

SENATE
STATE OF MINNESOTA
NINETY-FOURTH SESSION

S.F. No. 1609

(SENATE AUTHORS: OUMOU VERBETEN, Pratt, Mann, Westlin and Duckworth)
DATE02/20/2025D-PG440OFFICIAL STATUSIntroduction and first reading
Referred to Judiciary and Public Safety

1.1A bill for an act

1.2relating to public safety; clarifying the law on retroactive relief for certain felony

1.3murders; amending Laws 2023, chapter 52, article 4, section 24, subdivision 7, as

1.4amended.

1.5BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6Section 1. Laws 2023, chapter 52, article 4, section 24, subdivision 7, as amended by Laws

1.72024, chapter 123, article 4, section 20, is amended to read:

1.8Subd. 7. **Determination; order; resentencing.** (a) A petitioner who was convicted of

1.9a violation of Minnesota Statutes, section 609.185, paragraph (a), clause (3), is entitled to

1.10relief if the petitioner shows by a preponderance of the evidence that the petitioner:

1.11(1) did not cause the death of a human being; and

1.12(2) did not intentionally aid, advise, hire, counsel, or conspire with or otherwise procure

1.13another with the intent to cause the death of a human being.

1.14(b) A petitioner who was convicted of a violation of Minnesota Statutes, section 609.19,

1.15subdivision 2, clause (1), is entitled to relief if the petitioner shows by a preponderance of

1.16the evidence that the petitioner:

1.17(1) did not cause the death of a human being; and

1.18(2) was not a major participant in the underlying felony or did not act with extreme

1.19indifference to human life.

1.20(c) If the court determines that the petitioner does not qualify for relief, the court shall

1.21issue an order denying the petition.

(d) If the court determines that the petitioner is entitled to relief, the court shall issue an order vacating the conviction for a violation of Minnesota Statutes, section 609.185, paragraph (a), clause (3), or 609.19, subdivision 2, clause (1), and:

(1) resentence the petitioner for the most serious remaining offense for which the petitioner was convicted;

(2) enter a conviction and impose a sentence for any other predicate felony arising out of the course of conduct that served as the factual basis for the conviction vacated by the court; or

(3) enter a conviction and impose a sentence for any lesser included offense as described in Minnesota Statutes, section 631.14.

(e) If the court intends to enter a conviction and impose a sentence for a lesser included offense, the court must hold a hearing to determine the appropriate offense.

(f) If the court proceeds under paragraph (d), clause (1) or (2), the new sentence announced by the court under this section must be for the most serious predicate felony unless the most serious remaining offense for which the petitioner was convicted is that offense or a more serious offense.

(g) If, pursuant to paragraph (d), the court either resentsences a petitioner or imposes a sentence, the court shall also resentence the petitioner for any other offense if the sentence was announced by a district court of the same county, the sentence was either ordered to be served consecutively to the vacated conviction or the criminal history calculation for that sentence included the vacated sentence, and the changes made pursuant to paragraph (d) would have resulted in a different criminal history score being used at the time of sentencing.

(h) The court shall state in writing or on the record the reasons for its decision on the petition.

(i) If the court intends to resentence a petitioner or impose a sentence on a petitioner, the court must hold the hearing at a time that allows any victim an opportunity to submit a statement consistent with Minnesota Statutes, section 611A.038. The prosecutor shall make a good faith and reasonable effort to notify any person determined to be a victim of the hearing and the right to submit or make a statement. A sentence imposed under this subdivision shall not increase the petitioner's total period of confinement or, if the petitioner was serving a stayed sentence, increase the period of supervision. The court may increase the period of confinement for a sentence that was ordered to be served consecutively to the

3.1 vacated conviction based on a change in the appropriate criminal history score provided the
3.2 court does not increase the petitioner's total period of confinement. A person resentenced
3.3 under this paragraph is entitled to credit for time served in connection with the vacated
3.4 offense.

3.5 (j) Relief granted under this section shall not be treated as an exoneration for purposes
3.6 of the Incarceration and Exoneration Remedies Act.

3.7 (k) If the court enters a conviction under this subdivision, the court shall ensure that the
3.8 date of the conviction being entered is the same as that of the original conviction. If the
3.9 court has previously entered a conviction under this subdivision in a manner inconsistent
3.10 with this paragraph, the court shall change the date upon receiving notice of the inconsistency.

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