

SF1224 - 0 - Penalty for Fleeing Peace Officer Modified

Chief Author: **Ron Latz**  
 Committee: **Judiciary And Public Safety**  
 Date Completed: **2/19/2025 2:39:51 PM**  
 Lead Agency: **Public Safety Dept**  
 Other Agencies:  
     Administrative Hearings      Corrections Dept  
     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) Dollars in Thousands	Biennium			Biennium	
	FY2025	FY2026	FY2027	FY2028	FY2029
<b>Administrative Hearings</b>	-	-	-	-	-
<b>Administrative Hearings</b>	-	-	-	-	-
<b>Corrections Dept</b>					
<b>General Fund</b>	-	144	383	484	498
<b>Public Safety Dept</b>					
<b>Restrict Misc Special Revenue</b>	-	47	-	-	-
<b>State Total</b>					
<b>Administrative Hearings</b>	-	-	-	-	-
<b>General Fund</b>	-	144	383	484	498
<b>Restrict Misc Special Revenue</b>	-	47	-	-	-
<b>Total</b>	-	191	383	484	498
<b>Biennial Total</b>			574		982

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2025	FY2026	FY2027	FY2028	FY2029
Administrative Hearings	-	-	-	-	-
Administrative Hearings	-	-	-	-	-
Corrections Dept					
General Fund	-	.9	2.4	3.1	3.2
Public Safety Dept					
Restrict Misc Special Revenue	-	-	-	-	-
<b>Total</b>	-	.9	2.4	3.1	3.2

**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:** Laura Cecko      **Date:** 2/19/2025 2:39:51 PM

**Phone:** 651-284-6543 **Email:** [laura.cecko@lbo.mn.gov](mailto:laura.cecko@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
Administrative Hearings	-	-	-	-	-
Administrative Hearings	-	-	-	-	-
Corrections Dept					
General Fund	-	144	383	484	498
Public Safety Dept					
Restrict Misc Special Revenue	-	47	-	-	-
<b>Total</b>	<b>-</b>	<b>191</b>	<b>383</b>	<b>484</b>	<b>498</b>
<b>Biennial Total</b>			<b>574</b>		<b>982</b>
<b>1 - Expenditures, Absorbed Costs*, Transfers Out*</b>					
Administrative Hearings	-	-	-	-	-
Administrative Hearings	-	3	-	-	-
Corrections Dept					
General Fund	-	144	383	484	498
Public Safety Dept					
Restrict Misc Special Revenue	-	47	-	-	-
<b>Total</b>	<b>-</b>	<b>194</b>	<b>383</b>	<b>484</b>	<b>498</b>
<b>Biennial Total</b>			<b>577</b>		<b>982</b>
<b>2 - Revenues, Transfers In*</b>					
Administrative Hearings	-	-	-	-	-
Administrative Hearings	-	3	-	-	-
Corrections Dept					
General Fund	-	-	-	-	-
Public Safety Dept					
Restrict Misc Special Revenue	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>3</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Biennial Total</b>			<b>3</b>		<b>-</b>

SF1224 - 0 - Penalty for Fleeing Peace Officer Modified

Chief Author: **Ron Latz**  
 Committee: **Judiciary And Public Safety**  
 Date Completed: **2/19/2025 2:39:51 PM**  
 Agency: **Public Safety 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
Restrict Misc Special Revenue	-	47	-	-	-	-
<b>Total</b>	-	<b>47</b>	-	-	-	-
<b>Biennial Total</b>			<b>47</b>			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2025	FY2026	FY2027	FY2028	FY2029
Restrict Misc Special Revenue	-	-	-	-	-
<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:** Laura Cecko      **Date:** 2/16/2025 9:02:27 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.

State Cost (Savings) = 1-2 Dollars in Thousands	Biennium			Biennium	
	FY2025	FY2026	FY2027	FY2028	FY2029
Restrict Misc Special Revenue	-	47	-	-	-
<b>Total</b>	-	<b>47</b>	-	-	-
<b>Biennial Total</b>			<b>47</b>		-
<b>1 - Expenditures, Absorbed Costs*, Transfers Out*</b>					
Restrict Misc Special Revenue	-	47	-	-	-
<b>Total</b>	-	<b>47</b>	-	-	-
<b>Biennial Total</b>			<b>47</b>		-
<b>2 - Revenues, Transfers In*</b>					
Restrict Misc Special Revenue	-	-	-	-	-
<b>Total</b>	-	-	-	-	-
<b>Biennial Total</b>			-		-

**Bill Description**

This bill relates to public safety by modifying the fleeing a peace officer crime and amending Minn. Stat. 171.174 and 609.487 Subd. 3 and 5, by adding a subdivision.

