

## STATE OF MINNESOTA

## NINETY-FIRST SESSION — 2019

---

 FORTY-THIRD DAY

SAINT PAUL, MINNESOTA, MONDAY, APRIL 29, 2019

The House of Representatives convened at 9:00 a.m. and was called to order by Liz Olson, Speaker pro tempore.

Prayer was offered by the Reverend Lauren Baske Davis, First United Church of Christ, Northfield, Minnesota.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The Speaker assumed the Chair.

The roll was called and the following members were present:

Acomb	Dehn	Hausman	Lippert	Neu	Schultz
Albright	Demuth	Heinrich	Lislegard	Noor	Scott
Anderson	Dettmer	Heintzeman	Loeffler	Nornes	Stephenson
Backer	Drazkowski	Her	Long	O'Driscoll	Sundin
Bahner	Ecklund	Hertaus	Lucero	Olson	Tabke
Bahr	Edelson	Hornstein	Lueck	O'Neill	Theis
Baker	Elkins	Howard	Mahoney	Pelowski	Torkelson
Becker-Finn	Erickson	Huot	Mann	Persell	Urdahl
Bennett	Fabian	Johnson	Mariani	Petersburg	Vang
Bernardy	Fischer	Jurgens	Marquart	Pierson	Vogel
Bierman	Franson	Kiel	Masin	Pinto	Wagenius
Boe	Garofalo	Klevorn	McDonald	Poppe	Wazlawik
Brand	Gomez	Koegel	Mekeland	Poston	West
Cantrell	Green	Kotyza-Witthuhn	Miller	Pryor	Winkler
Carlson, A.	Grossell	Koznick	Moller	Quam	Wolgamott
Carlson, L.	Gruenhagen	Kunesh-Podein	Moran	Richardson	Xiong, J.
Christensen	Gunther	Layman	Morrison	Robbins	Xiong, T.
Clafin	Haley	Lee	Munson	Runbeck	Youakim
Considine	Halverson	Lesch	Murphy	Sandell	Zerwas
Daniels	Hamilton	Liebling	Nash	Sandstede	Spk. Hortman
Davids	Hansen	Lien	Nelson, M.	Sauke	
Davnie	Hassan	Lillie	Nelson, N.	Schomacker	

A quorum was present.

Freiberg was excused until 12:00 noon. Kresha was excused until 12:50 p.m. Daudt was excused until 8:15 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. There being no objection, further reading of the Journal was dispensed with and the Journal was approved as corrected by the Chief Clerk.

**INTRODUCTION AND FIRST READING OF HOUSE BILLS**

The following House Files were introduced:

Her introduced:

H. F. No. 2859, A bill for an act relating to human services; providing a grant for a culturally specific food shelf in the east metro; appropriating money.

The bill was read for the first time and referred to the Committee on Ways and Means.

Her introduced:

H. F. No. 2860, A bill for an act relating to education finance; appropriating money for a grant to an American Indian youth enrichment program.

The bill was read for the first time and referred to the Committee on Ways and Means.

Drazkowski, Bahr, Munson, Miller and Quam introduced:

H. F. No. 2861, A bill for an act relating to taxation; eliminating income and business taxes and replacing the sales tax with a fair tax; amending Minnesota Statutes 2018, sections 297A.61, subdivisions 2, 7, 24; 297A.62, subdivisions 1, 1a; 297A.63, by adding a subdivision; 297A.66, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 297A; repealing Minnesota Statutes 2018, sections 290.01, subdivisions 1, 1a, 2, 3, 3a, 3b, 4, 4a, 4c, 5, 5a, 5b, 6, 7, 7a, 7b, 8, 8a, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 29, 29a, 30, 31; 290.0131, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14; 290.0132, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26; 290.0133, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14; 290.0134; 290.0135; 290.0136; 290.0137; 290.014; 290.015; 290.02; 290.03; 290.032, subdivisions 1, 2, 3; 290.04; 290.05, subdivisions 1, 2, 3, 4, 8; 290.06, subdivisions 1, 2c, 2d, 2g, 2h, 22, 23, 27, 28, 29, 33, 35, 37, 38; 290.067, subdivisions 1, 2b, 3, 4; 290.0671, subdivisions 1, 1a, 2, 4, 5, 6, 6a, 7; 290.0672, subdivisions 1, 2; 290.0674, subdivisions 1, 2, 2a, 4, 5; 290.0675, subdivisions 1, 2, 3, 4; 290.0677; 290.0679; 290.068, subdivisions 1, 2, 3, 4, 5, 6a, 7; 290.0681, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10; 290.0682; 290.0684; 290.0685; 290.0686; 290.0692, subdivisions 1, 2, 3, 4, 5, 6; 290.07, subdivisions 1, 2, 4, 7; 290.0802; 290.081; 290.091, subdivisions 1, 2, 3, 4, 5, 6; 290.0921, subdivisions 1, 2, 3, 3a, 4, 6, 8; 290.0922, subdivisions 1, 2, 3, 4; 290.093; 290.095, subdivisions 1, 2, 3, 4, 5, 9, 11; 290.10; 290.17, subdivisions 1, 2, 3, 4, 5, 6; 290.172; 290.191, subdivisions 1, 2, 3, 5, 6, 8, 9, 10, 11, 12; 290.20; 290.21, subdivisions 1, 4; 290.22; 290.26, subdivision 6; 290.281, subdivision 1; 290.30; 290.31, subdivisions 1, 27; 290.311, subdivision 1; 290.32; 290.34, subdivisions 1, 2; 290.36; 290.371, subdivisions 1, 2, 3, 4; 290.431; 290.432; 290.48, subdivision 10; 290.491; 290.62; 290.92, subdivisions 1, 2a, 3, 4, 4a, 4b, 4c, 5, 5a, 9, 10, 12, 16, 17, 19, 20, 21, 24, 25, 26, 27, 28, 29, 30; 290.9201, subdivisions 1, 2, 6, 7, 8, 11; 290.923, subdivisions 1, 2, 3, 4, 5, 6, 8, 9, 10, 11; 290.9705, subdivisions 1, 3, 4; 290.9725; 290.9726, subdivisions 1, 2, 4; 290.9727; 290.9728; 290.9729; 290.9741; 290.9742; 297A.61, subdivisions 3, 4, 6, 10, 12, 13, 16a, 16b, 16c, 17, 17a, 17b, 18, 25, 26, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 49, 58; 297A.62, subdivision 3; 297A.63, subdivision 2; 297A.64; 297A.65; 297A.67, subdivisions 1, 2, 3, 4, 5, 6, 7, 7a, 8, 9, 10, 11, 12, 13, 13a, 14, 15, 16, 17, 18, 19, 20, 21, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36; 297A.68, subdivisions 1, 2, 3, 3a, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 19, 20, 22, 23, 24, 25, 28, 29, 30, 31, 32, 33, 34, 35a, 36, 37, 39, 40, 42, 43, 44, 45; 297A.69, subdivisions 1, 2, 3, 4, 6, 7; 297A.70, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 9a, 10, 11, 11a, 12, 13, 14, 15, 16, 17, 18, 19, 20; 297A.71, subdivisions 1, 3, 6, 8, 11, 12, 13, 14, 22, 23, 34, 35, 40, 43, 44, 45, 48, 49, 50; 297A.75,

subdivisions 1, 2, 3, 4, 5; 297A.825; 297D.01; 297D.02; 297D.03; 297D.04; 297D.05; 297D.06; 297D.07; 297D.08; 297D.085; 297D.09; 297D.10; 297D.11; 297D.12; 297D.13; 297F.01, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 9a, 10, 10a, 10b, 11, 12, 13, 13a, 14, 15, 16, 17, 18, 19, 20, 21, 21a, 22, 22a, 23; 297F.02; 297F.03; 297F.031; 297F.04; 297F.05, subdivisions 1, 2, 3, 3a, 4, 4a, 5, 6, 7; 297F.06; 297F.07; 297F.08, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 8a, 9, 10, 12, 13; 297F.09, subdivisions 1, 2, 3, 4, 4a, 5, 7, 8, 9, 10; 297F.10, subdivisions 1, 2; 297F.11; 297F.12; 297F.13; 297F.14; 297F.15, subdivisions 9, 10; 297F.17; 297F.18; 297F.185; 297F.19, subdivisions 1, 2, 3, 5, 6, 7, 8, 9; 297F.20; 297F.21, subdivisions 1, 2, 3; 297F.23; 297F.24; 297F.25; 297G.01; 297G.02; 297G.03, subdivisions 1, 2, 3, 4, 5, 6; 297G.031; 297G.032; 297G.04; 297G.05; 297G.06; 297G.07; 297G.08; 297G.09, subdivisions 1, 2, 3, 4, 6, 7, 8, 9, 10; 297G.10; 297G.11; 297G.12; 297G.13; 297G.14, subdivision 9; 297G.16; 297G.17; 297G.18, subdivisions 1, 2, 3, 5, 6, 7, 8, 9, 10, 11; 297G.19; 297G.20, subdivisions 1, 2, 3, 4; 297G.22; 297H.01; 297H.02; 297H.03; 297H.04, subdivisions 1, 2, 3, 4; 297H.05; 297H.06, subdivisions 1, 2, 3; 297H.07; 297H.08; 297H.09; 297H.10, subdivision 1; 297H.11; 297H.115; 297H.12; 297H.13, subdivisions 1, 2, 5; 297I.01; 297I.05, subdivisions 1, 2, 3, 4, 5, 7, 11, 12, 13, 14; 297I.06, subdivisions 1, 2, 3; 297I.10, subdivisions 1, 3, 4; 297I.11, subdivisions 1, 2, 3; 297I.15, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12; 297I.20; 297I.25; 297I.30, subdivisions 1, 2, 7, 8, 9, 10, 11; 297I.35; 297I.40; 297I.60, subdivisions 1, 2; 297I.65; 297I.70; 297I.75; 297I.80; 297I.85; 297I.90; 462D.01; 462D.02; 462D.03; 462D.04; 462D.05; 462D.06.

The bill was read for the first time and referred to the Committee on Taxes.

Winkler moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by Speaker pro tempore Halverson.

REPORT FROM THE COMMITTEE ON RULES  
AND LEGISLATIVE ADMINISTRATION

Winkler from the Committee on Rules and Legislative Administration, pursuant to rules 1.21 and 3.33, designated the following bills to be placed on the Calendar for the Day for Wednesday, May 1, 2019 and established a prefiling requirement for amendments offered to the following bills:

H. F. Nos. 1733 and 2032.

CALENDAR FOR THE DAY

TAKEN FROM TABLE

Becker-Finn moved that H. F. No. 1555, the first engrossment, as amended, be taken from the table. The motion prevailed.

H. F. No. 1555, the first engrossment, as amended, was again reported to the House.

Grossell moved to amend H. F. No. 1555, the first engrossment, as amended, as follows:

Page 105, after line 11, insert:

"Sec. 73. **[169.975] OPERATION OF LIGHT RAIL TRANSIT VEHICLE.**

**Subdivision 1. Consent to testing.** Any person who drives, operates, or is in physical control of a light rail transit vehicle consents to a chemical test of that person's blood, breath, or urine for the purpose of determining the presence of alcohol, a controlled substance or its metabolite, or an intoxicating substance. The test must be administered pursuant to law at the direction of a peace officer.

**Subd. 2. Report of testing.** The results of a test administered pursuant to this section must be reported to the commissioner, the chair of the Metropolitan Council, and the authority having responsibility for prosecution of criminal offenses for the jurisdiction in which the acts occurred if the test results indicate the presence of any amount of alcohol.

**Subd. 3. Crime.** Any person who drives, operates, or is in physical control of a light rail transit vehicle when the person's body contains physical evidence of the consumption of alcohol is guilty of a gross misdemeanor.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Grossell amendment and the roll was called. There were 56 yeas and 74 nays as follows:

Those who voted in the affirmative were:

Albright	Dettmer	Haley	Lucero	O'Driscoll	Theis
Anderson	Drazkowski	Hamilton	Lueck	O'Neill	Torkelson
Backer	Erickson	Heinrich	McDonald	Petersburg	Urdahl
Bahr	Fabian	Heintzeman	Mekeland	Pierson	Vogel
Baker	Franson	Hertaus	Miller	Poston	West
Bennett	Garofalo	Johnson	Munson	Quam	Zerwas
Boe	Green	Jurgens	Nash	Robbins	
Daniels	Grossell	Kiel	Nelson, N.	Runbeck	
Davids	Gruenhagen	Koznick	Neu	Schomacker	
Demuth	Gunther	Layman	Nornes	Scott	

Those who voted in the negative were:

Acomb	Carlson, A.	Ecklund	Hassan	Koegel	Lillie
Bahner	Carlson, L.	Edelson	Hausman	Kotzya-Witthuhn	Lippert
Becker-Finn	Christensen	Elkins	Her	Kunesh-Podein	Lislegard
Bernardy	Clafflin	Fischer	Hornstein	Lee	Loeffler
Bierman	Considine	Gomez	Howard	Lesch	Long
Brand	Davnie	Halverson	Huot	Liebling	Mahoney
Cantrell	Dehn	Hansen	Klevorn	Lien	Mann

Mariani	Murphy	Pinto	Sauke	Wagenius	Youakim
Marquart	Nelson, M.	Poppe	Schultz	Wazlawik	Spk. Hortman
Masin	Noor	Pryor	Stephenson	Winkler	
Moller	Olson	Richardson	Sundin	Wolgammott	
Moran	Pelowski	Sandell	Tabke	Xiong, J.	
Morrison	Persell	Sandstede	Vang	Xiong, T.	

The motion did not prevail and the amendment was not adopted.

Hamilton was excused between the hours of 11:15 a.m. and 12:30 p.m.

Runbeck moved to amend H. F. No. 1555, the first engrossment, as amended, as follows:

Page 132, after line 3, insert:

"Sec. 116. Minnesota Statutes 2018, section 473.4056, subdivision 2, is amended to read:

Subd. 2. **Minimum standards.** Standards adopted under this section must include, but are not limited to:

- (1) two dedicated spaces for wheelchair users in each car;
- (2) seating for a companion adjacent to at least two wheelchair-dedicated spaces; ~~and~~
- (3) further specifications that meet or exceed the standards established in the Americans with Disabilities Act; ~~and~~
- (4) a camera that is capable of recording the light rail transit vehicle operator and the interior of the vehicle in vicinity of the operator.

**EFFECTIVE DATE; APPLICATION.** This section is effective the day following final enactment and applies for light rail transit vehicles procured on and after August 1, 2019. This section applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington."

Amend the title accordingly

Renumber the sections in sequence and correct the internal references

A roll call was requested and properly seconded.

The question was taken on the Runbeck amendment and the roll was called. There were 53 yeas and 74 nays as follows:

Those who voted in the affirmative were:

Albright	Bennett	Dettmer	Garofalo	Heinrich	Kiel
Anderson	Boe	Drazkowski	Grossell	Heintzeman	Koznick
Backer	Daniels	Erickson	Gruenhagen	Hertaus	Layman
Bahr	Davids	Fabian	Gunther	Johnson	Lucero
Baker	Demuth	Franson	Haley	Jurgens	Lueck

McDonald	Nash	O'Driscoll	Poston	Scott	Vogel
Mekeland	Nelson, N.	O'Neill	Quam	Theis	West
Miller	Neu	Petersburg	Robbins	Torkelson	Zerwas
Munson	Nornes	Pierson	Schomacker	Urdahl	

Those who voted in the negative were:

Acomb	Dehn	Huot	Long	Pelowski	Vang
Bahner	Ecklund	Klevorn	Mahoney	Persell	Wagenius
Becker-Finn	Edelson	Koegel	Mann	Pinto	Wazlawik
Bernardy	Elkins	Kotyza-Witthuhn	Mariani	Poppe	Winkler
Bierman	Fischer	Kunesh-Podein	Marquart	Pryor	Wolgamott
Brand	Gomez	Lee	Masin	Richardson	Xiong, J.
Cantrell	Halverson	Lesch	Moller	Sandell	Xiong, T.
Carlson, A.	Hansen	Liebling	Moran	Sandstede	Youakim
Carlson, L.	Hassan	Lien	Morrison	Sauke	Spk. Hortman
Christensen	Hausman	Lillie	Murphy	Schultz	
Clafin	Her	Lippert	Nelson, M.	Stephenson	
Considine	Hornstein	Lislegard	Noor	Sundin	
Davnie	Howard	Loeffler	Olson	Tabke	

The motion did not prevail and the amendment was not adopted.

Runbeck moved to amend H. F. No. 1555, the first engrossment, as amended, as follows:

Page 137, after line 9, insert:

"Sec. 125. **BUS RAPID TRANSIT TRANSITION.**

(a) By October 1, 2020, the Metropolitan Council must transition any corridor and project planning for light rail transit to planning for bus rapid transit. The requirements of this section include but are not limited to corridor analysis or studies, feasibility studies, and project development.

(b) This section does not apply to a segment of a light rail transit line or line extension in which the project formally entered the engineering phase of the Federal Transit Administration's "New Starts" capital investment grant program prior to January 1, 2019.

**EFFECTIVE DATE; APPLICATION.** This section is effective the day following final enactment and applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Runbeck amendment and the roll was called. There were 55 yeas and 74 nays as follows:

Those who voted in the affirmative were:

Albright	Bahr	Boe	Demuth	Erickson	Garofalo
Anderson	Baker	Daniels	Dettmer	Fabian	Green
Backer	Bennett	Davids	Draskowski	Franson	Grossell

Gruenhagen	Jurgens	Mekeland	O'Driscoll	Runbeck	West
Gunther	Kiel	Miller	O'Neill	Schomacker	Zerwas
Haley	Koznick	Munson	Petersburg	Scott	
Heinrich	Layman	Nash	Pierson	Theis	
Heintzeman	Lucero	Nelson, N.	Poston	Torkelson	
Hertaus	Lueck	Neu	Quam	Urdahl	
Johnson	McDonald	Nornes	Robbins	Vogel	

Those who voted in the negative were:

Acomb	Dehn	Huot	Long	Pelowski	Vang
Bahner	Ecklund	Klevorn	Mahoney	Persell	Wagenius
Becker-Finn	Edelson	Koegel	Mann	Pinto	Wazlawik
Bernardy	Elkins	Kotzya-Witthuhn	Mariani	Poppe	Winkler
Bierman	Fischer	Kunesh-Podein	Marquart	Pryor	Wolgamott
Brand	Gomez	Lee	Masin	Richardson	Xiong, J.
Cantrell	Halverson	Lesch	Moller	Sandell	Xiong, T.
Carlson, A.	Hansen	Liebling	Moran	Sandstede	Youakim
Carlson, L.	Hassan	Lien	Morrison	Sauke	Spk. Hortman
Christensen	Hausman	Lillie	Murphy	Schultz	
Clafin	Her	Lippert	Nelson, M.	Stephenson	
Considine	Hornstein	Lislegard	Noor	Sundin	
Davnie	Howard	Loeffler	Olson	Tabke	

The motion did not prevail and the amendment was not adopted.

The Speaker resumed the Chair.

Lucero moved to amend H. F. No. 1555, the first engrossment, as amended, as follows:

Page 88, after line 12, insert:

"Sec. 51. Minnesota Statutes 2018, section 169.035, is amended by adding a subdivision to read:

**Subd. 6. Light rail transit.** (a) Except for those provisions which by their nature cannot reasonably apply to light rail transit vehicles, every person operating a light rail transit vehicle has the rights and duties applicable to the driver of any other vehicle pursuant to sections 169.06; 169.09; 169.14; 169.15; 169.20; 169.202, subdivision 2; 169.21, subdivision 2; 169.444; and 169.475.

(b) Notwithstanding any provision of this subdivision, a person operating a light rail transit vehicle that is subject to regulation by the United States Department of Transportation must comply with the more stringent or additional requirement imposed by federal regulation.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to violations committed on or after that date."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Lucero amendment and the roll was called. There were 55 yeas and 74 nays as follows:

Those who voted in the affirmative were:

Albright	Dettmer	Haley	Lueck	O'Neill	Torkelson
Anderson	Drazkowski	Heinrich	McDonald	Petersburg	Urdahl
Backer	Erickson	Heintzeman	Mekeland	Pierson	Vogel
Bahr	Fabian	Hertaus	Miller	Poston	West
Baker	Franson	Johnson	Munson	Quam	Zerwas
Bennett	Garofalo	Jurgens	Nash	Robbins	
Boe	Green	Kiel	Nelson, N.	Runbeck	
Daniels	Grossell	Koznick	Neu	Schomacker	
Davids	Gruenhagen	Layman	Nornes	Scott	
Demuth	Gunther	Lucero	O'Driscoll	Theis	

Those who voted in the negative were:

Acomb	Dehn	Huot	Long	Pelowski	Vang
Bahner	Ecklund	Klevorn	Mahoney	Persell	Wagenius
Becker-Finn	Edelson	Koegel	Mann	Pinto	Wazlawik
Bernardy	Elkins	Kotyza-Witthuhn	Mariani	Poppe	Winkler
Bierman	Fischer	Kunesh-Podein	Marquart	Pryor	Wolgamott
Brand	Gomez	Lee	Masin	Richardson	Xiong, J.
Cantrell	Halverson	Lesch	Moller	Sandell	Xiong, T.
Carlson, A.	Hansen	Liebling	Moran	Sandstede	Youakim
Carlson, L.	Hassan	Lien	Morrison	Sauke	Spk. Hortman
Christensen	Hausman	Lillie	Murphy	Schultz	
Claflin	Her	Lippert	Nelson, M.	Stephenson	
Considine	Hornstein	Lislegard	Noor	Sundin	
Davnie	Howard	Loeffler	Olson	Tabke	

The motion did not prevail and the amendment was not adopted.

Heinrich moved to amend H. F. No. 1555, the first engrossment, as amended, as follows:

Page 4, line 33, delete "Passenger"

Page 5, line 5, before the period, insert ", and for any additional state rail safety inspection program inspectors under Minnesota Statutes, section 219.015"

Page 119, line 26, after the period, insert "Subject to paragraph (c)."

Page 119, after line 30, insert:

"(c) The assessment under this subdivision must exclude any costs that are for more than four positions under the inspection program. Excluded costs include travel, equipment, training, and ongoing duties related to the additional positions."

Page 119, line 31, strike "(c)" and insert "(d)"

The motion did not prevail and the amendment was not adopted.

Bahr moved to amend H. F. No. 1555, the first engrossment, as amended, as follows:

Page 6, delete lines 4 to 7

Page 137, delete section 126

Renumber the sections in sequence and correct the internal references

Correct the title numbers accordingly

A roll call was requested and properly seconded.

The question was taken on the Bahr amendment and the roll was called. There were 56 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Albright	Dettmer	Haley	Lueck	O'Neill	Theis
Anderson	Drazkowski	Heinrich	McDonald	Petersburg	Torkelson
Backer	Erickson	Heintzeman	Mekeland	Pierson	Urdahl
Bahr	Fabian	Hertaus	Miller	Poston	Vogel
Baker	Franson	Johnson	Munson	Quam	West
Bennett	Garofalo	Jurgens	Nash	Robbins	Zerwas
Boe	Green	Kiel	Nelson, N.	Runbeck	
Daniels	Grossell	Koznick	Neu	Schomacker	
Davids	Gruenhagen	Layman	Nornes	Scott	
Demuth	Gunther	Lucero	O'Driscoll	Swedzinski	

Those who voted in the negative were:

Acomb	Dehn	Huot	Mahoney	Persell	Wagenius
Bahner	Ecklund	Klevorn	Mann	Pinto	Wazlawik
Becker-Finn	Edelson	Koegel	Mariani	Poppe	Winkler
Bernardy	Elkins	Kotyza-Witthuhn	Marquart	Pryor	Wolgamott
Bierman	Fischer	Lee	Masin	Richardson	Xiong, J.
Brand	Gomez	Lesch	Moller	Sandell	Xiong, T.
Cantrell	Halverson	Liebling	Moran	Sandstede	Youakim
Carlson, A.	Hansen	Lien	Morrison	Sauke	Spk. Hortman
Carlson, L.	Hassan	Lillie	Murphy	Schultz	
Christensen	Hausman	Lippert	Nelson, M.	Stephenson	
Clafin	Her	Lislegard	Noor	Sundin	
Considine	Hornstein	Loeffler	Olson	Tabke	
Davnie	Howard	Long	Pelowski	Vang	

The motion did not prevail and the amendment was not adopted.

Runbeck moved to amend H. F. No. 1555, the first engrossment, as amended, as follows:

Page 6, line 6, delete "user fee" and insert "tax"

Page 137, line 19, delete "USER FEE" and insert "TAX"

Page 137, lines 21, 22, 26, and 28, delete "user fee" and insert "tax"

Page 138, lines 2, 4, 11, and 13, delete "user fee" and insert "tax"

A roll call was requested and properly seconded.

The question was taken on the Runbeck amendment and the roll was called. There were 55 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Albright	Dettmer	Heinrich	McDonald	Petersburg	Torkelson
Anderson	Drazkowski	Heintzeman	Mekeland	Pierson	Urdahl
Backer	Erickson	Hertaus	Miller	Poston	Vogel
Bahr	Fabian	Johnson	Munson	Quam	West
Baker	Franson	Jurgens	Nash	Robbins	Zerwas
Bennett	Green	Kiel	Nelson, N.	Runbeck	
Boe	Grossell	Koznick	Neu	Schomacker	
Daniels	Gruenhagen	Layman	Nornes	Scott	
Davids	Gunther	Lucero	O'Driscoll	Swedzinski	
Demuth	Haley	Lueck	O'Neill	Theis	

Those who voted in the negative were:

Acomb	Ecklund	Klevorn	Mahoney	Persell	Wagenius
Bahner	Edelson	Koegel	Mann	Pinto	Wazlawik
Becker-Finn	Elkins	Kotyza-Witthuhn	Mariani	Poppe	Winkler
Bernardy	Fischer	Kunesh-Podein	Marquart	Pryor	Wolgamott
Bierman	Gomez	Lee	Masin	Richardson	Xiong, J.
Brand	Halverson	Lesch	Moller	Sandell	Xiong, T.
Cantrell	Hansen	Liebling	Moran	Sandstede	Youakim
Carlson, A.	Hassan	Lien	Morrison	Sauke	Spk. Hortman
Carlson, L.	Hausman	Lillie	Murphy	Schultz	
Christensen	Her	Lippert	Nelson, M.	Stephenson	
Clafin	Hornstein	Lislegard	Noor	Sundin	
Considine	Howard	Loeffler	Olson	Tabke	
Dehn	Huot	Long	Pelowski	Vang	

The motion did not prevail and the amendment was not adopted.

Nash moved to amend H. F. No. 1555, the first engrossment, as amended, as follows:

Page 33, after line 20, insert:

"Sec. 8. Minnesota Statutes 2018, section 239.7511, is amended to read:

**239.7511 GAS TAX SIGN ON PETROLEUM DISPENSER.**

(a) The director must ensure that signs having 12-point font or greater are affixed on retail petroleum dispensers as follows:

(1) for regular or premium gasoline, a sign that reads: "The price for each gallon of gasoline includes the current state gasoline tax of 28.5 cents per gallon and federal gasoline tax of 18.4 cents per gallon. Revenue from the state fuel tax may be used only for roads and bridges, according to the Minnesota Constitution. Due to the actions of the Minnesota legislature, by January 2022, Minnesotans will pay at least 48.5 cents per gallon in state gas tax, which is currently the fourth highest gas tax rate in the nation. This will then increase annually by an automatic inflation factor to help build One Minnesota."; and

(2) for diesel fuel, a sign that reads: "The price for each gallon of diesel fuel includes the current state gasoline tax of 28.5 cents per gallon and federal gasoline tax of 24.4 cents per gallon. Revenue from the state fuel tax may be used only for roads and bridges, according to the Minnesota Constitution. Due to the actions of the Minnesota legislature, by January 2022, Minnesotans will pay at least 48.5 cents per gallon in state gas tax, which is currently the fourth highest gas tax rate in the nation. This will then increase annually by an automatic inflation factor to help build One Minnesota."

(b) The director must distribute the signs under this section to the owner or operator of retail petroleum dispensers. To the extent possible, the director must coordinate the distribution of signs with other duties the director may have involving retail petroleum dispensers.

(c) If the amount of the gasoline tax described in paragraph (a), clauses (1) and (2), changes, the director must distribute revised signs to reflect the updated gasoline tax amounts within 12 calendar months of the change.

(d) The director is prohibited from assessing any penalty, fine, or fee on the owner or operator of a retail petroleum dispenser that has a missing, destroyed, defaced, or otherwise damaged gas tax sign."

A roll call was requested and properly seconded.

Nash moved to amend the Nash amendment to H. F. No. 1555, the first engrossment, as amended, as follows:

Page 1, after line 20, insert:

"(b) In addition to the text specified in paragraph (a), clauses (1) and (2), each sign must include a map of Minnesota and the neighboring states that identifies the current corresponding tax rate, in cents per gallon, in each state."

Page 1, line 21, strike "(b)" and insert "(c)"

Page 2, line 1, strike "(c)" and insert "(d)" and strike "gasoline" and insert "Minnesota motor fuels"

Page 2, line 2, strike "gasoline" and after "amounts" insert ", including for neighboring states."

Page 2, line 4, strike "(d)" and insert "(e)"

A roll call was requested and properly seconded.

The question was taken on the Nash amendment to the Nash amendment and the roll was called. There were 55 yeas and 75 nays as follows:

Those who voted in the affirmative were:

Albright	Dettmer	Heinrich	McDonald	Petersburg	Torkelson
Anderson	Drazkowski	Heintzeman	Mekeland	Pierson	Urdahl
Backer	Erickson	Hertaus	Miller	Poston	Vogel
Bahr	Fabian	Johnson	Munson	Quam	West
Baker	Franson	Jurgens	Nash	Robbins	Zerwas
Bennett	Green	Kiel	Nelson, N.	Runbeck	
Boe	Grossell	Koznick	Neu	Schomacker	
Daniels	Gruenhagen	Layman	Nornes	Scott	
Davids	Gunther	Lucero	O'Driscoll	Swedzinski	
Demuth	Haley	Lueck	O'Neill	Theis	

Those who voted in the negative were:

Acomb	Dehn	Howard	Loeffler	Olson	Tabke
Bahner	Ecklund	Huot	Long	Pelowski	Vang
Becker-Finn	Edelson	Klevorn	Mahoney	Persell	Wagenius
Bernardy	Elkins	Koegel	Mann	Pinto	Wazlawik
Bierman	Fischer	Kotzya-Witthuhn	Mariani	Poppe	Winkler
Brand	Freiberg	Kunesh-Podein	Marquart	Pryor	Wolgamott
Cantrell	Gomez	Lee	Masin	Richardson	Xiong, J.
Carlson, A.	Halverson	Lesch	Moller	Sandell	Xiong, T.
Carlson, L.	Hansen	Liebling	Moran	Sandstede	Youakim
Christensen	Hassan	Lien	Morrison	Sauke	Spk. Hortman
Clafin	Hausman	Lillie	Murphy	Schultz	
Considine	Her	Lippert	Nelson, M.	Stephenson	
Davnie	Hornstein	Lislegard	Noor	Sundin	

The motion did not prevail and the amendment to the amendment was not adopted.

The question recurred on the Nash amendment and the roll was called. There were 56 yeas and 75 nays as follows:

Those who voted in the affirmative were:

Albright	Dettmer	Haley	Lueck	O'Neill	Theis
Anderson	Drazkowski	Heinrich	McDonald	Petersburg	Torkelson
Backer	Erickson	Heintzeman	Mekeland	Pierson	Urdahl
Bahr	Fabian	Hertaus	Miller	Poston	Vogel
Baker	Franson	Johnson	Munson	Quam	West
Bennett	Garofalo	Jurgens	Nash	Robbins	Zerwas
Boe	Green	Kiel	Nelson, N.	Runbeck	
Daniels	Grossell	Koznick	Neu	Schomacker	
Davids	Gruenhagen	Layman	Nornes	Scott	
Demuth	Gunther	Lucero	O'Driscoll	Swedzinski	

Those who voted in the negative were:

Acomb	Bernardy	Cantrell	Christensen	Davnie	Edelson
Bahner	Bierman	Carlson, A.	Clafin	Dehn	Elkins
Becker-Finn	Brand	Carlson, L.	Considine	Ecklund	Fischer

Freiberg	Klevorn	Lislegard	Morrison	Richardson	Wazlawik
Gomez	Koegel	Loeffler	Murphy	Sandell	Winkler
Halverson	Kotzya-Witthuhn	Long	Nelson, M.	Sandstede	Wolgamott
Hansen	Kunesh-Podein	Mahoney	Noor	Sauke	Xiong, J.
Hassan	Lee	Mann	Olson	Schultz	Xiong, T.
Hausman	Lesch	Mariani	Pelowski	Stephenson	Youakim
Her	Liebling	Marquart	Persell	Sundin	Spk. Hortman
Hornstein	Lien	Masin	Pinto	Tabke	
Howard	Lillie	Moller	Poppe	Vang	
Huot	Lippert	Moran	Pryor	Wagenius	

The motion did not prevail and the amendment was not adopted.

Mekeland moved to amend H. F. No. 1555, the first engrossment, as amended, as follows:

Page 34, after line 20, insert:

"(f) Notwithstanding paragraphs (a) to (e), the rates established under this subdivision are optional except that the gasoline excise tax imposed at the rates of (1) 17.75 cents per gallon for E85, (2) 14.25 cents per gallon for M85, and (3) 25 cents per gallon for all other gasoline. The optional additional tax must be collected if the consumer consents to the additional tax. At the point of sale of gasoline to a consumer, the retailer must ask the consumer if the consumer wishes to pay an additional tax and must identify the current additional tax amount. If the consumer chooses to pay the additional tax, the retailer must collect the additional tax and remit it quarterly to the commissioner of revenue. The commissioner must deposit the revenue from the additional gasoline excise tax into the highway user tax distribution fund."

Page 34, line 21, delete "(f)" and insert "(g)"

Page 34, line 23, delete "(g)" and insert "(h)"

Page 34, line 27, after the period, insert "Paragraph (f) is effective July 1, 2023."

Page 36, after line 19, insert:

"(g) Notwithstanding paragraphs (a) to (f), the rates established under this subdivision are optional except that the special fuel excise tax is imposed at the rates of (1) 18.75 cents per gallon for liquefied petroleum gas, (2) 15 cents per gallon for liquefied natural gas, and (3) \$1.974 per thousand cubic feet or 30 cents per gasoline equivalent for compressed natural gas. The optional additional tax must be collected if the consumer consents to the additional tax. At the point of sale of special fuel to a consumer, the retailer must ask the consumer if the consumer wishes to pay an additional tax and must identify the current additional tax amount. If the consumer chooses to pay the additional tax, the retailer must collect the additional tax and remit it quarterly to the commissioner of revenue. The commissioner must deposit the revenue from the additional special fuel excise tax into the highway user tax distribution fund."

Page 36, line 20, delete "(g)" and insert "(h)"

Page 36, line 23, delete "(h)" and insert "(i)"

Page 36, line 26, after the period, insert "Paragraph (g) is effective July 1, 2023."

The motion did not prevail and the amendment was not adopted.

Torkelson moved to amend H. F. No. 1555, the first engrossment, as amended, as follows:

Page 33, line 22, delete "September" and insert "November"

Page 33, line 23, delete "October" and insert "December"

Page 34, line 26, after "effective" insert "upon voter approval as provided in section 16." and delete "September" and insert "November"

Page 34, line 29, delete "September" and insert "November"

Page 34, line 31, delete "October" and insert "December"

Page 36, line 25, after "effective" insert "upon voter approval as provided in section 16." and delete "September" and insert "November"

Page 45, after line 7, insert:

"Sec. 16. MOTOR VEHICLE FUELS TAX VOTER APPROVAL.

(a) The amendments contained in sections 8 and 9 must be submitted for approval by the voters at the 2020 state general election. The question submitted must be:

"Should the state tax on motor fuels be increased by 20 cents per gallon for gasoline and diesel and increased proportionally for other types of fuel?"

Yes .....  
No ....."

(b) To the extent practicable, the question required under paragraph (a) must be placed on the state general election ballot, and the results canvassed, in the manner provided by law for state constitutional amendments. The title of the ballot question must be "Motor Fuels Tax Increase."

(c) The secretary of state must absorb costs associated with implementation of this section.

Sec. 17. CONDITIONAL APPROPRIATIONS REDUCTIONS.

If the amendments contained in sections 8 and 9 do not take effect, the commissioner of management and budget, in consultation with the commissioner of transportation and fiscal staff of the legislative committees with jurisdiction over transportation finance, must accordingly reduce the relevant appropriations in article 1, section 2, from each of the affected funds. As necessary, the commissioner of management and budget must make reductions in proportional amounts based on the percentage of each applicable appropriation in comparison to total applicable appropriations, provided that a reduction must not reduce the appropriation to below the base appropriation for that fiscal year. The commissioner of management and budget must notify the chairs, ranking minority members, and staff of the legislative committees with jurisdiction over transportation finance of the specific reductions and amounts."

Amend the title accordingly

A roll call was requested and properly seconded.

Poppe was excused between the hours of 12:20 p.m. and 1:40 p.m.

The question was taken on the Torkelson amendment and the roll was called. There were 56 yeas and 74 nays as follows:

Those who voted in the affirmative were:

Albright	Dettmer	Haley	Lueck	O'Neill	Theis
Anderson	Drazkowski	Heinrich	McDonald	Petersburg	Torkelson
Backer	Erickson	Heintzeman	Mekeland	Pierson	Urdahl
Bahr	Fabian	Hertaus	Miller	Poston	Vogel
Baker	Franson	Johnson	Munson	Quam	West
Bennett	Garofalo	Jurgens	Nash	Robbins	Zerwas
Boe	Green	Kiel	Nelson, N.	Runbeck	
Daniels	Grossell	Koznick	Neu	Schomacker	
Davids	Gruenhagen	Layman	Nornes	Scott	
Demuth	Gunther	Lucero	O'Driscoll	Swedzinski	

Those who voted in the negative were:

Acomb	Dehn	Howard	Loeffler	Olson	Vang
Bahner	Ecklund	Huot	Long	Pelowski	Wagenius
Becker-Finn	Edelson	Klevorn	Mahoney	Persell	Wazlawik
Bernardy	Elkins	Koegel	Mann	Pinto	Winkler
Bierman	Fischer	Kotyza-Witthuhn	Mariani	Pryor	Wolgamott
Brand	Freiberg	Kunesh-Podein	Marquart	Richardson	Xiong, J.
Cantrell	Gomez	Lee	Masin	Sandell	Xiong, T.
Carlson, A.	Halverson	Lesch	Moller	Sandstede	Youakim
Carlson, L.	Hansen	Liebling	Moran	Sauke	Spk. Hortman
Christensen	Hassan	Lien	Morrison	Schultz	
Clafin	Hausman	Lillie	Murphy	Stephenson	
Considine	Her	Lippert	Nelson, M.	Sundin	
Davnie	Hornstein	Lislegard	Noor	Tabke	

The motion did not prevail and the amendment was not adopted.

Koznick moved to amend H. F. No. 1555, the first engrossment, as amended, as follows:

Page 42, line 14, before the period, insert ", but excluding a county identified under paragraph (c)"

Page 42, after line 19, insert:

"(c) The transportation sales tax under this section is not imposed in a county that:

(1) imposes the sales and use tax under section 297A.993, subdivision 1, at a rate that is below the maximum rate authorized in that section; or

(2) meets the requirements under clause (1) on the effective date of this section and it is within 15 years of the date that the county adjusted the rate of the sales and use tax under section 297A.993, subdivision 1, to the maximum rate authorized in that section."

A roll call was requested and properly seconded.

The question was taken on the Koznick amendment and the roll was called. There were 58 yeas and 74 nays as follows:

Those who voted in the affirmative were:

Albright	Dettmer	Haley	Layman	Nornes	Scott
Anderson	Drazkowski	Hamilton	Lucero	O'Driscoll	Swedzinski
Backer	Erickson	Heinrich	Lueck	O'Neill	Theis
Bahr	Fabian	Heintzeman	McDonald	Petersburg	Torkelson
Baker	Franson	Hertaus	Mekeland	Pierson	Urdahl
Bennett	Garofalo	Johnson	Miller	Poston	Vogel
Boe	Green	Jurgens	Munson	Quam	West
Daniels	Grossell	Kiel	Nash	Robbins	Zerwas
Davids	Gruenhagen	Koznick	Nelson, N.	Runbeck	
Demuth	Gunther	Kresha	Neu	Schomacker	

Those who voted in the negative were:

Acomb	Dehn	Howard	Loeffler	Olson	Vang
Bahner	Ecklund	Huot	Long	Pelowski	Wagenius
Becker-Finn	Edelson	Klevorn	Mahoney	Persell	Wazlawik
Bernardy	Elkins	Koegel	Mann	Pinto	Winkler
Bierman	Fischer	Kotyza-Witthuhn	Mariani	Pryor	Wolgamott
Brand	Freiberg	Kunesh-Podein	Marquart	Richardson	Xiong, J.
Cantrell	Gomez	Lee	Masin	Sandell	Xiong, T.
Carlson, A.	Halverson	Lesch	Moller	Sandstede	Youakim
Carlson, L.	Hansen	Liebling	Moran	Sauke	Spk. Hortman
Christensen	Hassan	Lien	Morrison	Schultz	
Clafin	Hausman	Lillie	Murphy	Stephenson	
Considine	Her	Lippert	Nelson, M.	Sundin	
Davnie	Hornstein	Lislegard	Noor	Tabke	

The motion did not prevail and the amendment was not adopted.

Runbeck moved to amend H. F. No. 1555, the first engrossment, as amended, as follows:

Page 42, line 12, before the second "the" insert "and subject to the approval in paragraph (c)."

Page 42, after line 19, insert:

"(c) The council must not impose the transportation sales tax unless a majority of the voters voting on the question submitted at the 2020 general election vote in favor of imposition of the tax."

A roll call was requested and properly seconded.

Lucero moved to amend the Runbeck amendment to H. F. No. 1555, the first engrossment, as amended, as follows:

Page 1, delete line 6 and insert "statutory and home rule charter cities located within the metropolitan area, by resolution, approve"

A roll call was requested and properly seconded.

McDonald was excused between the hours of 1:30 p.m. and 8:35 p.m.

The question was taken on the Lucero amendment to the Runbeck amendment and the roll was called. There were 57 yeas and 74 nays as follows:

Those who voted in the affirmative were:

Albright	Dettmer	Haley	Layman	O'Driscoll	Swedzinski
Anderson	Drazkowski	Hamilton	Lucero	O'Neill	Theis
Backer	Erickson	Heinrich	Lueck	Petersburg	Torkelson
Bahr	Fabian	Heintzeman	Mekeland	Pierson	Urdahl
Baker	Franson	Hertaus	Miller	Poston	Vogel
Bennett	Garofalo	Johnson	Munson	Quam	West
Boe	Green	Jurgens	Nash	Robbins	Zerwas
Daniels	Grossell	Kiel	Nelson, N.	Runbeck	
Davids	Gruenhagen	Koznick	Neu	Schomacker	
Demuth	Gunther	Kresha	Nornes	Scott	

Those who voted in the negative were:

Acomb	Dehn	Howard	Loeffler	Olson	Vang
Bahner	Ecklund	Huot	Long	Pelowski	Wagenius
Becker-Finn	Edelson	Klevorn	Mahoney	Persell	Wazlawik
Bernardy	Elkins	Koegel	Mann	Pinto	Winkler
Bierman	Fischer	Kotzya-Witthuhn	Mariani	Pryor	Wolgamott
Brand	Freiberg	Kunesh-Podein	Marquart	Richardson	Xiong, J.
Cantrell	Gomez	Lee	Masin	Sandell	Xiong, T.
Carlson, A.	Halverson	Lesch	Moller	Sandstede	Youakim
Carlson, L.	Hansen	Liebling	Moran	Sauke	Spk. Hortman
Christensen	Hassan	Lien	Morrison	Schultz	
Clafin	Hausman	Lillie	Murphy	Stephenson	
Considine	Her	Lippert	Nelson, M.	Sundin	
Davnie	Hornstein	Lislegard	Noor	Tabke	

The motion did not prevail and the amendment to the amendment was not adopted.

The question recurred on the Runbeck amendment and the roll was called. There were 57 yeas and 74 nays as follows:

Those who voted in the affirmative were:

Albright	Dettmer	Haley	Layman	O'Driscoll	Swedzinski
Anderson	Drazkowski	Hamilton	Lucero	O'Neill	Theis
Backer	Erickson	Heinrich	Lueck	Petersburg	Torkelson
Bahr	Fabian	Heintzeman	Mekeland	Pierson	Urdahl
Baker	Franson	Hertaus	Miller	Poston	Vogel
Bennett	Garofalo	Johnson	Munson	Quam	West
Boe	Green	Jurgens	Nash	Robbins	Zerwas
Daniels	Grossell	Kiel	Nelson, N.	Runbeck	
Davids	Gruenhagen	Koznick	Neu	Schomacker	
Demuth	Gunther	Kresha	Nornes	Scott	

Those who voted in the negative were:

Acomb	Dehn	Howard	Loeffler	Olson	Vang
Bahner	Ecklund	Huot	Long	Pelowski	Wagenius
Becker-Finn	Edelson	Klevorn	Mahoney	Persell	Wazlawik
Bernardy	Elkins	Koegel	Mann	Pinto	Winkler
Bierman	Fischer	Kotyza-Witthuhn	Mariani	Pryor	Wolgamott
Brand	Freiberg	Kunesh-Podein	Marquart	Richardson	Xiong, J.
Cantrell	Gomez	Lee	Masin	Sandell	Xiong, T.
Carlson, A.	Halverson	Lesch	Moller	Sandstede	Youakim
Carlson, L.	Hansen	Liebling	Moran	Sauke	Spk. Hortman
Christensen	Hassan	Lien	Morrison	Schultz	
Clafin	Hausman	Lillie	Murphy	Stephenson	
Considine	Her	Lippert	Nelson, M.	Sundin	
Davnie	Hornstein	Lislegard	Noor	Tabke	

The motion did not prevail and the amendment was not adopted.

Torkelson moved to amend H. F. No. 1555, the first engrossment, as amended, as follows:

Page 37, line 7, delete "75" and insert "60"

Page 37, line 9, reinstate the stricken "Minnesota state transportation fund; and" and delete "small cities assistance"

Page 37, line 10, before "account" insert "(4) 15 percent to the small cities assistance"

Page 37, line 19, delete "0.2" and insert "0.04"

Page 37, line 20, delete "0.35" and insert "0.08"

Adjust amounts accordingly

A roll call was requested and properly seconded.

The Speaker called Olson to the Chair.

