

SF2576 - 0 - Sentencing without Regard to Mandatory Minimum

Chief Author: **Paul Gazelka**  
 Committee: **Judiciary And Public Safety Finance And Policy**  
 Date Completed: **2/13/2022 6:14:08 PM**  
 Lead Agency: **Supreme Court**  
 Other Agencies:  
     Corrections Dept                      Public Defense Board  
     Sentencing Guidelines  
     Comm

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

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

State Cost (Savings) Dollars in Thousands	Biennium			Biennium	
	FY2021	FY2022	FY2023	FY2024	FY2025
<b>Corrections Dept</b>					
General Fund	-	-	1,757	5,776	9,919
<b>Public Defense Board</b>					
General Fund	-	-	1,338	3,592	3,592
<b>State Total</b>					
General Fund	-	-	3,095	9,368	13,511
<b>Total</b>	-	-	<b>3,095</b>	<b>9,368</b>	<b>13,511</b>
<b>Biennial Total</b>			<b>3,095</b>		<b>22,879</b>

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2021	FY2022	FY2023	FY2024	FY2025
<b>Corrections Dept</b>					
General Fund	-	-	19.5	64.2	110.2
<b>Public Defense Board</b>					
General Fund	-	-	25	25	25
<b>Total</b>	-	-	<b>44.5</b>	<b>89.2</b>	<b>135.2</b>

**Lead LBO Analyst's Comment**

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

**LBO Signature:** Alyssa Holterman Rosas      **Date:** 2/13/2022 6:14:08 PM  
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**State Cost (Savings) Calculation Details**

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

\*Transfers In/Out and Absorbed Costs are only displayed when reported.

<b>State Cost (Savings) = 1-2</b>	<b>Biennium</b>			<b>Biennium</b>	
Dollars in Thousands	FY2021	FY2022	FY2023	FY2024	FY2025
<b>Corrections Dept</b>					
General Fund	-	-	1,757	5,776	9,919
<b>Public Defense Board</b>					
General Fund	-	-	1,338	3,592	3,592
<b>Total</b>	-	-	<b>3,095</b>	<b>9,368</b>	<b>13,511</b>
<b>Biennial Total</b>			<b>3,095</b>		<b>22,879</b>
<b>1 - Expenditures, Absorbed Costs*, Transfers Out*</b>					
Corrections Dept					
General Fund	-	-	1,757	5,776	9,919
Public Defense Board					
General Fund	-	-	1,338	3,592	3,592
<b>Total</b>	-	-	<b>3,095</b>	<b>9,368</b>	<b>13,511</b>
<b>Biennial Total</b>			<b>3,095</b>		<b>22,879</b>
<b>2 - Revenues, Transfers In*</b>					
Corrections Dept					
General Fund	-	-	-	-	-
Public Defense Board					
General Fund	-	-	-	-	-
<b>Total</b>	-	-	-	-	-
<b>Biennial Total</b>			-		-

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Chief Author: **Paul Gazelka**  
 Committee: **Judiciary And Public Safety Finance And Policy**  
 Date Completed: **2/13/2022 6:14:08 PM**  
 Agency: **Supreme Court**

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

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

State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2021	FY2022	FY2023	FY2024	FY2025
<b>Total</b>	-	-	-	-	-	-
<b>Biennial Total</b>			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium		
		FY2021	FY2022	FY2023	FY2024	FY2025
<b>Total</b>	-	-	-	-	-	-

**LBO Analyst's Comment**

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

**LBO Signature:** Alyssa Holterman Rosas    **Date:** 2/10/2022 8:21:54 PM  
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**State Cost (Savings) Calculation Details**

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

\*Transfers In/Out and Absorbed Costs are only displayed when reported.