This bill lowers the penalties for fleeing an officer while operating a motor vehicle, allows for limited licenses and adds culpable negligence to the reasons for revocation.

**Assumptions**

**State Patrol**

The proposed modifications to Minn. Stat. 171.174 and 609.487 would reduce criminal penalties and driver license revocation periods for each section within the Fleeing a Peace Officer in a Motor Vehicle statutes, but would not have a fiscal impact associated with it for the State Patrol. Training and familiarity of the statutes would need to be conducted with all State Troopers during scheduled in-service sessions if these changes were made.

The current Minn. Stat. 171.174(1) is eliminated from the statute and thereby removes any driver license revocation for anyone convicted of a first offense for Fleeing a Peace Officer in a Motor Vehicle that does not include culpable negligence under Minn. Stat. 609.487, Subd. 3A. A provision is then added to provide an avenue of driver license revocation for up to one year, instead of three years, for a driver convicted of a second offense for Fleeing a Peace Officer in a Motor Vehicle that does not include culpable negligence.

Minn. Stat. 171.174 (2) is added to authorize a driver license revocation of up to two years for a driver convicted of Fleeing a Peace Officer in a Motor Vehicle that includes culpable negligence under Minn. Stat. 609.487, Subd. 3A.

The current provision within Minn. State. 171.174, removes any restrictions of a driver obtaining a limited license after being convicted of any section within Min. Stat. 609.487 (Fleeing a Peace Officer in a Motor Vehicle).

Minn. Stat. 609.487, Subd. 3, reduces the penalty level from a felony to a gross misdemeanor for anyone convicted of Fleeing a Peace Officer in a Motor Vehicle without culpable negligence.

Minn. Stat. 609.487, Subd. 3A, is added to this chapter and outlines Fleeing a Peace Officer in a Motor Vehicle with culpable negligence, creating unreasonable risk, or "consciously takes chances" and assigns a felony level offense to the

crime.

The bill does not have fiscal impact to the State Patrol.

### **Driver and Vehicle Services (DVS)**

This bill adds subdivisions to Minn. Stat. 609.487 and amends 171.174,; however due to statutory language of “not less than,” actual revocation of a driver’s license is governed by Minn. Rule 7410.1100. Therefore, rulemaking authority must be granted by legislature in order to implement this bill.

Small rulemaking costs are assumed at \$46,905.

Rulemaking of this size takes a minimum of one year to complete, and implementing this bill Aug. 1,2025 may not be feasible. DVS recommends an implementation date of Aug. 1 2026.

Driver and Vehicle Services (DVS) would still not be able to issue a limited license for 60days due to felony (Minn. Stat. 171.30, Subd. 2, (1), and there is still a waiting period if the person has had a limited license within the previous 24 months due to Minn. Rule 7409.3600 Subp. 1(D). Changing this rule could impact this fiscal note.

DVS will still require notification of a first-time fleeing violation from the court based on Minn. Stat. 169.95 and will record as “no action” by DVS.

DVS estimates minimal amount of programming costs which will be covered by existing resources.

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

\$46,905 - rulemaking

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

### **Local Fiscal Impact**

### **References/Sources**

Driver and Vehicle Services

Minnesota State Patrol

### **Agency Contact:**

**Agency Fiscal Note Coordinator Signature:** Brian Awsumb

**Date:** 2/15/2025 4:14:16 PM

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SF1224 - 0 - Penalty for Fleeing Peace Officer Modified

Chief Author: **Ron Latz**  
 Committee: **Judiciary And Public Safety**  
 Date Completed: **2/19/2025 2:39:51 PM**  
 Agency: **Administrative Hearings**

