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S.F. No. 635 – Specifying Term of Imprisonment for First-Degree Murder of an Unborn Child

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SF No. 635 addresses an oversight in current law relating to first-degree murder of an unborn child.

Under current law, a person found guilty of this crime must receive a sentence of life imprisonment (the same as first-degree murder). However, the law does not indicate whether the person is eligible for release from prison at any point. For first-degree murder, the law provides that certain violations require life without release while others allow release after serving a minimum of 30 years.

This bill resolves the current lack of guidance by providing for a life without release term for first-degree murder of an unborn child committed with premeditation or while committing a violent rape of the mother and a 30-year minimum term of imprisonment for offenses involving intentional death while committing specified felony offenses. This resolution is consistent with how similar first-degree murder crimes are treated.

The bill addresses only the applicable terms of imprisonment for first-degree murder of an unborn child. It does not change the pronounced or maximum sentence or elements of the offense and it does not affect any of the other murder of an unborn child crimes (i.e., second- or third degree).

This oversight in law was brought to the Legislature’s attention in the 2020 annual report of the Minnesota Sentencing Guidelines Commission. The Commission recommended that the law be clarified to address the gap but did not contain a specific recommendation on how to do this.