

THE SUPREME COURT OF MINNESOTA
MINNESOTA JUDICIAL CENTER
25 REV. DR. MARTIN LUTHER KING JR. BLVD.
SAINT PAUL, MINNESOTA 55155

SUE K. DOSAL
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March 31, 2005

Senator Jane Ranum
120 Capitol
75 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155

Dear Senator Ranum:

I am writing in response to your recent inquiry about the implementation of a recommendation contained in the recent Office of Legislative Auditor's report on Community Supervision of Sex Offenders. The recommendation states that *"The State Court Administrator's Office should remind court officials throughout the state about the statutory requirement to refer repeat sex offenders to the state hospital for assessment."*

As you are aware, this recommendation is in response to a concern by the Legislative Auditor that repeat sex offenders are not being referred to the state security hospital for assessment, as required in M.S. §609.3452, subd. 1a.

Judge Dennis Murphy, chair of the Conference of Chief Judges, will send out an e-mail to all judges this week to remind them of the requirements of this law. We have also spoken to the Department of Corrections which assures us that every effort is being made to keep probation officers apprised of current law and the need for probation officers to request pre-sentence assessments for repeat offenders.

The Legislature might want to review these two laws to assess whether those repeat sex offenders who are being committed to the Department of Corrections also need a pre-commitment assessment at the state hospital, and determine if waivers can be granted to counties to perform the assessment locally. It is my understanding that Hennepin, Ramsey, and Washington are performing assessments locally.

Please contact me if you have additional questions.

Sincerely,



Sue K. Dosal
State Court Administrator

cc: Hon. Dennis Murphy, Conference of Chief Judges' Chair

**Senate Counsel, Research,
and Fiscal Analysis**

G-17 STATE CAPITOL
75 REV. DR. MARTIN LUTHER KING, JR. BLVD.
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Senate

State of Minnesota

S.F. No. 336 -Prohibiting the Electronic Use of a False Pretense to Obtain the Identity of Another (First Engrossment)

Author: Senator Steve Kelley

Prepared by: Chris Turner, Senate Research (651/296-4350) CT

Date: April 1, 2005

Section 1 defines, for the purposes of the bill, “false pretense” as any false, fictitious, misleading, or fraudulent information depicting or including or deceptively similar to the name, logo, Web site address, e-mail address, postal address, or telephone number of a for-profit or not-for-profit business or organization or of a government agency, to which the user has not legitimate claim of right.

Section 2 expands the crime of identity theft (Minnesota Statutes, section 609.527) by creating a five-year felony for using a false pretense in an electronic communication with the intent to obtain the identity of another. Failure to obtain, use, or gain from the identity is not a defense.

Section 3 provides that the venue for prosecuting such crimes includes the county or place of residence of the person whose identity was obtained or sought.

Section 4 provides an August 1, 2005 effective date and applies to crimes committed on or after that date.

CT:vs

Consolidated Fiscal Note – 2005-06 Session

Bill #: S0336-0 (R) **Complete Date:** 04/04/05

Chief Author: KELLEY, STEVE

Title: FALSE PRETENSE TO OBTAIN IDENTITY

Fiscal Impact	Yes	No
State	X	
Local	X	
Fee/Departmental Earnings		X
Tax Revenue		X

Agencies: Corrections Dept (04/04/05)
Public Defense Board (03/02/05)

Supreme Court (03/07/05)
Sentencing Guidelines Comm (03/03/05)

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
Net Expenditures					
General Fund	0	32	52	53	53
Corrections Dept	0	32	52	53	53
Revenues					
-- No Impact --					
Net Cost <Savings>					
General Fund	0	32	52	53	53
Corrections Dept	0	32	52	53	53
Total Cost <Savings> to the State	0	32	52	53	53

	FY05	FY06	FY07	FY08	FY09
Full Time Equivalents					
General Fund	0.00	0.50	0.80	0.80	0.90
Corrections Dept	0.00	0.50	0.80	0.80	0.90
Total FTE	0.00	0.50	0.80	0.80	0.90

Consolidated EBO Comments

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING
Date: 04/04/05 Phone: 296-7964

Fiscal Note – 2005-06 Session

Bill #: S0336-0 (R) **Complete Date:** 04/04/05

Chief Author: KELLEY, STEVE

Title: FALSE PRETENSE TO OBTAIN IDENTITY

Fiscal Impact	Yes	No
State	X	
Local	X	
Fee/Departmental Earnings		X
Tax Revenue		X

Agency Name: Corrections Dept

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
Expenditures					
General Fund	0	32	52	53	53
Less Agency Can Absorb					
-- No Impact --					
Net Expenditures					
General Fund	0	32	52	53	53
Revenues					
-- No Impact --					
Net Cost <Savings>					
General Fund	0	32	52	53	53
Total Cost <Savings> to the State	0	32	52	53	53

	FY05	FY06	FY07	FY08	FY09
Full Time Equivalents					
General Fund	0.00	0.50	0.80	0.80	0.90
Total FTE	0.00	0.50	0.80	0.80	0.90

SF 336 Identity Theft

Bill Description

This bill expands the crime of Identity Theft to include attempts to obtain the identity of another through electronic communications using a false pretense. A person can be convicted of this offense regardless of whether they obtained the identity of another, used the identity, or whether the crime resulted in any financial or other losses. This crime is a felony with a five-year statutory maximum.

Assumptions

- According to the Minnesota Sentencing Guidelines Commission this bill will have a minimal impact on future need for prison beds. The impact of this bill will add two prison beds per year.
- Prison bed costs are based on a marginal cost per diem for each fiscal year. The annual per diems are as follows: FY06 \$69.85, FY07 \$70.91, FY08 \$71.99, and FY09 \$73.10. This includes marginal costs for all facility, private and public bed rental, health care, and support costs.
- In order to estimate the annual cost the number of prison beds needed is phased in on a quarterly basis. Then multiplying the number of beds for each quarter by the subsequent annual per diem determines the estimate for the annual costs of prison beds.
- Prison bed FTE impact for the increase in the inmate population assumes 80 percent of the ongoing bed impact is personnel-related and the average salary is \$50,000 per year including benefits.
- The revision of this bill creates a new category to existing penalties.
- According to Sentencing Guidelines this bill will have a minimal impact on supervision caseloads statewide. However, with each new crime and penalty enhancement enacted this legislative session the accumulative effect of supervision caseloads could be significant.
- This bill will be effective August 1, 2005.

Expenditure and/or Revenue Formula

Fiscal Year	2005	2006	2007	2008	2009
Number of Prison Beds	0	2	2	2	2
Costs of Prison Beds (1=1,000)	\$0	\$32	\$52	\$53	\$53
Total DOC Cost (1=1,000)	\$0	\$32	\$52	\$53	\$53
FTE	0	.5	.8	.8	.9

Long-Term Fiscal Considerations

The prison bed costs will be recognized in subsequent years.

Local Government Costs

The impact on local jurisdictions is estimated to be minimal.

References/Sources

Minnesota Sentencing Guidelines staff.
Minnesota Department of Corrections staff.

FN Coord Signature: DENNY FONSECA
Date: 04/04/05 Phone: 642-0220

EBO Comments

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING
Date: 04/04/05 Phone: 296-7964

Fiscal Note – 2005-06 Session

Bill #: S0336-0 (R) **Complete Date:** 03/07/05

Chief Author: KELLEY, STEVE

Title: FALSE PRETENSE TO OBTAIN IDENTITY

Fiscal Impact	Yes	No
State		X
Local		X
Fee/Departmental Earnings		X
Tax Revenue		X

Agency Name: Supreme Court

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
Expenditures					
-- No Impact --					
Less Agency Can Absorb					
-- No Impact --					
Net Expenditures					
-- No Impact --					
Revenues					
-- No Impact --					
Net Cost <Savings>					
-- No Impact --					
Total Cost <Savings> to the State					

	FY05	FY06	FY07	FY08	FY09
Full Time Equivalents					
-- No Impact --					
Total FTE					

This bill version has no fiscal effect on our agency.

FN Coord Signature: JUDY REHAK

Date: 03/07/05 Phone: 297-7800

EBO Comments

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING

Date: 03/07/05 Phone: 296-7964

Fiscal Note – 2005-06 Session

Bill #: S0336-0 (R) **Complete Date:** 03/03/05

Chief Author: KELLEY, STEVE

Title: FALSE PRETENSE TO OBTAIN IDENTITY

Fiscal Impact	Yes	No
State	X	
Local		X
Fee/Departmental Earnings		X
Tax Revenue		X

Agency Name: Sentencing Guidelines Comm

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
Expenditures					
-- No Impact --					
Less Agency Can Absorb					
-- No Impact --					
Net Expenditures					
-- No Impact --					
Revenues					
-- No Impact --					
Net Cost <Savings>					
-- No Impact --					
Total Cost <Savings> to the State					

	FY05	FY06	FY07	FY08	FY09
Full Time Equivalents					
-- No Impact --					
Total FTE					

Bill Description

This bill expands the crime of Identity Theft to include attempts to obtain the identity of another through electronic communications using a false pretense. A person can be convicted of this offense regardless of whether they obtained the identity of another, used the identity, or whether the crime resulted in any financial or other losses. This crime is a felony with a five year statutory maximum.

The effective date is August 1, 2005 and it applies to offenses committed on or after that date..

Assumptions

It is assumed that this new Identity Theft crime will be ranked the same as the other Identity Theft crimes with a five year statutory maximum. These offenses are ranked at severity level 2. At that severity level, only offenders with a criminal history score of six or more are recommended executed prison sentences.

According to MSGC monitoring data, for the years 2001-2003, 27 total offenders were sentenced for the existing severity level 2 Identity Theft offense and five (19%) received executed prison sentences with an average duration of 18 months.

Given the small number of offenders observed so far that have been sentenced for the existing severity level 2 offense, it is assumed that this expansion of the crime will, at most, result in a similar number of additional offenders being sentenced each year at this penalty level. It is assumed that nine additional offenders a year will be sentenced for Identity Theft, and only one or two a year will receive executed prison sentences. .

Impact on State and Local Correctional Resources

Because the number of offenders that will be sentenced for this new offense is assumed to be no larger than the number currently being sentenced, and it is anticipated that most offenders will receive probation sentences, the projected impact on state prison resources is estimated to be small. If two more offenders a year receive executed prison sentences of 18 months, the impact will be 2 prison beds a year. Two beds would be needed in FY2006 and every year after.

Because the number of expected new offenders is small, the impact on local correctional resources is projected to be minimal.

FN Coord Signature: ANNE WALL
Date: 03/03/05 Phone: 296-0144

EBO Comments

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING
Date: 03/03/05 Phone: 296-7964

Fiscal Note – 2005-06 Session

Bill #: S0336-0 (R) **Complete Date:** 03/02/05

Chief Author: KELLEY, STEVE

Title: FALSE PRETENSE TO OBTAIN IDENTITY

Fiscal Impact	Yes	No
State		X
Local		X
Fee/Departmental Earnings		X
Tax Revenue		X

Agency Name: Public Defense Board

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
Expenditures					
-- No Impact --					
Less Agency Can Absorb					
-- No Impact --					
Net Expenditures					
-- No Impact --					
Revenues					
-- No Impact --					
Net Cost <Savings>					
-- No Impact --					
Total Cost <Savings> to the State					

	FY05	FY06	FY07	FY08	FY09
Full Time Equivalents					
-- No Impact --					
Total FTE					

Bill Description

Assumptions

While the provisions of this bill do not have a major impact on the public defense system, it does present the already overburdened criminal justice and public defender systems with additional cases and time commitments. Any time there is an increase in penalties or expansion of criminal law the result will be more cases, more contested cases, and more appeals.

Expenditure and/or Revenue Formula

Long-Term Fiscal Considerations

Local Government Costs

References/Sources

FN Coord Signature: KEVIN KAJER
Date: 03/02/05 Phone: 349-2565

EBO Comments

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING
Date: 03/02/05 Phone: 296-7964

Bill Summary

Senate Counsel & Research

Senate

State of Minnesota

S.F. No. 676 -Interference with Ambulance Service Personnel

Author: Senator Wes Skoglund
Prepared by: Chris Turner, Senate Research (651/296-4350)
Date: March 14, 2005

Section 1 expands Minnesota Statutes, section 609.50 (Obstructing Legal Process; Arrest, or Firefighting), by making it a crime to interfere with or obstruct a member of an ambulance service personnel crew in the performance of their official duties.

CT:vs

[Check on the status of this bill](#)

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Last review or update: 03/16/2005

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1 A bill for an act
2 relating to crimes; prohibiting using a false pretense
3 in an e-mail to obtain the identity of another;
4 imposing penalties; amending Minnesota Statutes 2004,
5 section 609.527, subdivisions 1, 6, by adding a
6 subdivision.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA: ---

8 Section 1. Minnesota Statutes 2004, section 609.527,
9 subdivision 1, is amended to read:

10 Subdivision 1. [DEFINITIONS.] (a) As used in this section,
11 the following terms have the meanings given them in this
12 subdivision.

