

**HF3380 - 0 - Sentence. Reqmts. for Certain Violent Offend. Mod.**

Chief Author: **Walter Hudson**  
 Committee: **Public Safety Finance And Policy**  
 Date Completed: **3/5/2026 8:43:41 AM**  
 Lead Agency: **Corrections Dept**  
 Other Agencies:  
     Public Defense Board      Sentencing Guidelines Comm  
     Supreme Court

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2025	FY2026	FY2027	FY2028	FY2029
<b>Corrections Dept</b>						
<b>General Fund</b>	-	-	3,966	3,979	3,987	
<b>State Total</b>						
<b>General Fund</b>	-	-	3,966	3,979	3,987	
<b>Total</b>	-	-	<b>3,966</b>	<b>3,979</b>	<b>3,987</b>	
<b>Biennial Total</b>			<b>3,966</b>			<b>7,966</b>

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2025	FY2026	FY2027	FY2028	FY2029
<b>Corrections Dept</b>					
General Fund	-	-	-	.1	.1
<b>Total</b>	-	-	-	.1	.1

**Lead LBO Analyst's Comment**

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

**LBO Signature:** Jim Carlson      **Date:** 3/5/2026 8:43:41 AM  
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**State Cost (Savings) Calculation Details**

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

\*Transfers In/Out and Absorbed Costs are only displayed when reported.

<b>State Cost (Savings) = 1-2</b>		<b>Biennium</b>			<b>Biennium</b>	
Dollars in Thousands		<b>FY2025</b>	<b>FY2026</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>
<b>Corrections Dept</b>						
General Fund	-	-	3,966	3,979	3,987	
<b>Total</b>	<b>-</b>	<b>-</b>	<b>3,966</b>	<b>3,979</b>	<b>3,987</b>	
	<b>Biennial Total</b>		<b>3,966</b>		<b>7,966</b>	
<b>1 - Expenditures, Absorbed Costs*, Transfers Out*</b>						
Corrections Dept						
General Fund	-	-	3,966	3,979	3,987	
<b>Total</b>	<b>-</b>	<b>-</b>	<b>3,966</b>	<b>3,979</b>	<b>3,987</b>	
	<b>Biennial Total</b>		<b>3,966</b>		<b>7,966</b>	
<b>2 - Revenues, Transfers In*</b>						
Corrections Dept						
General Fund	-	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
	<b>Biennial Total</b>		<b>-</b>		<b>-</b>	<b>-</b>

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 Agency: **Corrections Dept**

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2025	FY2026	FY2027	FY2028	FY2029
General Fund	-	-	3,966	3,979	3,987	
<b>Total</b>	-	-	<b>3,966</b>	<b>3,979</b>	<b>3,987</b>	
<b>Biennial Total</b>			<b>3,966</b>		<b>7,966</b>	

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2025	FY2026	FY2027	FY2028	FY2029
General Fund	-	-	-	.1	.1
<b>Total</b>	-	-	-	<b>.1</b>	<b>.1</b>

**LBO Analyst's Comment**

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

**LBO Signature:** Jim Carlson      **Date:** 3/5/2026 8:41:54 AM  
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**State Cost (Savings) Calculation Details**

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

\*Transfers In/Out and Absorbed Costs are only displayed when reported.

<b>State Cost (Savings) = 1-2</b>		Biennium			Biennium	
Dollars in Thousands		FY2025	FY2026	FY2027	FY2028	FY2029
General Fund	-	-	3,966	3,979	3,987	
<b>Total</b>		-	-	<b>3,966</b>	<b>3,979</b>	<b>3,987</b>
<b>Biennial Total</b>				<b>3,966</b>		<b>7,966</b>
<b>1 - Expenditures, Absorbed Costs*, Transfers Out*</b>						
General Fund	-	-	3,966	3,979	3,987	
<b>Total</b>		-	-	<b>3,966</b>	<b>3,979</b>	<b>3,987</b>
<b>Biennial Total</b>				<b>3,966</b>		<b>7,966</b>
<b>2 - Revenues, Transfers In*</b>						
General Fund	-	-	-	-	-	-
<b>Total</b>		-	-	-	-	-
<b>Biennial Total</b>				-		-

**Bill Description**

This bill strengthens sentencing requirements for repeat violent offenders who use firearms. It mandates aggravated durational departures (longer sentences up to the statutory maximum) for offenders with multiple prior violent convictions when a firearm is involved. It also requires certain sentences to be served consecutively to existing sentences and prohibits eligibility for probation, parole, early release, or work release until the full prison term is served. Additionally, individuals sentenced under these provisions are ineligible for earned incentive release credits. All changes are effective the day following final enactment.

