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State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-FIFTH
SESSION**

HOUSE FILE No. 3761

March 4, 2008

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The bill was read for the first time and referred to the Committee on Public Safety and Civil Justice

1.1 A bill for an act
1.2 relating to public safety; modifying sentences for repeat sex offenders; amending
1.3 Minnesota Statutes 2006, section 609.3455, subdivision 4.

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

1.5 Section 1. Minnesota Statutes 2006, section 609.3455, subdivision 4, is amended to
1.6 read:

1.7 Subd. 4. **Mandatory life sentence; repeat offenders.** (a) Notwithstanding the
1.8 statutory maximum penalty otherwise applicable to the offense, the court shall sentence a
1.9 person to imprisonment for life if the person is convicted of violating section 609.342,
1.10 609.343, 609.344, 609.345, or 609.3453 and:

1.11 (1) the person has two previous sex offense convictions;

1.12 (2) the person has a previous sex offense conviction and:

1.13 (i) the factfinder determines that the present offense involved an aggravating factor
1.14 that would provide grounds for an upward durational departure under the sentencing
1.15 guidelines other than the aggravating factor applicable to repeat criminal sexual conduct
1.16 convictions;

1.17 (ii) the person received an upward durational departure from the sentencing
1.18 guidelines for the previous sex offense conviction; or

1.19 (iii) the person was sentenced under this section or Minnesota Statutes 2004, section
1.20 609.108, for the previous sex offense conviction; or

1.21 (3) the person has two prior sex offense convictions, and the factfinder determines
1.22 that the prior convictions and present offense involved at least three separate victims, and:

1.23 (i) the factfinder determines that the present offense involved an aggravating factor
1.24 that would provide grounds for an upward durational departure under the sentencing

2.1 guidelines other than the aggravating factor applicable to repeat criminal sexual conduct
2.2 convictions;

2.3 (ii) the person received an upward durational departure from the sentencing
2.4 guidelines for one of the prior sex offense convictions; or

2.5 (iii) the person was sentenced under this section or Minnesota Statutes 2004, section
2.6 609.108, for one of the prior sex offense convictions.

2.7 (b) Notwithstanding paragraph (a), a court may not sentence a person to
2.8 imprisonment for life for a violation of section 609.345, unless the person's previous or
2.9 prior sex offense convictions that are being used as the basis for the sentence are for
2.10 violations of section 609.342, 609.343, 609.344, 609.345, or 609.3453, or any similar
2.11 statute of the United States, this state, or any other state.

2.12 **EFFECTIVE DATE.** This section is effective August 1, 2008, and applies to crimes
2.13 committed on or after that date.