

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

S.F. No. 4324

(SENATE AUTHORS: MOHAMED)

DATE
02/29/2024

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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; eliminating mandatory minimum sentences for offenses

1.3 involving possession or use of firearm or other dangerous weapon; making

1.4 conforming changes; establishing felony offense of firearm trafficking; eliminating

1.5 requirements that certain victims report crime within 30 days and cooperate with

1.6 law enforcement to receive reimbursement; creating Task Force on Mandatory

1.7 Minimum Sentences; continuing funding for emergency needs of crime victims;

1.8 establishing grants for emergency needs of victims of gun violence; authorizing

1.9 grants to county attorneys to develop and implement focused deterrence models

1.10 to reduce group-related homicide and gun violence and interrupt cycles of

1.11 community violence; creating additional position with the Violent Crime

1.12 Coordinating Council; requiring a report; appropriating money; amending

1.13 Minnesota Statutes 2022, sections 244.10, subdivisions 5, 6, 7; 588.20, subdivision

1.14 1; 609.229, subdivision 1; 609.495, subdivision 3; 609.66, by adding a subdivision;

1.15 617.91, subdivision 4; Minnesota Statutes 2023 Supplement, sections 609.135,

1.16 subdivision 1; 611A.53, subdivision 2; repealing Minnesota Statutes 2022, section

1.17 609.11, subdivisions 4, 5, 5a, 6, 7, 8; Minnesota Statutes 2023 Supplement, section

1.18 609.11, subdivision 9.

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

1.20 Section 1. Minnesota Statutes 2022, section 244.10, subdivision 5, is amended to read:

1.21 Subd. 5. **Procedures in cases where state intends to seek an aggravated departure.** (a)

1.22 When the prosecutor provides reasonable notice under subdivision 4, the district court shall

1.23 allow the state to prove beyond a reasonable doubt to a jury of 12 members the factors in

1.24 support of the state's request for an aggravated departure from the Sentencing Guidelines

1.25 or the state's request for an aggravated sentence under any sentencing enhancement statute

1.26 ~~or the state's request for a mandatory minimum under section 609.11~~ as provided in paragraph

1.27 (b) or (c).

2.1 (b) The district court shall allow a unitary trial and final argument to a jury regarding
 2.2 both evidence in support of the elements of the offense and evidence in support of aggravating
 2.3 factors when the evidence in support of the aggravating factors:

2.4 (1) would be admissible as part of the trial on the elements of the offense; or

2.5 (2) would not result in unfair prejudice to the defendant.

2.6 The existence of each aggravating factor shall be determined by use of a special verdict
 2.7 form.

2.8 Upon the request of the prosecutor, the court shall allow bifurcated argument and jury
 2.9 deliberations.

2.10 (c) The district court shall bifurcate the proceedings, or impanel a resentencing jury, to
 2.11 allow for the production of evidence, argument, and deliberations on the existence of factors
 2.12 in support of an aggravated departure after the return of a guilty verdict when the evidence
 2.13 in support of an aggravated departure:

2.14 (1) includes evidence that is otherwise inadmissible at a trial on the elements of the
 2.15 offense; and

2.16 (2) would result in unfair prejudice to the defendant.

2.17 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to crimes
 2.18 committed on or after that date.

2.19 Sec. 2. Minnesota Statutes 2022, section 244.10, subdivision 6, is amended to read:

2.20 Subd. 6. **Defendants to present evidence and argument.** In either a unitary or bifurcated
 2.21 trial under subdivision 5, a defendant shall be allowed to present evidence and argument to
 2.22 the jury or fact finder regarding whether facts exist that would justify an aggravated departure
 2.23 or an aggravated sentence under any sentencing enhancement statute ~~or a mandatory~~
 2.24 ~~minimum sentence under section 609.11.~~ A defendant is not allowed to present evidence
 2.25 or argument to the jury or fact finder regarding facts in support of a mitigated departure
 2.26 during the trial, but may present evidence and argument in support of a mitigated departure
 2.27 to the judge as fact finder during a sentencing hearing.

2.28 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to crimes
 2.29 committed on or after that date.