**Assumptions**

The department notes that this legislation would have a significant impact on the number of incarcerated persons (IPs) that would remain incarcerated in state correctional facilities who would otherwise have been eligible for, or active in, work release.

Specifically, the department notes that this legislation’s inclusion of those IPs who are sentenced under Minnesota Statutes 609.1095, specifically those who are convicted for a “violent crime” as defined by this section of state statute, for the purpose of invalidating those IPs’ work release eligibility would result in a significant number of IPs who are currently eligible for work release having to remain incarcerated in a state correctional facility.

Using the average daily population for the work release program in Fiscal Year (FY) 2025, the last fiscal year with a full year’s worth of data available, the department estimates that roughly 72 percent of all participants in the work release program would not have been eligible under the proposed bill, and instead would continue to be housed in state correctional facilities.

Additionally, the Minnesota Sentencing Guidelines Commission (MSGC) projects that this legislation would result in a need for one additional prison bed starting in Fiscal Year 2028 and every fiscal year thereafter.

Prison bed costs are based on a marginal cost per diem of \$53.93 for FY26, \$55.64 for FY27, \$58.43 for FY28, and \$58.14 for FY29. This includes marginal costs for all facilities, private and public bed rental, health care, and support costs.

The annual cost is estimated by multiplying the number of prison beds needed by the subsequent annual per diem. Unless otherwise noted, prison beds are phased in on a quarterly basis.

Prison bed impact for the increase in the offender population assumes 80 percent of the ongoing bed impact is personnel-related and the average salary per FTE is \$132,000 per year, including benefits.

**Expenditure and/or Revenue Formula**

In order to project an annual fiscal impact, the Department of Corrections has taken the operational cost per diem of the work release program and compared it to the average operational per diem of its six most populous facilities: Minnesota Correctional Facility (MCF)-Faribault, MCF-Lino Lakes, MCF-Rush City, MCF-St Cloud, MCF-Moose Lake, and MCF-Shakopee. For FY25, the operational per diem of the work release program was \$89.17, whereas the average operational per diem of the six correctional facilities listed above was \$144.88.

The department estimates that the average length of stay for an IP on work release is between six to seven months, so the department’s fiscal projection of additional incarceration costs for those IPs who would no longer be eligible for work release is based on a seven-month timeline. This seven-month timeline assumes an average length of month of 30 days, or 210 days total.

Given that the Department of Corrections had 471 IPs active in the work release program in FY25, under the current bill, 72 percent would not have been eligible to participate. As such, 339 additional IPs would have remained incarcerated, at a net cost for the department of approximately \$3.97 million per fiscal year.

Program	IPs	Per Diem	Total for 7 Months
Work Release	-339	\$89.17	(\$6,348,012)
Facilities	339	\$144.88	\$10,314,007
		<b>Net Cost</b>	<b>+\$3,965,995</b>

The work release program does not foresee any FTE cost savings as a result of this legislation, as staff levels would remain unchanged. Additionally, the facilities, including ancillary programming within the facilities, do not foresee any added FTE costs as a result of this legislation, as current levels of staff would also remain the same. The department notes that current incarceration facility staff would be tasked with absorbing the additional IPs that would live in the facilities and participate in facility programming as a result of this legislation.

MSGC projects that one additional prison bed will be needed each fiscal year, beginning in Fiscal Year 2028, as a result of this legislation.

**Cost of Prison Beds**

Fiscal year	2026	2027	2028	2029
Number of Prison Beds	0	0	1	1
Cost of Prison Beds (in 000s)	\$0	\$0	\$13	\$21
FTE	0	0	0.1	0.1

Total projected cost by fiscal year for the department:

- FY27 - \$3,965,995
- FY28 - \$3,965,995 + \$13,000 = \$3,978,995
- FY29 - \$3,965,995 + \$21,000 = \$3,986,995

The department’s FTE projection for this bill is only related to the bed cost projections as provided by MSGC.

