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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. 3457

March 8, 2010

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The bill was read for the first time and referred to the Committee on Public Safety Policy and Oversight

1.1 A bill for an act
1.2 relating to public safety; expanding indeterminate sentencing for sex offenders
1.3 with prior convictions for certain predatory offenses; amending Minnesota
1.4 Statutes 2008, section 609.3455, subdivision 4.

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

1.6 Section 1. Minnesota Statutes 2008, section 609.3455, subdivision 4, is amended to
1.7 read:

1.8 Subd. 4. **Mandatory life sentence; repeat offenders.** (a) Notwithstanding the
1.9 statutory maximum penalty otherwise applicable to the offense, the court shall sentence a
1.10 person to imprisonment for life if the person is convicted of violating section 609.342,
1.11 609.343, 609.344, 609.345, or 609.3453 and:

1.12 (1) the person has ~~two~~ a prior or previous sex offense conviction;

1.13 (2) the person has a prior or previous sex offense conviction and; for a violation of
1.14 the following laws of this state or any similar laws of the United States or any other state:
1.15 sections 609.185 (first degree murder); 609.19 (second degree murder); 609.221 (first
1.16 degree assault); 609.222 (second degree assault); 609.245 (aggravated robbery); 609.25
1.17 (kidnapping); 609.582, subdivision 1 (first degree burglary); 617.246 (creation of child
1.18 pornography); or 617.247 (dissemination and possession of child pornography).

1.19 ~~(i) the fact finder determines that the present offense involved an aggravating factor~~
1.20 ~~that would provide grounds for an upward durational departure under the sentencing~~
1.21 ~~guidelines other than the aggravating factor applicable to repeat criminal sexual conduct~~
1.22 ~~convictions;~~

1.23 ~~(ii) the person received an upward durational departure from the sentencing~~
1.24 ~~guidelines for the previous sex offense conviction; or~~

2.1 ~~(iii) the person was sentenced under this section or Minnesota Statutes 2004, section~~
2.2 ~~609.108, for the previous sex offense conviction; or~~

2.3 ~~(3) the person has two prior sex offense convictions, and the fact finder determines~~
2.4 ~~that the prior convictions and present offense involved at least three separate victims, and:~~

2.5 ~~(i) the fact finder determines that the present offense involved an aggravating factor~~
2.6 ~~that would provide grounds for an upward durational departure under the sentencing~~
2.7 ~~guidelines other than the aggravating factor applicable to repeat criminal sexual conduct~~
2.8 ~~convictions;~~

2.9 ~~(ii) the person received an upward durational departure from the sentencing~~
2.10 ~~guidelines for one of the prior sex offense convictions; or~~

2.11 ~~(iii) the person was sentenced under this section or Minnesota Statutes 2004, section~~
2.12 ~~609.108, for one of the prior sex offense convictions;~~

2.13 (b) Notwithstanding paragraph (a), a court may not sentence a person to
2.14 imprisonment for life for a violation of section 609.345, unless the ~~person's~~ person:

2.15 (1) has a previous or prior sex offense convictions that are being used as the basis for
2.16 the sentence are conviction for violations a violation of section 609.342, 609.343, 609.344,
2.17 or 609.3453, or any similar statute of the United States, this state, or any other state; or

2.18 (2) has a previous or prior conviction for a violation of an offense listed in paragraph
2.19 (a), clause (2).

2.20 **EFFECTIVE DATE.** This section is effective August 1, 2010, and applies to
2.21 offenses committed on or after that date.