The question was taken on the Torkelson amendment and the roll was called. There were 55 yeas and 76 nays as follows:

Those who voted in the affirmative were:

Albright	Daniels	Franson	Hamilton	Kresha	Nash
Anderson	Dauids	Garofalo	Heinrich	Layman	Nelson, N.
Backer	Demuth	Green	Heintzeman	Lucero	Neu
Bahr	Dettmer	Grossell	Johnson	Lueck	Nornes
Baker	Drazkowski	Gruenhagen	Jurgens	Mekeland	O'Driscoll
Bennett	Erickson	Gunther	Kiel	Miller	O'Neill
Boe	Fabian	Haley	Koznick	Munson	Petersburg

Pierson	Runbeck	Swedzinski	Urdahl	Zerwas
Poston	Schomacker	Theis	Vogel	
Quam	Scott	Torkelson	West	

Those who voted in the negative were:

Acomb	Dehn	Hornstein	Lislegard	Noor	Sundin
Bahner	Ecklund	Howard	Loeffler	Olson	Tabke
Becker-Finn	Edelson	Huot	Long	Pelowski	Vang
Bernardy	Elkins	Klevorn	Mahoney	Persell	Wagenius
Bierman	Fischer	Koegel	Mann	Pinto	Wazlawik
Brand	Freiberg	Kotyza-Witthuhn	Mariani	Pryor	Winkler
Cantrell	Gomez	Kunesh-Podein	Marquart	Richardson	Wolgamott
Carlson, A.	Halverson	Lee	Masin	Robbins	Xiong, J.
Carlson, L.	Hansen	Lesch	Moller	Sandell	Xiong, T.
Christensen	Hassan	Liebling	Moran	Sandstede	Youakim
Clafin	Hausman	Lien	Morrison	Sauke	Spk. Hortman
Considine	Her	Lillie	Murphy	Schultz	
Davnie	Hertaus	Lippert	Nelson, M.	Stephenson	

The motion did not prevail and the amendment was not adopted.

Torkelson moved to amend H. F. No. 1555, the first engrossment, as amended, as follows:

Page 36, line 30, delete everything after "section" and insert a period

Page 37, line 6, after "fund" insert "such that the first \$32,000,000 each year is allocated to the highway user tax distribution fund, and the remaining funds are distributed"

A roll call was requested and properly seconded.

The question was taken on the Torkelson amendment and the roll was called. There were 56 yeas and 75 nays as follows:

Those who voted in the affirmative were:

Albright	Dettmer	Haley	Layman	O'Neill	Theis
Anderson	Drazkowski	Hamilton	Lucero	Petersburg	Torkelson
Backer	Erickson	Heinrich	Lueck	Pierson	Urdahl
Bahr	Fabian	Heintzeman	Mekeland	Poston	Vogel
Baker	Franson	Hertaus	Miller	Quam	West
Bennett	Garofalo	Johnson	Munson	Robbins	Zerwas
Boe	Green	Jurgens	Nelson, N.	Runbeck	
Daniels	Grossell	Kiel	Neu	Schomacker	
Davids	Gruenhagen	Koznick	Nornes	Scott	
Demuth	Gunther	Kresha	O'Driscoll	Swedzinski	

Those who voted in the negative were:

Acomb	Bernardy	Cantrell	Christensen	Davnie	Edelson
Bahner	Bierman	Carlson, A.	Clafin	Dehn	Elkins
Becker-Finn	Brand	Carlson, L.	Considine	Ecklund	Fischer

Freiberg	Klevorn	Lislegard	Morrison	Richardson	Wazlawik
Gomez	Koegel	Loeffler	Murphy	Sandell	Winkler
Halverson	Kotyza-Witthuhn	Long	Nelson, M.	Sandstede	Wolgamott
Hansen	Kunesh-Podein	Mahoney	Noor	Sauke	Xiong, J.
Hassan	Lee	Mann	Olson	Schultz	Xiong, T.
Hausman	Lesch	Mariani	Pelowski	Stephenson	Youakim
Her	Liebling	Marquart	Persell	Sundin	Spk. Hortman
Hornstein	Lien	Masin	Pinto	Tabke	
Howard	Lillie	Moller	Poppe	Vang	
Huot	Lippert	Moran	Pryor	Wagenius	

The motion did not prevail and the amendment was not adopted.

West moved to amend H. F. No. 1555, the first engrossment, as amended, as follows:

Page 28, after line 10, insert:

"Sec. 4. Minnesota Statutes 2018, section 168.013, is amended by adding a subdivision to read:

**Subd. 23. Tax adjustment.** (a) For purposes of this subdivision, "qualifying owner" means the owner of a motor vehicle subject to the registration tax under subdivision 1a who meets any of the following requirements:

(1) had a household income equal to or less than 185 percent of federal poverty level income in the previous calendar year;

(2) claimed the Minnesota working family credit under section 290.0671 in the preceding taxable year; or

(3) is able to document a child's current participation in the free and reduced-price lunch program or Child and Adult Care Food Program, National School Lunch Act, United States Code, title 42, sections 1751 and 1766; the Food Distribution Program on Indian Reservations, Food and Nutrition Act, United States Code, title 7, sections 2011-2036; Head Start under the federal Improving Head Start for School Readiness Act of 2007; Minnesota family investment program under chapter 256J; child care assistance programs under chapter 119B; or the supplemental nutrition assistance program.

(b) The registration tax under subdivision 1a due on the motor vehicle of a qualifying owner is adjusted to 0.75 multiplied by the tax amount calculated under that subdivision.

**EFFECTIVE DATE.** This section is effective July 1, 2021, and applies to taxes payable for a registration period starting on or after that date."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the West amendment and the roll was called. There were 58 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Albright	Dettmer	Haley	Layman	O'Driscoll	Stephenson
Anderson	Drazkowski	Hamilton	Lucero	O'Neill	Swedzinski
Backer	Erickson	Heinrich	Lueck	Petersburg	Theis
Bahr	Fabian	Heintzeman	Mekeland	Pierson	Torkelson
Baker	Franson	Hertaus	Miller	Poston	Urdahl
Bennett	Garofalo	Johnson	Munson	Quam	Vogel
Boe	Green	Jurgens	Nash	Robbins	West
Daniels	Grossell	Kiel	Nelson, N.	Runbeck	Zerwas
Davids	Gruenhagen	Koznick	Neu	Schomacker	
Demuth	Gunther	Kresha	Nornes	Scott	

Those who voted in the negative were:

Acomb	Dehn	Howard	Loeffler	Pelowski	Wagenius
Bahner	Ecklund	Huot	Long	Persell	Wazlawik
Becker-Finn	Edelson	Klevorn	Mahoney	Pinto	Winkler
Bernardy	Elkins	Koegel	Mann	Poppe	Wolgamott
Bierman	Fischer	Kotyza-Witthuhn	Mariani	Pryor	Xiong, J.
Brand	Freiberg	Kunesh-Podein	Marquart	Richardson	Xiong, T.
Cantrell	Gomez	Lee	Masin	Sandell	Youakim
Carlson, A.	Halverson	Lesch	Moller	Sandstede	Spk. Hortman
Carlson, L.	Hansen	Liebling	Moran	Sauke	
Christensen	Hassan	Lien	Morrison	Schultz	
Clafin	Hausman	Lillie	Nelson, M.	Sundin	
Considine	Her	Lippert	Noor	Tabke	
Davnie	Hornstein	Lislegard	Olson	Vang	

The motion did not prevail and the amendment was not adopted.

Torkelson moved to amend H. F. No. 1555, the first engrossment, as amended, as follows:

Page 44, line 31, delete "57" and insert "60"

Page 45, line 1, delete "34.5" and insert "31.5"

A roll call was requested and properly seconded.

The question was taken on the Torkelson amendment and the roll was called. There were 57 yeas and 75 nays as follows:

Those who voted in the affirmative were:

Albright	Baker	Davids	Erickson	Green	Haley
Anderson	Bennett	Demuth	Fabian	Grossell	Hamilton
Backer	Boe	Dettmer	Franson	Gruenhagen	Heinrich
Bahr	Daniels	Drazkowski	Garofalo	Gunther	Heintzeman

Hertaus	Layman	Nash	Petersburg	Schomacker	Vogel
Johnson	Lucero	Nelson, N.	Pierson	Scott	West
Jurgens	Lueck	Neu	Poston	Swedzinski	Zerwas
Kiel	Mekeland	Nornes	Quam	Theis	
Koznick	Miller	O'Driscoll	Robbins	Torkelson	
Kresha	Munson	O'Neill	Runbeck	Urdahl	

Those who voted in the negative were:

Acomb	Dehn	Howard	Loeffler	Olson	Tabke
Bahner	Ecklund	Huot	Long	Pelowski	Vang
Becker-Finn	Edelson	Klevorn	Mahoney	Persell	Wagenius
Bernardy	Elkins	Koegel	Mann	Pinto	Wazlawik
Bierman	Fischer	Kotzya-Witthuhn	Mariani	Poppe	Winkler
Brand	Freiberg	Kunesh-Podein	Marquart	Pryor	Wolgamott
Cantrell	Gomez	Lee	Masin	Richardson	Xiong, J.
Carlson, A.	Halverson	Lesch	Moller	Sandell	Xiong, T.
Carlson, L.	Hansen	Liebling	Moran	Sandstede	Youakim
Christensen	Hassan	Lien	Morrison	Sauke	Spk. Hortman
Clafin	Hausman	Lillie	Murphy	Schultz	
Considine	Her	Lippert	Nelson, M.	Stephenson	
Davnie	Hornstein	Lislegard	Noor	Sundin	

The motion did not prevail and the amendment was not adopted.

Petersburg moved to amend H. F. No. 1555, the first engrossment, as amended, follows:

Page 24, line 10, delete "1,700,000,000" and insert "1,500,000,000"

Page 24, line 21, delete "\$300,000,000" and insert "\$100,000,000"

Page 24, line 25, delete "300,000,000" and insert "500,000,000"

Page 24, line 32, delete "2024" and insert "2026"

Page 25, line 23, delete "2024" and insert "2026"

Page 25, line 25, delete "2025" and insert "2027"

Page 25, line 26, delete "300,000" and insert "100,000"

A roll call was requested and properly seconded.

The question was taken on the Petersburg amendment and the roll was called. There were 56 yeas and 74 nays as follows:

Those who voted in the affirmative were:

Albright	Baker	Daniels	Dettmer	Fabian	Green
Backer	Bennett	Dauids	Drazkowski	Franson	Grossell
Bahr	Boe	Demuth	Erickson	Garofalo	Gruenhagen

Gunther	Jurgens	Mekeland	O'Driscoll	Runbeck	Vogel
Haley	Kiel	Miller	O'Neill	Schomacker	West
Hamilton	Koznick	Munson	Petersburg	Scott	Zerwas
Heinrich	Kresha	Nash	Pierson	Swedzinski	
Heintzeman	Layman	Nelson, N.	Poston	Theis	
Hertaus	Lucero	Neu	Quam	Torkelson	
Johnson	Lueck	Nornes	Robbins	Urdahl	

Those who voted in the negative were:

Acomb	Dehn	Huot	Long	Pelowski	Vang
Bahner	Ecklund	Klevorn	Mahoney	Persell	Wagenius
Becker-Finn	Edelson	Koegel	Mann	Pinto	Wazlawik
Bernardy	Elkins	Kotyza-Witthuhn	Mariani	Poppe	Winkler
Bierman	Fischer	Kunesh-Podein	Marquart	Pryor	Wolgamott
Brand	Freiberg	Lee	Masin	Richardson	Xiong, J.
Cantrell	Gomez	Lesch	Moller	Sandell	Xiong, T.
Carlson, A.	Halverson	Liebling	Moran	Sandstede	Youakim
Carlson, L.	Hansen	Lien	Morrison	Sauke	Spk. Hortman
Christensen	Hassan	Lillie	Murphy	Schultz	
Clafin	Her	Lippert	Nelson, M.	Stephenson	
Considine	Hornstein	Lislegard	Noor	Sundin	
Davnie	Howard	Loeffler	Olson	Tabke	

The motion did not prevail and the amendment was not adopted.

Torkelson moved to amend H. F. No. 1555, the first engrossment, as amended, as follows:

Page 5, after line 5, insert:

"(f) <b><u>Minnesota Rail Service Improvement</u></b>	<u>5,000,000</u>	<u>5,000,000</u>
---	------------------	------------------

This appropriation is from the general fund for the Minnesota rail service improvement program under Minnesota Statutes, sections 222.49 and 222.50. This is a onetime appropriation."

Page 5, line 6, delete "(f)" and insert "(g)"

Page 14, line 24, delete "22,336,000" and insert "12,336,000"

Adjust amounts accordingly

A roll call was requested and properly seconded.

The question was taken on the Torkelson amendment and the roll was called. There were 58 yeas and 74 nays as follows:

Those who voted in the affirmative were:

Albright	Bahr	Boe	Demuth	Erickson	Garofalo
Anderson	Baker	Daniels	Dettmer	Fabian	Green
Backer	Bennett	Dauids	Drazkowski	Franson	Grossell

Gruenhagen	Johnson	Lueck	Neu	Quam	Torkelson
Gunther	Jurgens	Mekeland	Nornes	Robbins	Urdahl
Haley	Kiel	Miller	O'Driscoll	Runbeck	Vogel
Hamilton	Koznick	Munson	O'Neill	Schomacker	West
Heinrich	Kresha	Murphy	Petersburg	Scott	Zerwas
Heintzeman	Layman	Nash	Pierson	Swedzinski	
Hertaus	Lucero	Nelson, N.	Poston	Theis	

Those who voted in the negative were:

Acomb	Dehn	Howard	Loeffler	Pelowski	Vang
Bahner	Ecklund	Huot	Long	Persell	Wagenius
Becker-Finn	Edelson	Klevorn	Mahoney	Pinto	Wazlawik
Bernardy	Elkins	Koegel	Mann	Poppe	Winkler
Bierman	Fischer	Kotyza-Witthuhn	Mariani	Pryor	Wolgamott
Brand	Freiberg	Kunesh-Podein	Marquart	Richardson	Xiong, J.
Cantrell	Gomez	Lee	Masin	Sandell	Xiong, T.
Carlson, A.	Halverson	Lesch	Moller	Sandstede	Youakim
Carlson, L.	Hansen	Liebling	Moran	Sauke	Spk. Hortman
Christensen	Hassan	Lien	Morrison	Schultz	
Clafin	Hausman	Lillie	Nelson, M.	Stephenson	
Considine	Her	Lippert	Noor	Sundin	
Davnie	Hornstein	Lislegard	Olson	Tabke	

The motion did not prevail and the amendment was not adopted.

Torkelson moved to amend H. F. No. 1555, the first engrossment, as amended, as follows:

Page 40, line 29, after "DATE" insert "; EXPIRATION"

Page 40, line 30, before the period, insert "and before July 1, 2021. The changes in this section expire June 30, 2021"

A roll call was requested and properly seconded.

The question was taken on the Torkelson amendment and the roll was called. There were 57 yeas and 74 nays as follows:

Those who voted in the affirmative were:

Albright	Dettmer	Haley	Layman	O'Driscoll	Swedzinski
Anderson	Drazkowski	Hamilton	Lucero	O'Neill	Theis
Backer	Erickson	Heinrich	Lueck	Petersburg	Torkelson
Bahr	Fabian	Heintzeman	Mekeland	Pierson	Urdahl
Baker	Franson	Hertaus	Miller	Poston	Vogel
Bennett	Garofalo	Johnson	Munson	Quam	West
Boe	Green	Jurgens	Nash	Robbins	Zerwas
Daniels	Grossell	Kiel	Nelson, N.	Runbeck	
Davids	Gruenhagen	Koznick	Neu	Schomacker	
Demuth	Gunther	Kresha	Nornes	Scott	

Those who voted in the negative were:

Acomb	Dehn	Howard	Long	Pelowski	Vang
Bahner	Ecklund	Huot	Mahoney	Persell	Wagenius
Becker-Finn	Edelson	Klevorn	Mann	Pinto	Wazlawik
Bernardy	Elkins	Koegel	Mariani	Poppe	Winkler
Bierman	Fischer	Kunesh-Podein	Marquart	Pryor	Wolgamott
Brand	Freiberg	Lee	Masin	Richardson	Xiong, J.
Cantrell	Gomez	Lesch	Moller	Sandell	Xiong, T.
Carlson, A.	Halverson	Liebling	Moran	Sandstede	Youakim
Carlson, L.	Hansen	Lien	Morrison	Sauke	Spk. Hortman
Christensen	Hassan	Lillie	Murphy	Schultz	
Clafin	Hausman	Lippert	Nelson, M.	Stephenson	
Considine	Her	Lislegard	Noor	Sundin	
Davnie	Hornstein	Loeffler	Olson	Tabke	

The motion did not prevail and the amendment was not adopted.

Munson offered an amendment to H. F. No. 1555, the first engrossment, as amended.

#### POINT OF ORDER

Carlson, L., raised a point of order pursuant to rule 4.03, relating to Ways and Means Committee; Budget Resolution; Effect on Expenditure and Revenue Bills, that the Munson amendment was not in order. Speaker pro tempore Olson ruled the point of order well taken and the Munson amendment out of order.

Johnson moved to amend H. F. No. 1555, the first engrossment, as amended, as follows:

Page 4, line 11, delete "19,001,000" and insert "18,151,000"

Page 4, delete lines 16 to 19

Page 4, delete lines 24 to 32

Reletter the paragraphs in sequence

Page 5, line 17, delete "33,742,000" and insert "32,667,000" and delete "31,025,000" and insert "30,950,000"

Page 6, delete lines 1 to 3

Page 11, line 18, delete "43,834,000" and insert "42,944,000"

Page 12, delete lines 5 to 7

Page 14, line 24, delete "22,336,000" and insert "22,306,000" and delete "7,213,000" and insert "7,183,000"

Page 15, delete lines 10 to 15

Reletter the paragraphs in sequence

Page 16, line 31, delete the first "640,000" and insert "1,992,000" and delete "640,000" and insert "1,992,000"

Page 17, after line 4, insert:

"The base appropriation is \$640,000 in each of fiscal years 2022 and 2023."

Page 18, line 4, delete "100,258,000" and insert "100,008,000"

Page 18, delete lines 10 to 15

Page 19, line 14, delete "36,752,000" and insert "36,485,000"

Page 19, delete lines 23 to 24 and insert "This appropriation includes money for implementation costs"

Page 19, delete lines 26 to 30

Page 46, delete section 2

Page 131, line 14, after "(a)" insert "Using existing resources."

Page 139, delete section 127

Adjust amounts accordingly

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Johnson amendment and the roll was called. There were 56 yeas and 75 nays as follows:

Those who voted in the affirmative were:

Albright	Dettmer	Haley	Layman	O'Driscoll	Theis
Anderson	Drazkowski	Hamilton	Lucero	O'Neill	Torkelson
Backer	Erickson	Heinrich	Lueck	Petersburg	Urdahl
Bahr	Fabian	Heintzeman	Mekeland	Pierson	Vogel
Baker	Franson	Hertaus	Miller	Poston	West
Bennett	Garofalo	Johnson	Munson	Quam	Zerwas
Boe	Green	Jurgens	Nash	Robbins	
Daniels	Grossell	Kiel	Nelson, N.	Runbeck	
Davids	Gruenhagen	Koznick	Neu	Scott	
Demuth	Gunther	Kresha	Nornes	Swedzinski	

Those who voted in the negative were:

Acomb	Bernardy	Cantrell	Christensen	Davnie	Edelson
Bahner	Bierman	Carlson, A.	Clafin	Dehn	Elkins
Becker-Finn	Brand	Carlson, L.	Considine	Ecklund	Fischer

Freiberg	Klevorn	Lislegard	Morrison	Richardson	Wazlawik
Gomez	Koegel	Loeffler	Murphy	Sandell	Winkler
Halverson	Kotyza-Witthuhn	Long	Nelson, M.	Sandstede	Wolgamott
Hansen	Kunesh-Podein	Mahoney	Noor	Sauke	Xiong, J.
Hassan	Lee	Mann	Olson	Schultz	Xiong, T.
Hausman	Lesch	Mariani	Pelowski	Stephenson	Youakim
Her	Liebling	Marquart	Persell	Sundin	Spk. Hortman
Hornstein	Lien	Masin	Pinto	Tabke	
Howard	Lillie	Moller	Poppe	Vang	
Huot	Lippert	Moran	Pryor	Wagenius	

The motion did not prevail and the amendment was not adopted.

Petersburg moved to amend H. F. No. 1555, the first engrossment, as amended, as follows:

Page 4, line 11, delete "19,001,000" and insert "18,151,000"

Page 4, delete lines 16 to 19

Page 4, delete lines 24 to 32

Reletter the paragraphs in sequence

Page 5, line 17, delete "33,742,000" and insert "32,667,000" and delete "31,025,000" and insert "30,950,000"

Page 6, delete lines 1 to 3

Page 11, after line 2, insert:

"(d) <b><u>Townships</u></b>	<u>1,352,000</u>	<u>1,352,000</u>
------------------------------	------------------	------------------

This appropriation is from the general fund for distribution to towns in the manner provided under Minnesota Statutes, section 162.081. This is a onetime appropriation.

Page 11, line 18, delete "43,834,000" and insert "42,944,000"

Page 12, delete lines 5 to 7

Page 14, line 24, delete "22,336,000" and insert "22,306,000" and delete "7,213,000" and insert "7,183,000"

Page 15, delete lines 10 to 15

Reletter the paragraphs in sequence

Page 18, line 4, delete "100,258,000" and insert "100,008,000"

Page 18, delete lines 10 to 15

Page 19, line 14, delete "36,752,000" and insert "36,485,000"

Page 19, delete lines 23 to 24 and insert "This appropriation includes money for implementation costs"

Page 19, delete lines 26 to 30

Page 46, delete section 2

Page 131, line 14, after "(a)" insert "Using existing resources."

Page 139, delete section 127

Adjust amounts accordingly

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

Speaker pro tempore Olson called Halverson to the Chair.

The question was taken on the Petersburg amendment and the roll was called. There were 57 yeas and 75 nays as follows:

Those who voted in the affirmative were:

Albright	Dettmer	Haley	Layman	O'Driscoll	Swedzinski
Anderson	Drazkowski	Hamilton	Lucero	O'Neill	Theis
Backer	Erickson	Heinrich	Lueck	Petersburg	Torkelson
Bahr	Fabian	Heintzeman	Mekeland	Pierson	Urdahl
Baker	Franson	Hertaus	Miller	Poston	Vogel
Bennett	Garofalo	Johnson	Munson	Quam	West
Boe	Green	Jurgens	Nash	Robbins	Zerwas
Daniels	Grossell	Kiel	Nelson, N.	Runbeck	
Davids	Gruenhagen	Koznick	Neu	Schomacker	
Demuth	Gunther	Kresha	Nornes	Scott	

Those who voted in the negative were:

Acomb	Dehn	Howard	Loeffler	Olson	Tabke
Bahner	Ecklund	Huot	Long	Pelowski	Vang
Becker-Finn	Edelson	Klevorn	Mahoney	Persell	Wagenius
Bernardy	Elkins	Koegel	Mann	Pinto	Wazlawik
Bierman	Fischer	Kotyza-Witthuhn	Mariani	Poppe	Winkler
Brand	Freiberg	Kunesh-Podein	Marquart	Pryor	Wolgamott
Cantrell	Gomez	Lee	Masin	Richardson	Xiong, J.
Carlson, A.	Halverson	Lesch	Moller	Sandell	Xiong, T.
Carlson, L.	Hansen	Liebling	Moran	Sandstede	Youakim
Christensen	Hassan	Lien	Morrison	Sauke	Spk. Hortman
Clafin	Hausman	Lillie	Murphy	Schultz	
Considine	Her	Lippert	Nelson, M.	Stephenson	
Davnie	Hornstein	Lislegard	Noor	Sundin	

The motion did not prevail and the amendment was not adopted.

Petersburg moved to amend H. F. No. 1555, the first engrossment, as amended, as follows:

Page 4, line 11, delete "19,001,000" and insert "18,151,000"

Page 4, delete lines 16 to 19

Page 4, delete lines 24 to 32

Reletter the paragraphs in sequence

Page 5, line 17, delete "33,742,000" and insert "32,667,000" and delete "31,025,000" and insert "30,950,000"

Page 6, delete lines 1 to 3

Page 11, line 18, delete "43,834,000" and insert "42,944,000"

Page 12, delete lines 5 to 7

Page 14, line 24, delete "22,336,000" and insert "22,306,000" and delete "7,213,000" and insert "7,183,000"

Page 15, delete lines 10 to 15

Reletter the paragraphs in sequence

Page 18, line 4, delete "100,258,000" and insert "100,008,000"

Page 18, delete lines 10 to 15

Page 19, line 14, delete "36,752,000" and insert "36,485,000"

Page 19, delete lines 23 to 24 and insert "This appropriation includes money for implementation costs"

Page 19, delete lines 26 to 30

Page 20, line 30, delete "\$10,000,000" and insert "\$12,704,000"

Page 23, after line 22, insert:

"Subd. 8. **Indemnification.** (a) The state shall defend, save harmless, and indemnify any deputy registrar acting in good faith and in their official capacity pursuant to Minnesota Statutes, chapter 168, against any claim or demand related to transactions completed by MNLARS or transactions that could not be completed because MNLARS lacked the functionality to complete the transaction for: (1) reasonable expenses; (2) reasonable attorney fees; and (3) judgments and fines. This subdivision does not apply to acts constituting willful or wanton misconduct.

(b) The deputy registrar must cooperate with the state to the fullest extent possible in the investigation, preparation, or defense of a claim or demand subject to paragraph (a). A deputy registrar must notify the state as soon as possible of any potential or pending litigation subject to paragraph (a)."

Page 23, line 23, after the second period, insert "Subdivision 8 applies to causes of action arising on or after July 1, 2017, but before January 1, 2022."

Page 46, delete section 2

Page 131, line 14, after "(a)" insert "Using existing resources."

Page 139, delete section 127

Adjust amounts accordingly

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Petersburg amendment and the roll was called. There were 56 yeas and 75 nays as follows:

Those who voted in the affirmative were:

Albright	Dettmer	Hamilton	Lucero	O'Neill	Theis
Anderson	Drazkowski	Heinrich	Lueck	Petersburg	Torkelson
Backer	Erickson	Heintzeman	Mekeland	Pierson	Urdahl
Bahr	Fabian	Hertaus	Miller	Poston	Vogel
Baker	Franson	Johnson	Munson	Quam	West
Bennett	Garofalo	Jurgens	Nash	Robbins	Zerwas
Boe	Green	Kiel	Nelson, N.	Runbeck	
Daniels	Grossell	Koznick	Neu	Schomacker	
Davids	Gunther	Kresha	Nornes	Scott	
Demuth	Haley	Layman	O'Driscoll	Swedzinski	

Those who voted in the negative were:

Acomb	Dehn	Howard	Loeffler	Olson	Tabke
Bahner	Ecklund	Huot	Long	Pelowski	Vang
Becker-Finn	Edelson	Klevorn	Mahoney	Persell	Wagenius
Bernardy	Elkins	Koegel	Mann	Pinto	Wazlawik
Bierman	Fischer	Kotyza-Witthuhn	Mariani	Poppe	Winkler
Brand	Freiberg	Kunesh-Podein	Marquart	Pryor	Wolgamott
Cantrell	Gomez	Lee	Masin	Richardson	Xiong, J.
Carlson, A.	Halverson	Lesch	Moller	Sandell	Xiong, T.
Carlson, L.	Hansen	Liebling	Moran	Sandstede	Youakim
Christensen	Hassan	Lien	Morrison	Sauke	Spk. Hortman
Clafin	Hausman	Lillie	Murphy	Schultz	
Considine	Her	Lippert	Nelson, M.	Stephenson	
Davnie	Hornstein	Lislegard	Noor	Sundin	

The motion did not prevail and the amendment was not adopted.

Grossell moved to amend H. F. No. 1555, the first engrossment, as amended, as follows:

Page 4, line 11, delete "19,001,000" and insert "18,151,000"

Page 4, delete lines 16 to 19

Page 4, delete lines 24 to 32

Reletter the paragraphs in sequence

Page 5, line 17, delete "33,742,000" and insert "32,667,000" and delete "31,025,000" and insert "30,950,000"

Page 6, delete lines 1 to 3

Page 11, line 18, delete "43,834,000" and insert "42,944,000"

Page 12, delete lines 5 to 7

Page 14, line 24, delete "22,336,000" and insert "22,306,000" and delete "7,213,000" and insert "7,183,000"

Page 15, delete lines 10 to 15

Reletter the paragraphs in sequence

Page 17, line 11, delete the first "745,000" and insert "2,097,000" and delete "745,000" and insert "2,097,000"

Page 17, line 14, delete the first "645,000" and insert "1,997,000" and delete "645,000" and insert "1,997,000"

Page 17, after line 22, insert:

"The base appropriation from the general fund is \$645,000 in each of fiscal years 2022 and 2023."

Page 18, line 4, delete "100,258,000" and insert "100,008,000"

Page 18, delete lines 10 to 15

Page 19, line 14, delete "36,752,000" and insert "36,485,000"

Page 19, delete lines 23 to 24 and insert "This appropriation includes money for implementation costs"

Page 19, delete lines 26 to 30

Page 46, delete section 2

Page 131, line 14, after "(a)" insert "Using existing resources."

Page 139, delete section 127

Adjust amounts accordingly

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Grossell amendment and the roll was called. There were 57 yeas and 75 nays as follows:

Those who voted in the affirmative were:

Albright	Dettmer	Haley	Layman	O'Driscoll	Swedzinski
Anderson	Drazkowski	Hamilton	Lucero	O'Neill	Theis
Backer	Erickson	Heinrich	Lueck	Petersburg	Torkelson
Bahr	Fabian	Heintzeman	Mekeland	Pierson	Urdahl
Baker	Franson	Hertaus	Miller	Poston	Vogel
Bennett	Garofalo	Johnson	Munson	Quam	West
Boe	Green	Jurgens	Nash	Robbins	Zerwas
Daniels	Grossell	Kiel	Nelson, N.	Runbeck	
Davids	Gruenhagen	Koznick	Neu	Schomacker	
Demuth	Gunther	Kresha	Nornes	Scott	

Those who voted in the negative were:

Acomb	Dehn	Howard	Loeffler	Olson	Tabke
Bahner	Ecklund	Huot	Long	Pelowski	Vang
Becker-Finn	Edelson	Klevorn	Mahoney	Persell	Wagenius
Bernardy	Elkins	Koegel	Mann	Pinto	Wazlawik
Bierman	Fischer	Kotyza-Witthuhn	Mariani	Poppe	Winkler
Brand	Freiberg	Kunesh-Podein	Marquart	Pryor	Wolgamott
Cantrell	Gomez	Lee	Masin	Richardson	Xiong, J.
Carlson, A.	Halverson	Lesch	Moller	Sandell	Xiong, T.
Carlson, L.	Hansen	Liebling	Moran	Sandstede	Youakim
Christensen	Hassan	Lien	Morrison	Sauke	Spk. Hortman
Clafin	Hausman	Lillie	Murphy	Schultz	
Considine	Her	Lippert	Nelson, M.	Stephenson	
Davnie	Hornstein	Lislegard	Noor	Sundin	

The motion did not prevail and the amendment was not adopted.

Koznick moved to amend H. F. No. 1555, the first engrossment, as amended, as follows:

Page 142, line 2, delete "(a)"

Page 142, delete line 4

Amend the title accordingly

The motion did not prevail and the amendment was not adopted.

Nornes moved to amend H. F. No. 1555, the first engrossment, as amended, as follows:

Page 137, after line 18, insert:

"Sec. 126. **SIGN AUTHORIZATION.**

(a) For purposes of this section, the terms defined in Minnesota Statutes, section 173.02, have the meanings given them.

(b) An advertising device may be erected and maintained in an adjacent area if the device:

(1) is located at or in the vicinity of the intersection of marked Trunk Highway 78 and Otter Tail County Highway 81, known as 160th Street;

(2) relates to the meetings or location of an established religious organization's religious services;

(3) contains an advertising area that does not exceed 65 square feet;

(4) is located on private property; and

(5) does not violate Minnesota Statutes, section 160.2715.

(c) An advertising device authorized under this section is a religious notice under Minnesota Statutes, section 173.08, subdivision 1, clause (6).

(d) The commissioner and a local zoning authority are prohibited from requiring a permit or imposing a fee under this section.

**EFFECTIVE DATE.** This section is effective the day following final enactment."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion did not prevail and the amendment was not adopted.

Vogel moved to amend H. F. No. 1555, the first engrossment, as amended, as follows:

Page 68, after line 23, insert:

"Sec. 9. **[161.1225] MARKED INTERSTATE HIGHWAY 35 REQUIREMENTS.**

Notwithstanding section 169.14, the commissioner must establish a speed limit of 55 miles per hour on the segment of marked Interstate Highway 35E from the Mississippi River to the interchange with marked Interstate Highway 94.

**EFFECTIVE DATE.** This section is effective August 1, 2019."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion did not prevail and the amendment was not adopted.

Urdahl moved to amend H. F. No. 1555, the first engrossment, as amended, as follows:

Page 107, after line 23, insert:

"Sec. 78. Minnesota Statutes 2018, section 171.12, subdivision 6, is amended to read:

Subd. 6. **Certain convictions not recorded.** (a) Except as provided in paragraph ~~(e)~~ (d), the department must not keep on the record of a driver any conviction for a violation of a speed limit of 55 miles per hour unless the violation consisted of a speed greater than ten miles per hour in excess of the speed limit.

(b) Except as provided in paragraph ~~(e)~~ (d), the department must not keep on the record of a driver any conviction for a violation of a speed limit of 60 miles per hour unless the violation consisted of a speed greater than five miles per hour in excess of the speed limit.

(c) Except as provided in paragraph (d), the department must not keep on the record of a driver any conviction for a violation of a speed limit of 45 miles per hour on a segment of interstate highway located within a city of the first class, unless the violation consisted of a speed greater than ten miles per hour in excess of the speed limit.

(d) This subdivision does not apply to (1) a violation that occurs in a commercial motor vehicle, or (2) a violation committed by a holder of a class A, B, or C commercial driver's license or commercial driver learner's permit, without regard to whether the violation was committed in a commercial motor vehicle or another vehicle.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to violations committed on or after that date."

ReNUMBER the sections in sequence and correct the internal references

Amend the title accordingly

The motion did not prevail and the amendment was not adopted.

Koznick moved to amend H. F. No. 1555, the first engrossment, as amended, as follows:

Page 90, after line 19, insert:

"Sec. 54. Minnesota Statutes 2018, section 169.18, subdivision 10, is amended to read:

Subd. 10. **Slow-moving vehicle.** ~~Upon all roadways any~~ (a) A person operating a vehicle proceeding at less than the ~~normal~~ speed of traffic ~~at the time and place and under the existing conditions then existing shall be driven~~ must drive in the right-hand lane ~~then available for traffic~~, or as close as practicable to the right-hand curb or edge of the roadway, ~~except when~~. A person who violates this paragraph must pay a fine of not less than \$100.

(b) Paragraph (a) does not apply if:

(1) the vehicle is overtaking and passing another vehicle proceeding in the same direction, or when;

(2) the vehicle is preparing for a left to turn left at an intersection or into a private road or driveway, or when;

(3) a specific lane is designated and posted for a specific type of traffic; or

(4) the vehicle is preparing to exit a controlled access highway by using an exit on the left side of the road."

Page 135, after line 14, insert:

"Sec. 122. **PUBLIC AWARENESS CAMPAIGN.**

The commissioner of public safety must conduct a public awareness campaign to increase public knowledge about Minnesota Statutes, section 169.18, subdivision 10."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion did not prevail and the amendment was not adopted.

Speaker pro tempore Halverson called Olson to the Chair.

Bahr moved to amend H. F. No. 1555, the first engrossment, as amended, as follows:

Page 15, delete lines 16 to 20

Page 15, line 21, delete "(e)" and insert "(d)"

The motion did not prevail and the amendment was not adopted.

Speaker pro tempore Olson called Halverson to the Chair.

Grossell offered an amendment to H. F. No. 1555, the first engrossment, as amended.

#### POINT OF ORDER

Olson raised a point of order pursuant to rule 3.21(a) that the Grossell amendment was not in order. Speaker pro tempore Halverson ruled the point of order well taken and the Grossell amendment out of order.

Grossell appealed the decision of Speaker pro tempore Halverson.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of Speaker pro tempore Halverson stand as the judgment of the House?" and the roll was called. There were 75 yeas and 57 nays as follows:

Those who voted in the affirmative were:

Acomb	Dehn	Howard	Loeffler	Olson	Tabke
Bahner	Ecklund	Huot	Long	Pelowski	Vang
Becker-Finn	Edelson	Klevorn	Mahoney	Persell	Wagenius
Bernardy	Elkins	Koegel	Mann	Pinto	Wazlawik
Bierman	Fischer	Kotyza-Witthuhn	Mariani	Poppe	Winkler
Brand	Freiberg	Kunesh-Podein	Marquart	Pryor	Wolgamott
Cantrell	Gomez	Lee	Masin	Richardson	Xiong, J.
Carlson, A.	Halverson	Lesch	Moller	Sandell	Xiong, T.
Carlson, L.	Hansen	Liebling	Moran	Sandstede	Youakim
Christensen	Hassan	Lien	Morrison	Sauke	Spk. Hortman
Clafin	Hausman	Lillie	Murphy	Schultz	
Considine	Her	Lippert	Nelson, M.	Stephenson	
Davnie	Hornstein	Lislegard	Noor	Sundin	

Those who voted in the negative were:

Albright	Dettmer	Haley	Layman	O'Driscoll	Swedzinski
Anderson	Drazkowski	Hamilton	Lucero	O'Neill	Theis
Backer	Erickson	Heinrich	Lueck	Petersburg	Torkelson
Bahr	Fabian	Heintzeman	Mekeland	Pierson	Urdahl
Baker	Franson	Hertaus	Miller	Poston	Vogel
Bennett	Garofalo	Johnson	Munson	Quam	West
Boe	Green	Jurgens	Nash	Robbins	Zerwas
Daniels	Grossell	Kiel	Nelson, N.	Runbeck	
Davids	Gruenhagen	Koznick	Neu	Schomacker	
Demuth	Gunther	Kresha	Nornes	Scott	

So it was the judgment of the House that the decision of Speaker pro tempore Halverson should stand.

Runbeck moved to amend H. F. No. 1555, the first engrossment, as amended, as follows:

Page 131, after line 25, insert:

"Sec. 115. Minnesota Statutes 2018, section 473.3994, is amended by adding a subdivision to read:

Subd. 5a. **Colocation requirements.** A responsible authority is prohibited from constructing a light rail transit facility that colocates light rail transit service with freight rail service, whether using the same rail track or operating in the same right-of-way.

**EFFECTIVE DATE; APPLICATION.** This section is effective the day following final enactment and applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion did not prevail and the amendment was not adopted.

Runbeck moved to amend H. F. No. 1555, the first engrossment, as amended, as follows:

Page 137, after line 9, insert:

"Sec. 125. **SOUTHWEST LIGHT RAIL TRANSIT; ENVIRONMENTAL PROTECTION.**

The Metropolitan Council is prohibited from removing any tree, as defined in Minnesota Statutes, section 160.22, subdivision 7a, for the Southwest light rail transit project unless the council has entered into a full funding grant agreement with the Federal Transit Administration for the project.

**EFFECTIVE DATE; APPLICATION.** This section is effective the day following final enactment and applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Runbeck amendment and the roll was called. There were 59 yeas and 72 nays as follows:

Those who voted in the affirmative were:

Albright	Dettmer	Haley	Kresha	Neu	Schomacker
Anderson	Drazkowski	Hamilton	Layman	Nornes	Scott
Backer	Erickson	Heinrich	Loeffler	O'Driscoll	Swedzinski
Bahr	Fabian	Heintzeman	Lucero	O'Neill	Theis
Baker	Franson	Hertaus	Lueck	Petersburg	Torkelson
Bennett	Garofalo	Hornstein	Mekeland	Pierson	Urdahl
Daniels	Green	Johnson	Miller	Poston	Vogel
Davids	Grossell	Jurgens	Munson	Quam	West
Dehn	Gruenhagen	Kiel	Nash	Robbins	Zerwas
Demuth	Gunther	Koznick	Nelson, N.	Runbeck	

Those who voted in the negative were:

Acomb	Considine	Howard	Lislegard	Noor	Stephenson
Bahner	Davnie	Huot	Long	Olson	Sundin
Becker-Finn	Ecklund	Klevorn	Mahoney	Pelowski	Tabke
Bernardy	Elkins	Koegel	Mann	Persell	Vang
Bierman	Fischer	Kotyza-Witthuhn	Mariani	Pinto	Wagenius
Boe	Freiberg	Kunesh-Podein	Marquart	Poppe	Wazlawik
Brand	Gomez	Lee	Masin	Pryor	Winkler
Cantrell	Halverson	Lesch	Moller	Richardson	Wolgamott
Carlson, A.	Hansen	Liebling	Moran	Sandell	Xiong, J.
Carlson, L.	Hassan	Lien	Morrison	Sandstede	Xiong, T.
Christensen	Hausman	Lillie	Murphy	Sauke	Youakim
Claflin	Her	Lippert	Nelson, M.	Schultz	Spk. Hortman

The motion did not prevail and the amendment was not adopted.

The Speaker resumed the Chair.

### CALL OF THE HOUSE

On the motion of Koznick and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Acomb	Dehn	Hassan	Lien	Nelson, N.	Schomacker
Albright	Demuth	Hausman	Lillie	Neu	Schultz
Anderson	Dettmer	Heinrich	Lippert	Noor	Scott
Backer	Drazkowski	Heintzeman	Lislegard	Nornes	Stephenson
Bahner	Ecklund	Her	Loeffler	O'Driscoll	Sundin
Bahr	Edelson	Hertaus	Long	Olson	Swedzinski
Baker	Elkins	Hornstein	Lucero	O'Neill	Tabke
Becker-Finn	Erickson	Howard	Lueck	Pelowski	Theis
Bennett	Fabian	Huot	Mahoney	Persell	Torkelson
Bernardy	Fischer	Johnson	Mann	Petersburg	Urdahl
Bierman	Franson	Jurgens	Mariani	Pierson	Vang
Boe	Freiberg	Kiel	Marquart	Pinto	Vogel
Brand	Garofalo	Klevorn	Masin	Poppe	Wagenius
Cantrell	Gomez	Koegel	Mekeland	Poston	Wazlawik
Carlson, A.	Green	Kotyza-Witthuhn	Miller	Pryor	West
Carlson, L.	Grossell	Koznick	Moller	Quam	Winkler
Christensen	Gruenhagen	Kresha	Moran	Richardson	Wolgamott
Clafin	Gunther	Kunesh-Podein	Morrison	Robbins	Xiong, J.
Considine	Haley	Layman	Munson	Runbeck	Xiong, T.
Daniels	Halverson	Lee	Murphy	Sandell	Youakim
Davids	Hamilton	Lesch	Nash	Sandstede	Zerwas
Davnie	Hansen	Liebling	Nelson, M.	Sauke	Spk. Hortman

All members answered to the call and it was so ordered.

H. F. No. 1555, A bill for an act relating to transportation; establishing a budget for transportation; appropriating money for transportation purposes, including Department of Transportation, Metropolitan Council, and Department of Public Safety activities; modifying driver's licenses and identification cards; modifying motor vehicle taxes and fees; modifying various provisions governing transportation policy and finance; allocating certain sales and use tax revenue; establishing accounts; making technical changes; authorizing the sale and issuance of state bonds; requiring reports; amending Minnesota Statutes 2018, sections 13.461, by adding a subdivision; 13.6905, by adding a subdivision; 13.72, subdivision 10; 80E.13; 160.02, subdivision 1a; 160.262, subdivision 3; 160.263, subdivision 2; 160.266, subdivision 1b, by adding a subdivision; 161.115, subdivision 46; 161.14, subdivision 16, by adding subdivisions; 161.45, subdivision 2; 161.46, subdivision 2; 168.013, subdivisions 1a, 1m, 3, 6, 21; 168.10, subdivision 1h; 168.123, subdivision 2; 168.27, by adding subdivisions; 168.301, subdivision 3; 168.33, subdivisions 7, 8a; 168.346, subdivision 1; 168A.02, subdivision 1; 168A.085, by adding a subdivision; 168A.09, subdivision 1; 168A.12, subdivision 2; 168A.17, by adding a subdivision; 168A.29, subdivision 1; 169.011, subdivisions 5, 9, 64, by adding subdivisions; 169.035, by adding a subdivision; 169.06, subdivision 4a; 169.18, subdivisions 3, 8, 11; 169.20, subdivision 7; 169.222, subdivisions 1, 4; 169.26, subdivisions 1, 4; 169.28; 169.29; 169.443, subdivision 2; 169.4503, subdivision 5; 169.58, by adding a subdivision; 169.64, subdivision 9; 169.71, subdivisions 1, 4; 169.81, by adding a subdivision; 169.864; 169.865, subdivisions 1, 2, by adding a subdivision; 169.92, subdivision 4; 171.01, by adding subdivisions; 171.04, subdivision 5; 171.06, subdivisions 2, 3, by adding subdivisions; 171.061, subdivision 4; 171.07, subdivisions 1, 3, by adding a subdivision; 171.12, subdivisions 7a, 9,

by adding subdivisions; 171.16, subdivisions 2, 3; 171.18, subdivision 1; 174.01, subdivision 2; 174.03, subdivision 7, by adding subdivisions; 174.24, subdivision 2; 174.37; 174.57; 201.061, subdivision 3; 219.015, subdivisions 1, 2, by adding a subdivision; 219.1651; 221.031, by adding a subdivision; 296A.07, subdivision 3; 296A.08, subdivision 2; 297A.815, subdivision 3; 297A.94; 297A.99, subdivision 1; 297B.02, subdivision 1; 297B.09; 299A.12, subdivisions 1, 2, 3; 299A.13; 299A.14, subdivision 3; 299D.03, subdivision 5; 325F.185; 360.013, by adding subdivisions; 360.024; 360.55, by adding a subdivision; 360.59, subdivision 10; 360.62; 473.386, subdivision 3, by adding a subdivision; 473.388, subdivision 4a; 473.39, subdivision 6, by adding a subdivision; 473.391, by adding a subdivision; 473.4052, subdivision 4; 473.408, by adding a subdivision; 480.15, by adding a subdivision; Laws 1994, chapter 643, section 15, subdivision 8; Laws 2014, chapter 312, article 11, section 38, subdivisions 5, 6; proposing coding for new law in Minnesota Statutes, chapters 161; 168; 168A; 169; 171; 174; 219; 297A; 360; repealing Minnesota Statutes 2018, sections 3.972, subdivision 4; 169.18, subdivision 12; 171.015, subdivision 7; 299A.12, subdivision 4; 299A.18; Laws 2002, chapter 393, section 85.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 74 yeas and 58 nays as follows:

Those who voted in the affirmative were:

Acomb	Ecklund	Huot	Long	Pelowski	Vang
Becker-Finn	Edelson	Klevorn	Mahoney	Persell	Wagenius
Bernardy	Elkins	Koegel	Mann	Pinto	Wazlawik
Bierman	Fischer	Kotzya-Witthuhn	Mariani	Poppe	Winkler
Brand	Freiberg	Kunesh-Podein	Marquart	Pryor	Wolgamott
Cantrell	Gomez	Lee	Masin	Richardson	Xiong, J.
Carlson, A.	Halverson	Lesch	Moller	Sandell	Xiong, T.
Carlson, L.	Hansen	Liebling	Moran	Sandstede	Youakim
Christensen	Hassan	Lien	Morrison	Sauke	Spk. Hortman
Clafin	Hausman	Lillie	Murphy	Schultz	
Considine	Her	Lippert	Nelson, M.	Stephenson	
Davnie	Hornstein	Lislegard	Noor	Sundin	
Dehn	Howard	Loeffler	Olson	Tabke	

Those who voted in the negative were:

Albright	Demuth	Gunther	Kresha	Nornes	Scott
Anderson	Dettmer	Haley	Layman	O'Driscoll	Swedzinski
Backer	Drazkowski	Hamilton	Lucero	O'Neill	Theis
Bahner	Erickson	Heinrich	Lueck	Petersburg	Torkelson
Bahr	Fabian	Heintzeman	Mekeland	Pierson	Urdahl
Baker	Franson	Hertaus	Miller	Poston	Vogel
Bennett	Garofalo	Johnson	Munson	Quam	West
Boe	Green	Jurgens	Nash	Robbins	Zerwas
Daniels	Grossell	Kiel	Nelson, N.	Runbeck	
Davids	Gruenhagen	Koznick	Neu	Schomacker	

The bill was passed, as amended, and its title agreed to.