**Long-Term Fiscal Considerations**

MSGC projects that this budget impact will continue beyond the current budget horizon. The department also anticipates that this impact to work release, and the corresponding requirement to incarcerate additional IPs that would otherwise participate in the work release program, would also continue beyond the current budget horizon.

**Local Fiscal Impact**

MSGC projects there will be minimal impact on local correctional resources because the majority of the bill's impact will be from longer prison durations for cases already receiving executed prison sentences

**References/Sources**

MSGC

Department of Corrections staff

**Agency Contact:**

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**HF3380 - 0 - Sentence. Reqmts. for Certain Violent Offend. Mod.**

Chief Author: **Walter Hudson**  
 Committee: **Public Safety Finance And Policy**  
 Date Completed: **3/5/2026 8:43:41 AM**  
 Agency: **Public Defense Board**

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2025	FY2026	FY2027	FY2028	FY2029
<b>Total</b>	-	-	-	-	-	-
<b>Biennial Total</b>			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium		
		FY2025	FY2026	FY2027	FY2028	FY2029
<b>Total</b>	-	-	-	-	-	-

**LBO Analyst's Comment**

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

**LBO Signature:** Susan Nelson    **Date:** 2/24/2026 6:14:58 PM  
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**State Cost (Savings) Calculation Details**

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\*Transfers In/Out and Absorbed Costs are only displayed when reported.

<b>State Cost (Savings) = 1-2</b>		<b>Biennium</b>			<b>Biennium</b>	
Dollars in Thousands	FY2025	FY2026	FY2027	FY2028	FY2029	
<b>Total</b>	-	-	-	-	-	-
<b>Biennial Total</b>			-			-
<b>1 - Expenditures, Absorbed Costs*, Transfers Out*</b>						
<b>Total</b>	-	-	-	-	-	-
<b>Biennial Total</b>			-			-
<b>2 - Revenues, Transfers In*</b>						
<b>Total</b>	-	-	-	-	-	-
<b>Biennial Total</b>			-			-

**Bill Description**

This bill establishes mandatory sentencing departures for dangerous offenders and career offenders when the offense includes possession or use of a firearm and makes such persons ineligible for the earned incentive release credit established by the MN Rehabilitation and Reinvestment Act (MRRA).

Section 1. Amends 244.45 regarding ineligibility for earned incentive release credit for persons sentenced under 609.1095 (dangerous offender and career offender statutes).

Section 2. Amends 609.1095, subd. 2: dangerous offenders by adding (b) that court **must** impose an aggravated durational departure up to statutory maximum if the offender meets the requirements under (a) and if offender or an accomplice possessed or used a firearm in the offense, and in at least 2 of prior convictions for violent crimes, the offender or accomplice possessed or used a firearm.

Section 3. Amends 609.0195, subd. 3, by removing provision that person convicted under this section must serve full term of imprisonment, meaning no early release. Note this provision is moved into the new subd. 5.

Section 4. Amends 609.1095, subd. 4 the career offender provision, increased sentence for offender who commits 6<sup>th</sup> felony. Adds (b) that court **must** impose an aggravated durational departure up to statutory maximum if the offender meets the requirements under (a) and the offender or an accomplice possessed or used a firearm in the offense.

Section 5. Amends 609.0195 by adding subd. 5(a) requiring that a person convicted and sentenced under the mandatory provisions of subd. 2(b) or subd. 4(b) must serve sentence consecutively to any unexpired portion of a previously imposed sentence unless total time to serve in prison would be longer with a concurrent sentence.

Also adds subd. 5 (b) that person convicted under this section must serve full term of imprisonment, meaning no early release.

**Assumptions**

We would expect that fewer defendants will plead guilty if they meet the criteria for the mandatory provisions or it will be used to get a plea to be sentenced without reference to these provisions. Likewise, with the sentencing departure provisions, a defendant has the right to a jury trial(to prove the facts to exceed statutory maximums) or needs to waive that right. With both of these we would expect more defendants would go to trial.

There are not enough cases for the bill to have an impact on caseloads or workloads.

