be the full trial fee chargeable to said parties irrespective
3.33 of whether trial be to the court alone, to the court and jury, or disposed of without trial,
3.34 and shall include the entry of judgment in the action, but does not include copies or

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4.1 certified copies of any papers so filed or proceedings under chapter 103E, except the
4.2 provisions therein as to appeals.

4.3 (2) Certified copy of any instrument from a civil or criminal proceeding, ~~\$10~~ \$14
4.4 plus \$1 per page, and ~~\$5~~ \$8 plus \$1 per page.

4.5 (3) Issuing a subpoena, ~~\$12~~ \$16 for each name.

4.6 (4) Filing a motion or response to a motion in civil, family, excluding child support,
4.7 and guardianship cases, ~~\$55~~ \$65 plus \$1 per page.

4.8 (5) Issuing an execution and filing the return thereof; issuing a writ of attachment,
4.9 injunction, habeas corpus, mandamus, quo warranto, certiorari, or other writs not
4.10 specifically mentioned, ~~\$40~~ \$55 plus \$1 per page.

4.11 (6) Issuing a transcript of judgment, or for filing and docketing a transcript of
4.12 judgment from another court, ~~\$30~~ \$40 plus \$1 per page.

4.13 (7) Filing and entering a satisfaction of judgment, partial satisfaction, or assignment
4.14 of judgment, \$5 plus \$1 per page.

4.15 (8) Certificate as to existence or nonexistence of judgments docketed, \$5 for each
4.16 name certified to.

4.17 (9) Filing and indexing trade name; or recording basic science certificate;
4.18 or recording certificate of physicians, osteopaths, chiropractors, veterinarians, or
4.19 optometrists, \$5 plus \$1 per page.

4.20 (10) For the filing of each partial, final, or annual account in all trusteeships, ~~\$40~~
4.21 \$55 plus \$1 per page.

4.22 (11) For the deposit of a will, ~~\$20~~ \$27 plus \$1 per page.

4.23 (12) For recording notary commission, \$100, of which, notwithstanding subdivision
4.24 1a, paragraph (b), \$80 must be forwarded to the commissioner of finance to be deposited
4.25 in the state treasury and credited to the general fund.

4.26 (13) Filing a motion or response to a motion for modification of child support, a fee
4.27 of \$55 plus \$1 per page.

4.28 (14) All other services required by law for which no fee is provided, such fee
4.29 as compares favorably with those herein provided, or such as may be fixed by rule or
4.30 order of the court.

4.31 (15) In addition to any other filing fees under this chapter, a surcharge in the
4.32 amount of \$75 must be assessed in accordance with section 259.52, subdivision 14, for
4.33 each adoption petition filed in district court to fund the fathers' adoption registry under
4.34 section 259.52.

4.35 The fees in clauses (3) and (5) need not be paid by a public authority or the party
4.36 the public authority represents.

5.1 **EFFECTIVE DATE.** This section is effective July 1, 2009.

5.2 Sec. 3. Minnesota Statutes 2008, section 357.021, subdivision 6, is amended to read:

5.3 Subd. 6. **Surcharges on criminal and traffic offenders.** (a) Except as provided in
5.4 this paragraph, the court shall impose and the court administrator shall collect a ~~\$75~~ \$85
5.5 surcharge on every person convicted of any felony, gross misdemeanor, misdemeanor, or
5.6 petty misdemeanor offense, other than a violation of a law or ordinance relating to vehicle
5.7 parking, for which there shall be a \$4 surcharge. In the Second Judicial District, the
5.8 court shall impose, and the court administrator shall collect, an additional \$1 surcharge
5.9 on every person convicted of any felony, gross misdemeanor, misdemeanor, or petty
5.10 misdemeanor offense, including a violation of a law or ordinance relating to vehicle
5.11 parking, if the Ramsey County Board of Commissioners authorizes the \$1 surcharge. The
5.12 surcharge shall be imposed whether or not the person is sentenced to imprisonment or the
5.13 sentence is stayed. The surcharge shall not be imposed when a person is convicted of a
5.14 petty misdemeanor for which no fine is imposed.

5.15 (b) If the court fails to impose a surcharge as required by this subdivision, the court
5.16 administrator shall show the imposition of the surcharge, collect the surcharge, and
5.17 correct the record.

5.18 (c) The court may not waive payment of the surcharge required under this
5.19 subdivision. Upon a showing of indigency or undue hardship upon the convicted person
5.20 or the convicted person's immediate family, the sentencing court may authorize payment
5.21 of the surcharge in installments.

5.22 (d) The court administrator or other entity collecting a surcharge shall forward it
5.23 to the commissioner of finance.

5.24 (e) If the convicted person is sentenced to imprisonment and has not paid the
5.25 surcharge before the term of imprisonment begins, the chief executive officer of the
5.26 correctional facility in which the convicted person is incarcerated shall collect the
5.27 surcharge from any earnings the inmate accrues from work performed in the facility
5.28 or while on conditional release. The chief executive officer shall forward the amount
5.29 collected to the commissioner of finance.

5.30 **EFFECTIVE DATE.** This section is effective July 1, 2009.

5.31 Sec. 4. Minnesota Statutes 2008, section 357.021, subdivision 7, is amended to read:

5.32 Subd. 7. **Disbursement of surcharges by commissioner of finance.** (a) Except as
5.33 provided in paragraphs (b), (c), ~~and (d), and (e),~~ the commissioner of finance shall disburse
5.34 surcharges received under subdivision 6 and section 97A.065, subdivision 2, as follows:

6.1 (1) one percent shall be credited to the game and fish fund to provide peace officer
6.2 training for employees of the Department of Natural Resources who are licensed under
6.3 sections 626.84 to 626.863, and who possess peace officer authority for the purpose of
6.4 enforcing game and fish laws;

6.5 (2) 39 percent shall be credited to the peace officers training account in the special
6.6 revenue fund; and

6.7 (3) 60 percent shall be credited to the general fund.

6.8 (b) The commissioner of finance shall credit \$3 of each surcharge received under
6.9 subdivision 6 and section 97A.065, subdivision 2, to the general fund.

6.10 (c) In addition to any amounts credited under paragraph (a), the commissioner
6.11 of finance shall credit \$47 of each surcharge received under subdivision 6 and section
6.12 97A.065, subdivision 2, and the \$4 parking surcharge, to the general fund.

6.13 (d) The commissioner of finance shall deposit \$10 of each surcharge received under
6.14 subdivision 6 and section 97A.065, subdivision 2, in the court and public defender account
6.15 in the special revenue fund under section 484.99.

6.16 ~~(d)~~ (e) If the Ramsey County Board of Commissioners authorizes imposition
6.17 of the additional \$1 surcharge provided for in subdivision 6, paragraph (a), the court
6.18 administrator in the Second Judicial District shall transmit the surcharge to the
6.19 commissioner of finance. The \$1 special surcharge is deposited in a Ramsey County
6.20 surcharge account in the special revenue fund and amounts in the account are appropriated
6.21 to the trial courts for the administration of the petty misdemeanor diversion program
6.22 operated by the Second Judicial District Ramsey County Violations Bureau.

6.23 **EFFECTIVE DATE.** This section is effective July 1, 2009.

6.24 Sec. 5. Minnesota Statutes 2008, section 357.022, is amended to read:

6.25 **357.022 CONCILIATION COURT FEE.**

6.26 The court administrator in every county shall charge and collect a filing fee of ~~\$50~~
6.27 \$60 from every plaintiff and from every defendant when the first paper for that party is
6.28 filed in any conciliation court action. This section does not apply to conciliation court
6.29 actions filed by the state. The court administrator shall transmit the fees monthly to the
6.30 commissioner of finance ~~for~~. The commissioner shall deposit \$10 from each fee in the
6.31 court and public defender account in the special revenue fund under section 484.99. The
6.32 commissioner shall deposit the remaining money in the state treasury and credit it to the
6.33 general fund.

6.34 **EFFECTIVE DATE.** This section is effective July 1, 2009.

7.1 Sec. 6. Minnesota Statutes 2008, section 357.08, is amended to read:

7.2 **357.08 PAID BY APPELLANT IN APPEAL.**

7.3 There shall be paid to the clerk of the appellate courts by the appellant, or moving
7.4 party or person requiring the service, in all cases of appeal, certiorari, habeas corpus,
7.5 mandamus, injunction, prohibition, or other original proceeding, when initially filed with
7.6 the clerk of the appellate courts, the sum of ~~\$500~~ \$550 to the clerk of the appellate courts.
7.7 An additional filing fee of \$100 shall be required for a petition for accelerated review by
7.8 the Supreme Court. A filing fee of ~~\$500~~ \$550 shall be paid to the clerk of the appellate
7.9 courts upon the filing of a petition for review from a decision of the Court of Appeals. A
7.10 filing fee of ~~\$500~~ \$550 shall be paid to the clerk of the appellate courts upon the filing
7.11 of a petition for permission to appeal. A filing fee of \$100 shall be paid to the clerk of
7.12 the appellate courts upon the filing by a respondent of a notice of review. The clerk shall
7.13 transmit the fees to the commissioner of finance ~~for deposit.~~ The commissioner shall
7.14 deposit \$50 from each fee in the court and public defender account in the special revenue
7.15 fund under section 484.99. The commissioner shall deposit the remaining money in the
7.16 state treasury and credit it to the general fund.

7.17 The clerk shall not file any paper, issue any writ or certificate, or perform any service
7.18 enumerated herein, until the payment has been made for it. The clerk shall pay the sum
7.19 into the state treasury as provided for by section 15A.01.

7.20 The charges provided for shall not apply to disbarment proceedings, nor to an
7.21 action or proceeding by the state taken solely in the public interest, where the state is the
7.22 appellant or moving party, nor to copies of the opinions of the court furnished by the clerk
7.23 to the parties before judgment, or furnished to the district judge whose decision is under
7.24 review, or to such law library associations in counties having a population exceeding
7.25 50,000, as the court may direct.

