

S.F. No. 1934 – Defining Stayed Sentences for Revocation of Stay Statute

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S.F. No. 1934 defines a “stay” for purposes of Minnesota Statutes, section 609.14 (revocation of stay), to include stays of adjudication, imposition, and execution, as well as deferred prosecutions under the controlled substances law.

Background

In 2021, an unpublished court of appeals decision (*State v. Solien*) held that a deferred prosecution/stay of imposition under Minnesota Statutes, section 152.018 (deferred sentence/stay of adjudication for certain low-level drug possession crimes involving first time offenders), was not considered a stayed sentence under Minnesota Statutes, section 609.14. Accordingly, those types of dispositions do not fall under the provision of Minnesota Statutes, section 609.14, that allow for probation revocation proceedings to be initiated within six months of the expiration of the stay. This treats these types of stayed sentences differently than other types (stays of imposition or execution). Accordingly, under the decision all pending probation revocation issues have to be resolved before case expiration or the court loses jurisdiction (unlike how the matter is treated for stays of imposition or execution).