**Expenditure and/or Revenue Formula**

**Long-Term Fiscal Considerations**

**Local Fiscal Impact**

**References/Sources**

**Agency Contact:**

**Agency Fiscal Note Coordinator Signature:** Kevin Kajer

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**HF3380 - 0 - Sentence. Reqmts. for Certain Violent Offend. Mod.**

Chief Author: **Walter Hudson**  
 Committee: **Public Safety Finance And Policy**  
 Date Completed: **3/5/2026 8:43:41 AM**  
 Agency: **Sentencing Guidelines Comm**

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2025	FY2026	FY2027	FY2028	FY2029
<b>Total</b>	-	-	-	-	-	-
<b>Biennial Total</b>			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium		
		FY2025	FY2026	FY2027	FY2028	FY2029
<b>Total</b>	-	-	-	-	-	-

**LBO Analyst's Comment**

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

**LBO Signature:** Jim Carlson      **Date:** 2/19/2026 1:42:39 PM  
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**State Cost (Savings) Calculation Details**

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\*Transfers In/Out and Absorbed Costs are only displayed when reported.

<b>State Cost (Savings) = 1-2</b>		Biennium			Biennium	
Dollars in Thousands	FY2025	FY2026	FY2027	FY2028	FY2029	
<b>Total</b>	-	-	-	-	-	-
<b>Biennial Total</b>			-			-
<b>1 - Expenditures, Absorbed Costs*, Transfers Out*</b>						
<b>Total</b>	-	-	-	-	-	-
<b>Biennial Total</b>			-			-
<b>2 - Revenues, Transfers In*</b>						
<b>Total</b>	-	-	-	-	-	-
<b>Biennial Total</b>			-			-

**Bill Description**

Section 1 amends Minn. Stat. § 244.45 (Ineligibility for Earned Incentive Release Credit), making those sentenced under Minn. Stat. § 609.1095, ineligible for earned incentive release credit.

Minn. Stat. § 609.1095, subd. 2, now permits a judge who is imposing, based on the Guidelines’ presumption, an executed prison sentence for a felony “violent crime” (per the list in subd. 1) to impose an aggravated departure from the Sentencing Guidelines’ presumptive duration, up to the statutory maximum, if the defendant was an adult on the current offense date; prior to the current offense date, the defendant had, in sequence, committed and been convicted of two “violent crimes,” with the second prior offense being committed after the first prior conviction; and the fact finder determines the defendant to be a “danger to public safety” based on past criminal behavior or the aggravating circumstances of the current offense.

Section 2 of the bill restyles subd. 2 as subd. 2(a) and adds paragraph (b), which makes the aggravated durational departure permitted in subd. 2(a) mandatory when the defendant or an accomplice possessed or used a firearm during the current offense and during each of the two prior “violent crimes” that qualified the defendant for the aggravated durational departure permitted in subd. 2(a).

Section 3 amends Minn. Stat. § 609.1095, subd. 3 (Mandatory sentence for dangerous offender who commits third violent crime), by striking the requirement that “[A]ny person convicted and sentenced as required by this subdivision is not eligible for probation, parole, discharge, or work release, until that person has served the full term of imprisonment imposed by the court, notwithstanding sections 241.26, 242.19, 243.05, 244.04, 609.12, and 609.135.” This requirement is expanded to include Minn. Stat. §§ 244.40 to 244.51 and moved to the new subd. 5(b).

Minn. Stat. § 609.1095, subd. 4, now permits a judge who is imposing, based on the Guidelines’ presumption, an executed prison sentence for a felony to impose an aggravated departure from the Sentencing Guidelines’ presumptive duration, up to the statutory maximum, if, prior to the current offense date, the defendant had, in sequence, committed and been convicted of five felonies, with each offense being committed after the preceding conviction; and the fact finder determines the present offense to have been committed as part of a pattern of criminal conduct.

Section 4 of the bill restyles subd. 4 as subd. 4(a) and adds paragraph (b), which makes the aggravated durational departure permitted under subd. 4(a) mandatory when defendant or an accomplice, at the time of the current offense, had in possession or used a firearm.

