Chief Author: Walter Hudson

Commitee: Public Safety Finance And Policy

Date Completed: 2/27/2025 10:38:32 AM
Lead Agency: Corrections Dept

Other Agencies:

Public Defense Board Sentencing Guidelines Comm

Supreme Court

State Fiscal Impact	Yes	No
Expenditures	х	
Fee/Departmental Earnings		Х
Tax Revenue		Х
Information Technology		Х
Local Fiscal Impact		×

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)			Biennium			Biennium	
Dollars in Thousands		FY2025	FY2026	FY2027	FY2028	FY2029	
Corrections Dept							
General Fund		-	12	57	131	192	
State Total	_	_	_	_	_		
General Fund		-	12	57	131	192	
	Total	-	12	57	131	192	
	Bien	nial Total		69		323	

Full Time Equivalent Positions (FTE)		Biennium		Biennium	
	FY2025	FY2026	FY2027	FY2028	FY2029
Corrections Dept					
General Fund	-	.1	.4	.8	1.2
Total	-	.1	.4	.8	1.2

Lead LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature:Susan NelsonDate:2/27/2025 10:38:32 AMPhone:651-296-6054Email:susan.nelson@lbo.mn.gov

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

^{*}Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2			Bienni	ium	Biennium	
Dollars in Thousands		FY2025	FY2026	FY2027	FY2028	FY2029
Corrections Dept	=					
General Fund		-	12	57	131	192
	Total	-	12	57	131	192
	Bier	nnial Total		69		323
1 - Expenditures, Absorbed Costs*, Tr	ansfers Out*					
Corrections Dept						
General Fund	,	-	12	57	131	192
	Total	-	12	57	131	192
	Bier	nnial Total		69		323
2 - Revenues, Transfers In*						
Corrections Dept						
General Fund		-	-	-	-	-
	Total	-	-	-	-	-
	Bier	nnial Total		-		-

Chief Author: Walter Hudson

Commitee: Public Safety Finance And Policy

Date Completed: 2/27/2025 10:38:32 AM
Agency: Corrections Dept

No
х
Х
х

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)			Biennium Bienniur			ium
Dollars in Thousands		FY2025	FY2026	FY2027	FY2028	FY2029
General Fund	_	-	12	57	131	192
	Total	-	12	57	131	192
	Bier	nnial Total		69		323

Full Time Equivalent Positions (FTE)			Biennium		Biennium	
		FY2025	FY2026	FY2027	FY2028	FY2029
General Fund		-	.1	.4	.8	1.2
7	Total	-	.1	.4	.8	1.2

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature:Susan NelsonDate:2/27/2025 10:33:40 AMPhone:651-296-6054Email:susan.nelson@lbo.mn.gov

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

^{*}Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2			Bienni	ium	Bienni	ium
Dollars in Thousands		FY2025	FY2026	FY2027	FY2028	FY2029
General Fund		-	12	57	131	192
	Total	-	12	57	131	192
	Bier	nnial Total		69		323
1 - Expenditures, Absorbed Costs*, Tra	nsfers Out*					
General Fund		-	12	57	131	192
	Total	-	12	57	131	192
	Bier	nnial Total		69		323
2 - Revenues, Transfers In*						
General Fund		-	-	-	-	-
	Total	-	-	-	-	-
	Bier	nnial Total		-		-

Bill Description

HF765 amends sections of state statute related to increasing sentences for dangerous offenders who commit a third violent crime or felony and adds a new subdivision to Minnesota Statutes 609.1095 requiring that any person convicted and sentenced as required by this section of statute must serve any imposed sentence unless the total time to serve in prison would be longer if a concurrent sentence were imposed, and that such individuals are not eligible for probation, parole, discharge, or work release until they have served the entire announced sentence.

This bill has an effective date of August 1, 2025.

Assumptions

Prison bed costs are based on a marginal cost per diem of \$52.61 for FY 2026, \$53.79 for FY 2027, \$55.29 for FY 2028, and \$56.89 for FY 2029 and each subsequent year. This includes marginal costs for all facility, private and public bed rental, health care, and support costs.

The annual cost is estimated by multiplying the number of prison beds needed by the subsequent annual per diem. Unless otherwise noted, prison beds are phased in on a quarterly basis.

Prison bed impact for the increase in the offender population assumes 80 percent of the ongoing bed impact is personnel-related and the average salary per FTE is \$126,000 per year, including benefits.

