

SF1337 - 0 - Obstructing DVS Employees Criminal Penalty

Chief Author: **Jim Carlson**
 Committee: **Transportation**
 Date Completed: **2/21/2023 9:39:43 AM**
 Lead Agency: **Sentencing Guidelines Comm**
 Other Agencies:
 Corrections Dept Public Defense Board
 Public Safety Dept 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	FY2023	FY2024	FY2025	FY2026	FY2027
State Total						
Total		-	-	-	-	-
Biennial Total				-		-

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-

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: Karen McKey **Date:** 2/21/2023 9:39:43 AM
Phone: 651-284-6429 **Email:** karen.mckey@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		Biennium			Biennium	
Dollars in Thousands		FY2023	FY2024	FY2025	FY2026	FY2027
Total		-	-	-	-	-
Biennial Total				-		-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Total		-	-	-	-	-
Biennial Total				-		-
2 - Revenues, Transfers In*						
Total		-	-	-	-	-
Biennial Total				-		-

SF1337 - 0 - Obstructing DVS Employees Criminal Penalty

Chief Author: **Jim Carlson**
 Committee: **Transportation**
 Date Completed: **2/21/2023 9:39:43 AM**
 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	

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	FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium		
		FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-	-

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: Karen McKey **Date:** 2/17/2023 10:14:22 AM
Phone: 651-284-6429 **Email:** karen.mckey@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		Biennium			Biennium	
Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027	
Total	-	-	-	-	-	-
Biennial Total			-			-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Total	-	-	-	-	-	-
Biennial Total			-			-
2 - Revenues, Transfers In*						
Total	-	-	-	-	-	-
Biennial Total			-			-

Bill Description

Sections 1 and 3 pertain to driver’s license revocation. Section 1 adds past insurance-related license revocation to the list of past insurance-related convictions and license disqualifications that require special proof of insurance as a condition for issuing a limited license under the ignition interlock program. Section 3 repeals Minn. Stat. § 171.29, subdivision 1, thereby eliminating license reinstatement knowledge examinations as a condition for reinstatement of a revoked license.

Section 2 amends subdivision 1(5) of Minn. Stat. § 609.50, Obstructing Legal Process, Arrest, or Firefighting, by establishing a crime for endeavoring to obstruct, by force or threat of force, a Department of Public Safety Driver and Vehicle Services Division (DVS) employee with the purpose of deterring or interfering with the employee’s lawful performance of duty. The crime is a felony, with a five-year statutory maximum penalty, if it caused death, substantial bodily harm, or serious property damage, or if the person knew or had reason to know that it created a risk of such death, harm, or damage. Otherwise, the crime is a gross misdemeanor if accompanied by force or violence or the threat thereof. In all other cases, the crime is a misdemeanor.

The bill specifies no effective date.

Assumptions

It is assumed that the bill will take effect August 1, 2023, and will apply to crimes committed on or after that date.

No correctional impact is assumed to result from the changes related to driver’s license revocation in sections 1 and 3.

With respect to section 2, because Minn. Stat. § 609.50, subd. 1(5), contains an element of force or threat of force, all subdivision 1(5) offenses are assumed to meet the gross misdemeanor requirement of force or violence or the threat thereof. It is therefore assumed that all non-felony crimes created by the bill will be gross misdemeanors, not misdemeanors.

Subdivision 1(5) now prohibits using force or threats to interfere with a Department of Revenue employee’s performance of duty, a prohibition the bill extends to interference with DVS employees. According to the Minn. Judicial Branch, from 2018 to 2022, there was one conviction under Minn. Stat. § 609.50, subd. 1(5), related to a Department of Revenue employee. The conviction was from 2022 and was a felony. More common are misdemeanor and gross misdemeanor convictions under subdivision 1(1) and 1(2), as described in Table 1.

Table 1. Obstructing Legal Process, Number of Convictions by Level of Sentence, Minn. Judicial Branch Data, 2018-2022

Offense	Felony	GM	Misd.	Petty or "NA"	Total
Obstruct Legal Process-Lawful Execution Legal Process [609.50.1(1)]	3	222	962	188	1,375
Obstruct Legal Process-Interfere w/Peace Officer [609.50.1(2)]	27	1,083	2,361	323	3,794
Obstruct Firefighting-Interfere/Obstruct [609.50.1(3)]	0	1	14	1	16
Obstruct Ambulance Personnel While Attempting to Provide Emergency Care [609.50.1(4)]	0	4	8	1	13
Obstruct Dept. of Revenue Employee by Force/Threat [609.50.1(5)]	1	0	0	0	1
Total	31	1,310	3,345	513	5,199

By expanding the scope of subdivision 1(5) now limited to obstructing Department of Revenue employees to include obstructing DVS employees as well, the bill, it is assumed, there will be an increase in the number of felony and gross misdemeanor violations of subdivision 1(5). The magnitude of this increase is not known. On one hand, there are 2.4 times more Department of Revenue employees than DVS employees. On the other hand, DVS employees staff customer-service positions such as driver's license exam stations, and may therefore be more likely to interact with people inclined to obstruct their duties than Department of Revenue employees. It is therefore assumed that the number of new DVS-related cases in the future will equal the number of existing Department of Revenue-related cases, and that violations of subdivision 1(5) will approximately double to two cases every five years (one additional case every five years).

