

RESOLUTION NO. 21-XX

**RESOLUTION EXPRESSING SUPPORT FOR SF 82/HF 185, A BILL INCREASING
THE PENALTY FOR CERTAIN ATTEMPTS TO COMMIT MURDER IN THE FIRST
DEGREE**

WHEREAS, last year, Waseca Police Officer Arik Matson was critically wounded in the line of duty after being shot in the head by a suspect after responding to a report of a suspicious person; and

WHEREAS, the minimum sentence for an attempt on a peace officer, judge, prosecutor or correctional officer's life is 20 years with release under supervision after two-thirds of the sentence is served; and

WHEREAS, due to the inherent dangers faced by law enforcement and judicial officers on a daily basis, the current penalty is insufficient in comparison to the life-long physical and mental health impacts such an attempt has on the individual; and

WHEREAS, SF 82/HF 185, sponsored by Senator Jasinski and Representative Petersburg, increases the penalty against individuals who are convicted of attempted first-degree murder of a police officer, judge, prosecutor or correctional officer to life incarceration with a minimum of 30 years served in prison before being eligible for release.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Spring Lake Park that the City Council does hereby express its strong support for SF 82/HF 185 and encourages the Legislature to adopt it without delay.

The foregoing resolution was moved for adoption by Councilmember .

Upon roll call, the following voted aye:

And the following voted nay:

Whereupon the Mayor declared said resolution duly passed and adopted this _____ day of _____, 2021.

Robert Nelson, Mayor

ATTEST:

Daniel R. Buchholtz, Administrator

State of Minnesota)
 Counties of Anoka and Ramsey)ss
 City of Spring Lake Park)

I, Daniel R. Buchholtz, duly appointed and qualified City Administrator in and for the City of Spring Lake Park, Anoka and Ramsey Counties, Minnesota, do hereby certify that the foregoing is a true and correct copy of Resolution No. 21-XX, A Resolution Expressing Support for SF 82/HF 185, A Bill Increasing the Penalty for Certain Attempts to Commit Murder in the First Degree.

Daniel R. Buchholtz, Administrator

(SEAL)

Dated: _____

**SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION**

S.F. No. 82

(SENATE AUTHORS: JASINSKI, Dornink, Miller, Hoffman and Rosen)

| DATE | D-PG | OFFICIAL STATUS |
|------------|------|--|
| 01/14/2021 | 93 | Introduction and first reading |
| | | Referred to Judiciary and Public Safety Finance and Policy |
| 01/21/2021 | 137 | Author stricken Tomassoni |
| | | Author added Rosen |

- 1.1 A bill for an act
- 1.2 relating to public safety; increasing the penalty for certain attempts to commit
- 1.3 murder in the first degree; amending Minnesota Statutes 2020, sections 244.05,
- 1.4 subdivision 4; 609.17, subdivision 4.
- 1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.6 Section 1. Minnesota Statutes 2020, section 244.05, subdivision 4, is amended to read:
- 1.7 Subd. 4. **Minimum imprisonment, life sentence.** (a) An inmate serving a mandatory
- 1.8 life sentence under section 609.106 or 609.3455, subdivision 2, must not be given supervised
- 1.9 release under this section.
- 1.10 (b) An inmate serving a mandatory life sentence under section 609.17, subdivision 4,
- 1.11 clause (1); 609.185, paragraph (a), clause (3), (5), or (6); or Minnesota Statutes 2004, section
- 1.12 609.109, subdivision 3, must not be given supervised release under this section without
- 1.13 having served a minimum term of 30 years.
- 1.14 (c) An inmate serving a mandatory life sentence under section 609.385 must not be given
- 1.15 supervised release under this section without having served a minimum term of imprisonment
- 1.16 of 17 years.
- 1.17 (d) An inmate serving a mandatory life sentence under section 609.3455, subdivision 3
- 1.18 or 4, must not be given supervised release under this section without having served the
- 1.19 minimum term of imprisonment specified by the court in its sentence.
- 1.20 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes
- 1.21 committed on or after that date.

