

2021 1st Special Session Laws

Amendments to Crime Laws Not Affecting the Guidelines

July 16, 2021

Below are new and amended statutes or session laws enacted by the 92nd Minnesota Legislature during the 2021 1st Special Session that may be of interest to the Commission. All such changes were found within the omnibus public safety bill, enacted as [Chapter 11](#) of the 1st Special Session Laws. No Guidelines changes are required or recommended.

1. MSGC Agency Funding

Act: [2021 Minn. Laws 1st Sp. Sess. ch. 11, art. 1, § 13](#)

Description: The expenses of the Minnesota Sentencing Guidelines Commission—chiefly the personnel costs for its six full-time staff—are fully funded for the FY22–23 biennium.

Effective Date: July 1, 2021, through June 30, 2023.

2. MSGC Sex Trafficking Review

Act: [2021 Minn. Laws 1st Sp. Sess. ch. 11, art. 2, § 54](#)

Description: The Sentencing Guidelines Commission shall comprehensively review and consider modifying how the Sentencing Guidelines and the sex offender grid address the crimes described in Minn. Stat. § [609.322](#) (Solicitation, Promotion, and Inducement of Prostitution; Sex Trafficking).

Effective Date: August 1, 2021. No timeline is established for the review and consideration.

3. Predatory Offender Statutory Framework Working Group

Act: [2021 Minn. Laws 1st Sp. Sess. ch. 11, art. 4, § 30](#)

Description: The Commissioner of Corrections, in coordination with the Commissioner of Public Safety, shall invite and convene a Predatory Offender Statutory Framework Working Group that has representatives from various named entities and interest groups, including the Sentencing Guidelines Commission. The working group must comprehensively examine and assess the predatory offender registration (POR) laws, including, but not limited to, the requirements placed on offenders, the crimes for

which POR is required, the method by which POR requirements are applied to offenders, and the effectiveness of the POR system in achieving its stated purpose.

Effective Date: The Commissioner of Corrections must convene the working group by September 1, 2021. The working group must file its report to the Legislature by January 15, 2022.

4. Task Force on Aiding and Abetting Felony Murder

Act: [2021 Minn. Laws 1st Sp. Sess. ch. 11, art. 2, § 53](#)

Description: The Task Force on Aiding and Abetting Felony Murder is established to collect and analyze data on the charging, convicting, and sentencing of people for aiding and abetting felony murder; assess whether current laws and practices promote public safety and equity in sentencing; and make recommendations to the Legislature. The membership includes the executive director of the Sentencing Guidelines Commission or a designee.

Effective Date: Appointments must be made by July 30, 2021. The task force's report to the Legislature is due January 15, 2022. The task force expires the day after submitting its report.

5. Task Force on an Effective Supervision System

Act: [2021 Minn. Laws 1st Sp. Sess. ch. 11, art. 1, § 17, subd. 3\(a\)](#)

Description: The Commissioner of Corrections will convene a working group to study and report to the Legislature on the attributes and requirements of an effective supervision system. The task force's report shall include sustainable funding proposals, together with a sustainable funding model and alternative models; a Tribal government supervision plan; and core supervision standards. The minimum membership of the task force does not include an MSGC representative.

Effective Date: The task force's report to the Legislature is due December 15, 2021.

6. Office of Missing and Murdered Indigenous Relatives

Act: [2021 Minn. Laws 1st Sp. Sess. ch. 11, art. 2, § 15](#)

Description: The Commissioner of Public Safety shall establish an Office of Missing and Murdered Indigenous Relatives. The office's duties include reviewing the Sentencing Guidelines for missing and murdered Indigenous women-related crimes, recommending changes if needed, and advocating for consistent implementation of the Guidelines across Minnesota courts.

Effective Date: Office is funded for the entire biennium.

7. Task Force on Missing and Murdered African American Women

Act: [2021 Minn. Laws 1st Sp. Sess. ch. 11, art. 2, § 50](#)

Description: A Task Force on Missing and Murdered African American Women is established to advise the Commissioner of Public Safety and report to the Legislature on recommendations to reduce and end violence against African American women and girls in Minnesota.

Effective Date: Commissioner of Public Safety to convene the task force no later than October 1, 2021; task force expires upon submission of final report to the Legislature no later than December 15, 2022.