One of the responsibilities of the Commission is to assign severity-level (SL) rankings to new felony offenses passed by the Legislature. The Commission bases its decisions, in part, on the level of harm caused and the culpability of the person. The statutory maximum is also considered. Felony violations of Minn. Stat. § 609.50 are now ranked at SL 3; it is assumed that the Commission will maintain this ranking after the bill's enactment.

According to MSGC Monitoring Data, from 2018 to 2021, there were 30 felony convictions for obstructing legal process (which is comparable to the convictions obtained from the Minn. Judicial Branch (at 31 convictions from 2018 to 2022)), four of which (13.3%) received a prison sentence for an average 21 months. Of the remaining 26 probation cases, 19 (73.1%) received local confinement as a condition of probation. The average pronounced confinement time was 47 days.

Expenditure and/or Revenue Formula

Long-Term Fiscal Considerations

Because it is assumed that there will be one additional felony case sentenced every five years, and that it will most likely not receive a prison sentence, it is estimated that there will be no long-term fiscal considerations.

Local Fiscal Impact

It is estimated that there will be minimal local government fiscal impact as a result of any felony convictions: less than one local bed statewide every five years (47 days of confinement (serve 2/3 = 31 days) as a result of their probation sentences with an impact of 0.1 local bed statewide ((2 cases × 31) ÷ 365)).

Based on the above assumptions, there will be no new gross misdemeanor convictions; therefore, no local government fiscal impact as a result. However, if these assumptions are incorrect if convictions for obstruction against a DVS employee are more frequent than obstruction against a Department of Revenue employee this estimate may be low.

There would be some impact if convictions were higher than assumed. For example, if cases were more frequent and similar to those numbers under subd. 1(1) (Lawful Execution Legal Process), and, for example, there was one-tenth the convictions: 22 new gross misdemeanor convictions. The rate of confinement is unknown and the average confinement time is unknown. However, if 22 cases each received 30-days' confinement (serve 2/3 = 20 days) as a result of their probation sentences, the impact would be one local bed statewide ((22 cases × 20) ÷ 365).

References/Sources

Minn. Judicial Branch, 2018-2022, retrieved 2/14/2023 at <https://mncourts.gov/Help-Topics/Court-Statistics/District-Court-Criminal-Charges-Data.aspx>.

DVS's "About" web page (538 DVS employees), retrieved 2/15/2023 at <https://dps.mn.gov/divisions/dvs/about/Pages/default.aspx>

Minn. Management & Budget, "Executive Branch Total Compensation Report Summary" (Jan. 10, 2023) (1,288 Department of Revenue employees), retrieved 2/15/2023 at <https://mn.gov/mmb-stat/executive-branch-total-compensation-report/2023%20Total%20Compensation%20Report.pdf>
2018 to 2021 MSGC Monitoring Data.

Agency Contact:

Agency Fiscal Note Coordinator Signature: Jill Payne

Date: 2/16/2023 3:53:50 PM

Phone: 651-757-1725

Email: jill.payne@state.mn.us

SF1337 - 0 - Obstructing DVS Employees Criminal Penalty

Chief Author: **Jim Carlson**
 Committee: **Transportation**
 Date Completed: **2/21/2023 9:39:43 AM**
 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)	Biennium			Biennium		
	Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium		
		FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-	-

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: Karen McKey **Date:** 2/21/2023 9:38:51 AM
Phone: 651-284-6429 **Email:** karen.mckey@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		Biennium			Biennium	
Dollars in Thousands		FY2023	FY2024	FY2025	FY2026	FY2027
	Total	-	-	-	-	-
	Biennial Total			-		-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
	Total	-	-	-	-	-
	Biennial Total			-		-
2 - Revenues, Transfers In*						
	Total	-	-	-	-	-
	Biennial Total			-		-

Bill Description

S.F. 1337 modifies provisions related to Driver and Vehicle Services (DVS) work, including modifying the ignition-interlock program, eliminating license-reinstatement knowledge examinations, and establishing a criminal penalty for obstructing DVS employees.

Assumptions

The bill is expected to have a minimal impact to state correctional resources.

Expenditure and/or Revenue Formula

N/A

Long-Term Fiscal Considerations

N/A

Local Fiscal Impact

The impact to local units of government is expected to be minimal.