7.26 **EFFECTIVE DATE.** This section is effective July 1, 2009.

7.27 Sec. 7. **[484.99] COURT AND PUBLIC DEFENDER ACCOUNT.**

7.28 The court and public defender account is established in the special revenue fund and
7.29 consists of money collected from fees under sections 357.021, subdivision 1a, paragraph
7.30 (a), and subdivision 7, paragraph (d); 357.022; 357.08; and section 8, and deposited by the
7.31 commissioner of finance into the account. Money in the account may be appropriated by
7.32 the legislature for the support of the courts and public defenders.

7.33 **EFFECTIVE DATE.** This section is effective July 1, 2009.

9.1 EFFECTIVE DATE. This section is effective July 1, 2009, and applies to acts
9.2 committed on or after that date.

9.3 Sec. 2. Minnesota Statutes 2008, section 357.021, subdivision 6, is amended to read:

9.4 Subd. 6. **Surcharges on criminal and traffic offenders.** (a) Except as provided
9.5 in this paragraph, the court shall impose and the court administrator shall collect a \$75
9.6 surcharge on every person convicted of any felony, gross misdemeanor, misdemeanor, or
9.7 petty misdemeanor offense, other than a violation of a law or ordinance relating to vehicle
9.8 parking, for which there shall be a \$4 surcharge. In the Second Judicial District, the
9.9 court shall impose, and the court administrator shall collect, an additional \$1 surcharge
9.10 on every person convicted of any felony, gross misdemeanor, misdemeanor, or petty
9.11 misdemeanor offense, including a violation of a law or ordinance relating to vehicle
9.12 parking, if the Ramsey County Board of Commissioners authorizes the \$1 surcharge. The
9.13 surcharge shall be imposed whether or not the person is sentenced to imprisonment or the
9.14 sentence is stayed. The surcharge shall not be imposed when a person is convicted of a
9.15 petty misdemeanor for which no fine is imposed.

9.16 (b) If the court fails to impose a surcharge as required by this subdivision, the court
9.17 administrator shall show the imposition of the surcharge, collect the surcharge, and
9.18 correct the record.

9.19 (c) The court may not waive payment of the surcharge required under this
9.20 subdivision. Upon a showing of indigency or undue hardship upon the convicted person
9.21 or the convicted person's immediate family, the sentencing court may authorize payment
9.22 of the surcharge in installments.

9.23 (d) The court administrator or other entity collecting a surcharge shall forward it
9.24 to the commissioner of finance.

9.25 (e) If the convicted person is sentenced to imprisonment and has not paid the
9.26 surcharge before the term of imprisonment begins, the chief executive officer of the
9.27 correctional facility in which the convicted person is incarcerated shall collect the
9.28 surcharge from any earnings the inmate accrues from work performed in the facility
9.29 or while on conditional release. The chief executive officer shall forward the amount
9.30 collected to the commissioner of finance.

9.31 (f) A person who successfully completes a diversion or similar program for a
9.32 violation of chapter 169 must pay the surcharge described in this subdivision.

9.33 EFFECTIVE DATE. This section is effective July 1, 2009, and applies to acts
9.34 committed on or after that date.

10.1 Sec. 3. Minnesota Statutes 2008, section 366.01, subdivision 10, is amended to read:

10.2 Subd. 10. **Penal offenses.** They may declare that a violation of an ordinance is a
10.3 penal offense and prescribe penalties for violations, except as otherwise provided by law.
10.4 No penalty shall exceed that provided by law for: (1) a petty misdemeanor; for a person
10.5 who has not previously been convicted of violating the provision; or (2) a misdemeanor
10.6 for a person who has previously been convicted of violating the provision; but the costs of
10.7 prosecution may be added.

10.8 **EFFECTIVE DATE; SUNSET.** This section is effective July 1, 2009, and its
10.9 amendments expire June 30, 2011.

10.10 Sec. 4. Minnesota Statutes 2008, section 368.01, subdivision 22, is amended to read:

10.11 Subd. 22. **Penalties.** The town board may declare that the violation of any ordinance
10.12 is a penal offense and prescribe penalties for it. No penalty shall exceed that provided by
10.13 law for: (1) a petty misdemeanor; for a person who has not previously been convicted
10.14 of violating the provision; or (2) a misdemeanor for a person who has previously been
10.15 convicted of violating the provision; but the costs of prosecution may be added.

10.16 **EFFECTIVE DATE; SUNSET.** This section is effective July 1, 2009, and its
10.17 amendments expire June 30, 2011.

10.18 Sec. 5. Minnesota Statutes 2008, section 375.53, is amended to read:

10.19 **375.53 VIOLATIONS OF ORDINANCES, PENALTIES.**

10.20 The county board may declare that the violation of any ordinance ~~shall be~~ is a penal
10.21 offense and prescribe penalties for a violation. The penalties shall not exceed those
10.22 permitted for conviction of: (1) a petty misdemeanor as defined by law for a person who
10.23 has not previously been convicted of violating the provision; or (2) a misdemeanor for a
10.24 person who has previously been convicted of violating the provision.

10.25 **EFFECTIVE DATE; SUNSET.** This section is effective July 1, 2009, and its
10.26 amendments expire June 30, 2011.

10.27 Sec. 6. **[410.28] ORDINANCE PENALTIES.**

10.28 The charter may authorize penalties for violations of the city's ordinances. A home
10.29 rule charter city may not establish a penalty for an ordinance violation that exceeds the
10.30 maximum penalty for: (1) a petty misdemeanor for a person who has not previously

11.1 been convicted of violating the provision; or (2) a misdemeanor for a person who has
11.2 previously been convicted of violating the provision.

11.3 **EFFECTIVE DATE; SUNSET.** This section is effective July 1, 2009, and expires
11.4 June 30, 2011.

11.5 Sec. 7. Minnesota Statutes 2008, section 412.231, is amended to read:

11.6 **412.231 PENALTIES.**

11.7 The council ~~shall have the power to~~ may declare that the violation of any ordinance
11.8 ~~shall be~~ is a penal offense and ~~to~~ prescribe penalties therefor for violations. No ~~such~~
11.9 penalty shall exceed ~~a fine of \$1,000 or imprisonment in a city or county jail for a period~~
11.10 ~~of 90 days, or both,~~ that provided by law for: (1) a petty misdemeanor for a person who
11.11 has not previously been convicted of violating the provision; or (2) a misdemeanor for a
11.12 person who has previously been convicted of violating the provision; but in either case the
11.13 costs of prosecution may be added.

11.14 **EFFECTIVE DATE; SUNSET.** This section is effective July 1, 2009, and its
11.15 amendments expire June 30, 2011.

11.16 Sec. 8. **[484.735] PRETRIAL SPECIAL MASTER.**

11.17 Subdivision 1. **Applicability.** This section applies to:

11.18 (1) district court cases that have been assigned to a single judge under Rule 113 of
11.19 the Minnesota Rules of General Practice; and

11.20 (2) other civil cases, unless the chief judge or presiding judge determines that the
11.21 interests of justice will best be served by not assigning pretrial matters to a special master.

11.22 This section does not apply to cases excluded from Rule 111 of the Minnesota General
11.23 Rules of Practice.

11.24 Subd. 2. **Appointment of special master required; costs; review.** The court
11.25 may appoint a special master to preside over pretrial matters in the case. Rule 53 of the
11.26 Minnesota Rules of Civil Procedure applies to the determination and responsibility for
11.27 payment of the fee of the special master, provided that the fee must not exceed one-half of
11.28 the salary rate of a district court judge. The special master may assess costs against a party
11.29 for failure to comply with rules or orders, subject to review and approval by the court.
11.30 Other orders of the special master are final and not subject to review by the court.

11.31 Subd. 3. **Qualified special masters.** In appointing special masters, the court shall
11.32 give priority to the appointment of individuals who agree to perform the function without
11.33 a fee or for a reduced fee.

12.1 Subd. 4. **Rules.** The Supreme Court or the judges of a judicial district may adopt
12.2 rules to implement this section.

12.3 Subd. 5. **Sunset.** This section expires on July 1, 2012.

12.4 **EFFECTIVE DATE.** This section is effective July 1, 2009.

12.5 Sec. 9. Minnesota Statutes 2008, section 484.91, subdivision 1, is amended to read:

12.6 Subdivision 1. **Establishment.** Misdemeanor violations bureaus in the Fourth
12.7 Judicial District shall be established in ~~Minneapolis, a southern suburb location, and at~~
12.8 ~~any other northern and western suburban~~ locations ~~dispersed throughout the county as~~
12.9 ~~may be~~ designated by a majority of the judges of the court.

12.10 **EFFECTIVE DATE.** This section is effective July 1, 2009.

12.11 Sec. 10. Minnesota Statutes 2008, section 491A.01, subdivision 3, is amended to read:

12.12 Subd. 3. **Jurisdiction; general.** (a) Except as provided in subdivisions 4 and 5, the
12.13 conciliation court has jurisdiction to hear, conciliate, try, and determine civil claims if the
12.14 amount of money or property that is the subject matter of the claim does not exceed ~~\$6,000~~
12.15 ~~or, on and after July 1, 1994, \$7,500, \$15,000 or \$4,000~~ \$7,500 if the claim involves a
12.16 consumer credit transaction. "Consumer credit transaction" means a sale of personal
12.17 property, or a loan arranged to facilitate the purchase of personal property, in which:

12.18 (1) credit is granted by a seller or a lender who regularly engages as a seller or
12.19 lender in credit transactions of the same kind;

12.20 (2) the buyer is a natural person;

12.21 (3) the claimant is the seller or lender in the transaction; and

12.22 (4) the personal property is purchased primarily for a personal, family, or household
12.23 purpose and not for a commercial, agricultural, or business purpose.