13 (b) "Direct victim" means any person or entity described in
14 section 611A.01, paragraph (b), whose identity has been
15 transferred, used, or possessed in violation of this section.

16 (c) "False pretense" means any false, fictitious,
17 misleading, or fraudulent information or pretense or pretext
18 depicting or including or deceptively similar to the name, logo,
19 Web site address, e-mail address, postal address, telephone
20 number, or any other identifying information of a for-profit or
21 not-for-profit business or organization or of a government
22 agency, to which the user has no legitimate claim of right.

23 (d) "Identity" means any name, number, or data transmission
24 that may be used, alone or in conjunction with any other
25 information, to identify a specific individual or entity,
26 including any of the following:

1 (1) a name, Social Security number, date of birth, official
2 government-issued driver's license or identification number,
3 government passport number, or employer or taxpayer
4 identification number;

5 (2) unique electronic identification number, address,
6 account number, or routing code; or

7 (3) telecommunication identification information or access
8 device.

9 ~~(d)~~ (e) "Indirect victim" means any person or entity
10 described in section 611A.01, paragraph (b), other than a direct
11 victim.

12 ~~(e)~~ (f) "Loss" means value obtained, as defined in section
13 609.52, subdivision 1, clause (3), and expenses incurred by a
14 direct or indirect victim as a result of a violation of this
15 section.

16 ~~(f)~~ (g) "Unlawful activity" means:

17 (1) any felony violation of the laws of this state or any
18 felony violation of a similar law of another state or the United
19 States; and

20 (2) any nonfelony violation of the laws of this state
21 involving theft, theft by swindle, forgery, fraud, or giving
22 false information to a public official, or any nonfelony
23 violation of a similar law of another state or the United States.

24 Sec. 2. Minnesota Statutes 2004, section 609.527, is
25 amended by adding a subdivision to read:

26 Subd. 5a. [CRIME OF ELECTRONIC USE OF FALSE PRETENSE TO
27 OBTAIN IDENTITY.] (a) A person who, with intent to obtain the
28 identity of another, uses a false pretense in an e-mail to
29 another person or in a Web page, electronic communication,
30 advertisement, or any other communication on the Internet, is
31 guilty of a crime.

32 (b) Whoever commits such offense may be sentenced to
33 imprisonment for not more than five years or to payment of a
34 fine of not more than \$10,000, or both.

35 (c) In a prosecution under this subdivision, it is not a
36 defense that:

1 (1) the person committing the offense did not obtain the
2 identity of another;

3 (2) the person committing the offense did not use the
4 identity; or

5 (3) the offense did not result in financial loss or any
6 other loss to any person.

7 Sec. 3. Minnesota Statutes 2004, section 609.527,
8 subdivision 6, is amended to read:

9 Subd. 6. [VENUE.] Notwithstanding anything to the contrary
10 in section 627.01, an offense committed under subdivision 2 or
11 5a may be prosecuted in:

12 (1) the county where the offense occurred; or

13 (2) the county of residence or place of business of the
14 direct victim or indirect victim; or

15 (3) in the case of a violation of subdivision 5a, the
16 county or place of residence of the person whose identity was
17 obtained or sought.

18 Sec. 4. [EFFECTIVE DATE.]

19 Sections 1 to 3 are effective August 1, 2005, and apply to
20 crimes committed on or after that date.

Consolidated Fiscal Note – 2005-06 Session

Bill #: S0676-0 **Complete Date:** 02/15/05

Chief Author: SKOGLUND, WESLEY

Title: INTERFERING W AMBULANCE; CRIME

Fiscal Impact	Yes	No
State	X	
Local	X	
Fee/Departmental Earnings	X	
Tax Revenue		X

Agencies: Corrections Dept (02/14/05)
Public Defense Board (02/15/05)

Supreme Court (02/15/05)
Sentencing Guidelines Comm (02/08/05)

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
Net Expenditures					
General Fund		91	134	134	134
Supreme Court		81	81	81	81
Corrections Dept		10	53	53	53
Revenues					
General Fund		78	104	104	104
Supreme Court		78	104	104	104
Net Cost <Savings>					
General Fund		13	30	30	30
Supreme Court		3	(23)	(23)	(23)
Corrections Dept		10	53	53	53
Total Cost <Savings> to the State		13	30	30	30

	FY05	FY06	FY07	FY08	FY09
Full Time Equivalents					
General Fund		0.95	1.75	1.75	1.75
Supreme Court		0.75	0.75	0.75	0.75
Corrections Dept		0.20	1.00	1.00	1.00
Total FTE		0.95	1.75	1.75	1.75

Consolidated EBO Comments

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING
Date: 02/15/05 Phone: 296-7964

Fiscal Note – 2005-06 Session

Bill #: S0676-0 **Complete Date:** 02/14/05

Chief Author: SKOGLUND, WESLEY

Title: INTERFERING W AMBULANCE; CRIME

Fiscal Impact	Yes	No
State	X	
Local	X	
Fee/Departmental Earnings		X
Tax Revenue		X

Agency Name: Corrections Dept

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
Expenditures					
General Fund		10	53	53	53
Less Agency Can Absorb					
-- No Impact --					
Net Expenditures					
General Fund		10	53	53	53
Revenues					
-- No Impact --					
Net Cost <Savings>					
General Fund		10	53	53	53
Total Cost <Savings> to the State		10	53	53	53

	FY05	FY06	FY07	FY08	FY09
Full Time Equivalents					
General Fund		0.20	1.00	1.00	1.00
Total FTE		0.20	1.00	1.00	1.00

H.F. 465 Obstructing legal process

Bill Description

This bill adds a clause to 609.50 making it an offense to interfere with or obstruct an ambulance service crew that is providing emergency care. The offense is a felony if these actions cause death, substantial bodily harm, or serious property damage or if the offender knew or had reason to know that such a result was likely. It is a gross misdemeanor if the act was accompanied by force or violence or the threat thereof, and a misdemeanor in other cases.

The effective date for this bill is August 1, 2005.

Assumptions

- It is assumed by Sentencing Guidelines that the number of offenders sentenced for this new clause will be small.
- The actual impact on supervision caseloads statewide for this bill will be minimal.
- However, the accumulative affect of all new enhancements to existing law and new offenses may have a significant impact on already overcrowded caseloads statewide.
- According to the Sentencing Guidelines Commission there will be a minimal increase in the need for prison beds.
- Prison bed costs are based on a marginal cost per diem for each fiscal year. The annual per diems are as follows: FY06 \$69.85, FY07 \$70.91, FY08 \$71.99, and FY09 \$73.10. This includes marginal costs for all facility, private and public bed rental, health care, and support costs.
- In order to estimate the annual cost the number of prison beds needed is phased in on a quarterly basis. Then multiplying the number of beds for each quarter by the subsequent annual per diem determines the estimate for the annual costs of prison beds.
- Prison bed FTE impact for the increase in the inmate population assumes 80 percent of the ongoing bed impact is personnel-related and the average salary is \$50,000 per year including benefits.
- This bill is effective August 1, 2005, except for section 7, which is effective January 1, 2006.

Expenditure and/or Revenue Formula

Expenditures for Prison Beds

Fiscal Year	2005	2006	2007	2008	2009
Number of Prison Beds	0	2	2	2	2
Costs of Prison Beds (1=1,000)	\$0	10	53	53	53
Total DOC Cost (1=1,000)	\$0	\$10	\$53	\$53	\$53
FTE	0	.2	1	1	1

Long-Term Fiscal Considerations

The prison bed costs will continue into all fiscal years.

Local Government Costs

The impact on local correctional resources (jail and supervision) is projected to be minimal.

References/Sources

Minnesota Sentencing Guidelines staff.
Minnesota Department of Corrections staff.

FN Coord Signature: DENNY FONSECA

Date: 02/10/05 Phone: 642-0220

EBO Comments

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING
Date: 02/14/05 Phone: 296-7964

Fiscal Note – 2005-06 Session

Bill #: S0676-0 **Complete Date:** 02/15/05

Chief Author: SKOGLUND, WESLEY

Title: INTERFERING W AMBULANCE; CRIME

Fiscal Impact	Yes	No
State	X	
Local		X
Fee/Departmental Earnings	X	
Tax Revenue		X

Agency Name: Supreme Court

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
Expenditures					
General Fund		81	81	81	81
Less Agency Can Absorb					
-- No Impact --					
Net Expenditures					
General Fund		81	81	81	81
Revenues					
General Fund		78	104	104	104
Net Cost <Savings>					
General Fund		3	(23)	(23)	(23)
Total Cost <Savings> to the State		3	(23)	(23)	(23)

	FY05	FY06	FY07	FY08	FY09
Full Time Equivalents					
General Fund		0.75	0.75	0.75	0.75
Total FTE		0.75	0.75	0.75	0.75

Bill Description

This bill adds a clause to 609.50 making it an offense to interfere with or obstruct an ambulance service crew that is providing emergency care. The offense is a felony if these actions cause death, substantial bodily harm, or serious property damage or if the offender knew or had reason to know that such a result was likely. It is a gross misdemeanor if the act was accompanied by force or violence or the threat thereof, and a misdemeanor in other cases.

Assumptions

It is assumed that the number of defendants who will be charged under this new clause is not greater than the number currently being sentenced for the existing clauses of this offense. According to MSGC monitoring data, in 2002 17 offenders were sentenced for felony violations of obstructing legal process, arrest or firefighting.

It is also assumed that the number of new gross misdemeanor offenses will be no greater than the number currently observed for the existing gross misdemeanor offense, and in fact is likely to be lower because contact with peace officers is more likely to turn confrontational than contact with ambulance personnel. Information from the State Court Research Department indicates that there were 496 gross misdemeanor convictions in 2003 for the existing offense and 432 such convictions in 2003.

Expenditure and/or Revenue Formula

If the volume of offenses created by this bill equals the existing volume of gross misdemeanor and felony charges, .3 judge units would be required to process the additional workload. For purposes of this fiscal note and in the absence of specific information about the anticipated volume of incidents, half the current volume of cases is assumed with a resulting .15 judge unit increased need. In addition associated with the .15 judge unit increased need, the Court Staff Workload Assessment would indicate a corresponding .6 administrative staff need. In FY05 a judge unit, consisting of a judge, law clerk, and court reporter, would cost \$307,000, including salaries fringe benefits, and operating costs. An administrative staff position, including salary, fringe benefits, and operating costs would equal \$58,000. The .15 judge unit cost attributable to this bill in FY06 would be \$46,000 and the administrative staff cost would be \$35,000. The total judge unit and administrative staff cost if this bill resulted in half the number of current felony and gross misdemeanor charges would be \$81,000.

Revenue

If approximately 80% of the gross misdemeanants paid an average fine of \$600, revenue of approximately \$104,000 might be realized. In the first year revenue is calculated for 9 months to account for a delayed effective date and case processing time to reach sentencing. The resulting FY06 revenue would be \$78,000

Long-Term Fiscal Considerations

Local Government Costs

References/Sources

FN Coord Signature: JUDY REHAK
Date: 02/15/05 Phone: 297-7800

EBO Comments

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING
Date: 02/15/05 Phone: 296-7964

Fiscal Note – 2005-06 Session

Bill #: S0676-0 **Complete Date:** 02/08/05

Chief Author: SKOGLUND, WESLEY

Title: INTERFERING W AMBULANCE; CRIME

Fiscal Impact	Yes	No
State		X
Local		X
Fee/Departmental Earnings		X
Tax Revenue		X

Agency Name: Sentencing Guidelines Comm

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
Expenditures					
-- No Impact --					
Less Agency Can Absorb					
-- No Impact --					
Net Expenditures					
-- No Impact --					
Revenues					
-- No Impact --					
Net Cost <Savings>					
-- No Impact --					
Total Cost <Savings> to the State					

	FY05	FY06	FY07	FY08	FY09
Full Time Equivalents					
-- No Impact --					
Total FTE					

Bill Description

This bill adds a clause to 609.50 making it an offense to interfere with or obstruct an ambulance service crew that is providing emergency care. The offense is a felony if these actions cause death, substantial bodily harm, or serious property damage or if the offender knew or had reason to know that such a result was likely. It is a gross misdemeanor if the act was accompanied by force or violence or the threat thereof, and a misdemeanor in other cases.

The effective date for this bill is August 1, 2005.

Assumptions

It is assumed that the number of offenders who will be sentenced for this new clause is no greater than the number currently being sentenced for the existing clauses of this offense. According to MSGC monitoring data, in 2003 18 offenders were sentenced for felony violations of Obstructing Legal Process, Arrest or Firefighting. This offense is ranked at severity level 3, a severity level at which offenders with a criminal history score of less than four are recommended probation sentences. It is assumed that this new clause will be similarly ranked. Of the 18 offenders sentenced for the existing offense in 2003, one received an executed prison sentence with a pronounced duration of 26 months. In 2002, three offenders received executed prison sentences for the existing offense with an average duration of 14 months. The two-year average is two offenders a year receiving prison sentences of 17 months.

