

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

S.F. No. 5399

(SENATE AUTHORS: KORAN)

DATE
04/09/2024

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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; providing that undocumented noncitizens are ineligible
1.3 for early release from incarceration; providing that undocumented noncitizens are
1.4 ineligible for prosecutor-initiated sentence adjustments; amending Minnesota
1.5 Statutes 2023 Supplement, section 609.133, by adding a subdivision; proposing
1.6 coding for new law in Minnesota Statutes, chapter 244.

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

1.8 Section 1. **[244.52] EARLY RELEASE FOR UNDOCUMENTED OFFENDERS**
1.9 **PROHIBITED.**

1.10 (a) As used in this section the following terms have the meanings given:

1.11 (1) "term of imprisonment" has the meaning given in section 244.01, subdivision 8; and

1.12 (2) "undocumented offender" means an undocumented noncitizen who resides in the
1.13 United States without the approval or acquiescence of the United States Citizenship and
1.14 Immigration Services who has been committed to the custody of the commissioner of
1.15 corrections.

1.16 (b) Notwithstanding any law to the contrary, an undocumented offender is not eligible
1.17 for early supervised release, conditional medical or epidemic release, the challenge
1.18 incarceration program, earned incentive release credit, or any other program or credit that
1.19 would reduce the undocumented offender's term of imprisonment.

1.20 (c) The commissioner must not release an undocumented offender from incarceration
1.21 until the inmate has completed the inmate's term of imprisonment and any disciplinary
1.22 confinement period imposed by the commissioner due to the inmate's violation of any

2.1 disciplinary rule adopted by the commissioner or refusal to participate in a rehabilitative
2.2 program required under section 244.03.

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

2.4 Sec. 2. Minnesota Statutes 2023 Supplement, section 609.133, is amended by adding a
2.5 subdivision to read:

2.6 **Subd. 1a. Undocumented offenders; ineligible for sentence adjustment.** An
2.7 undocumented noncitizen who resides in the United States without the approval or
2.8 acquiescence of the United States Citizenship and Immigration Services is ineligible for
2.9 sentence adjustment under this section.

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