S. F. No. 802 was reported to the House.

Mariani moved to amend S. F. No. 802, the third engrossment, as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 2792, the first engrossment:

"ARTICLE 1  
PUBLIC SAFETY APPROPRIATIONS

Section 1. **APPROPRIATIONS.**

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this article. The appropriations are from the general fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2020" and "2021" used in this article mean that the appropriations listed under them are available for the fiscal year ending June 30, 2020, or June 30, 2021, respectively. "The first year" is fiscal year 2020. "The second year" is fiscal year 2021. "The biennium" is fiscal years 2020 and 2021. Appropriations for the fiscal year ending June 30, 2019, are effective the day following final enactment.

	<b><u>APPROPRIATIONS</u></b>		
	<b><u>Available for the Year</u></b>		
	<b><u>Ending June 30</u></b>		
	<b><u>2019</u></b>	<b><u>2020</u></b>	<b><u>2021</u></b>
Sec. 2. <b><u>SENTENCING GUIDELINES</u></b>		<b><u>\$1,330,000</u></b>	<b><u>\$988,000</u></b>
<u>\$651,000 the first year and \$301,000 the second year are to establish early discharge targets. The base for this program is \$223,000 beginning in fiscal year 2022.</u>			

Sec. 3. **PUBLIC SAFETY**

Subdivision 1. <b><u>Total Appropriation</u></b>	<b><u>\$160,000</u></b>	<b><u>\$202,143,000</u></b>	<b><u>\$201,171,000</u></b>
<b><u>Appropriations by Fund</u></b>			
	<b><u>2019</u></b>	<b><u>2020</u></b>	<b><u>2021</u></b>
<u>General</u>	<u>160,000</u>	<u>108,637,000</u>	<u>107,665,000</u>
<u>Special Revenue</u>		<u>13,926,000</u>	<u>13,926,000</u>
<u>State Government</u>			
<u>Special Revenue</u>		<u>103,000</u>	<u>103,000</u>
<u>Environmental</u>		<u>73,000</u>	<u>73,000</u>
<u>Trunk Highway</u>		<u>2,429,000</u>	<u>2,429,000</u>
<u>911 Fund</u>		<u>77,650,000</u>	<u>77,650,000</u>

The amounts that may be spent for each purpose are specified in the following subdivisions.

**Subd. 2. Deficiency**

\$160,000 in fiscal year 2019 is to pay systems costs related to license reinstatement fee changes, driver diversion programs, and ignition interlock.

**Subd. 3. Emergency Management**

5,343,000

5,093,000

Appropriations by Fund

General	3,745,000	3,495,000
Environmental	73,000	73,000
Special Revenue Fund	1,525,000	1,525,000

**(a) Hazmat and Chemical Assessment Teams**

\$850,000 each year is from the fire safety account in the special revenue fund. These amounts must be used to fund the hazardous materials and chemical assessment teams. Of this amount, \$100,000 the first year is for cases for which there is no identified responsible party.

**(b) Supplemental Nonprofit Security Grants**

\$300,000 each year is for supplemental nonprofit security grants under this paragraph.

Nonprofit organizations whose applications for funding through the Federal Emergency Management Agency's nonprofit security grant program have been approved by the Division of Homeland Security and Emergency Management are eligible for grants under this paragraph. No additional application shall be required for grants under this paragraph, and an application for a grant from the federal program is also an application for funding from the state supplemental program.

Eligible organizations may receive grants of up to \$75,000, except that the total received by any individual from both the federal nonprofit security grant program and the state supplemental nonprofit security grant program shall not exceed \$75,000. Grants shall be awarded in an order consistent with the ranking given to applicants for the federal nonprofit security grant program. No grants under the state supplemental nonprofit security grant program shall be awarded until the announcement of the recipients and the amount of the grants awarded under the federal nonprofit security grant program.

The commissioner may use up to one percent of the appropriation received under this paragraph to pay costs incurred by the department in administering the supplemental nonprofit security grant program. This program shall have a base of \$150,000 in fiscal year 2022 and \$0 in fiscal year 2023.

**(c) Emergency Responder Training; Autism Spectrum Disorder**

\$250,000 the first year is for a grant or grants to a person or entity to train emergency responders and utilize applications for cell phones and mobile electronic devices to improve and de-escalate emergency encounters and crisis situations with individuals who have an autism spectrum disorder or related disability, or other nonvisible health issue, and to acquire these applications. By February 15, 2023, the commissioner shall report to the chairs and ranking minority members of the senate and house of representatives committees and divisions having jurisdiction over criminal justice policy and finance on how this appropriation was spent and what results were achieved.

**(d) Local Government Emergency Management**

\$300,000 each year is for the director of the Homeland Security and Emergency Management Division (HSEM) to award grants to emergency management departments for planning and preparedness activities including capital purchases.

A grant in the amount of \$20,000 shall be awarded each fiscal year to each of the following, subject to HSEM's final approval:

(1) 12 counties with two counties recommended by each Homeland Security Emergency Management Region;

(2) two tribal governments recommended by the Indian Affairs Council; and

(3) one city of the first class chosen by HSEM.

Current local funding for emergency management and preparedness activities may not be supplanted by these additional state funds. These appropriations are onetime.

**(e) Bomb Squad Reimbursements**

\$50,000 each year is for reimbursements to local governments for bomb squad services.

**(f) School Safety Center**

\$250,000 each year is to hire two additional school safety specialists in the school safety center.

**(g) Emergency Response Teams**

\$675,000 each year is to maintain four emergency response teams: one under the jurisdiction of the St. Cloud Fire Department or a similarly located fire department if necessary; one under the

jurisdiction of the Duluth Fire Department; one under the jurisdiction of the St. Paul Fire Department; and one under the jurisdiction of the Moorhead Fire Department. The commissioner must allocate the appropriation as follows:

- (1) \$225,000 each year to the St. Cloud Fire Department;
- (2) \$225,000 each year to the Duluth Fire Department;
- (3) \$125,000 each year to the St. Paul Fire Department; and
- (4) \$100,000 each year to the Moorhead Fire Department.

These are onetime appropriations.

**Subd. 4. Criminal Apprehension**

63,229,000

62,974,000

Appropriations by Fund

<u>General</u>	<u>60,793,000</u>	<u>60,538,000</u>
<u>State Government</u>		
<u>Special Revenue</u>	<u>7,000</u>	<u>7,000</u>
<u>Trunk Highway</u>	<u>2,429,000</u>	<u>2,429,000</u>

**(a) DWI Lab Analysis; Trunk Highway Fund**

Notwithstanding Minnesota Statutes, section 161.20, subdivision 3, \$2,429,000 each year is from the trunk highway fund for laboratory analysis related to driving-while-impaired cases.

**(b) FBI Cybersecurity Compliance**

\$1,501,000 the first year and \$1,325,000 the second year are for staff and technology costs to meet FBI cybersecurity requirements. The base for fiscal year 2022 and thereafter is \$1,175,000.

**(c) Automated Fingerprint Identification System**

\$1,500,000 each year is to replace the current automated fingerprint identification system with a new leased technology system.

**(d) Equipment**

\$50,000 the first year is for information and technology to receive and store data related to complaints made against an employed peace officer.

**(e) Base Adjustment**

To account for the base adjustments provided in Laws 2018, chapter 211, article 21, section 1, paragraph (a), the general fund base is increased by \$131,000 in fiscal years 2022 and 2023.

<b><u>Subd. 5. Fire Marshal</u></b>	<u>6,622,000</u>	<u>6,622,000</u>
-------------------------------------	------------------	------------------

**Appropriations by Fund**

<u>Special Revenue</u>	<u>6,622,000</u>	<u>6,622,000</u>
------------------------	------------------	------------------

The special revenue fund appropriation is from the fire safety account in the special revenue fund and is for activities under Minnesota Statutes, section 299F.012.

**Inspections.** \$300,000 each year is for inspection of nursing homes and boarding care facilities.

<b><u>Subd. 6. Firefighter Training and Education Board</u></b>	<u>5,015,000</u>	<u>5,015,000</u>
---	------------------	------------------

**Appropriations by Fund**

<u>Special Revenue</u>	<u>5,015,000</u>	<u>5,015,000</u>
------------------------	------------------	------------------

The special revenue fund appropriation is from the fire safety account in the special revenue fund and is for activities under Minnesota Statutes, section 299F.012.

**(a) Firefighter Training and Education**

\$4,265,000 each year is for firefighter training and education.

**(b) Task Force 1**

\$500,000 each year is for the Minnesota Task Force 1.

**(c) Air Rescue**

\$250,000 each year is for the Minnesota Air Rescue Team.

**(d) Unappropriated Revenue**

Any additional unappropriated money collected in fiscal year 2019 is appropriated to the commissioner of public safety for the purposes of Minnesota Statutes, section 299F.012. The commissioner may transfer appropriations and base amounts between activities in this subdivision.

**Subd. 7. Alcohol and Gambling Enforcement**2,929,0002,927,000Appropriations by Fund

<u>General</u>	<u>2,165,000</u>	<u>2,163,000</u>
<u>Special Revenue</u>	<u>764,000</u>	<u>764,000</u>

\$694,000 each year is from the alcohol enforcement account in the special revenue fund. Of this appropriation, \$500,000 each year shall be transferred to the general fund.

\$70,000 each year is from the lawful gambling regulation account in the special revenue fund.

\$175,000 the first year and \$165,000 the second year are for costs related to enforcement of laws regulating out-of-state direct wine shippers.

To account for the base adjustments provided in Laws 2018, chapter 211, article 21, section 1, paragraph (a), the general fund base is increased by \$8,000 in fiscal years 2022 and 2023.

**Subd. 8. Office of Justice Programs**41,730,00041,365,000Appropriations by Fund

<u>General</u>	<u>41,634,000</u>	<u>41,269,000</u>
<u>State Government</u>		
<u>Special Revenue</u>	<u>96,000</u>	<u>96,000</u>

To account for the base adjustments provided in Laws 2018, chapter 211, article 21, section 1, paragraph (a), the general fund base is increased by \$2,000 in fiscal years 2022 and 2023.

**(a) Administration Costs**

Up to 2.5 percent of the grant funds appropriated in this subdivision may be used by the commissioner to administer the grant program.

**(b) Indigenous Women Task Force**

\$105,000 the first year and \$45,000 the second year are to convene a task force on the causes and extent of victimization of indigenous women and girls and strategies to reduce violence. A report on policies and recommendations to reduce and end violence against indigenous women and girls is due to the legislature on December 15, 2020. These are onetime appropriations.

**(c) Domestic Abuse Prevention Grants**

\$200,000 each year is for a grant to a domestic abuse prevention program that provides interdisciplinary, trauma-informed treatment and evidence-informed intervention for veterans and current or former service members and their families affected by domestic violence. The grantee must offer a combination of services for perpetrators of domestic violence and their families, including individual and group therapy, evaluation and research of programming, and short- and long-term case management services to ensure stabilization and increase their overall mental health functioning and well-being. These appropriations are onetime.

**(d) Criminal Sexual Conduct Statutory Reform Working Group**

\$20,000 the first year and \$14,000 the second year are to convene, administer, and implement the criminal sexual conduct statutory reform working group.

**(e) Legal Representation for Children**

\$150,000 each year is for a grant to an organization that provides legal representation for children in need of protection or services and children in out-of-home placement. The grant is contingent upon a match in an equal amount from nonstate funds. The match may be in kind, including the value of volunteer attorney time, or in cash, or a combination of the two. These appropriations are onetime.

**(f) Youth Intervention Programs**

\$500,000 each year is for youth intervention programs under Minnesota Statutes, section 299A.73. One-half of the money is for community-based youth intervention programs that work with African American and African immigrant youth.

These appropriations are onetime.

**(g) Domestic Abuse Transformation Programs**

\$783,000 each year is for grants to domestic abuse transformation programs that demonstrate meaningful and effective programming to reduce and eliminate domestic abuse within intimate partner relationships. The requirements for grant recipients shall be developed by the Office of Justice Programs in consultation with stakeholders impacted by domestic abuse and working to end domestic abuse. The base in fiscal year 2022 is \$0.

**(h) Peace Officer Community Policing Excellence Report Database**

(1) \$200,000 the first year is for a grant to a qualified community-based research organization to develop a system to classify and report peace officer discipline by category, severity, type, demographic data of those involved in the incident, and any other factor determined to be appropriate by the Peace Officers Standards and Training Board. As part of the system, the grant recipient must develop and incorporate:

(i) a protocol to assign a unique identifier for each peace officer;

(ii) safeguards to protect personal identifying information of peace officers; and

(iii) guidelines for data retention and user audit trails.

(2) The grant recipient, in consultation with the stakeholder group identified in clause (3), may recommend changes on how to adapt the system under clause (1) to collect additional policing data that corresponds with peace officer interactions with the public generally and suspects, arrests, and victims specifically.

(3) In developing the system described in clause (1), the grant recipient shall consult with:

(i) the superintendent of the Bureau of Criminal Apprehension;

(ii) the Peace Officer Standards and Training Board;

(iii) the Minnesota Police and Peace Officers Association;

(iv) the Minnesota Sheriff's Association;

(v) the Minnesota Chiefs of Police Association; and

(vi) six community members appointed by the commissioner of public safety, of which:

(A) at least two members must be from communities represented by boards established under section 257.0768;

(B) at least two members must be mental health advocates; and

(C) at least two members must be advocates for domestic abuse victims.

(4) The grant recipient and citizens must be permitted ongoing direct access to the data maintained in the system. Access to the data under this clause must be strictly regulated and monitored to ensure compliance with the data privacy classifications assigned to the data.

**(i) Sex Trafficking Investigations Coordinator**

\$100,000 each year is for a statewide Sex Trafficking Investigations Coordinator.

**(j) Cannabis Task Force**

\$100,000 the first year is to provide support staff, office space, and administrative services for the Cannabis Task Force.

**(k) Safe and Secure Storage of Firearms**

\$100,000 each year is for grants to local or state law enforcement agencies to support the safe and secure storage of firearms.

**(l) Community Policing Database Maintenance**

\$50,000 the second year is for the Bureau of Criminal Apprehension to maintain the community policing database. Any unused amount remaining in the account on June 1 is for a grant to a community-based research organization to maintain and update software to monitor peace officer discipline.

**Subd. 9. Emergency Communication Networks**

77,750,000

77,750,000

Appropriations by Fund

General	<u>100,000</u>	<u>100,000</u>
Special Revenue	<u>77,650,000</u>	<u>77,650,000</u>

This appropriation is from the state government special revenue fund for 911 emergency telecommunications services.

This appropriation includes funds for information technology project services and support subject to the provisions of Minnesota Statutes, section 16E.0466. Any ongoing information technology costs will be incorporated into the service level agreement and will be paid to the Office of MN.IT Services by the Department of Public Safety under the rates and mechanism specified in that agreement.

**(a) Public Safety Answering Points**

\$13,664,000 each year is to be distributed as provided in Minnesota Statutes, section 403.113, subdivision 2.

**(b) Medical Resource Communication Centers**

\$683,000 each year is for grants to the Minnesota Emergency Medical Services Regulatory Board for the Metro East and Metro West Medical Resource Communication Centers that were in operation before January 1, 2000.

(c) **Medical Resource Control Centers**

\$100,000 the first year and \$100,000 the second year are appropriated from the general fund to the commissioner of public safety for grants to the Minnesota Emergency Medical Services Regulatory Board for the East Metro and West Metro Medical Resource Control Centers that were in operation before January 1, 2000. These appropriations are onetime.

(d) **ARMER Debt Service**

\$23,261,000 each year is transferred to the commissioner of management and budget to pay debt service on revenue bonds issued under Minnesota Statutes, section 403.275.

Any portion of this appropriation not needed to pay debt service in a fiscal year may be used by the commissioner of public safety to pay cash for any of the capital improvements for which bond proceeds were appropriated by Laws 2005, chapter 136, article 1, section 9, subdivision 8; or Laws 2007, chapter 54, article 1, section 10, subdivision 8.

(e) **ARMER State Backbone Operating Costs**

\$9,675,000 each year is transferred to the commissioner of transportation for costs of maintaining and operating the statewide radio system backbone.

(f) **ARMER Improvements**

\$1,000,000 each year is to the Statewide Emergency Communications Board for improvements to those elements of the statewide public safety radio and communication system that support mutual aid communications and emergency medical services or provide interim enhancement of public safety communication interoperability in those areas of the state where the statewide public safety radio and communication system is not yet implemented, and grants to local units of government to further the strategic goals set forth by the Statewide Emergency Communications Board strategic plan.

(g) **Telephone Cardiopulmonary Resuscitation Program**

\$50,000 the first year is appropriated from the general fund for grants to reimburse public safety answering points for the cost of 911 telecommunicator cardiopulmonary resuscitation training. This is a onetime appropriation.

Subd. 10. **Traffic Safety**200,000100,000

\$200,000 the first year and \$100,000 the second year are for a study to report on the use of screening tests that measure the level of marijuana or tetrahydrocannabinols in the blood of a person stopped or arrested for driving while impaired.

Sec. 4. **PEACE OFFICER STANDARDS AND TRAINING (POST) BOARD**Subdivision 1. **Total Appropriation**\$500,000\$10,563,000\$10,316,000

The amounts that may be spent for each purpose are specified in the following subdivisions.

Subd. 2. **Deficiency**

\$500,000 in fiscal year 2019 is from the general fund to pay for a projected deficiency in operating expenses.

Subd. 3. **Peace Officer Training Reimbursements**

\$2,859,000 each year is for reimbursements to local governments for peace officer training costs.

Subd. 4. **Peace Officer Training Assistance**

(a) \$6,000,000 the first year is from the general fund to the Peace Officer Standards and Training Board for grants to support and strengthen law enforcement training and implement best practices. After January 2, 2021, these funds may only be used to reimburse training expenses for peace officers who are employed by law enforcement agencies that the superintendent of the Bureau of Criminal Apprehension has certified are:

(1) compliant with the Federal Bureau of Investigation's National Incident-Based Report System (NIBRS), which requires recording the age, sex, and race of the arrestee and the relationship of the arrestee and victim if this information is known to the officer;

(2) in compliance with the peace officer discipline reporting requirements established in Minnesota Statutes, section 626.8435;

(3) in compliance with the Bureau of Criminal Apprehension's use of force data collection policy to include reporting whether the incident was officer generated or in response to a call for assistance; and

(4) in compliance with the report required by Minnesota Statutes, sections 299C.22, subdivision 2, and 626.553, subdivision 2. This report includes the Federal Bureau of Investigation's use of force data collection and whether the incident was officer generated or in response to a request for service.

The base for this activity is \$6,000,000 in fiscal years 2020, 2021, 2022, and 2023 and \$0 in fiscal year 2024 and thereafter.

(b) The superintendent of the Bureau of Criminal Apprehension may grant up to one additional year for an agency to become substantially compliant with NIBRS if the agency establishes good cause for delayed compliance.

(c) The superintendent of the Bureau of Criminal Apprehension shall modify the Supplemental Reporting System on the agency submissions page to provide fields for agencies to report the data required under paragraph (a), clause (3).

**Subd. 5. De-escalation Training**

\$100,000 each year is for training state and local community safety personnel in the use of crisis de-escalation techniques. When selecting a service provider for this training, the board may consult with any postsecondary institution, any state or local government official, or any nongovernment authority the board determines to be relevant. Among any other criteria the board may establish, the training provider must have a demonstrated understanding of the transitions and challenges that veterans may experience during their re-entry into society following combat service. The board must ensure that training opportunities provided are reasonably distributed statewide.

**Subd. 6. Peace Officer Excellence Task Force**

\$250,000 the first year is to provide support staff, office space, and administrative services for the Peace Officer Excellence Task Force.

**Sec. 5. PRIVATE DETECTIVE BOARD**

**\$277,000**

**\$277,000**

**Sec. 6. CORRECTIONS**

**Subdivision 1. Total Appropriation**

**\$633,129,000**

**\$655,572,000**

The amounts that may be spent for each purpose are specified in the following subdivisions.

**Subd. 2. Correctional Institutions**

**460,026,000**

**475,654,000**

**(a) Base Adjustment**

To account for the base adjustments provided in Laws 2018, chapter 211, article 21, section 1, paragraph (a), the base is increased by \$2,342,000 in fiscal year 2022 and \$2,342,000 in fiscal year 2023.

**(b) Prison Population**

To account for projected prison population changes, the base is increased by \$1,910,000 in fiscal year 2022 and \$3,641,000 in fiscal year 2023.

**(c) Facility Staff Positions**

\$2,518,000 the first year and \$5,980,000 the second year are to add up to 110 full-time equivalent positions for correctional officers and six full-time equivalent positions for corrections lieutenants located in correctional facilities by fiscal year 2023. The base is increased to \$7,707,000 in fiscal year 2022 and \$8,418,000 in fiscal year 2023.

**(d) Staffing Recruitment and Retention**

\$4,000,000 each year is for staffing recruitment and retention.

**(e) Offender Health Care**

\$2,072,000 the first year and \$3,272,000 the second year are to maintain full funding of the offender health care contract.

**(f) Security**

\$5,250,000 the first year and \$3,935,000 the second year are to upgrade critical security infrastructure and modernize critical security systems. Of the second year amount, \$3,335,000 is onetime funding.

**(g) Safety and Security Staff**

\$891,000 the first year and \$1,426,000 the second year are to add full-time equivalent positions deemed critical to facility safety and security.

**(h) Office of Ombudsperson for Corrections**

\$900,000 each year is to reestablish and operate the Office of Ombudsperson for Corrections.

**(i) Restrictive Housing Reform**

\$844,000 the first year and \$1,688,000 the second year are to implement restrictive housing reforms that will reduce the risk of future misconduct and comply with federal guidelines and accreditation standards.

**(j) Offender Medical Services**

\$879,000 the first year and \$2,160,000 the second year are to expand and improve offender medical services.

**(k) Juvenile Correction Management**

\$544,000 the first year and \$206,000 the second year are to replace the Juvenile Correctional Management System. These are onetime appropriations.

**Subd. 3. Community Services**141,145,000146,459,000**(a) Base Adjustment**

To account for the base adjustments provided in Laws 2018, chapter 211, article 21, section 1, paragraph (a), the base is increased by \$168,000 in fiscal year 2022 and \$168,000 in fiscal year 2023.

**(b) Pretrial Services and Supervision**

\$617,000 the first year and \$1,234,000 the second year are to provide pretrial services and pretrial supervision to offenders.

**(c) Community Corrections Act Subsidy**

\$1,044,000 the first year and \$2,088,000 the second year are added to the Community Corrections Act subsidy, as described in Minnesota Statutes, section 401.14, to provide pretrial services and pretrial supervision to offenders.

\$1,588,000 the first year and \$3,176,000 the second year are added to the Community Corrections Act subsidy, as described in Minnesota Statutes, section 401.14, to provide intensive supervised release to offenders in the community.

**(d) County Probation Officers**

\$64,000 the first year and \$128,000 the second year are for county probation officers reimbursement as described in Minnesota Statutes, section 244.19, subdivision 6, to provide pretrial services and pretrial supervision to offenders.

**(e) Intensive Supervision Agents**

\$912,000 the first year and \$1,824,000 the second year are to increase the number of supervision agents for offenders on intensive supervised release through the Department of Corrections.

**(f) Integrated Offender Case Management Services**

\$321,000 the first year and \$831,000 the second year are to expand and improve integrated offender case management services. \$193,000 is added to the base in each of fiscal years 2022 and 2023.

**(g) Victim Notification System Replacement**

\$300,000 the first year and \$100,000 the second year are to complete the replacement of the Department of Corrections' Victim Notification System. These appropriations are onetime.

**(h) High-Risk Offenders**

\$1,500,000 each year is to provide electronic monitoring services and transitional housing for high-risk offenders under supervision by the Department of Corrections.

**(i) Transportation Services to Children of Incarcerated Parents**

\$150,000 each year is for grants to nonprofit organizations to provide transportation services to children of incarcerated parents at up to three correctional facilities.

**(j) Culturally Specific Reintegration Services for Adult American Indian Offenders**

\$425,000 each year is for grants to community-based providers to deliver culturally specific reintegration services for adult American Indian offenders.

**(k) Parenting Skills**

\$425,000 each year is to improve parenting skills at four correctional facilities.

**(l) Juvenile Justice Reform**

(1) \$280,000 each year is to provide juvenile justice services and resources to Minnesota counties.

(2) \$220,000 each year is for grants to local agencies to establish juvenile detention alternatives.

**(m) Alternatives to Incarceration**

\$240,000 each year is for grants to counties that are not metropolitan counties as defined in Minnesota Statutes, section 473.121, subdivision 4, to facilitate access to community treatment options under the alternatives to incarceration program. These appropriations are onetime.

**(n) Mental Health Community Supervision**

\$400,000 each year is to award grants to two or more counties for establishment of a mental health community supervision caseload pilot project. These appropriations are onetime.

**(o) Exit from Supervised Release**

\$200,000 each year is for grants to government agencies that supervise offenders placed on probation to be used to connect offenders with community treatment options including, but not limited to, inpatient chemical dependency treatment for the purpose of addressing and correcting behavior that is, or is likely to result in, a violation of the terms and conditions of probation. Each fiscal year, these funds are available only to entities outside the seven-county metropolitan area until March 15. After March 15, entities inside the seven-county metropolitan area also may apply for grants. These appropriations are onetime.

**Subd. 4. Operations Support**31,958,00033,459,000**(a) Base Adjustment**

To account for the base adjustments provided in Laws 2018, chapter 211, article 21, section 1, paragraph (a), the base is increased by \$64,000 in fiscal year 2022 and \$64,000 in fiscal year 2023.

**(b) Critical Technology Needs**

\$3,100,000 the first year and \$4,300,000 the second year are to support critical technology needs.

**(c) Staff Recruiting**

\$160,000 each year is to fund positions responsible for recruiting staff to work for the Department of Corrections.

**Sec. 7. PUBLIC DEFENSE BOARD**\$164,000\$204,000

\$164,000 the first year and \$204,000 the second year are for additional staffing necessitated by changes to criminal vehicular homicide and criminal vehicular operation offenses.

**Sec. 8. DISTRICT COURT**\$259,000\$379,000

\$259,000 the first year and \$379,000 the second year are for costs related to petitions for an order of relief from one or more collateral sanctions.

Sec. 9. **DEPARTMENT OF HUMAN SERVICES****\$404,000****\$461,000**

\$404,000 the first year and \$461,000 the second year are for costs related to petitions for an order of relief from one or more collateral sanctions.

Sec. 10. Laws 2017, chapter 95, article 1, section 11, subdivision 7, is amended to read:

Subd. 7. **Office of Justice Programs**

39,580,000

40,036,000

## Appropriations by Fund

General	39,484,000	39,940,000
State Government		
Special Revenue	96,000	96,000

(a) **OJP Administration Costs**

Up to 2.5 percent of the grant funds appropriated in this subdivision may be used by the commissioner to administer the grant program.

(b) **Combating Terrorism Recruitment**

\$250,000 each year is for grants to local law enforcement agencies to develop strategies and make efforts to combat the recruitment of Minnesota residents by terrorist organizations such as ISIS and al-Shabaab. This is a onetime appropriation.

(c) **Sex Trafficking Prevention Grants**

\$180,000 each year is for grants to state and local units of government for the following purposes:

- (1) to support new or existing multijurisdictional entities to investigate sex trafficking crimes; and
- (2) to provide technical assistance, including training and case consultation, to law enforcement agencies statewide.

(d) **Pathway to Policing Reimbursement Grants**

\$400,000 the second year is for reimbursement grants to local units of government that operate pathway to policing programs intended to bring persons with nontraditional backgrounds into law enforcement. Applicants for reimbursement grants may receive up to 50 percent of the cost of compensating and training pathway to policing participants. Reimbursement grants shall be proportionally allocated based on the number of grant applications approved by the commissioner. This is a onetime appropriation.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 11. **TRANSFER.**

\$453,000 in fiscal year 2020 and \$474,000 in fiscal year 2021 and annually thereafter are appropriated to the commissioner of management and budget for transfer to the driver services account in the special revenue fund.

Sec. 12. **INTERPRETATION.**

If an appropriation in this act is enacted more than once in the 2019 regular legislative session, the appropriation must be given effect only once.

ARTICLE 2  
PUBLIC SAFETY

Section 1. Minnesota Statutes 2018, section 13.6905, is amended by adding a subdivision to read:

Subd. 36. **Direct wine shipments.** Data obtained and shared by the commissioner of public safety relating to direct shipments of wine are governed by sections 340A.550 and 340A.555.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 2. Minnesota Statutes 2018, section 299A.55, subdivision 2, is amended to read:

Subd. 2. **Railroad and pipeline safety account.** (a) A railroad and pipeline safety account is created in the special revenue fund. The account consists of funds collected under subdivision 4 and funds donated, allotted, transferred, or otherwise provided to the account.

(b) ~~\$104,000~~ \$250,000 is annually appropriated from the railroad and pipeline safety account to the commissioner of the Pollution Control Agency for environmental protection activities related to railroad discharge preparedness under chapter 115E.

~~(e) \$600,000 in fiscal year 2018 and \$600,000 in fiscal year 2019 are appropriated from the railroad and pipeline safety account to the commissioner of transportation for improving safety at railroad grade crossings.~~

~~(d)~~ (c) Following the appropriation in ~~paragraphs~~ paragraph (b) ~~and (e)~~, the remaining money in the account is annually appropriated to the commissioner of public safety for the purposes specified in subdivision 3.

Sec. 3. Minnesota Statutes 2018, section 299A.55, subdivision 4, is amended to read:

Subd. 4. **Assessments.** (a) The commissioner of public safety shall annually assess \$2,500,000 to railroad and pipeline companies based on the formula specified in paragraph (b). The commissioner shall deposit funds collected under this subdivision in the railroad and pipeline safety account under subdivision 2.

(b) The assessment for each railroad is 50 percent of the total annual assessment amount, divided in equal proportion between applicable rail carriers based on route miles operated in Minnesota. The assessment for each pipeline company is 50 percent of the total annual assessment amount, divided in equal proportion between companies based on the yearly aggregate gallons of oil and hazardous substance transported by pipeline in Minnesota.

~~(c) The assessments under this subdivision expire July 1, 2017.~~

Sec. 4. Minnesota Statutes 2018, section 299A.706, is amended to read:

**299A.706 ALCOHOL ENFORCEMENT ACCOUNT; APPROPRIATION.**

An alcohol enforcement account is created in the special revenue fund, consisting of money credited to the account by law. Money in the account may be appropriated by law for (1) costs of the Alcohol and Gambling Division related to administration and enforcement of sections 340A.403, subdivision 4; 340A.414, subdivision 1a; ~~and~~ 340A.504, subdivision 7; and 340A.550, subdivisions 2, 4, 5, and 6; and (2) costs of the State Patrol.

**EFFECTIVE DATE.** This section is effective July 1, 2019.

Sec. 5. Minnesota Statutes 2018, section 299A.707, is amended by adding a subdivision to read:

Subd. 6. **Annual transfer.** In fiscal year 2019 and each year thereafter, the commissioner of management and budget shall transfer \$461,000 from the general fund to the community justice reinvestment account.

Sec. 6. **[299A.783] STATEWIDE SEX TRAFFICKING INVESTIGATION COORDINATOR.**

Subdivision 1. **Sex trafficking investigation coordinator.** The commissioner of public safety must appoint a statewide sex trafficking investigation coordinator who shall work in the Office of Justice Programs. The coordinator must be a current or former law enforcement officer or prosecutor with experience investigating or prosecuting trafficking-related offenses. The coordinator must also have knowledge of services available to victims of sex trafficking and Minnesota's child protection system. The coordinator serves at the pleasure of the commissioner in the unclassified service.

Subd. 2. **Coordinator's responsibilities.** The coordinator shall have the following duties:

(1) develop, coordinate, and facilitate training for law enforcement officers, prosecutors, courts, child protection workers, social service providers, medical providers, and other community members;

(2) establish standards for approved training and review compliance with those standards;

(3) coordinate and monitor multijurisdictional sex trafficking task forces;

(4) review, develop, promote, and monitor compliance with investigative protocols to assure that law enforcement officers and prosecutors engage in best practices;

(5) provide technical assistance and advice related to the investigation and prosecution of trafficking offenses and the treatment of victims;

(6) promote the efficient use of resources by addressing issues of deconfliction, providing advice regarding questions of jurisdiction, and promoting the sharing of data between entities investigating and prosecuting trafficking offenses;

(7) assist in the appropriate distribution of grants; and

(8) perform other duties necessary to ensure effective and efficient investigation and prosecution of trafficking-related offenses.

**EFFECTIVE DATE.** This section is effective July 1, 2019.

Sec. 7. Minnesota Statutes 2018, section 299C.46, subdivision 3, is amended to read:

Subd. 3. **Authorized use, fee.** (a) The criminal justice data communications network shall be used exclusively by:

- (1) criminal justice agencies in connection with the performance of duties required by law;
- (2) agencies investigating federal security clearances of individuals for assignment or retention in federal employment with duties related to national security, as required by United States Code, title 5, section 9101;
- (3) other agencies to the extent necessary to provide for protection of the public or property in a declared emergency or disaster situation;
- (4) noncriminal justice agencies statutorily mandated, by state or national law, to conduct checks into state databases prior to disbursing licenses or providing benefits;
- (5) the public authority responsible for child support enforcement in connection with the performance of its duties;
- (6) the public defender, as provided in section 611.272;
- (7) a county attorney or the attorney general, as the county attorney's designee, for the purpose of determining whether a petition for the civil commitment of a proposed patient as a sexual psychopathic personality or as a sexually dangerous person should be filed, and during the pendency of the commitment proceedings;
- (8) an agency of the state or a political subdivision whose access to systems or services provided from or through the bureau is specifically authorized by federal law or regulation or state statute; and
- (9) a court for access to data as authorized by federal law or regulation or state statute and related to the disposition of a pending case.

(b) The commissioner of public safety shall establish a monthly network access charge to be paid by each participating criminal justice agency. The network access charge shall be a standard fee established for each terminal, computer, or other equipment directly addressable by the data communications network, as follows: January 1, 1984 to December 31, 1984, \$40 connect fee per month; January 1, 1985 and thereafter, \$50 connect fee per month.

(c) The commissioner of public safety is authorized to arrange for the connection of the data communications network with the criminal justice information system of the federal government, any state, or country for the secure exchange of information for any of the purposes authorized in paragraph (a), clauses (1), (2), (3), (8) and (9).

(d) Prior to establishing a secure connection, a criminal justice agency that is not part of the Minnesota judicial branch must:

- (1) agree to comply with all applicable policies governing access to, submission of or use of the data and Minnesota law governing the classification of the data;
- (2) meet the bureau's security requirements;
- (3) agree to pay any required fees; and

(4) conduct fingerprint-based state and national background checks on its employees and contractors as required by the Federal Bureau of Investigation.

(e) Prior to establishing a secure connection, a criminal justice agency that is part of the Minnesota judicial branch must:

(1) agree to comply with all applicable policies governing access to, submission of or use of the data and Minnesota law governing the classification of the data to the extent applicable and with the Rules of Public Access to Records of the Judicial Branch promulgated by the Minnesota Supreme Court;

(2) meet the bureau's security requirements;

(3) agree to pay any required fees; and

(4) conduct fingerprint-based state and national background checks on its employees and contractors as required by the Federal Bureau of Investigation.

(f) Prior to establishing a secure connection, a noncriminal justice agency must:

(1) agree to comply with all applicable policies governing access to, submission of or use of the data and Minnesota law governing the classification of the data;

(2) meet the bureau's security requirements;

(3) agree to pay any required fees; and

(4) conduct fingerprint-based state and national background checks on its employees and contractors.

(g) Those noncriminal justice agencies that do not have a secure network connection yet receive data either retrieved over the secure network by an authorized criminal justice agency or as a result of a state or federal criminal history records check shall conduct a background check as provided in paragraph (h) of those individuals who receive and review the data to determine another individual's eligibility for employment, housing, a license, or another legal right dependent on a statutorily mandated background check and on any contractor with access to the results of a federal criminal history records check.

(h) The background check required by paragraph (f) or (g) is accomplished by submitting a request to the superintendent of the Bureau of Criminal Apprehension that includes a signed, written consent for the Minnesota and national criminal history records check, fingerprints, and the required fee. The superintendent may exchange the fingerprints with the Federal Bureau of Investigation for purposes of obtaining the individual's national criminal history record information.

The superintendent shall return the results of the national criminal history records check to the noncriminal justice agency to determine if the individual is qualified to have access to state and federal criminal history record information or the secure network. An individual is disqualified when the state and federal criminal history record information show any of the disqualifiers that the individual will apply to the records of others.

When the individual is to have access to the secure network, the noncriminal justice agency shall review the criminal history of each employee or contractor with the Criminal Justice Information Services systems officer at the bureau, or the officer's designee, to determine if the employee or contractor qualifies for access to the secure network. The Criminal Justice Information Services systems officer or the designee shall make the access determination based on Federal Bureau of Investigation policy and Bureau of Criminal Apprehension policy.

Sec. 8. Minnesota Statutes 2018, section 299F.857, is amended to read:

**299F.857 REDUCED CIGARETTE IGNITION PROPENSITY ACCOUNT.**

The reduced cigarette ignition propensity account is established in the state treasury. The account consists of all money recovered as penalties under section 299F.854 and fees collected under section 299F.852, subdivision 5. The money must be deposited to the credit of the account and, in addition to any other money made available for such purpose, is appropriated to the state fire marshal for costs associated with the development and presentation of fire and life safety education programs throughout Minnesota, and all costs associated with sections 299F.850 to 299F.859.

Sec. 9. Minnesota Statutes 2018, section 340A.22, subdivision 4, is amended to read:

Subd. 4. **Off-sale license.** A microdistillery may be issued a license by the local licensing authority for off-sale of distilled spirits, with the approval of the commissioner. The license may allow the sale of one 375 milliliter bottle per customer per day of product manufactured on site, subject to the following requirements:

- (1) off-sale hours of sale must conform to hours of sale for retail off-sale licensees in the licensing municipality; and
- (2) no brand may be sold at the microdistillery unless it is also available for distribution by wholesalers.

Sec. 10. Minnesota Statutes 2018, section 340A.304, is amended to read:

**340A.304 LICENSE SUSPENSION AND REVOCATION.**

The commissioner shall revoke, or suspend for up to 60 days, a license issued under section 340A.301 ~~or~~, 340A.302, or 340A.550, or impose a fine of up to \$2,000 for each violation, on a finding that the licensee has violated a state law or rule of the commissioner relating to the possession, sale, transportation, or importation of alcoholic beverages. A license revocation or suspension under this section is a contested case under sections 14.57 to 14.69 of the Administrative Procedure Act.

**EFFECTIVE DATE.** This section is effective July 1, 2019.

Sec. 11. Minnesota Statutes 2018, section 340A.417, is amended to read:

**340A.417 SHIPMENTS INTO MINNESOTA.**

(a) Notwithstanding section 297G.07, subdivision 2, or any provision of this chapter except for section 340A.550, a winery licensed in a state other than Minnesota, or a winery located in Minnesota, may ship, for personal use and not for resale, not more than ~~two cases~~ 12 cases of wine, containing a maximum of nine liters per case, in any calendar year to any resident of Minnesota age 21 or over. ~~Delivery of a shipment under this section may not be deemed a sale in this state.~~

(b) The shipping container of any wine sent under this section must be clearly marked "Alcoholic Beverages: adult signature (over 21 years of age) required."

(c) It is not the intent of this section to impair the distribution of wine through distributors or importing distributors, but only to permit shipments of wine for personal use.

(d) Except for a violation of section 295.75 or chapters 297A and 297G, no criminal penalty may be imposed on a person for a violation of this section or section 340A.550 other than a violation described in paragraph (e) or (f). Whenever it appears to the commissioner that any person has engaged in any act or practice constituting a violation of this section, or section 340A.550 and the violation is not within two years of any previous violation of this section, the commissioner shall issue and cause to be served upon the person an order requiring the person to cease

and desist from violating this section. The order must give reasonable notice of the rights of the person to request a hearing and must state the reason for the entry of the order. Unless otherwise agreed between the parties, a hearing shall be held not later than ~~seven~~ 20 days after the request for the hearing is received by the commissioner after which and within 20 days after the receipt of the administrative law judge's report and subsequent exceptions and argument, the commissioner shall issue an order vacating the cease and desist order, modifying it, or making it permanent as the facts require. If no hearing is requested within 30 days of the service of the order, the order becomes final and remains in effect until modified or vacated by the commissioner. All hearings shall be conducted in accordance with the provisions of chapter 14. If the person to whom a cease and desist order is issued fails to appear at the hearing after being duly notified, the person shall be deemed in default, and the proceeding may be determined against the person upon consideration of the cease and desist order, the allegations of which may be deemed to be true.

(e) Any person who violates this section or section 340A.550 within two years of a violation for which a cease and desist order was issued under paragraph (d), is guilty of a misdemeanor.

(f) Any person who commits a third or subsequent violation of this section or section 340A.550 within any subsequent two-year period is guilty of a gross misdemeanor.

**EFFECTIVE DATE.** This section is effective July 1, 2019.

Sec. 12. **[340A.550] DIRECT SHIPMENTS OF WINE; LICENSING, TAXATION, AND RESTRICTIONS.**

**Subdivision 1. Definitions.** (a) "Direct ship purchaser" means a person who purchases wine for personal use and not for resale from a winery located in a state other than Minnesota for delivery to a Minnesota address.

(b) "Direct ship winery" means a winery licensed in a state other than Minnesota that manufactures and makes a retail sale of wine and ships the wine to a direct ship purchaser as authorized under section 340A.417.

**Subd. 2. License requirements.** (a) A direct ship winery must apply to the commissioner for a direct ship license. The commissioner must not issue a license under this section unless the applicant:

(1) is a licensed winery in a state other than Minnesota and provides a copy of its current license in any state in which it is licensed to manufacture wine;

(2) provides a shipping address list, including all addresses from which it intends to ship wine;

(3) agrees to comply with the requirements of subdivision 4; and

(4) consents to the jurisdiction of the Departments of Public Safety and Revenue, the courts of this state, and any statute, law, or rule in this state related to the administration or enforcement of this section, including any provision authorizing the commissioners of public safety and revenue to audit a direct ship winery for compliance with this and any related section.

(b) A direct ship winery obtaining a license under this section must annually renew its license by January 1 of each year and must inform the commissioner at the time of renewal of any changes to the information previously provided in paragraph (a).

(c) The application fee for a license is \$170. The fee for a license renewal is \$170. The commissioner must deposit all fees received under this subdivision in the alcohol enforcement account in the special revenue fund established under section 299A.706.

Subd. 3. **Direct ship wineries; restrictions.** (a) A direct ship winery may only ship wine from an address provided to the commissioner as required in subdivision 2, paragraph (a), clause (2), or through a third-party provider whose name and address the licensee provided to the commissioner in its application for a license.

(b) A direct ship winery or its third-party provider may only ship wine from the direct ship winery's own production.

Subd. 4. **Taxation.** A direct ship winery must:

(1) collect and remit the liquor gross receipts tax as required in section 295.75;

(2) apply for a permit as required in section 297A.83 and collect and remit the sales and use tax imposed as required in chapter 297A;

(3) remit the tax as required in chapter 297G; and

(4) provide a statement to the commissioner, on a form prescribed by the commissioner, detailing each shipment of wine made to a resident of this state and any other information required by the commissioner.

Subd. 5. **Private or nonpublic data; classification and sharing.** (a) Data collected, created, or maintained by the commissioner as required under this section are classified as private data on individuals or nonpublic data, as defined in section 13.02, subdivisions 9 and 12.

(b) The commissioner must share data classified as private or nonpublic under this section with the commissioner of revenue for purposes of administering section 295.75 and chapters 289A, 297A, and 297G.

Subd. 6. **Enforcement; penalties.** Section 340A.417, paragraphs (d) to (f), apply to this section.

**EFFECTIVE DATE.** This section is effective July 1, 2019.

Sec. 13. **[340A.555] COMMON CARRIER REGULATIONS FOR DIRECT SHIPMENTS OF WINE.**

Subdivision 1. **Monthly report required.** Each common carrier that contracts with a winery under section 340A.417 for delivery of wine into this state must file with the commissioner a monthly report of known wine shipments made by the carrier. The report must be made in a form and manner as prescribed by the commissioner and must contain:

(1) the name of the common carrier making the report;

(2) the period of time covered by the report;

(3) the name and business address of the consignor;

(4) the name and address of the consignee;

(5) the weight of the package delivered to the consignee;

(6) a unique tracking number; and

(7) the date of delivery.

Subd. 2. **Record availability and retention.** Upon written request by the commissioner, any records supporting the report in subdivision 1 must be made available to the commissioner within 30 days of the request. Any records containing information relating to a required report must be retained and preserved for a period of two years, unless destruction of the records prior to the end of the two-year period is authorized in writing by the commissioner. All retained records must be open and available for inspection by the commissioner upon written request. The commissioner must make the required reports available to any law enforcement agency or regulatory body of any local government in this state in which the common carrier making the report resides or does business.

Subd. 3. **Penalty.** If a common carrier willfully violates the requirement to report a delivery as required under this section or violates any rule related to the administration and enforcement of this section, the commissioner must notify the common carrier in writing of the violation. The commissioner may impose a fine in an amount not to exceed \$500 for each subsequent violation.

Subd. 4. **Exemptions.** This section does not apply to common carriers regulated as provided by United States Code, title 49, section 10101, et. seq., or to rail trailer-on-flatcar/container-on-flatcar (TOFC/COFC) service, as provided by Code of Federal Regulations, title 49, section 1090.1, or highway TOFC/COFC service provided by a rail carrier, either itself or jointly with a motor carrier, as part of continuous intermodal freight transportation, including, without limitation, any other TOFC/COFC transportation as defined under federal law.