It is also assumed that the number of new gross misdemeanor offenses will be no greater than the number currently observed for the existing gross misdemeanor offense, and in fact is likely to be lower because contact with peace officers is more likely to turn confrontational than contact with ambulance personnel. Information from the state court Research Department indicates that there were 496 gross misdemeanor convictions in 2002 for the existing offense and 432 such convictions in 2003. No information is available on what type of sentences these offenders received.

Impact on State and Local Correctional Resources

Since the number of new felony offenders is likely to be small and most offenders who commit this offense are likely to receive probation sentences, the impact on state prison resources is estimated to be minimal. If this bill results in 2 additional offenders a year receiving executed prison sentences of 17 months, the impact would be a need for 2 prison beds a year beginning in FY2006.

The impact on local jail resources and probation caseloads from additional felony convictions is also estimated to be minimal. Sixteen offenders sentenced for the existing felony offense in 2003 received local jail time as a condition of probation with an average pronounced duration of 70 days. If an additional 16 offenders a year receive such sentences, 2 additional jail beds would be required. The 16 felony offenders who were placed on probation for this offense in 2003 had an average pronounced period of supervision of 44 months.

Without information on the type of sentences currently received for misdemeanor and gross misdemeanor convictions, it is difficult to estimate the impact that the expansion of this offenses will have on local correctional resources. However, given that the number of new offenses is likely to be less than the number of current offenses, this impact is also projected to be minimal.

FN Coord Signature: ANNE WALL
Date: 02/08/05 Phone: 296-0144

EBO Comments

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING
Date: 02/08/05 Phone: 296-7964

Fiscal Note – 2005-06 Session

Bill #: S0676-0 **Complete Date:** 02/15/05

Chief Author: SKOGLUND, WESLEY

Title: INTERFERING W AMBULANCE; CRIME

Fiscal Impact	Yes	No
State		X
Local		X
Fee/Departmental Earnings		X
Tax Revenue		X

Agency Name: Public Defense Board

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
Expenditures					
-- No Impact --					
Less Agency Can Absorb					
-- No Impact --					
Net Expenditures					
-- No Impact --					
Revenues					
-- No Impact --					
Net Cost <Savings>					
-- No Impact --					
Total Cost <Savings> to the State					

	FY05	FY06	FY07	FY08	FY09
Full Time Equivalent					
-- No Impact --					
Total FTE					

Bill Description

Assumptions

While the provisions of this bill do not have a major impact on the public defense system, it does present the already overburdened criminal justice and public defender systems with additional cases and time commitments. Any time there is an increase in penalties or expansion of criminal law the result will be more cases, more contested cases, and more appeals.

Expenditure and/or Revenue Formula

Long-Term Fiscal Considerations

Local Government Costs

References/Sources

FN Coord Signature: KEVIN KAJER
Date: 02/15/05 Phone: 349-2565

EBO Comments

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING
Date: 02/15/05 Phone: 296-7964

Senators Skoglund, Sams and Murphy introduced--

S.F. No. 676: Referred to the Committee on Crime Prevention and Public Safety.

1 A bill for an act
2 relating to criminal justice; establishing a crime for
3 interfering with ambulance service personnel who are
4 providing emergency care; amending Minnesota Statutes
5 2004, section 609.50, subdivision 1.

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

7 Section 1. Minnesota Statutes 2004, section 609.50,
8 subdivision 1, is amended to read:

9 Subdivision 1. [CRIME.] Whoever intentionally does any of
10 the following may be sentenced as provided in subdivision 2:

11 (1) obstructs, hinders, or prevents the lawful execution of
12 any legal process, civil or criminal, or apprehension of another
13 on a charge or conviction of a criminal offense;

14 (2) obstructs, resists, or interferes with a peace officer
15 while the officer is engaged in the performance of official
16 duties;

17 (3) interferes with or obstructs the prevention or
18 extinguishing of a fire, or disobeys the lawful order of a
19 firefighter present at the fire; or

20 (4) interferes with or obstructs a member of an ambulance
21 service personnel crew, as defined in section 144E.001,
22 subdivision 3a, who is providing, or attempting to provide,
23 emergency care; or

24 (5) by force or threat of force endeavors to obstruct any
25 employee of the Department of Revenue while the employee is

1 lawfully engaged in the performance of official duties for the
2 purpose of deterring or interfering with the performance of
3 those duties.

4 [EFFECTIVE DATE.] This section is effective August 1, 2005,
5 and applies to crimes committed on or after that date.

1 Senator moves to amend S.F. No. 676. as follows:
2 Page 1, line 17, strike "the prevention or"
3 Page 1, line 18, strike everything before the second "a"
4 Page 1, line 19, strike "present at the fire" and insert
5 "while the firefighter is engaged in the performance of official
6 duties"

**Senate Counsel, Research,
and Fiscal Analysis**

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JO ANNE ZOFF SELLNER
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Senate

State of Minnesota

**S.F. No. 992 -Expanding the Crime of Identity Theft
(First Engrossment)**

Author: Senator Wes Skoglund`

Prepared by: Chris Turner, Senate Research (651/296-4350) CT

Date: April 1, 2005

Section 1 expands the crime of identity theft by creating a 20-year felony for crimes involving the possession or distribution of child pornography (Minnesota Statutes, sections 609.246 and 609.247).

Section 2 requires the court to order an offender to pay restitution of not less than \$1,000 to each direct victim of an identity theft. In addition, upon the written request of a direct victim or the prosecutor, the court shall provide a copy of the complaint, the judgment of conviction, and an order setting forth the facts and circumstances of the offense.

Section 3 provides an August 1, 2005 effective date and applies to crimes committed on or after that date.

CT:vs

Consolidated Fiscal Note – 2005-06 Session

Bill #: S0992-0 **Complete Date:** 03/08/05

Chief Author: SKOGLUND, WESLEY

Title: IDENTITY THEFT PENALTY MODIFICATION

Fiscal Impact	Yes	No
State	X	
Local	X	
Fee/Departmental Earnings		X
Tax Revenue		X

Agencies: Supreme Court (03/07/05)
Public Defense Board (03/02/05)

Corrections Dept (03/08/05)
Sentencing Guidelines Comm (03/03/05)

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
Net Expenditures					
General Fund	0	80	162	214	217
Corrections Dept	0	80	162	214	217
Revenues					
-- No Impact --					
Net Cost <Savings>					
General Fund	0	80	162	214	217
Corrections Dept	0	80	162	214	217
Total Cost <Savings> to the State	0	80	162	214	217

	FY05	FY06	FY07	FY08	FY09
Full Time Equivalents					
General Fund		1.30	2.60	3.40	3.50
Corrections Dept		1.30	2.60	3.40	3.50
Total FTE		1.30	2.60	3.40	3.50

Consolidated EBO Comments

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING
Date: 03/08/05 Phone: 296-7964

Fiscal Note – 2005-06 Session

Bill #: S0992-0 **Complete Date:** 03/07/05

Chief Author: SKOGLUND, WESLEY

Title: IDENTITY THEFT PENALTY MODIFICATION

Fiscal Impact	Yes	No
State		X
Local		X
Fee/Departmental Earnings		X
Tax Revenue		X

Agency Name: Supreme Court

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
Expenditures					
-- No Impact --					
Less Agency Can Absorb					
-- No Impact --					
Net Expenditures					
-- No Impact --					
Revenues					
-- No Impact --					
Net Cost <Savings>					
-- No Impact --					
Total Cost <Savings> to the State					

	FY05	FY06	FY07	FY08	FY09
Full Time Equivalents					
-- No Impact --					
Total FTE					

This bill version has no fiscal effect on our agency.

FN Coord Signature: JUDY REHAK
Date: 03/07/05 Phone: 297-7800

EBO Comments

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING
Date: 03/07/05 Phone: 296-7964

Fiscal Note – 2005-06 Session

Bill #: S0992-0 **Complete Date:** 03/02/05

Chief Author: SKOGLUND, WESLEY

Title: IDENTITY THEFT PENALTY MODIFICATION

Fiscal Impact	Yes	No
State		X
Local		X
Fee/Departmental Earnings		X
Tax Revenue		X

Agency Name: Public Defense Board

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
Expenditures					
-- No Impact --					
Less Agency Can Absorb					
-- No Impact --					
Net Expenditures					
-- No Impact --					
Revenues					
-- No Impact --					
Net Cost <Savings>					
-- No Impact --					
Total Cost <Savings> to the State					

	FY05	FY06	FY07	FY08	FY09
Full Time Equivalent					
-- No Impact --					
Total FTE					

Bill Description

Assumptions

While the provisions of this bill do not have a major impact on the public defense system, it does present the already overburdened criminal justice and public defender systems with additional cases and time commitments. Any time there is an increase in penalties or expansion of criminal law the result will be more cases, more contested cases, and more appeals.

Expenditure and/or Revenue Formula

Long-Term Fiscal Considerations

Local Government Costs

References/Sources

FN Coord Signature: KEVIN KAJER
Date: 03/02/05 Phone: 349-2565

EBO Comments

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING
Date: 03/02/05 Phone: 296-7964

Fiscal Note – 2005-06 Session

Bill #: S0992-0 **Complete Date:** 03/08/05

Chief Author: SKOGLUND, WESLEY

Title: IDENTITY THEFT PENALTY MODIFICATION

Fiscal Impact	Yes	No
State	X	
Local	X	
Fee/Departmental Earnings		X
Tax Revenue		X

Agency Name: Corrections Dept

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
Expenditures					
General Fund	0	80	162	214	217
Less Agency Can Absorb					
-- No Impact --					
Net Expenditures					
General Fund	0	80	162	214	217
Revenues					
-- No Impact --					
Net Cost <Savings>					
General Fund	0	80	162	214	217
Total Cost <Savings> to the State	0	80	162	214	217

	FY05	FY06	FY07	FY08	FY09
Full Time Equivalents					
General Fund		1.30	2.60	3.40	3.50
Total FTE		1.30	2.60	3.40	3.50

Bill Description

This bill amends the penalty provisions of the Identity Theft statute. Currently Identity Theft offenses that involve eight or more direct victims or a total combined loss of more than \$35,000 have a statutory maximum of 20 years. This bill would add identity theft offenses related to the possession or dissemination of pornographic works to this penalty provision, with no specification of a dollar value for the loss.

Assumptions

- According the Minnesota Sentencing Guidelines Commission this bill will have a minimal impact on future need for prison beds. The impact of this bill will reach a maximum of 13 beds by 2008.
- Prison bed costs are based on a marginal cost per diem for each fiscal year. The annual per diems are as follows: FY06 \$69.85, FY07 \$70.91, FY08 \$71.99, and FY09 \$73.10. This includes marginal costs for all facility, private and public bed rental, health care, and support costs.
- In order to estimate the annual cost the number of prison beds needed is phased in on a quarterly basis. Then multiplying the number of beds for each quarter by the subsequent annual per diem determines the estimate for the annual costs of prison beds.
- Prison bed FTE impact for the increase in the inmate population assumes 80 percent of the ongoing bed impact is personnel-related and the average salary is \$50,000 per year including benefits.
- The revision of this bill creates a new category to existing penalties.
- According to Sentencing Guidelines this bill will have a minimal impact on supervision caseloads statewide. However, with each new crime and penalty enhancement enacted this legislative session the accumulative effect of supervision caseloads could be significant.
- This bill will be effective August 1, 2005.

Expenditure and/or Revenue Formula

Fiscal Year	2005	2006	2007	2008	2009
Number of Prison Beds	0	5	10	13	13
Costs of Prison Beds (1=1,000)	\$0	\$80	\$162	\$214	\$217
FTE	0	1.3	2.6	3.4	3.5

Long-Term Fiscal Considerations

The prison bed costs will be recognized in subsequent years costing \$217,000 annually (calculated using FY05 dollars).

Local Government Costs

The impact on local jurisdictions is estimated to be minimal.

References/Sources

Minnesota Sentencing Guidelines staff.
Minnesota Department of Corrections staff.

FN Coord Signature: DENNY FONSECA
Date: 03/08/05 Phone: 642-0220

EBO Comments

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING
Date: 03/08/05 Phone: 296-7964

Fiscal Note – 2005-06 Session

Bill #: S0992-0 **Complete Date:** 03/03/05

Chief Author: SKOGLUND, WESLEY

Title: IDENTITY THEFT PENALTY MODIFICATION

Fiscal Impact	Yes	No
State	X	
Local		X
Fee/Departmental Earnings		X
Tax Revenue		X

Agency Name: Sentencing Guidelines Comm

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
Expenditures					
-- No Impact --					
Less Agency Can Absorb					
-- No Impact --					
Net Expenditures					
-- No Impact --					
Revenues					
-- No Impact --					
Net Cost <Savings>					
-- No Impact --					
Total Cost <Savings> to the State					

	FY05	FY06	FY07	FY08	FY09
Full Time Equivalents					
-- No Impact --					
Total FTE					

Bill Description

This bill amends the penalty provisions of the Identity Theft statute. Currently Identity Theft offenses that involve eight or more direct victims or a total combined loss of more than \$35,000 have a statutory maximum of 20 years. This bill would add identity theft offenses related to the possession or dissemination of pornographic works to this penalty provision, with no specification of a dollar value for the loss.