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings	X	
Tax Revenue		X
Information Technology		X
<b>Local Fiscal Impact</b>		
		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
Administrative Hearings	-	-	-	-	-	-
<b>Total</b>	-	-	-	-	-	-
<b>Biennial Total</b>			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2025	FY2026	FY2027	FY2028	FY2029
Administrative Hearings	-	-	-	-	-
<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:** Shannon Zila    **Date:** 2/19/2025 1:42:15 PM  
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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
Administrative Hearings	-	-	-	-	-	-
<b>Total</b>	-	-	-	-	-	-
<b>Biennial Total</b>	-	-	-	-	-	-
<b>1 - Expenditures, Absorbed Costs*, Transfers Out*</b>						
Administrative Hearings	-	3	-	-	-	-
<b>Total</b>	-	<b>3</b>	-	-	-	-
<b>Biennial Total</b>	-	-	<b>3</b>	-	-	-
<b>2 - Revenues, Transfers In*</b>						
Administrative Hearings	-	3	-	-	-	-
<b>Total</b>	-	<b>3</b>	-	-	-	-
<b>Biennial Total</b>	-	-	<b>3</b>	-	-	-

**Bill Description**

SF1224 changes the penalty for fleeing a peace officer in a motor vehicle to a gross misdemeanor pursuant to section 2. Section 3 imposes a higher felony penalty for fleeing a peace officer in a motor vehicle in a culpably negligent manner.

**Assumptions**

The Office of Administrative Hearings (OAH) in consultation with Minnesota Management and Budget (MMB) assesses agencies the cost of services rendered to them. All agencies shall include in their budgets provisions for such assessments.

OAH has used the Department of Public Safety’s (DPS) assumption that a small rulemaking will be needed to meet the requirements of SF1224. Based on past practices, OAH assumes that a small rulemaking under chapter 14 will require an estimated 10 hours of Administrative Law Judge (ALJ) time for activity related to rulemaking procedures. Of the total rulemaking amount estimated by DPS, \$2,700 is for the estimated 10 hours of ALJ time for a small rulemaking.

OAH currently bills ALJ time for rulemaking at the MMB-approved billable rate of \$270 per hour (see Minn. Stat. § 16A.126, subd. 1 (2023)).

**Expenditure and/or Revenue Formula**

Estimated 10 hours of ALJ time for rulemaking activities in FY26 related to implementing the requirements of this bill = 10 hours x \$270/hr = \$2,700 charged to DPS in FY2026 pursuant to the requirements of Minn. Stat. § 14.53.

**Long-Term Fiscal Considerations**

Costs associated with the rulemaking activities are a one-time occurrence.

**Local Fiscal Impact**

**References/Sources**

**Agency Contact:** William Moore



**Agency Fiscal Note Coordinator Signature:** William Moore

**Phone:** 651-361-7893

**Date:** 2/19/2025 12:50:09 PM

**Email:** william.t.moore@state.mn.us

SF1224 - 0 - Penalty for Fleeing Peace Officer Modified

Chief Author: **Ron Latz**  
 Committee: **Judiciary And Public Safety**  
 Date Completed: **2/19/2025 2:39:51 PM**  
 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) Dollars in Thousands	Biennium			Biennium	
	FY2025	FY2026	FY2027	FY2028	FY2029
<b>General Fund</b>	-	144	383	484	498
<b>Total</b>	-	<b>144</b>	<b>383</b>	<b>484</b>	<b>498</b>
<b>Biennial Total</b>			<b>527</b>		<b>982</b>

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2025	FY2026	FY2027	FY2028	FY2029
General Fund	-	.9	2.4	3.1	3.2
<b>Total</b>	-	<b>.9</b>	<b>2.4</b>	<b>3.1</b>	<b>3.2</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:** 2/19/2025 8:49:22 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	-	144	383	484	498	
<b>Total</b>		<b>-</b>	<b>144</b>	<b>383</b>	<b>484</b>	<b>498</b>
<b>Biennial Total</b>				<b>527</b>		<b>982</b>
<b>1 - Expenditures, Absorbed Costs*, Transfers Out*</b>						
General Fund	-	144	383	484	498	
<b>Total</b>		<b>-</b>	<b>144</b>	<b>383</b>	<b>484</b>	<b>498</b>
<b>Biennial Total</b>				<b>527</b>		<b>982</b>
<b>2 - Revenues, Transfers In*</b>						
General Fund	-	-	-	-	-	
<b>Total</b>		<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Biennial Total</b>				<b>-</b>		<b>-</b>

**Bill Description**

SF 1224 creates a new felony-level offense for an individual knowing flees a peace officer who is acting in the lawful discharge of an official duty and who the individual knows or should reasonably know is a peace officer.

