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State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-SIXTH
SESSION**

HOUSE FILE No. 36

January 12, 2009

Authored by Kohls, Kiffmeyer, Smith, Garofalo, Urdahl and others

The bill was read for the first time and referred to the Committee on Public Safety Policy and Oversight

1.1 A bill for an act
1.2 relating to crime; providing a life imprisonment sentence for persons convicted
1.3 of three or more violent felonies; amending Minnesota Statutes 2008, sections
1.4 244.05, subdivision 4; 609.1095, subdivision 3.

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

1.6 Section 1. Minnesota Statutes 2008, section 244.05, subdivision 4, is amended to read:

1.7 Subd. 4. **Minimum imprisonment, life sentence.** (a) An inmate serving a
1.8 mandatory life sentence under section 609.106; 609.1095, subdivision 3; or 609.3455,
1.9 subdivision 2, must not be given supervised release under this section.

1.10 (b) An inmate serving a mandatory life sentence under section 609.185, clause (3),
1.11 (5), or (6); or Minnesota Statutes 2004, section 609.109, subdivision 3, must not be given
1.12 supervised release under this section without having served a minimum term of 30 years.

1.13 (c) An inmate serving a mandatory life sentence under section 609.385 must not
1.14 be given supervised release under this section without having served a minimum term of
1.15 imprisonment of 17 years.

1.16 (d) An inmate serving a mandatory life sentence under section 609.3455, subdivision
1.17 3 or 4, must not be given supervised release under this section without having served the
1.18 minimum term of imprisonment specified by the court in its sentence.

1.19 **EFFECTIVE DATE.** This section is effective August 1, 2009, and applies to crimes
1.20 committed on or after that date.

1.21 Sec. 2. Minnesota Statutes 2008, section 609.1095, subdivision 3, is amended to read:

1.22 Subd. 3. **Mandatory life sentence for dangerous offender who commits third**
1.23 **violent felony.** (a) ~~Unless a longer mandatory minimum sentence is otherwise required~~

2.1 ~~by law or the court imposes a longer aggravated durational departure under subdivision~~
 2.2 ~~2. A person who is convicted of a violent crime that is a felony must be committed to~~
 2.3 ~~the commissioner of corrections for a mandatory sentence of at least the length of the~~
 2.4 ~~presumptive sentence under the Sentencing Guidelines sentenced to imprisonment for~~
 2.5 ~~life without the possibility of release, notwithstanding the statutory maximum sentence~~
 2.6 ~~otherwise applicable to the offense, if the court determines on the record at the time of~~
 2.7 ~~sentencing that the person has two or more prior felony convictions for violent crimes.~~
 2.8 ~~The court shall impose and execute the prison sentence regardless of whether the~~
 2.9 ~~guidelines presume an executed prison sentence. Notwithstanding section 609.135, the~~
 2.10 ~~court may not stay the imposition or execution of this sentence.~~

2.11 ~~Any person convicted and sentenced as required by this subdivision is not eligible~~
 2.12 ~~for probation, parole, discharge, or work release, until that person has served the full term~~
 2.13 ~~of imprisonment imposed by the court, notwithstanding sections 241.26, 242.19, 243.05,~~
 2.14 ~~244.04, 609.12, and 609.135.~~

2.15 (b) For purposes of this subdivision, "violent crime" does not include a violation
 2.16 of section 152.023 or 152.024.

2.17 **EFFECTIVE DATE.** This section is effective August 1, 2009, and applies to crimes
 2.18 committed on or after that date. The court shall consider convictions occurring before
 2.19 August 1, 2009, as previous convictions when sentencing offenders under this section.