2.1 Sec. 2. Minnesota Statutes 2020, section 609.17, subdivision 4, is amended to read:

2.2 Subd. 4. **Penalties.** Whoever attempts to commit a crime may be sentenced as follows:

2.3 (1) for an attempt to commit a violation of section 609.185, paragraph (a), clause (4),
2.4 to imprisonment for life;

2.5 (2) except as provided in clause (1), if the maximum sentence provided for the crime is
2.6 life imprisonment, to not more than 20 years; or

2.7 ~~(2)~~ (3) for any other attempt, to not more than one-half of the maximum imprisonment
2.8 or fine or both provided for the crime attempted, but such maximum in any case shall not
2.9 be less than imprisonment for 90 days or a fine of \$100.

2.10 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes
2.11 committed on or after that date.

609.185 MURDER IN THE FIRST DEGREE.

(a) Whoever does any of the following is guilty of murder in the first degree and shall be sentenced to imprisonment for life:

(1) causes the death of a human being with premeditation and with intent to effect the death of the person or of another;

(2) causes the death of a human being while committing or attempting to commit criminal sexual conduct in the first or second degree with force or violence, either upon or affecting the person or another;

(3) causes the death of a human being with intent to effect the death of the person or another, while committing or attempting to commit burglary, aggravated robbery, kidnapping, arson in the first or second degree, a drive-by shooting, tampering with a witness in the first degree, escape from custody, or any felony violation of chapter 152 involving the unlawful sale of a controlled substance;

(4) causes the death of a peace officer, prosecuting attorney, judge, or a guard employed at a Minnesota state or local correctional facility, with intent to effect the death of that person or another, while the person is engaged in the performance of official duties;

(5) causes the death of a minor while committing child abuse, when the perpetrator has engaged in a past pattern of child abuse upon a child and the death occurs under circumstances manifesting an extreme indifference to human life;

(6) causes the death of a human being while committing domestic abuse, when the perpetrator has engaged in a past pattern of domestic abuse upon the victim or upon another family or household member and the death occurs under circumstances manifesting an extreme indifference to human life; or

(7) causes the death of a human being while committing, conspiring to commit, or attempting to commit a felony crime to further terrorism and the death occurs under circumstances manifesting an extreme indifference to human life.

(b) For the purposes of paragraph (a), clause (4), "prosecuting attorney" has the meaning given in section 609.221, subdivision 2, paragraph (c), clause (4).

(c) For the purposes of paragraph (a), clause (4), "judge" has the meaning given in section 609.221, subdivision 2, paragraph (c), clause (5).

(d) For purposes of paragraph (a), clause (5), "child abuse" means an act committed against a minor victim that constitutes a violation of the following laws of this state or any similar laws of the United States or any other state: section 609.221; 609.222; 609.223; 609.224; 609.2242; 609.342; 609.343; 609.344; 609.345; 609.377; 609.378; or 609.713.

(e) For purposes of paragraph (a), clause (6), "domestic abuse" means an act that:

(1) constitutes a violation of section 609.221, 609.222, 609.223, 609.224, 609.2242, 609.342, 609.343, 609.344, 609.345, 609.713, or any similar laws of the United States or any other state; and

(2) is committed against the victim who is a family or household member as defined in section 518B.01, subdivision 2, paragraph (b).

(f) For purposes of paragraph (a), clause (7), "further terrorism" has the meaning given in section 609.714, subdivision 1.

History: 1963 c 753 art 1 s 609.185; 1975 c 374 s 1; 1981 c 227 s 9; 1986 c 444; 1988 c 662 s 2; 1989 c 290 art 2 s 11; 1990 c 583 s 4; 1992 c 571 art 4 s 5; 1994 c 636 art 2 s 19; 1995 c 244 s 12; 1995 c 259 art 3 s 12; 1998 c 367 art 2 s 7; 2000 c 437 s 5; 2002 c 401 art 1 s 15; 2005 c 136 art 17 s 10; 2014 c 302 s 1