12.24 (b) Except as otherwise provided in this subdivision and subdivisions 5 to 10, the
12.25 territorial jurisdiction of conciliation court is coextensive with the county in which the
12.26 court is established. The summons in a conciliation court action under subdivisions 6 to
12.27 10 may be served anywhere in the state, and the summons in a conciliation court action
12.28 under subdivision 7, paragraph (b), may be served outside the state in the manner provided
12.29 by law. The court administrator shall serve the summons in a conciliation court action
12.30 by first class mail, except that if the amount of money or property that is the subject of
12.31 the claim exceeds \$2,500, the summons must be served by the plaintiff by certified mail,
12.32 and service on nonresident defendants must be made in accordance with applicable law

13.1 or rule. Subpoenas to secure the attendance of nonparty witnesses and the production of
13.2 documents at trial may be served anywhere within the state in the manner provided by law.

13.3 When a court administrator is required to summon the defendant by certified mail
13.4 under this paragraph, the summons may be made by personal service in the manner
13.5 provided in the Rules of Civil Procedure for personal service of a summons of the district
13.6 court as an alternative to service by certified mail.

13.7 **EFFECTIVE DATE.** This section is effective August 1, 2009, and applies to civil
13.8 claims filed on or after that date.

13.9 Sec. 11. Minnesota Statutes 2008, section 491A.03, subdivision 1, is amended to read:

13.10 Subdivision 1. **Judges; referees.** The judges of district court ~~shall~~ may serve as
13.11 judges of conciliation court. ~~In the Second and Fourth Judicial Districts, A majority of~~
13.12 ~~the judges~~ The chief judge of the district may appoint one or more suitable persons to act
13.13 as referees in conciliation court; ~~a majority of the judges~~ the chief judge of the district
13.14 shall establish qualifications for the office, specify the duties and length of service of
13.15 referees, and fix their compensation ~~not to exceed an amount per day determined by the~~
13.16 ~~chief judge of the judicial district.~~

13.17 **EFFECTIVE DATE.** This section is effective the day following final enactment.

13.18 Sec. 12. Minnesota Statutes 2008, section 609.02, subdivision 4a, is amended to read:

13.19 Subd. 4a. **Petty misdemeanor.** "Petty misdemeanor" means a petty offense which
13.20 is prohibited by statute, which does not constitute a crime and for which a sentence of
13.21 a fine of not more than ~~\$300~~ \$500 may be imposed. In addition to or in lieu of the
13.22 fine, a court may order a person convicted of a petty misdemeanor to pay restitution to
13.23 the victim of the offense.

13.24 **EFFECTIVE DATE.** This section is effective July 1, 2009, and applies to acts
13.25 committed on or after that date.

13.26 Sec. 13. Minnesota Statutes 2008, section 609.0331, is amended to read:

13.27 **609.0331 MAXIMUM PENALTIES; PETTY MISDEMEANORS.**

13.28 A law of this state that provides, on or after ~~August~~ July 1, 2009, for a
13.29 maximum penalty of ~~\$200~~ \$300 for a petty misdemeanor is considered to provide for
13.30 a maximum fine of ~~\$300~~ \$500.

14.1 EFFECTIVE DATE. This section is effective July 1, 2009, and applies to acts
14.2 committed on or after that date.

14.3 Sec. 14. Minnesota Statutes 2008, section 609.0332, subdivision 1, is amended to read:

14.4 Subdivision 1. **Increased fine.** From ~~August~~ July 1, 2009, if a state law or
14.5 municipal charter sets a limit of ~~\$200~~ \$300 or less on the fines that a statutory or home rule
14.6 charter city, town, county, or other political subdivision may prescribe for an ordinance
14.7 violation that is defined as a petty misdemeanor, that law or charter is considered to
14.8 provide that the political subdivision has the power to prescribe a maximum fine of ~~\$300~~
14.9 \$500 for the petty misdemeanor violation.

14.10 EFFECTIVE DATE. This section is effective July 1, 2009, and applies to acts
14.11 committed on or after that date.

14.12 Sec. 15. **[609.0333] TEMPORARILY ADJUSTED MAXIMUM PENALTIES.**

14.13 Subdivision 1. Misdemeanors outside controlled substances, DWI, domestic
14.14 abuse, contempt, and criminal codes; first-time offenses temporarily converted to
14.15 petty misdemeanors. (a) Unless otherwise specified in a law enacted after January 1,
14.16 2009, a law that is not included within chapter 152, 169A, 518B, 588, or 609 and that
14.17 provides for misdemeanor punishment, or for payment of a fine of not more than \$1,000,
14.18 or for a sentence of incarceration for 90 days or less with or without a fine, is deemed on
14.19 or after July 1, 2009, and continuing until June 30, 2011, to provide that the violator is
14.20 guilty of a petty misdemeanor.

14.21 (b) This subdivision applies only to instances in which the accused has not
14.22 previously been convicted of violating the provision.

14.23 Subd. 2. Misdemeanors under ordinances; first-time offenses temporarily
14.24 converted to petty misdemeanors. (a) On or after July 1, 2009, and continuing until June
14.25 30, 2011, any ordinance of a local unit of government that provides for misdemeanor
14.26 punishment, or for payment of a fine of not more than \$1,000, or for a sentence of
14.27 incarceration for 90 days or less with or without a fine, is deemed to provide that the
14.28 violator is guilty of a petty misdemeanor.

14.29 (b) This subdivision applies only to instances in which the accused has not
14.30 previously been convicted of violating the provision.

14.31 Subd. 3. Local units of government; no authority for certain period to
14.32 enact criminal penalties for first-time offenses. Unless otherwise specified in a law
14.33 enacted after January 1, 2009, any law of this state or ordinance or charter of a local
14.34 unit of government that authorizes a local unit of government to prescribe a sentence of

15.1 incarceration for an ordinance violation is deemed on or after July 1, 2009, and continuing
15.2 until June 30, 2011, to provide that the local unit of government has the power to prescribe:
15.3 (1) a petty misdemeanor penalty for a person who has not previously been convicted of
15.4 violating the provision; or (2) a misdemeanor penalty for a person who has previously
15.5 been convicted of violating the provision.

15.6 Subd. 4. **Reversion to misdemeanor.** Any violation of law or ordinance converted
15.7 under subdivision 1 or 2 to a petty misdemeanor reverts back to a misdemeanor on and
15.8 after July 1, 2011.

15.9 **EFFECTIVE DATE; SUNSET.** This section is effective July 1, 2009, and applies
15.10 to acts committed on or after that date. This section expires July 2, 2011.

15.11 Sec. 16. **[609.0334] MISDEMEANOR PENALTIES TEMPORARILY REDUCED**
15.12 **TO PETTY MISDEMEANORS.**

15.13 (a) On or after July 1, 2009, and continuing until June 30, 2011, the penalty levels
15.14 for a violation of the following sections are reduced from a misdemeanor to a petty
15.15 misdemeanor:

15.16 (1) 152.027, subdivision 3 (possession of small amount of marijuana in a motor
15.17 vehicle);

15.18 (2) 152.027, subdivision 4, paragraph (b) (possession or sale of small amount of
15.19 marijuana), if the person has no more than one prior conviction;

15.20 (3) 152.093 (manufacturing or delivering drug paraphernalia);

15.21 (4) 152.095 (advertisement of drug paraphernalia);

15.22 (5) 609.2246 (tattoos);

15.23 (6) 609.396, subdivision 1 (unauthorized presence at Camp Ripley);

15.24 (7) 609.53 (receiving stolen property), if the value is under \$250;

15.25 (8) 609.535 (dishonored checks), if the value is under \$125;

15.26 (9) 609.541, subdivision 2 (removal of library property), if the value is under \$250;

15.27 (10) 609.551 (rustling and livestock theft), if the value is under \$150;

15.28 (11) 609.576, subdivision 1, clause (3), item (i), (negligent fire), if the value is
15.29 under \$150;

15.30 (12) 609.576, subdivision 2 (dangerous smoking), unless the person knows that the
15.31 act creates a risk of death or bodily harm or serious property damage;

15.32 (13) 609.595, subdivision 3 (criminal damage to property), if the value is under \$250;

15.33 (14) 609.615, clause (1) (defeating security on realty), if the value is under \$150;

15.34 (15) 609.65, clause (2) (false certification by a notary);

15.35 (16) 609.684 (abuse of toxic substances);

- 16.1 (17) 609.685 (underage tobacco crimes);
16.2 (18) 609.686, subdivision 1 (certain false fire alarm offenses);
16.3 (19) 609.735 (concealing identity);
16.4 (20) 609.755 (certain acts involving gambling);
16.5 (21) 609.77 (false information to news media);
16.6 (22) 609.78, subdivision 1 (certain emergency telephone call offenses);
16.7 (23) 609.815 (misconduct of junk or secondhand dealer);
16.8 (24) 609.82 (fraud in obtaining credit), if the value is under \$250;
16.9 (25) 609.85, subdivisions 5 and 6 (placing obstruction on or allowing animals on
16.10 railroad tracks);
16.11 (26) 609.851, subdivision 1 (certain false traffic signal offenses);
16.12 (27) 609.855, subdivisions 1; 2, paragraph (c), clause (2); and 3 (certain crimes
16.13 involving transit);
16.14 (28) 609.88 (computer damage), if the value is under \$250;
16.15 (29) 609.89 (computer theft), if the value is under \$250;
16.16 (30) 609.891, subdivision 4 (certain unauthorized computer access offenses); and
16.17 (31) 609.893 (telecommunications fraud), if the value is under \$250.
16.18 (b) Except as otherwise provided, the reductions in this section apply only to
16.19 offenses where the accused has not previously been convicted of violating that section.
16.20 (c) Any violation of law converted under this section to a petty misdemeanor reverts
16.21 back to a misdemeanor on and after July 1, 2011.
16.22 **EFFECTIVE DATE; SUNSET.** This section is effective July 1, 2009, and applies
16.23 to acts committed on or after that date. This section expires July 2, 2011.