3.1 Sec. 3. Minnesota Statutes 2022, section 244.10, subdivision 7, is amended to read:

3.2 Subd. 7. **Waiver of jury determination.** The defendant may waive the right to a jury
 3.3 determination of whether facts exist that would justify an aggravated sentence. Upon receipt
 3.4 of a waiver of a jury trial on this issue, the district court shall determine beyond a reasonable
 3.5 doubt whether the factors in support of the state's motion for aggravated departure or an
 3.6 aggravated sentence under any sentencing enhancement statute ~~or a mandatory minimum~~
 3.7 ~~sentence under section 609.11~~ exist.

3.8 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to crimes
 3.9 committed on or after that date.

3.10 Sec. 4. Minnesota Statutes 2022, section 588.20, subdivision 1, is amended to read:

3.11 Subdivision 1. **Felony contempt.** (a) A person who knowingly and willfully disobeys
 3.12 a subpoena lawfully issued in relation to a crime of violence, ~~as defined in section 609.11,~~
 3.13 ~~subdivision 9,~~ with the intent to obstruct the criminal justice process is guilty of a felony
 3.14 and may be sentenced to imprisonment for not more than five years or to payment of a fine
 3.15 of not more than \$10,000, or both.

3.16 (b) A felony charge under this subdivision may be filed upon the person's nonappearance.
 3.17 However, the charge must be dismissed if the person voluntarily appears within 48 hours
 3.18 after the time required for appearance on the subpoena and reappears as directed by the
 3.19 court until discharged from the subpoena by the court. This paragraph does not apply if the
 3.20 person appears as a result of being apprehended by law enforcement authorities.

3.21 (c) As used in this subdivision, "crime of violence" means murder in the first, second,
 3.22 or third degree; assault in the first, second, or third degree; burglary; kidnapping; false
 3.23 imprisonment; manslaughter in the first or second degree; aggravated robbery; simple
 3.24 robbery; carjacking in the first, second, or third degree; first-degree or aggravated first-degree
 3.25 witness tampering; criminal sexual conduct under the circumstances described in sections
 3.26 609.342, subdivisions 1, and 1a, paragraphs (a) to (f) and (i); 609.343, subdivisions 1, and
 3.27 1a, paragraphs (a) to (f) and (i); and 609.344, subdivision 1, under the conditions described
 3.28 in section 609.341, subdivision 24, clause (2), item (i), (ii), or (iii), and subdivision 1a,
 3.29 paragraphs (a) to (e), (h), and (i), under the conditions described in section 609.341,
 3.30 subdivision 24, clause (2), item (i), (ii), or (iii); escape from custody; arson in the first,
 3.31 second, or third degree; drive-by shooting under section 609.66, subdivision 1e; harassment
 3.32 under section 609.749, subdivision 3, paragraph (a), clause (3); possession or other unlawful
 3.33 use of a firearm or ammunition in violation of section 609.165, subdivision 1b, or 624.713,

4.1 subdivision 1, clause (2), a felony violation of chapter 152; or any attempt to commit any
4.2 of these offenses.

4.3 **EFFECTIVE DATE.** This section is effective August 1, 2024.

4.4 Sec. 5. Minnesota Statutes 2023 Supplement, section 609.135, subdivision 1, is amended
4.5 to read:

4.6 Subdivision 1. **Terms and conditions.** (a) Except when a sentence of life imprisonment
4.7 is required by law, ~~or when a mandatory minimum sentence is required by section 609.11,~~
4.8 any court may stay imposition or execution of sentence and:

4.9 (1) may order intermediate sanctions without placing the defendant on probation; or

4.10 (2) may place the defendant on probation with or without supervision and on the terms
4.11 the court prescribes, including intermediate sanctions when practicable. The court may order
4.12 the supervision to be under the probation officer of the court, or, if there is none and the
4.13 conviction is for a felony or gross misdemeanor, by the commissioner of corrections, or in
4.14 any case by some other suitable and consenting person. Unless the court directs otherwise,
4.15 state parole and probation agents and probation officers may impose community work
4.16 service or probation violation sanctions, consistent with section 243.05, subdivision 1, or
4.17 sections 244.197 to 244.199.