Subd. 5. **Private or nonpublic data; classification and sharing.** (a) Data collected, created, or maintained by the commissioner as required under subdivision 1, clauses (4) to (6), are classified as private data on individuals or nonpublic data, as defined in section 13.02, subdivisions 9 and 12.

(b) The commissioner must share data classified as private or nonpublic under this section with the commissioner of revenue for purposes of administering section 295.75 and chapters 289A, 297A, and 297G.

**EFFECTIVE DATE.** This section is effective July 1, 2019.

Sec. 14. Minnesota Statutes 2018, section 403.02, is amended by adding a subdivision to read:

Subd. 17c. **911 telecommunicator.** "911 telecommunicator" means a person employed by a public safety answering point, an emergency medical dispatch service provider, or both, who is qualified to answer incoming emergency telephone calls or provide for the appropriate emergency response either directly or through communication with the appropriate public safety answering point.

Sec. 15. Minnesota Statutes 2018, section 403.03, is amended to read:

**403.03 911 SERVICES TO BE PROVIDED.**

Subdivision 1. **Emergency response services.** Services available through a 911 system must include police, firefighting, and emergency medical and ambulance services. Other emergency and civil defense services may be incorporated into the 911 system at the discretion of the public agency operating the public safety answering point. The 911 system may include a referral to mental health crisis teams, where available.

Subd. 2. **Telephone cardiopulmonary resuscitation program.** (a) On or before July 1, 2021, every public safety answering point must maintain a telephone cardiopulmonary resuscitation program by either:

(1) providing each 911 telecommunicator with training in cardiopulmonary resuscitation; or

(2) transferring callers to another public safety answering point with 911 telecommunicators that have received training in cardiopulmonary resuscitation.

(b) Training in cardiopulmonary resuscitation must, at a minimum, include:

(1) use of an evidence-based protocol or script for providing cardiopulmonary resuscitation instruction that has been recommended by an academic institution or a nationally recognized organization specializing in medical dispatch and, if the public safety answering point has a medical director, approved by that medical director; and

(2) appropriate continuing education, as determined by the evidence-based protocol for providing cardiopulmonary resuscitation instruction and, if the public safety answering point has a medical director, approved by that medical director.

(c) A public safety answering point that transfers callers to another public safety answering point must, at a minimum:

(1) use an evidence-based protocol for the identification of a person in need of cardiopulmonary resuscitation;

(2) provide each 911 telecommunicator with appropriate training and continuing education to identify a person in need of cardiopulmonary resuscitation through the use of an evidence-based protocol; and

(3) ensure that any public safety answering point to which calls are transferred uses 911 telecommunicators who meet the training requirements under paragraph (b).

(d) Each public safety answering point shall conduct ongoing quality assurance of its telephone cardiopulmonary resuscitation program.

**Subd. 3. Monitoring and enforcing training requirements.** The Statewide Emergency Communications Board shall adopt protocols to ensure that operators of every public safety answering point comply with subdivision 2.

**Subd. 4. Liability exemption.** (a) If a caller refuses or is otherwise unwilling or unable to provide cardiopulmonary resuscitation or receive telephone cardiopulmonary resuscitation instruction, the 911 telecommunicator is not required to provide cardiopulmonary resuscitation instruction and is immune from civil liability for any damages resulting from the fact that such instruction was not provided.

(b) Telephone cardiopulmonary resuscitation instruction is a general duty to the public rather than a special duty owed to individuals, and a 911 telecommunicator must exercise judgment and discretion in performing actions including but not limited to:

(1) determining whether a particular situation requires instituting the cardiopulmonary resuscitation program;

(2) determining whether a caller refuses or is otherwise unable or unwilling to provide cardiopulmonary resuscitation or receive telephone cardiopulmonary resuscitation instruction;

(3) using and appropriately adapting an evidence-based protocol or script for providing cardiopulmonary resuscitation instruction based on individual callers and emergency situations presented by callers; and

(4) determining when to transfer a caller to another public safety answering point with 911 telecommunicators that have received training in cardiopulmonary resuscitation.

**EFFECTIVE DATE.** This section is effective July 1, 2019.

Sec. 16. Minnesota Statutes 2018, section 609.582, subdivision 3, is amended to read:

Subd. 3. **Burglary in the third degree.** (a) Except as otherwise provided in this section, whoever enters a building without consent and with intent to steal or commit any felony or gross misdemeanor while in the building, or enters a building without consent and steals or commits a felony or gross misdemeanor while in the building, either directly or as an accomplice, commits burglary in the third degree and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

(b) Whoever enters a building while it is open to the public, other than a building identified in subdivision 2, paragraph (b), with intent to steal while in the building, or enters a building while it is open to the public, other than a building identified in subdivision 2, paragraph (b), and steals while in the building, either directly or as an accomplice, commits burglary in the third degree and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, if:

(1) the person enters the building within one year after being served with a valid civil trespass notice instructing the person to leave the building and not return; and

(2) the person has been convicted within the preceding five years for an offense under this section, section 256.98, 268.182, 609.24, 609.245, 609.52, 609.53, 609.625, 609.63, 609.631, or 609.821, or a statute from another state, the United States, or a foreign jurisdiction, in conformity with any of those sections, and the person received a felony sentence for the offense, or a sentence that was stayed under section 609.135 if the offense to which a plea was entered would allow imposition of a felony sentence.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 17. Minnesota Statutes 2018, section 609.582, subdivision 4, is amended to read:

Subd. 4. **Burglary in the fourth degree.** (a) Whoever enters a building without consent and with intent to commit a misdemeanor other than to steal, or enters a building without consent and commits a misdemeanor other than to steal while in the building, either directly or as an accomplice, commits burglary in the fourth degree and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

(b) Whoever enters a building while it is open to the public, other than a building identified in subdivision 2, paragraph (b), with intent to steal while in the building, or enters a building while it is open to the public, other than a building identified in subdivision 2, paragraph (b), and steals while in the building, either directly or as an accomplice, commits burglary in the fourth degree and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both if the person enters the building within one year after being served with a valid civil trespass notice instructing the person to leave the building and not return.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 18. Minnesota Statutes 2018, section 609.749, subdivision 1, is amended to read:

Subdivision 1. **Definition.** As used in this section, "~~stalking~~" "**harass**" means to engage in conduct which the actor knows or has reason to know would cause the victim under the circumstances to feel frightened, threatened, oppressed, persecuted, or intimidated, and causes this reaction on the part of the victim regardless of the relationship between the actor and victim.

Sec. 19. Minnesota Statutes 2018, section 609.749, subdivision 2, is amended to read:

Subd. 2. **Stalking Harassment crimes.** A person who ~~stalks~~ harasses another by committing any of the following acts is guilty of a gross misdemeanor:

(1) directly or indirectly, or through third parties, manifests a purpose or intent to injure the person, property, or rights of another by the commission of an unlawful act;

(2) follows, monitors, or pursues another, whether in person or through any available technological or other means;

(3) returns to the property of another if the actor is without claim of right to the property or consent of one with authority to consent;

(4) repeatedly makes telephone calls, sends text messages, or induces a victim to make telephone calls to the actor, whether or not conversation ensues;

(5) makes or causes the telephone of another repeatedly or continuously to ring;

(6) repeatedly mails or delivers or causes the delivery by any means, including electronically, of letters, telegrams, messages, packages, through assistive devices for people with vision impairments or hearing loss, or any communication made through any available technologies or other objects;

(7) knowingly makes false allegations against a peace officer concerning the officer's performance of official duties with intent to influence or tamper with the officer's performance of official duties; or

(8) uses another's personal information, without consent, to invite, encourage, or solicit a third party to engage in a sexual act with the person.

For purposes of this clause, "personal information" and "sexual act" have the meanings given in section 617.261, subdivision 7.

Sec. 20. Minnesota Statutes 2018, section 609.749, subdivision 3, is amended to read:

Subd. 3. **Aggravated violations.** (a) A person who commits any of the following acts is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both:

(1) commits any offense described in subdivision 2 because of the victim's or another's actual or perceived race, color, religion, sex, sexual orientation, disability as defined in section 363A.03, age, or national origin;

(2) commits any offense described in subdivision 2 by falsely impersonating another;

(3) commits any offense described in subdivision 2 and possesses a dangerous weapon at the time of the offense;

(4) ~~stalks~~ harasses another, as defined in subdivision 1, with intent to influence or otherwise tamper with a juror or a judicial proceeding or with intent to retaliate against a judicial officer, as defined in section 609.415, or a prosecutor, defense attorney, or officer of the court, because of that person's performance of official duties in connection with a judicial proceeding; or

(5) commits any offense described in subdivision 2 against a victim under the age of 18, if the actor is more than 36 months older than the victim.

(b) A person who commits any offense described in subdivision 2 against a victim under the age of 18, if the actor is more than 36 months older than the victim, and the act is committed with sexual or aggressive intent, is guilty of a felony and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both.

Sec. 21. Minnesota Statutes 2018, section 609.749, subdivision 5, is amended to read:

Subd. 5. ~~**Pattern of Stalking conduct.**~~ (a) A person who engages in ~~a pattern of stalking conduct~~ with respect to a single victim or one or more members of a single household which the actor knows or has reason to know would cause the victim under the circumstances to feel terrorized or to fear bodily harm and which does cause this reaction on the part of the victim, is guilty of a felony and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both.

(b) For purposes of this subdivision, ~~a "pattern of stalking conduct"~~ "stalking" means two or more acts within a five-year period that violate or attempt to violate the provisions of any of the following or a similar law of another state, the United States, the District of Columbia, tribe, or United States territories:

- (1) this section;
- (2) sections 609.185 to 609.205 (first- to third-degree murder and first- and second-degree manslaughter);
- (3) section 609.713 (terroristic threats);
- (4) section 609.224 (fifth-degree assault);
- (5) section 609.2242 (domestic assault);
- (6) section 518B.01, subdivision 14 (violations of domestic abuse orders for protection);
- (7) section 609.748, subdivision 6 (violations of harassment restraining orders);
- (8) section 609.605, subdivision 1, paragraph (b), clauses (3), (4), and (7) (certain trespass offenses);
- (9) section 609.78, subdivision 2 (interference with an emergency call);
- (10) section 609.79 (obscene or harassing telephone calls);
- (11) section 609.795 (letter, telegram, or package; opening; harassment);
- (12) section 609.582 (burglary);
- (13) section 609.595 (damage to property);
- (14) section 609.765 (criminal defamation);
- (15) sections 609.342 to 609.3451 (first- to fifth-degree criminal sexual conduct); or
- (16) section 629.75, subdivision 2 (violations of domestic abuse no contact orders).

(c) Words set forth in parentheses after references to statutory sections in paragraph (b) are mere catchwords included solely for convenience in reference. They are not substantive and may not be used to construe or limit the meaning of the cited statutory provision.

Sec. 22. Minnesota Statutes 2018, section 609.749, subdivision 8, is amended to read:

Subd. 8. **Harassment; stalking; firearms.** (a) When a person is convicted of a harassment or stalking crime under this section and the court determines that the person used a firearm in any way during commission of the crime, the court may order that the person is prohibited from possessing any type of firearm for any period longer than three years or for the remainder of the person's life. A person who violates this paragraph is guilty of a gross misdemeanor. At the time of the conviction, the court shall inform the defendant for how long the defendant is prohibited from possessing a firearm and that it is a gross misdemeanor to violate this paragraph. The failure of the court to provide this information to a defendant does not affect the applicability of the firearm possession prohibition or the gross misdemeanor penalty to that defendant.

(b) Except as otherwise provided in paragraph (a), when a person is convicted of a harassment or stalking crime under this section, the court shall inform the defendant that the defendant is prohibited from possessing a firearm for three years from the date of conviction and that it is a gross misdemeanor offense to violate this prohibition. The failure of the court to provide this information to a defendant does not affect the applicability of the firearm possession prohibition or the gross misdemeanor penalty to that defendant.

(c) Except as otherwise provided in paragraph (a), a person is not entitled to possess a pistol if the person has been convicted after August 1, 1996, of a harassment or stalking crime under this section, or to possess a firearm if the person has been convicted on or after August 1, 2014, of a harassment or stalking crime under this section, unless three years have elapsed from the date of conviction and, during that time, the person has not been convicted of any other violation of this section. Property rights may not be abated but access may be restricted by the courts. A person who possesses a firearm in violation of this paragraph is guilty of a gross misdemeanor.

(d) If the court determines that a person convicted of a harassment or stalking crime under this section owns or possesses a firearm and used it in any way during the commission of the crime, it shall order that the firearm be summarily forfeited under section 609.5316, subdivision 3.

(e) Except as otherwise provided in paragraphs (d) and (g), when a person is convicted of a harassment or stalking crime under this section, the court shall order the defendant to transfer any firearms that the person possesses, within three business days, to a federally licensed firearms dealer, a law enforcement agency, or a third party who may lawfully receive them. The transfer may be permanent or temporary. A temporary firearm transfer only entitles the receiving party to possess the firearm. A temporary transfer does not transfer ownership or title. A defendant may not transfer firearms to a third party who resides with the defendant. If a defendant makes a temporary transfer, a federally licensed firearms dealer or law enforcement agency may charge the defendant a reasonable fee to store the person's firearms and may establish policies for disposal of abandoned firearms, provided such policies require that the person be notified via certified mail prior to disposal of abandoned firearms. For temporary firearms transfers under this paragraph, a law enforcement agency, federally licensed firearms dealer, or third party shall exercise due care to preserve the quality and function of the transferred firearms and shall return the transferred firearms to the person upon request after the expiration of the prohibiting time period imposed under this subdivision, provided the person is not otherwise prohibited from possessing firearms under state or federal law. The return of temporarily transferred firearms to a defendant shall comply with state and federal law. If a defendant permanently transfers the defendant's firearms to a law enforcement agency, the agency is not required to compensate the defendant and may charge the defendant a reasonable processing fee. A law enforcement agency is not required to accept a person's firearm under this paragraph. The court shall order that the person surrender all permits to carry and purchase firearms to the sheriff.

(f) A defendant who is ordered to transfer firearms under paragraph (e) must file proof of transfer as provided for in this paragraph. If the transfer is made to a third party, the third party must sign an affidavit under oath before a notary public either acknowledging that the defendant permanently transferred the defendant's firearms to the third party or agreeing to temporarily store the defendant's firearms until such time as the defendant is legally permitted to possess firearms. The affidavit shall indicate the serial number, make, and model of all firearms transferred by the defendant to the third party. The third party shall acknowledge in the affidavit that the third party may be held criminally and civilly responsible under section 624.7144 if the defendant gains access to a transferred firearm while the firearm is in the custody of the third party. If the transfer is to a law enforcement agency or federally licensed firearms dealer, the law enforcement agency or federally licensed firearms dealer shall provide proof of transfer to the defendant. The proof of transfer must specify whether the firearms were permanently or temporarily transferred and include the name of the defendant, date of transfer, and the serial number, make, and model of all transferred firearms. The defendant shall provide the court with a signed and notarized affidavit or proof of transfer as described in this section within two business days of the firearms transfer. The court shall seal affidavits and proofs of transfer filed pursuant to this paragraph.

(g) When a person is convicted of a harassment or stalking crime under this section, the court shall determine by a preponderance of the evidence if the person poses an imminent risk of causing another person substantial bodily harm. Upon a finding of imminent risk, the court shall order that the local law enforcement agency take immediate possession of all firearms in the person's possession. The local law enforcement agency shall exercise due care to preserve the quality and function of the defendant's firearms and shall return the firearms to the person upon request after the expiration of the prohibiting time period, provided the person is not otherwise prohibited from possessing firearms under state or federal law. The local law enforcement agency shall, upon written notice from the person, transfer the firearms to a federally licensed firearms dealer or a third party who may lawfully receive them. Before a local law enforcement agency transfers a firearm under this paragraph, the agency shall require the third party or federally licensed firearms dealer receiving the firearm to submit an affidavit or proof of transfer that complies with the requirements for affidavits or proofs of transfer established in paragraph (f). The agency shall file all affidavits or proofs of transfer received with the court within two business days of the transfer. The court shall seal all affidavits or proofs of transfer filed pursuant to this paragraph. A federally licensed firearms dealer or third party who accepts a firearm transfer pursuant to this paragraph shall comply with paragraphs (e) and (f) as if accepting transfer from the defendant. If the law enforcement agency does not receive written notice from the defendant within three business days, the agency may charge a reasonable fee to store the defendant's firearms. A law enforcement agency may establish policies for disposal of abandoned firearms, provided such policies require that the person be notified via certified mail prior to disposal of abandoned firearms.

Sec. 23. Minnesota Statutes 2018, section 624.712, subdivision 5, is amended to read:

Subd. 5. **Crime of violence.** "Crime of violence" means: felony convictions of the following offenses: sections 609.185 (murder in the first degree); 609.19 (murder in the second degree); 609.195 (murder in the third degree); 609.20 (manslaughter in the first degree); 609.205 (manslaughter in the second degree); 609.215 (aiding suicide and aiding attempted suicide); 609.221 (assault in the first degree); 609.222 (assault in the second degree); 609.223 (assault in the third degree); 609.2231 (assault in the fourth degree); 609.224 (assault in the fifth degree); 609.2242 (domestic assault); 609.2247 (domestic assault by strangulation); 609.229 (crimes committed for the benefit of a gang); 609.235 (use of drugs to injure or facilitate crime); 609.24 (simple robbery); 609.245 (aggravated robbery); 609.25 (kidnapping); 609.255 (false imprisonment); 609.322 (solicitation, inducement, and promotion of prostitution; sex trafficking); 609.342 (criminal sexual conduct in the first degree); 609.343 (criminal sexual conduct in the second degree); 609.344 (criminal sexual conduct in the third degree); 609.345 (criminal sexual conduct in the fourth degree); 609.377 (malicious punishment of a child); 609.378 (neglect or endangerment of a child); 609.486 (commission of crime while wearing or possessing a bullet-resistant vest); 609.52 (involving theft of a firearm and theft involving the theft of a controlled substance, an explosive, or an incendiary device); 609.561 (arson in the first degree); 609.562 (arson in the second degree); 609.582, subdivision 1 or 2 (burglary in the first and second degrees); 609.66, subdivision 1e (drive-by shooting); 609.67 (unlawfully owning, possessing, operating a machine gun or

short-barreled shotgun); 609.71 (riot); 609.713 (terroristic threats); 609.749 (~~stalking~~) (harassment); 609.855, subdivision 5 (shooting at a public transit vehicle or facility); and chapter 152 (drugs, controlled substances); and an attempt to commit any of these offenses.

Sec. 24. Minnesota Statutes 2018, section 634.20, is amended to read:

**634.20 EVIDENCE OF CONDUCT.**

Evidence of domestic conduct by the accused against the victim of domestic conduct, or against other family or household members, is admissible unless the probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issue, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence. "Domestic conduct" includes, but is not limited to, evidence of domestic abuse, violation of an order for protection under section 518B.01; violation of a harassment restraining order under section 609.748; violation of a domestic abuse no contact order under section 629.75; or violation of section 609.749 or 609.79, subdivision 1. "Domestic abuse" and "family or household members" have the meanings given under section 518B.01, subdivision 2.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 25. **TASK FORCE ON MISSING AND MURDERED INDIGENOUS WOMEN.**

Subdivision 1. **Creation and duties.** (a) By September 1, 2019, the commissioner, in consultation with the Minnesota Indian Affairs Council, shall appoint members to the Task Force on Missing and Murdered Indigenous Women to advise the commissioner and report to the legislature on recommendations to reduce and end violence against indigenous women and girls in Minnesota, including members of the two spirit community. The task force may also serve as a liaison between the commissioner and agencies and nongovernmental organizations that provide services to victims, victims' families, and victims' communities. Task force members may receive expense reimbursement as specified in Minnesota Statutes, section 15.059, subdivision 6.

(b) The Task Force on Missing and Murdered Indigenous Women must examine and report on the following:

(1) the systemic causes behind violence that indigenous women and girls experience, including patterns and underlying factors that explain why disproportionately high levels of violence occur against indigenous women and girls, including underlying historical, social, economic, institutional, and cultural factors which may contribute to the violence;

(2) appropriate methods for tracking and collecting data on violence against indigenous women and girls, including data on missing and murdered indigenous women and girls;

(3) policies and institutions such as policing, child welfare, coroner practices, and other governmental practices that impact violence against indigenous women and girls and the investigation and prosecution of crimes of gender violence against indigenous people;

(4) measures necessary to address and reduce violence against indigenous women and girls; and

(5) measures to help victims, victims' families, and victims' communities prevent and heal from violence that occurs against indigenous women and girls.

(c) For the purposes of this section, "commissioner" means the commissioner of public safety and "nongovernmental organizations" means nonprofit, nongovernmental organizations that provide legal, social, or other community services.

Subd. 2. **Membership.** (a) To the extent practicable, the Task Force on Missing and Murdered Indigenous Women shall consist of the following individuals, or their designees, who are knowledgeable in crime victims' rights or violence protection and, unless otherwise specified, members shall be appointed by the commissioner:

(1) two members of the senate, one appointed by the majority leader and one appointed by the minority leader;

(2) two members of the house of representatives, one appointed by the speaker of the house and one appointed by the minority leader;

(3) two representatives from among the following:

(i) the Minnesota Chiefs of Police Association;

(ii) the Minnesota Sheriffs' Association;

(iii) the Bureau of Criminal Apprehension;

(iv) the Minnesota Police and Peace Officers Association; or

(v) a peace officer who works for and resides on a federally recognized American Indian reservation in Minnesota;

(4) one or more representatives from among the following:

(i) the Minnesota County Attorneys Association;

(ii) the United States Attorney's Office; or

(iii) a judge or attorney working in juvenile court;

(5) a county coroner or a representative from a statewide coroner's association or a representative of the Department of Health;

(6) one representative from each of the 11 federally recognized tribal governments, with a preference for individuals who work with victims of violence or their families; and

(7) four or more representatives from among the following:

(i) a tribal, statewide, or local organization that provides legal services to indigenous women and girls;

(ii) a tribal, statewide, or local organization that provides advocacy or counseling for indigenous women and girls who have been victims of violence;

(iii) a tribal, statewide, or local organization that provides services to indigenous women and girls;

(iv) the Minnesota Indian Women's Sexual Assault Coalition;

(v) Mending the Sacred Hoop;

(vi) an Indian health organization or agency; or

(vii) an indigenous woman who is a survivor of gender violence.

(b) Members of the task force serve at the pleasure of the appointing authority or until the task force expires. Vacancies in commissioner appointed positions shall be filled by the commissioner consistent with the qualifications of the vacating member required by this subdivision.

Subd. 3. **Officers; meetings.** (a) The task force members shall annually elect a chair and vice-chair from among the task force's members, and may elect other officers as necessary. The task force shall meet at least quarterly, or upon the call of its chair, and may hold meetings throughout the state. The task force shall meet sufficiently enough to accomplish the tasks identified in this section. Meetings of the task force are subject to Minnesota Statutes, chapter 13D. The task force shall seek out and enlist the cooperation and assistance of nongovernmental organizations, community and advocacy organizations working with the American Indian community, and academic researchers and experts, specifically those specializing in violence against indigenous women and girls, representing diverse communities disproportionately affected by violence against women and girls, or focusing on issues related to gender violence and violence against indigenous women and girls.

(b) The commissioner shall convene the first meeting of the task force no later than October 1, 2019, and shall provide meeting space and administrative assistance as necessary for the task force to conduct its work.

Subd. 4. **Report.** The task force shall report to the chairs and ranking minority members of the legislative committees with jurisdiction over public safety, human services, and state government on the work of the task force, including but not limited to the issues to be examined in subdivision 1, and shall include in the report institutional policies and practices or proposed institutional policies and practices that are effective in reducing gender violence and increasing the safety of indigenous women and girls. The report shall include recommendations to reduce and end violence against indigenous women and girls and help victims and communities heal from gender violence and violence against indigenous women and girls. The report shall be submitted to the legislative committees by December 15, 2020.

Subd. 5. **Expiration.** Notwithstanding Minnesota Statutes, section 15.059, the task force expires December 31, 2020.

Sec. 26. **INTERAGENCY OPIOID ENFORCEMENT COORDINATOR.**

The governor is encouraged to appoint an interagency opioid enforcement coordinator to perform the following duties:

(1) coordinate the statewide response to opioid abuse;

(2) develop, coordinate, and facilitate training for law enforcement officers, prosecutors, courts, child protection workers, social service providers, medical providers, and other community members;

(3) promote the efficient use of resources; and

(4) consult with local government officials, representatives from other states, and federal officials to monitor local and national trends relating to opioid abuse and responses to that abuse.

Sec. 27. **REVISOR INSTRUCTION.**

The revisor of statutes shall make any cross-reference changes, language changes, or both to Minnesota Statutes made necessary by section 18.

ARTICLE 3  
CORRECTIONS

Section 1. Minnesota Statutes 2018, section 13.851, is amended by adding a subdivision to read:

Subd. 12. **Mental health screening.** The treatment of data collected by a sheriff or local corrections agency related to individuals who may have a mental illness is governed by section 641.15, subdivision 3a.

Sec. 2. **[13.856] OMBUDSPERSON FOR CORRECTIONS; DATA.**

Subdivision 1. **Private data.** The following data maintained by the ombudsperson for corrections are classified as private data, pursuant to section 13.02, subdivision 12:

(1) all data on individuals pertaining to contacts made by clients seeking the assistance of the ombudsperson, except as specified in subdivisions 2 and 3;

(2) data recorded from personal and phone conversations and in correspondence between the ombudsperson's staff and persons interviewed during the course of an investigation;

(3) client index cards;

(4) case assignment data; and

(5) monthly closeout data.

Subd. 2. **Confidential data.** The written summary of the investigation maintained by the ombudsperson is, to the extent it identifies individuals, classified as confidential data, pursuant to section 13.02, subdivision 3.

Subd. 3. **Public data.** The following data maintained by the ombudsperson are classified as public data pursuant to section 13.02, subdivision 15:

(1) client name;

(2) client location; and

(3) the inmate identification number assigned by the Department of Corrections.

Subd. 4. **Access to data.** The ombudsperson for corrections has access to corrections and detention data and medical data as provided under section 241.94.

Sec. 3. Minnesota Statutes 2018, section 15A.0815, subdivision 3, is amended to read:

Subd. 3. **Group II salary limits.** The salary for a position listed in this subdivision shall not exceed 120 percent of the salary of the governor. This limit must be adjusted annually on January 1. The new limit must equal the limit for the prior year increased by the percentage increase, if any, in the Consumer Price Index for all urban consumers from October of the second prior year to October of the immediately prior year. The commissioner of management and budget must publish the limit on the department's website. This subdivision applies to the following positions:

Executive director of Gambling Control Board;

Commissioner of Iron Range resources and rehabilitation;

Commissioner, Bureau of Mediation Services;  
 Ombudsman for mental health and developmental disabilities;  
Ombudsperson for corrections;  
 Chair, Metropolitan Council;  
 School trust lands director;  
 Executive director of pari-mutuel racing; and  
 Commissioner, Public Utilities Commission.

Sec. 4. Minnesota Statutes 2018, section 144.121, subdivision 1a, is amended to read:

Subd. 1a. **Fees for ionizing radiation-producing equipment.** (a) A facility with ionizing radiation-producing equipment must pay an annual initial or annual renewal registration fee consisting of a base facility fee of \$100 and an additional fee for each radiation source, as follows:

(1) medical or veterinary equipment	\$100
(2) dental x-ray equipment	\$40
(3) x-ray equipment not used on humans or animals	\$100
(4) devices with sources of ionizing radiation not used on humans or animals	\$100
(5) <u>security screening system</u>	<u>\$100</u>

(b) A facility with radiation therapy and accelerator equipment must pay an annual registration fee of \$500. A facility with an industrial accelerator must pay an annual registration fee of \$150.

(c) Electron microscopy equipment is exempt from the registration fee requirements of this section.

(d) For purposes of this section, a security screening system means radiation-producing equipment designed and used for security screening of humans who are in the custody of a correctional or detention facility, and used by the facility to image and identify contraband items concealed within or on all sides of a human body. For purposes of this section, a correctional or detention facility is a facility licensed under section 241.021 and operated by a state agency or political subdivision charged with detection, enforcement, or incarceration in respect to state criminal and traffic laws.

Sec. 5. Minnesota Statutes 2018, section 144.121, is amended by adding a subdivision to read:

Subd. 9. **Exemption from examination requirements; operators of security screening systems.** (a) An employee of a correctional or detention facility who operates a security screening system and the facility in which the system is being operated are exempt from the requirements of subdivisions 5 and 6.

(b) An employee of a correctional or detention facility who operates a security screening system and the facility in which the system is being operated must meet the requirements of a variance to Minnesota Rules, parts 4732.0305 and 4732.0565, issued under Minnesota Rules, parts 4717.7000 to 4717.7050. This paragraph expires on December 31 of the year that the permanent rules adopted by the commissioner governing security screening systems are published in the State Register.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 6. Minnesota Statutes 2018, section 151.37, subdivision 12, is amended to read:

Subd. 12. **Administration of opiate antagonists for drug overdose.** (a) A licensed physician, a licensed advanced practice registered nurse authorized to prescribe drugs pursuant to section 148.235, or a licensed physician assistant authorized to prescribe drugs pursuant to section 147A.18 may authorize the following individuals to administer opiate antagonists, as defined in section 604A.04, subdivision 1:

- (1) an emergency medical responder registered pursuant to section 144E.27;
- (2) a peace officer as defined in section 626.84, subdivision 1, paragraphs (c) and (d); ~~and~~
- (3) employees of a correctional facility; and
- (4) staff of community-based health disease prevention or social service programs.

(b) For the purposes of this subdivision, opiate antagonists may be administered by one of these individuals only if:

(1) the licensed physician, licensed physician assistant, or licensed advanced practice registered nurse has issued a standing order to, or entered into a protocol with, the individual; and

(2) the individual has training in the recognition of signs of opiate overdose and the use of opiate antagonists as part of the emergency response to opiate overdose.

(c) Nothing in this section prohibits the possession and administration of naloxone pursuant to section 604A.04.

Sec. 7. Minnesota Statutes 2018, section 241.01, subdivision 3a, is amended to read:

Subd. 3a. **Commissioner, powers and duties.** The commissioner of corrections has the following powers and duties:

(a) To accept persons committed to the commissioner by the courts of this state for care, custody, and rehabilitation.

(b) To determine the place of confinement of committed persons in a correctional facility or other facility of the Department of Corrections and to prescribe reasonable conditions and rules for their employment, conduct, instruction, and discipline within or outside the facility. After July 1, 2019, the commissioner shall not allow inmates to be housed in facilities that are not owned and operated by the state, a local unit of government, or a group of local units of government. Inmates shall not exercise custodial functions or have authority over other inmates.

(c) To administer the money and property of the department.

(d) To administer, maintain, and inspect all state correctional facilities.

(e) To transfer authorized positions and personnel between state correctional facilities as necessary to properly staff facilities and programs.

(f) To utilize state correctional facilities in the manner deemed to be most efficient and beneficial to accomplish the purposes of this section, but not to close the Minnesota Correctional Facility-Stillwater or the Minnesota Correctional Facility-St. Cloud without legislative approval. The commissioner may place juveniles and adults at the same state minimum security correctional facilities, if there is total separation of and no regular contact between juveniles and adults, except contact incidental to admission, classification, and mental and physical health care.

(g) To organize the department and employ personnel the commissioner deems necessary to discharge the functions of the department, including a chief executive officer for each facility under the commissioner's control who shall serve in the unclassified civil service and may, under the provisions of section 43A.33, be removed only for cause.

(h) To define the duties of these employees and to delegate to them any of the commissioner's powers, duties and responsibilities, subject to the commissioner's control and the conditions the commissioner prescribes.

(i) To annually develop a comprehensive set of goals and objectives designed to clearly establish the priorities of the Department of Corrections. This report shall be submitted to the governor commencing January 1, 1976. The commissioner may establish ad hoc advisory committees.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 8. Minnesota Statutes 2018, section 241.025, subdivision 1, is amended to read:

Subdivision 1. **Authorization.** The commissioner of corrections may appoint peace officers, as defined in section 626.84, subdivision 1, paragraph (c), who shall serve in the classified service subject to the provisions of section 43A.01, subdivision 2, and establish a law enforcement agency, as defined in section 626.84, subdivision 1, paragraph (f), known as the Department of Corrections Fugitive Apprehension Unit, to perform the duties necessary to make statewide arrests under sections 629.30 and 629.34. The jurisdiction of the law enforcement agency is limited to the activities related to the arrest of Department of Corrections' discretionary and statutory released violators and Department of Corrections' escapees. The Department of Corrections Fugitive Apprehension Unit may exercise general law enforcement duties upon request for assistance from a law enforcement agency and subject to availability and resources of the Department of Corrections Fugitive Apprehension Unit.

Sec. 9. Minnesota Statutes 2018, section 241.025, subdivision 2, is amended to read:

Subd. 2. **Limitations.** The initial processing of a person arrested by the fugitive apprehension unit for an offense ~~within the agency's jurisdiction~~ is the responsibility of the fugitive apprehension unit unless otherwise directed by the law enforcement agency with primary jurisdiction. A subsequent investigation is the responsibility of the law enforcement agency of the jurisdiction in which a new crime is committed.

Sec. 10. Minnesota Statutes 2018, section 241.75, subdivision 2, is amended to read:

Subd. 2. **Health care decisions.** The medical director of the Department of Corrections may make a health care decision for an inmate incarcerated in a state correctional facility or placed in an outside facility on conditional medical release if the inmate's attending physician determines that the inmate lacks decision-making capacity and:

(1) there is not a documented health care agent designated by the inmate or the health care agent is not reasonably available to make the health care decision;

(2) if there is a documented health care directive, the decision is consistent with that directive;

(3) the decision is consistent with reasonable medical practice and other applicable law; and

(4) the medical director has made a good faith attempt to consult with the inmate's next of kin or emergency contact person in making the decision, to the extent those persons are reasonably available.

Sec. 11. **[241.90] OFFICE OF OMBUDSPERSON; CREATION; QUALIFICATIONS; FUNCTION.**

The Office of Ombudsman for the Department of Corrections is hereby created. The ombudsman shall serve at the pleasure of the governor in the unclassified service, shall be selected without regard to political affiliation, and shall be a person highly competent and qualified to analyze questions of law, administration, and public policy. No person may serve as ombudsman while holding any other public office. The ombudsman for corrections shall be accountable to the governor and shall have the authority to investigate decisions, acts, and other matters of the Department of Corrections so as to promote the highest attainable standards of competence, efficiency, and justice in the administration of corrections.

Sec. 12. **[241.91] DEFINITION.**

For the purposes of sections 241.90 to 241.95, "administrative agency" or "agency" means any division, official, or employee of the Department of Corrections, including the commissioner of corrections, charged with the care and custody of inmates and any regional or local correctional facility licensed or inspected by the commissioner of corrections, whether public or private, established and operated for the detention and confinement of adults or juveniles, including but not limited to programs or facilities operating under chapter 401, secure juvenile detention facilities, municipal holding facilities, juvenile temporary holdover facilities, regional or local jails, lockups, work houses, work farms, and detention facilities, but does not include:

- (1) any court or judge;
- (2) any member of the senate or house of representatives;
- (3) the governor or the governor's personal staff;
- (4) any instrumentality of the federal government;
- (5) any interstate compact; or
- (6) any person responsible for the supervision of offenders placed on supervised release, parole, or probation.

Sec. 13. **[241.92] ORGANIZATION OF OFFICE OF OMBUDSPERSON.**

Subdivision 1. **Employee selection.** The ombudsman may select, appoint, and compensate out of available funds assistants and employees as deemed necessary to discharge responsibilities. The ombudsman and full-time staff shall be members of the Minnesota State Retirement Association.

Subd. 2. **Assistant ombudsman.** The ombudsman may appoint an assistant ombudsman in the unclassified service.

Subd. 3. **Delegation of duties.** The ombudsman may delegate to staff members any of the ombudsman's authority or duties except the duty of formally making recommendations to an administrative agency or reports to the Office of the Governor or to the legislature.

Sec. 14. **[241.93] POWERS OF OMBUDSPERSON; INVESTIGATIONS; ACTION ON COMPLAINTS; RECOMMENDATIONS.**

Subdivision 1. **Powers.** The ombudsman may:

(1) prescribe the methods by which complaints are to be made, reviewed, and acted upon; provided, however, that the ombudsperson may not levy a complaint fee;

(2) determine the scope and manner of investigations to be made;

(3) except as otherwise provided, determine the form, frequency, and distribution of conclusions, recommendations, and proposals; provided, however, that the governor or a representative may, at any time the governor deems necessary, request and receive information from the ombudsperson. Neither the ombudsperson nor any member of the ombudsperson's staff shall be compelled to testify or to produce evidence in any judicial or administrative proceeding with respect to any matter involving the exercise of the ombudsperson's official duties except as may be necessary to enforce the provisions of sections 241.90 to 241.95;

(4) investigate, upon a complaint or upon personal initiative, any action of an administrative agency;

(5) request and be given access to information in the possession of an administrative agency deemed necessary for the discharge of responsibilities;

(6) examine the records and documents of an administrative agency;

(7) enter and inspect, at any time, premises within the control of an administrative agency;

(8) subpoena any person to appear, give testimony, or produce documentary or other evidence that the ombudsperson deems relevant to a matter under inquiry, and may petition the appropriate state court to seek enforcement with the subpoena; provided, however, that any witness at a hearing or before an investigation shall possess the same privileges reserved to a witness in the courts or under the laws of this state;

(9) bring an action in an appropriate state court to provide the operation of the powers provided in this subdivision. The ombudsperson may use the services of legal assistance to Minnesota prisoners for legal counsel. The provisions of sections 241.90 to 241.95 are in addition to other provisions of law under which any remedy or right of appeal or objection is provided for any person, or any procedure provided for inquiry or investigation concerning any matter. Nothing in sections 241.90 to 241.95 shall be construed to limit or affect any other remedy or right of appeal or objection nor shall it be deemed part of an exclusionary process; and

(10) be present at commissioner of corrections parole, supervised release, and parole revocation hearings and deliberations.

Subd. 2. **Actions against ombudsperson.** No proceeding or civil action except removal from office or a proceeding brought pursuant to chapter 13 shall be commenced against the ombudsperson for actions taken under the provisions of sections 241.90 to 241.95, unless the act or omission is actuated by malice or is grossly negligent.

Subd. 3. **Matters appropriate for investigation.** (a) In selecting matters for attention, the ombudsperson should particularly address actions of an administrative agency that may be:

(1) contrary to law or rule;

(2) unreasonable, unfair, oppressive, or inconsistent with any policy or judgment of an administrative agency;

(3) mistaken in law or arbitrary in the ascertainment of facts;

(4) unclear or inadequately explained when reasons should have been revealed; or

(5) inefficiently performed.

(b) The ombudsperson may also be concerned with strengthening procedures and practices that lessen the risk that objectionable actions of the administrative agency will occur.

Subd. 4. **Complaints.** (a) The ombudsperson may receive a complaint from any source concerning an action of an administrative agency. The ombudsperson may, on personal motion or at the request of another, investigate any action of an administrative agency.

(b) The ombudsperson may exercise powers without regard to the finality of any action of an administrative agency; however, the ombudsperson may require a complainant to pursue other remedies or channels of complaint open to the complainant before accepting or investigating the complaint.

(c) After completing investigation of a complaint, the ombudsperson shall inform the complainant, the administrative agency, and the official or employee of the action taken.

(d) A letter to the ombudsperson from a person in an institution under the control of an administrative agency shall be forwarded immediately and unopened to the ombudsperson's office. A reply from the ombudsperson to the person shall be promptly delivered unopened to the person after its receipt by the institution.

(e) No complainant shall be punished nor shall the general condition of the complainant's confinement or treatment be unfavorably altered as a result of the complainant having made a complaint to the ombudsperson.

Subd. 5. **Investigation of adult local jails and detention facilities.** Either the ombudsperson or the jail inspection unit of the Department of Corrections may investigate complaints involving local adult jails and detention facilities. The ombudsperson and Department of Corrections must enter into an arrangement with one another that ensures they are not duplicating services.

Subd. 6. **Recommendations.** (a) If, after duly considering a complaint and whatever material the ombudsperson deems pertinent, the ombudsperson is of the opinion that the complaint is valid, the ombudsperson may recommend that an administrative agency should:

(1) consider the matter further;

(2) modify or cancel its actions;

(3) alter a ruling;

(4) explain more fully the action in question; or

(5) take any other step that the ombudsperson recommends to the administrative agency involved.

If the ombudsperson so requests, the agency shall, within the time the ombudsperson specifies, inform the ombudsperson about the action taken on the ombudsperson's recommendations or the reasons for not complying with it.

(b) If the ombudsperson has reason to believe that any public official or employee has acted in a manner warranting criminal or disciplinary proceedings, the ombudsperson may refer the matter to the appropriate authorities.

(c) If the ombudsperson believes that an action upon which a valid complaint is founded has been dictated by a statute, and that the statute produces results or effects that are unfair or otherwise objectionable, the ombudsperson shall bring to the attention of the governor and the legislature the ombudsperson's view concerning desirable statutory change.

Subd. 7. **Grants.** The ombudsperson may apply for and receive grants from public and private entities for purposes of carrying out the ombudsperson's powers and duties under sections 241.90 to 241.95.

Sec. 15. **[241.94] ACCESS BY OMBUDSPERSON TO DATA.**

Notwithstanding section 13.384 or 13.85, the ombudsperson has access to corrections and detention data and medical data maintained by an agency and classified as private data on individuals or confidential data on individuals when access to the data is necessary for the ombudsperson to perform the powers under section 241.93.

Sec. 16. **[241.95] PUBLICATION OF RECOMMENDATIONS; REPORTS.**

Subdivision 1. **Publication.** The ombudsperson may publish conclusions and suggestions by transmitting them to the Office of the Governor. Before announcing a conclusion or recommendation that expressly or impliedly criticizes an administrative agency or any person, the ombudsperson shall consult with that agency or person. When publishing an opinion adverse to an administrative agency or any person, the ombudsperson shall include in the publication any statement of reasonable length made to the ombudsperson by that agency or person in defense or mitigation of the action.

Subd. 2. **Annual report.** In addition to whatever reports the ombudsperson may make on an ad hoc basis, the ombudsperson shall report to the governor and the senate and house committee chairs and ranking minority members for the committees and divisions with fiscal and policy jurisdiction over public safety and corrections at the end of each year on the ombudsperson's functions during the preceding year.

Sec. 17. Minnesota Statutes 2018, section 242.192, is amended to read:

**242.192 CHARGES TO COUNTIES.**

The commissioner shall charge counties or other appropriate jurisdictions 65 percent of the per diem cost of confinement, excluding educational costs and nonbillable service, of juveniles at the Minnesota Correctional Facility-Red Wing and of juvenile females committed to the commissioner of corrections. This charge applies to juveniles committed to the commissioner of corrections and juveniles admitted to the Minnesota Correctional Facility-Red Wing under established admissions criteria. This charge applies to both counties that participate in the Community Corrections Act and those that do not. The commissioner shall determine the per diem cost of confinement based on projected population, pricing incentives, and market conditions, ~~and the requirement that expense and revenue balance out over a period of two years.~~ All money received under this section must be deposited in the state treasury and credited to the general fund.

Sec. 18. Minnesota Statutes 2018, section 243.48, subdivision 1, is amended to read:

Subdivision 1. **General searches.** The commissioner of corrections, the governor, lieutenant governor, members of the legislature, ~~and~~ state officers, ~~and the ombudsperson for corrections~~ may visit the inmates at pleasure, but no other persons without permission of the chief executive officer of the facility, under rules prescribed by the commissioner. A moderate fee may be required of visitors, other than those allowed to visit at pleasure. All fees so collected shall be reported and remitted to the commissioner of management and budget under rules as the commissioner may deem proper, and when so remitted shall be placed to the credit of the general fund.

Sec. 19. **[243.521] ADMINISTRATIVE AND DISCIPLINARY SEGREGATION.**

**Subdivision 1. Authorization.** In any adult correctional facility under the control of the commissioner of corrections, the commissioner may require an inmate to be placed on disciplinary segregation status for rule violations or on administrative segregation status when the continued presence of the inmate in general population would pose a serious threat to life, property, self, staff, or other inmates or to the security or orderly running of the institution. Inmates pending investigation for trial on a criminal act or pending transfer may be included, provided the warden's written approval is sought and granted within seven business days of placing the inmate in restrictive housing under this provision. The warden of each facility must document any time approval is granted and the reason for it, and submit a quarterly report to the commissioner of corrections.

**Subd. 2. Conditions in segregated housing.** The restrictive housing unit shall provide living conditions that are approximate to those offenders in general population, including reduced lighting during nighttime hours.

**Subd. 3. Review of disciplinary segregation status.** The commissioner of corrections shall receive notification of all inmates with consecutive placement in a restrictive housing setting for more than 30 days. This notification shall occur on a monthly basis. In the event an inmate is placed into restrictive housing for more than 120 days, the reason for the placement and the behavior management plan for the inmate shall be submitted to the commissioner of corrections.

**Subd. 4. Graduated interventions.** The commissioner shall design and implement a continuum of interventions, including informal sanctions, administrative segregation, formal discipline, disciplinary segregation, and step-down management. The commissioner shall implement a method of due process for all offenders with formal discipline proceedings.

**Subd. 5. Mental health screening.** (a) If it is apparent that the inmate is exhibiting serious symptoms of a mental illness that prevents the inmate from understanding or fully participating in the disciplinary process, a mental health professional shall be consulted regarding appropriate treatment and placement. For other inmates placed in a restrictive setting, an inmate shall be screened by a health services staff member within 24 hours of placement in a restrictive housing setting. If the screening indicates symptoms of a mental illness, a qualified mental health professional shall be consulted regarding appropriate treatment and placement. The health services staff member shall document any time an inmate screens in for symptoms of a mental health illness and whether or not the health services staff member connected with a mental health professional.

(b) If mental health staff believe the inmate's behavior may be more appropriately treated through alternative interventions or programming, or determine that the inmate's actions were the result of mental illness, this information must be considered during the disciplinary process.

**Subd. 6. Mental health care within segregated housing.** A health services staff member shall perform a daily wellness round in the restrictive housing setting. If a health services staff member indicates symptoms of a mental illness, a qualified mental health professional shall be consulted regarding appropriate treatment and placement.

**Subd. 7. Incentives for return to the general population.** The commissioner shall design and implement a system of incentives so that an inmate who demonstrates appropriate behavior can earn additional privileges and an accelerated return to the general population.

**Subd. 8. Discharge from segregated housing.** An inmate shall not be released into the community directly from a stay in restrictive housing for 60 or more days absent a compelling reason. In cases where there is a compelling reason, the commissioner of corrections or deputy commissioner shall directly authorize the inmate's release into the community from restrictive housing.