The effective date is August 1, 2005 and it applies to offenses committed on or after that date..

Assumptions

It is assumed that Identity Theft crimes related to the possession or dissemination of pornographic works will be ranked the same as the other Identity Theft crimes with a 20 year statutory maximum. These offenses are ranked at severity level 8. At that severity level, all offenders are recommended executed prison sentences with recommended durations ranging from 48-108 months depending on criminal history score. The existing sentencing provision went into effect in August of 2003 and no offenders were sentenced for this offense in 2003. Preliminary information from 2004 indicates that six offenders were sentenced for this offense; all but one received executed prison sentences with durations of 22 months (an attempted offense), 24, 37, and 46 months (mitigated durational departures) and 110 months (criminal history score of 6). Given the small number of offenses observed thus far qualifying for this sentencing provision, it is assumed that the addition of offenses related to the possession or dissemination of pornographic works will result in only a small addition to the number of offenders sentenced at this penalty level. However, it is assumed that most additional offenders will receive executed prison sentences of about four years.

Impact on State and Local Correctional Resources

The impact on state correctional resources is uncertain, because the number of offenders that will be sentenced for these offenses is not known. If the expansion of the offenders covered by this sentencing provision results in a similar number of additional offenders sentenced each year as were sentenced for the existing offense in 2004, that would result in 5 more offenders a year receiving executed prison sentences. At average durations of 48 months, these offenders would eventually occupy 13 prison beds. Five beds would be needed in FY2006, 10 in FY2007, and 13 in FY2008 and every year after.

Because the number of expected new offenders is small, and most are expected to receive executed prison sentences, the impact on local correctional resources is projected to be minimal.

FN Coord Signature: ANNE WALL
Date: 03/03/05 Phone: 296-0144

EBO Comments

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING
Date: 03/03/05 Phone: 296-7964

1 A bill for an act

2 relating to crimes; modifying penalties for identity
3 theft; requiring minimum restitution payments and
4 providing information to victims of identity theft;
5 amending Minnesota Statutes 2004, section 609.527,
6 subdivisions 3, 4.

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

8 Section 1. Minnesota Statutes 2004, section 609.527,
9 subdivision 3, is amended to read:

10 Subd. 3. [PENALTIES.] A person who violates subdivision 2
11 may be sentenced as follows:

12 (1) if the offense involves a single direct victim and the
13 total, combined loss to the direct victim and any indirect
14 victims is \$250 or less, the person may be sentenced as provided
15 in section 609.52, subdivision 3, clause (5);

16 (2) if the offense involves a single direct victim and the
17 total, combined loss to the direct victim and any indirect
18 victims is more than \$250 but not more than \$500, the person may
19 be sentenced as provided in section 609.52, subdivision 3,
20 clause (4);

21 (3) if the offense involves two or three direct victims or
22 the total, combined loss to the direct and indirect victims is
23 more than \$500 but not more than \$2,500, the person may be
24 sentenced as provided in section 609.52, subdivision 3, clause
25 (3);

26 (4) if the offense involves more than three but not more

1 than seven direct victims, or if the total combined loss to the
2 direct and indirect victims is more than \$2,500, the person may
3 be sentenced as provided in section 609.52, subdivision 3,
4 clause (2); and

5 (5) if the offense involves eight or more direct victims;
6 or if the total, combined loss to the direct and indirect
7 victims is more than \$35,000; or if the offense is related to
8 possession or distribution of pornographic work in violation of
9 section 617.246 or 617.247; the person may be sentenced as
10 provided in section 609.52, subdivision 3, clause (1).

11 Sec. 2. Minnesota Statutes 2004, section 609.527,
12 subdivision 4, is amended to read:

13 Subd. 4. [RESTITUTION; ITEMS PROVIDED TO VICTIM.] (a) A
14 direct or indirect victim of an identity theft crime shall be
15 considered a victim for all purposes, including any rights that
16 accrue under chapter 611A and rights to court-ordered
17 restitution.

18 (b) The court shall order a person convicted of violating
19 subdivision 2 to pay restitution of not less than \$1,000 to each
20 direct victim of the offense.

21 (c) Upon the written request of a direct victim or the
22 prosecutor setting forth with specificity the facts and
23 circumstances of the offense in a proposed order, the court
24 shall provide to the victim, without cost, a certified copy of
25 the complaint filed in the matter, the judgment of conviction,
26 and an order setting forth the facts and circumstances of the
27 offense.

28 Sec. 3. [EFFECTIVE DATE.]

29 Sections 1 and 2 are effective August 1, 2005, and apply to
30 crimes committed on or after that date.

**Senate Counsel, Research,
and Fiscal Analysis**

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Senate

State of Minnesota

**S.F. No. 781 -Requiring the Review of Hunting Licensees' Eligibility
to Possess a Firearm**

Author: Senator Wes Skoglund

Prepared by: Chris Turner, Senate Research (651/296-4350) *CT*

Date: March 1, 2005

Section 1 requires the Commissioner of Public Safety to review information on individuals who possess a hunting license and determine whether any of them are ineligible to possess a firearm. By October 1 of each year, the commissioner shall forward the names of potential matches to the Commissioner of Natural Resources, the Superintendent of the BCA, the State Court Administrator, the Commissioner of Corrections, any relevant law enforcement officers, and, if applicable, correctional agents.

Section 2 provides an August 1, 2005 effective date.

CT:vs

Consolidated Fiscal Note – 2005-06 Session

Bill #: S0781-0 **Complete Date:** 03/17/05

Chief Author: SKOGLUND, WESLEY

Title: HUNTING LIC FIREARMS INELIGIBILITY

Fiscal Impact	Yes	No
State	X	
Local		X
Fee/Departmental Earnings		X
Tax Revenue		X

Agencies: Public Safety Dept (03/09/05)

Natural Resources Dept (03/16/05)

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
Net Expenditures					
General Fund		0			
Public Safety Dept		0			
Revenues					
-- No Impact --					
Net Cost <Savings>					
General Fund		0			
Public Safety Dept		0			
Total Cost <Savings> to the State					

	FY05	FY06	FY07	FY08	FY09
Full Time Equivalents					
-- No Impact --					
Total FTE					

Consolidated EBO Comments

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: NORMAN FOSTER

Date: 03/17/05 Phone: 215-0594

Fiscal Note – 2005-06 Session

Bill #: S0781-0 **Complete Date:** 03/09/05

Chief Author: SKOGLUND, WESLEY

Title: HUNTING LIC FIREARMS INELIGIBILITY

Fiscal Impact	Yes	No
State	X	
Local		X
Fee/Departmental Earnings		X
Tax Revenue		X

Agency Name: Public Safety Dept

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
Expenditures					
General Fund		13			
Less Agency Can Absorb					
General Fund		13			
Net Expenditures					
General Fund		0			
Revenues					
-- No Impact --					
Net Cost <Savings>					
General Fund		0			
Total Cost <Savings> to the State					

	FY05	FY06	FY07	FY08	FY09
Full Time Equivalents					
-- No Impact --					
Total FTE					

Bill Description

Requires the BCA to review information on individuals who possess a License to hunt with a firearm and determine whether any of those individuals are potentially prohibited by State or Federal law from possessing a firearm. Further to report any potential matches to the Superintendent of the BCA, State Court Administrator, Commissioner of Corrections, and the chief law enforcement officer of the agency where the individual resides or has an outstanding warrant for their arrest.

Assumptions

The DNR will produce an electronic list of firearms hunting licensees in a mutually agreed upon format to the BCA.

The DOC will provide a list of individuals on active probation in a mutually agreed upon format to the BCA.

The BCA will develop a method for matching individuals with hunting licenses against the criminal history files (possibly Order for Protection Files) to determining a list of potential individuals that may be prohibited from possessing a firearm. Those individuals will then be matched against the list of individuals on probation and a list of open warrants. The BCA is only responsible for providing possible matches.

This project can be accomplished by using existing internal resources and scheduling the development effort into the existing schedule of projects.

Rates based on an ITS5 at \$41.91 + \$4.88 (11.65% fringe) + \$6.22 (12,990.78/2088 hrs. Insurance) = \$53.01

Expenditure and/or Revenue Formula

Project Management-	4 weeks (1/4 time) (\$53.01. /Hr x 40 = \$2,120.40)
Business/technical analysis- Determine data involved. Recommend data structure format. Recommend data file transfer method.	1 week (\$53.01. /Hr x 40 = \$2,120.40)
Development and testing-	3 weeks (\$53.01. /Hr x120 = \$6,361.20)
Documentation-	1 week (\$53.01. / Hr x 40 = \$2,120.40)
TOTAL	\$12,722.40

Long-Term Fiscal Considerations

Local Government Costs

N/A

References/Sources

Agency Contact Name: Robert P. Johnson 651 793-1012
FN Coord Signature: FRANK AHRENS
Date: 03/09/05 Phone: 296-9484

EBO Comments

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: NORMAN FOSTER

Date: 03/09/05 Phone: 215-0594

Fiscal Note – 2005-06 Session

Bill #: S0781-0 **Complete Date:** 03/16/05

Chief Author: SKOGLUND, WESLEY

Title: HUNTING LIC FIREARMS INELIGIBILITY

Fiscal Impact	Yes	No
State		X
Local		X
Fee/Departmental Earnings		X
Tax Revenue		X

Agency Name: Natural Resources Dept

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
Expenditures					
-- No Impact --					
Less Agency Can Absorb					
-- No Impact --					
Net Expenditures					
-- No Impact --					
Revenues					
-- No Impact --					
Net Cost <Savings>					
-- No Impact --					
Total Cost <Savings> to the State					

	FY05	FY06	FY07	FY08	FY09
Full Time Equivalents					
-- No Impact --					
Total FTE					

Bill Description

This bill requires the Commissioner of Public Safety to review information on individual who possess a hunting license and determine whether any of them are ineligible to possess a firearm. The commissioner would then forward any matches to the Department of Natural Resources (DNR), Bureau of Criminal Apprehension (BCA), State Court Administrator, Commissioner of Corrections, other relevant law enforcement officers, and correctional agents.

Assumptions

The DNR is currently finalizing a system to send information collected through its' electronic license system to BCA. The information required in this bill would be sent using that system and would not incur any additional costs to the agency. It is assumed that the DNR would not be required to use the information received back from BCA on licensee/felon matches to prevent future license purchases by those individuals or for any other enforcement purpose.

Agency Contact Name: Karen Beckman, Licensing (651) 297-4941
FN Coord Signature: BRUCE NASLUND
Date: 03/16/05 Phone: 297-4909

EBO Comments

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: MARSHA BATTLES-JENKS
Date: 03/16/05 Phone: 296-8510

Senators Skoglund, Betzold, Lourey, Dille and Foley introduced--
S.F. No. 781: Referred to the Committee on Crime Prevention and Public Safety.

1 A bill for an act

2 relating to public safety; requiring the commissioner
3 of public safety to determine whether hunting
4 licensees are ineligible to possess a firearm and, if
5 so, to notify specified governmental officials;
6 proposing coding for new law in Minnesota Statutes,
7 chapter 299A.

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

9 Section 1. [299A.90] [HUNTING LICENSEES; INELIGIBILITY TO
10 POSSESS FIREARMS.]

11 (a) The commissioner of public safety shall review
12 information on individuals who possess a license to take game by
13 firearm and determine whether any of these individuals are
14 ineligible to possess a firearm under state or federal law.

15 (b) By October 1 of each year, the commissioner shall
16 forward the names of potential matches and other pertinent
17 information on individuals identified under paragraph (a) to the
18 commissioner of natural resources, the superintendent of the
19 Bureau of Criminal Apprehension, the state court administrator,
20 the commissioner of corrections, the chief law enforcement
21 officer of the law enforcement agency having jurisdiction over
22 where the individual resides, and, if applicable, the
23 individual's correctional agent and the chief law enforcement
24 officer of any law enforcement agency having an outstanding
25 warrant for the individual.

26 [EFFECTIVE DATE.] This section is effective August 1, 2005.

**Senate Counsel, Research,
and Fiscal Analysis**

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Senate

State of Minnesota

S.F. No. 123 -Interference with Privacy (First Engrossment)

Author: Senator Paul Koering

Prepared by: Chris Turner, Senate Research (651/296-4350) CT

Date: April 1, 2005

The bill enhances the misdemeanor “interference with privacy” crime (Minnesota Statutes, section 609.746) to a gross misdemeanor, and the gross misdemeanor crime (applicable to repeat offenders and crimes involving victims under the age of 18) to a felony.