Expenditure and/or Revenue Formula

The Minnesota Sentencing Guidelines Commission (MSGC) projects the need for one prison bed in fiscal year 2026, four prison beds in fiscal year 2027, eight prison beds in fiscal year 2028, and ten prison beds in fiscal year 2029.

Cost of Prison Beds

Fiscal year	2026	2027	2028	2029
Number of Prison Beds	1	4	8	10
Cost of Prison Beds (in 000s)	\$12	\$57	\$131	\$192
FTE	0.1	0.4	0.8	1.2

Long-Term Fiscal Considerations

MSGC projects the need for twelve prison beds in fiscal year 2030, thirteen prison beds in fiscal year 2031, 14 prison beds in fiscal year 2032, 16 prison beds in fiscal year 2033, 17 prison beds in fiscal year 2034, 18 prison beds each fiscal year from fiscal year 2035 through fiscal year 2037, 19 prison beds each fiscal year from fiscal year 2038 through fiscal year 2044, and 20 prison beds beginning in fiscal year 2045 and each fiscal year thereafter as a result of this legislation.

Local Fiscal Impact

MSGC projects that any fiscal impact to local units of government as a result of this legislation would be minimal.

References/Sources

Department of Corrections staff

MSGC

Agency Contact:

Agency Fiscal Note Coordinator Signature: Mark Besonen Date: 2/27/2025 10:10:22 AM

Phone: 651-361-7200 Email: mark.besonen@state.mn.us

Chief Author: Walter Hudson

Commitee: Public Safety Finance And Policy

Date Completed: 2/27/2025 10:38:32 AM
Agency: Public Defense Board

State Fiscal Impact	Yes	No
Expenditures		х
Fee/Departmental Earnings		Х
Tax Revenue		Х
Information Technology		Х
Local Figaal Impact		
Local Fiscal Impact		Х

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)		Biennium		Biennium	
Dollars in Thousands	FY2025	FY2026	FY2027	FY2028	FY2029
Tota	i -	-	-	-	-
В	Biennial Total		-		-

Full Time Equivalent Positions (FTE)		Biennium		Biennium	
	FY2025	FY2026	FY2027	FY2028	FY2029
Total	-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

 LBO Signature:
 Susan Nelson
 Date:
 2/26/2025 7:06:37 PM

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This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

^{*}Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2		Biennium		Biennium		
Dollars in Thousands		FY2025	FY2026	FY2027	FY2028	FY2029
	Total	-	-	-	-	-
	Bier	nnial Total		-		-
1 - Expenditures, Absorbed Costs*, Tran	nsfers Out*					
	Total	-	-	-	-	-
	Bier	nnial Total		-		-
2 - Revenues, Transfers In*						
	Total	-	-	-	-	-
	Bier	nnial Total		-		-

Bill Description

The bill would require imposition of an aggravated durational departure for individuals with two or more prior convictions for violent crimes; eliminates language allowing duration departures for individuals committing a third violent offense which then requires a person to serve a mandatory sentence of at least the presumptive sentence including where the presumptive sentence does not presume an executed prison sentence. The bill would require imposition of an aggravated durational departure for individuals who commit a sixth felony. The bill would require the sentences to be served consecutively unless the imposed time for concurrent sentences would be longer. Individuals sentenced under these provisions would not be eligible for parole, probation or discharge or early release.

Assumptions

There are not enough cases to have an impact on workloads or caseloads.

Expenditure and/or Revenue Formula

Long-Term Fiscal Considerations

Local Fiscal Impact

References/Sources

Agency Contact:

Agency Fiscal Note Coordinator Signature: Kevin Kajer Date: 2/19/2025 1:26:33 PM

Phone: 612-279-3508 Email: Kevin.kajer@pubdef.state.mn.us

Chief Author: Walter Hudson

Commitee: Public Safety Finance And Policy

Date Completed: 2/27/2025 10:38:32 AM
Agency: Sentencing Guidelines Comm

State Fiscal Impact	Yes	No
Expenditures		х
Fee/Departmental Earnings		Х
Tax Revenue		Х
Information Technology		Х
_		
Local Fiscal Impact		×

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)		Biennium		Biennium	
Dollars in Thousands	FY2025	FY2026	FY2027	FY2028	FY2029
Tota	i -	-	-	-	-
В	Biennial Total		-		-