16.24 Sec. 17. **[609.092] ADULT AND JUVENILE OFFENDERS; USE OF**
16.25 **RESTORATIVE JUSTICE.**

- 16.26 Subdivision 1. **First-time juvenile petty offenders; applicability; procedure.** (a)
16.27 This subdivision applies to a child alleged to be a juvenile petty offender who:
16.28 (1) has not been previously adjudicated delinquent or as a petty offender;
16.29 (2) has not previously participated in or completed a diversion program for an
16.30 offense;
16.31 (3) has not previously been placed on probation without an adjudication for an
16.32 offense or received a continuance under section 260B.198, subdivision 7; and
16.33 (4) agrees to successfully complete a restorative justice program under this section.
16.34 (b) The prosecutor shall refer a child described in paragraph (a) to a restorative
16.35 justice program or provider that has been included on the approved provider list described

17.1 in subdivision 6. The program or provider shall arrange an appropriate outcome for the
17.2 matter using restorative justice concepts. The program or provider shall involve the victim
17.3 of the offense in the proceedings. If the victim is unwilling or unable to proceed, or if
17.4 there is no identifiable victim, the program or provider shall ensure that someone serves as
17.5 a proxy for the victim. The program or provider and child, along with other participants,
17.6 shall agree in writing to an appropriate sanction for the child. The sanction may include
17.7 any of the dispositions authorized in section 260B.235, if appropriate, along with any
17.8 other sanctions agreed to.

17.9 **Subd. 2. Repeat juvenile petty offenders and nonviolent delinquent offenders;**
17.10 **applicability; procedure.** (a) As used in this subdivision, a "nonviolent offense" includes
17.11 offenses not defined as violent crimes in section 609.1095. However, the term includes all
17.12 violations of chapter 152.

17.13 (b) This subdivision applies to a child:

17.14 (1)(i) alleged to be a juvenile petty offender but who does not meet the criteria in
17.15 subdivision 1, paragraph (a), clauses (1) to (3); and

17.16 (ii) alleged to be delinquent solely on the basis of having committed a nonviolent
17.17 offense; and

17.18 (2) who agrees to successfully complete a restorative justice program under this
17.19 section.

17.20 (c) The prosecutor shall determine whether a restorative justice outcome under
17.21 this subdivision is appropriate for a child described in paragraph (b). If the prosecutor
17.22 determines it is appropriate, the child shall be referred to a restorative justice program or
17.23 provider that has been included on the approved provider list described in subdivision
17.24 6. The program or provider shall arrange an appropriate outcome for the matter using
17.25 restorative justice concepts. The program or provider shall involve the victim of the
17.26 offense in the proceedings. If the victim is unwilling or unable to proceed, or if there is
17.27 no identifiable victim, the program or provider shall ensure that someone serves as a
17.28 proxy for the victim. The program or provider and child, along with other participants,
17.29 shall agree in writing to an appropriate sanction for the child. The sanction may include
17.30 any of the dispositions authorized in section 260B.198, if appropriate, other than an
17.31 out-of-home placement or transfer of legal custody of the child, along with any other
17.32 sanctions agreed to.

17.33 **Subd. 3. Adults; nonfelony offenders; applicability; procedure.** (a) This
17.34 subdivision applies to adults alleged to have committed a petty misdemeanor,
17.35 misdemeanor, or gross misdemeanor offense who have agreed to successfully complete a
17.36 restorative justice program under this section.

18.1 (b) The prosecutor may determine whether a restorative justice outcome under
18.2 this subdivision is appropriate for a person described in paragraph (a). If the prosecutor
18.3 determines it is appropriate, the person shall be referred to a restorative justice program
18.4 or provider that has been included on the approved list described in subdivision 6. The
18.5 program or provider shall arrange an appropriate outcome for the matter using restorative
18.6 justice concepts. The program or provider shall involve the victim of the offense in the
18.7 proceedings. If the victim is unwilling or unable to proceed, or if there is no identifiable
18.8 victim, the program or provider shall ensure that someone serves as a proxy for the victim.
18.9 The program or provider and person, along with other participants, shall agree in writing
18.10 to an appropriate sanction for the person.

18.11 Subd. 4. **Failure to comply.** If a person fails to comply with the settlement
18.12 agreement, the person shall be referred back to the court for further proceedings.

18.13 Subd. 5. **Dismissal of charge.** Upon the successful completion by a person of the
18.14 sanctions agreed to in the settlement agreement, the program or provider shall notify the
18.15 court and the court shall dismiss the charge against the person.

18.16 Subd. 6. **Approved list.** The prosecutor shall maintain a list of approved restorative
18.17 justice programs and providers to which persons may be referred under this section.

18.18 Subd. 7. **Preference for culturally specific programs.** If a restorative justice
18.19 program or provider that is tailored in a more culturally specific manner to the person is
18.20 on the list of approved providers under subdivision 6, and the prosecutor is referring the
18.21 person to a restorative justice program or provider under this section, the prosecutor shall
18.22 refer the person to the more appropriate program or provider.

18.23 Subd. 8. **Limitation; availability of programs.** This section applies only in
18.24 jurisdictions where suitable restorative justice programs and providers are available.

18.25 Subd. 9. **Definition.** As used in this section, "restorative justice" has the meaning
18.26 given in section 611A.775. The term also includes Native American sentencing circles.

18.27 **EFFECTIVE DATE.** This section is effective July 1, 2009.

18.28 Sec. 18. Minnesota Statutes 2008, section 609.095, is amended to read:

18.29 **609.095 LIMITS OF SENTENCES.**

18.30 (a) The legislature has the exclusive authority to define crimes and offenses and the
18.31 range of the sentences or punishments for their violation. No other or different sentence
18.32 or punishment shall be imposed for the commission of a crime than is authorized by this
18.33 chapter or other applicable law.

19.1 (b) Except as provided in section 152.18 or 609.375, or upon agreement of the
19.2 parties, a court may not refuse to adjudicate the guilt of a defendant who tenders a guilty
19.3 plea in accordance with Minnesota Rules of Criminal Procedure, rule 15, or who has been
19.4 found guilty by a court or jury following a trial.

19.5 (c) Paragraph (b) does not supersede Minnesota Rules of Criminal Procedure, rule
19.6 26.04.

19.7 (d) Except as otherwise specifically provided by state law and notwithstanding any
19.8 contrary charter provision or ordinance, no statutory or home rule charter city, county,
19.9 or town may impose administrative penalties to enforce a provision of this or any other
19.10 chapter of law having a felony, gross misdemeanor, misdemeanor, or petty misdemeanor
19.11 penalty.

19.12 **EFFECTIVE DATE.** This section is effective July 1, 2009.

19.13 Sec. 19. Minnesota Statutes 2008, section 645.241, is amended to read:

19.14 **645.241 PUNISHMENT FOR PROHIBITED ACTS.**

19.15 When the performance of any act is prohibited by a statute, and no penalty ~~for the~~
19.16 ~~violation of the same shall be~~ is imposed in any statute, the doing of such act shall be, a
19.17 violation is: (1) a petty misdemeanor if the offender has not previously been convicted
19.18 of violating the provision; or (2) a misdemeanor if the offender has previously been
19.19 convicted of violating the provision.

19.20 **EFFECTIVE DATE; SUNSET.** This section is effective July 1, 2009, and applies to
19.21 acts committed on or after that date. The amendments to this section expire June 30, 2011.

19.22 Sec. 20. **REVISOR'S INSTRUCTION.**

19.23 **Subdivision 1. Substitution of petty misdemeanor for misdemeanor consistent**
19.24 **with section 15.** Unless otherwise specified in a law enacted after January 1, 2009, if a
19.25 statute that is not included within Minnesota Statutes, chapter 152, 169A, 518B, 588, or
19.26 609, provides for a misdemeanor penalty or for payment of a fine of \$1,000 or less or for a
19.27 sentence of incarceration for 90 days or less, with or without a fine, the revisor of statutes,
19.28 consistent with section 15, subdivision 1, shall modify the statute in the 2010 edition of
19.29 Minnesota Statutes to specify that a first-time violator is guilty of a petty misdemeanor.
19.30 The revisor shall also make other necessary technical corrections and changes to those
19.31 statutes consistent with this article.

19.32 **Subd. 2. Substitution of petty misdemeanor for misdemeanor consistent with**
19.33 **section 16.** In the 2010 edition of Minnesota Statutes, the revisor of statutes shall

20.1 substitute the term "petty misdemeanor" for the term "misdemeanor" in the statutes listed
20.2 in section 16, in a manner consistent with that section. The revisor shall also make other
20.3 necessary technical corrections and changes to those statutes consistent with this article.

20.4 Subd. 3. **Preparation of bill.** If the revisor of statutes determines that other changes
20.5 to statutes are required because of this article but are not authorized under this section or
20.6 the revisor's general editorial powers, the revisor shall prepare a bill for introduction in the
20.7 2010 legislative session to make these changes.

20.8 Subd. 4. **Conversion back to misdemeanor.** In the 2012 and subsequent editions
20.9 of Minnesota Statutes, the revisor of statutes shall modify the statutes described in
20.10 subdivisions 1 and 2 to reinstate the misdemeanor penalties that were temporarily
20.11 converted into petty misdemeanors under this article.

20.12 **EFFECTIVE DATE.** This section is effective July 1, 2009.

20.13 Sec. 21. **REPEALER.**

20.14 Minnesota Statutes 2008, section 383B.65, subdivision 2, is repealed.

20.15 **EFFECTIVE DATE.** This section is effective July 1, 2009.

20.16 **ARTICLE 3**

20.17 **REPEAL OF CERTAIN MANDATORY SENTENCING PROVISIONS;**

20.18 **CHANGES TO CONTROLLED SUBSTANCES LAWS;**

20.19 **SUPERVISED RELEASE CHANGES**

20.20 Section 1. Minnesota Statutes 2008, section 152.01, subdivision 16, is amended to read:

20.21 Subd. 16. **Small amount.** (a) "Small amount" as applied to marijuana means 42.5
20.22 grams or less. This provision shall not apply to the resinous form of marijuana.