CT:vs

Consolidated Fiscal Note – 2005-06 Session

Bill #: S0123-1E **Complete Date:** 03/29/05

Chief Author: KOERING, PAUL

Title: CRIME OF INTERFERENCE WITH PRIVACY

Fiscal Impact	Yes	No
State		X
Local		X
Fee/Departmental Earnings		X
Tax Revenue		X

Agencies: Corrections Dept (03/29/05)
Public Defense Board (03/21/05)

Supreme Court (03/29/05)
Sentencing Guidelines Comm (03/23/05)

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
Net Expenditures					
-- No Impact --					
Revenues					
-- No Impact --					
Net Cost <Savings>					
-- No Impact --					
Total Cost <Savings> to the State					

	FY05	FY06	FY07	FY08	FY09
Full Time Equivalents					
-- No Impact --					
Total FTE					

Consolidated EBO Comments

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING
Date: 03/29/05 Phone: 296-7964

Fiscal Note – 2005-06 Session

Bill #: S0123-1E Complete Date: 03/29/05

Chief Author: KOERING, PAUL

Title: CRIME OF INTERFERENCE WITH PRIVACY

Fiscal Impact	Yes	No
State		X
Local		X
Fee/Departmental Earnings		X
Tax Revenue		X

Agency Name: Corrections Dept

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
Expenditures					
-- No Impact --					
Less Agency Can Absorb					
-- No Impact --					
Net Expenditures					
-- No Impact --					
Revenues					
-- No Impact --					
Net Cost <Savings>					
-- No Impact --					
Total Cost <Savings> to the State					

	FY05	FY06	FY07	FY08	FY09
Full Time Equivalents					
-- No Impact --					
Total FTE					

SF 123 Interference With Privacy

Bill Description

This bill elevates the misdemeanor offenses in MN statute 609.746 to gross misdemeanors. This statute covers offenses related to surreptitious intrusion on privacy. It also elevates the gross misdemeanor offenses in that statute to felonies. The gross misdemeanors involve repeat offenders and crimes against victims under 18. The felony offense has a statutory maximum of two years.

Assumptions

- According to Minnesota Sentencing Guidelines Commissions it is assumed that the elevation of these crimes will not increase the number of new cases year each.
- This bill is projected to minimal impact on state prison resources, as offenders sentenced are likely to receive probationary sentences.
- This bill will have minimal impact on supervision caseloads statewide.
- However, with each new or enhanced penalty enacted by the Legislature, the accumulative effect on already overcrowded caseloads and stretched resources could be significant.
- This bill will be effective August 1, 2005.

Expenditure and/or Revenue Formula

N/A

Long-Term Fiscal Considerations

N/A

Local Government Costs

The impact on local jurisdictions is estimated to be minimal.

References/Sources

Minnesota Sentencing Guidelines staff.
Minnesota Department of Corrections staff.

FN Coord Signature: DENNY FONSECA
Date: 03/28/05 Phone: 642-0220

EBO Comments

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING
Date: 03/29/05 Phone: 296-7964

Fiscal Note – 2005-06 Session

Bill #: S0123-1E **Complete Date:** 03/29/05

Chief Author: KOERING, PAUL

Title: CRIME OF INTERFERENCE WITH PRIVACY

Fiscal Impact	Yes	No
State		X
Local		X
Fee/Departmental Earnings		X
Tax Revenue		X

Agency Name: Supreme Court

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
Expenditures					
-- No Impact --					
Less Agency Can Absorb					
-- No Impact --					
Net Expenditures					
-- No Impact --					
Revenues					
-- No Impact --					
Net Cost <Savings>					
-- No Impact --					
Total Cost <Savings> to the State					

	FY05	FY06	FY07	FY08	FY09
Full Time Equivalents					
-- No Impact --					
Total FTE					

Bill Description This bill elevates the misdemeanor offenses in MN statute 609.746 to gross misdemeanors. This statute covers offenses related to surreptitious intrusion on privacy. It also elevates the gross misdemeanor offenses in that statute to felonies. The gross misdemeanors involve repeat offenders and crimes against victims under 18. The felony offense has a statutory maximum of two years.

The effective date for this bill is August 1, 2005 and it applies to crimes committed on or after that date.

Assumptions

It is assumed that the elevation of these crimes will not result in an increase in the number of cases sentenced each year. Information from the State Court Research Office indicates that in 2004, there were 23 misdemeanor and 10 gross misdemeanor convictions for violations of M.S. 609.746. It is assumed that this bill will result in a similar number of gross misdemeanor and felony cases in the future.

Expenditure and/or Revenue Formula

This bill is not expected to increase the workload of the courts significantly because of the small number of cases.

Long-Term Fiscal Considerations

Local Government Costs

References/Sources

FN Coord Signature: JUDY REHAK
Date: 03/25/05 Phone: 297-7800

EBO Comments

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING
Date: 03/29/05 Phone: 296-7964

Fiscal Note – 2005-06 Session

Bill #: S0123-1E **Complete Date:** 03/23/05

Chief Author: KOERING, PAUL

Title: CRIME OF INTERFERENCE WITH PRIVACY

Fiscal Impact	Yes	No
State		X
Local		X
Fee/Departmental Earnings		X
Tax Revenue		X

Agency Name: Sentencing Guidelines Comm

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
Expenditures					
-- No Impact --					
Less Agency Can Absorb					
-- No Impact --					
Net Expenditures					
-- No Impact --					
Revenues					
-- No Impact --					
Net Cost <Savings>					
-- No Impact --					
Total Cost <Savings> to the State					

	FY05	FY06	FY07	FY08	FY09
Full Time Equivalents					
-- No Impact --					
Total FTE					

Bill Description

This bill elevates the misdemeanor offenses in MN statute 609.746 to gross misdemeanors. This statute covers offenses related to surreptitious intrusion on privacy. It also elevates the gross misdemeanor offenses in that statute to felonies. The gross misdemeanors involve repeat offenders and crimes against victims under 18. The felony offense has a statutory maximum of two years.

The effective date for this bill is August 1, 2005 and it applies to crimes committed on or after that date.

Assumptions

It is assumed that the elevation of these crimes will not result in an increase in the number of cases sentenced each year. Information from the State Court Research Office indicates that in 2004, there were 23 misdemeanor and 10 gross misdemeanor convictions for violations of M.S. 609.746. It is assumed that this bill will result in a similar number of gross misdemeanor and felony cases in the future. It is assumed that the felony offenses will be ranked at a severity level where most offenders receive probationary sentences. Aggravated Harassment offenses and subsequent Harassment offenses (609.749) are ranked at severity level 4, and it is assumed that the new felony offense will be ranked at that level or slightly lower.

Impact on State and Local Correctional Resources

Since the number of new felony offenders is likely to be very limited and most offenders who commit this offense are likely to receive probation sentences, the impact on state prison resources is estimated to be minimal. Because only a small number of offenders are sentenced for misdemeanor offenses each year, elevating these offenses to gross misdemeanors should only have a minimal impact on local correctional resources.

FN Coord Signature: ANNE WALL
Date: 03/23/05 Phone: 296-0144

EBO Comments

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING
Date: 03/23/05 Phone: 296-7964

Fiscal Note – 2005-06 Session

Bill #: S0123-1E **Complete Date:** 03/21/05

Chief Author: KOERING, PAUL

Title: CRIME OF INTERFERENCE WITH PRIVACY

Fiscal Impact	Yes	No
State		X
Local		X
Fee/Departmental Earnings		X
Tax Revenue		X

Agency Name: Public Defense Board

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
Expenditures					
-- No Impact --					
Less Agency Can Absorb					
-- No Impact --					
Net Expenditures					
-- No Impact --					
Revenues					
-- No Impact --					
Net Cost <Savings>					
-- No Impact --					
Total Cost <Savings> to the State					

	FY05	FY06	FY07	FY08	FY09
Full Time Equivalents					
-- No Impact --					
Total FTE					

This bill version has no fiscal effect on our agency.

FN Coord Signature: KEVIN KAJER
Date: 03/21/05 Phone: 349-2565

EBO Comments

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING
Date: 03/21/05 Phone: 296-7964

1 A bill for an act

2 relating to judiciary; increasing the penalty for
3 certain interference with privacy offenses; amending
4 Minnesota Statutes 2004, section 609.746, subdivision
5 1.

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

7 Section 1. Minnesota Statutes 2004, section 609.746,
8 subdivision 1, is amended to read:

9 Subdivision 1. [SURREPTITIOUS INTRUSION; OBSERVATION
10 DEVICE.] (a) A person is guilty of a gross misdemeanor who:

11 (1) enters upon another's property;

12 (2) surreptitiously gazes, stares, or peeps in the window
13 or any other aperture of a house or place of dwelling of
14 another; and

15 (3) does so with intent to intrude upon or interfere with
16 the privacy of a member of the household.

17 (b) A person is guilty of a gross misdemeanor who:

18 (1) enters upon another's property;

19 (2) surreptitiously installs or uses any device for
20 observing, photographing, recording, amplifying, or broadcasting
21 sounds or events through the window or any other aperture of a
22 house or place of dwelling of another; and

23 (3) does so with intent to intrude upon or interfere with
24 the privacy of a member of the household.

25 (c) A person is guilty of a gross misdemeanor who:

1 (1) surreptitiously gazes, stares, or peeps in the window
2 or other aperture of a sleeping room in a hotel, as defined in
3 section 327.70, subdivision 3, a tanning booth, or other place
4 where a reasonable person would have an expectation of privacy
5 and has exposed or is likely to expose their intimate parts, as
6 defined in section 609.341, subdivision 5, or the clothing
7 covering the immediate area of the intimate parts; and

8 (2) does so with intent to intrude upon or interfere with
9 the privacy of the occupant.

10 (d) A person is guilty of a gross misdemeanor who:

11 (1) surreptitiously installs or uses any device for
12 observing, photographing, recording, amplifying, or broadcasting
13 sounds or events through the window or other aperture of a
14 sleeping room in a hotel, as defined in section 327.70,
15 subdivision 3, a tanning booth, or other place where a
16 reasonable person would have an expectation of privacy and has
17 exposed or is likely to expose their intimate parts, as defined
18 in section 609.341, subdivision 5, or the clothing covering the
19 immediate area of the intimate parts; and

20 (2) does so with intent to intrude upon or interfere with
21 the privacy of the occupant.

22 (e) A person is guilty of a ~~gross-misdemeanor~~ felony and
23 may be sentenced to imprisonment for not more than two years or
24 to payment of a fine of not more than \$5,000, or both, if the
25 person:

26 (1) violates this subdivision after a previous conviction
27 under this subdivision or section 609.749; or

28 (2) violates this subdivision against a minor under the age
29 of ~~16~~ 18, knowing or having reason to know that the minor is
30 present.

31 (f) Paragraphs (b) and (d) do not apply to law enforcement
32 officers or corrections investigators, or to those acting under
33 their direction, while engaged in the performance of their
34 lawful duties. Paragraphs (c) and (d) do not apply to conduct
35 in: (1) a medical facility; or (2) a commercial establishment
36 if the owner of the establishment has posted conspicuous signs

1 warning that the premises are under surveillance by the owner or
2 the owner's employees.

3 [EFFECTIVE DATE.] This section is effective August 1, 2005,
4 and applies to crimes committed on or after that date.

**Senate Counsel, Research,
and Fiscal Analysis**

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Senate

State of Minnesota

S.F. No. 1124 - Bullet-Resistant Vest Reimbursement

Author: Senator Steve Murphy

Prepared by: Chris Turner, Senate Research (651/296-4350) *CT*

Date: April 1, 2005

Section 1 increases from \$300 to \$600 the state reimbursement ceiling for bullet-proof vests purchased by peace officers and law enforcement agencies.

Section 2 is a conforming amendment relating to indexing the reimbursement rate to the Consumer Price Index.

CT:vs

Fiscal Note – 2005-06 Session

Bill #: S1124-0 **Complete Date:** 03/04/05

Chief Author: MURPHY, STEVE

Title: PEACE OFFICERS SOFT BODY ARMOR REIMB

Fiscal Impact	Yes	No
State	X	
Local	X	
Fee/Departmental Earnings		X
Tax Revenue		X

Agency Name: Public Safety Dept

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
Expenditures					
General Fund		15	15	15	15
Less Agency Can Absorb					
General Fund		15	15	15	15
Net Expenditures					
General Fund		0	0	0	0
Revenues					
-- No Impact --					
Net Cost <Savings>					
General Fund		0	0	0	0
Total Cost <Savings> to the State					

	FY05	FY06	FY07	FY08	FY09
Full Time Equivalent					
-- No Impact --					
Total FTE					

Bill Description

This bill provides for an increase in the reimbursement for bullet-resistant vests purchased by peace officers and local agencies.

