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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 1647

02/13/2023 Authored by Curran and Moller
The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy

1.1 A bill for an act
1.2 relating to public safety; requiring prosecutors to notify victims of plea, sentencing,
1.3 and sentencing modification hearings; amending Minnesota Statutes 2022, sections
1.4 611A.033; 611A.039, subdivision 1.

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

1.6 Section 1. Minnesota Statutes 2022, section 611A.033, is amended to read:

1.7 611A.033 SPEEDY TRIAL; NOTICE OF HEARINGS AND SCHEDULE
1.8 CHANGE.

1.9 (a) A victim has the right to request that the prosecutor make a demand under rule 11.09
1.10 of the Rules of Criminal Procedure that the trial be commenced within 60 days of the demand.
1.11 The prosecutor shall make reasonable efforts to comply with the victim's request.

1.12 (b) A prosecutor shall make reasonable efforts to provide to a victim the date and time
1.13 of the sentencing hearing and the hearing during which the plea is to be presented to the
1.14 court.

1.15 (b)(c) A prosecutor shall make reasonable efforts to provide advance notice of any
1.16 change in the schedule of the court proceedings to a victim who has been subpoenaed or
1.17 requested to testify.

1.18 (e)(d) In a criminal proceeding in which a vulnerable adult, as defined in section 609.232,
1.19 subdivision 11, is a victim, the state may move the court for a speedy trial. The court, after
1.20 consideration of the age and health of the victim, may grant a speedy trial. The motion may
1.21 be filed and served with the complaint or any time after the complaint is filed and served.

2.1 Sec. 2. Minnesota Statutes 2022, section 611A.039, subdivision 1, is amended to read:

2.2 Subdivision 1. **Notice required.** (a) Except as otherwise provided in subdivision 2,
2.3 within 15 working days after a conviction, acquittal, or dismissal in a criminal case in which
2.4 there is an identifiable crime victim, the prosecutor shall make reasonable good faith efforts
2.5 to provide to each affected crime victim oral or written notice of the final disposition of the
2.6 case and of the victim rights under section 611A.06. When the court is considering modifying
2.7 the sentence for a felony or a crime of violence or an attempted crime of violence, the ~~court~~
2.8 ~~or its designee~~ prosecutor shall make a reasonable and good faith effort to notify the victim
2.9 of the crime. If the victim is incapacitated or deceased, notice must be given to the victim's
2.10 family. If the victim is a minor, notice must be given to the victim's parent or guardian. The
2.11 notice must include:

2.12 (1) the date and approximate time of the review;

2.13 (2) the location where the review will occur;

2.14 (3) the name and telephone number of a person to contact for additional information;

2.15 and

2.16 (4) a statement that the victim and victim's family may provide input to the court
2.17 concerning the sentence modification.

2.18 (b) The Office of Justice Programs in the Department of Public Safety shall develop and
2.19 update a model notice of postconviction rights under this subdivision and section 611A.06.

2.20 (c) As used in this section, "crime of violence" has the meaning given in section 624.712,
2.21 subdivision 5, and also includes violations of section 609.3458, gross misdemeanor violations
2.22 of section 609.224, and nonfelony violations of sections 518B.01, 609.2231, 609.3451,
2.23 609.748, and 609.749.