<b>State Cost (Savings) = 1-2</b>		Biennium			Biennium	
Dollars in Thousands	FY2021	FY2022	FY2023	FY2024	FY2025	
<b>Total</b>	-	-	-	-	-	-
<b>Biennial Total</b>			-			-
<b>1 - Expenditures, Absorbed Costs*, Transfers Out*</b>						
<b>Total</b>	-	-	-	-	-	-
<b>Biennial Total</b>			-			-
<b>2 - Revenues, Transfers In*</b>						
<b>Total</b>	-	-	-	-	-	-
<b>Biennial Total</b>			-			-

**Bill Description**

SF2576 amends Minn. Stat. § 609.11 (Minimum Sentences of Imprisonment), repealing subdivision 8, which authorizes the court on motion of the prosecutor or on its own motion to sentence a defendant without regard to the mandatory minimum sentences established by section 609.11 if the court finds substantial and compelling reasons to do so. The bill also amends subdivision 10, by striking a reference to mandatory minimum sentences that are waived by the prosecutor or the court.

**Assumptions**

It is assumed that the provisions of the bill will not increase case filings as the bill does not create any new criminal offenses. Rather, the bill only impacts the sentences that may be imposed for existing felony offenses.

**Expenditure and/or Revenue Formula**

This bill is not anticipated to have a significant fiscal impact on the judicial branch as it will not increase case filing rates or measurably increase the judicial branch resources required to process these cases.

**Long-Term Fiscal Considerations**

**Local Fiscal Impact**

**References/Sources**

**Agency Contact:**

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SF2576 - 0 - Sentencing without Regard to Mandatory Minimum

Chief Author: **Paul Gazelka**  
 Committee: **Judiciary And Public Safety Finance And Policy**  
 Date Completed: **2/13/2022 6:14:08 PM**  
 Agency: **Corrections Dept**

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

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

State Cost (Savings) Dollars in Thousands	Biennium			Biennium	
	FY2021	FY2022	FY2023	FY2024	FY2025
General Fund	-	-	1,757	5,776	9,919
<b>Total</b>	<b>-</b>	<b>-</b>	<b>1,757</b>	<b>5,776</b>	<b>9,919</b>
<b>Biennial Total</b>			<b>1,757</b>		<b>15,695</b>

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2021	FY2022	FY2023	FY2024	FY2025
General Fund	-	-	19.5	64.2	110.2
<b>Total</b>	<b>-</b>	<b>-</b>	<b>19.5</b>	<b>64.2</b>	<b>110.2</b>

**LBO Analyst's Comment**

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

**LBO Signature:** Jim Carlson      **Date:** 2/11/2022 10:51:40 AM  
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**State Cost (Savings) Calculation Details**

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

\*Transfers In/Out and Absorbed Costs are only displayed when reported.

<b>State Cost (Savings) = 1-2</b>		Biennium			Biennium	
Dollars in Thousands		FY2021	FY2022	FY2023	FY2024	FY2025
General Fund	-	-	-	1,757	5,776	9,919
<b>Total</b>		-	-	<b>1,757</b>	<b>5,776</b>	<b>9,919</b>
<b>Biennial Total</b>					<b>1,757</b>	<b>15,695</b>
<b>1 - Expenditures, Absorbed Costs*, Transfers Out*</b>						
General Fund	-	-	-	1,757	5,776	9,919
<b>Total</b>		-	-	<b>1,757</b>	<b>5,776</b>	<b>9,919</b>
<b>Biennial Total</b>					<b>1,757</b>	<b>15,695</b>
<b>2 - Revenues, Transfers In*</b>						
General Fund	-	-	-	-	-	-
<b>Total</b>		-	-	-	-	-
<b>Biennial Total</b>					-	-

**Bill Description**

The proposed legislation would repeal M.S. 609.11, subdivision 8, which provides that the prosecutor or the court may make a motion to sentence without regard to mandatory minimum sentences for committing certain crimes involving firearms or other dangerous weapons.

**Assumptions**

The Minnesota Sentencing Guidelines Commission (MSGC) assumes that due to the pandemic, future cases involving dangerous weapons would be similar in numbers, offense, and weapon type to cases sentenced in 2019 rather than cases sentenced in 2020. There were 940 cases sentenced in 2019.

The MSGC assumes this bill would prohibit all departures from the mandatory minimums established included in M.S. 609.11. It would also prohibit any mitigated dispositional departure from the Sentencing Guidelines as well as any mitigated durational departure below the mandatory minimum duration.