Assumptions

The peace officer and the political subdivision who buy vests for the use of peace officer employees may apply to the commissioner of public safety for reimbursement of funds spent to buy vests. Also, the political subdivision that employs the peace officer shall pay at least the lesser of one-half of the vest's purchase price or \$600.

This bill provides for the reimbursement on an approved application for an amount equal to the lesser of one-half of the vest's purchase price or \$600. Under current law, the reimbursement rate is an amount equal to the lesser of one-half of the vest's purchase price or \$300. The \$300 reimbursement amount has been adjusted annually since October 1, 1997 based on the annual percentage change in the Consumer Price Index for all urban consumers. The current level of reimbursement is one-half of the vest's purchase price or \$360.87.

Expenditure and/or Revenue Formula

In FY 2004, a total of 908 vest reimbursements were made at a total cost of \$306,159. The current reimbursement is one-half of the vest's purchase price or \$360.87.

The cost of the vest for the peace officer is currently shared between the political subdivision and State up to a maximum amount of \$721.74. Of the 908 vest reimbursements in FY 2004, 536 of the vest purchased had a purchase price that exceeds the current reimbursement of \$721.74 ($\360.87×2). The average purchase price of those vests in FY 2004 was \$776.83. The difference between the average vest purchase price of those 536 vests and the current reimbursement rate is approximately \$55.09 per vest. The additional State obligation under this bill would be approximately \$14,764 ($(\$55.09 \times 536)/2$). The current base funding for this reimbursement program is \$508,000 per year.

Long-Term Fiscal Considerations

These costs would continue.

Local Government Costs

There will be additional ongoing costs to local units of government.

Agency Contact Name: Timothy Leslie 651 215-1931
FN Coord Signature: FRANK AHRENS
Date: 03/04/05 Phone: 296-9484

EBO Comments

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: NORMAN FOSTER
Date: 03/04/05 Phone: 215-0594

Senators Murphy and McGinn introduced--

S.F. No. 1124: Referred to the Committee on Finance.

1 A bill for an act
2 relating to peace officers; providing increased
3 reimbursement for bullet-resistant vests; amending
4 Minnesota Statutes 2004, section 299A.38, subdivisions
5 2, 2a.

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

7 Section 1. Minnesota Statutes 2004, section 299A.38,
8 subdivision 2, is amended to read:

9 Subd. 2. [STATE AND LOCAL REIMBURSEMENT.] Peace officers
10 and heads of local law enforcement agencies who buy vests for
11 the use of peace officer employees may apply to the commissioner
12 for reimbursement of funds spent to buy vests. On approving an
13 application for reimbursement, the commissioner shall pay the
14 applicant an amount equal to the lesser of one-half of the
15 vest's purchase price or ~~\$300~~ \$600, as adjusted according to
16 subdivision 2a. The political subdivision that employs the
17 peace officer shall pay at least the lesser of one-half of the
18 vest's purchase price or ~~\$300~~ \$600, as adjusted according to
19 subdivision 2a. The political subdivision may not deduct or pay
20 its share of the vest's cost from any clothing, maintenance, or
21 similar allowance otherwise provided to the peace officer by the
22 law enforcement agency.

23 [EFFECTIVE DATE.] This section is effective the day
24 following final enactment.

25 Sec. 2. Minnesota Statutes 2004, section 299A.38,

1 subdivision 2a, is amended to read:

2 Subd. 2a. [ADJUSTMENT OF REIMBURSEMENT AMOUNT.] On October
3 1, ~~1997~~ 2006, the commissioner of public safety shall adjust
4 the ~~\$300~~ \$600 reimbursement amounts specified in subdivision 2,
5 and in each subsequent year, on October 1, the commissioner
6 shall adjust the reimbursement amount applicable immediately
7 preceding that October 1 date. The adjusted rate must reflect
8 the annual percentage change in the Consumer Price Index for all
9 urban consumers, published by the federal Bureau of Labor
10 Statistics, occurring in the one-year period ending on the
11 preceding June 1.

12 [EFFECTIVE DATE.] This section is effective the day
13 following final enactment.

1 Senator moves to amend S.F. No. 1124 as follows:

2 Page 2, after line 13, insert:

3 "Sec. 3. Minnesota Statutes 2004, section 299A.38,
4 subdivision 3, is amended to read:

5 Subd. 3. [ELIGIBILITY REQUIREMENTS.] (a) Only vests that
6 either meet or exceed the requirements of standard 0101.03 of
7 the National Institute of Justice or that meet or exceed the
8 requirements of that standard, except wet armor conditioning,
9 are eligible for reimbursement.

10 (b) Eligibility for reimbursement is limited to vests
11 bought after December 31, 1986, by or for peace officers (1) who
12 did not own a vest meeting the requirements of paragraph (a)
13 before the purchase, or (2) who owned a vest that was at least
14 ~~six~~ five years old.

15 [EFFECTIVE DATE.] This section is effective the day
16 following final enactment."

17 Amend the title accordingly

Bill Summary

Senate Counsel & Research

Senate

State of Minnesota

S.F. No. 804 -Crime of Fourth-Degree Assault Expansion

Author: Senator Steve Murphy
Prepared by: Chris Turner, Senate Research (651/296-4350)
Date: March 21, 2005

Section 1 expands the crime of fourth-degree felony assault to include infliction of bodily harm or the intentional transfer of bodily fluid or feces on any person providing care or treatment at a secure treatment facility. Current law does not apply the felony to secure treatment facilities (state hospitals), and only extends to victims who are correctional officers, probation officers, or who are employed to provide care or treatment to inmates.

Section 2 provides an August 1, 2005 effective date and applies to crimes committed on or after that date.

CT:vs

[Check on the status of this bill](#)

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Consolidated Fiscal Note – 2005-06 Session

Bill #: H1202-0 **Complete Date:** 03/29/05

Chief Author: DEMPSEY, JERRY

Title: 4TH DEGREE ASSAULT LAW EXPANDED

Fiscal Impact	Yes	No
State		X
Local		X
Fee/Departmental Earnings		X
Tax Revenue		X

Agencies: Corrections Dept (03/29/05)
Public Defense Board (03/29/05)

Supreme Court (03/29/05)
Sentencing Guidelines Comm (03/29/05)

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
Net Expenditures					
-- No Impact --					
Revenues					
-- No Impact --					
Net Cost <Savings>					
-- No Impact --					
Total Cost <Savings> to the State					

	FY05	FY06	FY07	FY08	FY09
Full Time Equivalents					
-- No Impact --					
Total FTE					

Consolidated EBO Comments

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING
Date: 03/29/05 Phone: 296-7964

Fiscal Note – 2005-06 Session

Bill #: H1202-0 **Complete Date:** 03/29/05

Chief Author: DEMPSEY, JERRY

Title: 4TH DEGREE ASSAULT LAW EXPANDED

Fiscal Impact	Yes	No
State		X
Local		X
Fee/Departmental Earnings		X
Tax Revenue		X

Agency Name: Corrections Dept

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
Expenditures					
-- No Impact --					
Less Agency Can Absorb					
-- No Impact --					
Net Expenditures					
-- No Impact --					
Revenues					
-- No Impact --					
Net Cost <Savings>					
-- No Impact --					
Total Cost <Savings> to the State					

	FY05	FY06	FY07	FY08	FY09
Full Time Equivalent					
-- No Impact --					
Total FTE					

HF 1202 Civilly Committed Patients: Assault 4th Degree-Expansion of Offense

Bill Description

This bill amends MN Statute 609.2231-Fourth Degree Assault to treat assaults against employees or care givers in state hospitals and treatment facilities in the same manner as assaults against correctional employees. Assaults against employees or other care givers at secure treatment facilities while the person is engaged in the performance of their duties that result in demonstrable bodily harm or the transference of bodily fluids would be classified as a felony. This is the same classification as assaults committed against correctional employees. The statutory maximum for the offense is two years. These assaults are currently be prosecuted as misdemeanors.

Assumptions

- It is estimated by Minnesota Sentencing Guidelines that only a limited number of potential offenders exist under the provisions of this bill.
- Offenders sentenced for this offense will probably receive probationary sentences.
- There is no projected impact on prison resources.
- The actual impact on supervision caseloads statewide will be minimal. However, each new crime and sentencing enhancement enacted this year will have an accumulative effect on supervision caseloads.
- This bill is effective August 1, 2005.

Expenditure and/or Revenue Formula

N/A

Long-Term Fiscal Considerations

N/A

Local Government Costs

The impact on local correctional resources is estimated to be minimal.

References/Sources

Minnesota Sentencing Guidelines staff.
Minnesota Department of Corrections staff.

FN Coord Signature: DENNY FONSECA
Date: 03/28/05 Phone: 642-0220

EBO Comments

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING
Date: 03/29/05 Phone: 296-7964

Fiscal Note – 2005-06 Session

Bill #: H1202-0 **Complete Date:** 03/29/05

Chief Author: DEMPSEY, JERRY

Title: 4TH DEGREE ASSAULT LAW EXPANDED

Fiscal Impact	Yes	No
State		X
Local		X
Fee/Departmental Earnings		X
Tax Revenue		X

Agency Name: Supreme Court

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
Expenditures					
-- No Impact --					
Less Agency Can Absorb					
-- No Impact --					
Net Expenditures					
-- No Impact --					
Revenues					
-- No Impact --					
Net Cost <Savings>					
-- No Impact --					
Total Cost <Savings> to the State					

	FY05	FY06	FY07	FY08	FY09
Full Time Equivalents					
-- No Impact --					
Total FTE					

Bill Description

This bill creates a felony for assaulting and inflicting bodily harm or intentionally throwing or otherwise transferring bodily fluids or feces at an employee or other individual who provides care or treatment at a secure treatment facility.

Assumptions

It is assumed that this is a small number of cases.

Expenditure and/or Revenue Formula

A small number of cases would not significantly impact the work of the courts.

Long-Term Fiscal Considerations

Local Government Costs

References/Sources

FN Coord Signature: JUDY REHAK
Date: 03/28/05 Phone: 297-7800

EBO Comments

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING
Date: 03/29/05 Phone: 296-7964

Fiscal Note – 2005-06 Session

Bill #: H1202-0 **Complete Date:** 03/29/05

Chief Author: DEMPSEY, JERRY

Title: 4TH DEGREE ASSAULT LAW EXPANDED

Fiscal Impact	Yes	No
State		X
Local		X
Fee/Departmental Earnings		X
Tax Revenue		X

Agency Name: Sentencing Guidelines Comm

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
Expenditures					
-- No Impact --					
Less Agency Can Absorb					
-- No Impact --					
Net Expenditures					
-- No Impact --					
Revenues					
-- No Impact --					
Net Cost <Savings>					
-- No Impact --					
Total Cost <Savings> to the State					

	FY05	FY06	FY07	FY08	FY09
Full Time Equivalent					
-- No Impact --					
Total FTE					

Bill Description

This bill amends MN Statute 609.2231-Fourth Degree Assault to treat assaults against employees or care givers in state hospitals and treatment facilities in the same manner as assaults against correctional employees. Assaults against employees or other care givers at secure treatment facilities while the person is engaged in the performance of their duties that result in demonstrable bodily harm or the transference of bodily fluids would be classified as a felony. This is the same classification as assaults committed against correctional employees. The statutory maximum for the offense is two years. These assaults are currently be prosecuted as misdemeanors.

The effective date is August 1, 2005 and it applies to offenses committed on or after that date.

Assumptions

Number of New Convictions: It is assumed that the number of new offenders will be relatively small. It is assumed that the number of convictions for assaults against employees in secure treatment facilities will be no greater than the number of assaults currently observed against correctional employees, since there are fewer secure treatment facility personnel in the state than there are correctional employees. According to the Department of Human Services, 17 incidents occurred over a two-year period, which might be covered by the provisions of this bill. MSGC monitoring data shows that in 2003, 17 offenders were sentenced for felony assaults against correctional employees in which that offense was the most serious offense for which the offender was sentenced.

Sentences Pronounced by the Court: The current felony Fourth Degree Assault is ranked at severity level I and it is assumed that the expanded definition of this offense will continue to be ranked at the same severity level. Therefore, it is projected that most offenders convicted of this new felony offense will receive probationary sentences. In 2003, of the 17 offenders sentenced for Fourth Degree assault against correctional employees, 3 (18%) received executed prison sentences with an average pronounced sentence of 14 months. Assaults against correctional employees that occur in state prisons have a presumptive sentence of imprisonment, which is presumed to run consecutive to the sentence for which the offender was imprisoned when the assault took place. Statute 609.2232 mandates this policy. Since this bill does not amend that statute to include employees of secure treatment facilities, it is assumed that such assaults would not automatically be presumptive commits nor have presumptive consecutives sentences.

