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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. **43**

01/04/2023 Authored by Feist, Pinto, Moller, Gomez, Hornstein and others
The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy
01/30/2023 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time

1.1 A bill for an act
1.2 relating to public safety; setting the maximum term of incarceration for a gross
1.3 misdemeanor at 364 days; amending Minnesota Statutes 2022, sections 609.02,
1.4 subdivision 2; 609.03; 609.105, subdivisions 1, 3; 609.1055; proposing coding for
1.5 new law in Minnesota Statutes, chapter 609.

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

1.7 Section 1. Minnesota Statutes 2022, section 609.02, subdivision 2, is amended to read:

1.8 Subd. 2. **Felony.** "Felony" means a crime for which a sentence of imprisonment for
1.9 ~~more than~~ one year or more may be imposed.

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

1.11 Sec. 2. Minnesota Statutes 2022, section 609.03, is amended to read:

1.12 **609.03 PUNISHMENT WHEN NOT OTHERWISE FIXED.**

1.13 If a person is convicted of a crime for which no punishment is otherwise provided the
1.14 person may be sentenced as follows:

1.15 (1) If the crime is a felony, to imprisonment for not more than five years or to payment
1.16 of a fine of not more than \$10,000, or both; or

1.17 (2) If the crime is a gross misdemeanor, to imprisonment for not more than ~~one year~~
1.18 364 days or to payment of a fine of not more than \$3,000, or both; or

1.19 (3) If the crime is a misdemeanor, to imprisonment for not more than 90 days or to
1.20 payment of a fine of not more than \$1,000, or both; or

2.1 (4) If the crime is other than a misdemeanor and a fine is imposed but the amount is not
2.2 specified, to payment of a fine of not more than \$1,000, or to imprisonment for a specified
2.3 term of not more than six months if the fine is not paid.

2.4 EFFECTIVE DATE. This section is effective the day following final enactment and
2.5 applies to offenders receiving a gross misdemeanor sentence before, on, or after that date.

2.6 Sec. 3. [609.0342] MAXIMUM PUNISHMENT FOR GROSS MISDEMEANORS.

2.7 (a) Any law of this state that provides for a maximum sentence of imprisonment of one
2.8 year or is defined as a gross misdemeanor shall be deemed to provide for a maximum fine
2.9 of \$3,000 and a maximum sentence of imprisonment of 364 days.

2.10 (b) Any sentence of imprisonment for one year or 365 days imposed or executed before
2.11 July 1, 2023, shall be deemed to be a sentence of imprisonment for 364 days. A court may
2.12 at any time correct or reduce such a sentence pursuant to rule 27.03, subdivision 9, of the
2.13 Rules of Criminal Procedure and shall issue a corrected sentencing order upon motion of
2.14 any eligible defendant.

2.15 EFFECTIVE DATE. This section is effective the day following final enactment and
2.16 applies to offenders receiving a gross misdemeanor sentence before, on, or after that date.

2.17 Sec. 4. Minnesota Statutes 2022, section 609.105, subdivision 1, is amended to read:

2.18 Subdivision 1. **Sentence to ~~more than~~ one year or more.** A felony sentence to
2.19 imprisonment for ~~more than~~ one year or more shall commit the defendant to the custody of
2.20 the commissioner of corrections.

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

2.22 Sec. 5. Minnesota Statutes 2022, section 609.105, subdivision 3, is amended to read:

2.23 Subd. 3. **Sentence to less than one year or less.** A sentence to imprisonment for a period
2.24 of less than one year or ~~any lesser period~~ shall be to a workhouse, work farm, county jail,
2.25 or other place authorized by law.

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

3.1 Sec. 6. Minnesota Statutes 2022, section 609.1055, is amended to read:

3.2 **609.1055 OFFENDERS WITH SERIOUS AND PERSISTENT MENTAL ILLNESS;**
3.3 **ALTERNATIVE PLACEMENT.**

3.4 When a court intends to commit an offender with a serious and persistent mental illness,
3.5 as defined in section 245.462, subdivision 20, paragraph (c), to the custody of the
3.6 commissioner of corrections for imprisonment at a state correctional facility, either when
3.7 initially pronouncing a sentence or when revoking an offender's probation, the court, when
3.8 consistent with public safety, may instead place the offender on probation or continue the
3.9 offender's probation and require as a condition of the probation that the offender successfully
3.10 complete an appropriate supervised alternative living program having a mental health
3.11 treatment component. This section applies only to offenders who would have a remaining
3.12 term of imprisonment after adjusting for credit for prior imprisonment, if any, of ~~more than~~
3.13 one year or more.

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

3.15 Sec. 7. **REVISOR INSTRUCTION.**

3.16 In Minnesota Statutes, the revisor of statutes shall substitute "364 days" for "one year"
3.17 consistent with the change in this act. The revisor shall also make other technical changes
3.18 resulting from the change of term to the statutory language if necessary to preserve the
3.19 meaning of the text.