References/Sources

Department of Corrections Staff

Minnesota Sentencing Guidelines Commission

Agency Contact:

Agency Fiscal Note Coordinator Signature: Kwesi Pasley

Phone: 651-259-3667

Date: 2/21/2023 9:03:19 AM

Email: kwesi.pasley@state.mn.us

SF1337 - 0 - Obstructing DVS Employees Criminal Penalty

Chief Author: **Jim Carlson**
 Committee: **Transportation**
 Date Completed: **2/21/2023 9:39:43 AM**
 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	FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-

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: Karen McKey **Date:** 2/14/2023 3:26:52 PM
Phone: 651-284-6429 **Email:** karen.mckey@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		Biennium			Biennium	
Dollars in Thousands		FY2023	FY2024	FY2025	FY2026	FY2027
	Total	-	-	-	-	-
	Biennial Total			-		-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
	Total	-	-	-	-	-
	Biennial Total			-		-
2 - Revenues, Transfers In*						
	Total	-	-	-	-	-
	Biennial Total			-		-

Bill Description

The bill would include the use of force or threat of force against DVS employees to the crime of obstruction of the legal process.

Assumptions

It is not anticipated that the provisions of the bill would increase caseloads or workloads.

Expenditure and/or Revenue Formula

Long-Term Fiscal Considerations

Local Fiscal Impact

References/Sources

Agency Contact:

Agency Fiscal Note Coordinator Signature: Kevin Kajer

Phone: 612-279-3508

Date: 2/13/2023 9:22:32 AM

Email: Kevin.kajer@pubdef.state.mn.us

SF1337 - 0 - Obstructing DVS Employees Criminal Penalty

Chief Author: **Jim Carlson**
 Committee: **Transportation**
 Date Completed: **2/21/2023 9:39:43 AM**
 Agency: **Public Safety 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)	Biennium			Biennium		
	Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-

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: Laura Cecko **Date:** 2/17/2023 2:51:31 PM
Phone: 651-284-6543 **Email:** laura.cecko@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		Biennium			Biennium	
Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027	
Total	-	-	-	-	-	-
Biennial Total			-			-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Total	-	-	-	-	-	-
Biennial Total			-			-
2 - Revenues, Transfers In*						
Total	-	-	-	-	-	-
Biennial Total			-			-

Bill Description

Driver and Vehicle Services work, provision modifications.

Assumptions

Assume there is no fiscal impact to Department of Public Safety-Driver and Vehicle Services (DVS).

Assume creating a new crime and adding DVS employees to Statute 609.50(1) will incur no cost or revenue to DVS.

Assume not administering knowledge test to individuals with certain withdrawals on their record has minimal impact to DVS. Assume programming costs of this change are minimal and can be absorbed under the current maintenance and support contract with FAST Enterprises, at no additional cost to DVS.

Expenditure and/or Revenue Formula

Long-Term Fiscal Considerations

Local Fiscal Impact

References/Sources

Agency Contact: Pong Xiong 651-201-7580

Agency Fiscal Note Coordinator Signature: Dan Boytim

Phone: 651-201-7040

Date: 2/17/2023 1:15:31 PM

Email: Dan.Boytim@state.mn.us

SF1337 - 0 - Obstructing DVS Employees Criminal Penalty

Chief Author: **Jim Carlson**
 Committee: **Transportation**
 Date Completed: **2/21/2023 9:39:43 AM**
 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	FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-

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: Karen McKey **Date:** 2/20/2023 3:43:45 PM
Phone: 651-284-6429 **Email:** karen.mckey@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		Biennium			Biennium	
Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027	
Total	-	-	-	-	-	-
Biennial Total			-			-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Total	-	-	-	-	-	-
Biennial Total			-			-
2 - Revenues, Transfers In*						
Total	-	-	-	-	-	-
Biennial Total			-			-

Bill Description

SF1337 amends Minn. Stat. § 171.306, subd. 4 (Issuance of restricted license), paragraph (a)(2) to add a reference to a participant’s license having previously been revoked; repeals Minn. Stat. § 171.29, subd. 1 (Revoked License; Examination required); and amends Minn. Stat. § 609.50, subd. 1(5) to make it a crime to by force or threat of force endeavor to obstruct any employee of the Department of Public Safety Driver and Vehicle Services Division (DVS) lawfully engaged in the performance of duties.

Assumptions

Because there have been no charges filed since 2010 for violations of section 609.50, subdivision 1(5) under the current provisions relating to Department of Revenue employees, it is assumed that the addition of DVS employees to that provision will not measurably increase case filings.

Expenditure and/or Revenue Formula

This bill is not anticipated to have a significant fiscal impact on the judicial branch.

Long-Term Fiscal Considerations

None

Local Fiscal Impact

None

References/Sources

Agency Contact:

Agency Fiscal Note Coordinator Signature: Janet Marshall

Phone: 651-297-7579

Date: 2/17/2023 5:12:01 PM

Email: Janet.marshall@courts.state.mn.us