

**SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION**

S.F. No. 3222

(SENATE AUTHORS: WESTLIN)

DATE
04/04/2023

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Introduction and first reading
Referred to Judiciary and Public Safety

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to public safety; collecting bail data to improve bail posting practices;
1.3 appropriating money; amending Minnesota Statutes 2022, section 480.15, by
1.4 adding a subdivision.

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

1.6 Section 1. Minnesota Statutes 2022, section 480.15, is amended by adding a subdivision
1.7 to read:

1.8 Subd. 8b. **Bail; data collection.** (a) The court administrator shall collect data on the
1.9 posting of bail by defendants in misdemeanor, gross misdemeanor, and felony criminal
1.10 cases and provide the data to the Sentencing Guidelines Commission to review, study, and
1.11 evaluate the impact of bail posting practices on racial and socioeconomic inequities and on
1.12 monetary costs for taxpayers and communities to improve bail practices in the state.

1.13 (b) The court administrator shall collect the following data on each defendant:

1.14 (1) race, ethnicity, age, sex, gender, housing, and occupation;

1.15 (2) date of first appearance before the court, including at a minimum:

1.16 (i) the amount of bail if any and whether there was a percentage of the bail that could
1.17 be paid directly to the court; and

1.18 (ii) other conditions of release, including but not limited to electronic home monitoring;

1.19 (3) date of pretrial release, if any, and the reason for release, including but not limited
1.20 to the defendant paying bail or a cash alternative, other conditions and without monetary
1.21 bail being posted, or on the defendant's own recognizance;

2.1 (4) all pending cases associated with the defendant and all booking dates and charges
 2.2 for each case;

2.3 (5) whether the defendant was represented by a public defender or a private attorney;

2.4 (6) the prosecuting office or agency;

2.5 (7) the judge who presided over the defendant's first appearance and set bail;

2.6 (8) the pretrial evaluation form or data contained in the form, including but not limited
 2.7 to the pretrial risk assessment score;

2.8 (9) whether the defendant requested a speedy trial; and

2.9 (10) the outcome of the defendant's case.

2.10 (c) Each year beginning January 1, 2025, the court administrator shall submit the prior
 2.11 calendar year data collected under this subdivision to the Sentencing Guidelines Commission.
 2.12 In its annual report to the legislature, the commission shall summarize and analyze the data
 2.13 for the impact of bail posting practices on racial and socioeconomic inequities and on
 2.14 monetary costs for taxpayers and communities.

2.15 **Sec. 2. BAIL DATA STUDY; APPROPRIATION.**

2.16 (a) \$..... in fiscal year 2024 is appropriated from the general fund to the Sentencing
 2.17 Guidelines Commission for a grant to a nonprofit research-based organization to study and
 2.18 research the use of bail for defendants in the criminal justice system to provide understanding
 2.19 of current and historical bail practices in the state. The grant shall be awarded through a
 2.20 competitive grant process.

2.21 (b) The grant recipient shall minimally collect the following data on defendants from
 2.22 calendar years 2017 through 2023 to study, research, and evaluate the impact of bail practices
 2.23 on defendants and communities in the state:

2.24 (1) data listed under Minnesota Statutes, section 480.15, subdivision 8b;

2.25 (2) total number of defendants with bail as a condition of release;

2.26 (3) number of defendants whose bail was set in each of the following ranges:

2.27 (i) \$0 to \$250;

2.28 (ii) \$251 to \$500;

2.29 (iii) \$501 to 1,000;

2.30 (iv) \$1,001 to \$2,500;

- 3.1 (v) \$2,501 to \$5,000;
- 3.2 (vi) \$5,001 to \$7,500;
- 3.3 (vii) \$7,501 to \$10,000;
- 3.4 (viii) \$10,001 to \$25,000;
- 3.5 (ix) \$25,001 to \$50,000;
- 3.6 (x) \$50,001 to \$100,000;
- 3.7 (xi) \$100,001 to \$150,000;
- 3.8 (xii) \$150,001 to \$200,000; and
- 3.9 (xiii) \$200,000 or more;
- 3.10 (4) each of the bail ranges in clause (3) broken down by:
- 3.11 (i) race, ethnicity, age, sex, gender, housing, and occupation;
- 3.12 (ii) defendant's pretrial risk assessment score;
- 3.13 (iii) judge setting bail; and
- 3.14 (iv) prosecuting office or agency;
- 3.15 (5) average bail amount for defendants whose highest charge is a misdemeanor broken
- 3.16 down by bail range in clause (3) and race;
- 3.17 (6) average bail amount for defendants whose highest charge is a felony broken down
- 3.18 by bail range in clause (3) and race; and
- 3.19 (7) percentage of defendants in each of the bail ranges in clause (3) who:
- 3.20 (i) post bail;
- 3.21 (ii) were released on their own recognizance;
- 3.22 (iii) were released with electronic home monitoring; and
- 3.23 (iv) were released on a cash bail condition and:
- 3.24 (A) pled guilty;
- 3.25 (B) went to trial; or
- 3.26 (C) had their case dismissed.
- 3.27 (c) The Sentencing Guidelines Commission shall review, study, and evaluate the data
- 3.28 collected under this section for the impact of bail posting practices on racial and

- 4.1 socioeconomic inequities and on monetary costs for taxpayers and communities. On or
4.2 before March 15, 2025, the Sentencing Guidelines Commission shall submit a report to the
4.3 chairs and ranking minority members of the legislative committees with jurisdiction over
4.4 judiciary and finance on the impact of the bail posting practices in the state.