Section 5 enacts a new Minn. Stat. § 609.1095, subd. 5 (Consecutive sentences; release). Under the new paragraph (a), any person convicted and sentenced as required under subd. 2(b) or subd. 4(b), must serve any imposed sentences consecutively to any unexpired portion of a previously imposed sentence unless the total time to serve in prison would be longer if a concurrent sentence were imposed.

Under the new paragraph (b), “Any person convicted and sentenced as required by this section is not eligible for probation,

parole, discharge, or work release, until that person has served the full term of imprisonment imposed by the court, notwithstanding sections 241.26, 242.19, 243.05, 244.04, 244.40 to 244.51, 609.12, and 609.135.”

This bill is effective the day following final enactment and applies to crimes committed on or after that date.

### **Assumptions**

It is assumed that due to the COVID-19 health pandemic, the cases sentenced in 2020 and 2021 are not necessarily fair approximations of cases sentenced in the future.

With respect to section 1, MSGC has no information about earned incentive credit and therefore makes no assumptions.

Sections 2 and 4 are assumed to make the aggravated durational departures permitted by Minn. Stat. § 609.1095, subs. 2 & 4, mandatory if the current offense (and, in the case of subd. 2, the two prior offenses) involved firearm possession. Sections 2 and 4 are assumed to have no impact on the existing notice and process required to seek such aggravated sentences. It is assumed that the sole impact of sections 2 and 4 will be to eliminate, in cases where the current offense has (and, in cases involving subd. 2, the two prior offenses have) been proven to involve the defendant’s or an accomplice’s firearm possession, denials of motions to seek aggravated durational departures under § 609.1095, subs. 2 and 4.

Neither the number of such denials nor the rate at which such motions are denied is now known. It may plausibly be assumed that the denial rate for qualifying motions is between 25 and 50 percent.

MSGC does have some data on number of motions granted. From 2020 through 2024, judges cited the “dangerous offender” provisions of Minn. Stat. § 609.1095, subd. 2, in support of the imposition of 25 aggravated departures; and judges cited the “career offender” provisions of subd. 4 in support of the imposition of 36 aggravated departures.

Of the 25 aggravated departures imposed under Minn. Stat. § 609.1095, subd. 2, MSGC data reflects that, in one case, both the current offense and at least two of the prior “violent offenses,” the second having been committed after the first conviction and both having been convicted before the current offense date, involved the defendant’s or an accomplice’s firearm possession according to the applicable list in Minn. Stat. § 609.11, subd. 9.

Assuming the denial rate for qualifying subd. 2 motions to be between 25 and 50 percent, during the five-year period from 2020 through 2024, between  $0.3 \left( (1 \div (1 - 25\%)) - 1 \right)$  and one  $\left( (1 \div (1 - 50\%)) - 1 \right)$  subd. 2 firearms cases would have been denied, an annual average of about 0.13 cases. Assuming these cases to be like future cases, and assuming that section 2 will cause this denial rate to drop to zero in firearms cases such as these, it is assumed that section 2 will cause 0.13 cases annually that do not now receive an aggravated durational departure under subd. 2 to receive an aggravated durational departure under subd. 2.

With respect to section 2 and section 4, it is assumed that the language, “[T]he judge must impose an aggravated durational departure from the presumptive imprisonment sentence up to the statutory maximum” includes any sentence duration above the presumptive duration up to and including the statutory maximum. For purposes of this fiscal note, the average aggravated duration used was the average currently imposed under the existing Minn. Stat. § 609.1095, subd. 2 and 4, respectively.

With respect to the aggravated duration in section 2, it is assumed that the average aggravated durational departure will be that of the average aggravated durational departure currently applied to cases sentenced under existing Minn. Stat. § 609.1095, subd. 2 (“dangerous offender” provision).

According to MSGC sentencing data, from 2020 to 2024, there were a total 25 cases that were presumptive commitment according to the sentencing guidelines, received a prison disposition, and received an aggravated durational departure in which the judge cited the “dangerous-offender” provision as the reason for departure. The average presumptive duration according to the sentencing guidelines was 38.1 months; and the average aggravated durational departure was 64.8 months, for a difference of 26.7 months. It is therefore assumed that defendants receiving an aggravated durational departure because of section 2 will get a prison sentence that is 26.7 months longer than they otherwise would have.