4.18 No intermediate sanction may be ordered performed at a location that fails to observe
4.19 applicable requirements or standards of chapter 181A or 182, or any rule promulgated under
4.20 them.

4.21 (b) For purposes of this subdivision, subdivision 6, and section 609.14, the term
4.22 "intermediate sanctions" includes but is not limited to incarceration in a local jail or
4.23 workhouse, home detention, electronic monitoring, intensive probation, sentencing to service,
4.24 reporting to a day reporting center, chemical dependency or mental health treatment or
4.25 counseling, restitution, fines, day-fines, community work service, work service in a restorative
4.26 justice program, work in lieu of or to work off fines and, with the victim's consent, work in
4.27 lieu of or to work off restitution.

4.28 (c) A court may not stay the revocation of the driver's license of a person convicted of
4.29 violating the provisions of section 169A.20.

4.30 (d) If the court orders a fine, day-fine, or restitution as an intermediate sanction, payment
4.31 is due on the date imposed unless the court otherwise establishes a due date or a payment
4.32 plan.

5.1 (e) The court may prohibit a defendant from using adult-use cannabis flower as defined
5.2 in section 342.01, subdivision 4, or adult-use cannabis products as defined in section 342.01,
5.3 subdivision 2, if the defendant undergoes a chemical use assessment and abstinence is
5.4 consistent with a recommended level of care for the defendant in accordance with the criteria
5.5 under section 254B.04, subdivision 4. The assessment must be conducted by an assessor
5.6 qualified under section 245G.11, subdivisions 1 and 5.

5.7 (f) A court shall not impose an intermediate sanction that has the effect of prohibiting
5.8 a person from participating in the registry program as defined in section 342.01, subdivision
5.9 63.

5.10 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to crimes
5.11 committed on or after that date.

5.12 Sec. 6. Minnesota Statutes 2022, section 609.229, subdivision 1, is amended to read:

5.13 Subdivision 1. **Definition.** As used in this section, "criminal gang" means any ongoing
5.14 organization, association, or group of three or more persons, whether formal or informal,
5.15 that:

5.16 (1) has, as one of its primary activities, the commission of one or more of the offenses
5.17 listed in section ~~609.11, subdivision 9~~ 588.20, subdivision 1, paragraph (c);

5.18 (2) has a common name or common identifying sign or symbol; and

5.19 (3) includes members who individually or collectively engage in or have engaged in a
5.20 pattern of criminal activity.

5.21 **EFFECTIVE DATE.** This section is effective August 1, 2024.

5.22 Sec. 7. Minnesota Statutes 2022, section 609.495, subdivision 3, is amended to read:

5.23 Subd. 3. **Obstructing investigation.** Whoever intentionally aids another person whom
5.24 the actor knows or has reason to know has committed a criminal act, by destroying or
5.25 concealing evidence of that crime, providing false or misleading information about that
5.26 crime, receiving the proceeds of that crime, or otherwise obstructing the investigation or
5.27 prosecution of that crime is an accomplice after the fact and may be sentenced to not more
5.28 than one-half of the statutory maximum sentence of imprisonment or to payment of a fine
5.29 of not more than one-half of the maximum fine that could be imposed on the principal
5.30 offender for the crime of violence. For purposes of this subdivision, "criminal act" means
5.31 an act that is a crime listed in section ~~609.11, subdivision 9~~ 588.20, subdivision 1, paragraph

6.1 (c), under the laws of this or another state, or of the United States, and also includes an act
 6.2 that would be a criminal act if committed by an adult.

6.3 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to crimes
 6.4 committed on or after that date.

6.5 Sec. 8. Minnesota Statutes 2022, section 609.66, is amended by adding a subdivision to
 6.6 read:

6.7 Subd. 1i. **Felony; firearm trafficking.** Whoever ships, transports, transfers, causes to
 6.8 be transported, or otherwise disposes of any firearm to another person who they are not in
 6.9 an intimate partner relationship with or attempts or conspires to commit any of those acts
 6.10 is guilty of a felony and may be sentenced to imprisonment for not more than 15 years or
 6.11 to payment of a fine of not more than \$20,000, or both, if the person knows or has reasonable
 6.12 cause to believe that the use, carrying, or possession of a firearm by the recipient would
 6.13 constitute a felony.

