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S.F. No. 2576 – Mandatory Minimum Waivers; Cases Involving Dangerous Weapons

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S.F. No. 2576 amends Minnesota Statutes, section 609.11, which provides for mandatory minimum prison sentences for offenders convicted of committing certain specified violent crimes involving a firearm or other dangerous weapon or of unlawfully possessing a firearm in certain situations.

Under current law, a prosecutor may make a motion to have the defendant sentenced without regard to the mandatory minimum sentence required in section 609.11. The court, either based on the prosecutor’s motion or upon its own motion, may sentence without regard to the mandatory minimum if it finds substantial and compelling reasons to do so. This authority does not apply if the offender has previously been convicted of a violent crime while using or possessing a firearm or other dangerous weapon. Thus, the mandatory sentence in section 609.11 is considered a “soft” mandatory minimum sentence for first time offenders but a “hard” minimum for repeat offenders.

This bill completely removes the authority to sentence without regard to the mandatory minimum sentence contained in section 609.11.

Section 1 strikes a reporting requirement in law related to waivers of the mandatory sentence contained in section 609.11. This language would no longer be necessary since the bill removes the possibility of such a waiver.

Section 2 repeals the subdivision in section 609.11 that authorizes the waiver (i.e. the authority of the court to sentence without regard to the mandatory minimum sentence).