MSGC monitoring data indicates the mitigated dispositional departure rate for the 940 cases that were sentenced in 2019 was 40.6 percent (382 cases). Of the 558 remaining cases that received commitments to prison, 10.6 percent (59 cases) received a sentence that was shorter than the mandatory minimum duration.

The MSGC assumes that in the future all of the 940 cases would receive executed prison sentences of at least the mandatory minimum duration.

The MSGC estimates the provisions of this bill would result in the eventual need for 1,073 additional prison beds each year. The estimated year-by-year prison bed impact would be an additional 184 beds in FY2023, 486 beds in FY2024 and 715 beds in FY2025, eventually reaching 1,073 beds in FY2032 and each subsequent year.

The impact on supervision caseloads statewide is not expected to be significant as there would be an offset of individuals who would go to or remain in prison rather than be placed on probation or supervised release.

Prison bed costs are based on a marginal per diem cost of \$41.80 for FY2023, \$42.42 for FY2024, and \$43.18 for FY2025 and each subsequent year. This includes marginal costs for all facility, private and public bed rental, health care and support costs.

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

Prison bed FTE impact for the increase in the offender population assumes 80 percent of the ongoing bed impact is personnel-related and the average salary per FTE is \$72,000 including benefits.

This bill would be effective August 1, 2022 and apply to crimes committed on or after that date..

**Expenditure and/or Revenue Formula**

Costs/(Savings) for Prison Beds - DOC

Fiscal Year	2021	2022	2023	2024	2025
Number of Prison Beds	0	0	184	486	715
Cost of Prison Beds (in 000s)	\$0	\$0	\$1,757	\$5,776	\$9,919
FTEs	0	0	19.5	64.2	110.2

**Long-Term Fiscal Considerations**

Costs would increase each year, reaching \$16,911,000 in FY2033 and each subsequent year.

**Local Fiscal Impact**

There would be some savings to local correctional resources as result of this bill. The MSGC estimates there would be 382 fewer probationary cases being supervised each year statewide, and 348 fewer cases serving local conditional confinement (a savings of 115 jail beds statewide).

**References/Sources**

Minnesota Sentencing Guidelines Commission

Department of Corrections staff

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**Agency Fiscal Note Coordinator Signature:** Chris Dodge

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SF2576 - 0 - Sentencing without Regard to Mandatory Minimum

Chief Author: **Paul Gazelka**  
 Committee: **Judiciary And Public Safety Finance And Policy**  
 Date Completed: **2/13/2022 6:14:08 PM**  
 Agency: **Public Defense Board**

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

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

State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2021	FY2022	FY2023	FY2024	FY2025
General Fund	-	-	1,338	3,592	3,592	
<b>Total</b>	-	-	<b>1,338</b>	<b>3,592</b>	<b>3,592</b>	
<b>Biennial Total</b>			<b>1,338</b>			<b>7,184</b>

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2021	FY2022	FY2023	FY2024	FY2025
General Fund	-	-	25	25	25
<b>Total</b>	-	-	<b>25</b>	<b>25</b>	<b>25</b>

**LBO Analyst's Comment**

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

**LBO Signature:** Alyssa Holterman Rosas      **Date:** 2/13/2022 6:13:57 PM  
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**State Cost (Savings) Calculation Details**

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

\*Transfers In/Out and Absorbed Costs are only displayed when reported.

<b>State Cost (Savings) = 1-2</b>		Biennium			Biennium	
Dollars in Thousands		FY2021	FY2022	FY2023	FY2024	FY2025
General Fund	-	-	1,338	3,592	3,592	-
<b>Total</b>		-	-	<b>1,338</b>	<b>3,592</b>	<b>3,592</b>
<b>Biennial Total</b>				<b>1,338</b>	<b>7,184</b>	
<b>1 - Expenditures, Absorbed Costs*, Transfers Out*</b>						
General Fund	-	-	1,338	3,592	3,592	-
<b>Total</b>		-	-	<b>1,338</b>	<b>3,592</b>	<b>3,592</b>
<b>Biennial Total</b>				<b>1,338</b>	<b>7,184</b>	
<b>2 - Revenues, Transfers In*</b>						
General Fund	-	-	-	-	-	-
<b>Total</b>		-	-	-	-	-
<b>Biennial Total</b>				-	-	

