

1.1 **Senator Latz from the Committee on Judiciary and Public Safety, to which was**
1.2 **referred**

1.3 **S.F. No. 816:** A bill for an act relating to public safety; setting the maximum term of
1.4 incarceration for a gross misdemeanor at 364 days; amending Minnesota Statutes 2022,
1.5 section 609.03; proposing coding for new law in Minnesota Statutes, chapter 609.

1.6 Reports the same back with the recommendation that the bill be amended as follows:

1.7 Page 1, after line 5, insert:

1.8 "Section 1. Minnesota Statutes 2022, section 609.02, subdivision 2, is amended to read:

1.9 Subd. 2. **Felony.** "Felony" means a crime for which a sentence of imprisonment for
1.10 ~~more than~~ one year or more may be imposed.

1.11 **EFFECTIVE DATE.** This section is effective the day following final enactment."

1.12 Page 2, line 2, before "Any" insert "(a)"

1.13 Page 2, after line 4, insert:

1.14 "(b) Any sentence of imprisonment for one year or 365 days imposed or executed before
1.15 July 1, 2023, shall be deemed to be a sentence of imprisonment for 364 days. A court may
1.16 at any time correct or reduce such a sentence pursuant to rule 27.03, subdivision 9, of the
1.17 Rules of Criminal Procedure and shall issue a corrected sentencing order upon motion of
1.18 any eligible defendant."

1.19 Page 2, after line 6, insert:

1.20 "Sec. 4. Minnesota Statutes 2022, section 609.105, subdivision 1, is amended to read:

1.21 Subdivision 1. **Sentence to ~~more than~~ one year or more.** A felony sentence to
1.22 imprisonment for ~~more than~~ one year or more shall commit the defendant to the custody of
1.23 the commissioner of corrections.

1.24 **EFFECTIVE DATE.** This section is effective the day following final enactment.

1.25 Sec. 5. Minnesota Statutes 2022, section 609.105, subdivision 3, is amended to read:

1.26 Subd. 3. **Sentence to less than one year ~~or less~~.** A sentence to imprisonment for a period
1.27 of less than one year ~~or any lesser period~~ shall be to a workhouse, work farm, county jail,
1.28 or other place authorized by law.

1.29 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.1 Sec. 6. Minnesota Statutes 2022, section 609.1055, is amended to read:

2.2 **609.1055 OFFENDERS WITH SERIOUS AND PERSISTENT MENTAL ILLNESS;**
2.3 **ALTERNATIVE PLACEMENT.**

2.4 When a court intends to commit an offender with a serious and persistent mental illness,
2.5 as defined in section 245.462, subdivision 20, paragraph (c), to the custody of the
2.6 commissioner of corrections for imprisonment at a state correctional facility, either when
2.7 initially pronouncing a sentence or when revoking an offender's probation, the court, when
2.8 consistent with public safety, may instead place the offender on probation or continue the
2.9 offender's probation and require as a condition of the probation that the offender successfully
2.10 complete an appropriate supervised alternative living program having a mental health
2.11 treatment component. This section applies only to offenders who would have a remaining
2.12 term of imprisonment after adjusting for credit for prior imprisonment, if any, of ~~more than~~
2.13 one year or more.

2.14 **EFFECTIVE DATE.** This section is effective the day following final enactment."

2.15 Renumber the sections in sequence

2.16 Amend the title numbers accordingly

2.17 And when so amended the bill do pass. Amendments adopted. Report adopted.

2.18 
2.19
(Committee Chair)

2.20 February 1, 2023.....
2.21 (Date of Committee recommendation)