

**SENATE
STATE OF MINNESOTA
NINETIETH SESSION**

S.F. No. 3456

(SENATE AUTHORS: TOMASSONI and by request)

DATE
03/15/2018

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6521 Introduction and first reading
Referred to Judiciary and Public Safety Finance and Policy

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to public safety; increasing the penalties for murder and assault through
1.3 the distribution of controlled substances and expanding those crimes; appropriating
1.4 money for community-based drug treatment programs; amending Minnesota
1.5 Statutes 2016, sections 609.19, subdivision 2; 609.195; 609.20; 609.228.

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

1.7 Section 1. Minnesota Statutes 2016, section 609.19, subdivision 2, is amended to read:

1.8 Subd. 2. **Unintentional murders.** Whoever does ~~either~~ any of the following is guilty
1.9 of unintentional murder in the second degree and may be sentenced to imprisonment for
1.10 not more than 40 years:

1.11 (1) causes the death of a human being, without intent to effect the death of any person,
1.12 while committing or attempting to commit a felony offense other than criminal sexual
1.13 conduct in the first or second degree with force or violence or a drive-by shooting; ~~or~~

1.14 (2) causes the death of a human being without intent to effect the death of any person,
1.15 while intentionally inflicting or attempting to inflict bodily harm upon the victim, when the
1.16 perpetrator is restrained under an order for protection and the victim is a person designated
1.17 to receive protection under the order. As used in this clause, "order for protection" includes
1.18 an order for protection issued under chapter 518B; a harassment restraining order issued
1.19 under section 609.748; a court order setting conditions of pretrial release or conditions of
1.20 a criminal sentence or juvenile court disposition; a restraining order issued in a marriage
1.21 dissolution action; and any order issued by a court of another state or of the United States
1.22 that is similar to any of these orders; or

2.1 (3) proximately causes the death of a human being, without intent to effect the death of
 2.2 any person, by, directly or indirectly, unlawfully selling, giving away, bartering, delivering,
 2.3 exchanging, distributing, or administering a controlled substance classified in Schedule I,
 2.4 II, III, IV, or V.

2.5 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
 2.6 committed on or after that date.

2.7 Sec. 2. Minnesota Statutes 2016, section 609.195, is amended to read:

2.8 **609.195 MURDER IN THE THIRD DEGREE.**

2.9 (a) Whoever, without intent to effect the death of any person, causes the death of another
 2.10 by perpetrating an act eminently dangerous to others and evincing a depraved mind, without
 2.11 regard for human life, is guilty of murder in the third degree and may be sentenced to
 2.12 imprisonment for not more than 25 years.

2.13 ~~(b) Whoever, without intent to cause death, proximately causes the death of a human~~
 2.14 ~~being by, directly or indirectly, unlawfully selling, giving away, bartering, delivering,~~
 2.15 ~~exchanging, distributing, or administering a controlled substance classified in Schedule I~~
 2.16 ~~or II, is guilty of murder in the third degree and may be sentenced to imprisonment for not~~
 2.17 ~~more than 25 years or to payment of a fine of not more than \$40,000, or both.~~

2.18 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
 2.19 committed on or after that date.

2.20 Sec. 3. Minnesota Statutes 2016, section 609.20, is amended to read:

2.21 **609.20 MANSLAUGHTER IN THE FIRST DEGREE.**

2.22 Whoever does any of the following is guilty of manslaughter in the first degree and may
 2.23 be sentenced to imprisonment for not more than 15 years or to payment of a fine of not
 2.24 more than \$30,000, or both:

2.25 (1) intentionally causes the death of another person in the heat of passion provoked by
 2.26 such words or acts of another as would provoke a person of ordinary self-control under like
 2.27 circumstances, provided that the crying of a child does not constitute provocation;

2.28 (2) violates section 609.224 and causes the death of another or causes the death of another
 2.29 in committing or attempting to commit a misdemeanor or gross misdemeanor offense with
 2.30 such force and violence that death of or great bodily harm to any person was reasonably
 2.31 foreseeable, and murder in the first or second degree was not committed thereby;

3.1 (3) intentionally causes the death of another person because the actor is coerced by
 3.2 threats made by someone other than the actor's coconspirator and which cause the actor
 3.3 reasonably to believe that the act performed by the actor is the only means of preventing
 3.4 imminent death to the actor or another; or

3.5 ~~(4) proximately causes the death of another, without intent to cause death by, directly~~
 3.6 ~~or indirectly, unlawfully selling, giving away, bartering, delivering, exchanging, distributing,~~
 3.7 ~~or administering a controlled substance classified in Schedule III, IV, or V; or~~

3.8 ~~(5)~~ (4) causes the death of another in committing or attempting to commit a violation
 3.9 of section 609.377 (malicious punishment of a child), and murder in the first, second, or
 3.10 third degree is not committed thereby.

3.11 As used in this section, a "person of ordinary self-control" does not include a person
 3.12 under the influence of intoxicants or a controlled substance.

3.13 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
 3.14 committed on or after that date.

3.15 Sec. 4. Minnesota Statutes 2016, section 609.228, is amended to read:

3.16 **609.228 GREAT BODILY HARM CAUSED BY DISTRIBUTION OF DRUGS.**

3.17 Whoever proximately causes great bodily harm by, directly or indirectly, unlawfully
 3.18 selling, giving away, bartering, delivering, exchanging, distributing, or administering a
 3.19 controlled substance classified in Schedule I ~~or~~ II, III, IV, or V may be sentenced to
 3.20 imprisonment for not more than ~~ten~~ 15 years or to payment of a fine of not more than
 3.21 \$20,000, or both.

3.22 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
 3.23 committed on or after that date.

3.24 Sec. 5. **APPROPRIATION.**

3.25 \$..... is appropriated to the commissioner of public safety from the general fund for the
 3.26 fiscal year ending June 30, 2019, for grants to counties to provide for increased
 3.27 community-based drug treatment programs including programs that a person would be
 3.28 referred to following a Rule 25 assessment. The programs must be tailored to offenders
 3.29 charged with or convicted of controlled substance crimes who are amenable to treatment.
 3.30 Counties receiving grants under this section shall use the money to provide treatment for
 3.31 these offenders in an attempt to keep them from being sent to prison when a probationary
 3.32 sentence serves public safety and the chemical dependency needs of the offender.