KLL/HL

23-04406

SENATE STATE OF MINNESOTA NINETY-THIRD SESSION

S.F. No. 2631

SENATE AUTI	HORS: CHA	MPION)
DATE	D-PG	OFFICIAL STATUS
03/06/2023		Introduction and first reading
		Referred to Judiciary and Public Safety

1.1	A bill for an act
1.2 1.3 1.4	relating to public safety; providing life imprisonment without release for certain violent offenses when offender is at least five years older than minor victim; amending Minnesota Statutes 2022, sections 609.106; 609.185.
1.5	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
1.6	Section 1. Minnesota Statutes 2022, section 609.106, is amended to read:
1.7	609.106 HEINOUS CRIMES.
1.8	Subdivision 1. Terms. (a) As used in this section, the following terms have the meanings
1.9	given.
1.10	(b) "Heinous crime" means:
1.11	(1) a violation or attempted violation of section 609.185 or 609.19;
1.12	(2) a violation of section 609.195 or 609.221; or
1.13	(3) a violation of section 609.342, 609.343, or 609.344, if the offense was committed
1.14	with force or violence.
1.15	(c) "Minor" means an individual under the age of 18 years.
1.16	(b) (d) "Previous conviction" means a conviction in Minnesota for a heinous crime or
1.17	a conviction elsewhere for conduct that would have been a heinous crime under this chapter
1.18	if committed in Minnesota. The term includes any conviction that occurred before the
1.19	commission of the present offense of conviction, but does not include a conviction if 15
1.20	years have elapsed since the person was discharged from the sentence imposed for the
1.21	offense.

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2.1	Subd. 2. Life without release. The court shall sentence a person to life imprisonment
2.2	without possibility of release under the following circumstances:
2.3	(1) the person is convicted of first-degree murder under section 609.185, paragraph (a),
2.4	clause (1), (2), (4), or (7), <u>or (8);</u>
2.5	(2) the person is convicted of committing first-degree murder in the course of a
2.6	kidnapping under section 609.185, paragraph (a), clause (3); or
2.7	(3) the person is convicted of first-degree murder under section 609.185, paragraph (a),
2.8	clause (3), (5), or (6), and the court determines on the record at the time of sentencing that
2.9	the person has one or more previous convictions for a heinous crime-:
2.10	(4) the person is convicted of second-degree murder of a minor under section 609.19,
2.11	subdivision 1, clause (1), and the person is at least 25 years old and five years older than
2.12	the age of the minor; or
2.13	(5) the person is convicted of first-degree assault of a minor under section 609.221,
2.14	subdivision 1, and the person is at least 25 years old and five years older than the age of the
2.15	minor.
2.16	EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes
2.17	committed on or after that date.
2.18	Sec. 2. Minnesota Statutes 2022, section 609.185, is amended to read:
2.19	609.185 MURDER IN THE FIRST DEGREE.
2.20	(a) Whoever does any of the following is guilty of murder in the first degree and shall
2.21	be sentenced to imprisonment for life:
2.22	(1) causes the death of a human being with premeditation and with intent to effect the
2.23	death of the person or of another;
2.24	(2) causes the death of a human being while committing or attempting to commit criminal
2.25	sexual conduct in the first or second degree with force or violence, either upon or affecting
2.26	the person or another;
2.27	(3) causes the death of a human being with intent to effect the death of the person or
2.28	another, while committing or attempting to commit burglary, aggravated robbery, kidnapping,
2.29	arson in the first or second degree, a drive-by shooting, tampering with a witness in the first
2.30	degree, escape from custody, or any felony violation of chapter 152 involving the unlawful
2.31	sale of a controlled substance;