20.23 (b) "Small amount" as applied to cocaine, heroin, or methamphetamine means 0.1
20.24 grams or less.

20.25 **EFFECTIVE DATE.** This section is effective July 1, 2009, and applies to crimes
20.26 committed on or after that date.

20.27 Sec. 2. Minnesota Statutes 2008, section 152.01, is amended by adding a subdivision
20.28 to read:

20.29 Subd. 23. **Aggravating factor.** "Aggravating factor" includes situations where:

20.30 (1) the offender possessed a firearm;

20.31 (2) the offense was committed for the benefit of a criminal gang as provided in
20.32 section 609.229;

21.1 (3) the offense involved three or more separate sales;

21.2 (4) the offense involved the manufacture of a controlled substance for use by
21.3 someone other than the offender; or

21.4 (5) the offender used the offender's professional position or status as a doctor,
21.5 pharmacist, or other medical professional authorized to possess or dispense controlled
21.6 substances to facilitate the commission of the offense.

21.7 **EFFECTIVE DATE.** This section is effective July 1, 2009, and applies to crimes
21.8 committed on or after that date.

21.9 Sec. 3. Minnesota Statutes 2008, section 152.01, is amended by adding a subdivision
21.10 to read:

21.11 Subd. 24. **Marijuana plant.** "Marijuana plant" means a plant having leaves and
21.12 a readily observable root formation of any species of the genus Cannabis, including all
21.13 agronomical varieties.

21.14 **EFFECTIVE DATE.** This section is effective July 1, 2009, and applies to crimes
21.15 committed on or after that date.

21.16 Sec. 4. Minnesota Statutes 2008, section 152.021, subdivision 1, is amended to read:

21.17 Subdivision 1. **Sale crimes.** A person is guilty of controlled substance crime in
21.18 the first degree if:

21.19 (1) on one or more occasions within a 90-day period the person unlawfully sells one
21.20 or more mixtures ~~of a total weight of ten grams or more~~ containing cocaine, heroin, or
21.21 methamphetamine; of a total weight of:

21.22 (i) 40 grams or more; or

21.23 (ii) ten grams or more, if two or more aggravating factors were present when the
21.24 violation was committed;

21.25 (2) on one or more occasions within a 90-day period the person unlawfully sells one
21.26 or more mixtures of a total weight of 50 grams or more containing a narcotic drug other
21.27 than cocaine, heroin, or methamphetamine;

21.28 (3) on one or more occasions within a 90-day period the person unlawfully sells
21.29 one or more mixtures of a total weight of 50 grams or more containing amphetamine,
21.30 phencyclidine, or hallucinogen or, if the controlled substance is packaged in dosage units,
21.31 equaling 200 or more dosage units; or

21.32 (4) on one or more occasions within a 90-day period the person unlawfully sells
21.33 one or more mixtures of a total weight of 50 kilograms or more containing marijuana or

22.1 Tetrahydrocannabinols, or one or more mixtures of a total weight of 25 kilograms or more
22.2 containing marijuana or Tetrahydrocannabinols in a school zone, a park zone, a public
22.3 housing zone, or a drug treatment facility.

22.4 EFFECTIVE DATE. This section is effective July 1, 2009, and applies to crimes
22.5 committed on or after that date.

22.6 Sec. 5. Minnesota Statutes 2008, section 152.021, subdivision 2, is amended to read:

22.7 Subd. 2. **Possession crimes.** A person is guilty of a controlled substance crime in
22.8 the first degree if:

22.9 (1) the person unlawfully possesses one or more mixtures containing cocaine,
22.10 heroin, or methamphetamine of a total weight of ~~25~~:

22.11 (i) 100 grams or more containing cocaine, heroin, or methamphetamine; or

22.12 (ii) 25 grams or more, if two or more aggravating factors were present when the
22.13 violation was committed;

22.14 (2) the person unlawfully possesses one or more mixtures of a total weight of 500
22.15 grams or more containing a narcotic drug other than cocaine, heroin, or methamphetamine;

22.16 (3) the person unlawfully possesses one or more mixtures of a total weight of
22.17 500 grams or more containing amphetamine, phencyclidine, or hallucinogen or, if the
22.18 controlled substance is packaged in dosage units, equaling 500 or more dosage units; ~~or~~

22.19 (4) the person unlawfully possesses one or more mixtures of a total weight of 100
22.20 kilograms or more containing marijuana or Tetrahydrocannabinols; or

22.21 (5) the person unlawfully possesses 100 or more marijuana plants. This clause
22.22 does not limit the power of the state to punish a person for conduct that constitutes a
22.23 crime under other laws of this state.

22.24 EFFECTIVE DATE. This section is effective July 1, 2009, and applies to crimes
22.25 committed on or after that date.

22.26 Sec. 6. Minnesota Statutes 2008, section 152.021, subdivision 3, is amended to read:

22.27 Subd. 3. **Penalty.** (a) A person convicted under subdivisions 1 to 2a, paragraph (a),
22.28 may be sentenced to imprisonment for not more than 30 years or to payment of a fine of
22.29 not more than \$1,000,000, or both.

22.30 ~~(b) If the conviction is a subsequent controlled substance conviction, a person~~
22.31 ~~convicted under subdivisions 1 to 2a, paragraph (a), shall be committed to the~~
22.32 ~~commissioner of corrections for not less than four years nor more than 40 years and, in~~
22.33 ~~addition, may be sentenced to payment of a fine of not more than \$1,000,000.~~

23.1 ~~(e)~~ (b) In a prosecution under subdivision 1 involving sales by the same person in
23.2 two or more counties within a 90-day period, the person may be prosecuted for all of the
23.3 sales in any county in which one of the sales occurred.

23.4 **EFFECTIVE DATE.** This section is effective the day following final enactment.

23.5 Sec. 7. Minnesota Statutes 2008, section 152.022, subdivision 1, is amended to read:

23.6 Subdivision 1. **Sale crimes.** A person is guilty of controlled substance crime
23.7 in the second degree if:

23.8 (1) on one or more occasions within a 90-day period the person unlawfully sells one
23.9 or more mixtures ~~of a total weight of three grams or more~~ containing cocaine, heroin, or
23.10 methamphetamine; of a total weight of:

23.11 (i) ten grams or more; or

23.12 (ii) three grams or more, if two or more aggravating factors were present when the
23.13 violation was committed;

23.14 (2) on one or more occasions within a 90-day period the person unlawfully sells one
23.15 or more mixtures of a total weight of ten grams or more containing a narcotic drug other
23.16 than cocaine, heroin, or methamphetamine;

23.17 (3) on one or more occasions within a 90-day period the person unlawfully sells
23.18 one or more mixtures of a total weight of ten grams or more containing amphetamine,
23.19 phencyclidine, or hallucinogen or, if the controlled substance is packaged in dosage units,
23.20 equaling 50 or more dosage units;

23.21 (4) on one or more occasions within a 90-day period the person unlawfully sells
23.22 one or more mixtures of a total weight of 25 kilograms or more containing marijuana or
23.23 Tetrahydrocannabinols;

23.24 (5) the person unlawfully sells any amount of a schedule I or II narcotic drug to a
23.25 person under the age of 18, or conspires with or employs a person under the age of 18 to
23.26 unlawfully sell the substance; or

23.27 (6) the person unlawfully sells any of the following in a school zone, a park zone, a
23.28 public housing zone, or a drug treatment facility:

23.29 (i) any amount of a schedule I or II narcotic drug, lysergic acid diethylamide (LSD),
23.30 3,4-methylenedioxy amphetamine, or 3,4-methylenedioxymethamphetamine;

23.31 (ii) one or more mixtures containing methamphetamine or amphetamine; or

23.32 (iii) one or more mixtures of a total weight of five kilograms or more containing
23.33 marijuana or Tetrahydrocannabinols.

24.1 EFFECTIVE DATE. This section is effective July 1, 2009, and applies to crimes
24.2 committed on or after that date.

24.3 Sec. 8. Minnesota Statutes 2008, section 152.022, subdivision 2, is amended to read:

24.4 Subd. 2. **Possession crimes.** A person is guilty of controlled substance crime in
24.5 the second degree if:

24.6 (1) the person unlawfully possesses one or more mixtures ~~of a total weight of six~~
24.7 ~~grams or more~~ containing cocaine, heroin, or methamphetamine; of a total weight of:

24.8 (i) 25 grams or more; or

24.9 (ii) six grams or more, if two or more aggravating factors were present when the
24.10 violation was committed;

24.11 (2) the person unlawfully possesses one or more mixtures of a total weight of 50
24.12 grams or more containing a narcotic drug other than cocaine, heroin, or methamphetamine;

24.13 (3) the person unlawfully possesses one or more mixtures of a total weight of
24.14 50 grams or more containing amphetamine, phencyclidine, or hallucinogen or, if the
24.15 controlled substance is packaged in dosage units, equaling 100 or more dosage units; ~~or~~

24.16 (4) the person unlawfully possesses one or more mixtures of a total weight of 50
24.17 kilograms or more containing marijuana or Tetrahydrocannabinols; or

24.18 (5) the person unlawfully possesses 50 or more marijuana plants. This clause does
24.19 not limit the power of the state to punish a person for conduct that constitutes a crime
24.20 under other laws of this state.

24.21 EFFECTIVE DATE. This section is effective July 1, 2009, and applies to crimes
24.22 committed on or after that date.

24.23 Sec. 9. Minnesota Statutes 2008, section 152.022, subdivision 3, is amended to read:

24.24 Subd. 3. **Penalty.** (a) A person convicted under subdivision 1 or 2 may be sentenced
24.25 to imprisonment for not more than 25 years or to payment of a fine of not more than
24.26 \$500,000, or both.

