

HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 1879

01/24/2012 Authored by Cornish; Benson, M., and Anderson, P., The bill was read for the first time and referred to the Committee on Public Safety and Crime Prevention Policy and Finance
01/30/2012 Adoption of Report: Pass and Read Second Time
02/29/2012 Calendar for The Day
Read Third Time
Passed by the House and transmitted to the Senate

1.1 A bill for an act
1.2 relating to public safety; providing enhanced penalties for causing the death of or
1.3 assaulting a prosecuting attorney; amending Minnesota Statutes 2010, sections
1.4 609.185; 609.221, subdivision 2; 609.2231, subdivision 3.

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

1.6 Section 1. Minnesota Statutes 2010, section 609.185, is amended to read:

1.7 609.185 MURDER IN THE FIRST DEGREE.

1.8 (a) Whoever does any of the following is guilty of murder in the first degree and
1.9 shall be sentenced to imprisonment for life:

1.10 (1) causes the death of a human being with premeditation and with intent to effect
1.11 the death of the person or of another;

1.12 (2) causes the death of a human being while committing or attempting to commit
1.13 criminal sexual conduct in the first or second degree with force or violence, either upon or
1.14 affecting the person or another;

1.15 (3) causes the death of a human being with intent to effect the death of the person
1.16 or another, while committing or attempting to commit burglary, aggravated robbery,
1.17 kidnapping, arson in the first or second degree, a drive-by shooting, tampering with a
1.18 witness in the first degree, escape from custody, or any felony violation of chapter 152
1.19 involving the unlawful sale of a controlled substance;

1.20 (4) causes the death of a peace officer, prosecuting attorney, or a guard employed
1.21 at a Minnesota state or local correctional facility, with intent to effect the death of that
1.22 person or another, while the peace officer, prosecuting attorney, or guard is engaged in
1.23 the performance of official duties;

2.1 (5) causes the death of a minor while committing child abuse, when the perpetrator
 2.2 has engaged in a past pattern of child abuse upon a child and the death occurs under
 2.3 circumstances manifesting an extreme indifference to human life;

2.4 (6) causes the death of a human being while committing domestic abuse, when
 2.5 the perpetrator has engaged in a past pattern of domestic abuse upon the victim or
 2.6 upon another family or household member and the death occurs under circumstances
 2.7 manifesting an extreme indifference to human life; or

2.8 (7) causes the death of a human being while committing, conspiring to commit, or
 2.9 attempting to commit a felony crime to further terrorism and the death occurs under
 2.10 circumstances manifesting an extreme indifference to human life.

2.11 (b) For the purposes of paragraph (a), clause (4), "prosecuting attorney" has the
 2.12 meaning given in section 609.221, subdivision 2, paragraph (c), clause (4).

2.13 ~~(b)~~ (c) For purposes of paragraph (a), clause (5), "child abuse" means an act
 2.14 committed against a minor victim that constitutes a violation of the following laws of this
 2.15 state or any similar laws of the United States or any other state: section 609.221; 609.222;
 2.16 609.223; 609.224; 609.2242; 609.342; 609.343; 609.344; 609.345; 609.377; 609.378; or
 2.17 609.713.

2.18 ~~(c)~~ (d) For purposes of paragraph (a), clause (6), "domestic abuse" means an act that:
 2.19 (1) constitutes a violation of section 609.221, 609.222, 609.223, 609.224, 609.2242,
 2.20 609.342, 609.343, 609.344, 609.345, 609.713, or any similar laws of the United States or
 2.21 any other state; and

2.22 (2) is committed against the victim who is a family or household member as defined
 2.23 in section 518B.01, subdivision 2, paragraph (b).

2.24 ~~(d)~~ (e) For purposes of paragraph (a), clause (7), "further terrorism" has the meaning
 2.25 given in section 609.714, subdivision 1.

2.26 **EFFECTIVE DATE.** This section is effective August 1, 2012, and applies to crimes
 2.27 committed on or after that date.

2.28 Sec. 2. Minnesota Statutes 2010, section 609.221, subdivision 2, is amended to read:

2.29 Subd. 2. **Use of deadly force against peace officer, prosecuting attorney, or**
 2.30 **correctional employee.** (a) Whoever assaults a peace officer, prosecuting attorney, or
 2.31 correctional employee by using or attempting to use deadly force against the officer,
 2.32 attorney, or employee while the officer, attorney, or employee is engaged in the
 2.33 performance of a duty imposed by law, policy, or rule may be sentenced to imprisonment
 2.34 for not more than 20 years or to payment of a fine of not more than \$30,000, or both.

3.1 (b) A person convicted of assaulting a peace officer, prosecuting attorney,
 3.2 or correctional employee as described in paragraph (a) shall be committed to the
 3.3 commissioner of corrections for not less than ten years, nor more than 20 years. A
 3.4 defendant convicted and sentenced as required by this paragraph is not eligible for
 3.5 probation, parole, discharge, work release, or supervised release, until that person has
 3.6 served the full term of imprisonment as provided by law, notwithstanding the provisions
 3.7 of sections 241.26, 242.19, 243.05, 244.04, 609.12, and 609.135. Notwithstanding section
 3.8 609.135, the court may not stay the imposition or execution of this sentence.

3.9 (c) As used in this subdivision:

3.10 (1) "correctional employee" means an employee of a public or private prison, jail,
 3.11 or workhouse;

3.12 (2) "deadly force" has the meaning given in section 609.066, subdivision 1; ~~and~~

3.13 (3) "peace officer" has the meaning given in section 626.84, subdivision 1; and

3.14 (4) "prosecuting attorney" means an attorney, with criminal prosecution or civil
 3.15 responsibilities, who is the United States Attorney for the District of Minnesota, the
 3.16 attorney general, a political subdivision's elected or appointed county or city attorney, or a
 3.17 deputy, assistant, or special assistant of any of these.

3.18 **EFFECTIVE DATE.** This section is effective August 1, 2012, and applies to crimes
 3.19 committed on or after that date.

3.20 Sec. 3. Minnesota Statutes 2010, section 609.2231, subdivision 3, is amended to read:

3.21 Subd. 3. **Correctional employees; prosecuting attorneys; probation officers.**

3.22 Whoever commits either of the following acts against an employee of a correctional
 3.23 facility as defined in section 241.021, subdivision 1, paragraph (f), against a prosecuting
 3.24 attorney as defined in section 609.221, subdivision 2, paragraph (c), clause (4), or against
 3.25 a probation officer or other qualified person employed in supervising offenders while the
 3.26 employee, attorney, officer, or person is engaged in the performance of a duty imposed by
 3.27 law, policy, or rule is guilty of a felony and may be sentenced to imprisonment for not
 3.28 more than two years or to payment of a fine of not more than \$4,000, or both:

3.29 (1) assaults the employee and inflicts demonstrable bodily harm; or

3.30 (2) intentionally throws or otherwise transfers bodily fluids or feces at or onto the
 3.31 employee.

3.32 **EFFECTIVE DATE.** This section is effective August 1, 2012, and applies to crimes
 3.33 committed on or after that date.