In 2003, of the 14 offenders receiving probationary sentences for felony Fourth Degree Assault against correctional employees, 13 (93%) received local jail time as a condition of probation with an average pronounced duration of 70 days.

Impact on State and Local Correctional Resources

Since it is assumed that only a small number of offenders will be sentenced for this offense and most will receive probationary sentences, the impact on state prison resources is projected to be very limited. There may be some impact on local jails and workhouses if offenders receive local jail time as a condition of probation. However, since the number of new offenders is estimated to be limited, this impact is also projected to be minimal.

FN Coord Signature: ANNE WALL
Date: 03/25/05 Phone: 296-0144

EBO Comments

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING
Date: 03/29/05 Phone: 296-7964

Fiscal Note – 2005-06 Session

Bill #: H1202-0 **Complete Date:** 03/29/05

Chief Author: DEMPSEY, JERRY

Title: 4TH DEGREE ASSAULT LAW EXPANDED

Fiscal Impact	Yes	No
State		X
Local		X
Fee/Departmental Earnings		X
Tax Revenue		X

Agency Name: Public Defense Board

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
Expenditures					
-- No Impact --					
Less Agency Can Absorb					
-- No Impact --					
Net Expenditures					
-- No Impact --					
Revenues					
-- No Impact --					
Net Cost <Savings>					
-- No Impact --					
Total Cost <Savings> to the State					

	FY05	FY06	FY07	FY08	FY09
Full Time Equivalent					
-- No Impact --					
Total FTE					

Bill Description

Assumptions

While the provisions of this bill do not have a major impact on the public defense system, it does present the already overburdened criminal justice and public defender systems with additional cases and time commitments. Any time there is an increase in penalties or expansion of criminal law the result will be more cases, more contested cases, and more appeals.

Expenditure and/or Revenue Formula

Long-Term Fiscal Considerations

Local Government Costs

References/Sources

FN Coord Signature: KEVIN KAJER
Date: 03/29/05 Phone: 349-2565

EBO Comments

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING
Date: 03/29/05 Phone: 296-7964

Senators Murphy and Ranum introduced--

S.F. No. 804: Referred to the Committee on Crime Prevention and Public Safety.

1 A bill for an act
2 relating to crime prevention; expanding the
3 fourth-degree assault law; amending Minnesota Statutes
4 2004, section 609.2231, subdivision 3.

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

6 Section 1. Minnesota Statutes 2004, section 609.2231,
7 subdivision 3, is amended to read:

8 Subd. 3. [CORRECTIONAL EMPLOYEES; PROBATION OFFICERS; AND
9 SECURE TREATMENT FACILITY PERSONNEL.] (a) As used in this
10 subdivision:

11 (1) "correctional facility" has the meaning given in
12 section 241.021, subdivision 1, paragraph (f); and

13 (2) "secure treatment facility" has the meaning given in
14 section 253B.02, subdivision 18a.

15 (b) Whoever commits either of the following acts against an
16 employee of a correctional facility as-defined-in-section
17 241-021,-subdivision-1,-paragraph-(f), or against a probation
18 officer or other qualified person employed in supervising
19 offenders, or against an employee or other individual who
20 provides care or treatment at a secure treatment facility, while
21 the employee,-officer,-or person is engaged in the performance
22 of a duty imposed by law, policy, or rule is guilty of a felony
23 and may be sentenced to imprisonment for not more than two years
24 or to payment of a fine of not more than \$4,000, or both:

25 (1) assaults the employee person and inflicts demonstrable

1 bodily harm; or

2 (2) intentionally throws or otherwise transfers bodily
3 fluids or feces at or onto the employee person.

4 Sec. 2. [EFFECTIVE DATE.]

5 Section 1 is effective August 1, 2005, and applies to
6 crimes committed on or after that date.

**Senate Counsel, Research,
and Fiscal Analysis**

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DIRECTOR

Senate

State of Minnesota

S.F. No. 349 -Expanding the Definition of First-Degree Murder

Author: Senator Leo T. Foley

Prepared by: Chris Turner, Senate Research (651/296-4350) *CT*

Date: February 22, 2005

Section 1 expands the crime of first-degree murder for child abusers. Currently, the crime applies to offenders who cause the death of a child while committing child abuse where the offender has engaged in a past pattern of child abuse upon the child and the death occurs under circumstances manifesting an extreme indifference to human life. Expands the applicability of the provision to include situations where the past pattern of child abuse was upon any child, not just the victim.

Section 2 provides an immediate effective date.

CT:vs

Consolidated Fiscal Note – 2005-06 Session

Bill #: S0349-0 **Complete Date:** 03/07/05

Chief Author: FOLEY, LEO

Title: EXPAND CRIME OF FIRST DEGREE MURDER

Fiscal Impact	Yes	No
State		X
Local		X
Fee/Departmental Earnings		X
Tax Revenue		X

Agencies: Corrections Dept (03/01/05)
Public Defense Board (03/02/05)

Supreme Court (03/07/05)
Sentencing Guidelines Comm (03/01/05)

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
Net Expenditures					
-- No Impact --					
Revenues					
-- No Impact --					
Net Cost <Savings>					
-- No Impact --					
Total Cost <Savings> to the State					

	FY05	FY06	FY07	FY08	FY09
Full Time Equivalents					
-- No Impact --					
Total FTE					

Consolidated EBO Comments

The affected agencies estimate no fiscal impact through FY 09, because offenders who might be sentenced under the bill's provisions would already be receiving executed prison sentences under current law. The Sentencing Guidelines Commission notes that few sentences imposed from 2001 to 2003 would appear to have been affected by the changes in this bill. For the small number of offenders who might be affected, additional state costs would not be incurred until after the completion of executed sentences under current law, minimally about eight years for Unintentional Second Degree Murder and 17 years for Intentional Second Degree Murder. Future costs are expected to be minimal.

EBO Signature: JIM KING
Date: 03/07/05 Phone: 296-7964

Fiscal Note – 2005-06 Session

Bill #: S0349-0 **Complete Date:** 03/01/05

Chief Author: FOLEY, LEO

Title: EXPAND CRIME OF FIRST DEGREE MURDER

Fiscal Impact	Yes	No
State		X
Local		X
Fee/Departmental Earnings		X
Tax Revenue		X

Agency Name: Corrections Dept

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
Expenditures					
-- No Impact --					
Less Agency Can Absorb					
-- No Impact --					
Net Expenditures					
-- No Impact --					
Revenues					
-- No Impact --					
Net Cost <Savings>					
-- No Impact --					
Total Cost <Savings> to the State					

	FY05	FY06	FY07	FY08	FY09
Full Time Equivalents					
-- No Impact --					
Total FTE					

S.F. 349 Expansion of First Degree Murder

Bill Description

This bill modifies clause 5 of 609.185-Murder in the First Degree. That clause states that a First Degree Murder is committed if it takes place while the perpetrator is committing child abuse, if that person has engaged in a past pattern of child abuse against that child. This bill amends that clause to provide that the murder of a child while committing child abuse is First Degree Murder if the perpetrator has engaged in a past pattern of child abuse against any child.

Assumptions

- According to the Sentencing Guidelines Commission, offenders sentenced under the provisions of this bill would receive a longer executed prison sentence. This will have a minimal positive impact on supervision caseloads statewide.
- The SGC looked at the number of offenders who are currently being convicted of second degree murder or some type of manslaughter, instead are convicted of First Degree Murder, there is the potential for some impact on state correctional resources. An offender sentenced for Intentional Second Degree Murder who has no prior record, and receives the recommended Guidelines sentence, would serve a minimum of 204 months (2/3 of 306 months) before release. If, in the future, that offender receives a Life sentenced for First Degree Murder, they would serve a minimum of 360 months (30 years) before being eligible to be considered for release, a difference of 156 months. Each such offender would serve at least an additional 13 years over the period of his or her incarceration. An offender sentenced for Unintentional Second Degree Murder who has no prior record, and receives the recommended Guidelines sentence, would serve a minimum of 100 months (2/3 of 150 months) before release. The difference from a Life sentence in minimal time served is 260 months. Each such offender would serve an additional 21.5 years over the course of his or her incarceration.
- This bill is effective following the day of enactment.

Expenditure and/or Revenue Formula

N/A

Long-Term Fiscal Considerations

N/A

Local Government Costs

N/A

References/Sources

Minnesota Sentencing Guidelines staff.
Minnesota Department of Corrections staff.

FN Coord Signature: DENNY FONSECA

Date: 02/25/05 Phone: 642-0220

EBO Comments

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING

Date: 03/01/05 Phone: 296-7964

Fiscal Note – 2005-06 Session

Bill #: S0349-0 **Complete Date:** 03/07/05

Chief Author: FOLEY, LEO

Title: EXPAND CRIME OF FIRST DEGREE MURDER

Fiscal Impact	Yes	No
State		X
Local		X
Fee/Departmental Earnings		X
Tax Revenue		X

Agency Name: Supreme Court

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
Expenditures					
-- No Impact --					
Less Agency Can Absorb					
-- No Impact --					
Net Expenditures					
-- No Impact --					
Revenues					
-- No Impact --					
Net Cost <Savings>					
-- No Impact --					
Total Cost <Savings> to the State					

	FY05	FY06	FY07	FY08	FY09
Full Time Equivalents					
-- No Impact --					
Total FTE					

This bill version has no fiscal effect on our agency.

FN Coord Signature: JUDY REHAK
Date: 03/05/05 Phone: 297-7800

EBO Comments

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING
Date: 03/07/05 Phone: 296-7964

Fiscal Note – 2005-06 Session

Bill #: S0349-0 **Complete Date:** 03/01/05

Chief Author: FOLEY, LEO

Title: EXPAND CRIME OF FIRST DEGREE MURDER

Fiscal Impact	Yes	No
State		X
Local		X
Fee/Departmental Earnings		X
Tax Revenue		X

Agency Name: Sentencing Guidelines Comm

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
Expenditures					
-- No Impact --					
Less Agency Can Absorb					
-- No Impact --					
Net Expenditures					
-- No Impact --					
Revenues					
-- No Impact --					
Net Cost <Savings>					
-- No Impact --					
Total Cost <Savings> to the State					

	FY05	FY06	FY07	FY08	FY09
Full Time Equivalent					
-- No Impact --					
Total FTE					

Bill Description

This bill modifies clause 5 of 609.185-Murder in the First Degree. That clause states that a First Degree Murder is committed if it takes place while the perpetrator is committing child abuse, if that person has engaged in a past pattern of child abuse against that child. This bill amends that clause to provide that the murder of a child while committing child abuse is First Degree Murder if the perpetrator has engaged in a past pattern of child abuse against any child.

The effective date for this bill is the day following final enactment.

Assumptions

It is assumed that offenders who currently commit such crimes are convicted of some other type of murder or manslaughter and receive executed prison sentences. While no information is available on the number of offenses that occur each year that, under this amended provision could be charged as First Degree Murder, it is assumed that the number will be small. Information from the Department of Corrections shows that 18 offenders were admitted in 2001, 10 offenders admitted in 2002, and 16 admitted in 2003 with Life sentences for First Degree Murder. Two of those offenders were convicted under the existing clause, which covers murders of minors while committing child abuse. Minnesota Offense Code data from the MSGC monitoring system shows that of the 70 Second Degree Murder cases sentenced in 2001, the victims were minors in 5 cases. These codes also show that 4 of those 5 offenses involved deaths committed in the course of a burglary and one involved a death while committing Criminal Sexual conduct and thus, would not be covered by the provisions of this bill. In 2002, 6 of the 46 second-degree murders sentenced involved child victims. The nature of the offense was not further specified, so any of these 6 offenses could have involved child abuse. It cannot be determined how many of these offenders had a past pattern of child abuse. In 2003, of the 74 offenders sentenced for second-degree murder, the victims were minors in 14 cases. In all of these cases the offense codes indicated that the murder was committed during the course of a burglary.

Impact on State and Local Correctional Resources

Since offenders who commit this offense are likely to already be receiving executed prison sentences, there is no impact on local correctional resources.

If, in the future, some offenders currently being convicted of Second Degree Murder or some type of manslaughter instead are convicted of First Degree Murder, there is the potential for some impact on state correctional resources. Since the number of such offenders is expected to be small, the impact is estimated to be minimal. An offender sentenced for Intentional Second Degree Murder who has no prior record, and receives the recommended Guidelines sentence, would serve a minimum of 204 months (2/3 of 306 months) before release. If, in the future, that offender receives a Life sentence for First Degree Murder, they would serve a minimum of 360 months (30 years) before being eligible to be considered for release, a difference of 156 months. Each such offender would serve at least an additional 13 years over the period of their incarceration. An offender sentenced for Unintentional Second Degree Murder who has no prior record, and receives the recommended Guidelines sentence, would serve a minimum of 100 months (2/3 of 150 months) before release. The difference from a Life sentence in minimal time served is 260 months. Each such offender would serve an additional 21.5 years over the course of their incarceration.

