

- 1.1 ..... moves to amend H.F. No. 410, the first engrossment, as follows:
- 1.2 Page 1, after line 15, insert:
- 1.3 "Sec. 2. Minnesota Statutes 2012, section 611A.045, subdivision 3, is amended to read:
- 1.4 Subd. 3. **Dispute; evidentiary burden; procedures.** (a) At the sentencing,
- 1.5 dispositional hearing, or hearing on the restitution request, the offender shall have the
- 1.6 burden to produce evidence if the offender intends to challenge the amount of restitution
- 1.7 or specific items of restitution or their dollar amounts. This burden of production must
- 1.8 include a detailed sworn affidavit of the offender setting forth all challenges to the
- 1.9 restitution or items of restitution, and specifying all reasons justifying dollar amounts of
- 1.10 restitution which differ from the amounts requested by the victim or victims. The affidavit
- 1.11 must be served on the prosecuting attorney and the court at least five business days before
- 1.12 the hearing. A dispute as to the proper amount or type of restitution must be resolved
- 1.13 by the court by the preponderance of the evidence. The burden of demonstrating the
- 1.14 amount of loss sustained by a victim as a result of the offense and the appropriateness of a
- 1.15 particular type of restitution is on the prosecution.
- 1.16 (b) An offender may challenge restitution, but must do so by requesting a hearing
- 1.17 within 30 days of receiving written notification of the amount of restitution requested,
- 1.18 or within 30 days of sentencing, whichever is later. ~~Notice to the offender's attorney is~~
- 1.19 ~~deemed notice to the offender.~~ The hearing request must be made in writing and filed
- 1.20 with the court administrator. A defendant may not challenge restitution after the 30-day
- 1.21 time period has passed."
- 1.22 Amend the title accordingly