6.14 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to crimes
 6.15 committed on or after that date.

6.16 Sec. 9. Minnesota Statutes 2023 Supplement, section 611A.53, subdivision 2, is amended
 6.17 to read:

6.18 Subd. 2. **Limitations on awards.** No reimbursement shall be awarded to a claimant
 6.19 otherwise eligible if:

6.20 ~~(1) the crime was not reported to the police within 30 days of its occurrence or, if it~~
 6.21 ~~could not reasonably have been reported within that period, within 30 days of the time when~~
 6.22 ~~a report could reasonably have been made. A victim of criminal sexual conduct in the first,~~
 6.23 ~~second, third, or fourth degree who does not report the crime within 30 days of its occurrence~~
 6.24 ~~is deemed to have been unable to have reported it within that period;~~

6.25 ~~(2) the victim or claimant failed or refused to cooperate fully with the police and other~~
 6.26 ~~law enforcement officials. Cooperation is determined through law enforcement reports,~~
 6.27 ~~prosecutor records, or corroboration memorialized in a signed document submitted by a~~
 6.28 ~~victim service, counseling, or medical professional involved in the case;~~

6.29 ~~(3)~~ (1) the victim or claimant was the offender or an accomplice of the offender or an
 6.30 award to the claimant would unjustly benefit the offender or an accomplice;

6.31 ~~(4)~~ (2) the victim or claimant was in the act of committing a crime at the time the injury
 6.32 occurred;

7.1 ~~(5)~~ (3) no claim was filed with the board within three years of victim's injury or death;
 7.2 except that (i) if the claimant was unable to file a claim within that period, then the claim
 7.3 can be made within three years of the time when a claim could have been filed; and (ii) if
 7.4 the victim's injury or death was not reasonably discoverable within three years of the injury
 7.5 or death, then the claim can be made within three years of the time when the injury or death
 7.6 is reasonably discoverable. The following circumstances do not render a claimant unable
 7.7 to file a claim for the purposes of this clause: (A) lack of knowledge of the existence of the
 7.8 Minnesota Crime Victims Reimbursement Act, (B) the failure of a law enforcement agency
 7.9 to provide information or assistance to a potential claimant under section 611A.66, (C) the
 7.10 incompetency of the claimant if the claimant's affairs were being managed during that period
 7.11 by a guardian, guardian ad litem, conservator, authorized agent, or parent, or (D) the fact
 7.12 that the claimant is not of the age of majority; or

7.13 ~~(6)~~ (4) the claim is less than \$50.

7.14 The limitations contained in ~~clauses (1) and (6)~~ clause (4) do not apply to victims of
 7.15 child abuse. In those cases the three-year limitation period commences running with the
 7.16 report of the crime to the police.

7.17 Sec. 10. Minnesota Statutes 2022, section 617.91, subdivision 4, is amended to read:

7.18 Subd. 4. **Gang activity.** "Gang activity" means the commission of one or more of the
 7.19 offenses listed in section ~~609.11, subdivision 9~~ 588.20, subdivision 1, paragraph (c); criminal
 7.20 damage to property in the first or second degree under section 609.595, subdivision 1 or
 7.21 1a; trespass under section 609.605; disorderly conduct under section 609.72; or unlawful
 7.22 possession of a firearm by a minor under section 624.713, subdivision 1, clause (1).

7.23 **EFFECTIVE DATE.** This section is effective August 1, 2024.

7.24 Sec. 11. **TASK FORCE ON MANDATORY MINIMUM SENTENCES.**

7.25 **Subdivision 1. Definition.** As used in this section, "mandatory minimum" refers to
 7.26 legislatively defined, predetermined sentencing requirements, including but not limited to
 7.27 sentencing requirements under Minnesota Statutes, sections 152.021, 152.022, and 609.11,
 7.28 that mandate a minimum period of commitment to the commissioner of corrections upon
 7.29 conviction for certain offenses.

