

Senator Latz from the Committee on Judiciary and Public Safety, to which was re-referred

S.F. No. 1934: A bill for an act relating to public safety; clarifying the revocation of stay provision relating to certain stays of adjudication and deferred prosecutions; amending Minnesota Statutes 2022, section 609.14, by adding a subdivision.

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

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 2023 Supplement, section 609.14, subdivision 1, is amended to read:

Subdivision 1. **Grounds.** (a) When it appears that the defendant has violated any of the conditions of probation or intermediate sanction, or has otherwise been guilty of misconduct ~~which that~~ warrants the ~~imposing adjudication of guilt, or imposition~~ or execution of sentence, the court may without notice revoke the stay and direct that the defendant be taken into immediate custody. Revocation shall only be used as a last resort when rehabilitation has failed.

(b) When it appears that the defendant violated any of the conditions of probation during the term of the stay, but the term of the stay has since expired, the defendant's probation officer or the prosecutor may ask the court to initiate probation revocation proceedings under the Rules of Criminal Procedure at any time within six months after the expiration of the stay. The court also may initiate proceedings under these circumstances on its own motion. If proceedings are initiated within this six-month period, the court may conduct a revocation hearing and take any action authorized under rule 27.04 at any time during or after the six-month period.

(c) Notwithstanding the provisions of section 609.135 or any law to the contrary, after proceedings to revoke the stay have been initiated by a court order revoking the stay and directing either that the defendant be taken into custody or that a summons be issued in accordance with paragraph (a), the proceedings to revoke the stay may be concluded and the summary hearing provided by subdivision 2 may be conducted after the expiration of the stay or after the six-month period set forth in paragraph (b). The proceedings to revoke the stay shall not be dismissed on the basis that the summary hearing is conducted after the term of the stay or after the six-month period. The ability or inability to locate or apprehend the defendant prior to the expiration of the stay or during or after the six-month period shall not preclude the court from conducting the summary hearing unless the defendant demonstrates that the delay was purposefully caused by the state in order to gain an unfair advantage.

2.1 Sec. 2. Minnesota Statutes 2022, section 609.14, subdivision 2, is amended to read:

2.2 Subd. 2. **Notification of grounds for revocation.** The defendant shall thereupon be
2.3 notified in writing and in such manner as the court directs of the grounds alleged to exist
2.4 for revocation of the stay ~~of imposition or execution of sentence~~. If such grounds are brought
2.5 in issue by the defendant, a summary hearing shall be held thereon at which the defendant
2.6 is entitled to be heard and to be represented by counsel.

2.7 Sec. 3. Minnesota Statutes 2022, section 609.14, subdivision 3, is amended to read:

2.8 Subd. 3. **Sentence.** If any of such grounds are found to exist the court may:

2.9 (1) if imposition of sentence was previously stayed, again stay sentence or impose
2.10 sentence and stay the execution thereof, and in either event place the defendant on probation
2.11 or order intermediate sanctions pursuant to section 609.135, or impose sentence and order
2.12 execution thereof; ~~or~~

2.13 (2) if sentence was previously imposed and execution thereof stayed, continue such stay
2.14 and place the defendant on probation or order intermediate sanctions in accordance with
2.15 the provisions of section 609.135, or order execution of the sentence previously imposed;
2.16 or

2.17 (3) if adjudication was stayed or prosecution was deferred, continue the stay without
2.18 intermediate sanctions, continue it with intermediate sanctions, or adjudicate guilt and
2.19 proceed as otherwise provided, including, in the event of a felony conviction, as provided
2.20 in section 244.10."

2.21 Page 1, line 9, delete "as authorized in section 609.095, paragraph (b)"

2.22 Page 1, line 10, delete "under section 152.18"

2.23 Renumber the sections in sequence

2.24 Amend the title numbers accordingly

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

2.26
2.27 (Committee Chair)

2.28 March 4, 2024.....
2.29 (Date of Committee recommendation)