**Bill Description**

The bill amends Minn. Stat. sec. 609.11, which provides mandatory minimum sentences for certain offenses involving weapons. This bill repeals subdivision 8. Subdivision 8 allows courts to sentence without regard to the mandatory minimum sentences upon a finding of substantial and compelling reasons to do so. Subdivision 10 is amended to conform to the repealed subd 8. The bill is effective August 1, 2022, and applies to crimes committed on or after that date.

**Assumptions**

According to MSGC monitoring data, in 2019 the mitigated dispositional departure rate for the 940 cases to which subd. 8 applied was 40%. Based on the MSGC numbers there would now be 376 cases where there would be no incentive for a plea agreement (940 x 40%) and those cases would likely go to trial. Public defenders handle approximately 90% of all felony cases, so the estimate is that 250 of these cases will be public defender cases.

**Expenditure and/or Revenue Formula**

**Trial Level**

A conservative estimate of a 70% trial rate this would mean an additional 175 trials annually. Assuming a week-long trial with an additional week of preparation, there would be a need for an additional 14,000 hours of public defender time. This equates to 7.5 FTE attorney positions. The boards Weighted Caseload Standards call for 2.0 additional legal secretary/assistants, 1.0 investigator, 1.0 dispositional advisor position, and 1 paralegal position to support these attorney positions. On the trial level the annual costs would be \$1,388,000. Assuming a phase in of the positions over the second this would mean a 2023 cost of \$694,000 on the trial level.

**Appellate Level**

Assuming a trial win rate of 35% we would assume 65% of the cases would be appealed (115) cases. An appellate attorney should handle no more than 18-19 cases in a year which would mean a need for 6 additional attorney staff, and 1.5 legal secretary/assistant positions. There would also be a need for trial transcripts in these cases. Based on past experience there are approximately 200 pages per day of trial, at rate of \$4.25 per page, cost is \$850 per day or \$4,250 per trial, or \$488,750 annually. Annually this amounts to \$1,363,000. We would not expect to see appeals until later in the fiscal year, so phasing these positions in over the last three months of the year would mean a FY 2023 cost of \$340,000

Staffing totals would be 13.5 attorneys, 3.5 legal secretary/Assistants 1 investigator, 1 paralegal, and 1 dispositional

advisor position.

Due to the serious and complex nature of these cases it would require that a season attorney and staff handle the cases. The salary for an attorney at the middle of the range is \$86,222 with benefits and associated non personnel costs the annual cost is \$125,881. The salary for an investigator at the middle of the range is \$59,497 with benefits and associated non personnel costs the annual cost is \$95,441. The salary for a paralegal at the middle of the range is \$59,497 with benefits and associated non personnel costs the annual cost is \$95,441. The salary for a dispositional advisor at the middle of the range is \$60,765 with benefits and associated non personnel costs the annual cost is \$96,885. The salary for a legal secretary/assistant at the middle of the range is \$45,752 with benefits and associated non personnel costs the annual cost is \$79,785.

Assuming a phase in of positions during FY 2023 the costs would be \$1,034,000 with on going annual costs of \$2,749,000.

**Long-Term Fiscal Considerations**

**Local Fiscal Impact**

**References/Sources**

**Agency Contact:**

**Agency Fiscal Note Coordinator Signature:** Kevin Kajer

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**SF2576 - 0 - Sentencing without Regard to Mandatory Minimum**

Chief Author: **Paul Gazelka**  
 Committee: **Judiciary And Public Safety Finance And Policy**  
 Date Completed: **2/13/2022 6:14:08 PM**  
 Agency: **Sentencing Guidelines Comm**

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

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State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2021	FY2022	FY2023	FY2024	FY2025
<b>Total</b>	-	-	-	-	-	-
<b>Biennial Total</b>			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2021	FY2022	FY2023	FY2024	FY2025
<b>Total</b>	-	-	-	-	-