7.30 **Subd. 2. Establishment.** The Task Force on Mandatory Minimum Sentences is
 7.31 established to collect and analyze data on the charging, convicting, and sentencing of persons

8.1 to mandatory minimum sentences; assess whether current laws and practices promote public
8.2 safety and equity in sentencing; and make recommendations to the legislature.

8.3 Subd. 3. **Membership.** (a) The task force consists of the following members:

8.4 (1) the commissioner of corrections, or a designee;

8.5 (2) the executive director of the Minnesota Sentencing Guidelines Commission, or a
8.6 designee;

8.7 (3) the state public defender, or a designee;

8.8 (4) the statewide coordinator of the Violent Crime Coordinating Council, or a designee;

8.9 (5) one defense attorney, appointed by the Minnesota Association of Criminal Defense
8.10 Lawyers;

8.11 (6) two county attorneys, one from Hennepin or Ramsey County and one from outside
8.12 the seven-county metropolitan area, appointed by the Minnesota County Attorneys
8.13 Association;

8.14 (7) a peace officer familiar with shooting investigations, appointed jointly by the
8.15 Minnesota Sheriffs' Association and the Minnesota Chiefs of Police Association;

8.16 (8) one member representing a victims' rights organization, appointed by the senate
8.17 majority leader;

8.18 (9) one member of a statewide civil rights organization, appointed by the speaker of the
8.19 house of representatives;

8.20 (10) one impacted person who is directly related to a person who has been convicted of
8.21 a mandatory minimum sentence or who has themselves been convicted of a mandatory
8.22 minimum sentence and has completed the sentence, appointed by the governor; and

8.23 (11) one person with academic expertise regarding the laws and practices of other states
8.24 relating to mandatory minimum sentences, appointed by the governor.

8.25 (b) Appointments must be made no later than July 30, 2024.

8.26 (c) Members shall serve without compensation.

8.27 (d) Members of the task force serve at the pleasure of the appointing authority or until
8.28 the task force expires. Vacancies shall be filled by the appointing authority consistent with
8.29 the qualifications of the vacating member required by this subdivision.

8.30 Subd. 4. **Officers; meetings.** (a) The task force shall elect a chair and vice-chair and
8.31 may elect other officers as necessary.

9.1 (b) The commissioner of corrections shall convene the first meeting of the task force no
9.2 later than August 1, 2024, and shall provide meeting space and administrative assistance
9.3 as necessary for the task force to conduct its work.

9.4 (c) The task force shall meet at least monthly or upon the call of its chair. The task force
9.5 shall meet sufficiently enough to accomplish the tasks identified in this section. Meetings
9.6 of the task force are subject to Minnesota Statutes, chapter 13D.

9.7 (d) To compile and analyze data, the task force shall request the cooperation and
9.8 assistance of local law enforcement agencies, the Minnesota Sentencing Guidelines
9.9 Commission, the judicial branch, the Bureau of Criminal Apprehension, county attorneys,
9.10 and Tribal governments and may request the cooperation of academics and others with
9.11 experience and expertise in researching the impact of mandatory minimum sentences.

9.12 Subd. 5. Duties. (a) The task force shall, at a minimum:

9.13 (1) collect and analyze data on charges, convictions, and sentences that involve mandatory
9.14 minimum sentences;

9.15 (2) collect and analyze data on mandatory minimum sentences in which a person received
9.16 a mitigated durational departure because the mandatory minimum sentence was seen as
9.17 inappropriate by a judge or county attorney, or both;

9.18 (3) collect and analyze data on mandatory minimum sentences in which a person likely
9.19 would have received a mitigated durational departure but for the enforcement of a mandatory
9.20 minimum sentence;

9.21 (4) collect and analyze data on charges, convictions, and sentences for codefendants of
9.22 persons sentenced to a mandatory minimum sentence;

9.23 (5) review relevant state statutes and state and federal court decisions;

9.24 (6) receive input from persons who were convicted of a mandatory minimum sentence;

9.25 (7) receive input from family members of persons who were convicted of a crime with
9.26 a mandatory minimum sentence;

9.27 (8) analyze the benefits and unintended consequences of state statutes and practices
9.28 related to the charging, convicting, and sentencing of persons with mandatory minimum
9.29 sentences, including but not limited to an analysis of whether current statutes and practices:

9.30 (i) promote public safety; and

9.31 (ii) properly punish a person for that person's role in an offense; and

10.1 (9) make recommendations for legislative action, if any, on laws affecting:

10.2 (i) the collection and reporting of data; and

10.3 (ii) the charging, convicting, and sentencing of persons for mandatory minimum
10.4 sentences.