Subd. 9. **Reporting.** (a) By January 15, 2020, and by January 15 each year thereafter, the commissioner of corrections shall report to the chairs and ranking minority members of the house of representatives and senate committees and divisions with jurisdiction over public safety and judiciary on the status of the implementation of the provisions in this section. This report shall include but not be limited to data regarding:

- (1) the number of inmates in each institution placed in restrictive housing during the past year;
- (2) the ages of inmates placed in restrictive housing during the past year;
- (3) the number of inmates transferred from restrictive housing to the mental health unit;
- (4) disciplinary sanctions by infraction;
- (5) the lengths of terms served in restrictive housing, including terms served consecutively; and
- (6) the number of inmates by race in restrictive housing.

(b) The Department of Corrections shall submit a qualitative report detailing outcomes, measures, and challenges to implementation of a step-down management program by April 1, 2020.

Sec. 20. **[243.95] PRIVATE PRISON CONTRACTS PROHIBITED.**

The commissioner may not contract with privately owned and operated prisons for the care, custody, and rehabilitation of offenders committed to the custody of the commissioner.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 21. **[244.049] INDETERMINATE SENTENCE RELEASE BOARD.**

Subdivision 1. **Establishment; membership.** (a) The Indeterminate Sentence Release Board is established to review eligible cases and make release decisions for inmates serving indeterminate sentences under the authority of the commissioner.

(b) The board shall consist of five members as follows:

(1) four persons appointed by the governor from two recommendations of each of the majority leaders and minority leaders of the house of representatives and the senate; and

(2) the commissioner of corrections who shall serve as chair.

(c) The members appointed from the legislative recommendations must meet the following qualifications at a minimum:

(1) a bachelor's degree;

(2) five years of experience in corrections, a criminal justice or community corrections field, rehabilitation programming, behavioral health, or criminal law; and

(3) demonstrated knowledge of victim issues and correctional processes.

Subd. 2. **Terms; compensation.** (a) Members of the board shall serve four-year staggered terms except that the terms of the initial members of the board must be as follows:

(1) two members must be appointed for terms that expire January 1, 2022; and

(2) two members must be appointed for terms that expire January 1, 2024.

(b) A member is eligible for reappointment.

(c) Vacancies on the board shall be filled in the same manner as the initial appointments under subdivision 1.

(d) Member compensation and removal of members on the board shall be as provided in section 15.0575.

Subd. 3. **Quorum; administrative duties.** (a) The majority of members constitutes a quorum.

(b) The commissioner of corrections shall provide the board with all other personnel, supplies, equipment, office space, and other administrative services necessary and incident to the discharge of the functions of the board.

Subd. 4. **Majority vote.** An inmate may not be placed on supervised release unless a majority of the board members present vote in favor of the action.

Subd. 5. **Limitation.** Nothing in this section supersedes the commissioner's authority to revoke an inmate's release for a violation of the inmate's terms of release or impairs the power of the Board of Pardons to grant a pardon or commutation in any case.

Subd. 6. **Report.** On or before February 15 each year, the board shall submit to the legislative committees with jurisdiction over criminal justice policy a written report detailing the number of inmates reviewed and identifying persons granted release in the preceding year. The report shall also include the board's recommendations for policy modifications that influence the board's duties.

Sec. 22. Minnesota Statutes 2018, section 244.05, subdivision 5, is amended to read:

Subd. 5. **Supervised release, life sentence.** (a) Upon a majority vote of the board members present, the ~~commissioner of corrections~~ board may, under rules promulgated by the commissioner, give supervised release to an inmate serving a mandatory life sentence under section 609.185, paragraph (a), clause (3), (5), or (6); 609.3455, subdivision 3 or 4; 609.385; or Minnesota Statutes 2004, section 609.109, subdivision 3, after the inmate has served the minimum term of imprisonment specified in subdivision 4.

(b) The ~~commissioner~~ board shall require the preparation of a community investigation report and shall consider the findings of the report when making a supervised release decision under this subdivision. The report shall reflect the sentiment of the various elements of the community toward the inmate, both at the time of the offense and at the present time. The report shall include the views of the sentencing judge, the prosecutor, any law enforcement personnel who may have been involved in the case, and any successors to these individuals who may have information relevant to the supervised release decision. The report shall also include the views of the victim and the victim's family unless the victim or the victim's family chooses not to participate.

(c) The commissioner shall make reasonable efforts to notify the victim, in advance, of the time and place of the inmate's supervised release review hearing. The victim has a right to submit an oral or written statement at the review hearing. The statement may summarize the harm suffered by the victim as a result of the crime and give the victim's recommendation on whether the inmate should be given supervised release at this time. The ~~commissioner~~ board must consider the victim's statement when making the supervised release decision.

(d) When considering whether to give supervised release to an inmate serving a life sentence under section 609.3455, subdivision 3 or 4, the ~~commissioner~~ board shall consider, at a minimum, the following: the risk the inmate poses to the community if released, the inmate's progress in treatment, the inmate's behavior while incarcerated, psychological or other diagnostic evaluations of the inmate, the inmate's criminal history, and any other relevant conduct of the inmate while incarcerated or before incarceration. The ~~commissioner~~ board may not give supervised release to the inmate unless:

(1) while in prison:

(i) the inmate has successfully completed appropriate sex offender treatment;

(ii) the inmate has been assessed for chemical dependency needs and, if appropriate, has successfully completed chemical dependency treatment; and

(iii) the inmate has been assessed for mental health needs and, if appropriate, has successfully completed mental health treatment; and

(2) a comprehensive individual release plan is in place for the inmate that ensures that, after release, the inmate will have suitable housing and receive appropriate aftercare and community-based treatment. The comprehensive plan also must include a postprison employment or education plan for the inmate.

(e) As used in this subdivision:

(1) "board" means the Indeterminate Sentence Release Board under section 244.049; and

(2) "victim" means the individual who suffered harm as a result of the inmate's crime or, if the individual is deceased, the deceased's surviving spouse or next of kin.

Sec. 23. Minnesota Statutes 2018, section 299C.091, subdivision 5, is amended to read:

Subd. 5. **Removal of data from system.** Notwithstanding section 138.17, the bureau shall destroy data entered into the system when three years have elapsed since the data were entered into the system, except as otherwise provided in this subdivision. If the bureau has information that the individual has been convicted as an adult, or has been adjudicated or has a stayed adjudication as a juvenile for an offense that would be a crime if committed by an adult, since entry of the data into the system, the data must be maintained until three years have elapsed since the last record of a conviction or adjudication or stayed adjudication of the individual, except that if the individual is committed to the custody of the commissioner of corrections and the commissioner documents activities meeting the criminal gang identification criteria that take place while the individual is confined in a state correctional facility, the three-year period begins after release from incarceration. Upon request of the law enforcement agency that submitted data to the system, the bureau shall destroy the data regardless of whether three years have elapsed since the data were entered into the system.

Sec. 24. Minnesota Statutes 2018, section 631.412, is amended to read:

**631.412 SAME SEX ESCORT FOR INMATES BEING TRANSFERRED.**

(a) Except as provided in paragraph (b), when a sheriff or other correctional officer has custody of a person charged with or convicted of a crime and transfers that person more than 100 miles, that sheriff or other correctional officer shall provide the transferee with a custodial escort of the same sex as the transferee. A sheriff may employ, when the occasion exists, a suitable person to carry out this section. The expenses of the person's employment must be paid out of county funds not otherwise appropriated.

(b) A sheriff or other correctional officer is not required to provide a same sex escort if: (1) the vehicle used to transport the transferee has video and audio recording equipment installed; (2) the vehicle's video and audio recording equipment is operational and positioned to record the portion of the vehicle where the transferee is held during the transfer; and (3) the video and audio equipment records the duration of the transfer. A recording of an inmate transfer made under this paragraph must be maintained by the sheriff or agency employing the correctional officer for at least 12 months after the date of the transfer.

Sec. 25. **[641.015] PLACEMENT IN PRIVATE PRISONS PROHIBITED.**

Subdivision 1. **Placement prohibited.** After August 1, 2019, a sheriff shall not allow inmates committed to the custody of the sheriff to be housed in facilities that are not owned and operated by a local government or a group of local units of government.

Subd. 2. **Contracts prohibited.** The county board may not authorize the sheriff to contract with privately owned and operated prisons for the care, custody, and rehabilitation of offenders committed to the custody of the sheriff.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 26. **[641.061] LOCAL CORRECTIONAL OFFICERS DISCIPLINE PROCEDURES.**

Subdivision 1. **Definitions.** (a) For purposes of this section, the terms defined in this subdivision have the meanings given them.

(b) "Correctional officer" or "officer" means a person employed in a security capacity by a local correctional or detention facility.

(c) "Exclusive representative" means an employee organization which has been certified by the commissioner of the Bureau of Mediation Services to meet and negotiate with an employer on behalf of all employees in the appropriate unit.

(d) "Formal statement" means the questioning of an officer in the course of obtaining a recorded, stenographic, or signed statement to be used as evidence in a disciplinary proceeding against the officer.

Subd. 2. **Applicability.** This section applies to local correctional authorities.

Subd. 3. **Formal statement; procedures.** A formal statement of a correctional officer must be taken according to subdivisions 4 to 15.

Subd. 4. **Place of formal statement.** A formal statement must be taken at a facility of the employing or investigating agency or at a place agreed to by the investigating individual and the investigated correctional officer and exclusive representative.

Subd. 5. **Complaint.** A correctional officer's formal statement may not be taken unless a written complaint signed by the complainant stating the complainant's knowledge is filed with the employing or investigating agency and the correctional officer and exclusive representative have been given a summary of the allegations.

Subd. 6. **Witnesses; investigative reports.** Upon request, the investigating agency or the correctional officer shall provide the other party with a list of witnesses the agency or correctional officer expects to testify at an administrative hearing or arbitration authorized to recommend, approve, or order discipline and the substance of the testimony. A party is entitled to copies of any witness statements in the possession of the other party and an officer

is entitled to a copy of the investigating agency's investigative report, provided that any references in a witness statement or investigative report that would reveal the identity of confidential informants need not be disclosed except for good cause shown upon order of the person presiding over the administrative hearing or arbitration.

Subd. 7. **Sessions.** Sessions at which a formal statement is taken must be of reasonable duration and must give the correctional officer reasonable periods for rest and personal necessities. When practicable, sessions must be held during the correctional officer's regularly scheduled work shift. If the session is not held during the correctional officer's regularly scheduled work shift, the correctional officer must be paid by the employing agency at the officer's current compensation rate for time spent attending the session. Notification of a formal statement must also be provided to the correctional officer's exclusive representative and the exclusive representative shall be allowed to be present during the session.

Subd. 8. **Record.** A complete record of sessions at which a formal statement is taken must be made by electronic recording or otherwise. A complete copy or transcript must be provided to the correctional officer and the officer's exclusive representative without charge or undue delay. The session may be recorded by the investigating officer and by the correctional officer under investigation.

Subd. 9. **Presence of attorney and union representative.** The correctional officer whose formal statement is taken has the right to have a union representative or an attorney retained by the officer, or both, present during the session. The correctional officer may request the presence of a union representative, attorney, or both, at any time before or during the session. When a request under this subdivision is made, no formal statement may be taken until a reasonable opportunity is provided for the correctional officer to obtain the presence of a union representative or attorney.

Subd. 10. **Admissions.** Before an officer's formal statement is taken, the officer shall be advised in writing or on the record that admissions made in the course of the formal statement may be used as evidence of misconduct or as a basis for discipline.

Subd. 11. **Disclosure of financial records.** No employer may require an officer to produce or disclose the officer's personal financial records except pursuant to a valid search warrant or subpoena.

Subd. 12. **Release of photographs.** No local correctional facility or governmental unit may publicly release photographs of an officer without the written permission of the officer, except that the facility or unit may display a photograph of an officer to a prospective witness as part of an agency or unit investigation.

Subd. 13. **Disciplinary letter.** No disciplinary letter or reprimand may be included in an officer's personnel record unless the officer has been given a copy of the letter or reprimand.

Subd. 14. **Retaliatory action prohibited.** No officer may be discharged, disciplined, or threatened with discharge or discipline as retaliation for or solely by reason of the officer's exercise of the rights provided by this section.

Subd. 15. **Rights not reduced.** The rights of officers provided by this section are in addition to and do not diminish the rights and privileges of officers that are provided under an applicable collective bargaining agreement or any other applicable law.

Sec. 27. Minnesota Statutes 2018, section 641.15, subdivision 3a, is amended to read:

**Subd. 3a. Intake procedure; approved mental health screening.** (a) As part of its intake procedure for new prisoners ~~inmates~~, the sheriff or local corrections shall use a mental health screening tool approved by the commissioner of corrections in consultation with the commissioner of human services and local corrections staff to identify persons who may have mental illness.

(b) Names of persons who have screened positive or may have a mental illness may be shared with the local county social services agency. The jail may refer an offender to county personnel of the welfare system, as defined in section 13.46, subdivision 1, paragraph (c), in order to arrange for services upon discharge and may share private data on the offender as necessary to:

- (1) provide assistance in filling out an application for medical assistance or MinnesotaCare;
- (2) make a referral for case management as provided under section 245.467, subdivision 4;
- (3) provide assistance in obtaining a state photo identification;
- (4) secure a timely appointment with a psychiatrist or other appropriate community mental health provider;
- (5) provide prescriptions for a 30-day supply of all necessary medications; or
- (6) coordinate behavioral health services.

(c) Notwithstanding section 138.17, if an offender is referred to a government entity within the welfare system pursuant to paragraph (b), and the offender refuses all services from the entity, the entity must, within 15 days of the refusal, destroy all private data on the offender that it created or received because of the referral.

Sec. 28. **COORDINATED CRISIS RESPONSE PLAN.**

(a) By January 15, 2021, the commissioner of corrections shall develop and implement a coordinated crisis response plan to support facility, central office, and field services staff.

(b) In developing the response plan, the commissioner may consult with the Department of Corrections Office of Special Investigations, the Department of Corrections Victim Assistance Program, human resources offices, facility and field services administration, peer support programs, county attorneys, victim witness coordinators, community based victim advocates, the Crime Victim Reparations Board, employee assistance programs, offices or organizations assisting with workers' compensation claims and benefits, mental health services, central office administration, and supervisors.

(c) To increase support to staff in crisis, the coordinated crisis response plan shall, at a minimum, include the following:

- (1) a protocol establishing collaboration between the offices, services, and organizations identified in paragraph (b);
- (2) a process to develop and implement individualized support plans based on the identified needs of staff members in crisis;
- (3) identification or development of training on trauma-informed victim and crisis response; and
- (4) a plan to implement training on trauma-informed victim and crisis response including initial training, refresher courses, and training for new employees.

Sec. 29. **PILOT PROGRAM TO ADDRESS MENTAL HEALTH IN CORRECTIONAL FACILITIES.**

Subdivision 1. **Pilot program established.** The commissioner of corrections shall establish and administer a pilot program in Minnesota Correctional Facility-Stillwater to address mental health issues among correctional officers and inmates. The program shall offer, at a minimum, support to correctional officers through skill

refreshers, mental health training and techniques, and mental health services. The program shall conduct, at a minimum, mental health interventions for inmates and educate inmates on mental health resources available to them. The pilot program is from July 1, 2019, to June 30, 2020.

Subd. 2. **Report.** By October 1, 2020, the commissioner shall report to the legislative committees with jurisdiction over corrections on the impact and outcomes of the program.

Sec. 30. **REPEALER.**

Minnesota Statutes 2018, section 401.13, is repealed.

ARTICLE 4  
LAW ENFORCEMENT

Section 1. Minnesota Statutes 2018, section 171.20, subdivision 4, is amended to read:

Subd. 4. **Reinstatement fee.** (a) Before the license is reinstated, (1) an individual whose driver's license has been suspended under section 171.16, subdivisions 2 and 3; 171.175; 171.18; or 171.182, or who has been disqualified from holding a commercial driver's license under section 171.165, and (2) an individual whose driver's license has been suspended under section 171.186 and who is not exempt from such a fee, must pay a fee of \$20.

(b) Before the license is reinstated, an individual whose license has been suspended under sections 169.791 to 169.798 must pay a \$20 reinstatement fee.

(c) When fees are collected by a licensing agent appointed under section 171.061, a handling charge is imposed in the amount specified under section 171.061, subdivision 4. The reinstatement fee and surcharge must be deposited in an approved state depository as directed under section 171.061, subdivision 4.

~~(d) Reinstatement fees collected under paragraph (a) for suspensions under sections 171.16, subdivision 3, and 171.18, subdivision 1, clause (10), must be deposited in the special revenue fund and are appropriated to the Peace Officer Standards and Training Board for peace officer training reimbursement to local units of government.~~

~~(e)~~ (d) A suspension may be rescinded without fee for good cause.

Sec. 2. Minnesota Statutes 2018, section 171.26, subdivision 1, is amended to read:

Subdivision 1. **Driver services operating account.** All money received under this chapter must be paid into the state treasury and credited to the driver services operating account in the special revenue fund specified under sections 299A.705, except as provided in subdivision 2; 171.06, subdivision 2a; 171.07, subdivision 11, paragraph (g); ~~171.20, subdivision 4, paragraph (d);~~ and 171.29, subdivision 2, paragraph (b).

Sec. 3. Minnesota Statutes 2018, section 357.021, subdivision 7, is amended to read:

Subd. 7. **Disbursement of surcharges by commissioner of management and budget.** (a) Except as provided in paragraphs (b), ~~(c), and to~~ (d), the commissioner of management and budget shall disburse surcharges received under subdivision 6 and section 97A.065, subdivision 2, as follows:

(1) one percent shall be credited to the peace officer training account in the game and fish fund to provide peace officer training for employees of the Department of Natural Resources who are licensed under sections 626.84 to 626.863, and who possess peace officer authority for the purpose of enforcing game and fish laws; and

~~(2) 39 percent shall be credited to the peace officers training account in the special revenue fund; and~~

~~(3) 60~~ (2) 99 percent shall be credited to the general fund.

(b) The commissioner of management and budget shall credit \$3 of each surcharge received under subdivision 6 and section 97A.065, subdivision 2, to the general fund.

(c) In addition to any amounts credited under paragraph (a), the commissioner of management and budget shall credit \$47 of each surcharge received under subdivision 6 and section 97A.065, subdivision 2, and the \$12 parking surcharge, to the general fund.

(d) If the Ramsey County Board of Commissioners authorizes imposition of the additional \$1 surcharge provided for in subdivision 6, paragraph (a), the court administrator in the Second Judicial District shall transmit the surcharge to the commissioner of management and budget. The \$1 special surcharge is deposited in a Ramsey County surcharge account in the special revenue fund and amounts in the account are appropriated to the trial courts for the administration of the petty misdemeanor diversion program operated by the Second Judicial District Ramsey County Violations Bureau.

#### Sec. 4. [611A.95] CERTIFICATIONS FOR VICTIMS OF CRIMES.

Subdivision 1. Definitions. For purposes of this section, the following terms have the meanings given:

(1) "certifying entity" means a state or local law enforcement agency;

(2) "criminal activity" means qualifying criminal activity pursuant to section 101(a)(15)(U)(iii) of the Immigration and Nationality Act, and includes the attempt, conspiracy, or solicitation to commit such crimes; and

(3) "certification" means any certification or statement required by federal immigration law including, but not limited to, the information required by United States Code, title 8, section 1184(p), and United States Code, title 8, section 1184(o), including current United States Citizenship and Immigration Services Form I-918, Supplement B, and United States Citizenship and Immigration Services Form I-914, Supplement B, and any successor forms.

Subd. 2. Certification process. (a) A certifying entity shall process a certification requested by a victim of criminal activity or a representative of the victim, including but not limited to the victim's attorney, family member, or domestic violence or sexual assault violence advocate, within the time period prescribed in paragraph (b).

(b) A certifying entity shall process the certification within 60 days of request, unless the victim is in removal proceedings, in which case the certification shall be processed within 14 days of request. Requests for expedited certification must be affirmatively raised at the time of the request.

(c) An active investigation, the filing of charges, or a prosecution or conviction are not required for the victim of criminal activity to request and obtain the certification.

Subd. 3. Certifying entity; designate agent. (a) The head of a certifying entity shall designate an agent to perform the following responsibilities:

(1) timely process requests for certification;

(2) provide outreach to victims of criminal activity to inform them of the entity's certification process; and

(3) keep a written or electronic record of all certification requests and responses.

(b) All certifying entities shall implement a language access protocol for non-English-speaking victims of criminal activity.

Subd. 4. **Disclosure prohibited; data classification.** (a) A certifying entity is prohibited from disclosing the immigration status of a victim of criminal activity or representative requesting the certification, except to comply with federal law or legal process, or if authorized by the victim of criminal activity or representative requesting the certification.

(b) Data provided to a certifying entity under this section is classified as private data pursuant to section 13.02, subdivision 12.

**EFFECTIVE DATE.** Subdivisions 1, 2, and 4 are effective the day following final enactment. Subdivision 3 is effective July 1, 2019.

Sec. 5. **[626.19] USE OF UNMANNED AERIAL VEHICLES.**

Subdivision 1. **Application; definitions.** (a) This section applies to law enforcement agencies that maintain, use, or plan to use an unmanned aerial vehicle in investigations, for training, or in response to emergencies, incidents, and requests for service.

(b) For purposes of this section, the following terms have the meanings given:

(1) "law enforcement agency" has the meaning given in section 626.84, subdivision 1; and

(2) "unmanned aerial vehicle" or "UAV" means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

Subd. 2. **Use of unmanned aerial vehicles limited.** Except as provided in subdivision 3, a law enforcement agency may not operate a UAV without a search warrant issued under this chapter.

Subd. 3. **Authorized use.** (a) A law enforcement agency may use a UAV during or immediately after an emergency situation that involves the risk of death or serious physical harm to a person.

(b) A law enforcement agency may use a UAV over a public event where there is a substantial risk to the safety of participants or bystanders. If a law enforcement agency collects information under this paragraph, it must document each use, connect each deployment to a unique case number, and provide a description of the facts giving rise to a substantial risk.

(c) A law enforcement agency may operate a UAV to counter a high risk of a terrorist attack by a specific individual or organization if the agency determines that credible intelligence indicates this risk.

(d) A law enforcement agency may use a UAV to prevent the loss of life and property in natural or man-made disasters and to facilitate the operational planning, rescue, and recovery operations in the aftermath of these disasters.

(e) A law enforcement agency may use a UAV for officer training purposes.

(f) A law enforcement agency may operate a UAV for a non-law-enforcement purpose at the request of a government entity, as defined in section 13.02, subdivision 7a, provided that the government entity makes the request in writing and specifies the reason for the request and proposed period of use.

Subd. 4. **Limitations on use.** (a) A law enforcement agency operating a UAV must fully comply with all Federal Aviation Administration requirements and guidelines.

(b) The governing body overseeing the law enforcement agency must approve the agency's acquisition of a UAV.

(c) Unless specifically authorized in a warrant, a law enforcement agency must use a UAV to collect data only on a clearly and narrowly defined target and avoid data collection on individuals, homes, or areas other than the defined target.

(d) A law enforcement agency may not deploy a UAV with facial recognition or other biometric-matching technology unless expressly authorized by a warrant.

(e) A law enforcement agency may not equip a UAV with weapons.

(f) A law enforcement agency may not use a UAV to collect data on public protests or demonstrations unless expressly authorized by a warrant or an exception applies under subdivision 3. A law enforcement agency must document which exception applies or whether a warrant was obtained.

Subd. 5. **Access by data subjects.** An individual who is the subject of data collected through use of a UAV has access to the data. If the individual requests a copy of the recording, data on other individuals who do not consent to its release must be redacted from the copy.

Subd. 6. **Data classification; retention.** (a) Data collected by a UAV are private data on individuals or nonpublic data, subject to the following:

(1) UAV data may be disclosed as necessary in an emergency situation under subdivision 3, paragraph (a);

(2) UAV data may be disclosed to the government entity making a request for UAV use under subdivision 3, paragraph (f);

(3) UAV data that are criminal investigative data are governed by section 13.82, subdivision 7; and

(4) UAV data that are not public data under other provisions of chapter 13 retain that classification.

(b) Section 13.04, subdivision 2, does not apply to data collected by a UAV.

(c) Notwithstanding section 138.17, the data must be deleted by a UAV as soon as possible, and in no event later than seven days after collection unless the data is part of an active criminal investigation.

Subd. 7. **Evidence.** Information obtained or collected by a law enforcement agency in violation of this section is not admissible as evidence in a criminal, administrative, or civil proceeding against the data subject.

Subd. 8. **Remedies.** An aggrieved party may initiate a civil action against a law enforcement agency to obtain all appropriate relief to prevent or remedy a violation of this section, including remedies available under chapter 13.

Subd. 9. **Written policies required.** The chief officer of every state and local law enforcement agency that uses or plans to use a UAV must establish and enforce a written policy governing UAV use. The agency must post the written policy on its website if the agency has a website.

Subd. 10. **Notice; disclosure of warrant.** (a) Within a reasonable time but not later than 90 days after the court unseals a warrant under this subdivision, the issuing or denying judge shall cause to be served on the persons named in the warrant and the application an inventory that shall include notice of:

(1) the fact of the issuance of the warrant or the application;

(2) the date of the issuance and the period of authorized, approved, or disapproved collection of information, or the denial of the application; and

(3) the fact that during the period information was or was not collected.

(b) A warrant authorizing collection of information with a UAV must direct that:

(1) the warrant be sealed for a period of 90 days or until the objective of the warrant has been accomplished, whichever is shorter; and

(2) the warrant be filed with the court administrator within ten days of the expiration of the warrant.

(c) The prosecutor may request that the warrant, supporting affidavits, and any order granting the request not be filed. An order must be issued granting the request in whole or in part if, from affidavits, sworn testimony, or other evidence, the court finds reasonable grounds exist to believe that filing the warrant may cause the search or a related search to be unsuccessful, create a substantial risk of injury to an innocent person, or severely hamper an ongoing investigation.

(d) The warrant must direct that following the commencement of any criminal proceeding using evidence obtained in or as a result of the search, the supporting application or affidavit must be filed either immediately or at any other time as the court directs. Until such filing, the documents and materials ordered withheld from filing must be retained by the judge or the judge's designee.

Subd. 11. **Reporting.** (a) By January 15 of each year, each law enforcement agency that deploys a UAV shall report to the commissioner of public safety the following information for the preceding calendar year:

(1) the number of times a UAV was deployed, organized by the types of incidents and the types of justification for deployment;

(2) the number of criminal investigations aided by the deployment of UAVs;

(3) the number of deployments of UAVs for reasons other than criminal investigations; and

(4) the total cost of the agency's UAV program.

(b) By June 15 of each year, the commissioner of public safety shall compile a full and complete report summarizing the information submitted to the commissioner under paragraph (a), and submit the report to the chairs and ranking minority members of the senate and house of representatives committees having jurisdiction over criminal justice and public safety issues and make the report public on the department's website.

(c) By January 15 of each year, any judge who has issued a warrant under this section that expired during the preceding year, or who has denied approval during that year, shall report to the state court administrator:

(1) the fact that a warrant or extension was applied for;

(2) the kind of warrant or extension applied for;

(3) the fact that the warrant or extension was granted as applied for, was modified, or was denied;

(4) the period of UAV use authorized by the warrant and the number and duration of any extensions of the warrant;

(5) the offense specified in the warrant or application or extension of a warrant; and

(6) the identity of the law enforcement agency making the application and the person authorizing the application.

(d) By June 15 of each year, the state court administrator shall transmit to the chairs and ranking minority members of the senate and house of representatives committees having jurisdiction over criminal justice and public safety issues and post on the supreme court's website a full and complete report concerning the number of applications for warrants authorizing or approving operation of UAVs or disclosure of information from the operation of UAVs under this section and the number of warrants and extensions granted or denied under this section during the preceding calendar year. The report must include a summary and analysis of the data required to be filed with the state court administrator by paragraph (c).

Sec. 6. Minnesota Statutes 2018, section 626.841, is amended to read:

**626.841 BOARD; MEMBERS.**

The Board of Peace Officer Standards and Training shall be composed of the following ~~15~~ 17 members:

(1) two members to be appointed by the governor from among the county sheriffs in Minnesota;

(2) four members to be appointed by the governor from among peace officers in Minnesota municipalities, at least two of whom shall be chiefs of police;

(3) two members to be appointed by the governor from among peace officers, at least one of whom shall be a member of the Minnesota State Patrol Association;

(4) the superintendent of the Minnesota Bureau of Criminal Apprehension or a designee;

(5) two members appointed by the governor from among peace officers, or former peace officers, who are currently employed on a full-time basis in a professional peace officer education program;

(6) two members to be appointed by the governor, one member to be appointed from among administrators of Minnesota colleges or universities that offer professional peace officer education, and one member to be appointed from among the elected city officials in statutory or home rule charter cities of under 5,000 population outside the metropolitan area, as defined in section 473.121, subdivision 2; and

(7) ~~two~~ four members appointed by the governor from among the general public, of which at least one member must be a representative of a statewide crime victim coalition and at least two members must be residents of a county other than a metropolitan county as defined in section 473.121, subdivision 4.

A chair shall be appointed by the governor from among the members. In making appointments the governor shall strive to achieve representation from among the geographic areas of the state.

Sec. 7. **[626.8433] EYEWITNESS IDENTIFICATION POLICIES REQUIRED.**

Subdivision 1. **Statewide model policy required.** By November 1, 2019, the board, in consultation with stakeholders, shall develop a model policy that articulates best practices for eyewitness identification and promotes uniform practices statewide. The board shall distribute this model policy to all chief law enforcement officers. At a minimum, the policy must require that:

(1) a person administering a lineup be unaware of the suspect's identity, or, if that is not practical, the person be shielded so as to prevent the person from seeing which lineup member is being viewed by the eyewitness;

(2) before the procedure, the eyewitness be instructed that the perpetrator may or may not be in the lineup;

(3) nonsuspect "fillers" used in the lineup match the eyewitness's description of the perpetrator; and

(4) immediately after an identification is made, the eyewitness provide a statement in the eyewitness's own words that articulates the level of the eyewitness's confidence in the identification.

Subd. 2. **Agency policies required.** By February 1, 2020, the chief law enforcement officers of every state and local law enforcement agency shall adopt and implement a written policy on eyewitness identification practices that is identical or substantially similar to the model policy developed under subdivision 1.

Sec. 8. **[626.8435] PEACE OFFICER COMMUNITY POLICING EXCELLENCE DATA.**

Subdivision 1. **Purpose.** The purpose of this section is:

(1) to create data profiles for stakeholders to conduct needs assessments and make appropriate recommendations to drive improvements in police effectiveness, efficiency, training, supervision, procedural justice, accountability, and community relations;

(2) for police departments to more effectively manage their risks and improve transparency; and

(3) for community members and advocates, as well as policy-makers, decision-makers, and funders to have access to accurate relevant information to help improve policing practices in Minnesota.

Subd. 2. **Annual data; submission.** (a) Beginning January 15, 2020, and annually thereafter, the chief law enforcement officer of a law enforcement agency that receives grants from the Peace Officers Standards and Training Board for peace officer training assistance under article 1, section 4, subdivision 4, shall submit the following data regarding peace officers employed by the law enforcement agency in the previous calendar year to the Bureau of Criminal Apprehension:

(1) the unique identifier of an employed peace officer;

(2) the existence and status of a complaint made against an employed peace officer including:

(i) the peace officer's unique identifier;

(ii) the nature of the complaint;

(iii) whether the complaint was filed by a member of the public, a law enforcement agency, or another source;

(iv) whether the complaint resulted in disciplinary action;

(v) the final disposition of a complaint when disciplinary action was taken including:

(A) the specific reason for the action taken; and

(B) data documenting the basis of the action taken, except that data that would identify confidential sources who are employees of the public body shall not be disclosed; and

(vi) the final disposition of any complaint:

(A) determined to be unfounded or otherwise not sustained;

(B) for which a peace officer was later exonerated; or

(C) which resulted in a nondisciplinary resolution including, but not limited to, employee counseling;

(3) the unique identifier of any peace officer pending criminal prosecution, excluding traffic violations;

(4) the unique identifier of any peace officer who was terminated due to substantiated findings of officer misconduct and a summary of the basis for that termination; and

(5) the unique identifier of any peace officer, other than one terminated for performance issues during a probationary period, whose employment was terminated by resignation in lieu of termination as a result of officer misconduct, and a summary of the basis for the action.

(b) For purposes of this section "complaint" means all allegations involving:

(1) public-reported misconduct;

(2) excessive force;

(3) the integrity or truthfulness of an officer;

(4) violations of the law; and

(5) sexual misconduct or harassment.

(c) The reporting requirements in paragraph (a) are in addition to any other officer discipline reporting requirements established in law.

**Subd. 3. Data storage and access.** (a) The Bureau of Criminal Apprehension may store the data collected under this section on the agency's servers.

(b) The Peace Officers Standards and Training Board must have direct access to the data collected under this section.

**Subd. 4. Updated data.** Within 30 days of final disposition of a complaint, as defined in section 13.43, subdivision 2, paragraph (b), the chief law enforcement officer of the law enforcement agency that employs the officer shall submit a supplemental report containing the information identified in subdivision 2, paragraph (a), clauses (2) to (5).

**Subd. 5. Confidentiality agreement prohibited.** Law enforcement agencies and political subdivisions are prohibited from entering into a confidentiality agreement that would prevent disclosure of the data identified in subdivision 2 to the board. Any such confidentiality agreement is void as to the requirements of this section.

**Subd. 6. Data classification.** Data received by the board pursuant to subdivisions 2 and 3 is private data on individuals as defined in section 13.02, subdivision 12. This classification does not restrict the board's authority to publish summary data as defined in section 13.02, subdivision 19.

**Subd. 7. Penalty for noncompliance.** For agencies that receive peace officer training reimbursements from the Police Officer Standards and Training Board under article 1, section 4, subdivision 4, substantial noncompliance with the reporting requirements of subdivisions 2 and 3 shall serve as a bar to further reimbursements under article 1, section 4, subdivision 4, and the board may require the agency to refund the state for grants received during the period of noncompliance. For purposes of this section, "substantial noncompliance" means a failure to (1) meet the deadlines established in subdivisions 2 and 3, and (2) respond to two subsequent requests from the board.

**Subd. 8. Board report.** At least annually, the board shall publish a summary of data submitted pursuant to subdivisions 1 and 2. The summary shall be available on the board's website and shall be included in any written publication reporting board activities. The summary shall exclude peace officers' names and license numbers and any other not public data as defined by section 13.02, subdivision 8a.

**Sec. 9. ~~[626.8474]~~ INVESTIGATING SEXUAL ASSAULT CASES; POLICIES REQUIRED.**

(a) By January 1, 2020, the chief law enforcement officer of every state and local law enforcement agency must develop, adopt, and implement a written policy governing the investigation of sexual assault cases within the agency. In the development of a policy, each law enforcement agency shall consult with local sexual assault counselors, domestic abuse advocates, community organizations, and other law enforcement agencies with expertise in the recognition and handling of sexual assault cases. A law enforcement agency may adopt the model policy created by the board in lieu of developing its own policy under this provision. At a minimum, a law enforcement policy must address each of the procedures covered in the board's model policy. The chief law enforcement officer must ensure that each peace officer investigating a sexual assault case follows the agency's policy.

(b) Every state and local law enforcement agency must certify to the board by January 1, 2020, that it has adopted a written policy in compliance with this subdivision.

(c) The board must assist the chief law enforcement officer of each state and local law enforcement agency in developing and implementing policies under this subdivision.

(d) The board may impose licensing sanctions and seek injunctive relief under section 214.11 for failure to adopt a policy in compliance with the requirements of this section.

Sec. 10. Minnesota Statutes 2018, section 626.93, subdivision 3, is amended to read:

**Subd. 3. Concurrent jurisdiction.** If the requirements of subdivision 2 are met ~~and the tribe enters into a cooperative agreement pursuant to subdivision 4,~~ the tribe ~~shall have~~ has concurrent jurisdictional authority under this section with the local county sheriff within the geographical boundaries of the tribe's reservation to enforce state criminal law.

Sec. 11. Minnesota Statutes 2018, section 626.93, subdivision 4, is amended to read:

**Subd. 4. Cooperative agreements.** In order to coordinate, define, and regulate the provision of law enforcement services and to provide for mutual aid and cooperation, governmental units and the tribe ~~shall may~~ enter into agreements under section 471.59. For the purposes of entering into these agreements, the tribe ~~shall be~~ is considered a "governmental unit" as that term is defined in section 471.59, subdivision 1.

Sec. 12. **PEACE OFFICER EXCELLENCE TASK FORCE.**

Subdivision 1. **Establishment; purpose.** There is established a Peace Officer Excellence Task Force. The purpose of the task force is to study the laws, rules, contracts, and policies that govern the employer-employee relationship between political subdivisions and peace officers.

Subd. 2. **Members.** (a) The task force must consist of:

(1) two members of the house of representatives, one appointed by the speaker of the house and one appointed by the minority leader;

(2) two members of the senate, one appointed by the majority leader and one appointed by the minority leader;

(3) the attorney general, or a designee;

(4) the executive director of the Minnesota Peace Officer Standards and Training Board, or a designee;

(5) the commissioner of public safety, or a designee;

(6) the commissioner of the Minnesota Bureau of Mediation Services;

(7) one representative from the Minnesota Chiefs of Police Association;

(8) one representative from the Minnesota Sheriffs Association;

(9) two representatives from the Minnesota Peace and Police Officers Association, one of whom must be employed by a law enforcement agency located outside of the seven-county metropolitan area;

(10) one representative from the League of Minnesota Cities;

(11) one representative from the Association of Minnesota Counties;

(12) two representatives from organized labor, including at least one representative of an organization comprised of peace officers; and

(13) two members of the public appointed by the governor.

(b) Unless otherwise specified, members will be appointed by the commissioner of public safety. Appointments must be made no later than July 1, 2019. Members of the task force shall not be compensated or receive reimbursement for expenses, except for compensation or expense reimbursements received in the member's ordinary scope of employment.

(c) Vacancies shall be filled by the appointing authority consistent with the requirements of the position that becomes open.

Subd. 3. **Organization.** (a) The executive director of the Peace Officer Standards and Training Board shall convene the first meeting of the task force no later than August 1, 2019.

(b) The members of the task force may elect a chair and other officers as the members deem necessary.

(c) The task force shall meet at least monthly, with one meeting devoted to collecting input from the public and local units of government that employ peace officers.

Subd. 4. **Staff.** The executive director of the Peace Officer Standards and Training Board shall provide support staff, office space, and administrative services for the task force.

Subd. 5. **Open meetings.** Except as otherwise provided in this section, the task force is subject to Minnesota Statutes, chapter 13D. A meeting of the task force occurs when a quorum is present and the members receive information, discuss, or take action on any matter relating to the duties of the task force. The task force may conduct meetings as provided in Minnesota Statutes, section 13D.015 or 13D.02. The task force may conduct meetings at any location in the state that is appropriate for the purposes of the task force as long as the location is open and accessible to the public. For legislative members of the task force, enforcement of this subdivision is governed by Minnesota Statutes, section 3.055, subdivision 2. For nonlegislative members of the task force, enforcement of this subdivision is governed by Minnesota Statutes, section 13D.06, subdivisions 1 and 2.

Subd. 6. **Duties of task force.** The task force must review, assess, and make recommendations for reforms to the laws, rules, contracts, and policies that govern the employer-employee relationship between political subdivisions and peace officers. In formulating recommendations, the task force must seek to balance the employment rights of peace officers and the need for chief law enforcement officers and political subdivisions to maintain the integrity and excellence of peace officers they employ.

Subd. 7. **Report and recommendations.** By January 15, 2020, the task force shall prepare and submit to the chairs and ranking minority members of the committees and divisions of the house of representatives and senate with jurisdiction over public safety and labor and employment a report that summarizes the activities of the task force, issues identified by the task force, reform recommendations to address the issues, and recommendations for legislative action, if needed.

Subd. 8. **Expiration.** The task force expires upon submission of the report required by subdivision 6.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

## ARTICLE 5 SEXUAL OFFENDERS

Section 1. Minnesota Statutes 2018, section 609.341, subdivision 10, is amended to read:

Subd. 10. **Current or recent position of authority.** "Current or recent position of authority" includes but is not limited to any person who is a parent or acting in the place of a parent and charged with or assumes any of a parent's rights, duties or responsibilities to a child, or a person who is charged with or assumes any duty or responsibility for the health, welfare, or supervision of a child, either independently or through another, no matter how brief, at the time of or within 120 days immediately preceding the act. For the purposes of subdivision 11, "position of authority" includes a psychotherapist. For the purposes of sections 609.344, subdivision 1, paragraph (e), clause (2), and 609.345, subdivision 1, paragraph (e), clause (2), the term extends to a person having the described authority over a student in a secondary school who is at least 16 but less than 21 years of age under the circumstances described in those two clauses.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 2. Minnesota Statutes 2018, section 609.341, subdivision 11, is amended to read:

Subd. 11. **Sexual contact.** (a) "Sexual contact," for the purposes of sections 609.343, subdivision 1, clauses (a) to (f), and 609.345, subdivision 1, clauses (a) to (e), and (h) to (o), includes any of the following acts committed without the complainant's consent, except in those cases where consent is not a defense, and committed with sexual or aggressive intent:

(i) the intentional touching by the actor of the complainant's intimate parts, or

(ii) the touching by the complainant of the actor's, the complainant's, or another's intimate parts effected by a person in a current or recent position of authority, or by coercion, or by inducement if the complainant is under 13 years of age or mentally impaired, or

(iii) the touching by another of the complainant's intimate parts effected by coercion or by a person in a current or recent position of authority, or

(iv) in any of the cases above, the touching of the clothing covering the immediate area of the intimate parts, or

(v) the intentional touching with seminal fluid or sperm by the actor of the complainant's body or the clothing covering the complainant's body.

(b) "Sexual contact," for the purposes of sections 609.343, subdivision 1, clauses (g) and (h), and 609.345, subdivision 1, clauses (f) and (g), includes any of the following acts committed with sexual or aggressive intent:

(i) the intentional touching by the actor of the complainant's intimate parts;

(ii) the touching by the complainant of the actor's, the complainant's, or another's intimate parts;

(iii) the touching by another of the complainant's intimate parts;

(iv) in any of the cases listed above, touching of the clothing covering the immediate area of the intimate parts; or

(v) the intentional touching with seminal fluid or sperm by the actor of the complainant's body or the clothing covering the complainant's body.

(c) "Sexual contact with a person under 13" means the intentional touching of the complainant's bare genitals or anal opening by the actor's bare genitals or anal opening with sexual or aggressive intent or the touching by the complainant's bare genitals or anal opening of the actor's or another's bare genitals or anal opening with sexual or aggressive intent.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 3. Minnesota Statutes 2018, section 609.341, subdivision 12, is amended to read:

Subd. 12. **Sexual penetration.** "Sexual penetration" means any of the following acts committed without the complainant's consent, except in those cases where consent is not a defense, whether or not emission of semen occurs:

(1) sexual intercourse, cunnilingus, fellatio, or anal intercourse; or

(2) any intrusion however slight into the genital or anal openings:

(i) of the complainant's body by any part of the actor's body or any object used by the actor for this purpose;

(ii) of the complainant's body by any part of the body of the complainant, by any part of the body of another person, or by any object used by the complainant or another person for this purpose, when effected by a person in a current or recent position of authority, or by coercion, or by inducement if the child is under 13 years of age or mentally impaired; or

(iii) of the body of the actor or another person by any part of the body of the complainant or by any object used by the complainant for this purpose, when effected by a person in a current or recent position of authority, or by coercion, or by inducement if the child is under 13 years of age or mentally impaired.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 4. Minnesota Statutes 2018, section 609.341, is amended by adding a subdivision to read:

Subd. 24. **Secondary school.** For the purposes of sections 609.344 and 609.345, "secondary school" means a public or nonpublic school, church or religious organization, or home school where a student may legally fulfill the compulsory instruction requirements of section 120A.22.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 5. Minnesota Statutes 2018, section 609.341, is amended by adding a subdivision to read:

Subd. 25. **Independent contractor.** For the purposes of sections 609.344 and 609.345, "independent contractor" means any person who contracts with or is a volunteer for a secondary school or any person employed by a business which contracts with a secondary school.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 6. Minnesota Statutes 2018, section 609.342, subdivision 1, is amended to read:

Subdivision 1. **Crime defined.** A person who engages in sexual penetration with another person, or in sexual contact with a person under 13 years of age as defined in section 609.341, subdivision 11, paragraph (c), is guilty of criminal sexual conduct in the first degree if any of the following circumstances exists:

(a) the complainant is under 13 years of age and the actor is more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(b) the complainant is at least 13 years of age but less than 16 years of age and the actor is more than 48 months older than the complainant and in a current or recent position of authority over the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(c) circumstances existing at the time of the act cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another;

(d) the actor is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit;

(e) the actor causes personal injury to the complainant, and either of the following circumstances exist:

(i) the actor uses force or coercion to accomplish ~~sexual penetration~~ the act; or

(ii) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;

(f) the actor is aided or abetted by one or more accomplices within the meaning of section 609.05, and either of the following circumstances exists:

(i) an accomplice uses force or coercion to cause the complainant to submit; or

(ii) an accomplice is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant reasonably to believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit;

(g) the actor has a significant relationship to the complainant and the complainant was under 16 years of age at the time of the ~~sexual penetration~~ act. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or

(h) the actor has a significant relationship to the complainant, the complainant was under 16 years of age at the time of the ~~sexual penetration~~ act, and:

(i) the actor or an accomplice used force or coercion to accomplish the ~~penetration~~ act;

(ii) the complainant suffered personal injury; or

(iii) the sexual abuse involved multiple acts committed over an extended period of time.

Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 7. Minnesota Statutes 2018, section 609.343, subdivision 1, is amended to read:

Subdivision 1. **Crime defined.** A person who engages in sexual contact with another person is guilty of criminal sexual conduct in the second degree if any of the following circumstances exists:

(a) the complainant is under 13 years of age and the actor is more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense. In a prosecution under this clause, the state is not required to prove that the sexual contact was coerced;

(b) the complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant and in a current or recent position of authority over the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(c) circumstances existing at the time of the act cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another;

(d) the actor is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the dangerous weapon to cause the complainant to submit;

(e) the actor causes personal injury to the complainant, and either of the following circumstances exist:

(i) the actor uses force or coercion to accomplish the sexual contact; or

(ii) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;

(f) the actor is aided or abetted by one or more accomplices within the meaning of section 609.05, and either of the following circumstances exists:

(i) an accomplice uses force or coercion to cause the complainant to submit; or

(ii) an accomplice is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit;

(g) the actor has a significant relationship to the complainant and the complainant was under 16 years of age at the time of the sexual contact. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or

(h) the actor has a significant relationship to the complainant, the complainant was under 16 years of age at the time of the sexual contact, and:

(i) the actor or an accomplice used force or coercion to accomplish the contact;

(ii) the complainant suffered personal injury; or

(iii) the sexual abuse involved multiple acts committed over an extended period of time.

Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 8. Minnesota Statutes 2018, section 609.344, subdivision 1, is amended to read:

Subdivision 1. **Crime defined.** A person who engages in sexual penetration with another person is guilty of criminal sexual conduct in the third degree if any of the following circumstances exists:

(a) the complainant is under 13 years of age and the actor is no more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant shall be a defense;

(b) the complainant is at least 13 but less than 16 years of age and the actor is more than 24 months older than the complainant. In any such case if the actor is no more than ~~420~~ 36 months older than the complainant, it shall be an affirmative defense, which must be proved by a preponderance of the evidence, that the actor reasonably believes the complainant to be 16 years of age or older. In all other cases, mistake as to the complainant's age shall not be a defense. consent by the complainant is not a defense;

(c) the actor uses force or coercion to accomplish the penetration;

(d) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;

(e) (1) the complainant is at least 16 but less than 18 years of age and the actor is more than 48 months older than the complainant and in a current or recent position of authority over the complainant, or (2) the complainant is at least 16 years of age but less than 21 years of age and a student in a secondary school who has not graduated and received a diploma and the actor is an employee or independent contractor of the secondary school and in a current or recent position of authority over the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(f) the actor has a significant relationship to the complainant and the complainant was at least 16 but under 18 years of age at the time of the sexual penetration. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(g) the actor has a significant relationship to the complainant, the complainant was at least 16 but under 18 years of age at the time of the sexual penetration, and:

- (i) the actor or an accomplice used force or coercion to accomplish the penetration;
- (ii) the complainant suffered personal injury; or
- (iii) the sexual abuse involved multiple acts committed over an extended period of time.

Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(h) the actor is a psychotherapist and the complainant is a patient of the psychotherapist and the sexual penetration occurred:

- (i) during the psychotherapy session; or
- (ii) outside the psychotherapy session if an ongoing psychotherapist-patient relationship exists.

Consent by the complainant is not a defense;

(i) the actor is a psychotherapist and the complainant is a former patient of the psychotherapist and the former patient is emotionally dependent upon the psychotherapist;

(j) the actor is a psychotherapist and the complainant is a patient or former patient and the sexual penetration occurred by means of therapeutic deception. Consent by the complainant is not a defense;

(k) the actor accomplishes the sexual penetration by means of deception or false representation that the penetration is for a bona fide medical purpose. Consent by the complainant is not a defense;

(l) the actor is or purports to be a member of the clergy, the complainant is not married to the actor, and:

(i) the sexual penetration occurred during the course of a meeting in which the complainant sought or received religious or spiritual advice, aid, or comfort from the actor in private; or

(ii) the sexual penetration occurred during a period of time in which the complainant was meeting on an ongoing basis with the actor to seek or receive religious or spiritual advice, aid, or comfort in private. Consent by the complainant is not a defense;

(m) the actor is an employee, independent contractor, or volunteer of a state, county, city, or privately operated adult or juvenile correctional system, or secure treatment facility, or treatment facility providing services to clients civilly committed as mentally ill and dangerous, sexually dangerous persons, or sexual psychopathic personalities, including, but not limited to, jails, prisons, detention centers, or work release facilities, and the complainant is a resident of a facility or under supervision of the correctional system. Consent by the complainant is not a defense;

(n) the actor provides or is an agent of an entity that provides special transportation service, the complainant used the special transportation service, and the sexual penetration occurred during or immediately before or after the actor transported the complainant. Consent by the complainant is not a defense; ~~or~~

(o) the actor performs massage or other bodywork for hire, the complainant was a user of one of those services, and nonconsensual sexual penetration occurred during or immediately before or after the actor performed or was hired to perform one of those services for the complainant; or

(p) the actor is a peace officer, as defined in section 626.84, and the peace officer physically or constructively restrains the complainant or the complainant does not reasonably feel free to leave the peace officer's presence. Consent by the complainant is not a defense. This paragraph does not apply to any penetration of the mouth, genitals, or anus during a lawful search.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 9. Minnesota Statutes 2018, section 609.345, subdivision 1, is amended to read:

Subdivision 1. **Crime defined.** A person who engages in sexual contact with another person is guilty of criminal sexual conduct in the fourth degree if any of the following circumstances exists:

(a) the complainant is under 13 years of age and the actor is no more than 36 months older than the complainant. Neither mistake as to the complainant's age or consent to the act by the complainant is a defense. In a prosecution under this clause, the state is not required to prove that the sexual contact was coerced;

(b) the complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant or in a current or recent position of authority over the complainant. Consent by the complainant to the act is not a defense. ~~In any such case, if the actor is no more than 120 months older than the complainant, it shall be an affirmative defense which must be proved by a preponderance of the evidence that the actor reasonably believes the complainant to be 16 years of age or older. In all other cases, Neither~~ mistake as to the complainant's age ~~shall not be~~ nor consent to the act by the complainant shall be a defense;

(c) the actor uses force or coercion to accomplish the sexual contact;

(d) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;

(e)(1) the complainant is at least 16 but less than 18 years of age and the actor is more than 48 months older than the complainant and in a current or recent position of authority over the complainant, or (2) the complainant is at least 16 years of age but less than 21 years of age and a student in a secondary school who has not graduated and received a diploma and the actor is an employee or independent contractor of the secondary school and in a current or recent position of authority over the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(f) the actor has a significant relationship to the complainant and the complainant was at least 16 but under 18 years of age at the time of the sexual contact. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(g) the actor has a significant relationship to the complainant, the complainant was at least 16 but under 18 years of age at the time of the sexual contact, and:

(i) the actor or an accomplice used force or coercion to accomplish the contact;

(ii) the complainant suffered personal injury; or

(iii) the sexual abuse involved multiple acts committed over an extended period of time.

Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(h) the actor is a psychotherapist and the complainant is a patient of the psychotherapist and the sexual contact occurred:

(i) during the psychotherapy session; or

(ii) outside the psychotherapy session if an ongoing psychotherapist-patient relationship exists. Consent by the complainant is not a defense;

(i) the actor is a psychotherapist and the complainant is a former patient of the psychotherapist and the former patient is emotionally dependent upon the psychotherapist;

(j) the actor is a psychotherapist and the complainant is a patient or former patient and the sexual contact occurred by means of therapeutic deception. Consent by the complainant is not a defense;

(k) the actor accomplishes the sexual contact by means of deception or false representation that the contact is for a bona fide medical purpose. Consent by the complainant is not a defense;

(l) the actor is or purports to be a member of the clergy, the complainant is not married to the actor, and:

(i) the sexual contact occurred during the course of a meeting in which the complainant sought or received religious or spiritual advice, aid, or comfort from the actor in private; or

(ii) the sexual contact occurred during a period of time in which the complainant was meeting on an ongoing basis with the actor to seek or receive religious or spiritual advice, aid, or comfort in private. Consent by the complainant is not a defense;

(m) the actor is an employee, independent contractor, or volunteer of a state, county, city, or privately operated adult or juvenile correctional system, or secure treatment facility, or treatment facility providing services to clients civilly committed as mentally ill and dangerous, sexually dangerous persons, or sexual psychopathic personalities, including, but not limited to, jails, prisons, detention centers, or work release facilities, and the complainant is a resident of a facility or under supervision of the correctional system. Consent by the complainant is not a defense;

(n) the actor provides or is an agent of an entity that provides special transportation service, the complainant used the special transportation service, the complainant is not married to the actor, and the sexual contact occurred during or immediately before or after the actor transported the complainant. Consent by the complainant is not a defense; ~~or~~

(o) the actor performs massage or other bodywork for hire, the complainant was a user of one of those services, and nonconsensual sexual contact occurred during or immediately before or after the actor performed or was hired to perform one of those services for the complainant; or

(p) the actor is a peace officer, as defined in section 626.84, and the peace officer physically or constructively restrains the complainant or the complainant does not reasonably feel free to leave the peace officer's presence. Consent by the complainant is not a defense.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 10. Minnesota Statutes 2018, section 609.3451, subdivision 1, is amended to read:

Subdivision 1. **Crime defined.** A person is guilty of criminal sexual conduct in the fifth degree:

(1) if the person engages in nonconsensual sexual contact; or

(2) the person engages in masturbation or lewd exhibition of the genitals in the presence of a minor under the age of 16, knowing or having reason to know the minor is present.

For purposes of this section, "sexual contact" has the meaning given in section 609.341, subdivision 11, paragraph (a), clauses (i), (iv), and (v), ~~but does not include the intentional touching of the clothing covering the immediate area of the buttocks.~~ Sexual contact also includes the intentional removal or attempted removal of clothing covering the complainant's intimate parts or undergarments, and the nonconsensual touching by the complainant of the actor's intimate parts, effected by the actor, if the action is performed with sexual or aggressive intent.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 11. Minnesota Statutes 2018, section 617.246, subdivision 2, is amended to read:

Subd. 2. **Use of minor.** It is unlawful for a person to promote, employ, use or permit a minor to engage in or assist others to engage minors in posing or modeling alone or with others in any sexual performance or pornographic work if the person knows or has reason to know that the conduct intended is a sexual performance or a pornographic work.

Any person who violates this subdivision is guilty of a felony and may be sentenced to imprisonment for not more than ~~ten~~ 15 years or to payment of a fine of not more than \$20,000 for the first offense and \$40,000 for a second or subsequent offense, or both.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 12. Minnesota Statutes 2018, section 617.246, subdivision 3, is amended to read:

Subd. 3. **Operation or ownership of business.** A person who owns or operates a business in which a pornographic work, as defined in this section, is disseminated to an adult or a minor or is reproduced, and who knows the content and character of the pornographic work disseminated or reproduced, is guilty of a felony and may be sentenced to imprisonment for not more than ~~ten~~ 15 years, or to payment of a fine of not more than \$20,000 for the first offense and \$40,000 for a second or subsequent offense, or both.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 13. Minnesota Statutes 2018, section 617.246, subdivision 4, is amended to read:

Subd. 4. **Dissemination.** A person who, knowing or with reason to know its content and character, disseminates for profit to an adult or a minor a pornographic work, as defined in this section, is guilty of a felony and may be sentenced to imprisonment for not more than ~~ten~~ 15 years, or to payment of a fine of not more than \$20,000 for the first offense and \$40,000 for a second or subsequent offense, or both.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 14. Minnesota Statutes 2018, section 617.246, subdivision 7, is amended to read:

Subd. 7. **Conditional release term.** Notwithstanding the statutory maximum sentence otherwise applicable to the offense or any provision of the sentencing guidelines, when a court commits a person to the custody of the commissioner of corrections for violating this section, the court shall provide that after the person has been released from prison, the commissioner shall place the person on conditional release for ~~five~~ ten years. If the person has previously been convicted of a violation of this section, section 609.342, 609.343, 609.344, 609.345, 609.3451, 609.3453, or 617.247, or any similar statute of the United States, this state, or any state, the commissioner shall place the person on conditional release for ~~ten~~ 15 years. The terms of conditional release are governed by section 609.3455, subdivision 8.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 15. Minnesota Statutes 2018, section 617.246, is amended by adding a subdivision to read:

Subd. 8. **Mandatory minimum sentence.** A person convicted under this section must serve a minimum of six months of incarceration. If the person has a prior conviction under this section or section 617.247, or is required to register as a predatory offender, the person must serve a minimum of 12 months of incarceration.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 16. Minnesota Statutes 2018, section 617.247, subdivision 3, is amended to read:

Subd. 3. **Dissemination prohibited.** (a) A person who disseminates pornographic work to an adult or a minor, knowing or with reason to know its content and character, is guilty of a felony and may be sentenced to imprisonment for not more than ~~seven~~ ten years and a fine of not more than \$10,000 for a first offense and for not more than ~~15~~ 20 years and a fine of not more than \$20,000 for a second or subsequent offense.

(b) A person who violates paragraph (a) is guilty of a felony and may be sentenced to imprisonment for not more than ~~15~~ 20 years if the violation occurs when the person is a registered predatory offender under section 243.166.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 17. Minnesota Statutes 2018, section 617.247, subdivision 4, is amended to read:

Subd. 4. **Possession prohibited.** (a) A person who possesses a pornographic work or a computer disk or computer or other electronic, magnetic, or optical storage system or a storage system of any other type, containing a pornographic work, knowing or with reason to know its content and character, is guilty of a felony and may be sentenced to imprisonment for not more than ~~five~~ seven years and a fine of not more than ~~\$5,000~~ \$7,500 for a first offense and for not more than ~~ten~~ 15 years and a fine of not more than ~~\$10,000~~ \$15,000 for a second or subsequent offense.

(b) A person who violates paragraph (a) is guilty of a felony and may be sentenced to imprisonment for not more than ~~ten~~ 15 years if the violation occurs when the person is a registered predatory offender under section 243.166.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 18. Minnesota Statutes 2018, section 617.247, subdivision 9, is amended to read:

Subd. 9. **Conditional release term.** Notwithstanding the statutory maximum sentence otherwise applicable to the offense or any provision of the sentencing guidelines, when a court commits a person to the custody of the commissioner of corrections for violating this section, the court shall provide that after the person has been released from prison, the commissioner shall place the person on conditional release for ~~five~~ ten years. If the person has previously been convicted of a violation of this section, section 609.342, 609.343, 609.344, 609.345, 609.3451, 609.3453, or 617.246, or any similar statute of the United States, this state, or any state, the commissioner shall place the person on conditional release for ~~ten~~ 15 years. The terms of conditional release are governed by section 609.3455, subdivision 8.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 19. Minnesota Statutes 2018, section 617.247, is amended by adding a subdivision to read:

Subd. 10. **Mandatory minimum sentence.** A person convicted under this section must serve a minimum of six months of incarceration. If the person has a prior conviction under this section or section 617.246, or is required to register as a predatory offender, the person must serve a minimum of 12 months of incarceration.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 20. Minnesota Statutes 2018, section 626.556, subdivision 2, is amended to read:

Subd. 2. **Definitions.** As used in this section, the following terms have the meanings given them unless the specific content indicates otherwise:

(a) "Accidental" means a sudden, not reasonably foreseeable, and unexpected occurrence or event which:

(1) is not likely to occur and could not have been prevented by exercise of due care; and

(2) if occurring while a child is receiving services from a facility, happens when the facility and the employee or person providing services in the facility are in compliance with the laws and rules relevant to the occurrence or event.

(b) "Commissioner" means the commissioner of human services.

(c) "Facility" means:

(1) a licensed or unlicensed day care facility, certified license-exempt child care center, residential facility, agency, hospital, sanitarium, or other facility or institution required to be licensed under sections 144.50 to 144.58, 241.021, or 245A.01 to 245A.16, or chapter 144H, 245D, or 245H;

(2) a school as defined in section 120A.05, subdivisions 9, 11, and 13; and chapter 124E; or

(3) a nonlicensed personal care provider organization as defined in section 256B.0625, subdivision 19a.

(d) "Family assessment" means a comprehensive assessment of child safety, risk of subsequent child maltreatment, and family strengths and needs that is applied to a child maltreatment report that does not allege sexual abuse or substantial child endangerment. Family assessment does not include a determination as to whether child maltreatment occurred but does determine the need for services to address the safety of family members and the risk of subsequent maltreatment.

(e) "Investigation" means fact gathering related to the current safety of a child and the risk of subsequent maltreatment that determines whether child maltreatment occurred and whether child protective services are needed. An investigation must be used when reports involve sexual abuse or substantial child endangerment, and for reports of maltreatment in facilities required to be licensed or certified under chapter 245A, 245D, or 245H; under sections 144.50 to 144.58 and 241.021; in a school as defined in section 120A.05, subdivisions 9, 11, and 13, and chapter 124E; or in a nonlicensed personal care provider association as defined in section 256B.0625, subdivision 19a.

(f) "Mental injury" means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in the child's ability to function within a normal range of performance and behavior with due regard to the child's culture.

(g) "Neglect" means the commission or omission of any of the acts specified under clauses (1) to (9), other than by accidental means:

(1) failure by a person responsible for a child's care to supply a child with necessary food, clothing, shelter, health, medical, or other care required for the child's physical or mental health when reasonably able to do so;

(2) failure to protect a child from conditions or actions that seriously endanger the child's physical or mental health when reasonably able to do so, including a growth delay, which may be referred to as a failure to thrive, that has been diagnosed by a physician and is due to parental neglect;

(3) failure to provide for necessary supervision or child care arrangements appropriate for a child after considering factors as the child's age, mental ability, physical condition, length of absence, or environment, when the child is unable to care for the child's own basic needs or safety, or the basic needs or safety of another child in their care;

(4) failure to ensure that the child is educated as defined in sections 120A.22 and 260C.163, subdivision 11, which does not include a parent's refusal to provide the parent's child with sympathomimetic medications, consistent with section 125A.091, subdivision 5;

(5) nothing in this section shall be construed to mean that a child is neglected solely because the child's parent, guardian, or other person responsible for the child's care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child in lieu of medical care; except that a parent, guardian, or caretaker, or a person mandated to report pursuant to subdivision 3, has a duty to report if a lack of medical care may cause serious danger to the child's health. This section does not impose upon persons, not otherwise legally responsible for providing a child with necessary food, clothing, shelter, education, or medical care, a duty to provide that care;

(6) prenatal exposure to a controlled substance, as defined in section 253B.02, subdivision 2, used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in the child at birth, results of a toxicology test performed on the mother at delivery or the child at birth, medical effects or developmental delays during the child's first year of life that medically indicate prenatal exposure to a controlled substance, or the presence of a fetal alcohol spectrum disorder;

(7) "medical neglect" as defined in section 260C.007, subdivision 6, clause (5);

(8) chronic and severe use of alcohol or a controlled substance by a parent or person responsible for the care of the child that adversely affects the child's basic needs and safety; or

(9) emotional harm from a pattern of behavior which contributes to impaired emotional functioning of the child which may be demonstrated by a substantial and observable effect in the child's behavior, emotional response, or cognition that is not within the normal range for the child's age and stage of development, with due regard to the child's culture.

(h) "Nonmaltreatment mistake" means:

(1) at the time of the incident, the individual was performing duties identified in the center's child care program plan required under Minnesota Rules, part 9503.0045;

(2) the individual has not been determined responsible for a similar incident that resulted in a finding of maltreatment for at least seven years;

(3) the individual has not been determined to have committed a similar nonmaltreatment mistake under this paragraph for at least four years;

(4) any injury to a child resulting from the incident, if treated, is treated only with remedies that are available over the counter, whether ordered by a medical professional or not; and

(5) except for the period when the incident occurred, the facility and the individual providing services were both in compliance with all licensing requirements relevant to the incident.

This definition only applies to child care centers licensed under Minnesota Rules, chapter 9503. If clauses (1) to (5) apply, rather than making a determination of substantiated maltreatment by the individual, the commissioner of human services shall determine that a nonmaltreatment mistake was made by the individual.

(i) "Operator" means an operator or agency as defined in section 245A.02.

(j) "Person responsible for the child's care" means (1) an individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or (2) an individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, other school employees or agents, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching, and coaching.

(k) "Physical abuse" means any physical injury, mental injury, or threatened injury, inflicted by a person responsible for the child's care on a child other than by accidental means, or any physical or mental injury that cannot reasonably be explained by the child's history of injuries, or any aversive or deprivation procedures, or regulated interventions, that have not been authorized under section 125A.0942 or 245.825.

Abuse does not include reasonable and moderate physical discipline of a child administered by a parent or legal guardian which does not result in an injury. Abuse does not include the use of reasonable force by a teacher, principal, or school employee as allowed by section 121A.582. Actions which are not reasonable and moderate include, but are not limited to, any of the following:

(1) throwing, kicking, burning, biting, or cutting a child;

(2) striking a child with a closed fist;

- (3) shaking a child under age three;
- (4) striking or other actions which result in any nonaccidental injury to a child under 18 months of age;
- (5) unreasonable interference with a child's breathing;
- (6) threatening a child with a weapon, as defined in section 609.02, subdivision 6;
- (7) striking a child under age one on the face or head;
- (8) striking a child who is at least age one but under age four on the face or head, which results in an injury;

(9) purposely giving a child poison, alcohol, or dangerous, harmful, or controlled substances which were not prescribed for the child by a practitioner, in order to control or punish the child; or other substances that substantially affect the child's behavior, motor coordination, or judgment or that results in sickness or internal injury, or subjects the child to medical procedures that would be unnecessary if the child were not exposed to the substances;

(10) unreasonable physical confinement or restraint not permitted under section 609.379, including but not limited to tying, caging, or chaining; or

(11) in a school facility or school zone, an act by a person responsible for the child's care that is a violation under section 121A.58.

(l) "Practice of social services," for the purposes of subdivision 3, includes but is not limited to employee assistance counseling and the provision of guardian ad litem and parenting time expeditor services.

(m) "Report" means any communication received by the local welfare agency, police department, county sheriff, or agency responsible for child protection pursuant to this section that describes neglect or physical or sexual abuse of a child and contains sufficient content to identify the child and any person believed to be responsible for the neglect or abuse, if known.

(n) "Sexual abuse" means the subjection of a child by a person responsible for the child's care, by a person who has a significant relationship to the child, as defined in section 609.341, or by a person in a current or recent position of authority, as defined in section 609.341, subdivision 10, to any act which constitutes a violation of section 609.342 (criminal sexual conduct in the first degree), 609.343 (criminal sexual conduct in the second degree), 609.344 (criminal sexual conduct in the third degree), 609.345 (criminal sexual conduct in the fourth degree), or 609.3451 (criminal sexual conduct in the fifth degree). Sexual abuse also includes any act which involves a minor which constitutes a violation of prostitution offenses under sections 609.321 to 609.324 or 617.246. Effective May 29, 2017, sexual abuse includes all reports of known or suspected child sex trafficking involving a child who is identified as a victim of sex trafficking. Sexual abuse includes child sex trafficking as defined in section 609.321, subdivisions 7a and 7b. Sexual abuse includes threatened sexual abuse which includes the status of a parent or household member who has committed a violation which requires registration as an offender under section 243.166, subdivision 1b, paragraph (a) or (b), or required registration under section 243.166, subdivision 1b, paragraph (a) or (b).

(o) "Substantial child endangerment" means a person responsible for a child's care, by act or omission, commits or attempts to commit an act against a child under their care that constitutes any of the following:

- (1) egregious harm as defined in section 260C.007, subdivision 14;
- (2) abandonment under section 260C.301, subdivision 2;

(3) neglect as defined in paragraph (g), clause (2), that substantially endangers the child's physical or mental health, including a growth delay, which may be referred to as failure to thrive, that has been diagnosed by a physician and is due to parental neglect;

(4) murder in the first, second, or third degree under section 609.185, 609.19, or 609.195;

(5) manslaughter in the first or second degree under section 609.20 or 609.205;

(6) assault in the first, second, or third degree under section 609.221, 609.222, or 609.223;

(7) solicitation, inducement, and promotion of prostitution under section 609.322;

(8) criminal sexual conduct under sections 609.342 to 609.3451;

(9) solicitation of children to engage in sexual conduct under section 609.352;

(10) malicious punishment or neglect or endangerment of a child under section 609.377 or 609.378;

(11) use of a minor in sexual performance under section 617.246; or

(12) parental behavior, status, or condition which mandates that the county attorney file a termination of parental rights petition under section 260C.503, subdivision 2.

(p) "Threatened injury" means a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury. Threatened injury includes, but is not limited to, exposing a child to a person responsible for the child's care, as defined in paragraph (j), clause (1), who has:

(1) subjected a child to, or failed to protect a child from, an overt act or condition that constitutes egregious harm, as defined in section 260C.007, subdivision 14, or a similar law of another jurisdiction;

(2) been found to be palpably unfit under section 260C.301, subdivision 1, paragraph (b), clause (4), or a similar law of another jurisdiction;

(3) committed an act that has resulted in an involuntary termination of parental rights under section 260C.301, or a similar law of another jurisdiction; or

(4) committed an act that has resulted in the involuntary transfer of permanent legal and physical custody of a child to a relative under Minnesota Statutes 2010, section 260C.201, subdivision 11, paragraph (d), clause (1), section 260C.515, subdivision 4, or a similar law of another jurisdiction.

A child is the subject of a report of threatened injury when the responsible social services agency receives birth match data under paragraph (q) from the Department of Human Services.

(q) Upon receiving data under section 144.225, subdivision 2b, contained in a birth record or recognition of parentage identifying a child who is subject to threatened injury under paragraph (p), the Department of Human Services shall send the data to the responsible social services agency. The data is known as "birth match" data. Unless the responsible social services agency has already begun an investigation or assessment of the report due to the birth of the child or execution of the recognition of parentage and the parent's previous history with child protection, the agency shall accept the birth match data as a report under this section. The agency may use either a family assessment or investigation to determine whether the child is safe. All of the provisions of this section apply. If the child is determined to be safe, the agency shall consult with the county attorney to determine the

appropriateness of filing a petition alleging the child is in need of protection or services under section 260C.007, subdivision 6, clause (16), in order to deliver needed services. If the child is determined not to be safe, the agency and the county attorney shall take appropriate action as required under section 260C.503, subdivision 2.

(r) Persons who conduct assessments or investigations under this section shall take into account accepted child-rearing practices of the culture in which a child participates and accepted teacher discipline practices, which are not injurious to the child's health, welfare, and safety.

**EFFECTIVE DATE.** This section is effective August 1, 2019.

Sec. 21. Minnesota Statutes 2018, section 628.26, is amended to read:

**628.26 LIMITATIONS.**

(a) Indictments or complaints for any crime resulting in the death of the victim may be found or made at any time after the death of the person killed.

(b) Indictments or complaints for a violation of section 609.25 may be found or made at any time after the commission of the offense.

(c) Indictments or complaints for violation of section 609.282 may be found or made at any time after the commission of the offense if the victim was under the age of 18 at the time of the offense.

(d) Indictments or complaints for violation of section 609.282 where the victim was 18 years of age or older at the time of the offense, or 609.42, subdivision 1, clause (1) or (2), shall be found or made and filed in the proper court within six years after the commission of the offense.

(e) Indictments or complaints for violation of sections 609.322 and 609.342 to 609.345, ~~if the victim was under the age of 18 years at the time the offense was committed, shall~~ may be found or made ~~and filed in the proper court within the later of nine years after the commission of the offense or three years after the offense was reported to law enforcement authorities at any time after the commission of the offense.~~

~~(f) Notwithstanding the limitations in paragraph (e), indictments or complaints for violation of sections 609.322 and 609.342 to 609.344 may be found or made and filed in the proper court at any time after commission of the offense, if physical evidence is collected and preserved that is capable of being tested for its DNA characteristics. If this evidence is not collected and preserved and the victim was 18 years old or older at the time of the offense, the prosecution must be commenced within nine years after the commission of the offense.~~

~~(g)~~ (f) Indictments or complaints for violation of sections 609.466 and 609.52, subdivision 2, clause (3), item (iii), shall be found or made and filed in the proper court within six years after the commission of the offense.

~~(h)~~ (g) Indictments or complaints for violation of section 609.2335, 609.52, subdivision 2, clause (3), items (i) and (ii), (4), (15), or (16), 609.631, or 609.821, where the value of the property or services stolen is more than \$35,000, or for violation of section 609.527 where the offense involves eight or more direct victims or the total combined loss to the direct and indirect victims is more than \$35,000, shall be found or made and filed in the proper court within five years after the commission of the offense.

~~(i)~~ (h) Except for violations relating to false material statements, representations or omissions, indictments or complaints for violations of section 609.671 shall be found or made and filed in the proper court within five years after the commission of the offense.

~~(i)~~ (i) Indictments or complaints for violation of sections 609.561 to 609.563, shall be found or made and filed in the proper court within five years after the commission of the offense.

~~(j)~~ (j) In all other cases, indictments or complaints shall be found or made and filed in the proper court within three years after the commission of the offense.

~~(k)~~ (k) The limitations periods contained in this section shall exclude any period of time during which the defendant was not an inhabitant of or usually resident within this state.

~~(l)~~ (l) The limitations periods contained in this section for an offense shall not include any period during which the alleged offender participated under a written agreement in a pretrial diversion program relating to that offense.

~~(m)~~ (m) The limitations periods contained in this section shall not include any period of time during which physical evidence relating to the offense was undergoing DNA analysis, as defined in section 299C.155, unless the defendant demonstrates that the prosecuting or law enforcement agency purposefully delayed the DNA analysis process in order to gain an unfair advantage.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date and to crimes committed before that date if the limitations period for the crime did not expire before August 1, 2019.

Sec. 22. **SENTENCING GUIDELINES MODIFICATION.**

The Sentencing Guidelines Commission shall comprehensively review and consider modifying how the Sentencing Guidelines and the sex offender grid address the crimes described in Minnesota Statutes, sections 617.246 and 617.247, as compared to similar crimes, including other sex offenses and other offenses with similar maximum penalties.

Sec. 23. **CRIMINAL SEXUAL CONDUCT STATUTORY REFORM WORKING GROUP; REPORT.**

Subdivision 1. **Direction.** By September 1, 2019, the commissioner of public safety shall convene a working group on criminal sexual conduct statutory reform. The commissioner shall invite representatives from city and county prosecuting agencies, statewide crime victim coalitions, the Minnesota judicial branch, the Minnesota Board of Public Defense, the Department of Public Safety, the Department of Human Services, the Sentencing Guidelines Commission, state and local law enforcement agencies, and other interested parties to participate in the working group. The commissioner shall ensure that the working group is inclusive of marginalized communities as well as victim and survivor voices.

Subd. 2. **Duties.** The working group must review, assess, and make specific recommendations with regard to substantive and technical amendments to Minnesota Statutes, sections 609.341 to 609.3451, 609.3453 to 609.3455, 609.349, 628.26, and any other related criminal laws.

Subd. 3. **Report to legislature.** The commissioner shall file a report detailing the working group's findings and recommendations with the chairs and ranking minority members of the house of representatives and senate committees and divisions having jurisdiction over public safety and judiciary policy and finance by October 15, 2020.

Sec. 24. **REPEALER.**

Minnesota Statutes 2018, section 609.349, is repealed.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

ARTICLE 6  
CONTROLLED SUBSTANCES

Section 1. Minnesota Statutes 2018, section 152.021, subdivision 2a, is amended to read:

Subd. 2a. **Methamphetamine; dimethyltryptamine; manufacture crime.** Notwithstanding subdivision 1, sections 152.022, subdivision 1, 152.023, subdivision 1, and 152.024, subdivision 1, a person is guilty of controlled substance crime in the first degree if the person manufactures any amount of methamphetamine or dimethyltryptamine.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 2. Minnesota Statutes 2018, section 152.025, subdivision 1, is amended to read:

Subdivision 1. **Sale crimes.** A person is guilty of a controlled substance crime in the fifth degree and upon conviction may be sentenced as provided in subdivision 4 if:

(1) the person unlawfully sells one or more mixtures containing marijuana or tetrahydrocannabinols, except a small amount of marijuana ~~for no remuneration;~~ or

(2) the person unlawfully sells one or more mixtures containing a controlled substance classified in Schedule IV.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 3. Minnesota Statutes 2018, section 152.025, subdivision 2, is amended to read:

Subd. 2. **Possession and other crimes.** A person is guilty of controlled substance crime in the fifth degree and upon conviction may be sentenced as provided in subdivision 4 if:

(1) the person unlawfully possesses one or more mixtures containing a controlled substance classified in Schedule I, II, III, or IV, except the nonresinous form ~~a small amount~~ of marijuana; ~~or~~

(2) the person procures, attempts to procure, possesses, or has control over a controlled substance by any of the following means:

(i) fraud, deceit, misrepresentation, or subterfuge;

(ii) using a false name or giving false credit; or

(iii) falsely assuming the title of, or falsely representing any person to be, a manufacturer, wholesaler, pharmacist, physician, doctor of osteopathic medicine licensed to practice medicine, dentist, podiatrist, veterinarian, or other authorized person for the purpose of obtaining a controlled substance; or

(3) the person unlawfully possesses a total weight of more than 250 grams of the nonresinous form of marijuana.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 4. Minnesota Statutes 2018, section 152.025, subdivision 4, is amended to read:

Subd. 4. **Penalty.** (a) A person convicted under the provisions of subdivision 2, clause (1), who has not been previously convicted of a violation of this chapter or a similar offense in another jurisdiction, is guilty of a gross misdemeanor if: (1) the amount of the controlled substance possessed, other than heroin, is less than 0.25 grams or one dosage unit or less if the controlled substance was possessed in dosage units; or (2) the controlled substance possessed is heroin and the amount possessed is less than 0.05 grams.

(b) A person convicted under the provisions of subdivision 1; subdivision 2, clause (1), unless the conduct is described in paragraph (a); or subdivision 2, clause (2) or (3), may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 5. **[152.0251] NONFELONY CONTROLLED SUBSTANCE OFFENSES; MARIJUANA.**

**Subdivision 1. Sale crimes.** Except as provided in subdivision 5, a person is guilty of a crime if on one or more occasions within a 90-day period the person unlawfully sells:

(1) a total weight of more than ten grams but not more than 42.5 grams of the nonresinous form of marijuana; or

(2) a total weight of ten grams or less of the nonresinous form of marijuana, except a small amount of marijuana for no remuneration.

**Subd. 2. Possession crimes.** A person is guilty of a crime if the person unlawfully possesses:

(1) a total weight of more than 100 grams but not more than 250 grams of the nonresinous form of marijuana; or

(2) a total weight of more than 42.5 grams but not more than 100 grams of the nonresinous form of marijuana.

**Subd. 3. Penalty.** (a) A person is guilty of a gross misdemeanor if convicted under subdivision 1, clause (1), or subdivision 2, clause (1).

(b) A person is guilty of a misdemeanor if convicted under subdivision 1, clause (2), or subdivision 2, clause (2).

**Subd. 4. Possession of marijuana in a motor vehicle.** A person is guilty of a misdemeanor if the person is the owner of a private motor vehicle, or is the driver of the motor vehicle if the owner is not present, and possesses on the person, or knowingly keeps or allows to be kept within the area of the vehicle normally occupied by the driver or passengers, more than five grams of marijuana. This area of the vehicle does not include the trunk of the motor vehicle if the vehicle is equipped with a trunk or another area of the vehicle not normally occupied by the driver or passengers if the vehicle is not equipped with a trunk. A utility or glove compartment is deemed to be within the area occupied by the driver and passengers.

**Subd. 5. Petty misdemeanors.** A person who does any of the following is guilty of a petty misdemeanor:

(1) unlawfully sells a small amount of marijuana for no remuneration; or

(2) unlawfully possesses a small amount of marijuana.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 6. Minnesota Statutes 2018, section 152.0275, is amended to read:

**152.0275 CERTAIN CONTROLLED SUBSTANCE OFFENSES; RESTITUTION; PROHIBITIONS ON PROPERTY USE; NOTICE PROVISIONS.**

**Subdivision 1. Restitution.** (a) As used in this subdivision:

(1) "clandestine lab site" means any structure or conveyance or outdoor location occupied or affected by conditions or chemicals typically associated with the manufacturing of methamphetamine or dimethyltryptamine;

(2) "emergency response" includes, but is not limited to, removing and collecting evidence, securing the site, removal, remediation, and hazardous chemical assessment or inspection of the site where the relevant offense or offenses took place, regardless of whether these actions are performed by the public entities themselves or by private contractors paid by the public entities, or the property owner;

(3) "remediation" means proper cleanup, treatment, or containment of hazardous substances ~~or~~, methamphetamine, or dimethyltryptamine at or in a clandestine lab site, and may include demolition or disposal of structures or other property when an assessment so indicates; and

(4) "removal" means the removal from the clandestine lab site of precursor or waste chemicals, chemical containers, or equipment associated with the manufacture, packaging, or storage of illegal drugs.

(b) A court may require a person convicted of manufacturing or attempting to manufacture a controlled substance or of an illegal activity involving a precursor substance, where the response to the crime involved an emergency response, to pay restitution to all public entities that participated in the response. The restitution ordered may cover the reasonable costs of their participation in the response.

(c) In addition to the restitution authorized in paragraph (b), a court may require a person convicted of manufacturing or attempting to manufacture a controlled substance or of illegal activity involving a precursor substance to pay restitution to a property owner who incurred removal or remediation costs because of the crime.

Subd. 2. **Property-related prohibitions; notice; website.** (a) As used in this subdivision:

(1) "clandestine lab site" has the meaning given in subdivision 1, paragraph (a);

(2) "property" means publicly or privately owned real property including buildings and other structures, motor vehicles as defined in section 609.487, subdivision 2a, public waters, and public rights-of-way;

(3) "remediation" has the meaning given in subdivision 1, paragraph (a); and

(4) "removal" has the meaning given in subdivision 1, paragraph (a).

(b) A peace officer who arrests a person at a clandestine lab site shall notify the appropriate county or local health department, state duty officer, and child protection services of the arrest and the location of the site.

(c) A county or local health department or sheriff shall order that any property or portion of a property that has been found to be a clandestine lab site and contaminated by substances, chemicals, or items of any kind used in the manufacture of methamphetamine or dimethyltryptamine or any part of the manufacturing process, or the by-products or degradates of manufacturing methamphetamine or dimethyltryptamine be prohibited from being occupied or used until it has been assessed and remediated as provided in the Department of Health's clandestine drug labs general cleanup guidelines. The remediation shall be accomplished by a contractor who will make the verification required under paragraph (e).

(d) Unless clearly inapplicable, the procedures specified in chapter 145A and any related rules adopted under that chapter addressing the enforcement of public health laws, the removal and abatement of public health nuisances, and the remedies available to property owners or occupants apply to this subdivision.

(e) Upon the proper removal and remediation of any property used as a clandestine lab site, the contractor shall verify to the property owner and the applicable authority that issued the order under paragraph (c) that the work was completed according to the Department of Health's clandestine drug labs general cleanup guidelines and best practices. The contractor shall provide the verification to the property owner and the applicable authority within five days from the completion of the remediation. Following this, the applicable authority shall vacate its order.

(f) If a contractor issues a verification and the property was not remediated according to the Department of Health's clandestine drug labs general cleanup guidelines, the contractor is liable to the property owner for the additional costs relating to the proper remediation of the property according to the guidelines and for reasonable attorney fees for collection of costs by the property owner. An action under this paragraph must be commenced within six years from the date on which the verification was issued by the contractor.

(g) If the applicable authority determines under paragraph (c) that a motor vehicle has been contaminated by substances, chemicals, or items of any kind used in the manufacture of methamphetamine or dimethyltryptamine or any part of the manufacturing process, or the by-products or degradates of manufacturing methamphetamine or dimethyltryptamine and if the authority is able to obtain the certificate of title for the motor vehicle, the authority shall notify the registrar of motor vehicles of this fact and in addition, forward the certificate of title to the registrar. The authority shall also notify the registrar when it vacates its order under paragraph (e).

(h) The applicable authority issuing an order under paragraph (c) shall record with the county recorder or registrar of titles of the county where the clandestine lab is located an affidavit containing the name of the owner, a legal description of the property where the clandestine lab was located, and a map drawn from available information showing the boundary of the property and the location of the contaminated area on the property that is prohibited from being occupied or used that discloses to any potential transferee:

(1) that the property, or portion of the property, was the site of a clandestine lab;

(2) the location, condition, and circumstances of the clandestine lab, to the full extent known or reasonably ascertainable; and

(3) that the use of the property or some portion of it may be restricted as provided by paragraph (c).

If an inaccurate drawing or description is filed, the authority, on request of the owner or another interested person, shall file a supplemental affidavit with a corrected drawing or description.

If the authority vacates its order under paragraph (e), the authority shall record an affidavit that contains the recording information of the above affidavit and states that the order is vacated. Upon filing the affidavit vacating the order, the affidavit and the affidavit filed under this paragraph, together with the information set forth in the affidavits, cease to constitute either actual or constructive notice.

(i) If proper removal and remediation has occurred on the property, an interested party may record an affidavit indicating that this has occurred. Upon filing the affidavit described in this paragraph, the affidavit and the affidavit filed under paragraph (h), together with the information set forth in the affidavits, cease to constitute either actual or constructive notice. Failure to record an affidavit under this section does not affect or prevent any transfer of ownership of the property.

(j) The county recorder or registrar of titles must record all affidavits presented under paragraph (h) or (i) in a manner that ensures their disclosure in the ordinary course of a title search of the subject property.

(k) The commissioner of health shall post on the Internet contact information for each local community health services administrator.

(l) Each local community health services administrator shall maintain information related to property within the administrator's jurisdiction that is currently or was previously subject to an order issued under paragraph (c). The information maintained must include the name of the owner, the location of the property, the extent of the contamination, the status of the removal and remediation work on the property, and whether the order has been vacated. The administrator shall make this information available to the public either upon request or by other means.

(m) Before signing an agreement to sell or transfer real property, the seller or transferor must disclose in writing to the buyer or transferee if, to the seller's or transferor's knowledge, methamphetamine production has occurred on the property. If methamphetamine or dimethyltryptamine production has occurred on the property, the disclosure shall include a statement to the buyer or transferee informing the buyer or transferee:

(1) whether an order has been issued on the property as described in paragraph (c);

(2) whether any orders issued against the property under paragraph (c) have been vacated under paragraph (j); or

(3) if there was no order issued against the property and the seller or transferor is aware that methamphetamine or dimethyltryptamine production has occurred on the property, the status of removal and remediation on the property.

(n) Unless the buyer or transferee and seller or transferor agree to the contrary in writing before the closing of the sale, a seller or transferor who fails to disclose, to the best of their knowledge, at the time of sale any of the facts required, and who knew or had reason to know of methamphetamine or dimethyltryptamine production on the property, is liable to the buyer or transferee for:

(1) costs relating to remediation of the property according to the Department of Health's clandestine drug labs general cleanup guidelines and best practices; and

(2) reasonable attorney fees for collection of costs from the seller or transferor.

An action under this paragraph must be commenced within six years after the date on which the buyer or transferee closed the purchase or transfer of the real property where the methamphetamine or dimethyltryptamine production occurred.

(o) This section preempts all local ordinances relating to the sale or transfer of real property designated as a clandestine lab site.

Sec. 7. Minnesota Statutes 2018, section 152.18, subdivision 1, is amended to read:

**Subdivision 1. Deferring prosecution for certain first time drug offenders.** (a) A court may defer prosecution as provided in paragraph (c) for any person found guilty, after trial or upon a plea of guilty, of a violation of section 152.023, subdivision 2, 152.024, subdivision 2, 152.025, subdivision 2, 152.0251, subdivision 2, 4, or 5, or 152.027, subdivision 2, ~~3, 4,~~ or 6, paragraph (d), for possession of a controlled substance, who:

(1) has not previously participated in or completed a diversion program authorized under section 401.065;

(2) has not previously been placed on probation without a judgment of guilty and thereafter been discharged from probation under this section; and

(3) has not been convicted of a felony violation of this chapter, including a felony-level attempt or conspiracy, or been convicted by the United States or another state of a similar offense that would have been a felony under this chapter if committed in Minnesota, unless ten years have elapsed since discharge from sentence.

(b) The court must defer prosecution as provided in paragraph (c) for any person found guilty of a violation of section 152.025, subdivision 2, who:

(1) meets the criteria listed in paragraph (a), clauses (1) to (3); and

(2) has not previously been convicted of a felony offense under any state or federal law or of a gross misdemeanor under section 152.025 or 152.0251.

(c) In granting relief under this section, the court shall, without entering a judgment of guilty and with the consent of the person, defer further proceedings and place the person on probation upon such reasonable conditions as it may require and for a period, not to exceed the maximum sentence provided for the violation. The court may give the person the opportunity to attend and participate in an appropriate program of education regarding the nature and effects of alcohol and drug abuse as a stipulation of probation. Upon violation of a condition of the probation, the court may enter an adjudication of guilt and proceed as otherwise provided. The court may, in its discretion, dismiss the proceedings against the person and discharge the person from probation before the expiration of the maximum period prescribed for the person's probation. If during the period of probation the person does not violate any of the conditions of the probation, then upon expiration of the period the court shall discharge the person and dismiss the proceedings against that person. Discharge and dismissal under this subdivision shall be without court adjudication of guilt, but a not public record of it shall be retained by the Bureau of Criminal Apprehension for the purpose of use by the courts in determining the merits of subsequent proceedings against the person. The not public record may also be opened only upon court order for purposes of a criminal investigation, prosecution, or sentencing. Upon request by law enforcement, prosecution, or corrections authorities, the bureau shall notify the requesting party of the existence of the not public record and the right to seek a court order to open it pursuant to this section. The court shall forward a record of any discharge and dismissal under this subdivision to the bureau which shall make and maintain the not public record of it as provided under this subdivision. The discharge or dismissal shall not be deemed a conviction for purposes of disqualifications or disabilities imposed by law upon conviction of a crime or for any other purpose.

For purposes of this subdivision, "not public" has the meaning given in section 13.02, subdivision 8a.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 8. **[152.185] POSSESSION OR SALE OF CANNABIDIOL.**

(a) Cannabidiol (CBD) that is derived from industrial hemp as defined in section 18K.02, subdivision 3, is not a controlled substance.

(b) A person does not violate this chapter simply by possessing or selling CBD as described in paragraph (a).

(c) Paragraph (b) does not prevent a person from being charged with or convicted of a violation of this chapter or any other crime if the person's conduct is criminalized elsewhere.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to acts committed on or after that date.

Sec. 9. Minnesota Statutes 2018, section 446A.083, subdivision 2, is amended to read:

Subd. 2. **Account established.** The authority shall establish a methamphetamine and dimethyltryptamine laboratory cleanup revolving account in the public facility authority fund to provide loans to counties and cities to remediate clandestine lab sites. The account must be credited with repayments.

Sec. 10. **CANNABIS TASK FORCE.**

Subdivision 1. **Establishment; purpose.** (a) The Cannabis Task Force is established to advise the legislature on the legal and policy issues associated with the legalization, taxation, and regulation of cannabis production, sale, and use by those 21 years of age or older in the state.

(b) It is not the purpose of this task force to provide a recommendation on whether or not to legalize cannabis. The purpose of this task force is to gather facts and report them to the legislature.

Subd. 2. **Membership.** (a) The Cannabis Task Force consists of:

- (1) two senators appointed by the president of the senate;
- (2) two senators appointed by the minority leader of the senate;
- (3) two members of the house of representatives appointed by the speaker of the house;
- (4) two members of the house of representatives appointed by the minority leader of the house of representatives;
- (5) the commissioner of agriculture or a designee;
- (6) the commissioner of health or a designee;
- (7) the commissioner of public safety or a designee;
- (8) the attorney general or a designee;
- (9) the state public defender or a designee;
- (10) the commissioner of revenue or a designee;
- (11) the commissioner of human services or a designee;
- (12) the commissioner of commerce or a designee;
- (13) eight members appointed by the governor who have relevant knowledge and experience, including:
  - (i) one person with experience working in the medical cannabis industry;
  - (ii) one person with expertise in the treatment of substance abuse disorder;
  - (iii) one medical cannabis patient;
  - (iv) one person directly involved in the cultivation and distribution of medical cannabis in Minnesota;
  - (v) one person with experience working in public health policy;
  - (vi) two persons from separate noncannabis industry organizations who advocate for cannabis legalization;
  - (vii) one person convicted of a nonfelony drug-related offense; and
  - (viii) one person with expertise on business liability, such as work hazards, insurance, human resources, and employee rights, arising from employees working after the use of legal recreational marijuana;
- (14) one person who is an elected official in a statutory or home rule charter city appointed by the League of Minnesota Cities;

(15) one medical doctor appointed by the Board of Medical Practice;

(16) one person who is an elected county official or administrator appointed by the Association of Minnesota Counties;

(17) one person who is a defense attorney appointed by the Minnesota Association of Criminal Defense Lawyers;

(18) one person who is a county attorney appointed by the Minnesota County Attorneys Association;

(19) one person who is a sheriff appointed by the Minnesota Sheriff's Association;

(20) one person who is a chief of police appointed by the Minnesota Chiefs of Police Association; and

(21) one rank and file peace officer appointed by the Minnesota Police and Peace Officers Association.

