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S.F. No. 870 – Increasing the Maximum Probation Periods for Certain Offenses

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Overview

Under current law (Minnesota Statutes, section 609.135), the maximum period for a stayed felony sentence is generally four years or the statutory maximum sentence for the offense, whichever is longer. This means that for more serious felonies, the maximum stay can be significantly longer than four years.

In 2020, the Minnesota Sentencing Guidelines Commission proposed a change to the lengths of felony stayed sentences. This change went into effect on August 1, 2020. Under this change, the presumptive duration of most felony stays of sentence, absent a sentencing departure based on substantial and compelling reasons, is five years or the statutory maximum sentence, whichever is *less*. The Commission provided that certain offenses (homicides and sex offenses) were not subject to this presumptive “cap.”

S.F. No. 870 provides that the 2020 change does not apply to certain listed offenses (see lines 2.30-3.24 for the offenses). The list includes all of the crimes that the Commission included, as well as a number of other offenses.