8. DOC to Report EJJ Statistics

Act: [2021 Minn. Laws 1st Sp. Sess. ch. 11, art. 9, § 4](#)

Description: The act requires the Department of Corrections to include, in its biennial (changed to annual) performance report, annual statistics related to the supervision of extended jurisdiction juveniles (EJJ).

Effective Date: July 1, 2021.

9. “Mentally Incapacitated” Definition Expanded; Voluntary Intoxication Defense Created

Act: [2021 Minn. Laws 1st Sp. Sess. ch. 11, art. 4, §§ 7 & 23](#)

Description: In the Criminal Sexual Conduct (CSC) statutes, the definition of “mentally incapacitated”—a victim’s state of mind in which consent to sex is not legally possible—is expanded to include voluntary intoxication. On the other hand, a special voluntary intoxication defense is created, applicable only when this new “mentally incapacitated” definition is used: The defendant must have specifically intended to commit the crime—thus placing the state of mind of a voluntarily intoxicated defendant at issue as well.

Effective Date: September 15, 2021, and applies to crimes committed on or after that date.

10. Immunity from Prosecution – Seeking Help for Sexual Assault Victim

Act: [2021 Minn. Laws 1st Sp. Sess. ch. 11, art. 2, § 28](#)

Description: A sexual assault victim seeking assistance, or one seeking assistance on behalf of a sexual assault victim, may be immune from prosecution for certain Controlled Substance Crimes in the Fifth Degree if evidence of the crime resulted from the assistance sought.

Effective Date: August 1, 2021.

11. CSC Statute of Limitations Repeal

Act: [2021 Minn. Laws 1st Sp. Sess. ch. 11, art. 4, § 29](#)

Description: The statute of limitations applicable to CSC 1st Degree through CSC 4th Degree, and to Sex Trafficking, is repealed. Charges may be brought at any time after the commission of the offense.

Effective Date: September 15, 2021, and applies to crimes committed on or after that date. The old statute of limitations will apply to crimes committed before September 15, 2021.

12. Sign & Release Warrant

Act: [2021 Minn. Laws 1st Sp. Sess. ch. 11, art. 9, § 30](#)

Description: The act requires a judge to issue a sign-and-release warrant when a misdemeanor or gross misdemeanor summons is returned as undeliverable and the defendant fails to appear when summoned. This requirement has several exceptions:

- If the defendant had previously failed to appear in the same case;
- If the defendant is charged with a targeted misdemeanor;
- If the defendant is charged with one of thirteen listed gross misdemeanors, including DWI, assaults, and protective-order violations; or
- If the prosecutor shows, by a preponderance of the evidence, that bail is necessary for the safety of the victim, the public, or the defendant.

A sign-and-release warrant cannot require bail or conditions of release, and does not authorize arrest. Instead, a peace officer encountering a defendant with an outstanding sign-and-release warrant must provide the defendant with a written notice of the new time to appear, after which the defendant is to be released and the warrant is to be inactivated.

Effective Date: July 1, 2021, but applies to warrants issued on or after July 1, 2024.

13. Neuropsychological Examination Feasibility Study

Act: [2021 Minn. Laws 1st Sp. Sess. ch. 11, art. 2, § 46](#)

Description: The State Court Administrator will conduct a feasibility study on requiring courts to order individuals convicted of felonies to undergo a neuropsychological examination to determine whether, due to a stroke, traumatic brain injury, or fetal alcohol spectrum disorder, the individual had a mental impairment that caused the individual to lack substantial capacity for judgment when the offense was committed.

Effective Date: Report to the Legislature due by February 15, 2022.

14. Dissemination of Personal Information About Law Enforcement – New Crime

Act: [2021 Minn. Laws 1st Sp. Sess. ch. 11, art. 2, § 40](#)

Description: The act establishes a misdemeanor for publicizing the address of, directions to, or photographs of, the home of a peace officer or law enforcement employee, if the publication poses an imminent and serious safety threat about which the publicist knew or should have known. Repeat violations, and violations resulting in death or great bodily harm, are gross misdemeanors.

Effective Date: September 15, 2021, and applies to crimes committed on or after that date.