**Assumptions**

Prison bed costs are based on a marginal cost per diem of \$52.61 for FY 2026, \$53.79 for FY 2027, \$55.29 for FY 2028, and \$56.89 for FY 2029 and each subsequent year. This includes marginal costs for all facility, 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 \$126,000 per year, including benefits.

**Expenditure and/or Revenue Formula**

The Minnesota Sentencing Guidelines Commission (MSGC) projects the need for twelve additional prison beds beginning in fiscal year 2026 and 24 additional prison beds in fiscal year 2027 and each fiscal year thereafter.

**Cost of Prison Beds**

Fiscal year	2026	2027	2028	2029
Number of Prison Beds	12	24	24	24
Cost of Prison Beds (in 000s)	\$144	\$383	\$484	\$498
FTE	0.9	2.4	3.1	3.2

**Long-Term Fiscal Considerations**

MSGC projects that the need for 24 additional prison beds each fiscal year will continue beyond the current budget horizon.

**Local Fiscal Impact**

MSGC projects a total need of 62 local prison beds as a result of the various changes included in this legislation.

**References/Sources**

Department of Corrections staff

MSGC

**Agency Contact:**

**Agency Fiscal Note Coordinator Signature:** Mark Besonen

**Date:** 2/19/2025 8:43:35 AM

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SF1224 - 0 - Penalty for Fleeing Peace Officer Modified

Chief Author: **Ron Latz**  
 Committee: **Judiciary And Public Safety**  
 Date Completed: **2/19/2025 2:39:51 PM**  
 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:** 2/12/2025 9:49:47 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>		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**

Provides for a three year felony penalty for conviction of fleeing a police officer, where the individual operates a vehicle in culpably negligent manner creating an unreasonable risk and takes chances of causing death or great bodily harm to another.

The bill would also move the penalty for fleeing an officer from a three year felony to gross misdemeanor.

The bill provides for revocation of the individual’s driver’s license for not less than two years for violation of the provision referenced. The bill would also require that a person be convicted of fleeing an officer a second time before the individual’s license would be revoked but would increase the revocation period from 1 year to 2 years.

**Assumptions**

With the changes to the penalties for fleeing and the new penalty for fleeing where the individual operates a vehicle in culpably negligent manner creating an unreasonable risk and takes chances of causing death or great bodily harm to another it would be difficult to determine what the net effect on workloads would be.

**Expenditure and/or Revenue Formula**

**Long-Term Fiscal Considerations**

**Local Fiscal Impact**

**References/Sources**

**Agency Contact:**

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

**Phone:** 612-279-3508

**Date:** 2/12/2025 11:48:10 AM

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SF1224 - 0 - Penalty for Fleeing Peace Officer Modified

Chief Author: **Ron Latz**  
 Committee: **Judiciary And Public Safety**  
 Date Completed: **2/19/2025 2:39:51 PM**  
 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	

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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:** 2/19/2025 8:47:52 AM  
**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.

State Cost (Savings) = 1-2 Dollars in Thousands	Biennium			Biennium	
	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 relates to revocation of drivers' licenses.

Section 2 amends Minn. Stat. § 609.487 (Fleeing a Peace Officer) and reverts fleeing an officer; motor vehicle to a gross misdemeanor.

Section 3 amends Minn. Stat. § 609.487 (Fleeing a Peace Officer) by adding a new subdivision 3a for fleeing an officer; motor vehicle; culpable negligence. The new offense's statutory maximum penalty is three years in prison and/or a \$5,000 fine.

The bill is effective August 1, 2025, and applies to crimes committed on or after that date.

**Assumptions**

MSGC has no data regarding the impact, if any, of section 1.

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.

Currently there are four felony fleeing offenses with different statutory maximum based on the level of harm created. Subdivision 3 is the "basic" fleeing a peace officer in a motor vehicle if the perpetrator knows or should have reason to know that they are fleeing a peace officer and has a statutory maximum of three years. This offense is ranked at Severity Level (SL) 1. According to MSGC monitoring data, from 2019 to 2023, there were 3,336 cases sentenced (an annual average 667 cases). Subdivision 4(c) is fleeing that results in substantial bodily harm, has a statutory maximum of five years, is ranked at SL 4, and 14 cases were sentenced from 2019 to 2023 (an annual average 2.8 cases). Subdivision 4(b) is fleeing that results in great bodily harm, has a statutory maximum of seven years, is ranked at SL 6, and three cases were sentenced from 2019 to 2023 (an annual average 0.6 cases). Subdivision 4(a) is fleeing that results in death, has a statutory maximum of 40 years, is ranked at SL 10, and five cases were sentenced from 2019 to 2023 (an annual average 1 case).

