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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 3893

03/03/2022 Authored by Johnson

The bill was read for the first time and referred to the Committee on Public Safety and Criminal Justice Reform Finance and Policy

1.1 A bill for an act
1.2 relating to public safety; prohibiting courts from sentencing a person without regard
1.3 to the mandatory minimum sentence applicable to certain designated crimes
1.4 involving firearms or other dangerous weapons; amending Minnesota Statutes
1.5 2020, section 609.11, subdivision 10; repealing Minnesota Statutes 2020, section
1.6 609.11, subdivision 8.

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

1.8 Section 1. Minnesota Statutes 2020, section 609.11, subdivision 10, is amended to read:

1.9 Subd. 10. **Report on criminal cases involving firearm.** Beginning on July 1, 1994,
1.10 every county attorney shall collect and maintain the following information on criminal
1.11 complaints and prosecutions within the county attorney's office in which the defendant is
1.12 alleged to have committed an offense listed in subdivision 9 while possessing or using a
1.13 firearm:

1.14 (1) whether the case was charged or dismissed;

1.15 (2) whether the defendant was convicted of the offense or a lesser offense; and

1.16 (3) whether the mandatory minimum sentence required under this section was imposed
1.17 and executed ~~or was waived by the prosecutor or court.~~

1.18 No later than July 1 of each year, beginning on July 1, 1995, the county attorney shall
1.19 forward this information to the Sentencing Guidelines commission upon forms prescribed
1.20 by the commission.

1.21 Sec. 2. **REPEALER.**

1.22 Minnesota Statutes 2020, section 609.11, subdivision 8, is repealed.

- 2.1 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
- 2.2 committed on or after that date.

609.11 MINIMUM SENTENCES OF IMPRISONMENT.

Subd. 8. **Motion by prosecutor.** (a) Except as otherwise provided in paragraphs (b) and (c), prior to the time of sentencing, the prosecutor may file a motion to have the defendant sentenced without regard to the mandatory minimum sentences established by this section. The motion shall be accompanied by a statement on the record of the reasons for it. When presented with the motion, or on its own motion, the court may sentence the defendant without regard to the mandatory minimum sentences established by this section if the court finds substantial and compelling reasons to do so. A sentence imposed under this subdivision is a departure from the Sentencing Guidelines.

(b) The court may not, on its own motion or the prosecutor's motion, sentence a defendant without regard to the mandatory minimum sentences established by this section if the defendant previously has been convicted of an offense listed in subdivision 9 in which the defendant used or possessed a firearm or other dangerous weapon.

(c) The court may not, on its own motion or the prosecutor's motion, sentence a defendant without regard to the mandatory minimum sentences established by subdivision 5, if the defendant was convicted of a crime under section 152.021, subdivision 1, or 152.022, subdivision 1, and the person or an accomplice possessed on their person or within immediate reach, or used, whether by brandishing, displaying, threatening with, or otherwise employing, a firearm.