(b) Members shall serve without compensation.

**Subd. 3. Organization.** (a) The commissioner of public safety or the commissioner's designee shall convene the first meeting of the task force. Meetings of the task force are subject to Minnesota Statutes, chapter 13D.

(b) The task force shall meet monthly or as determined by the chair.

(c) The members of the task force shall elect a chair and other officers as the members deem necessary.

(d) A majority of members constitutes a quorum.

**Subd. 4. Staff.** The commissioner of public safety shall provide support staff, office space, and administrative services for the task force.

**Subd. 5. Duties.** (a) The task force shall:

(1) identify and study the potential effects of cannabis legalization including but not limited to impacts on public safety, public health, tax policy, and regulatory oversight; and

(2) consult with experts and government officials involved with the legalization of cannabis in other states.

(b) The task force shall develop a comprehensive plan that covers:

(1) statutory changes necessary for the legalization of cannabis;

(2) taxation of cannabis sales and appropriate dedicated uses for the tax revenue raised;

(3) state and local regulation of cannabis growth, processing, transport, packaging, labeling, sale, possession, and use, and the governing body that would enforce the regulation;

(4) federal law, policy, and regulation of cannabis;

(5) education of the public on scientific knowledge of the effects of cannabis, especially with regards to use by minors;

(6) funding for, and provision of, treatment to persons with substance abuse disorder as it relates to cannabis;

(7) expungement and pardon of nonviolent marijuana convictions;

(8) security of cannabis retail and manufacturing locations and the safe handling of proceeds from cannabis sales, including banking options;

(9) policies that promote access to the legal cannabis market to persons from communities that are disproportionately impacted by the ban on cannabis including incentives for minority-owned businesses to participate in the cannabis industry;

(10) statutory and policy changes designed to discourage operating motor vehicles while under the influence of cannabis; and

(11) recommendations to the legislature and others about necessary and appropriate actions related to legalization of cannabis in the state.

Subd. 6. **Report.** By February 1, 2020, the task force shall submit a report to the chairs and ranking minority members of the senate and house of representatives committees and divisions having jurisdiction over public safety, health, human services, revenue, labor and industry, and agriculture policy and finance that details the task force's findings regarding the legalization of cannabis including the comprehensive plan developed pursuant to subdivision 5.

Subd. 7. **Expiration.** This section expires the earlier of February 1, 2020, or the date the report is submitted under subdivision 6.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 11. **REPEALER.**

Minnesota Statutes 2018, section 152.027, subdivisions 3 and 4, are repealed.

**EFFECTIVE DATE.** This section is effective August 1, 2019.

## ARTICLE 7 DWI

Section 1. Minnesota Statutes 2018, section 84.91, subdivision 1, is amended to read:

Subdivision 1. **Acts prohibited.** (a) No owner or other person having charge or control of any snowmobile or all-terrain vehicle shall authorize or permit any individual the person knows or has reason to believe is under the influence of alcohol or a controlled substance or other substance to operate the snowmobile or all-terrain vehicle anywhere in this state or on the ice of any boundary water of this state.

(b) No owner or other person having charge or control of any snowmobile or all-terrain vehicle shall knowingly authorize or permit any person, who by reason of any physical or mental disability is incapable of operating the vehicle, to operate the snowmobile or all-terrain vehicle anywhere in this state or on the ice of any boundary water of this state.

(c) A person who operates or is in physical control of a snowmobile or all-terrain vehicle anywhere in this state or on the ice of any boundary water of this state is subject to chapter 169A. In addition to the applicable sanctions under chapter 169A, a person who is convicted of violating section 169A.20 or an ordinance in conformity with it,

or who refuses to comply with a lawful request to submit to testing or fails a test lawfully administered under sections 169A.50 to 169A.53 or 171.177, or an ordinance in conformity with ~~it~~ any of these sections, ~~shall be is~~ prohibited from operating a snowmobile or all-terrain vehicle for ~~a period of~~ one year. The commissioner shall notify the person of the ~~time~~ period during which the person is prohibited from operating a snowmobile or all-terrain vehicle.

(d) Administrative and judicial review of the operating privileges prohibition is governed by section 169A.53 or 171.177.

(e) The court shall promptly forward to the commissioner and the Department of Public Safety copies of all convictions and criminal and civil sanctions imposed under:

- (1) this section;
- (2) chapter 169 relating to snowmobiles and all-terrain vehicles;
- (3) chapter 169A; and
- (4) section 171.177.

(f) A person who violates paragraph (a) or (b), or an ordinance in conformity with either of them, is guilty of a misdemeanor. A person who operates a snowmobile or all-terrain vehicle during the time period the person is prohibited from operating a vehicle under paragraph (c) is guilty of a misdemeanor.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 2. Minnesota Statutes 2018, section 86B.331, subdivision 1, is amended to read:

Subdivision 1. **Acts prohibited.** (a) An owner or other person having charge or control of a motorboat may not authorize or allow an individual the person knows or has reason to believe is under the influence of alcohol or a controlled or other substance to operate the motorboat in operation on the waters of this state.

(b) An owner or other person having charge or control of a motorboat may not knowingly authorize or allow a person, who by reason of a physical or mental disability is incapable of operating the motorboat, to operate the motorboat in operation on the waters of this state.

(c) A person who operates or is in physical control of a motorboat on the waters of this state is subject to chapter 169A. In addition to the applicable sanctions under chapter 169A, a person who is convicted of violating section 169A.20 or an ordinance in conformity with it, or who fails a test lawfully administered under sections 169A.50 to 169A.53 or 171.177, or an ordinance in conformity with ~~it~~ any of these sections, ~~shall be is~~ prohibited from operating a motorboat on the waters of this state for ~~a period of~~ 90 days between May 1 and October 31, extending over two consecutive years if necessary. If the person refuses to comply with a lawful demand to submit to testing under sections 169A.50 to 169A.53 or 171.177, or an ordinance in conformity with ~~it~~ any of these sections, the person ~~shall be is~~ prohibited from operating a motorboat for ~~a period of~~ one year. The commissioner shall notify the person of the period during which the person is prohibited from operating a motorboat.

(d) Administrative and judicial review of the operating privileges prohibition is governed by section 169A.53 or 171.177.

(e) The court shall promptly forward to the commissioner and the Department of Public Safety copies of all convictions and criminal and civil sanctions imposed under: (1) this section; (2) chapter 169 relating to motorboats; (3) chapter 169A; and (4) section 171.177.

(f) A person who violates paragraph (a) or (b), or an ordinance in conformity with either of them, is guilty of a misdemeanor.

(g) For purposes of this subdivision, a motorboat "in operation" does not include a motorboat that is anchored, beached, or securely fastened to a dock or other permanent mooring, or a motorboat that is being rowed or propelled by other than mechanical means.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 3. Minnesota Statutes 2018, section 169A.03, subdivision 18, is amended to read:

Subd. 18. **Peace officer.** "Peace officer" means:

- (1) a State Patrol officer;
- (2) a University of Minnesota peace officer;
- (3) a police officer of any municipality, including towns having powers under section 368.01, or county; and
- (4) ~~for purposes of violations of this chapter in or on an off road recreational vehicle or motorboat, or for violations of section 97B.065 or 97B.066,~~ a state conservation officer.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 4. Minnesota Statutes 2018, section 169A.37, subdivision 1, is amended to read:

Subdivision 1. **Crime described.** It is a crime for a person:

- (1) to fail to comply with an impoundment order under section 169A.60 (administrative plate impoundment);
- (2) to file a false statement under section 169A.60, subdivision 7, 8, or 14;
- (3) to operate a self-propelled motor vehicle on a street or highway when the vehicle is subject to an impoundment order issued under section 169A.60, unless specially coded plates have been issued for the vehicle pursuant to section 169A.60, subdivision 13;
- (4) to fail to notify the commissioner of the impoundment order when requesting new plates;
- (5) who is subject to a plate impoundment order under section 169A.60, to drive, operate, or be in control of any motor vehicle during the impoundment period, unless the vehicle is employer-owned and is not required to be equipped with an ignition interlock device pursuant to section 171.306, subdivision 4, paragraph (b), or Laws 2013, chapter 127, section 70, or has specially coded plates issued pursuant to section 169A.60, subdivision 13, and the person is validly licensed to drive; ~~or~~
- (6) who is the transferee of a motor vehicle and who has signed a sworn statement under section 169A.60, subdivision 14, to allow the previously registered owner to drive, operate, or be in control of the vehicle during the impoundment period; or

(7) to intentionally remove all or a portion of or to otherwise obliterate or damage a permanent sticker affixed on and invalidating a registration plate under section 169A.60, subdivision 4.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 5. Minnesota Statutes 2018, section 169A.55, subdivision 2, is amended to read:

Subd. 2. **Reinstatement of driving privileges; notice.** Upon expiration of a period of revocation under section 169A.52 (license revocation for test failure or refusal), 169A.54 (impaired driving convictions and adjudications; administrative penalties), or 171.177 (revocation; search warrant), the commissioner shall notify the person of the terms upon which driving privileges can be reinstated, and new registration plates issued, which terms are: (1) ~~successful completion of an examination and~~ proof of compliance with any terms of alcohol treatment or counseling previously prescribed, if any; and (2) any other requirements imposed by the commissioner and applicable to that particular case. The commissioner shall notify the owner of a motor vehicle subject to an impoundment order under section 169A.60 (administrative impoundment of plates) as a result of the violation of the procedures for obtaining new registration plates, if the owner is not the violator. The commissioner shall also notify the person that if driving is resumed without reinstatement of driving privileges or without valid registration plates and registration certificate, the person will be subject to criminal penalties.

Sec. 6. Minnesota Statutes 2018, section 169A.60, subdivision 4, is amended to read:

Subd. 4. **Peace officer as agent for notice of impoundment.** On behalf of the commissioner, a peace officer issuing a notice of intent to revoke and of revocation for a plate impoundment violation shall also serve a notice of intent to impound and an order of impoundment. On behalf of the commissioner, a peace officer who is arresting a person for or charging a person with a plate impoundment violation described in subdivision 1, paragraph (d), clause (5), shall also serve a notice of intent to impound and an order of impoundment. If the vehicle involved in the plate impoundment violation is accessible to the officer at the time the impoundment order is issued, the officer shall seize the registration plates subject to the impoundment order. The officer shall destroy all plates seized or impounded under this section. Alternatively, the officer may invalidate the plates by affixing a permanent sticker on them. The officer shall send to the commissioner copies of the notice of intent to impound and the order of impoundment and a notice that registration plates impounded and seized under this section have been destroyed or have been affixed with the permanent sticker.

Sec. 7. Minnesota Statutes 2018, section 169A.60, subdivision 5, is amended to read:

Subd. 5. **Temporary permit.** If the motor vehicle is registered to the violator and the plate impoundment violation is predicated on the results of a chemical test of the violator's breath or on a refusal to submit to a chemical test, the officer shall issue a temporary vehicle permit that is valid for ~~seven~~ 14 days when the officer issues the notices under subdivision 4. The temporary permit is valid for 45 days if the violator submits to a chemical test of the violator's blood or urine. If the motor vehicle is registered in the name of another, the officer shall issue a temporary vehicle permit that is valid for 45 days when the notices are issued under subdivision 3. The permit must be in a form determined by the registrar and whenever practicable must be posted on the left side of the inside rear window of the vehicle. A permit is valid only for the vehicle for which it is issued.

Sec. 8. Minnesota Statutes 2018, section 169A.60, subdivision 8, is amended to read:

Subd. 8. **Reissuance of registration plates.** (a) The commissioner shall rescind the impoundment order of a person subject to an order under this section, other than the violator, if:

(1) the violator had a valid driver's license on the date of the plate impoundment violation and the person files with the commissioner an acceptable sworn statement containing the following information:

(i) that the person is the registered owner of the vehicle from which the plates have been impounded under this section;

(ii) that the person is the current owner and possessor of the vehicle used in the violation;

(iii) the date on which the violator obtained the vehicle from the registered owner;

(iv) the residence addresses of the registered owner and the violator on the date the violator obtained the vehicle from the registered owner;

(v) that the person was not a passenger in the vehicle at the time of the plate impoundment violation; and

(vi) that the person knows that the violator may not drive, operate, or be in physical control of a vehicle without a valid driver's license; or

(2) the violator did not have a valid driver's license on the date of the plate impoundment violation and the person made a report to law enforcement before the violation stating that the vehicle had been taken from the person's possession or was being used without permission.

(b) A person who has failed to make a report as provided in paragraph (a), clause (2), may be issued special registration plates under subdivision 13 for a period of one year from the effective date of the impoundment order. Following this period, the person may apply for regular registration plates.

(c) If the order is rescinded, the owner shall receive new registration plates at no cost, if the plates were seized and destroyed or have been affixed with a permanent sticker.

Sec. 9. Minnesota Statutes 2018, section 169A.63, is amended by adding a subdivision to read:

Subd. 13. **Exception.** (a) This section does not apply if the driver who committed the designated offense or whose conduct resulted in the designated license revocation becomes a program participant in the ignition interlock program under section 171.306 within 60 days following service of the Notice of Seizure and Intent to Forfeit under this section.

(b) Notwithstanding paragraph (a), if the program participant described in paragraph (a) subsequently operates the motor vehicle to commit a designated offense or in a manner that results in a designated license revocation, the vehicle must be seized and summarily forfeited.

(c) Notwithstanding paragraph (a), if the program participant described in paragraph (a) either voluntarily or involuntarily ceases to participate in the program, or fails to successfully complete it, the vehicle used in the underlying designated offense must be seized and summarily forfeited.

(d) Paragraph (b) applies only if the described subsequent vehicle operation occurs before the participant has been restored to full driving privileges or within three years of the original designated offense or designated license revocation, whichever occurs latest.

**EFFECTIVE DATE.** This section is effective August 1, 2019.

Sec. 10. Minnesota Statutes 2018, section 171.29, subdivision 1, is amended to read:

Subdivision 1. **Examination required.** (a) No person whose driver's license has been revoked by reason of conviction, plea of guilty, or forfeiture of bail not vacated, under section 169.791, 169.797, 171.17, or 171.172, or revoked under section 169.792, 169A.52, or 171.177 shall be issued another license unless and until that person shall have successfully passed an examination as required by the commissioner of public safety. This subdivision does not apply to an applicant for early reinstatement under section 169.792, subdivision 7a.

(b) The requirement to successfully pass the examination described in paragraph (a) does not apply to a person whose driver's license has been revoked because of an impaired driving offense.

Sec. 11. **DWI STUDY; MEASUREMENT OF CONTROLLED SUBSTANCES.**

(a) The commissioner of public safety, in consultation with stakeholders and experts, shall study and report on the use of screening tests that measure the marijuana or tetrahydrocannabinols level of a person stopped or arrested for driving while impaired. The commissioner shall also study the threshold measurement level for the legal impairment of persons who are driving under the influence of marijuana or tetrahydrocannabinols. The study must include the identification, review, and evaluation of:

(1) marijuana or tetrahydrocannabinols screening tests, including at a minimum oral fluid roadside tests;

(2) the measured amount of marijuana or tetrahydrocannabinols in a driver's blood or urine that is the legal threshold for impairment of the driver;

(3) the practices and laws in other states for drug screening tests and measurement of marijuana or tetrahydrocannabinols in persons suspected of driving while impaired by controlled substances; and

(4) any other necessary information relating to the measurement of marijuana or tetrahydrocannabinols in persons who are suspected of driving under the influence of a controlled substance.

(b) The commissioner shall submit a report of its study by March 15, 2020, to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over public safety.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

ARTICLE 8  
VEHICLE OPERATIONS

Section 1. Minnesota Statutes 2018, section 169.92, subdivision 4, is amended to read:

Subd. 4. **Suspension of driver's license.** (a) Upon receiving a report from the court, or from the driver licensing authority of a state, district, territory, or possession of the United States or a province of a foreign country which has an agreement in effect with this state pursuant to section 169.91, that a resident of this state or a person licensed as a driver in this state did not appear in court in compliance with the terms of a citation, the commissioner of public safety shall notify the driver that the driver's license will be suspended unless the commissioner receives notice within 30 days that the driver has appeared in the appropriate court ~~or, if the offense is a petty misdemeanor for which a guilty plea was entered under section 609.491, that the person has paid any fine imposed by the court.~~ If the commissioner does not receive notice of the appearance in the appropriate court or payment of the fine within 30 days of the date of the commissioner's notice to the driver, the commissioner may suspend the driver's license, subject to the notice requirements of section 171.18, subdivision 2. Notwithstanding the requirements in this section, the commissioner is prohibited from suspending the driver's license of a person based solely on the fact that the person did not appear in court (1) in compliance with the terms of a citation for a petty misdemeanor, or (2) for a violation of section 171.24, subdivision 1.

(b) The order of suspension shall indicate the reason for the order and shall notify the driver that the driver's license ~~shall remain~~ remains suspended until the driver has furnished evidence, satisfactory to the commissioner, of compliance with any order entered by the court.

(c) Suspension shall be ordered under this subdivision only when the report clearly identifies the person arrested; describes the violation, specifying the section of the traffic law, ordinance or rule violated; indicates the location and date of the offense; and describes the vehicle involved and its registration number.

Sec. 2. Minnesota Statutes 2018, section 171.16, subdivision 2, is amended to read:

Subd. 2. **Commissioner shall suspend.** (a) The court may recommend the suspension of the driver's license of the person so convicted, and the commissioner shall suspend such license as recommended by the court, without a hearing ~~as provided herein~~.

(b) The commissioner is prohibited from suspending a person's driver's license if the person was convicted only under section 171.24, subdivision 1 or 2.

Sec. 3. Minnesota Statutes 2018, section 171.16, subdivision 3, is amended to read:

Subd. 3. ~~**Suspension for Failure to pay fine.** When any court reports to~~ The commissioner must not suspend a person's driver's license based solely on the fact that a person: (1) has been convicted of violating a law of this state or an ordinance of a political subdivision which regulates the operation or parking of motor vehicles, (2) has been sentenced to the payment of a fine or had a surcharge levied against that person, or sentenced to a fine upon which a surcharge was levied, and (3) has refused or failed to comply with that sentence or to pay the surcharge; ~~notwithstanding the fact that the court has determined that the person has the ability to pay the fine or surcharge, the commissioner shall suspend the driver's license of such person for 30 days for a refusal or failure to pay or until notified by the court that the fine or surcharge, or both if a fine and surcharge were not paid, has been paid.~~

Sec. 4. Minnesota Statutes 2018, section 171.18, subdivision 1, is amended to read:

Subdivision 1. **Offenses.** (a) The commissioner may suspend the license of a driver without preliminary hearing upon a showing by department records or other sufficient evidence that the licensee:

(1) has committed an offense for which mandatory revocation of license is required upon conviction;

(2) has been convicted by a court for violating a provision of chapter 169 or an ordinance regulating traffic, other than a conviction for a petty misdemeanor, and department records show that the violation contributed in causing an accident resulting in the death or personal injury of another, or serious property damage;

(3) is an habitually reckless or negligent driver of a motor vehicle;

(4) is an habitual violator of the traffic laws;

(5) is incompetent to drive a motor vehicle as determined in a judicial proceeding;

(6) has permitted an unlawful or fraudulent use of the license;

(7) has committed an offense in another state that, if committed in this state, would be grounds for suspension;

(8) has committed a violation of section 169.444, subdivision 2, paragraph (a), within five years of a prior conviction under that section;

(9) has committed a violation of section 171.22, except that the commissioner may not suspend a person's driver's license based solely on the fact that the person possessed a fictitious or fraudulently altered Minnesota identification card;

(10) has failed to appear in court as provided in section 169.92, subdivision 4;

(11) has failed to report a medical condition that, if reported, would have resulted in cancellation of driving privileges;

(12) has been found to have committed an offense under section 169A.33; or

(13) has paid or attempted to pay a fee required under this chapter for a license or permit by means of a dishonored check issued to the state or a driver's license agent, which must be continued until the registrar determines or is informed by the agent that the dishonored check has been paid in full.

However, an action taken by the commissioner under clause (2) or (5) must conform to the recommendation of the court when made in connection with the prosecution of the licensee.

(b) The commissioner ~~may not suspend~~ is prohibited from suspending the driver's license of an individual under paragraph (a) who was convicted of a violation of section 171.24, subdivision 1, ~~whose license was under suspension at the time solely because of the individual's failure to appear in court or failure to pay a fine or 2.~~

#### Sec. 5. **[171.2405] LICENSE REINSTATEMENT DIVERSION PROGRAM.**

**Subdivision 1. Establishment.** (a) A city or county may establish a license reinstatement diversion program for holders of class D drivers' licenses who have been charged with violating section 171.24, subdivision 1 or 2. An individual charged with driving after revocation under section 171.24, subdivision 2, is eligible for diversion only if the revocation was due to a violation of section 169.791; 169.797; 169A.52; 169A.54; 171.17, subdivision 1, paragraph (a), clause (6); or 171.177. An individual who is a holder of a commercial driver's license or who has committed an offense in a commercial motor vehicle is not eligible to participate in the diversion program. Nothing in this section authorizes the issuance of a driver's license to a diversion program participant during the underlying suspension or revocation period at issue in the violation of section 171.24, subdivision 1 or 2.

(b) Notwithstanding any law or ordinance to the contrary, a city or county may contract with a third party to create and administer the diversion program under this section. Any participating city or county, at its own expense, may request an audit of the administrator.

(c) For purposes of this section, "administrator" means the city, county, or administrator of the program.

**Subd. 2. Diversion of an individual.** (a) A prosecutor for a participating city or county may determine whether to accept an individual for diversion. When making the determination, the prosecutor must consider:

(1) whether the individual has a record of driving without a valid license or other criminal record, or has previously participated in a diversion program;

(2) the strength of the evidence against the individual, along with any mitigating factors; and

(3) the apparent ability and willingness of the individual to participate in the diversion program and comply with program requirements.

(b) A city or county attorney may request that an individual be reviewed for a diversion program without a formal city or county diversion program being established. The city or county attorney must follow the requirements of subdivisions 1 and 2 and may submit the individual's application to an administrator for processing in collaboration with DVS to determine if an individual is eligible for approval into the diversion program. The participant must meet the requirements in subdivision 4.

(c) A judge may submit a request for an individual to apply for entry into a diversion program under subdivisions 1 and 2. The participant must meet the requirements in subdivision 4.

**Subd. 3. Diversion driver's license.** (a) Notwithstanding any law to the contrary, the commissioner may issue a diversion driver's license to a person who is a participant in a diversion program, after receiving an application and payment of:

(1) the reinstatement fee under section 171.20, subdivision 4, by a participant whose driver's license has been suspended;

(2) the reinstatement fee under section 171.29, subdivision 2, paragraph (a), by a participant whose driver's license has been revoked under section 169.791; 169.797; or 171.17, subdivision 1, paragraph (a), clause (6); or

(3) the reinstatement fee under section 171.29, subdivision 2, paragraph (a), by a participant whose driver's license has been revoked under section 169A.52, 169A.54, or 171.177. The reinstatement fee and surcharge under section 171.29, subdivision 2, paragraph (b), must also be paid during the course of and as a condition of the diversion program.

(b) The commissioner may impose restrictions on a diversion driver's license that are suitable to the licensee's driving ability or applicable to the licensee as the commissioner deems appropriate to ensure the safe operation of a motor vehicle by the licensee. The participant must follow all requirements of this section, the requirements set out by DVS and court restrictions.

(c) Payments made by participants in the diversion program of the reinstatement fee and surcharge under section 171.29, subdivision 2, paragraph (b), must be applied first toward payment of the reinstatement fee and, after the reinstatement fee has been fully paid, toward payment of the surcharge. Each payment that is applied toward the reinstatement fee must be credited as provided in section 171.29, subdivision 2, paragraph (b), and each payment that is applied toward the surcharge must be credited as provided in section 171.29, subdivision 2, paragraphs (c) and (d). After the reinstatement fee and surcharge are satisfied, the participant must pay the program participation fee.

(d) Notwithstanding any law to the contrary, a diversion driver's license issued to a participant in the program must not be revoked or suspended for convictions entered due to payments made under subdivision 4.

**Subd. 4. Program components.** (a) At a minimum, the diversion program must require individuals to:

(1) successfully attend and complete, at the individual's expense, educational classes that provide, among other things, information on driver's licensure;

(2) pay to the administrator, under a schedule approved by the prosecutor, all required related fees, fines, and charges, including applicable statutory license reinstatement fees and costs of participation in the program;

(3) comply with all traffic laws; and

(4) demonstrate compliance with motor vehicle insurance requirements.

(b) Individuals whose underlying citations cost less than \$250 shall receive a 60 percent discount on the diversion program fee. Individuals whose underlying citations cost \$250 to \$500 shall receive a 40 percent discount on the diversion program fee.

**Subd. 5. Termination of participation; reinstatement of driver's license.** (a) An individual's participation in the diversion program must be terminated if:

(1) the individual is found guilty of a moving traffic violation;

(2) the individual fails to provide proof of vehicle insurance; or

(3) the administrator of the diversion program informs the commissioner that the individual is no longer satisfying the conditions of the diversion program.

(b) The commissioner must cancel an individual's diversion driver's license upon receiving notice from the administrator that the individual is not complying with the requirements of the program.

(c) The original charge against the individual of a violation of section 171.24 may be reinstated against an individual whose participation in the diversion program terminates under paragraph (a), clause (1) or (2).

(d) If an individual satisfies all requirements of the diversion program, including, at a minimum, satisfactory fulfillment of the components under subdivision 4, the administrator must inform the court, the prosecutor, and the commissioner of the individual's satisfactory completion of the diversion program.

(e) Upon receiving notice under paragraph (d), the commissioner must reinstate the individual's driver's license.

(f) Upon receiving notice under paragraph (d), the court must dismiss the charge or the prosecutor must decline to prosecute the individual.

**Subd. 6. Fees held on termination of participant.** (a) Upon termination of the participant in the program under subdivision 5, where there are any held funds and only after the administrator has made payouts on citations and fees, the third-party administrator shall hold remaining participant fees for 12 months from the date of termination under subdivision 5, paragraph (a), clause (1) or (2).

(b) A participant who meets DVS requirements to re-enter the diversion program may use held funds to pay fees to be reinstated into the program.

(c) After 12 months, the administrator shall retain the funds for the work performed during the participant's enrollment period, prior to the participant's termination date in the diversion program.

**Subd. 7. Biennial report.** (a) By February 1 of each even-numbered year, the administrator must report on each city and county that participated in the diversion program and provide a report to each participating city and county, the commissioner, and the legislative committees with jurisdiction over transportation and the judiciary concerning the results of the program. The report must be made available electronically and, upon request, in print. The report must include, without limitation, the effect of the program on:

(1) recidivism rates for participants in the diversion program;

(2) the number of participants who successfully completed the program;

(3) the amount charged to individuals for program fees;

(4) payment of the fees and fines collected in the diversion program to cities, counties, and the state;

(5) the total amount of money collected from participants in the program;

(6) the total amount of money, by category, paid or applied to reinstatement;

(7) educational support provided to participants in the diversion program;

(8) the total number of participants in the diversion program;

(9) the total number of participants terminated from the program under subdivision 5, paragraph (a), clauses (1) to (3);

(10) the reimbursement policy for all payments listed under clause (4); and

(11) the amount of all payments listed under clause (4) retained from participants who were terminated from the program.

(b) The report must include all recommendations made by cities or counties regarding the future of the program and any necessary or suggested legislative changes.

**EFFECTIVE DATE.** This section is effective July 1, 2019. A city or county participating in the diversion program may accept an individual into the program until June 30, 2019. The third party administering the diversion program may collect and disperse fees collected pursuant to Minnesota Statutes, section 171.2405, subdivision 6, paragraph (a), clause (2), through June 30, 2019.

Sec. 6. **[171.325] DRIVER'S LICENSE SUSPENSIONS AND REVOCATIONS; REPORTS.**

**Subdivision 1. Issuance, suspensions, and revocations.** (a) Annually by February 15, the commissioner of public safety must report to the chairs and ranking minority members of the house of representatives and senate committees and divisions with jurisdiction over public safety and transportation on the status of driver's licenses issued, suspended, and revoked. The commissioner must make the report available on the department's website.

(b) At a minimum, the report must include:

(1) the total number of driver's licenses issued, suspended, and revoked as of January 1 the year the report is submitted, broken down by county;

(2) for each of the previous eight calendar years, the total number of driver's licenses suspended and the number of suspended licenses reinstated; and

(3) for each of the previous eight calendar years, the total number of driver's licenses revoked and the number of revoked licenses reinstated.

(c) For purposes of paragraph (b), clauses (1), (2), and (3), the report must identify each type of suspension or revocation authorized by statute or rule and include the number of licenses suspended or revoked for each type.

**Subd. 2. Charges, convictions, and fines.** (a) Annually by February 15, the state court administrator must report to the chairs and ranking minority members of the house of representatives and senate committees and divisions with jurisdiction over public safety and transportation on (1) charges and convictions for driving after suspension or revocation, and (2) payment of fines for violations related to operation of a motor vehicle. The administrator must make the report available on the state court's website.

(b) At a minimum, the report must include:

(1) for each of the previous eight calendar years, the number of charges under section 171.24, subdivisions 1 and 2, broken down by the charges for each subdivision and indicating whether the court appointed the public defender to represent the defendant;

(2) for each of the previous eight calendar years, the number of convictions under section 171.24, subdivisions 1 and 2, broken down by the convictions for each subdivision and indicating whether the court appointed the public defender to represent the defendant; and

(3) for the past calendar year, for all charges on violations related to the operation of a motor vehicle and included on the uniform fine schedule authorized under section 609.101, subdivision 4, the percentage of fines, broken down by whether the court appointed the public defender to represent the defendant, which:

(i) were paid in full by the due date on the citation;

(ii) were paid in full through a payment plan;

(iii) accrued late charges;

(iv) were sent to court collections; and

(v) were sent to the Department of Revenue for collection.

Sec. 7. Minnesota Statutes 2018, section 299A.12, subdivision 1, is amended to read:

Subdivision 1. **General requirements.** ~~Except as provided in subdivision 4, Any vehicle used by an operator to provide transportation service shall must be equipped with wheelchair securement devices ~~which are approved by the commissioner of public safety as meeting that meet the specifications of subdivisions 1 and 2. Only securement devices that meet the requirements of the Americans with Disabilities Act may be used. A wheelchair securement device shall prevent any forward, backward, or lateral movement of an occupied wheelchair when the device is engaged and the vehicle is in motion, accelerating or braking, and shall attach to the frame of the wheelchair without damaging it~~ must be installed and used according to the manufacturer's instructions and Code of Federal Regulations, title 49, section 38.23. Wheelchair securement devices installed in any vehicle shall must be maintained in working order and according to the manufacturer's recommendations.~~

Sec. 8. Minnesota Statutes 2018, section 299A.12, subdivision 2, is amended to read:

Subd. 2. **Strength Design requirements.** ~~The strength design requirements for securing the part of a wheelchair that is forward in the vehicle shall be one half of those required for the rear. Where the wheelchair securement device and the seat belt are combined in a common system, those parts which provide the combined restraining force shall have a combined strength of both according to the strength requirements of each as adopted by the commissioner of public safety~~ securement devices must meet the specifications in Code of Federal Regulations, title 49, section 38.23.

Sec. 9. Minnesota Statutes 2018, section 299A.12, subdivision 3, is amended to read:

Subd. 3. **Maximum number of persons transported.** A vehicle used to provide transportation service ~~shall~~ must carry only as many persons seated in wheelchairs as the number of securement devices approved by the commissioner of public safety as meeting the specifications of subdivisions 1 and 2 with which the vehicle is equipped, and each occupied wheelchair ~~shall~~ must be secured by such a securement device before the vehicle is set in motion.

Sec. 10. Minnesota Statutes 2018, section 299A.13, is amended to read:

**299A.13 ADDITIONAL SAFETY REQUIREMENTS.**

Subdivision 1. **Seat belt.** Any vehicle used to provide transportation service ~~shall~~ must be equipped with seat belts ~~which that~~ are approved by the commissioner of public safety. The seat belts required by this subdivision ~~shall~~ must be adequate to secure the occupant of a wheelchair who is being transported by the vehicle. ~~These~~ The seat belts ~~shall~~ must be used only to secure the person and ~~shall~~ must not be used to secure the wheelchair unless the wheelchair securement force is not cumulative to the seat belt. The seat belts ~~shall~~ must meet all other applicable state and federal requirements for safety.

Subd. 2. **Electric wheelchair.** When transportation service is provided to an individual in an electrically powered wheelchair, the main power switch of the wheelchair ~~shall~~ must be placed in the "off" position at all times while the vehicle is in motion.

Subd. 3. **Mobility aid accessibility.** (a) Vehicles equipped with wheelchair securement devices must provide a level-change mechanism or boarding device such as a lift or ramp that complies with Code of Federal Regulations, title 49, section 38.23.

(b) Wheelchair lifts must comply with the National Highway Traffic Safety Administration's Federal Motor Vehicle Safety Standards for public use lifts as outlined in Code of Federal Regulations, title 49, sections 571.403 and 571.404.

Subd. 4. **Driver's responsibility.** (a) The driver of a vehicle equipped with a wheelchair securement device has the duties outlined in this subdivision.

(b) The driver or a person designated by the driver shall ensure that an occupied wheelchair is properly secured before the driver sets the vehicle in motion.

(c) The driver or a person designated by the driver shall ensure that the seat belt assembly is properly adjusted and fastened around the wheelchair user in a manner consistent with the manufacturer's recommendations before the driver sets the vehicle in motion when:

- (1) requested by the wheelchair user;
- (2) the wheelchair user is unable to communicate;
- (3) seat belt usage is required of all passengers in the vehicle; or
- (4) the vehicle is a school bus.

The seat belt assembly must not be fastened if the wheelchair user or other responsible person advises the driver that to do so would aggravate a physical condition of the wheelchair user. If a restraint device is available that would not aggravate the physical condition of the user, it must be fastened in the required manner.

(d) The driver or a person designated by the driver shall ensure that securement devices and seat belt assemblies are retracted, removed, or otherwise stored when not in use to prevent tripping of persons and damage to devices.

Sec. 11. Minnesota Statutes 2018, section 299A.14, subdivision 3, is amended to read:

Subd. 3. **Standards.** The inspection shall be made to determine that the vehicle complies with the provisions of sections 299A.12, ~~subdivisions 1 and 4,~~ and 299A.13, ~~subdivision 1;~~ and that the securement device is ~~and level-change mechanism or boarding device such as a lift or ramp are~~ in working order; and ~~that the securement device is~~ not in need of obvious repair. The inspection may include testing the use of a securement device while the vehicle is in motion.

Sec. 12. Minnesota Statutes 2018, section 480.15, is amended by adding a subdivision to read:

Subd. 8a. **Motor vehicle charges and conviction data; report.** The court administrator shall collect, compile, and report the data on (1) charges and convictions for driving after suspension or revocation, and (2) payment of fines for violations related to operation of a motor vehicle, as required under section 171.325.

Sec. 13. Minnesota Statutes 2018, section 609.2112, subdivision 1, is amended to read:

Subdivision 1. **Criminal vehicular homicide.** (a) Except as provided in paragraph (b), a person is guilty of criminal vehicular homicide and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both, if the person causes the death of a human being not constituting murder or manslaughter as a result of operating a motor vehicle:

- (1) in a grossly negligent manner;
- (2) in a negligent manner while under the influence of:
  - (i) alcohol;
  - (ii) a controlled substance; or
  - (iii) any combination of those elements;
- (3) while having an alcohol concentration of 0.08 or more;
- (4) while having an alcohol concentration of 0.08 or more, as measured within two hours of the time of driving;
- (5) in a negligent manner while under the influence of an intoxicating substance and the person knows or has reason to know that the substance has the capacity to cause impairment;
- (6) in a negligent manner while any amount of a controlled substance listed in Schedule I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the person's body;
- (7) where the driver who causes the collision leaves the scene of the collision in violation of section 169.09, subdivision 1 or 6; ~~or~~
- (8) where the driver had actual knowledge that a peace officer had previously issued a citation or warning that the motor vehicle was defectively maintained, the driver had actual knowledge that remedial action was not taken, the driver had reason to know that the defect created a present danger to others, and the death was caused by the defective maintenance;
- (9) in a negligent manner while the driver is in violation of section 169.475; or

(10) in a negligent manner while the person's driver's license or driving privilege has been suspended, revoked, or canceled or the person has been disqualified from holding a commercial driver's license or been denied the privilege to operate a commercial motor vehicle pursuant to:

(i) section 169.89, subdivision 5; 169A.52; 169A.54; 171.05, subdivision 2b, paragraph (d); 171.13, subdivision 3 or 4; 171.17, subdivision 1, paragraph (a), clause (1) or (10); 171.177; 171.18, subdivision 1, paragraph (a), clause (2), (3), (4), (5), or (11); 171.32; or 260B.225, subdivision 9; or a violation of section 169.13; 169.21; 169.444; 609.19, subdivision 1, clause (2); or 609.487, subdivisions 3 to 5; or any violation of chapter 169A; or

(ii) a law from another state similar to those described in item (i).

(b) If a person is sentenced under paragraph (a) for a violation under paragraph (a), clauses (2) to (6), occurring within ten years of a qualified prior driving offense, the statutory maximum sentence of imprisonment is 15 years.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 14. Minnesota Statutes 2018, section 609.2113, subdivision 1, is amended to read:

Subdivision 1. **Great bodily harm.** A person is guilty of criminal vehicular operation resulting in great bodily harm and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, if the person causes great bodily harm to another not constituting attempted murder or assault as a result of operating a motor vehicle:

- (1) in a grossly negligent manner;
- (2) in a negligent manner while under the influence of:
  - (i) alcohol;
  - (ii) a controlled substance; or
  - (iii) any combination of those elements;
- (3) while having an alcohol concentration of 0.08 or more;
- (4) while having an alcohol concentration of 0.08 or more, as measured within two hours of the time of driving;
- (5) in a negligent manner while under the influence of an intoxicating substance and the person knows or has reason to know that the substance has the capacity to cause impairment;
- (6) in a negligent manner while any amount of a controlled substance listed in Schedule I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the person's body;
- (7) where the driver who causes the accident leaves the scene of the accident in violation of section 169.09, subdivision 1 or 6; ~~or~~
- (8) where the driver had actual knowledge that a peace officer had previously issued a citation or warning that the motor vehicle was defectively maintained, the driver had actual knowledge that remedial action was not taken, the driver had reason to know that the defect created a present danger to others, and the injury was caused by the defective maintenance;

(9) in a negligent manner while the driver is in violation of section 169.475; or

(10) in a negligent manner while the person's driver's license or driving privilege has been suspended, revoked, or canceled or the person has been disqualified from holding a commercial driver's license or been denied the privilege to operate a commercial motor vehicle pursuant to:

(i) section 169.89, subdivision 5; 169A.52; 169A.54; 171.05, subdivision 2b, paragraph (d); 171.13, subdivision 3 or 4; 171.17, subdivision 1, paragraph (a), clause (1) or (10); 171.177; 171.18, subdivision 1, paragraph (a), clause (2), (3), (4), (5), or (11); 171.32; or 260B.225, subdivision 9; or a violation of section 169.13; 169.21; 169.444; 609.19, subdivision 1, clause (2); or 609.487, subdivisions 3 to 5; or any violation of chapter 169A; or

(ii) a law from another state similar to those described in item (i).

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 15. Minnesota Statutes 2018, section 609.2113, subdivision 2, is amended to read:

Subd. 2. **Substantial bodily harm.** A person is guilty of criminal vehicular operation resulting in substantial bodily harm and may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than \$10,000, or both, if the person causes substantial bodily harm to another as a result of operating a motor vehicle:

(1) in a grossly negligent manner;

(2) in a negligent manner while under the influence of:

(i) alcohol;

(ii) a controlled substance; or

(iii) any combination of those elements;

(3) while having an alcohol concentration of 0.08 or more;

(4) while having an alcohol concentration of 0.08 or more, as measured within two hours of the time of driving;

(5) in a negligent manner while under the influence of an intoxicating substance and the person knows or has reason to know that the substance has the capacity to cause impairment;

(6) in a negligent manner while any amount of a controlled substance listed in Schedule I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the person's body;

(7) where the driver who causes the accident leaves the scene of the accident in violation of section 169.09, subdivision 1 or 6; ~~or~~

(8) where the driver had actual knowledge that a peace officer had previously issued a citation or warning that the motor vehicle was defectively maintained, the driver had actual knowledge that remedial action was not taken, the driver had reason to know that the defect created a present danger to others, and the injury was caused by the defective maintenance;

(9) in a negligent manner while the driver is in violation of section 169.475; or

(10) in a negligent manner while the person's driver's license or driving privilege has been suspended, revoked, or canceled or the person has been disqualified from holding a commercial driver's license or been denied the privilege to operate a commercial motor vehicle pursuant to:

(i) section 169.89, subdivision 5; 169A.52; 169A.54; 171.05, subdivision 2b, paragraph (d); 171.13, subdivision 3 or 4; 171.17, subdivision 1, paragraph (a), clause (1) or (10); 171.177; 171.18, subdivision 1, paragraph (a), clause (2), (3), (4), (5), or (11); 171.32; or 260B.225, subdivision 9; or a violation of section 169.13; 169.21; 169.444; 609.19, subdivision 1, clause (2); or 609.487, subdivisions 3 to 5; or any violation of chapter 169A; or

(ii) a law from another state similar to those described in item (i).

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 16. Minnesota Statutes 2018, section 609.2113, subdivision 3, is amended to read:

Subd. 3. **Bodily harm.** A person is guilty of criminal vehicular operation resulting in bodily harm and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both, if the person causes bodily harm to another as a result of operating a motor vehicle:

- (1) in a grossly negligent manner;
- (2) in a negligent manner while under the influence of:
  - (i) alcohol;
  - (ii) a controlled substance; or
  - (iii) any combination of those elements;
- (3) while having an alcohol concentration of 0.08 or more;
- (4) while having an alcohol concentration of 0.08 or more, as measured within two hours of the time of driving;
- (5) in a negligent manner while under the influence of an intoxicating substance and the person knows or has reason to know that the substance has the capacity to cause impairment;
- (6) in a negligent manner while any amount of a controlled substance listed in Schedule I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the person's body;
- (7) where the driver who causes the accident leaves the scene of the accident in violation of section 169.09, subdivision 1 or 6; ~~or~~
- (8) where the driver had actual knowledge that a peace officer had previously issued a citation or warning that the motor vehicle was defectively maintained, the driver had actual knowledge that remedial action was not taken, the driver had reason to know that the defect created a present danger to others, and the injury was caused by the defective maintenance;
- (9) in a negligent manner while the driver is in violation of section 169.475; or

(10) in a negligent manner while the person's driver's license or driving privilege has been suspended, revoked, or canceled or the person has been disqualified from holding a commercial driver's license or been denied the privilege to operate a commercial motor vehicle pursuant to:

(i) section 169.89, subdivision 5; 169A.52; 169A.54; 171.05, subdivision 2b, paragraph (d); 171.13, subdivision 3 or 4; 171.17, subdivision 1, paragraph (a), clause (1) or (10); 171.177; 171.18, subdivision 1, paragraph (a), clause (2), (3), (4), (5), or (11); 171.32; or 260B.225, subdivision 9; or a violation of section 169.13; 169.21; 169.444; 609.19, subdivision 1, clause (2); or 609.487, subdivisions 3 to 5; or any violation of chapter 169A; or

(ii) a law from another state similar to those described in item (i).

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 17. Laws 2009, chapter 59, article 3, section 4, subdivision 9, as amended by Laws 2010, chapter 197, section 1, Laws 2011, chapter 87, section 1, subdivision 9, Laws 2013, chapter 127, section 60, and Laws 2017, chapter 95, article 3, section 29, is amended to read:

Subd. 9. **Sunset; transition.** A city or county participating in this pilot program may accept an individual for diversion into the pilot program ~~until June 30, 2019.~~ and the third party administering the diversion program may collect and disburse fees collected pursuant to subdivision 6, paragraph (a), clause (2), through December 31, 2020 until the day following the date the permanent diversion program established under Minnesota Statutes, section 171.2405, is effective, at which time the pilot program under this section expires. An individual participating in but who has not completed the pilot program on the date the pilot program expires is automatically transferred and enrolled in the permanent diversion program under Minnesota Statutes, section 171.2405, and credited for any fees paid or activities completed under the pilot program.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 18. **RETROACTIVE DRIVER'S LICENSE REINSTATEMENT.**

(a) The commissioner of public safety must make an individual's driver's license eligible for reinstatement if the license is solely suspended pursuant to:

(1) Minnesota Statutes 2018, section 169.92, subdivision 4;

(2) Minnesota Statutes 2018, section 171.16, subdivision 2, if the person was convicted only under Minnesota Statutes, section 171.24, subdivision 1 or 2;

(3) Minnesota Statutes 2018, section 171.16, subdivision 3; or

(4) any combination of clauses (1), (2), and (3).

(b) By December 1, 2019, the commissioner must provide written notice to an individual whose license has been made eligible for reinstatement under paragraph (a), addressed to the licensee at the licensee's last known address.

(c) Notwithstanding any law to the contrary, before the license is reinstated, an individual whose driver's license is eligible for reinstatement under paragraph (a) must pay a reinstatement fee of \$20.

(d) The following applies for an individual who is eligible for reinstatement under paragraph (a), and whose license was suspended, revoked, or canceled under any other provision in Minnesota Statutes:

(1) the suspension, revocation, or cancellation under any other provision in Minnesota Statutes remains in effect;

(2) subject to clause (1), the individual may become eligible for reinstatement under paragraph (a); and

(3) the commissioner is not required to send the notice described in paragraph (b).

(e) Paragraph (a) applies notwithstanding Minnesota Statutes 2018, sections 169.92, subdivision 4; 171.16, subdivision 2 or 3; or any other law to the contrary.

**EFFECTIVE DATE.** This section is effective August 1, 2019.

Sec. 19. **TRAFFIC STOP STUDY.**

Subdivision 1. **Study requirements.** (a) The commissioner of public safety must identify a qualified research organization which shall conduct a study to determine what impact, if any, changes in traffic laws since 2003 have had on traffic stops in Minnesota including whether changes resulted in a disproportionate impact in any geographic area or on any demographic group.

(b) The study shall identify significant changes in traffic law enacted since 2003 including, but not limited to:

(1) the adoption of Minnesota Statutes, section 169.475;

(2) amendments to Minnesota Statutes, section 169.475, effective August 1, 2019;

(3) changes to Minnesota Statutes, section 169.686, enacted pursuant to Laws 2009, chapter 165, section 2; and

(4) changes to Minnesota Statutes, section 169A.20, enacted pursuant to Laws 2004, chapter 283, section 3.