24.27 ~~(b) If the conviction is a subsequent controlled substance conviction, a person~~
24.28 ~~convicted under subdivision 1 or 2 shall be committed to the commissioner of corrections~~
24.29 ~~for not less than three years nor more than 40 years and, in addition, may be sentenced to~~
24.30 ~~payment of a fine of not more than \$500,000.~~

24.31 ~~(c)~~ (b) In a prosecution under subdivision 1 involving sales by the same person in
24.32 two or more counties within a 90-day period, the person may be prosecuted for all of the
24.33 sales in any county in which one of the sales occurred.

25.1 EFFECTIVE DATE. This section is effective the day following final enactment.

25.2 Sec. 10. Minnesota Statutes 2008, section 152.023, subdivision 2, is amended to read:

25.3 Subd. 2. **Possession crimes.** A person is guilty of controlled substance crime in
25.4 the third degree if:

25.5 (1) on one or more occasions within a 90-day period the person unlawfully possesses
25.6 one or more mixtures of a total weight of ~~three~~ six grams or more containing cocaine,
25.7 heroin, or methamphetamine;

25.8 (2) on one or more occasions within a 90-day period the person unlawfully possesses
25.9 one or more mixtures of a total weight of ten grams or more containing a narcotic drug
25.10 other than cocaine, heroin, or methamphetamine;

25.11 (3) on one or more occasions within a 90-day period the person unlawfully possesses
25.12 one or more mixtures containing a narcotic drug, it is packaged in dosage units, and
25.13 equals 50 or more dosage units;

25.14 (4) on one or more occasions within a 90-day period the person unlawfully
25.15 possesses any amount of a schedule I or II narcotic drug or five or more dosage
25.16 units of lysergic acid diethylamide (LSD), 3,4-methylenedioxy amphetamine, or
25.17 3,4-methylenedioxymethamphetamine in a school zone, a park zone, a public housing
25.18 zone, or a drug treatment facility;

25.19 (5) on one or more occasions within a 90-day period the person unlawfully possesses
25.20 one or more mixtures of a total weight of ten kilograms or more containing marijuana or
25.21 Tetrahydrocannabinols; ~~or~~

25.22 (6) on one or more occasions within a 90-day period the person unlawfully possesses
25.23 25 or more marijuana plants. This clause does not limit the power of the state to punish a
25.24 person for conduct that constitutes a crime under other laws of this state; or

25.25 (7) the person unlawfully possesses one or more mixtures containing
25.26 methamphetamine or amphetamine in a school zone, a park zone, a public housing zone,
25.27 or a drug treatment facility.

25.28 EFFECTIVE DATE. This section is effective July 1, 2009, and applies to crimes
25.29 committed on or after that date.

25.30 Sec. 11. Minnesota Statutes 2008, section 152.023, subdivision 3, is amended to read:

25.31 Subd. 3. **Penalty.** (a) A person convicted under subdivision 1 or 2 may be sentenced
25.32 to imprisonment for not more than 20 years or to payment of a fine of not more than
25.33 \$250,000, or both.

26.1 ~~(b) If the conviction is a subsequent controlled substance conviction, a person~~
26.2 ~~convicted under subdivision 1 or 2 shall be committed to the commissioner of corrections~~
26.3 ~~for not less than two years nor more than 30 years and, in addition, may be sentenced to~~
26.4 ~~payment of a fine of not more than \$250,000.~~

26.5 (e) (b) In a prosecution under subdivision 1 or 2 involving sales or acts of possession
26.6 by the same person in two or more counties within a 90-day period, the person may be
26.7 prosecuted in any county in which one of the sales or acts of possession occurred.

26.8 **EFFECTIVE DATE.** This section is effective the day following final enactment.

26.9 Sec. 12. Minnesota Statutes 2008, section 152.024, subdivision 3, is amended to read:

26.10 Subd. 3. **Penalty.** (a) A person convicted under subdivision 1 or 2 may be sentenced
26.11 to imprisonment for not more than 15 years or to payment of a fine of not more than
26.12 \$100,000, or both.

26.13 ~~(b) If the conviction is a subsequent controlled substance conviction, a person~~
26.14 ~~convicted under subdivision 1 or 2 shall be committed to the commissioner of corrections~~
26.15 ~~or to a local correctional authority for not less than one year nor more than 30 years and,~~
26.16 ~~in addition, may be sentenced to payment of a fine of not more than \$100,000.~~

26.17 **EFFECTIVE DATE.** This section is effective the day following final enactment.

26.18 Sec. 13. Minnesota Statutes 2008, section 152.025, subdivision 2, is amended to read:

26.19 Subd. 2. **Possession and other crimes.** A person is guilty of controlled substance
26.20 crime in the fifth degree if:

26.21 (1) the person unlawfully possesses one or more mixtures containing a controlled
26.22 substance classified in schedule I, II, III, or IV, except a small amount of marijuana,
26.23 cocaine, heroin, or methamphetamine; ~~or~~

26.24 (2) the person procures, attempts to procure, possesses, or has control over a
26.25 controlled substance by any of the following means:

26.26 (i) fraud, deceit, misrepresentation, or subterfuge;

26.27 (ii) using a false name or giving false credit; or

26.28 (iii) falsely assuming the title of, or falsely representing any person to be, a
26.29 manufacturer, wholesaler, pharmacist, physician, doctor of osteopathy licensed to practice
26.30 medicine, dentist, podiatrist, veterinarian, or other authorized person for the purpose of
26.31 obtaining a controlled substance; or

27.1 (3) the person unlawfully possesses ten or more marijuana plants. This clause does
27.2 not limit the power of the state to punish a person for conduct that constitutes a crime
27.3 under other laws of this state.

27.4 **EFFECTIVE DATE.** This section is effective July 1, 2009, and applies to crimes
27.5 committed on or after that date.

27.6 Sec. 14. Minnesota Statutes 2008, section 152.025, subdivision 3, is amended to read:

27.7 Subd. 3. **Penalty.** ~~(a)~~ A person convicted under subdivision 1 or 2 may be sentenced
27.8 to imprisonment for not more than five years or to payment of a fine of not more than
27.9 \$10,000, or both.

27.10 ~~(b) If the conviction is a subsequent controlled substance conviction, a person~~
27.11 ~~convicted under subdivision 1 or 2 shall be committed to the commissioner of corrections~~
27.12 ~~or to a local correctional authority for not less than six months nor more than ten years~~
27.13 ~~and, in addition, may be sentenced to payment of a fine of not more than \$20,000.~~

27.14 **EFFECTIVE DATE.** This section is effective the day following final enactment.

27.15 Sec. 15. Minnesota Statutes 2008, section 152.027, is amended by adding a subdivision
27.16 to read:

27.17 Subd. 5. **Possession of a small amount of cocaine, heroin, or methamphetamine.**
27.18 A person who unlawfully possesses a small amount of cocaine, heroin, or
27.19 methamphetamine is guilty of a misdemeanor.

27.20 **EFFECTIVE DATE.** This section is effective July 1, 2009, and applies to crimes
27.21 committed on or after that date.

27.22 Sec. 16. Minnesota Statutes 2008, section 152.18, subdivision 1, is amended to read:

27.23 Subdivision 1. **Deferring prosecution for certain first time drug offenders.** If
27.24 any person who has not previously participated in or completed a diversion program
27.25 authorized under section 401.065 or who has not previously been placed on probation
27.26 without a judgment of guilty and thereafter been discharged from probation under
27.27 this section is found guilty of a violation of section 152.024, subdivision 2, 152.025,
27.28 subdivision 2, or 152.027, subdivision 2, 3, or 4, for possession of a controlled substance,
27.29 after trial or upon a plea of guilty, and the court determines that the violation does not
27.30 qualify as a subsequent controlled substance conviction under section 152.01, subdivision
27.31 16a, the court ~~may~~ shall, without entering a judgment of guilty and with the consent of
27.32 the person, either (1) defer further proceedings and place the person on probation upon

S.F. No. 2018, as introduced - 86th Legislative Session (2009-2010) [09-3566]

28.1 such reasonable conditions as it may require and for a period, not to exceed the maximum
28.2 sentence provided for the violation. ~~The court~~ or (2) enter a written finding that states
28.3 substantial and compelling reasons why a deferral is inappropriate. For any other person
28.4 who is found guilty of a violation of section 152.024, subdivision 2; 152.025, subdivision
28.5 2; or 152.027, subdivision 2, 3, or 4, for possession of a controlled substance, after trial
28.6 or upon a plea of guilty, and the court determines that the violation does not qualify as a
28.7 subsequent controlled substance conviction under section 152.01, subdivision 16a, the
28.8 court may, without entering a judgment of guilty and with the consent of the person, defer
28.9 further proceedings and place the person on probation upon such reasonable conditions
28.10 as it may require and for a period not to exceed the maximum sentence provided for the
28.11 violation. If the court grants a deferral, it may give the person the opportunity to attend
28.12 and participate in an appropriate program of education regarding the nature and effects of
28.13 alcohol and drug abuse as a stipulation of probation. Upon violation of a condition of the
28.14 probation, the court may enter an adjudication of guilt and proceed as otherwise provided.
28.15 The court may, in its discretion, dismiss the proceedings against the person and discharge
28.16 the person from probation before the expiration of the maximum period prescribed for the
28.17 person's probation. If during the period of probation the person does not violate any of the
28.18 conditions of the probation, then upon expiration of the period the court shall discharge the
28.19 person and dismiss the proceedings against that person. Discharge and dismissal under this
28.20 subdivision shall be without court adjudication of guilt, but a not public record of it shall
28.21 be retained by the Bureau of Criminal Apprehension for the purpose of use by the courts
28.22 in determining the merits of subsequent proceedings against the person. The not public
28.23 record may also be opened only upon court order for purposes of a criminal investigation,
28.24 prosecution, or sentencing. Upon request by law enforcement, prosecution, or corrections
28.25 authorities, the bureau shall notify the requesting party of the existence of the not public
28.26 record and the right to seek a court order to open it pursuant to this section. The court shall
28.27 forward a record of any discharge and dismissal under this subdivision to the bureau which
28.28 shall make and maintain the not public record of it as provided under this subdivision. The
28.29 discharge or dismissal shall not be deemed a conviction for purposes of disqualifications
28.30 or disabilities imposed by law upon conviction of a crime or for any other purpose.