Of the 36 aggravated departures imposed from 2020 through 2024 under Minn. Stat. § 609.1095, subd. 4, MSGC data

reflects that, in three cases, the current offense involved the defendant's or an accomplice's firearm possession according to the applicable list in Minn. Stat. § 609.11, subd. 9.

Assuming the denial rate for qualifying subd. 4 motions to be between 25 and 50 percent, during the five-year period from 2020 through 2024, between  $1 \left( (3 \div (1 - 25\%)) \right) 3$  and  $3 \left( (3 \div (1 - 50\%)) \right) 3$  subd. 4 firearms cases would have been denied, an annual average of about 0.4 cases. Assuming these cases to be like future cases, and assuming that section 4 will cause the denial rate to drop to zero in firearms cases such as these, it is assumed that section 4 will cause 0.4 cases annually that do not now receive an aggravated durational departure under subd. 4 to receive an aggravated durational departure under subd. 4.

With respect to the aggravated duration in section 4, it is assumed that the average aggravated durational departure will be that of the average aggravated durational departure currently applied to cases sentenced under existing Minn. Stat. § 609.1095, subd. 4 ("career offender" provision).

According to MSGC sentencing data, from 2020 to 2024, there were a total 36 cases that were presumptive commitment according to the sentencing guidelines, received a prison disposition, and received an aggravated durational departure in which the judge cited the "career-offender" provision as the reason for departure. The average presumptive duration according to the sentencing guidelines was 36.2 months; and the average aggravated durational departure was 55.6 months, for a difference of 19.4 months. It is therefore assumed that under this new provision, defendants will get a sentence that is 19.4 months longer than they otherwise would have.

With respect to section 5 (new Minn. Stat. § 609.1095, subd. 5(a)), it is assumed that the required consecutive sentencing (if longer than a concurrent sentence) will be calculated using the rules for consecutive sentence found in section 2.F of the Sentencing Guidelines. According to MSGC sentencing data, in 2024, none of the total eight defendants: four under subd. 2 (dangerous offender); and four under subd. 4 (career offender) received a consecutive sentence.

Seven of the eight defendants were eligible for consecutive sentences. In the one case that appeared ineligible a third-degree controlled substance possession in a park zone the defendant received 135 months in prison which is 2.25 times longer than the presumptive 60-month sentence.

Because the eligible defendants were not given consecutive sentences, and were given aggravated durational departures instead, it is assumed that consecutive sentencing would not have been longer. It is assumed that a similar pattern will apply to the new subd. 2(b) cases and subd. 4(b) cases particularly since subd. 4 (career offender) cases will certainly have lengthy criminal histories, which would not be counted under the Sentencing Guidelines' consecutive sentencing policy. Therefore, it is assumed that there will be negligible impact from the consecutive-sentencing provisions of section 5.

With respect to section 5 (new Minn. Stat. § 609.1095, subd. 5(b)), it is assumed that the requirement that a person must first serve the full term of imprisonment (moved from subd. 3 to subd. 5(b), and expanded to include 244.40 to 244.51 (for earned incentive credit) has no effect because currently a person must first serve the full term of imprisonment (which is two-thirds of the pronounced sentence), before being released from prison and put on supervised release.

### **Expenditure and/or Revenue Formula**

### **Long-Term Fiscal Considerations**

Based on the assumptions above, there will be the need for approximately one additional prison bed. Assuming one year for implementation, it is estimated that the first bed will be needed in FY2028, and every year thereafter.

(New "Dangerous Offender" subd. 2(b) provision:  $0.13 \text{ cases} \times 26.7 \text{ months per case} \times 2/3 \text{ term of imprisonment} \div 12 \text{ months per year} = 0.2 \text{ estimated prison beds.}$ )

(New "Career Offender" subd. 4(b) provision:  $0.4 \text{ cases} \times 19.4 \text{ months per case} \times 2/3 \text{ term of imprisonment} \div 12 \text{ months per year} = 0.43 \text{ estimated prison beds.}$ )

(Total = 0.63 estimated prison beds 1 prison bed.)

**Local Fiscal Impact**

Based on the assumptions above, there will be minimal impact on local correctional resources because the majority of the bill's impact will be from longer prison durations for cases already receiving executed prison sentences.