Full Time Equivalent Positions (FTE)			Biennium B		Biennium	
		FY2025	FY2026 FY2027		FY2028	FY2029
	Total	-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature:Susan NelsonDate:2/27/2025 8:33:25 AMPhone:651-296-6054Email:susan.nelson@lbo.mn.gov

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

^{*}Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2		Biennium		Biennium		
Dollars in Thousands		FY2025	FY2026	FY2027	FY2028	FY2029
To	otal	-	-	-	-	-
	Bienni	al Total		-		-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
To	otal	-	-	-	-	-
	Bienni	al Total		-		-
2 - Revenues, Transfers In*						
To	otal	-	-	-	-	-
	Bienni	al Total		-		-

Bill Description

This bill amends Minn. Stat. section 609.1095, subdivisions 2, 3, and 4 by adding a subdivision. The new subdivision requires aggravated sentences for certain violent offenders; requires consecutive sentences for certain violent offenders; and requires certain offenders to serve the entire pronounced sentence in custody.

Subdivision 2 Increased sentences for dangerous offender who commits third violent crime:

Instead of being optional, this bill makes an aggravated durational departure from the presumptive imprisonment sentence mandatory for dangerous offenders who commit a third violent crime.

Subdivision 3 Mandatory sentence for dangerous offender who commits third violent felony:

Currently, subdivision 3 language states that a person who commits a violent felony must be committed to the commissioner of corrections for a mandatory sentence of at least the length of the presumptive sentence under the Sentencing Guidelines if the court determines on the record at the time of sentencing that the person has two or more prior felony convictions for violent crimes. The proposed amendment to subdivision 3 states that one of the following also has to be true the Sentencing Guidelines presumptive sentence does not presume an executed prison sentence; or the fact finder does not make the determination under subdivision 2, clause (2). The amendment also strikes language in subdivision 3 which states any person convicted and sentenced as required by this subdivision is not eligible for probation, parole, discharge, or work release, until that person has served the full term of imprisonment imposed by the court (which is two-thirds of the pronounced sentence).

Subdivision 4 Increased sentence for offender who commits sixth felony:

Instead of being optional, this bill makes an aggravated durational departure from the presumptive sentence mandatory for offenders who commit a sixth felony committed as part of a pattern of criminal conduct.

Creation of subdivision 5 Consecutive sentences; release:

This bill creates a new subdivision (subdivision 5). Under this new subdivision, any person convicted and sentenced as required by this section must serve any imposed sentences consecutively to any unexpired portion of a previously imposed sentence unless the total time to serve in prison would be longer if a concurrent sentence were imposed. Notwithstanding sections 241.26, 242.19, 243.05, 244.04, 609.12, and 609.135, any person convicted and sentenced as required by this section is not eligible for probation, parole, discharge, or work release until that person has served the full term of imprisonment imposed by the court.

This bill is effective August 1, 2025 and applies to crimes committed on or after that date.

Assumptions

It is assumed that due to the COVID-19 health pandemic, the cases sentenced in 2020 and 2021 are not necessarily fair approximation of cases sentenced in the future; cases sentenced in 2019 are used to estimate the impact of this bill.

With respect to section 4 of the bill (new Minn. Stat. § 609.1095, subd. 5), it is assumed that the required consecutive sentencing (if longer than a concurrent sentence) will be calculated using the rules for consecutive sentence found in section 2.F of the Sentencing Guidelines. None of the seven subdivision 2 (dangerous offender) cases sentenced in 2019 received a consecutive sentence. Because all seven were person crimes currently eligible for consecutive sentencing, it is assumed that they would have received consecutive sentencing had they been longer. Because these defendants were instead given aggravated durational departures, it is therefore assumed that consecutive sentencing would not have been longer in any of the seven cases. It is assumed that a similar pattern will apply to the subd. 3 cases and subd. 4 casesparticularly since subd. 4 (career offender) cases will certainly have lengthy criminal histories, which would not be counted under the Sentencing Guidelines' consecutive sentencing policy. Therefore, it is assumed that there will be no impact from the consecutive-sentencing provisions of section 4.

With respect to the remaining provisions of section 4, it is assumed that the intent and effect of the language, "the entire announced sentence imposed by the court" is to eliminate the possibility of supervised release for these defendants, and that every defendant to whom subdivision 2, 3, or 4 applies will serve the entire pronounced sentence, not just the term of imprisonment, in prison, after which they will be released without supervision. The impact of this provision will be applied during the discussion about each subdivision.