**LBO Analyst's Comment**

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

**LBO Signature:** Jim Carlson      **Date:** 2/11/2022 10:51:04 AM  
**Phone:** 651-284-6540      **Email:** jim.carlson@lbo.mn.gov

**State Cost (Savings) Calculation Details**

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

\*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2 Dollars in Thousands	Biennium			Biennium	
	FY2021	FY2022	FY2023	FY2024	FY2025
<b>Total</b>	-	-	-	-	-
<b>Biennial Total</b>			-		-
<b>1 - Expenditures, Absorbed Costs*, Transfers Out*</b>					
<b>Total</b>	-	-	-	-	-
<b>Biennial Total</b>			-		-
<b>2 - Revenues, Transfers In*</b>					
<b>Total</b>	-	-	-	-	-
<b>Biennial Total</b>			-		-

**Bill Description**

Minn. Stat. § 609.11 establishes mandatory minimum sentences of imprisonment for committing an enumerated offense while using (or, in some cases, merely possessing) firearms, other dangerous weapons, or, in some cases, ammunition. This bill amends Minn. Stat. § 609.11 by repealing subdivision 8, which provides that the prosecutor or the court may make a motion to sentence without regard to these mandatory minimums. The mandatory minimums are displayed in Table 1:

Table 1. Mandatory Minimums in Minn. Stat. § 609.11

Offense	Minimum sentence of imprisonment	Minimum sentence of imprisonment (second or subsequent offense)	Citation Minn. Stat. § 609.11
Commission of a listed offense (see Minn. Stat. § 609.11, subd. 9) while using dangerous weapon other than firearm	1 year and 1 day	3 years	Subd. 4
Commission of a listed offense while using or possessing a firearm	3 years	5 years	Subd. 5(a)
Possession of firearm or ammunition by one previously convicted of a "crime of violence" (Minn. Stat. § 624.712, subd. 5)	5 years	5 years	Subd. 5(b)

The bill is effective August 1, 2022, and applies to crimes committed on or after that date.

**Assumptions**

Due to the ongoing COVID-19 health pandemic, case volume data in 2020 is unreliable (fell by more than 30%) and therefore the 2020 data is not being used for fiscal note assumptions. Therefore, it is assumed that future cases involving dangerous weapons will be similar in numbers, offense, and weapon type to cases sentenced in 2019 when there were 940 cases sentenced that were subject to Minn. Stat. § 609.11 provisions.

By repealing the waiver provisions of subd. 8 and leaving intact the "shall be committed" language of subs. 4 & 5 and the "no early release" provision of subd. 6, the bill converts the § 609.11 mandatory minimums into provisions that closely resemble the mandatory minimum found to be nonwaivable in *State v. Turck* (Minn. App. 2007). It is therefore assumed that the bill prohibits all departures from the mandatory minimums shown in Table 1.

The Minnesota Sentencing Guidelines provide that whenever there is a mandatory minimum specified in statute, the presumptive disposition is commitment to prison for the term specified or the duration in the appropriate cell on the applicable grid, whichever is longer. Therefore, this bill will also prohibit, in all applicable cases, any mitigated dispositional departure from the Sentencing Guidelines, as well as any mitigated durational departure below the mandatory minimum duration. According to MSGC monitoring data, in 2019 the mitigated dispositional departure rate for those 940 cases was 40.6 percent and, of the 558 cases that received commitments to prison, 59 (10.6%) received a sentence that was shorter than the mandatory minimum duration.

The number of cases and departure rates for offenses to which the mandatory minimums applied are shown in Table 2.

