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S.F. No. 3448 – Certain Mitigated Sentencing Departures; Jury Trial

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Section 1 requires the use of a jury to determine, based on proof beyond a reasonable doubt, the existence of any mitigating factor before it may be used as a basis for a mitigated (i.e., downward) sentencing departure. Applies to cases where the defendant caused the death of another in the commission of the crime and to cases (any cases) where an identifiable victim objects to the potential departure. Applies to both downward durational (i.e., less time in prison than the presumptive sentence) and downward dispositional (i.e., a sentence to probation rather than prison when prison is the presumptive disposition) departures.

Sections 2 to 4 amend Minnesota Statutes, chapter 611A (crime victims' rights), to add references to a victim's right under section 1 to object to a mitigated departure in provisions of that chapter giving a victim the right to make a statement/objection about a proposed sentence.