

## S.F. No. 3224 – Violent or Repeat Offenders; Mandatory Sentences, Consecutive Sentences

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**Section 1** amends the aggravated durational departure sentencing provision applicable to certain third-time violent offenders in Minnesota Statutes, section 609.1095, subdivision 2, by converting it from a permissive sentence to a mandatory one.

Under current law, a judge, who is sentencing an offender who was 18 or older at the time of committing a violent crime (defined term) that is a felony and imposing an executed sentence based upon a Sentencing Guidelines presumptive imprisonment sentence, *may* sentence the offender to an aggravated durational departure (i.e. more time in prison than what the Guidelines call for) up to the statutory maximum sentence if the offender has two or more prior convictions for violent crimes and is determined to be a danger to public safety (based on listed factors).

**Section 2** amends the presumptive sentence mandatory minimum sentencing provision applicable to certain third-time violent offenders under section 609.1095, subdivision 3. Provides that for this sentence to apply, either the current offense must be one that is a presumptive stayed sentence under the Guidelines or the danger to public safety determinization was not made under section 1. Also strikes language prohibiting the offender from being released from prison early (a modified version of this language is inserted in section 4).

**Section 3** amends the aggravated durational departure sentencing provision applicable to offenders convicted of a felony offense who have five or more prior felony convictions in section 609.1095, subdivision 4, by converting it from a permissive sentence to a mandatory one.

Under current law, a judge who is imposing an executed sentence based upon a Guidelines presumptive imprisonment sentence *may* impose an aggravated durational departure up to the statutory maximum sentence if the present offense is a felony that was committed as part of a pattern of criminal conduct and the offender has five or more prior felony convictions.

**Section 4** requires that sentences under section 609.1095 (i.e. this bill) must be served consecutively to any unexpired portions of previously imposed sentences unless this would result in a shorter total

time to serve in prison. Also provides that offenders sentenced as required under section 609.1095 may not be released from prison until having served the entire period of the *announced sentence* (i.e. the offender may not be released early, including at the traditional end of the offender's term of imprisonment (the two-thirds mark)).