With respect to Minn. Stat. § 609.1095, subd. 2 (dangerous offenders), it is assumed that the subdivision will continue to apply in cases where the current offense is a felony "violent crime" (as listed); where the defendant was an adult on the offense date; where, before the current offense date, the defendant was convicted of two "prior" (defined to require the second prior offense to have occurred after the date of the first prior conviction) violent crimes (not necessarily felonies); and where the factfinder (a jury or, with the defendant's consent, a judge) finds the defendant to be a danger to public safety. It is assumed the intent and effect of the bill is to expand the subdivision by (1) making it applicable to all cases in which the Sentencing Guidelines recommend executed prison, not just the subset of such cases where the judge imposes an executed prison sentence; and (2) requiring, not merely permitting, an aggravated durational departure. It assumed that neither requirement will be waivable, but must and will be imposed in all required cases. The magnitude of the required durational departure is not specified.

The bill will prohibit mitigated dispositional departures, and require aggravated durational departures, in dangerous-offender cases. The number of such mitigated departures granted, or aggravated departures not imposed, is not known. In 2019, there were seven aggravated durational departures in which the judge cited the dangerous-offender provision as the reason for departure. It is assumed that, among qualifying cases where the prosecutor proves to a jury or judge that the defendant is a danger to public safety, the number of mitigated dispositional departures (to be prohibited by this bill) is very small, and most likely zero in a typical year. It is further assumed that, among qualifying cases where the prosecutor proves to a jury or judge that the defendant is a danger to public safety, the number of aggravated durational departures now permitted by subd. 2 (to be required by this bill) but not granted is also very small, perhaps 1 in a typical year. Among the seven aggravated durational departures under the dangerous-offender provision, the average durational increase above the presumptive sentence was 21 months. It is therefore assumed that the bill will cause one additional pronounced sentence to increase by 21 months, two-thirds of which would be 14 months.

With respect to subdivision 3 (repeat violent felons), it is assumed that the bill makes no material policy changes. Subdivision 3 is similar to subdivision 2, except that it applies to any defendant sentenced in adult court, not just adult defendants; it requires that the two prior offenses be felonies; it excludes controlled substance crime in the 3rd or 4th degree from the meaning of "violent crime"; and it applies regardless of whether the Sentencing Guidelines recommend executed prison. When subdivision 3 applies, an executed prison sentence of at least the presumptive Guidelines duration must be imposed; waiver is not permitted. It is assumed that the intent and effect of the bill is to leave these provisions unchanged.

With respect to subdivision 4 (career offenders), it is assumed that the subdivision will continue to apply in cases where the current offense is a felony; where, before the current offense date, the defendant was convicted of five "prior" (defined to require each offense, in turn, to have occurred after the date of the preceding prior conviction) felonies; and where the factfinder (a jury or, with the defendant's consent, a judge) finds the defendant the current offense to have been committed as part of a pattern of criminal conduct. It is assumed the intent and effect of the bill is to expand the subdivision by (1) making it applicable to all cases in which the Sentencing Guidelines recommend executed prison, not just the subset of such cases where the judge imposes an executed prison sentence; and (2) requiring, not merely permitting, an aggravated durational departure. It assumed that neither requirement will be waivable, but must and will be imposed in all required cases. The magnitude of the required durational departure is not specified.

The bill will prohibit mitigated dispositional departures, and require aggravated durational departures, in career-offender cases. The number of such mitigated departures granted, or aggravated departures not imposed, is not known. In 2019, there were 17 aggravated durational departures in which the judge cited the career-offender provision as the reason for departure.

Among those 17 aggravated durational departures were five mitigated dispositional departures. It is assumed that, in the future, those five aggravated durations would be executed instead of stayed, as required by the bill. The sum of those five stayed sentences was 270 months. It is therefore assumed that the bill will cause five additional executed sentences for a total pronounced duration of 270 months, two-thirds of which would be 180 months.

It is further assumed that, among qualifying cases where the prosecutor proves to a jury or judge that the offense was committed as part of a pattern of criminal conduct, the number of aggravated durational departures now permitted by subd. 4 (to be required by this bill) but not granted is also very small, perhaps 3 in a typical year. Among the 17 aggravated durational departures under the career-offender provision, the average durational increase above the presumptive sentence was 22.6 months. It is therefore assumed that the bill will cause three additional pronounced sentences to increase by 22.6 months each, for a total of 68 months, two-thirds of which would be 45 months.