10.5 (b) At its discretion, the task force may examine, as necessary, other related issues
10.6 consistent with this section.

10.7 Subd. 6. **Report.** On or before January 15, 2025, the task force shall submit a report to
10.8 the chairs and ranking minority members of the legislative committees and divisions with
10.9 jurisdiction over criminal sentencing on the findings and recommendations of the task force.

10.10 Subd. 7. **Expiration.** The task force expires the day after submitting its report under
10.11 subdivision 6.

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

10.13 Sec. 12. **GROUP VIOLENCE INTERVENTION GRANT PROGRAM.**

10.14 Subdivision 1. **Grants authorized.** (a) The group violence intervention grant program
10.15 is established. The commissioner of public safety through the Office of Justice Programs
10.16 shall award grants to county attorneys to fund initiatives designed to reduce homicide and
10.17 gun violence and interrupt cycles of community violence using focused deterrence models
10.18 that bring together law enforcement, social services, and community. Grant recipients may
10.19 use grant money to hire and train additional staff, purchase equipment and supplies, and
10.20 contract with outside providers to:

10.21 (1) establish or expand focused deterrence models to reduce homicide and gun violence;
10.22 and

10.23 (2) evaluate the impact of focused deterrence models established or expanded under this
10.24 program.

10.25 (b) Models established through the grant program must align with best practices in
10.26 focused deterrence models used for community violence intervention and violence reduction,
10.27 including:

10.28 (1) establishment of and ongoing oversight from a functioning executive committee
10.29 comprised of, at minimum, the sheriff and other chief law enforcement officers, the county
10.30 attorney, the United States Attorney, a representative from community corrections, and
10.31 other appropriate jurisdictional leaders;

11.1 (2) identification of an operational team comprised of, at minimum, a project manager,
11.2 a law enforcement lead, and a support and outreach lead. The project manager shall be the
11.3 operational lead for the initiative and responsible for coordinating across law enforcement,
11.4 social services, and community partners. The law enforcement lead shall be responsible for
11.5 coordinating the law enforcement portion of the initiative, including supporting the law
11.6 enforcement portion of delivery of the focused deterrence message, managing the information
11.7 maintenance and sharing necessary to ensure the model is data driven, and ensuring
11.8 involvement as needed from patrol officers, investigators responsible for investigating
11.9 nonfatal shootings and homicides, command staff, and analysts. The support and outreach
11.10 lead shall be responsible for coordinating across social services providers to ensure follow
11.11 through on the initiative's credible offers of help to persons seeking support in exiting cycles
11.12 of violence, including supporting the social services portion of delivery of the focused
11.13 deterrence message and ensuring that participants have access to services, resources, and
11.14 supports needed to work toward exiting cycles of violence;

11.15 (3) use of data to drive design and ongoing implementation of the initiative. Data and
11.16 information should be used regularly to identify and understand which groups are most
11.17 active in the community, which groups are driving the largest share of gun violence, which
11.18 groups may be at highest risk for direct involvement with gun violence, and if and when
11.19 accountability action needs to be imposed on a group. Elements of a data-driven strategy
11.20 should include regular shooting review meetings, regular use of a tool to track group-related
11.21 shootings, regular audits of which groups are active with input from law enforcement and
11.22 community, and regular analysis of group-related gun violence in the initiative's focus area;

11.23 (4) communication of a focused deterrence message. Through the initiative, a person
11.24 engaged in group-involved violence should receive a message that reinforces that the violence
11.25 is unacceptable and must stop, that the person is believed to be at high risk of being a victim
11.26 or perpetrator of gun violence, that the person is valued by the community, that there are
11.27 natural legal consequences to continued involvement with gun violence activities, and that
11.28 there is individualized help available for a person who wants to change the behavior and
11.29 exit cycles of violence;

