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S.F. No. 3478 – Requiring County Attorneys to Prosecute Certain Cases

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Date: March 14, 2022

Section 1, subdivision 1 requires county attorneys to prosecute all crimes for which they receive information from law enforcement, witnesses, or other credible sources that establish probable cause that a felony was committed. Prosecution is not required if the complainant withdraws the allegation.

Subdivision 2 creates a misdemeanor offense for county attorneys who refuse or intentionally fail to faithfully prosecute a felony case as required under section 1. Upon conviction for failure to prosecute, the county attorney shall forfeit office or be dismissed. Willful violation of this section constitutes just cause for suspension without pay or dismissal.

Subdivision 3 requires every county attorney to maintain a list of all cases in which the county attorney determined that the generally applicable standard regarding prosecution required the attorney to decline prosecution despite the existence of probable cause. The list must be forwarded monthly to the legislative committees with jurisdiction over judiciary and public safety finance and policy.

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