28.31 For purposes of this subdivision, "not public" has the meaning given in section
28.32 13.02, subdivision 8a.

28.33 **EFFECTIVE DATE.** This section is effective July 1, 2009, and applies to crimes
28.34 committed on or after that date.

28.35 Sec. 17. Minnesota Statutes 2008, section 169A.275, subdivision 3, is amended to read:

29.1 Subd. 3. **Fourth offense.** (a) Unless the court commits the person to the custody of
29.2 the commissioner of corrections ~~as provided in section 169A.276 (mandatory penalties;~~
29.3 ~~felony violations)~~, the court shall sentence a person who is convicted of a violation of
29.4 section 169A.20 (driving while impaired) within ten years of the first of three qualified
29.5 prior impaired driving incidents to either:

29.6 (1) a minimum of 180 days of incarceration, at least 30 days of which must be served
29.7 consecutively in a local correctional facility;

29.8 (2) a program of intensive supervision of the type described in section 169A.74
29.9 (pilot programs of intensive probation for repeat DWI offenders) that requires the person
29.10 to consecutively serve at least six days in a local correctional facility; or

29.11 (3) a program of staggered sentencing involving a minimum of 180 days of
29.12 incarceration, at least 30 days of which must be served consecutively in a local
29.13 correctional facility.

29.14 (b) The court may order that the person serve not more than 150 days of the
29.15 minimum penalty under paragraph (a), clause (1), on home detention or in an intensive
29.16 probation program described in section 169A.74. Notwithstanding section 609.135, the
29.17 penalties in this subdivision must be imposed and executed.

29.18 **EFFECTIVE DATE.** This section is effective the day following final enactment.

29.19 Sec. 18. Minnesota Statutes 2008, section 169A.275, subdivision 4, is amended to read:

29.20 Subd. 4. **Fifth offense or more.** (a) Unless the court commits the person to the
29.21 custody of the commissioner of corrections ~~as provided in section 169A.276 (mandatory~~
29.22 ~~penalties; felony violations)~~, the court shall sentence a person who is convicted of a
29.23 violation of section 169A.20 (driving while impaired) within ten years of the first of four
29.24 or more qualified prior impaired driving incidents to either:

29.25 (1) a minimum of one year of incarceration, at least 60 days of which must be served
29.26 consecutively in a local correctional facility;

29.27 (2) a program of intensive supervision of the type described in section 169A.74
29.28 (pilot programs of intensive probation for repeat DWI offenders) that requires the person
29.29 to consecutively serve at least six days in a local correctional facility; or

29.30 (3) a program of staggered sentencing involving a minimum of one year of
29.31 incarceration, at least 60 days of which must be served consecutively in a local
29.32 correctional facility.

29.33 (b) The court may order that the person serve the remainder of the minimum penalty
29.34 under paragraph (a), clause (1), on intensive probation using an electronic monitoring

30.1 system or, if such a system is unavailable, on home detention. Notwithstanding section
30.2 609.135, the penalties in this subdivision must be imposed and executed.

30.3 **EFFECTIVE DATE.** This section is effective the day following final enactment.

30.4 Sec. 19. Minnesota Statutes 2008, section 169A.275, subdivision 5, is amended to read:

30.5 Subd. 5. **Level of care recommended in chemical use assessment.** Unless the
30.6 court commits the person to the custody of the commissioner of corrections ~~as provided in~~
30.7 ~~section 169A.276 (mandatory penalties, felony violations)~~, in addition to other penalties
30.8 required under this section, the court shall order a person to submit to the level of care
30.9 recommended in the chemical use assessment conducted under section 169A.70 (alcohol
30.10 safety program; chemical use assessments) if the person is convicted of violating section
30.11 169A.20 (driving while impaired) while having an alcohol concentration of 0.20 or more
30.12 as measured at the time, or within two hours of the time, of the offense or if the violation
30.13 occurs within ten years of one or more qualified prior impaired driving incidents.

30.14 **EFFECTIVE DATE.** This section is effective the day following final enactment.

30.15 Sec. 20. Minnesota Statutes 2008, section 169A.276, subdivision 1, is amended to read:

30.16 Subdivision 1. **Mandatory ~~prison sentence~~ conditional release period.** ~~(a) The~~
30.17 ~~court shall sentence a person who is convicted of a violation of section 169A.20 (driving~~
30.18 ~~while impaired) under the circumstances described in section 169A.24 (first-degree~~
30.19 ~~driving while impaired) to imprisonment for not less than three years. In addition, the~~
30.20 ~~court may order the person to pay a fine of not more than \$14,000.~~

30.21 ~~(b) The court may stay execution of this mandatory sentence as provided in~~
30.22 ~~subdivision 2 (stay of mandatory sentence), but may not stay imposition or adjudication of~~
30.23 ~~the sentence or impose a sentence that has a duration of less than three years.~~

30.24 ~~(c) An offender committed to the custody of the commissioner of corrections~~
30.25 ~~under this subdivision is not eligible for release as provided in section 241.26, 244.065,~~
30.26 ~~244.12, or 244.17, unless the offender has successfully completed a chemical dependency~~
30.27 ~~treatment program while in prison.~~

30.28 ~~(d)~~ (a) Notwithstanding the statutory maximum sentence provided in section
30.29 169A.24 (first-degree driving while impaired), when the court commits a person to the
30.30 custody of the commissioner of corrections ~~under this subdivision~~, it shall provide that
30.31 after the person has been released from prison the commissioner shall place the person
30.32 on conditional release for five years. The commissioner shall impose any conditions of
30.33 release that the commissioner deems appropriate including, but not limited to, successful

31.1 completion of an intensive probation program as described in section 169A.74 (pilot
31.2 programs of intensive probation for repeat DWI offenders). If the person fails to comply
31.3 with any condition of release, the commissioner may revoke the person's conditional
31.4 release and order the person to serve all or part of the remaining portion of the conditional
31.5 release term in prison. The commissioner may not dismiss the person from supervision
31.6 before the conditional release term expires. Except as otherwise provided in this section,
31.7 conditional release is governed by provisions relating to supervised release. The failure
31.8 of a court to direct the commissioner of corrections to place the person on conditional
31.9 release, as required in this paragraph, does not affect the applicability of the conditional
31.10 release provisions to the person.

31.11 ~~(e)~~ (b) The commissioner shall require persons placed on supervised or conditional
31.12 release under this subdivision to pay as much of the costs of the supervision as possible.
31.13 The commissioner shall develop appropriate standards for this.

31.14 **EFFECTIVE DATE.** This section is effective the day following final enactment.

31.15 Sec. 21. Minnesota Statutes 2008, section 169A.276, subdivision 2, is amended to read:

31.16 Subd. 2. **Stay of mandatory sentence.** The provisions of sections 169A.275
31.17 (mandatory penalties; nonfelony violations), subdivision 3 or 4, and subdivision 5, and
31.18 169A.283 (stay of execution of sentence), apply if the court stays execution of ~~the~~ a felony
31.19 DWI offender's sentence ~~under subdivision 1 (mandatory prison sentence)~~. In addition,
31.20 the provisions of section 169A.277 (long-term monitoring) may apply.

31.21 **EFFECTIVE DATE.** This section is effective the day following final enactment.

31.22 Sec. 22. Minnesota Statutes 2008, section 243.166, subdivision 5, is amended to read:

31.23 Subd. 5. **Criminal penalty.** ~~(a)~~ A person required to register under this section who
31.24 knowingly violates any of its provisions or intentionally provides false information to a
31.25 corrections agent, law enforcement authority, or the bureau is guilty of a felony and may
31.26 be sentenced to imprisonment for not more than five years or to payment of a fine of
31.27 not more than \$10,000, or both.

31.28 ~~(b) Except as provided in paragraph (c), a person convicted of violating paragraph~~
31.29 ~~(a) shall be committed to the custody of the commissioner of corrections for not less than~~
31.30 ~~a year and a day, nor more than five years.~~

31.31 ~~(c) A person convicted of violating paragraph (a), who has previously been convicted~~
31.32 ~~of or adjudicated delinquent for violating this section or a similar statute of another state~~

32.1 ~~or the United States, shall be committed to the custody of the commissioner of corrections~~
32.2 ~~for not less than two years, nor more than five years.~~

32.3 ~~(d) Prior to the time of sentencing, the prosecutor may file a motion to have the~~
32.4 ~~person sentenced without regard to the mandatory minimum sentence established by this~~
32.5 ~~subdivision. The motion must be accompanied by a statement on the record of the reasons~~
32.6 ~~for it. When presented with the motion, or on its own motion, the court may sentence the~~
32.7 ~~person without regard to the mandatory minimum sentence if the court finds substantial~~
32.8 ~~and compelling reasons to do so. Sentencing a person in the manner described in this~~
32.9 ~~paragraph is a departure from the Sentencing Guidelines.~~

32.10 ~~(e) A person convicted and sentenced as required by this subdivision is not~~
32.11 ~~eligible for probation, parole, discharge, work release, conditional release, or supervised~~
32.12 ~~release, until that person has served the full term of imprisonment as provided by law,~~
32.13 ~~notwithstanding the provisions of sections 241.26, 242.19, 243.05, 244.04, 609.12, and~~
32.14 ~~609.135.~~

32.15 **EFFECTIVE DATE.** This section is effective the day following final enactment.

32.16 Sec. 23. Minnesota Statutes 2008, section 244.01, subdivision 8, is amended to read:

32.17 Subd. 8. **Term of imprisonment.** "Term of imprisonment," as applied to inmates
32.18 whose crimes were committed before August 1, 1993, is the period of time for which an
32.19 inmate is committed to the custody of the commissioner of corrections minus earned good
32.20 time. "Term of imprisonment," as applied to inmates whose crimes were committed on or
32.21 after August 1, 1993, is the period of time equal to ~~two-thirds~~ 60 percent of the inmate's
32.22 executed sentence.