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3.2 at a Minnesota state or local correctional facility, with intent to effect the death of th 3.3 at a Minnesota state or local correctional facility, with intent to effect the death of th 3.3 or another, while the person is engaged in the performance of official duties; 3.4 (5) causes the death of a minor while committing child abuse, when the perper 3.6 engaged in a past pattern of child abuse upon a child and the death occurs under 3.7 (6) causes the death of a human being while committing domestic abuse, when 3.8 perpetrator has engaged in a past pattern of domestic abuse upon the victim or upo 3.9 family or household member and the death occurs under circumstances manifesti 3.10 (7) causes the death of a human being while committing, conspiring to commit 3.11 (7) causes the death of a minor when the perpetrator is at least 25 years old at 3.12 vears older than the age of the minor. 3.13 (8) causes the death of a minor when the perpetrator is at least 25 years old at 3.14 (2) For the purposes of paragraph (a), clause (4), "prosecuting attorney" has the 3.13 given in section 609.221, subdivision 2, paragraph (c), clause (4). 3.14 (2) For the purposes of paragraph (a), clause (5). 3.15 (d) For purposes of paragraph (a), clause (5). <		
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 609.221, subdivision 2, paragraph (c), clause (5). (d) For purposes of paragraph (a), clause (5), "child abuse" means an act com against a minor victim that constitutes a violation of the following laws of this states similar laws of the United States or any other state: section 609.221; 609.222; 60 609.224; 609.2242; 609.342; 609.343; 609.344; 609.345; 609.377; 609.378; or 6 (e) For purposes of paragraph (a), clause (6), "domestic abuse" means an act to (1) constitutes a violation of section 609.221, 609.222, 609.224, 609.342, 609.342, 609.344, 609.345, 609.713, or any similar laws of the United State; and (2) is committed against the victim who is a family or household member as constitutes and (f) For purposes of paragraph (a), clause (7), "further terrorism" has the mean 	.17	given in section 609.221, subdivision 2, paragraph (c), clause (4).
 (d) For purposes of paragraph (a), clause (5), "child abuse" means an act com against a minor victim that constitutes a violation of the following laws of this state similar laws of the United States or any other state: section 609.221; 609.222; 609.224; 609.2242; 609.342; 609.343; 609.344; 609.345; 609.377; 609.378; or 6 (e) For purposes of paragraph (a), clause (6), "domestic abuse" means an act to (1) constitutes a violation of section 609.221, 609.222, 609.224, 609.342, 609.343, 609.345, 609.713, or any similar laws of the United State; and (2) is committed against the victim who is a family or household member as constitutes and section 518B.01, subdivision 2, paragraph (b). (f) For purposes of paragraph (a), clause (7), "further terrorism" has the mean 	.18	(c) For the purposes of paragraph (a), clause (4), "judge" has the meaning given in section
 against a minor victim that constitutes a violation of the following laws of this states similar laws of the United States or any other state: section 609.221; 609.222; 60 609.224; 609.2242; 609.342; 609.343; 609.344; 609.345; 609.377; 609.378; or 6 (e) For purposes of paragraph (a), clause (6), "domestic abuse" means an act to (1) constitutes a violation of section 609.221, 609.222, 609.223, 609.224, 609 609.342, 609.343, 609.344, 609.345, 609.713, or any similar laws of the United State; and (2) is committed against the victim who is a family or household member as constitutes a section 518B.01, subdivision 2, paragraph (b). (f) For purposes of paragraph (a), clause (7), "further terrorism" has the mean 	.19	609.221, subdivision 2, paragraph (c), clause (5).
 similar laws of the United States or any other state: section 609.221; 609.222; 60 609.224; 609.2242; 609.342; 609.343; 609.344; 609.345; 609.377; 609.378; or 6 (e) For purposes of paragraph (a), clause (6), "domestic abuse" means an act t (1) constitutes a violation of section 609.221, 609.222, 609.223, 609.224, 609 609.342, 609.343, 609.344, 609.345, 609.713, or any similar laws of the United s any other state; and (2) is committed against the victim who is a family or household member as c section 518B.01, subdivision 2, paragraph (b). (f) For purposes of paragraph (a), clause (7), "further terrorism" has the mean 	.20	(d) For purposes of paragraph (a), clause (5), "child abuse" means an act committed
 609.224; 609.2242; 609.342; 609.343; 609.344; 609.345; 609.377; 609.378; or 6 (e) For purposes of paragraph (a), clause (6), "domestic abuse" means an act f (1) constitutes a violation of section 609.221, 609.222, 609.223, 609.224, 609 609.342, 609.343, 609.344, 609.345, 609.713, or any similar laws of the United S any other state; and (2) is committed against the victim who is a family or household member as c section 518B.01, subdivision 2, paragraph (b). (f) For purposes of paragraph (a), clause (7), "further terrorism" has the mean 	.21	against a minor victim that constitutes a violation of the following laws of this state or any
 (e) For purposes of paragraph (a), clause (6), "domestic abuse" means an act to (1) constitutes a violation of section 609.221, 609.222, 609.223, 609.224, 609 609.342, 609.343, 609.344, 609.345, 609.713, or any similar laws of the United S any other state; and (2) is committed against the victim who is a family or household member as c section 518B.01, subdivision 2, paragraph (b). (f) For purposes of paragraph (a), clause (7), "further terrorism" has the mean 	.22	similar laws of the United States or any other state: section 609.221; 609.222; 609.223;
 (1) constitutes a violation of section 609.221, 609.222, 609.223, 609.224, 609 609.342, 609.343, 609.344, 609.345, 609.713, or any similar laws of the United S any other state; and (2) is committed against the victim who is a family or household member as of section 518B.01, subdivision 2, paragraph (b). (f) For purposes of paragraph (a), clause (7), "further terrorism" has the mean 	.23	609.224; 609.2242; 609.342; 609.343; 609.344; 609.345; 609.377; 609.378; or 609.713.
 609.342, 609.343, 609.344, 609.345, 609.713, or any similar laws of the United S any other state; and (2) is committed against the victim who is a family or household member as c section 518B.01, subdivision 2, paragraph (b). (f) For purposes of paragraph (a), clause (7), "further terrorism" has the mean 	.24	(e) For purposes of paragraph (a), clause (6), "domestic abuse" means an act that:
 any other state; and (2) is committed against the victim who is a family or household member as c section 518B.01, subdivision 2, paragraph (b). (f) For purposes of paragraph (a), clause (7), "further terrorism" has the mean 	.25	(1) constitutes a violation of section 609.221, 609.222, 609.223, 609.224, 609.2242,
 3.28 (2) is committed against the victim who is a family or household member as c 3.29 section 518B.01, subdivision 2, paragraph (b). 3.30 (f) For purposes of paragraph (a), clause (7), "further terrorism" has the mean 	.26	609.342, 609.343, 609.344, 609.345, 609.713, or any similar laws of the United States or
 3.29 section 518B.01, subdivision 2, paragraph (b). 3.30 (f) For purposes of paragraph (a), clause (7), "further terrorism" has the mean 	.27	any other state; and
3.30 (f) For purposes of paragraph (a), clause (7), "further terrorism" has the mean	.28	(2) is committed against the victim who is a family or household member as defined in
	29	section 518B.01, subdivision 2, paragraph (b).
3.31 in section 609.714, subdivision 1.	.30	(f) For purposes of paragraph (a), clause (7), "further terrorism" has the meaning given
	.31	in section 609.714, subdivision 1.

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- 4.1 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
- 4.2 <u>committed on or after that date.</u>