Table 2. Mandatory Minimums in Minn. Stat. § 609.11, Cases and Departures, 2019 Sentences

Offense	Minimum Sentence of Commitment to Prison	Annual Cases	Mitigated Dispositions (Probation instead of Prison)	Mitigated Durational Departure from Prison Commits (Shorter Prison Durations)
Commit listed crime while using non-firearm dangerous weapon	A year and a day	212	102 (48%)	0 of 110 (0%)
Commit listed crime while using non-firearm dangerous weapon (2nd or subseq.)	36 months	6	2 (33%)	1 of 4 (25%)
Commit listed crime while using or possessing firearm	36 months	235	99 (42%)	6 of 136 (4%)
Commit listed crime while using or possessing firearm (2nd or subseq.)	60 months	14	2 (14%)	2 of 12 (17%)
Prohibited felon in possession of firearm or ammo	60 months	473	177 (37%)	50 of 296 (17%)
<b>Total Cases</b>		<b>940</b>	<b>382</b>	<b>59</b>

It is assumed that in the future a similar annual number of cases (940), with similar underlying offenses and criminal histories, will be sentenced for offenses involving dangerous weapons, and that all will receive executed prison sentences of at least the mandatory minimum duration. Of cases now receiving mitigated dispositional departures, it is assumed that those now receiving stays of execution will instead receive executed sentences at the previously pronounced duration, unless the mandatory minimum duration is greater; and that those now receiving stays of imposition will instead receive executed sentences at the mandatory minimum duration, even if the Sentencing Guidelines presume a longer duration.

**Expenditure and/or Revenue Formula**

NA

**Long-Term Fiscal Considerations**

Based on the assumptions above, the eventual estimated prison-bed impact is a need of 1,073 beds by year 2032: 1,011 beds from cases that will move from probation to prison; and 62 beds from cases that will continue to receive prison but for more time; i.e., at least the mandatory minimum duration. This eventual prison-bed cost is displayed, by statutory mandatory minimum and by type of mitigated departure eliminated by the bill, in Table 3.

Table 3. Estimated Prison-Bed Impact Detail

Offense	Mandatory Minimum	Number of annual mitigated dispositions eliminated	Prison bed cost of change	Number of annual mitigated durations reduced or eliminated	Prison bed cost of change	Total prison bed cost of change
Commit listed crime while using non-firearm dangerous weapon	A year and a day	102	+147 beds	0	0	+147 beds
Commit listed crime while using non-firearm dangerous weapon (2nd or subseq.)	36 months	2	+5 beds	1	+1 beds	+6 beds
Commit listed crime while using or possessing firearm	36 months	99	+255 beds	6	+3 beds	+258 beds

Commit listed crime while using or possessing firearm (2nd or subseq.)	60 months	2	+9 beds	2	+1 beds	+10 beds
Prohibited felon in possession of firearm or ammo	60 months	177	+593 beds	50	+58 beds	+651 beds
<b>Total</b>	--	<b>382</b>	<b>+1,011 beds</b>	<b>59</b>	<b>+62 beds</b>	<b>+1,073 beds</b>

The timing of the prison-bed need is 184 beds in 2023, 486 beds in 2024, 715 beds in 2025, 840 beds in 2026, 902 beds in 2027, 929 beds in 2028, 964 beds in 2029, 1,019 beds in 2030, 1,041 beds in 2031, and 1,073 beds in 2032 and every year after (as displayed in Table 4).

Table 4. Prison-Bed Timing

Year	Estimated Prison-Beds Needed
2023	184
2024	486
2025	715
2026	840
2027	902
2028	929
2029	964
2030	1,019
2031	1,041
2032	1,073

**Local Fiscal Impact**

Based on the assumptions above, it is estimated that there will be some local government savings from people who will no longer receive probationary sentences. In 2019, 348 (91%) of the 382 weapons cases which did not receive a prison sentence had local jail time pronounced as part of their probationary sentence. The average pronounced duration was 181 days (term of imprisonment of 2/3=121 days). It is estimated that the provisions of this bill will result in 382 fewer probationary cases being supervised. It will also result in 348 fewer cases serving local conditional confinement in the community which will result in a savings of 115 local beds statewide. (348 cases × 121 days) = 42,108 “jail days” ÷ 365 days = 115 local beds.

**References/Sources**

2019 MSGC Monitoring data.

*State v. Turck*, 728 N.W.2d 544 (Minn. App. 2007), *review denied* (Minn. May 30, 2007).

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