32.23 **EFFECTIVE DATE.** This section is effective July 1, 2009.

32.24 Sec. 24. Minnesota Statutes 2008, section 244.04, subdivision 1, is amended to read:

32.25 Subdivision 1. **Reduction of sentence; inmates sentenced for crimes committed**
32.26 **before 1993.** Notwithstanding the provisions of section 609.11, subdivision 6, and
32.27 Minnesota Statutes 2004, section 609.109, subdivision 1, the term of imprisonment of
32.28 any inmate sentenced to a presumptive fixed sentence after May 1, 1980, and whose
32.29 crime was committed before August 1, 1993, shall be reduced in duration by ~~one day~~ two
32.30 days for each ~~two~~ three days during which the inmate violates none of the disciplinary
32.31 offense rules promulgated by the commissioner. The reduction shall accrue to the period
32.32 of supervised release to be served by the inmate, except that the period of supervised

33.1 release for a sex offender conditionally released by the commissioner under section
33.2 609.3455 is governed by that provision.

33.3 Except as otherwise provided in subdivision 2, if an inmate whose crime was
33.4 committed before August 1, 1993, violates a disciplinary offense rule promulgated by the
33.5 commissioner, good time earned prior to the violation may not be taken away, but the
33.6 inmate may be required to serve an appropriate portion of the term of imprisonment after
33.7 the violation without earning good time.

33.8 **EFFECTIVE DATE.** This section is effective July 1, 2009.

33.9 Sec. 25. Minnesota Statutes 2008, section 244.04, subdivision 1a, is amended to read:

33.10 Subd. 1a. **Reduction of sentence; inmates sentenced before 1980.** Every inmate
33.11 sentenced before May 1, 1980, for any term other than life, confined in a state adult
33.12 correctional facility or on parole therefrom, may diminish the maximum term of sentence
33.13 ~~one day~~ two days for each ~~two~~ three days during which the inmate has not violated any
33.14 facility rule or discipline.

33.15 The commissioner of corrections, in view of the aggravated nature and frequency
33.16 of offenses, may take away any or all of the good time previously gained, and, in
33.17 consideration of mitigating circumstances or ignorance on the part of the inmate, may
33.18 afterwards restore the inmate, in whole or in part, to the standing the inmate possessed
33.19 before such good time was taken away.

33.20 **EFFECTIVE DATE.** This section is effective July 1, 2009.

33.21 Sec. 26. Minnesota Statutes 2008, section 244.101, subdivision 1, is amended to read:

33.22 Subdivision 1. **Executed sentences.** When a felony offender is sentenced to a fixed
33.23 executed sentence for an offense committed on or after August 1, 1993, the executed
33.24 sentence consists of two parts: (1) a specified minimum term of imprisonment that is
33.25 equal to ~~two-thirds~~ 60 percent of the executed sentence; and (2) a specified maximum
33.26 supervised release term that is equal to ~~one-third~~ 40 percent of the executed sentence. The
33.27 amount of time the inmate actually serves in prison and on supervised release is subject to
33.28 the provisions of section 244.05, subdivision 1b.

33.29 **EFFECTIVE DATE.** This section is effective July 1, 2009.

33.30 Sec. 27. Minnesota Statutes 2008, section 244.14, subdivision 3, is amended to read:

33.31 Subd. 3. **Sanctions.** The commissioner shall impose severe and meaningful
33.32 sanctions for violating the conditions of an intensive community supervision program.

34.1 The commissioner shall provide for revocation of intensive community supervision of an
34.2 offender who:

34.3 (1) commits a material violation of or repeatedly fails to follow the rules of the
34.4 program;

34.5 (2) commits any misdemeanor, gross misdemeanor, or felony offense; or

34.6 (3) presents a risk to the public, based on the offender's behavior, attitude, or abuse
34.7 of alcohol or controlled substances. The revocation of intensive community supervision is
34.8 governed by the procedures in the commissioner's rules adopted under section 244.05,
34.9 subdivision 2.

34.10 An offender whose intensive community supervision is revoked shall be imprisoned
34.11 for a time period equal to the offender's term of imprisonment, but in no case for longer
34.12 than the time remaining in the offender's sentence. "Term of imprisonment" means a
34.13 time period equal to ~~two-thirds~~ 60 percent of the sentence originally executed by the
34.14 sentencing court, minus jail credit, if any.

34.15 **EFFECTIVE DATE.** This section is effective July 1, 2009.

34.16 Sec. 28. Minnesota Statutes 2008, section 244.171, subdivision 4, is amended to read:

34.17 Subd. 4. **Sanctions.** The commissioner shall impose severe and meaningful
34.18 sanctions for violating the conditions of the challenge incarceration program. The
34.19 commissioner shall remove an offender from the challenge incarceration program if the
34.20 offender:

34.21 (1) commits a material violation of or repeatedly fails to follow the rules of the
34.22 program;

34.23 (2) commits any misdemeanor, gross misdemeanor, or felony offense; or

34.24 (3) presents a risk to the public, based on the offender's behavior, attitude, or abuse
34.25 of alcohol or controlled substances. The removal of an offender from the challenge
34.26 incarceration program is governed by the procedures in the commissioner's rules adopted
34.27 under section 244.05, subdivision 2.

34.28 An offender who is removed from the challenge incarceration program shall be
34.29 imprisoned for a time period equal to the offender's term of imprisonment, minus earned
34.30 good time if any, but in no case for longer than the time remaining in the offender's
34.31 sentence. "Term of imprisonment" means a time period equal to ~~two-thirds~~ 60 percent of
34.32 the sentence originally executed by the sentencing court, minus jail credit, if any.

34.33 **EFFECTIVE DATE.** This section is effective July 1, 2009.

35.1 Sec. 29. [244.30] CAP ON INCARCERATION FOR FIRST-TIME SUPERVISED
35.2 RELEASE VIOLATIONS; EXCEPTION FOR SEX OFFENDERS.

35.3 (a) If the commissioner revokes the supervised release of a person whose release
35.4 on the current offense has not previously been revoked, the commissioner may order the
35.5 person to be incarcerated for no more than 90 days or until the expiration of the person's
35.6 sentence, whichever is less.

35.7 (b) This section does not apply to offenders on supervised release for a violation of
35.8 section 609.342, 609.343, 609.344, 609.345, 609.3451, or 609.3453.

35.9 **EFFECTIVE DATE.** This section is effective the day following final enactment.

35.10 Sec. 30. Minnesota Statutes 2008, section 609.105, subdivision 1a, is amended to read:

35.11 Subd. 1a. **Definitions.** (a) The terms in this subdivision apply to this section.

35.12 (b) "Remaining term of imprisonment" as applied to inmates whose crimes were
35.13 committed before August 1, 1993, is the period of time for which an inmate is committed
35.14 to the custody of the commissioner of corrections minus earned good time and jail credit,
35.15 if any.

35.16 (c) "Remaining term of imprisonment" as applied to inmates whose crimes were
35.17 committed on or after August 1, 1993, is the period of time equal to ~~two-thirds~~ 60 percent
35.18 of the inmate's executed sentence, minus jail credit, if any.

35.19 **EFFECTIVE DATE.** This section is effective July 1, 2009.

35.20 Sec. 31. Minnesota Statutes 2008, section 643.29, subdivision 1, is amended to read:

35.21 Subdivision 1. **"Good conduct" allowance.** Any person sentenced for a term
35.22 to any county jail, workhouse, or correctional work farm, whether the term is part of
35.23 an executed sentence or is imposed as a condition of probation, shall, when sentenced
35.24 to serve ten days or more, diminish the term of the sentence ~~one day~~ two days for each
35.25 ~~two~~ three days served, commencing on the day of arrival, during which the person has
35.26 not violated any rule or discipline of the place wherein the person is incarcerated and, if
35.27 required to labor, has labored with diligence and fidelity.

35.28 **EFFECTIVE DATE.** This section is effective July 1, 2009.

35.29 Sec. 32. **RERANKING OF FELONY DWI.**

35.30 The Minnesota Sentencing Guidelines Commission shall consider reranking
35.31 violations of Minnesota Statutes, section 169A.24 (felony DWI), at severity level V or VI.

36.1 EFFECTIVE DATE. This section is effective the day following final enactment.

36.2 Sec. 33. REPEALER.

36.3 Minnesota Statutes 2008, section 152.026, is repealed.

36.4 EFFECTIVE DATE. This section is effective the day following final enactment.

APPENDIX
Article locations in 09-3566

ARTICLE 1	FEE INCREASES; CREATION OF NEW ACCOUNT;	Page.Ln 2.4
ARTICLE 2	CRIMINAL PENALTY AND ORDINANCE CHANGES;	Page.Ln 8.22
	REPEAL OF CERTAIN MANDATORY SENTENCING	
ARTICLE 3	PROVISIONS;	Page.Ln 20.16

APPENDIX
Repealed Minnesota Statutes: 09-3566

152.026 MANDATORY SENTENCES.

A defendant convicted and sentenced to a mandatory sentence under sections 152.021 to 152.025 and 152.0262 is not eligible for probation, parole, discharge, or supervised release until that person has served the full term of imprisonment as provided by law, notwithstanding sections 242.19, 243.05, 609.12, and 609.135. "Term of imprisonment" has the meaning given in section 244.01, subdivision 8.

383B.65 CONTRACTS, LEASES WITH BLOOMINGTON FOR COURT SPACE.

Subd. 2. **May relocate Bloomington court.** Notwithstanding the provisions of section 488A.01, subdivision 9, the county of Hennepin may relocate the district court serving the city of Bloomington and thereupon shall provide suitable quarters for the holding of regular terms of court in a southern suburban location within the county as may be designated by a majority of the judges of the court. All functions of the court may be discharged, including both court and jury trials of civil and criminal matters, at the location designated pursuant to this section. Nothing in this section shall be construed to reduce the level of services to the residents of the city of Bloomington.