11.30 (5) offer of credible and legitimate social services. Through the initiative, a person
11.31 looking to exit cycles of violence should receive an offer of services, resources, and supports
11.32 to help with working toward a violence-free lifestyle. The initiative must ensure that resources
11.33 are in place to provide the support offered;

11.34 (6) establishment of procedurally just, natural legal consequences for a person who
11.35 continues to engage in gun violence activities. The initiative must ensure that legal

12.1 consequences are applied consistently and equitably to a person who continues to engage
 12.2 in gun violence activities; and

12.3 (7) establishment of ongoing oversight from a functioning community advisory body
 12.4 for the initiative. The board must include at least one victims advocate and should serve as
 12.5 an accountability partner for the operational team and help to ensure the model is meeting
 12.6 moral standards established by the impacted community.

12.7 (c) The commissioner shall give preference to applicants that:

12.8 (1) demonstrate that group-related gun violence is impacting the applicant's communities;

12.9 (2) seek to fund data-informed, focused deterrence initiatives designed to reduce homicide
 12.10 and gun violence and interrupt cycles of community violence; and

12.11 (3) demonstrate the capability to coordinate and collaborate with all of the law
 12.12 enforcement, social services, and community partners necessary for successful development
 12.13 and implementation.

12.14 Subd. 2. **Application for grants.** A county attorney may apply to the commissioner of
 12.15 public safety for a grant for any of the purposes described in subdivision 1. The application
 12.16 must be on a form provided by the commissioner and comply with requirements developed
 12.17 by the commissioner. The applicant must describe the intended uses of the grant funds,
 12.18 estimate the amount of funds required, and include any other information required by the
 12.19 commissioner.

12.20 Subd. 3. **Awards; limitations.** No grant awarded under subdivision 1 shall exceed \$.....

12.21 Subd. 4. **Reports.** (a) A county attorney who receives a grant under this section shall
 12.22 file a report with the commissioner of public safety by January 15, 2026. The report must
 12.23 itemize how the county attorney expended the grant funds, identify the purpose of the
 12.24 expenditures, and explain progress toward reducing homicide and gun violence and
 12.25 interrupting cycles of community violence.

12.26 (b) By June 1, 2026, the commissioner of public safety shall report to the chairs and
 12.27 ranking minority members of the legislative committees and divisions with jurisdiction over
 12.28 criminal justice policy and finance on the implementation, use, and administration of the
 12.29 grant programs created under this section.

13.1 Sec. 13. **CRIME VICTIM EMERGENCY FUNDING; APPROPRIATION.**

13.2 \$1,000,000 in fiscal year 2025 is appropriated from the general fund to the commissioner
13.3 of public safety for general crime victim grants to meet the needs of victims of crime not
13.4 covered by domestic violence, sexual assault, or child abuse services.

13.5 Sec. 14. **EMERGENCY FUNDING FOR VICTIMS OF GUN VIOLENCE;**
13.6 **APPROPRIATION.**

13.7 \$500,000 in fiscal year 2025 is appropriated from the general fund to the commissioner
13.8 of public safety for grants to meet the emergency needs of victims of gun violence. Victims
13.9 of gun violence may include victims of domestic violence and sexual assault. Funding must
13.10 prioritize the needs of victims who are justice-involved.

13.11 Sec. 15. **VIOLENT CRIME ENFORCEMENT TEAM; APPROPRIATION.**

13.12 \$...... in fiscal year 2025 is appropriated from the general fund to the commissioner of
13.13 public safety for one additional employee to work with the statewide coordinator under the
13.14 Violent Crime Coordinating Council established in Minnesota Statutes, section 299A.642,
13.15 whose primary responsibilities must be helping coordinate with local law enforcement to
13.16 conduct sting operations and investigations on gun trafficking and straw purchases.

13.17 Sec. 16. **REPEALER.**

13.18 (a) Minnesota Statutes 2022, section 609.11, subdivisions 4, 5, 5a, 6, 7, and 8, are
13.19 repealed.

13.20 (b) Minnesota Statutes 2023 Supplement, section 609.11, subdivision 9, is repealed.

