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State of Minnesota HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. **66**

January 12, 2009

Authored by Mullery

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 public safety; providing for increased penalties for certain
1.3 misdemeanors; amending Minnesota Statutes 2008, section 609.153,
1.4 subdivisions 1, 3.

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

1.6 Section 1. Minnesota Statutes 2008, section 609.153, subdivision 1, is amended to read:

1.7 Subdivision 1. **Application.** This section applies to the following ~~misdemeanor-level~~
1.8 ~~crimes~~:

1.9 (1) misdemeanor-level violations of sections 152.093 (manufacture or delivery of
1.10 drug paraphernalia prohibited); 152.095 (advertisement of drug paraphernalia prohibited);
1.11 609.224 (assault); 609.324 (prostitution); 609.3243 (loitering with intent to participate in
1.12 prostitution); 609.52 (theft); 609.53 (receiving stolen property); 609.546 (motor vehicle
1.13 tampering); 609.595 (damage to property); 609.605 (trespass); and 609.66 (dangerous
1.14 weapons); ~~misdemeanor-level violations of section 609.605 (trespass);~~ and violations of
1.15 local ordinances prohibiting the unlawful sale or possession of controlled substances; and
1.16 (2) misdemeanor-level violations of section 609.72 (disorderly conduct) and
1.17 violations of local ordinances prohibiting trespass and possession of drug paraphernalia.

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

1.20 Sec. 2. Minnesota Statutes 2008, section 609.153, subdivision 3, is amended to read:

1.21 Subd. 3. **Increased penalty.** Notwithstanding the statutory maximum penalty
1.22 otherwise applicable to the offense, a person is guilty of a gross misdemeanor if:

2.1 ~~(1) the person who commits a misdemeanor-level crime described in subdivision~~
2.2 ~~1 is guilty of a gross misdemeanor if, clause (1), and the court determines at the time~~
2.3 ~~of sentencing that the person has committed the crime within five years of the first of~~
2.4 ~~two or more prior convictions in this or any other state for any of the crimes described~~
2.5 ~~in subdivision 1, clause (1); or~~

2.6 (2) the person commits a crime described in subdivision 1, clause (1) or (2), and
2.7 the court determines at the time of sentencing that the person committed the crime within
2.8 five years of the first of five or more prior convictions in this or any other state for any
2.9 combination of the crimes described in subdivision 1.

2.10 **EFFECTIVE DATE.** This section is effective August 1, 2009, and applies to
2.11 offenses committed on or after that date.