Because the new fleeing culpable negligence (subd. 3a) contains all the elements of the basic fleeing offense, it is assumed that all new fleeing would have been basic fleeing cases under existing law. Although the number of future sentences for the new offense is not known, it will be less than the 667 basic fleeing sentences annually. It is assumed that the newly required elements will be provably common among many fleeing cases: perhaps one-half of basic fleeing cases will instead be successfully prosecuted under fleeing culpable negligence (subd. 3a); and one-half will be prosecuted as the newly reverted basic gross misdemeanor fleeing (subd. 3) or 333 cases annually for each category (667 ÷ 2).

The Minnesota Sentencing Guidelines Commission assigns severity-level (SL) rankings to new felonies. Among its considerations are statutory maximum penalty and harm to the victim in a typical case. The fleeing offense resulting in substantial bodily harm has a five-year statutory maximum penalty and is ranked at SL 4. Because the new offense lacks



the element of harm, it is assumed that the new offense will be ranked lower, at SL 3. At SL 3, offenses with a criminal history score (CHS) 4 or more are recommended a prison sentence with presumptive durations that range from 17 to 27 months.

From 2019 to 2023, the average imprisonment rate for SL 3 cases was 20 percent with an average duration of 20 months (serve 2/3 term of imprisonment = 13 mos.); an average of 65 percent of the SL 3 offenses that received probation sentences received local confinement as a condition of probation. The average pronounced confinement time was 78 days (serve 2/3 = 52 days).

From 2019 to 2023, the average imprisonment rate for SL 1 fleeing cases was 15 percent with an average duration of 17.5 months (serving 2/3 term of imprisonment = 11.7 mos.); an average of 71.5 percent of the SL 1 fleeing cases that received probation sentences received local confinement as a condition of probation. The average pronounced confinement time was 63 days (serve 2/3 = 42 days).

According to law, a gross misdemeanor is any crime that is not a felony or a misdemeanor and is punishable by a maximum fine of \$3,000. A felony is a crime for which a sentence of imprisonment for one year or more may be imposed; and a misdemeanor is a crime for which a sentence of no more than 90 days may be imposed. MSGC does not have data on the average sentence for a gross misdemeanor.

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

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

Based on the above assumptions, it is estimated that this bill will result in the eventual need for 24 additional prison beds. Allowing six months for implementation, there will be a need for 12 beds in FY2026, and 24 beds in FY2027, and every year after.

New Gross Misdemeanor Fleeing: Because it is assumed that one-half of fleeing cases will be convicted of the basic offense, 333 felony cases annually will be reverted to gross misdemeanors. With an expected prison rate of 15 percent, there will be 50 fewer prison cases (15% of 333) annually. With an expected average pronounced duration of 17.5 months (serve 2/3=11.7 mo.); there will be a need for 49 fewer prison beds annually ( $50 \text{ cases} \times 11.7 \div 12$ ) = 49 beds.

New Fleeing; Culpable Negligence: Because it is assumed that one-half of fleeing cases will be convicted under the newly defined culpable negligence offense, 333 cases annually will be moved to SL 3. With an expected prison rate of 20 percent, there will be 67 prison cases (20% of 333) annually. With an expected average pronounced duration of 20 months (serve 2/3=13 mo.); there will be a need for 73 prison beds annually ( $67 \text{ cases} \times 13 \div 12$ ) = 73 beds.

Thus, it is estimated that these changes described directly above will result in the need for 24 additional prison beds annually (73 beds - 49 beds = 24 beds). Allowing six months for implementation, there will be a need for 12 beds in FY2026, and 24 beds in FY2027, and every year after.