**References/Sources**

MSGC Sentencing Data, 2020 to 2024.

*State v. Henderson*, 706 NW 2d 758 (Minn. 2005) (requiring jury finding of “part of a pattern of criminal conduct” within the meaning of Minn. Stat. § 609.1095, subd. 4).

*State v. Kendell*, 723 NW 2d 597 (Minn. 2006) (approving jury finding of “danger to public safety” with the meaning of Minn. Stat. § 609.1095, subd. 2).

Minn. R. Crim. P. 7.03 (requiring notice of prosecutor’s intent to seek an aggravated sentence ten days before omnibus hearing).

**Agency Contact:**

**Agency Fiscal Note Coordinator Signature:** Jill Payne

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**HF3380 - 0 - Sentence. Reqmts. for Certain Violent Offend. Mod.**

Chief Author: **Walter Hudson**  
 Committee: **Public Safety Finance And Policy**  
 Date Completed: **3/5/2026 8:43:41 AM**  
 Agency: **Supreme Court**

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2025	FY2026	FY2027	FY2028	FY2029
<b>Total</b>	-	-	-	-	-	-
<b>Biennial Total</b>			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium		
		FY2025	FY2026	FY2027	FY2028	FY2029
<b>Total</b>	-	-	-	-	-	-

**LBO Analyst's Comment**

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

**LBO Signature:** Susan Nelson    **Date:** 2/24/2026 6:15:18 PM  
**Phone:** 651-296-6054    **Email:** susan.nelson@lbo.mn.gov

**State Cost (Savings) Calculation Details**

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

\*Transfers In/Out and Absorbed Costs are only displayed when reported.

<b>State Cost (Savings) = 1-2</b>		<b>Biennium</b>			<b>Biennium</b>	
Dollars in Thousands	FY2025	FY2026	FY2027	FY2028	FY2029	
<b>Total</b>	-	-	-	-	-	-
<b>Biennial Total</b>			-			-
<b>1 - Expenditures, Absorbed Costs*, Transfers Out*</b>						
<b>Total</b>	-	-	-	-	-	-
<b>Biennial Total</b>			-			-
<b>2 - Revenues, Transfers In*</b>						
<b>Total</b>	-	-	-	-	-	-
<b>Biennial Total</b>			-			-

**Bill Description**

HF3380-0 ("the bill") at section 1 amends Minn. Stat. § 244.45, Ineligibility for Earned Incentive Release Credit to provide that those sentenced under section 609.1095 are ineligible.

The bill at section 2 adds a new paragraph (b) to Minn. Stat. § 609.1095, subd. 2, to require that a judge must impose an aggravated durational departure in cases involving dangerous offenders who commit a third violent crime if the offender or an accomplice at the time of the offense and in at least 2 of the prior convictions for violent crimes had or used a firearm.

The bill at section 3 amends Minn. Stat. § 609.1095, subd. 3, to remove the provision regarding ineligibility for probation, parole, discharge, or work release.

The bill at section 4 adds a new paragraph (b) to Minn. Stat. § 609.1095, subd. 4, to require that a judge must impose an aggravated durational departure if the offender has 5 or more prior felony convictions and the offender or an accomplice at the time of the offense had or used a firearm.

The bill at section 5 adds a new subdivision 5 to Minn. Stat. § 609.1095 to require that any person convicted and sentenced under subdivision 2(b) or 4(b) must serve any sentences consecutively to any unexpired previously imposed sentence unless the total time to serve in prison would be longer if a concurrent sentence were imposed, and to add the provision regarding ineligibility for probation, parole, discharge, or work release, making it applicable to all sentences imposed under section 609.1095.

**Assumptions**

It is assumed that the provisions of this bill will not increase case filing rates as no new criminal offenses are created. Rather this bill only impacts the sentences imposed on existing offenses.

**Expenditure and/or Revenue Formula**

This bill is not anticipated to have a significant fiscal impact on the judicial branch as it is not anticipated to measurably increase the judicial branch resources required to process these existing cases.

**Long-Term Fiscal Considerations**

None.

**Local Fiscal Impact**

**References/Sources**

**Agency Contact:**

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