13.21 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to crimes
13.22 committed on or after that date.

609.11 MINIMUM SENTENCES OF IMPRISONMENT.

Subd. 4. **Dangerous weapon.** Any defendant convicted of an offense listed in subdivision 9 in which the defendant or an accomplice, at the time of the offense, used, whether by brandishing, displaying, threatening with, or otherwise employing, a dangerous weapon other than a firearm, shall be committed to the commissioner of corrections for not less than one year plus one day, nor more than the maximum sentence provided by law. Any defendant convicted of a second or subsequent offense in which the defendant or an accomplice, at the time of the offense, used a dangerous weapon other than a firearm, shall be committed to the commissioner of corrections for not less than three years nor more than the maximum sentence provided by law.

Subd. 5. **Firearm.** (a) Except as otherwise provided in paragraph (b), any defendant convicted of an offense listed in subdivision 9 in which the defendant or an accomplice, at the time of the offense, had in possession or used, whether by brandishing, displaying, threatening with, or otherwise employing, a firearm, shall be committed to the commissioner of corrections for not less than three years, nor more than the maximum sentence provided by law. Any defendant convicted of a second or subsequent offense in which the defendant or an accomplice, at the time of the offense, had in possession or used a firearm shall be committed to the commissioner of corrections for not less than five years, nor more than the maximum sentence provided by law.

(b) Any defendant convicted of violating section 609.165 or 624.713, subdivision 1, clause (2), shall be committed to the commissioner of corrections for not less than five years, nor more than the maximum sentence provided by law.

Subd. 5a. **Drug offenses.** Notwithstanding section 609.035, whenever a defendant is subject to a mandatory minimum sentence for a felony violation of chapter 152, other than a violation of section 152.021, subdivision 2b, clause (1), or a violation of chapter 152 sentenced under section 152.021, subdivision 3, paragraph (c), and is also subject to this section, the minimum sentence imposed under this section shall be consecutive to that imposed under chapter 152.

Subd. 6. **No early release.** Any defendant convicted and sentenced as required by this section is not eligible for probation, parole, discharge, or supervised release until that person has served the full term of imprisonment as provided by law, notwithstanding the provisions of sections 242.19, 243.05, 244.04, 609.12 and 609.135.

Subd. 7. **Fact finder shall establish.** The question of whether the defendant or an accomplice, at the time of commission of an offense listed in subdivision 9, used a firearm or other dangerous weapon or had in possession a firearm shall be determined by the fact finder at the time of a verdict or finding of guilt at trial or the entry of a plea of guilty based upon the record of the trial or the plea of guilty. The fact finder shall also determine whether the defendant has been convicted of a second or subsequent offense in which the defendant or an accomplice, at the time of commission of an offense listed in subdivision 9, used a firearm or other dangerous weapon or had in possession a firearm.

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.

Subd. 9. **Applicable offenses.** The crimes for which mandatory minimum sentences shall be served as provided in this section are: murder in the first, second, or third degree; assault in the first, second, or third degree; burglary; kidnapping; false imprisonment; manslaughter in the first or second degree; aggravated robbery; simple robbery; carjacking in the first, second, or third

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degree; first-degree or aggravated first-degree witness tampering; criminal sexual conduct under the circumstances described in sections 609.342, subdivision 1, and subdivision 1a, clauses (a) to (f) and (i); 609.343, subdivision 1, and subdivision 1a, clauses (a) to (f) and (i); and 609.344, subdivision 1, clauses (a) to (c) and (d), under the conditions described in section 609.341, subdivision 24, clause (2), item (i), (ii), or (iii), and subdivision 1a, clauses (a) to (e), (h), and (i), under the conditions described in section 609.341, subdivision 24, clause (2), item (i), (ii), or (iii); escape from custody; arson in the first, second, or third degree; drive-by shooting under section 609.66, subdivision 1e; harassment under section 609.749, subdivision 3, paragraph (a), clause (3); possession or other unlawful use of a firearm or ammunition in violation of section 609.165, subdivision 1b, or 624.713, subdivision 1, clause (2), a felony violation of chapter 152; or any attempt to commit any of these offenses.