### **Local Fiscal Impact**

New Gross Misdemeanor Fleeing: The local impact from this change is unknown. It is estimated that 333 fleeing cases will become gross misdemeanors annually. Based on the prison rate for fleeing at SL 1, it is estimated that 283 of these cases (85% of 333) will move from felony probation to gross misdemeanor probation; and 50 of these cases, that were formerly prison cases, will move from prison to gross misdemeanor probation. These 333 cases will be subject to gross misdemeanor sentences of between 91 and 364 days to be served locally across the state. If, for example, one-half of these gross misdemeanor cases (167 cases) each received 30-days local confinement, the impact would be the need for 14 local beds statewide ( $167 \text{ cases} \times 30 \text{ days} = 5,010 \text{ "jail days"} \div 365 = 13.726 \text{ local beds}$ ).

New Fleeing; Culpable Negligence: The impact from this change is four local beds statewide. This is because of the difference in the estimated local beds needed for SL 1 fleeing probationers (27 local beds) compared to the estimated local beds that will be needed for the new SL 3 fleeing probationers (31 local beds) (31 beds - 27 beds = 4 beds).

At SL 1, the local confinement rate was 71.5 percent with an average pronounced confinement time of 63 days (serving 2/3 term of imprisonment = 42 days). For the estimated 238 probation cases at SL 1 (71.5% of 333 cases), among the 333 cases assumed to be sentenced at SL 3, the estimated local bed need at SL 1 is 27 beds ( $238 \text{ cases} \times 42 \text{ days} = 9,996 \text{ "jail days"} \div 365 = 27 \text{ local beds}$ ).

At SL 3, the local confinement rate was 65 percent. The average pronounced confinement time was 78 days (serving 2/3

term of imprisonment = 52 days). For the estimated 216 probation cases at SL 3 (65% of 333 cases), among the 333 cases assumed to be sentenced at SL 3, it is estimated that the local bed need will be 31 beds (216 cases × 52 days=11,232 “jail days” ÷ 365=31 local beds).

**References/Sources**

2019-2023 MSGC Monitoring Data.

2024 Minn. Stat. § 609.02.

**Agency Contact:**

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**Date:** 2/18/2025 11:24:55 AM

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SF1224 - 0 - Penalty for Fleeing Peace Officer Modified

Chief Author: **Ron Latz**  
 Committee: **Judiciary And Public Safety**  
 Date Completed: **2/19/2025 2:39:51 PM**  
 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:** 2/12/2025 9:53:11 AM  
**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>		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**

SF1224-0 (the "bill") amends subdivision 3 and adds a new subdivision 3a to section 609.487 (Fleeing a Peace Officer) to make violations of subdivision 3 a gross misdemeanor rather than a felony, and to impose a higher felony penalty for fleeing while operating the vehicle in a culpably negligent manner (new 3a).

The bill amends section 609.487, subdivision 5 to require the court to report convictions under the new subdivision 3a to the department of public safety; and to modify the current requirement to report convictions under subdivision 3 to only report a second or subsequent violation. The bill amends Minn. Stat. § 171.174 to require the commissioner to revoke a person's driver's license for not less than 2 years for a subdivision 3a offense; to modify the revocation period for a violation of subdivision 3 from 3 years to 1 year; and to remove the provision that currently provides for license revocation for a first offense under subdivision 3.

**Assumptions**

It is assumed that the bill will not result in any increase or decrease in cases filed with the district court as the predicate offense of fleeing a peace officer in a motor vehicle is already a crime under section 609.487, subdivision 3. It is also assumed that the provisions of the bill will not impact the judicial branch resources required to process cases charged under the statute.

It is assumed that the court can only consistently and accurately report subsequent convictions under subdivision 3 if first time violations are separated from subsequent violations in separate clauses so that the offenses can be coded and charged separately. It is assumed that if the offenses are not separated, either the court will need to continue to report all violations under subdivision 3 and defer to the commissioner of public safety to determine whether the revocation provisions apply, or the court will need to turn off the programming that always reports convictions under subdivision 3 and rely instead on manual reporting by court staff. It is assumed that manual reporting of convictions under subdivision 3 will be unlikely to occur as there will be nothing in the charge itself to indicate for court staff, and likely no findings on this issue by a judge, as to whether the offense is a second or subsequent offense. With no reliable way to identify when an offense is a subsequent offense, the court will not have a legal basis to report convictions.

**Expenditure and/or Revenue Formula**

The bill will not have a significant fiscal impact on the judicial branch.

**Long-Term Fiscal Considerations**

None

**Local Fiscal Impact**

**References/Sources**

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