It is therefore assumed that the bill will require, in total, an additional 239 months in prison (14 + 180 +45), which, divided by 12, results in the need for 20 additional prison beds.

Expenditure and/or Revenue Formula

Long-Term Fiscal Considerations

Based on the assumptions above, there will be a need of 20 additional prison beds annually: 1 bed in FY2026, 4 beds in FY2027, 8 beds in FY2028, and a total of 20 beds by FY2045, and every year after. The timing of the total beds needed is displayed in the table, below.

Table 1. Prison-Bed Timing

Fiscal Year	Beds
2026	1
2027	4
2028	8
2029	10
2030	12
2031	13
2032	14
2033	16
2034	17
2035	18
2036	18
2037	18
2038	19
2039	19
2040	19
2041	19
2042	19
2043	19
2044	19
2045	20

Local Fiscal Impact

Based on the assumptions above, there will be minimal impact on local correctional resources because the majority of the bill's impact will be from longer prison durations for cases already receiving executed prison sentences. Because it will also prohibit some mitigated dispositional departures, there may be some local correctional savings from fewer cases being supervised on probation (because those cases will be receiving prison sentences) and from fewer cases receiving local confinement as a condition of their probation. As described above, there were five such mitigated dispositional departures from the career offender statute (under subd. 5) that did not receive executed prison sentences in 2019.

References/Sources

See SF3224 (2022).

2019 MSGC Monitoring Data.

Agency Contact:

Agency Fiscal Note Coordinator Signature: Jill Payne **Date:** 2/26/2025 9:25:55 AM

Phone: 651-757-1725 Email: jill.payne@state.mn.us

Chief Author: Walter Hudson

Commitee: Public Safety Finance And Policy

Date Completed: 2/27/2025 10:38:32 AM

Agency: Supreme Court

State Fiscal Impact	Yes	No
Expenditures		Х
Fee/Departmental Earnings		Х
Tax Revenue		Х
Information Technology		Х
Local Fiscal Impact		X

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State Cost (Savings)		Biennium		Biennium	
Dollars in Thousands	FY2025	FY2026	FY2027	FY2028	FY2029
Tota	i -	-	-	-	-
В	Biennial Total		-		-

Full Time Equivalent Positions (FTE)		Biennium		Biennium	
	FY2025	FY2026 FY2027		FY2028	FY2029
Total	-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature:Susan NelsonDate:2/26/2025 7:05:46 PMPhone:651-296-6054Email:susan.nelson@lbo.mn.gov

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^{*}Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2		Biennium		Biennium		
Dollars in Thousands		FY2025	FY2026	FY2027	FY2028	FY2029
	Total	-	-	-	-	-
	Bier	nial Total		-		-
1 - Expenditures, Absorbed Costs*, Transfe	rs Out*					
	Total	-	-	-	-	-
	Bier	nial Total		-		-
2 - Revenues, Transfers In*						
	Total	-	-	-	-	-
	Bier	nial Total		-		-

Bill Description

HF765-0 ("the bill") modifies Minn. Stat. § 609.1095 to mandate increased sentencing penalties for certain persons with multiple felony convictions. The bill also adds a new subdivision 5 requiring consecutive sentencing for sentences pursuant to Minn. Stat. § 609.1095 and prohibits various types of release, discharge, or parole.

Assumptions

It is assumed that the bill will not have an impact on criminal case filing numbers because the bill does not create, eliminate, or redefine any criminal offenses. It is assumed that there may be a slight increase in litigation or trials in the impacted cases, but that the judicial branch will absorb any additional work due to the low number of current case filings that reference Minn. Stat. § 609.1095.

It is assumed that this bill will not have a measurable fiscal impact on the judicial branch.

Expenditure and/or Revenue Formula

Based on the past five years of judicial branch data (2020-2024), there is an annual average of 28 cases filed statewide with reference to the sentencing provisions of Minn. Stat. § 609.1095. An increase in litigation or trials in 28 criminal cases statewide per year will not have a measurable impact on the judicial branch.

Long-Term Fiscal Considerations

None

Local Fiscal Impact

References/Sources

Agency Contact:

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