FN Coord Signature: ANNE WALL
Date: 02/25/05 Phone: 296-0144

EBO Comments

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING
Date: 03/01/05 Phone: 296-7964

Fiscal Note – 2005-06 Session

Bill #: S0349-0 **Complete Date:** 03/02/05

Chief Author: FOLEY, LEO

Title: EXPAND CRIME OF FIRST DEGREE MURDER

Fiscal Impact	Yes	No
State		X
Local		X
Fee/Departmental Earnings		X
Tax Revenue		X

Agency Name: Public Defense Board

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
Expenditures					
-- No Impact --					
Less Agency Can Absorb					
-- No Impact --					
Net Expenditures					
-- No Impact --					
Revenues					
-- No Impact --					
Net Cost <Savings>					
-- No Impact --					
Total Cost <Savings> to the State					

	FY05	FY06	FY07	FY08	FY09
Full Time Equivalent					
-- No Impact --					
Total FTE					

Bill Description

Assumptions

While the provisions of this bill do not have a major impact on the public defense system, it does present the already overburdened criminal justice and public defender systems with additional cases and time commitments. Any time there is an increase in penalties or expansion of criminal law the result will be more cases, more contested cases, and more appeals.

Expenditure and/or Revenue Formula

Long-Term Fiscal Considerations

Local Government Costs

References/Sources

FN Coord Signature: KEVIN KAJER
Date: 03/02/05 Phone: 349-2565

EBO Comments

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING
Date: 03/02/05 Phone: 296-7964

Senators Foley, Kleis, Ranum, Skoglund and Limmer introduced--
S.F. No. 349: Referred to the Committee on Crime Prevention and Public Safety.

1 A bill for an act
2 relating to crime prevention and public safety;
3 modifying the crime of murder in the first degree;
4 amending Minnesota Statutes 2004, section 609.185.
5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
6 Section 1. Minnesota Statutes 2004, section 609.185, is
7 amended to read:
8 609.185 [MURDER IN THE FIRST DEGREE.]
9 (a) Whoever does any of the following is guilty of murder
10 in the first degree and shall be sentenced to imprisonment for
11 life:
12 (1) causes the death of a human being with premeditation
13 and with intent to effect the death of the person or of another;
14 (2) causes the death of a human being while committing or
15 attempting to commit criminal sexual conduct in the first or
16 second degree with force or violence, either upon or affecting
17 the person or another;
18 (3) causes the death of a human being with intent to effect
19 the death of the person or another, while committing or
20 attempting to commit burglary, aggravated robbery, kidnapping,
21 arson in the first or second degree, a drive-by shooting,
22 tampering with a witness in the first degree, escape from
23 custody, or any felony violation of chapter 152 involving the
24 unlawful sale of a controlled substance;
25 (4) causes the death of a peace officer or a guard employed

1 at a Minnesota state or local correctional facility, with intent
2 to effect the death of that person or another, while the peace
3 officer or guard is engaged in the performance of official
4 duties;

5 (5) causes the death of a minor while committing child
6 abuse, when the perpetrator has engaged in a past pattern of
7 child abuse upon the a child and the death occurs under
8 circumstances manifesting an extreme indifference to human life;

9 (6) causes the death of a human being while committing
10 domestic abuse, when the perpetrator has engaged in a past
11 pattern of domestic abuse upon the victim or upon another family
12 or household member and the death occurs under circumstances
13 manifesting an extreme indifference to human life; or

14 (7) causes the death of a human being while committing,
15 conspiring to commit, or attempting to commit a felony crime to
16 further terrorism and the death occurs under circumstances
17 manifesting an extreme indifference to human life.

18 (b) For purposes of paragraph (a), clause (5), "child abuse"
19 means an act committed against a minor victim that constitutes a
20 violation of the following laws of this state or any similar
21 laws of the United States or any other state: section 609.221;
22 609.222; 609.223; 609.224; 609.2242; 609.342; 609.343; 609.344;
23 609.345; 609.377; 609.378; or 609.713.

24 (c) For purposes of paragraph (a), clause (6), "domestic
25 abuse" means an act that:

26 (1) constitutes a violation of section 609.221, 609.222,
27 609.223, 609.224, 609.2242, 609.342, 609.343, 609.344, 609.345,
28 609.713, or any similar laws of the United States or any other
29 state; and

30 (2) is committed against the victim who is a family or
31 household member as defined in section 518B.01, subdivision 2,
32 paragraph (b).

33 (d) For purposes of paragraph (a), clause (7), "further
34 terrorism" has the meaning given in section 609.714, subdivision
35 1.

36 [EFFECTIVE DATE.] This section is effective the day

01/06/05

[REVISOR] RPK/RC 05-1164

- 1 following final enactment and applies to crimes committed on or
- 2 after that date.

**Senate Counsel, Research,
and Fiscal Analysis**

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Senate

State of Minnesota

**S.F. No. 277 - Making Permanent the Requirement that Certain
Litigation and Settlement Proceeds Be Deposited in the General
Fund**

Author: Senator Thomas Neuville

Prepared by: Chris Turner, Senate Research (651/296-4350) CT

Date: April 1, 2005

Minnesota Statutes, section 16A.151, prohibits state officials from settling any legal action with funds distributed anyplace other than the general fund. Subdivision 5 sunsets section 16A.151.

The bill repeals the sunset, thereby making permanent the requirement that settlement proceeds be deposited in the general fund.

CT:vs

SF 277 - Newville

Consolidated Fiscal Note – 2005-06 Session

Bill #: H0046-0 **Complete Date:** 03/08/05

Chief Author: WILKIN, TIM

Title: REPEAL SUNSET;GF LITIGATION SETTLEMT

Fiscal Impact	Yes	No
State	X	
Local	X	
Fee/Departmental Earnings		X
Tax Revenue		X

Agencies: Attorney General (03/08/05)

Finance Dept (02/16/05)

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
Net Expenditures					
General Fund			152	152	152
Attorney General			152	152	152
Revenues					
-- No Impact --					
Net Cost <Savings>					
General Fund			152	152	152
Attorney General			152	152	152
Total Cost <Savings> to the State			152	152	152

	FY05	FY06	FY07	FY08	FY09
Full Time Equivalents					
General Fund			1.00	1.00	1.00
Attorney General			1.00	1.00	1.00
Total FTE			1.00	1.00	1.00

Consolidated EBO Comments

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: KRISTI SCHROEDL

Date: 03/08/05 Phone: 215-0595

Fiscal Note – 2005-06 Session

Bill #: H0046-0 **Complete Date:** 03/08/05

Chief Author: WILKIN, TIM

Title: REPEAL SUNSET;GF LITIGATION SETTLEMT

Fiscal Impact	Yes	No
State	X	
Local	X	
Fee/Departmental Earnings		X
Tax Revenue		X

Agency Name: Attorney General

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
Expenditures					
General Fund			152	152	152
Less Agency Can Absorb					
-- No Impact --					
Net Expenditures					
General Fund			152	152	152
Revenues					
-- No Impact --					
Net Cost <Savings>					
General Fund			152	152	152
Total Cost <Savings> to the State			152	152	152

	FY05	FY06	FY07	FY08	FY09
Full Time Equivalents					
General Fund			1.00	1.00	1.00
Total FTE			1.00	1.00	1.00

Bill Description

Makes permanent the prohibition on state officials from settling any legal action with funds distributed any place other than the state's General Fund. The prohibition is now scheduled to expire June 30, 2006. The overwhelming majority of civil lawsuits in which the state prevails as plaintiff result in cash payments to the General Fund. However, prior to enactment of this provision both settlements and court decisions on a few occasions resulted in contributions to charitable organizations of either cash or in kind products.

Assumptions

There will be no fiscal impact in FY 2006, as that ends June 30, 2006.

1. General Fund. For two reasons in later years the General Fund, as well as charities, will likely suffer a net loss due to this legislation:
 - One reason for loss to the General Fund is that the provision eliminates a settlement option. The state's flexibility in negotiations is narrowed and there are fewer settlements. At times defendants simply do not want to pay the entire amount to the state. Instead, they prefer that a portion in cash or in the form of a product, such as toys, food, or medical supplies, be given to charity. The consequence is that cases are taken to trial that otherwise would have settled and fewer funds go to the General Fund.
 - The second reason is that Minnesota often joins with other states in litigating a claim against a particular defendant. Because Minnesota is the only state known to have this restriction, it has had to forego participating in settlements in multi-state litigation, which would have either directly benefited the General Fund or indirectly benefited it, through in-kind payments.
2. Attorney General's Office. Because of the restriction, litigation requires more time and resources from the Attorney General's Office. Cases either have to go to trial or take longer to settle since often defendants, for whatever reasons, find it easier to provide a portion of the settlement funds to worthy charities, as opposed to paying state government.

Expenditure and/or Revenue Formula

Expenditure: Additional costs caused by this provision will vary depending on specific litigation. It is estimated that several million dollars of benefits to Minnesotans are foregone because of the current law. Three examples from the past year:

1. In a case involving a pharmaceutical company, this Office had to turn down a preliminary offer of up to \$500,000 worth of free drugs to be donated to the state's Medicaid program.
2. Minnesota had to forego participating in another settlement involving hundreds of millions of dollars with 45 other states and a tobacco firm that did not participate in the major 1998 settlement. The settlement required that some of the funds go to a non-profit charity.
3. Finally, the state was not able to participate in an anti-trust settlement against two large drug companies with 39 other states and the Federal Trade Commission. The terms required the firms to pay \$10,000 to each state and to make a significant contribution to a nonprofit organization.

Revenue: N/A

Long-Term Fiscal Considerations

Will cause the need for one additional lawyer to provide the same level of legal services.

Local Government Costs

It will impact units of local government in two ways: 1) there may be cases where the state brings action on behalf of itself as well as local governments in general for damages arising out of fraudulent or improper activities. Since payment to the General Fund is required, except for specific parties, local governments would not be entitled to settlement funds they would have otherwise received and 2) in order to avoid the prohibition of the bill, local governments may have to bring their own suits and not rely upon state government.

Agency Contact Name: Ken Peterson (651-296-2731)
FN Coord Signature: TERRY POHLKAMP

Date: 02/28/05 Phone: 297-1143

EBO Comments

The Attorney General's office is prepared to discuss the impact of this legislation on their operating budget.

EBO Signature: KRISTI SCHROEDL

Date: 03/08/05 Phone: 215-0595

Fiscal Note – 2005-06 Session

Bill #: H0046-0 **Complete Date:** 02/16/05

Chief Author: WILKIN, TIM

Title: REPEAL SUNSET;GF LITIGATION SETTLEMENT

Fiscal Impact	Yes	No
State		X
Local		X
Fee/Departmental Earnings		X
Tax Revenue		X

Agency Name: Finance Dept

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
Expenditures					
-- No Impact --					
Less Agency Can Absorb					
-- No Impact --					
Net Expenditures					
-- No Impact --					
Revenues					
-- No Impact --					
Net Cost <Savings>					
-- No Impact --					
Total Cost <Savings> to the State					

	FY05	FY06	FY07	FY08	FY09
Full Time Equivalent					
-- No Impact --					
Total FTE					

Assumptions

This bill repeals the sunset date for M.S. 16A.151, which requires that proceeds received on behalf of the state as a result of litigation or settlements of potential litigation be returned to the General Fund or the state fund for which the matter was defended or pursued. Litigation and settlement of such matters as well as the proceeds from such action cannot be predicted, and therefore, no estimated fiscal impact can be estimated.

In most situations, the initial expenditures for which the state is seeking reimbursement through legal means were expended 2-5 years prior to the settlement of the matter. Therefore, by the time the state receives reimbursement through settlement or successful litigation, the legislature or administration has already taken action to replenish the budget of agencies that were originally affected by the wrongful actions, or the fiscal environment in which such decisions are made must be reexamined. There are a handful of exceptions where agency-specific statutes authorize the deposit of legal proceeds to certain state agency accounts, and in these cases, it has been interpreted that the most specific law supercedes the more general law (ex. M.S. 16B.31, Subd. 7).

FN Coord Signature: PETER SAUSEN
Date: 02/16/05 Phone: 296-8372

EBO Comments

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: KRISTI SCHROEDL
Date: 02/16/05 Phone: 215-0595

Senator Neuville introduced--

S.F. No. 277: Referred to the Committee on Finance.

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A bill for an act

relating to state government; making permanent the requirement that certain litigation and settlement proceeds be deposited in the general fund; repealing Minnesota Statutes 2004, section 16A.151, subdivision 5.

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

Section 1. [REPEALER.]

Minnesota Statutes 2004, section 16A.151, subdivision 5, is

repealed.

APPENDIX
Repealed Minnesota Statutes for 05-0462

16A.151 PROCEEDS OF LITIGATION OR SETTLEMENT.

Subd. 5. Expiration. This section expires June 30, 2006.