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State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-FIFTH
SESSION**

HOUSE FILE No. 3773

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 crime; increasing penalties for gang-related crimes; amending
1.3 Minnesota Statutes 2006, section 609.229, subdivisions 3, 4.

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

1.5 Section 1. Minnesota Statutes 2006, section 609.229, subdivision 3, is amended to read:

1.6 Subd. 3. **Penalty.** (a) If the crime committed in violation of subdivision 2 is a felony,
1.7 the statutory maximum for the crime is ~~five~~ ten years longer than the statutory maximum
1.8 for the underlying crime. If the crime committed in violation of subdivision 2 is a felony,
1.9 and the victim of the crime is a child under the age of 18 years, the statutory maximum for
1.10 the crime is ~~ten~~ 20 years longer than the statutory maximum for the underlying crime.

1.11 (b) If the crime committed in violation of subdivision 2 is a misdemeanor, the person
1.12 is guilty of a gross misdemeanor.

1.13 (c) If the crime committed in violation of subdivision 2 is a gross misdemeanor, the
1.14 person is guilty of a felony and may be sentenced to imprisonment for not more than ~~three~~
1.15 five years or to payment of a fine of not more than \$15,000, or both.

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

1.18 Sec. 2. Minnesota Statutes 2006, section 609.229, subdivision 4, is amended to read:

1.19 Subd. 4. **Mandatory minimum sentence.** (a) Unless a longer mandatory minimum
1.20 sentence is otherwise required by law, or the court imposes a longer aggravated durational
1.21 departure, or a longer prison sentence is presumed under the Sentencing Guidelines and
1.22 imposed by the court, a person convicted of a crime described in subdivision 3, paragraph

2.1 (a), shall be committed to the custody of the commissioner of corrections for not less than
2.2 ~~one year plus one day~~ 24 months.

2.3 (b) Any person convicted and sentenced as required by paragraph (a) is not eligible
2.4 for probation, parole, discharge, work release, or supervised release until that person has
2.5 served the full term of imprisonment as provided by law, notwithstanding the provisions
2.6 of sections 242.19, 243.05, 244.04, 609.12, and 609.135.

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