(c) The grant recipient shall coordinate with local law enforcement agencies and the Minnesota State Patrol to obtain and collect relevant data on traffic stops. Data shall be collected as provided by law, rule, or policy of the law enforcement agency. Nothing in this section requires any law enforcement agency to collect additional data.

(d) The grant recipient shall analyze the data obtained or collected based on factors including, but not limited to, the geographic area in which the stop took place and demographic information of the driver.

(e) To the extent possible, the study shall compare data obtained and collected under paragraph (c) with data collected pursuant to Laws 2001, First Special Session chapter 8, article 7, section 6.

(f) The grant recipient shall coordinate with the commissioner of public safety and law enforcement agencies to ensure the confidentiality of data obtained or collected.

Subd. 2. **Report.** By February 15, 2021, the grant recipient must provide a report to the commissioner of public safety and the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over transportation and criminal justice policy on the results of the study.

Sec. 20. **REPEALER.**

Minnesota Statutes 2018, sections 299A.12, subdivision 4; and 299A.18, are repealed.

ARTICLE 9  
PRETRIAL RELEASE, SENTENCING, PROBATION, AND DIVERSION

Section 1. Minnesota Statutes 2018, section 244.05, subdivision 4, is amended to read:

Subd. 4. **Minimum imprisonment, life sentence.** (a) An inmate serving a mandatory life sentence under section 609.106, subdivision 2, or 609.3455, subdivision 2, paragraph (a), must not be given supervised release under this section.

(b) Except as provided in paragraph (f), an inmate serving a mandatory life sentence under section 609.185, paragraph (a), clause (3), (5), or (6); or Minnesota Statutes 2004, section 609.109, subdivision 3, must not be given supervised release under this section without having served a minimum term of 30 years.

(c) An inmate serving a mandatory life sentence under section 609.385 must not be given supervised release under this section without having served a minimum term of imprisonment of 17 years.

(d) An inmate serving a mandatory life sentence under section 609.3455, subdivision 3 or 4, must not be given supervised release under this section without having served the minimum term of imprisonment specified by the court in its sentence.

(e) An inmate serving a mandatory life sentence under section 609.106, subdivision 3, or 609.3455, subdivision 2, paragraph (c), must not be given supervised release under this section without having served a minimum term of imprisonment of 25 years.

(f) An inmate serving a mandatory life sentence for a crime described in paragraph (b) who was under 18 years of age at the time of the commission of the offense must not be given supervised release under this section without having served a minimum term of imprisonment of 25 years.

Sec. 2. Minnesota Statutes 2018, section 244.05, subdivision 5, is amended to read:

Subd. 5. **Supervised release, life sentence.** (a) The commissioner of corrections may, under rules promulgated by the commissioner, give supervised release to an inmate serving a mandatory life sentence under section 609.106, subdivision 3; 609.185, paragraph (a), clause (3), (5), or (6); 609.3455, subdivision 2, paragraph (c), 3, or 4; 609.385; or Minnesota Statutes 2004, section 609.109, subdivision 3, after the inmate has served the minimum term of imprisonment specified in subdivision 4.

(b) The commissioner shall require the preparation of a community investigation report and shall consider the findings of the report when making a supervised release decision under this subdivision. The report shall reflect the sentiment of the various elements of the community toward the inmate, both at the time of the offense and at the present time. The report shall include the views of the sentencing judge, the prosecutor, any law enforcement personnel who may have been involved in the case, and any successors to these individuals who may have information relevant to the supervised release decision. The report shall also include the views of the victim and the victim's family unless the victim or the victim's family chooses not to participate.

(c) The commissioner shall make reasonable efforts to notify the victim, in advance, of the time and place of the inmate's supervised release review hearing. The victim has a right to submit an oral or written statement at the review hearing. The statement may summarize the harm suffered by the victim as a result of the crime and give the victim's recommendation on whether the inmate should be given supervised release at this time. The commissioner must consider the victim's statement when making the supervised release decision.

(d) When considering whether to give supervised release to an inmate serving a life sentence under section 609.3455, subdivision 3 or 4, the commissioner shall consider, at a minimum, the following: the risk the inmate poses to the community if released, the inmate's progress in treatment, the inmate's behavior while incarcerated, psychological or other diagnostic evaluations of the inmate, the inmate's criminal history, and any other relevant conduct of the inmate while incarcerated or before incarceration. The commissioner may not give supervised release to the inmate unless:

(1) while in prison:

(i) the inmate has successfully completed appropriate sex offender treatment;

(ii) the inmate has been assessed for chemical dependency needs and, if appropriate, has successfully completed chemical dependency treatment; and

(iii) the inmate has been assessed for mental health needs and, if appropriate, has successfully completed mental health treatment; and

(2) a comprehensive individual release plan is in place for the inmate that ensures that, after release, the inmate will have suitable housing and receive appropriate aftercare and community-based treatment. The comprehensive plan also must include a postprison employment or education plan for the inmate.

(e) As used in this subdivision, "victim" means the individual who suffered harm as a result of the inmate's crime or, if the individual is deceased, the deceased's surviving spouse or next of kin.

Sec. 3. Minnesota Statutes 2018, section 244.09, subdivision 6, is amended to read:

Subd. 6. **Clearinghouse and information center.** The commission, in addition to establishing Sentencing Guidelines, shall serve as a clearinghouse and information center for the collection, preparation, analysis and dissemination of information on state and local sentencing and probation practices, and shall conduct ongoing research regarding Sentencing Guidelines, use of imprisonment and alternatives to imprisonment, probation terms, conditions of probation, probation revocations, plea bargaining, recidivism, and other matters relating to the improvement of the criminal justice system. The commission shall from time to time make recommendations to the legislature regarding changes in the Criminal Code, criminal procedures, and other aspects of sentencing and probation.

This information shall include information regarding the impact of statutory changes to the state's criminal laws related to controlled substances, including those changes enacted by the legislature in Laws 2016, chapter 160.

**EFFECTIVE DATE.** This section is effective July 1, 2019.

Sec. 4. Minnesota Statutes 2018, section 244.09, subdivision 8, is amended to read:

Subd. 8. **Administrative services.** The commissioner of corrections shall provide adequate office space and administrative services for the commission, and the commission shall reimburse the commissioner for the space and services provided. The commission may also utilize, with their consent, the services, equipment, personnel, information and resources of other state agencies; and may accept voluntary and uncompensated services, contract with individuals, public and private agencies, and request information, reports and data from, and establish data integrations with, any agency of the state, or any of its political subdivisions, to the extent authorized by law.

**EFFECTIVE DATE.** This section is effective July 1, 2019.

Sec. 5. **[260B.008] USE OF RESTRAINTS.**

(a) As used in this section, "restraints" means a mechanical or other device that constrains the movement of a person's body or limbs.

(b) Restraints may not be used on a child appearing in court in a proceeding under this chapter unless the court finds that:

(1) the use of restraints is necessary:

(i) to prevent physical harm to the child or another; or

(ii) to prevent the child from fleeing in situations in which the child presents a substantial risk of flight from the courtroom; and

(2) there are no less restrictive alternatives to restraints that will prevent flight or physical harm to the child or another, including but not limited to the presence of court personnel, law enforcement officers, or bailiffs.

The finding in clause (1), item (i), may be based, among other things, on the child having a history of disruptive courtroom behavior or behavior while in custody for any current or prior offense that has placed others in potentially harmful situations, or presenting a substantial risk of inflicting physical harm on the child or others as evidenced by past behavior. The court may take into account the physical structure of the courthouse in assessing the applicability of the above factors to the individual child.

(c) The court shall be provided the child's behavior history and shall provide the child an opportunity to be heard in person or through counsel before ordering the use of restraints. If restraints are ordered, the court shall make findings of fact in support of the order.

Sec. 6. **[260B.1755] ALTERNATIVE TO ARREST OF CERTAIN JUVENILE OFFENDERS AUTHORIZED.**

(a) A peace officer may refer a child that the officer has the lawful authority to arrest or has arrested to a program that the law enforcement agency with jurisdiction over the child deems appropriate.

(b) This section does not apply to violent felony offenses or to peace officers acting pursuant to an order or warrant described in section 260B.175, subdivision 1, paragraph (a), or other court order to take a child into custody.

(c) A program authorized by this section may defer prosecution of juvenile offenders who agree to complete appropriate conditions. Upon completion of the conditions, the charge shall be dismissed. Both petty offenders and delinquents are eligible for referrals under this section.

Sec. 7. Minnesota Statutes 2018, section 260B.176, is amended by adding a subdivision to read:

Subd. 1a. **Risk assessment instrument.** A person making a release decision under subdivision 1 shall use an objective and racially, ethnically, and gender-responsive juvenile detention risk assessment instrument developed by the commissioner, county, group of counties, or judicial district, in consultation with the state coordinator or coordinators of the Minnesota Juvenile Detention Alternative Initiative. The risk assessment instrument must assess the likelihood that a child released from preadjudication detention under this section or section 260B.178 would endanger others or not return for a court hearing. The instrument must identify the appropriate setting for a child who might endanger others or not return for a court hearing pending adjudication, with either continued detention or

placement in a noncustodial community-based supervision setting. The instrument must also identify the type of noncustodial community-based supervision setting necessary to minimize the risk that a child who is released from custody will endanger others or not return for a court hearing.

**EFFECTIVE DATE.** This section is effective January 1, 2020.

Sec. 8. Minnesota Statutes 2018, section 590.01, subdivision 4, is amended to read:

Subd. 4. **Time limit.** (a) No petition for postconviction relief may be filed more than two years after the later of:

(1) the entry of judgment of conviction or sentence if no direct appeal is filed; or

(2) an appellate court's disposition of petitioner's direct appeal.

(b) Notwithstanding paragraph (a), a court may hear a petition for postconviction relief if:

(1) the petitioner establishes that a physical disability or mental disease precluded a timely assertion of the claim;

(2) the petitioner alleges the existence of newly discovered evidence, including scientific evidence, that could not have been ascertained by the exercise of due diligence by the petitioner or petitioner's attorney within the two-year time period for filing a postconviction petition, and the evidence is not cumulative to evidence presented at trial, is not for impeachment purposes, and establishes by a clear and convincing standard that the petitioner is innocent of the offense or offenses for which the petitioner was convicted;

(3) the petitioner asserts a new interpretation of federal or state constitutional or statutory law by either the United States Supreme Court or a Minnesota appellate court and the petitioner establishes that this interpretation is retroactively applicable to the petitioner's case;

(4) the petition is brought pursuant to subdivision 3; ~~or~~

(5) the petitioner establishes to the satisfaction of the court that the petition is not frivolous and is in the interests of justice; ~~or~~

(6) the petitioner: (i) is placed into immigration removal proceedings; (ii) is detained for the purpose of removal from the United States; (iii) can provide evidence showing that removal from the United States has become more likely than not; or (iv) is unable to apply for an immigration benefit, such as naturalization or travel, due to the criminal conviction.

(c) Any petition invoking an exception provided in paragraph (b) must be filed within two years of the date the claim arises. A claim arises when the petitioner has actual knowledge of the legal or factual basis for that claim.

Sec. 9. Minnesota Statutes 2018, section 590.11, subdivision 1, is amended to read:

Subdivision 1. **Definition Definitions.** (a) For purposes of this section, the following terms have the meanings given them.

(b) "Exonerated" means that:

(1) a court ~~of this state:~~

(i) vacated or, reversed, or set aside a judgment of conviction on grounds consistent with innocence and there are no remaining felony charges in effect against the petitioner from the same behavioral incident, or if there are remaining felony charges against the petitioner from the same behavioral incident, the prosecutor dismissed the dismisses those remaining felony charges; or

(ii) ordered a new trial on grounds consistent with innocence and the prosecutor dismissed the charges or the petitioner was found not guilty at the new trial all felony charges against the petitioner arising from the same behavioral incident or the petitioner was found not guilty of all felony charges arising from the same behavioral incident at the new trial; and

(2) the time for appeal of the order resulting in exoneration has expired or the order has been affirmed and is final; and

(3) 60 days have passed since the judgment of conviction was reversed or vacated, and the prosecutor has not filed any felony charges against the petitioner from the same behavioral incident, or if the prosecutor did file felony charges against the petitioner from the same behavioral incident, those felony charges were dismissed or the defendant was found not guilty of those charges at the new trial.

(c) "On grounds consistent with innocence" means either:

(1) exonerated, through a pardon or sentence commutation, based on factual innocence; or

(2) exonerated because the judgment of conviction was vacated or reversed, or a new trial was ordered, and there is any evidence of factual innocence whether it was available at the time of investigation or trial or is newly discovered evidence.

**EFFECTIVE DATE.** This section is effective July 1, 2019.

Sec. 10. Minnesota Statutes 2018, section 590.11, subdivision 2, is amended to read:

Subd. 2. **Procedure.** A petition for an order declaring eligibility for compensation based on exoneration under sections 611.362 to 611.368 must be brought before the district court where the original conviction was obtained. The state must be represented by the office of the prosecutor that obtained the conviction or the prosecutor's successor. Within 60 days after the filing of the petition, the prosecutor must respond to the petition. A petition must be brought within two years, but no less than 60 days after the petitioner is exonerated. ~~Persons released from custody after being exonerated before July 1, 2014, must commence an action under this section within two years of July 1, 2014. If before July 1, 2019, a person did not meet both requirements of Minnesota Statutes 2018, section 590.11, subdivision 1, clause (1), item (i), and did not file a petition or the petition was denied, that person may commence an action meeting the requirements under subdivision 1, paragraph (b), clause (1), item (i), on or after July 1, 2019, and before July 1, 2021.~~

**EFFECTIVE DATE.** This section is effective July 1, 2019.

Sec. 11. Minnesota Statutes 2018, section 590.11, subdivision 5, is amended to read:

Subd. 5. **Elements.** (a) A claim for compensation arises if a person is eligible for compensation under subdivision 3 and:

(1) the person was convicted of a felony and served any part of the imposed sentence in prison;

(2) in cases where the person was convicted of multiple charges arising out of the same behavioral incident, the person was exonerated for all of those charges;

(3) the person did not commit or induce another person to commit perjury or fabricate evidence to cause or bring about the conviction; and

(4) the person was not serving a term of ~~imprisonment~~ incarceration for another crime at the same time, ~~provided that~~ except:

(i) if the person served additional time in prison or jail due to the conviction that is the basis of the claim, the person may make a claim for that portion of time served in prison or jail during which the person was serving no other sentence; or

(ii) if the person served additional executed sentences that had been previously stayed, and the reason the additional stayed sentences were executed was due to the conviction that is the basis for the claim.

(b) A claimant may make a claim only for that portion of time served in prison or jail during which the claimant was serving no other sentence, unless the other sentence arose from the circumstances described in paragraph (a), clause (4), item (ii).

(c) A confession or admission later found to be false or a guilty plea to a crime the claimant did not commit does not constitute bringing about the claimant's conviction for purposes of paragraph (a), clause (3).

**EFFECTIVE DATE.** This section is effective July 1, 2019.

Sec. 12. Minnesota Statutes 2018, section 590.11, subdivision 7, is amended to read:

Subd. 7. **Order.** If, after considering all the files and records admitted and any evidence admitted at a hearing held pursuant to subdivision 4, the court determines that the petitioner is eligible for compensation, the court shall issue an order containing its findings and, if applicable, indicate the portion of the term of ~~imprisonment~~ incarceration for which the petitioner is entitled to make a claim. The court shall notify the petitioner of the right to file a claim for compensation under sections 611.362 to 611.368 and provide the petitioner with a copy of those sections. The petitioner must acknowledge receipt of the notice and a copy of those sections in writing or on the record before the court.

**EFFECTIVE DATE.** This section is effective July 1, 2019.

Sec. 13. Minnesota Statutes 2018, section 609.106, subdivision 2, is amended to read:

Subd. 2. **Life without release.** Except as provided in subdivision 3, the court shall sentence a person to life imprisonment without possibility of release under the following circumstances:

(1) the person is convicted of first-degree murder under section 609.185, paragraph (a), clause (1), (2), (4), or (7);

(2) the person is convicted of committing first-degree murder in the course of a kidnapping under section 609.185, paragraph (a), clause (3); or

(3) the person is convicted of first-degree murder under section 609.185, paragraph (a), clause (3), (5), or (6), and the court determines on the record at the time of sentencing that the person has one or more previous convictions for a heinous crime.

Sec. 14. Minnesota Statutes 2018, section 609.106, is amended by adding a subdivision to read:

Subd. 3. **Offender under age 18; life imprisonment.** The court shall sentence a person who was under 18 years of age at the time of the commission of an offense under the circumstances described in subdivision 2 to imprisonment for life.

Sec. 15. Minnesota Statutes 2018, section 609.115, is amended by adding a subdivision to read:

Subd. 11. **Family impact statement.** (a) If the defendant is a parent, guardian, or caregiver of a minor child, and if the defendant may be sentenced to a term of imprisonment, the court may order that the officer preparing the report under subdivision 1 prepare a family impact statement for the purpose of providing the court with information regarding sentencing options other than a term of imprisonment. The family impact statement must address the impact on any minor child and other family members that would result if the defendant is sentenced to a term of imprisonment including, but not limited to, the impact on the financial needs of the child and other family members; the relationship between the defendant and the child; the defendant's duties and responsibilities as a parent, guardian, or caregiver of the child; the availability of community and family support for the child; and the likely impact on the child's health, safety, and education.

(b) At sentencing, the court may consider whether, based on the information in the family impact statement, the defendant is particularly amenable to probation.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to presentence investigation reports caused to be made on or after that date.

Sec. 16. Minnesota Statutes 2018, section 609.135, subdivision 1a, is amended to read:

Subd. 1a. **Failure to pay restitution.** If the court orders payment of restitution as a condition of probation and if the defendant fails to pay the restitution in accordance with the payment schedule or structure established by the court or the probation officer, the prosecutor or the defendant's probation officer may, on the prosecutor's or the officer's own motion or at the request of the victim, ask the court to hold a hearing to determine whether or not the conditions of probation should be changed or probation should be revoked. The defendant's probation officer shall ask for the hearing if the restitution ordered has not been paid prior to 60 days before the term of probation expires. The court shall schedule and hold this hearing and take appropriate action, including action under subdivision 2, paragraph ~~(e)~~ (i), before the defendant's term of probation expires.

Nothing in this subdivision limits the court's ability to refer the case to collections under section 609.104 when a defendant fails to pay court-ordered restitution.

Sec. 17. Minnesota Statutes 2018, section 609.135, subdivision 1c, is amended to read:

Subd. 1c. **Failure to complete court-ordered treatment.** If the court orders a defendant to undergo treatment as a condition of probation and if the defendant fails to successfully complete treatment at least 60 days before the term of probation expires, the prosecutor or the defendant's probation officer may ask the court to hold a hearing to determine whether the conditions of probation should be changed or probation should be revoked. The court shall schedule and hold this hearing and take appropriate action, including action under subdivision 2, paragraph ~~(h)~~ (i), before the defendant's term of probation expires.

Sec. 18. Minnesota Statutes 2018, section 609.135, subdivision 2, is amended to read:

Subd. 2. **Stay of sentence maximum periods.** (a) If the conviction is for a felony other than ~~section 609.2113, subdivision 1 or 2, or 609.2114, subdivision 2, or Minnesota Statutes 2012, section 609.21, subdivision 1a, paragraph (b) or (c)~~ an offense listed in paragraph (b), the stay shall be for not more than ~~four~~ five years ~~or the maximum period for which the sentence of imprisonment might have been imposed, whichever is longer.~~

(b) If the conviction is for a felony violation of section 609.19, 609.195, 609.20, 609.2662, 609.2663, 609.2664, 609.268, 609.342, 609.343, 609.344, 609.345, or 609.3451, the stay shall be for the maximum time period for which the sentence of imprisonment might have been imposed by the court.

~~(b)~~ (c) If the conviction is for a gross misdemeanor violation of section 169A.20, 609.2113, subdivision 3, or 609.3451, or for a felony described in section 609.2113, subdivision 1 or 2, or 609.2114, subdivision 2, the stay shall be for not more than six ~~five~~ years. The court shall provide for unsupervised probation for the last year of the stay unless the court finds that the defendant needs supervised probation for all or part of the last year.

~~(e)~~ (d) If the conviction is for a gross misdemeanor not specified in paragraph ~~(b)~~ (c), the stay shall be for not more than two years.

~~(d)~~ (e) If the conviction is for any misdemeanor under section 169A.20; 609.746, subdivision 1; 609.79; or 617.23; or for a misdemeanor under section 609.2242 or 609.224, subdivision 1, in which the victim of the crime was a family or household member as defined in section 518B.01, the stay shall be for not more than two years. The court shall provide for unsupervised probation for the second year of the stay unless the court finds that the defendant needs supervised probation for all or part of the second year.

~~(e)~~ (f) If the conviction is for a misdemeanor not specified in paragraph ~~(d)~~ (e), the stay shall be for not more than one year.

~~(f)~~ (g) The defendant shall be discharged six months after the term of the stay expires, unless the stay has been revoked or extended under ~~paragraph (g)~~ paragraphs (h) through (l), or the defendant has already been discharged.

(h) If the defendant has received a stayed sentence for a conviction of a felony offense and as a condition of probation was ordered by the court to pay restitution, the probation officer, or the court if the defendant is on unsupervised probation, shall notify the prosecuting authority six months prior to the expiration or early discharge of a stayed sentence, the amount of any unpaid court-ordered restitution. Notwithstanding the maximum periods specified for stays of sentences under paragraph (a) or (b), a court may extend a defendant's term of probation for up to three years if it finds, at a hearing conducted under subdivision 1a, that:

(1) the defendant has not paid court-ordered restitution in accordance with the payment schedule or structure; and

(2) the defendant is likely to not pay the restitution the defendant owes before the term of probation expires.

The extension of probation for failure to pay restitution may be extended by the court for up to two additional years if the court finds, at another hearing conducted under subdivision 1a, that the defendant still has not paid the court-ordered restitution that the defendant owes. Nothing in this subdivision limits the court's ability to refer the case to collections under section 609.104.

(i) If the defendant has received a stayed sentence for a conviction of a felony offense and as a condition of probation was ordered to successfully complete treatment, the probation officer, or the court if the defendant is on unsupervised probation, shall notify the prosecuting authority six months prior to the expiration or early discharge of a stayed sentence as to whether the defendant has successfully completed court-ordered treatment. Notwithstanding the maximum periods specified for stays of sentences under paragraph (a) or (b), a court may extend a defendant's term of probation for up to three years if it finds, at a hearing conducted under subdivision 1c, that:

(1) the defendant has failed to complete court-ordered treatment successfully; and

(2) the defendant is likely not to complete court-ordered treatment before the term of probation expires.

The extension of probation for failure to successfully complete court-ordered treatment may be extended by the court for up to an additional two years if the court finds, at another hearing conducted under subdivision 1c, that the defendant still has not successfully completed the court-ordered treatment.

~~(g)~~ (j) Notwithstanding the maximum periods specified for stays of sentences under paragraphs ~~(a)~~ (c) to (f), a court may extend a defendant's term of probation for up to one year if it finds, at a hearing conducted under subdivision 1a, that:

- (1) the defendant has not paid court-ordered restitution in accordance with the payment schedule or structure; and
- (2) the defendant is likely to not pay the restitution the defendant owes before the term of probation expires.

This one-year extension of probation for failure to pay restitution may be extended by the court for up to one additional year if the court finds, at another hearing conducted under subdivision 1a, that the defendant still has not paid the court-ordered restitution that the defendant owes.

Nothing in this subdivision limits the court's ability to refer the case to collections under section 609.104.

~~(h)~~ (k) Notwithstanding the maximum periods specified for stays of sentences under paragraphs ~~(a)~~ (c) to (f), a court may extend a defendant's term of probation for up to three years if it finds, at a hearing conducted under subdivision 1c, that:

- (1) the defendant has failed to complete court-ordered treatment successfully; and
- (2) the defendant is likely not to complete court-ordered treatment before the term of probation expires.

(l) If the defendant has received a stayed sentence for a conviction of a violent crime as defined under section 609.1095, subdivision 1, paragraph (d), except violations of any provisions of chapter 152, the probation officer, or the court if the defendant is on unsupervised probation, shall notify the prosecuting authority six months prior to the expiration or early discharge of a stayed sentence that the stayed sentence will expire or that the defendant will be discharged early from a stayed sentence. Notwithstanding the maximum periods specified for stays of sentences under paragraph (a) or (b), upon motion by the prosecuting authority and hearing, a court may extend a defendant's term of probation up to three years if it finds by a preponderance of the evidence that the defendant remains a threat to public safety. In making this determination, the court shall consider the following:

- (1) the seriousness and frequency of any previous violations of the conditions of probation;
- (2) any pending probation violations or criminal offenses for which a violation report or criminal charge has been filed with a court;
- (3) whether the defendant has been convicted of additional criminal offenses while on probation; and
- (4) whether the court issued a domestic abuse no contact order pursuant to section 629.75, subdivision 1, and whether such an order remains in effect.

Upon motion of the prosecuting authority and hearing, the extension of probation on the basis that the defendant remains a threat to public safety may be extended by the court for up to two additional years if the court, using the same factors as above, finds by a preponderance of the evidence that the defendant remains a threat to public safety. Any extensions of probation ordered by the court under this subdivision may not exceed the maximum period for which the sentence of imprisonment might have been imposed.

(m) Notwithstanding the time periods for stays of sentences under paragraphs (a) to (f), a court may discharge a defendant from probation before the expiration of the maximum period prescribed for the probation. If the defendant is discharged from probation before the expiration of the maximum period prescribed for probation, the defendant shall not be subject to a custody status point if charged and convicted of a subsequent crime during the original pronounced probationary sentence.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to stays of sentence granted on or after that date.

Sec. 19. Minnesota Statutes 2018, section 609.135, is amended by adding a subdivision to read:

**Subd. 2a. Stay of sentence maximum periods; sentence stayed before August 1, 2019.** (a) Notwithstanding the sentence announced by the court, an eligible offender shall be discharged from probation on August 1, 2024, unless the court extends the defendant's term of probation consistent with subdivision 2, paragraph (h), (i), or (l).

(b) As used in this section, "eligible offender" means a person who:

(1) was sentenced prior to August 1, 2019, for a felony offense other than an offense listed in subdivision 2, paragraph (b);

(2) received a stay of imposition or execution of sentence pursuant to subdivision 1;

(3) has not been discharged from probation; and

(4) is serving a sentence that has not otherwise expired or been executed.

**EFFECTIVE DATE.** This section is effective August 1, 2019.

Sec. 20. Minnesota Statutes 2018, section 609.3455, subdivision 2, is amended to read:

**Subd. 2. Mandatory life sentence without release; egregious first-time and repeat offenders.** (a) Except as provided in paragraph (c), notwithstanding the statutory maximum penalty otherwise applicable to the offense, the court shall sentence a person convicted under section 609.342, subdivision 1, paragraph (c), (d), (e), (f), or (h); or 609.343, subdivision 1, paragraph (c), (d), (e), (f), or (h), to life without the possibility of release if:

(1) the fact finder determines that two or more heinous elements exist; or

(2) the person has a previous sex offense conviction for a violation of section 609.342, 609.343, or 609.344, and the fact finder determines that a heinous element exists for the present offense.

(b) A fact finder may not consider a heinous element if it is an element of the underlying specified violation of section 609.342 or 609.343. In addition, when determining whether two or more heinous elements exist, the fact finder may not use the same underlying facts to support a determination that more than one element exists.

(c) The court shall sentence a person who was under 18 years of age at the time of the commission of an offense described in paragraph (a) to imprisonment for life.

Sec. 21. Minnesota Statutes 2018, section 609A.02, is amended by adding a subdivision to read:

**Subd. 1a. Identity theft or mistaken identity.** (a) Upon the dismissal and discharge of criminal proceedings brought against a person as a result of mistaken identity or another person using the identifying information of the named person by identity theft under section 609.527, the prosecutor shall notify the court of the dismissal and

discharge under section 609A.025. The court administrator under section 609A.03, subdivision 8, shall send a copy of the expungement order to each state and federal agency and jurisdiction, including but not limited to the Departments of Corrections and Public Safety and law enforcement agencies, whose records are affected by the order.

(b) The condition under section 299C.11, subdivision 1, that an arrested person's criminal records may only be destroyed or sealed if the arrested person has not been convicted of any felony or gross misdemeanor within ten years immediately preceding the determination of all criminal actions or proceedings in favor of the arrested person, does not apply to a person who, as a result of mistaken identity or identity theft, is charged and:

(1) the charges are dismissed prior to a determination of probable cause or the prosecutor declined to file charges and a grand jury did not return an indictment; or

(2) all criminal actions or proceedings are determined in favor of the arrested person.

(c) The effect of the court order to seal the record of the proceedings under paragraph (a) shall be to restore the person, under the law, to the status the person occupied before the arrest, indictment or information, trial, and dismissal and discharge. The person shall not be guilty of perjury or otherwise of giving a false statement if the person fails to acknowledge the arrest, indictment, information, or trial in response to any inquiry made for any purpose. The person shall not be responsible for any fees or costs resulting from the court order including but not limited to reinstatement fees of any licenses or the costs of sealing records.

(d) For the purposes of this section, the following terms have the meanings given them:

(1) "law enforcement agency" means a Minnesota municipal police department, the Metropolitan Transit Police, the Metropolitan Airports Police, the University of Minnesota Police Department, the Department of Corrections Fugitive Apprehension Unit, a Minnesota county sheriff's department, the Enforcement Division of the Department of Natural Resources, the Commerce Fraud Bureau, the Bureau of Criminal Apprehension, or the Minnesota State Patrol; and

(2) "mistaken identity" means the erroneous arrest of a person for a crime as a result of misidentification by a witness or law enforcement, confusion on the part of a witness or law enforcement as to the identity of the person who committed the crime, misinformation provided to law enforcement as to the identity of the person who committed the crime, or some other mistake on the part of a witness or law enforcement as to the identity of the person who committed the crime.

Sec. 22. Minnesota Statutes 2018, section 609A.025, is amended to read:

**609A.025 NO PETITION REQUIRED IN CERTAIN CASES WITH PROSECUTOR AGREEMENT AND NOTIFICATION.**

(a) If the prosecutor agrees to the sealing of a criminal record, the court shall seal the criminal record for a person described in section 609A.02, subdivision 1a or 3, without the filing of a petition unless it determines that the interests of the public and public safety in keeping the record public outweigh the disadvantages to the subject of the record in not sealing it.

(b) Before agreeing to the sealing of a record under this section, the prosecutor shall make a good faith effort to notify any identifiable victims of the offense of the intended agreement and the opportunity to object to the agreement.

(c) Subject to paragraph (b), the agreement of the prosecutor to the sealing of records for a person described in section 609A.02, subdivision 1a or 3, paragraph (a), clause (2), may occur before or after the criminal charges are dismissed.

Sec. 23. Minnesota Statutes 2018, section 611.365, subdivision 2, is amended to read:

Subd. 2. **Reimbursement; monetary damages; attorney fees.** (a) The claimant is entitled to reimbursement for all restitution, assessments, fees, court costs, and other sums paid by the claimant as required by the judgment and sentence. In addition, the claimant is entitled to monetary damages of not less than \$50,000 for each year of ~~imprisonment~~ incarceration, and not less than \$25,000 for each year served on supervised release or probation or as a registered predatory offender, to be prorated for partial years served. In calculating additional monetary damages, the panel shall consider:

(1) economic damages, including reasonable attorney fees, lost wages, reimbursement for costs associated with the claimant's criminal defense;

(2) reimbursement for medical and dental expenses that the claimant already incurred and future unpaid expenses expected to be incurred as a result of the claimant's ~~imprisonment~~ incarceration;

(3) noneconomic damages for personal physical injuries or sickness and any nonphysical injuries or sickness incurred as a result of ~~imprisonment~~ incarceration;

(4) reimbursement for any tuition and fees paid for each semester successfully completed by the claimant in an educational program or for employment skills and development training, up to the equivalent value of a four-year degree at a public university, and reasonable payment for future unpaid costs for education and training, not to exceed the anticipated cost of a four-year degree at a public university;

(5) reimbursement for paid or unpaid child support payments owed by the claimant that became due, and interest on child support arrearages that accrued, during the time served in prison provided that there shall be no reimbursement for any child support payments already owed before the claimant's incarceration; and

(6) reimbursement for reasonable costs of paid or unpaid reintegrative expenses for immediate services secured by the claimant upon exoneration and release, including housing, transportation and subsistence, reintegrative services, and medical and dental health care costs.

(b) The panel shall award the claimant reasonable attorney fees incurred in bringing a claim under sections 611.362 to 611.368 and in obtaining an order of eligibility for compensation based on exoneration under chapter 590.

**EFFECTIVE DATE.** This section is effective July 1, 2019.

Sec. 24. Minnesota Statutes 2018, section 611.365, subdivision 3, is amended to read:

Subd. 3. **Limits on damages.** There is no limit on the aggregate amount of damages that may be awarded under this section. Damages that may be awarded under subdivision 2, paragraph (a), clauses (1) and (4) to (6), are limited to \$100,000 per year of ~~imprisonment~~ incarceration and \$50,000 per year served on supervised release or probation or as a registered predatory offender.

**EFFECTIVE DATE.** This section is effective July 1, 2019.

Sec. 25. Minnesota Statutes 2018, section 611.367, is amended to read:

**611.367 COMPENSATING EXONERATED PERSONS; APPROPRIATIONS PROCESS.**

The compensation panel established in section 611.363 shall forward an award of damages under section 611.365 to the commissioner of management and budget. The commissioner shall submit the amount of the award to the legislature for consideration as an appropriation ~~during the next session of the legislature.~~

**EFFECTIVE DATE.** This section is effective July 1, 2019.

Sec. 26. Minnesota Statutes 2018, section 611.368, is amended to read:

**611.368 SHORT TITLE.**

Sections 611.362 to 611.368 shall be cited as the "~~Imprisonment~~ Incarceration and Exoneration Remedies Act."

**EFFECTIVE DATE.** This section is effective July 1, 2019.

Sec. 27. Minnesota Statutes 2018, section 611A.039, subdivision 1, is amended to read:

Subdivision 1. **Notice required.** (a) Except as otherwise provided in subdivision 2, within 15 working days after a conviction, acquittal, or dismissal in a criminal case in which there is an identifiable crime victim, the prosecutor shall make reasonable good faith efforts to provide to each affected crime victim oral or written notice of the final disposition of the case.

(b) The probation agent or office responsible for supervising an offender, or the agent's or office's designee, shall make a reasonable and good faith effort to notify each affected crime victim within a reasonable time after the court orders an offender discharged early from probation.

(c) When the court is considering modifying the sentence for a felony or a crime of violence or an attempted crime of violence, the court or its designee shall make a reasonable and good faith effort to notify the victim of the crime. If the victim is incapacitated or deceased, notice must be given to the victim's family. If the victim is a minor, notice must be given to the victim's parent or guardian. The notice must include:

(1) the date and approximate time of the review;

(2) the location where the review will occur;

(3) the name and telephone number of a person to contact for additional information; and

(4) a statement that the victim and victim's family may provide input to the court concerning the sentence modification.

(d) As used in this section, "crime of violence" has the meaning given in section 624.712, subdivision 5, and also includes gross misdemeanor violations of section 609.224, and nonfelony violations of sections 518B.01, 609.2231, 609.3451, 609.748, and 609.749.

Sec. 28. Minnesota Statutes 2018, section 629.53, is amended to read:

**629.53 PROVIDING RELEASE ON BAIL; COMMITMENT.**

Subdivision 1. **Pretrial release.** A person charged with a criminal offense may be released with or without bail in accordance with rule 6.02 of the Rules of Criminal Procedure and this section. To the extent a court determines there is a conflict between rule 6.02 of the Rules of Criminal Procedure and this section, this section shall control.

Subd. 2. **Release of a person charged with a misdemeanor offense.** (a) A defendant charged with a misdemeanor offense, other than a violation identified in paragraph (e), must be released on personal recognizance unless the court determines that there is a substantial likelihood that the defendant will not appear at future court proceedings or poses a threat to a victim's safety.

(b) If the court determines that there is a substantial likelihood that a defendant will not appear at future court appearances, the court must impose the least restrictive conditions of release that will reasonably assure the person's appearance as ordered. These conditions of release include but are not limited to an unsecured appearance bond or money bail on which the defendant may be released by posting cash or sureties. If the court sets conditions of release other than an unsecured appearance bond or money bail, it must also set money bail without other conditions on which the defendant may be released.

(c) The court must not impose a financial condition of release on a defendant subject to this subdivision that results in the pretrial detention of the defendant. Financial conditions of release include but are not limited to money bail.

(d) If a defendant subject to this subdivision remains in custody for more than 48 hours after the court imposes a financial condition of release, the court must review the conditions of release and there exists a rebuttable presumption that the financial condition resulted in the pretrial detention of the defendant.

(e) This subdivision does not apply to violations of:

(1) section 169A.20;

(2) section 518B.01;

(3) section 609.224;

(4) section 609.2242;

(5) section 609.748;

(6) section 609.749; and

(7) section 629.75.

(f) If a defendant released pursuant to paragraph (a) or (b) fails to appear at a required court hearing, the court shall issue a summons or warrant directing that the defendant appear in court pursuant to rule 6.03 of the Rules of Criminal Procedure.

Subd. 3. **Presumption of release on personal recognizance.** Except as described in subdivision 2, on appearance before the court, a defendant charged with a misdemeanor must be released on personal recognizance or an unsecured appearance bond unless otherwise provided by law, or a court determines that release will endanger the public safety, a victim's safety, or will not reasonably assure the defendant's appearance.

**Subd. 4. Money bail; disposition.** Money bail is the property of the accused, whether deposited by that person or by a third person on the accused's behalf. When money bail is accepted by a judge, that judge shall order it to be deposited with the court administrator. The court administrator shall retain it until the final disposition of the case and the final order of the court disposing of the case. Upon release, the amount released must be paid to the accused personally or upon that person's written order. In case of conviction, the judge may order the money bail deposit to be applied to any fine or restitution imposed on the defendant by the court and, if the fine or restitution is less than the deposit, order the balance to be paid to the defendant. Money bail deposited with the court or any officer of it is exempt from garnishment or levy under attachment or execution.

**EFFECTIVE DATE.** This section is effective August 1, 2019.

Sec. 29. Minnesota Statutes 2018, section 638.02, subdivision 3, is amended to read:

**Subd. 3. Pardon extraordinary; filing; copies sent.** Upon granting a pardon extraordinary, the Board of Pardons shall file a copy of it with the district court of the county in which the conviction occurred, ~~and the court shall order the conviction set aside and include a copy of the pardon in the court file.~~ The court shall order all records wherever held relating to the arrest, indictment or information, trial, verdict, and pardon sealed and prohibit the disclosure of the existence of the records or the opening of the records except under court order or pursuant to section 609A.03, subdivision 7a, paragraph (b), clause (1). The court shall send a copy of its order and the pardon to the Bureau of Criminal Apprehension and all other government entities that hold affected records.

Sec. 30. Laws 2017, chapter 95, article 3, section 30, is amended to read:

**Sec. 30. ALTERNATIVES TO INCARCERATION PILOT PROGRAM FUND.** (a) Agencies providing supervision to offenders on probation, parole, or supervised release are eligible for grants to facilitate access to community options including, but not limited to, inpatient chemical dependency treatment for nonviolent controlled substance offenders to address and correct behavior that is, or is likely to result in, a technical violation of the conditions of release. For purposes of this section, "nonviolent controlled substance offender" is a person who meets the criteria described under Minnesota Statutes, section 244.0513, subdivision 2, clauses (1), (2), and (5), and "technical violation" means a violation of a court order of probation, condition of parole, or condition of supervised release, except an allegation of a subsequent criminal act that is alleged in a formal complaint, citation, or petition.

(b) The Department of Corrections shall establish criteria for selecting grant recipients and the amount awarded to each grant recipient.

(c) ~~By January 15, 2019,~~ The commissioner of corrections shall submit a an annual report to the chairs of the house of representatives and senate committees with jurisdiction over public safety policy and finance by January 15 of each year. At a minimum, the report must include:

- (1) the total number of grants issued under this program;
- (2) the average amount of each grant;
- (3) the community services accessed as a result of the grants;
- (4) a summary of the type of supervision offenders were under when a grant was used to help access a community option;
- (5) the number of individuals who completed, and the number who failed to complete, programs accessed as a result of this grant; ~~and~~

(6) the number of individuals who violated the terms of release following participation in a program accessed as a result of this grant, separating technical violations and new criminal offenses-;

(7) the number of individuals who completed or were discharged from probation after participating in the program;

(8) the number of individuals identified in clause (7) who committed a new offense within four years after discharge from the program;

(9) identification of barriers nonviolent controlled substance offenders face in accessing community services and a description of how the program navigates those barriers; and

(10) identification of gaps in existing community services for nonviolent controlled substance offenders.

**EFFECTIVE DATE.** This section is effective July 1, 2019.

Sec. 31. **GRANTS TO FACILITATE EXIT FROM SUPERVISED RELEASE.**

(a) The commissioner of corrections shall provide grants to facilitate access to community options for supervised offenders. The commissioner shall establish criteria for selecting grant recipients and the amount awarded to each grant recipient, with a preference for how recipients will enhance existing supervision and services.

(b) By January 15, 2021, the commissioner of corrections shall submit a report to the chairs and ranking minority members of the senate and house of representatives committees and divisions having jurisdiction over public safety policy and finance. At a minimum, the report must include:

(1) the total number of grants issued under this program;

(2) the average amount of each grant;

(3) the community services accessed as a result of the grants;

(4) a summary of the type of supervision offenders were under when a grant was used to help access a community option;

(5) the number of individuals who completed, and the number who failed to complete, programs accessed as a result of this grant; and

(6) the number of individuals who violated the terms of release following participation in a program accessed as a result of this grant, separating technical violations and new criminal offenses.

**EFFECTIVE DATE.** This section is effective July 1, 2019.

Sec. 32. **RULE SUPERSEDED.**

Minnesota Rules of Juvenile Delinquency Procedure, rule 2.03, subdivision 1, is superseded to the extent it conflicts with Minnesota Statutes, section 260B.008.

Sec. 33. **COMPLIANCE WITH JUVENILE RESTRAINT PROVISION.**

By July 1, 2020, each judicial district shall develop a protocol to address how to implement and comply with Minnesota Statutes, section 260B.008. In developing the protocol, a district shall consult with law enforcement agencies, prosecutors, and public defenders within the district, as well as any other entity deemed necessary by the district's chief judge.

Sec. 34. **ADOPTION OF JUVENILE DETENTION RISK ASSESSMENT INSTRUMENT.**

Subdivision 1. **Adoption required.** By September 15, 2020, the commissioner of corrections shall adopt an objective and racially, ethnically, and gender-responsive juvenile detention risk assessment instrument.

Subd. 2. **Consultation required.** In adopting the risk assessment instrument required in subdivision 1, the commissioner shall consult and collaborate with the commissioners of public safety and human services, state coordinator or coordinators of the Minnesota Juvenile Detention Alternative Initiative, and individuals throughout the state who are knowledgeable in matters relating to the detention and treatment of juvenile offenders and at-risk juveniles including but not limited to individuals from the courts, probation, law enforcement, prosecutorial offices, public defender's offices, communities of color, social services, juvenile detention and shelter care facilities, and juvenile residential treatment and correctional facilities. The commissioner shall also review similar risk assessment instruments in use both inside and outside of the state.

Sec. 35. **SPECIALIZED MENTAL HEALTH COMMUNITY SUPERVISION.**

Subdivision 1. **Authorization.** The commissioner of corrections shall award grants to up to two counties with no mental health specialty court to develop and implement a pilot project to evaluate the impact of a coordinated, multidisciplinary service delivery approach for offenders on probation, parole, supervised release, or pretrial status struggling with mental illness in the community. The pilot project is from July 1, 2019, to June 30, 2021.

Subd. 2. **Pilot project goals and design.** (a) The pilot project must provide enhanced assessment, case management, treatment services, and community supervision for criminal justice clients with mental illness struggling to manage symptoms and behavior resulting in heightened risk to harm self or others, recidivate, commit violations of supervision, or face incarceration or reincarceration.

(b) The goals of the pilot project are to:

(1) improve mental health service delivery and supervision coordination through the establishment of a multidisciplinary caseload management team that must include at least one probation officer and one social services professional who share case management responsibilities;

(2) provide expedited assessment, diagnosis, and community-based treatment and programming for acute symptom and behavior management;

(3) enhance community supervision through a specialized caseload and team specifically trained to work with individuals with mental illness;

(4) offer community-based mental health treatment and programming alternatives to jail or prison incarceration if available and appropriate;

(5) reduce the number of incarceration days related to unmanaged mental illness and technical violations;

(6) eliminate or reduce duplication of services between county social services and corrections; and

(7) improve collaboration and reduce barriers among criminal justice system partners, county social services, and community service providers.

Subd. 3. **Target population.** The target population of the pilot project is:

(1) adult offenders on probation, parole, supervised release, or pretrial status assessed with significant or unmanaged mental illness or acute symptoms who may pose a risk to self or others, pose an increased risk to recidivate, or commit technical violations of supervision;

(2) adult offenders receiving county social service case management for mental illness and under correctional supervision in a county with no mental health specialty court; and

(3) adult offenders incarcerated in jail with significant or unmanaged mental illness who may be safely treated in a community setting under correctional supervision.

Subd. 4. **Evaluation and report.** By October 1, 2021, grant recipients must report to the chairs and ranking members of the legislative committees and divisions with jurisdiction over public safety and corrections, and the commissioner of corrections, on the impact and outcomes of the project.

Sec. 36. **TASK FORCE ON THE IMPLEMENTATION OF DOSAGE PROBATION.**

Subdivision 1. **Establishment.** A task force on the implementation of dosage probation is established to analyze dosage probation and earned time credit programs, develop a comprehensive plan for implementation of dosage probation in Minnesota, and recommend possible legislative action.

Subd. 2. **Membership.** (a) The task force consists of 16 members as follows:

(1) the chief justice of the supreme court or a designee;

(2) one district court judge appointed by the chief justice of the supreme court;

(3) the state public defender or a designee;

(4) one county attorney appointed by the board of directors of the Minnesota County Attorneys Association;

(5) one city attorney;

(6) the commissioner of corrections or a designee;

(7) one probation officer from a Community Corrections Act county in the metropolitan area;

(8) one probation officer from a Community Corrections Act county in greater Minnesota;

(9) one probation officer from the Department of Corrections;

(10) one county probation officer as described in Minnesota Statutes, section 244.19;

(11) one peace officer, as defined in Minnesota Statutes, section 626.84, from the metropolitan area;

(12) one peace officer, as defined in Minnesota Statutes, section 626.84, from greater Minnesota;

(13) two individuals who have been convicted of a felony offense and served a sentence of probation;

(14) a representative from a nonprofit agency providing treatment services to individuals on probation in the metropolitan area; and

(15) a representative from a nonprofit agency providing treatment services to individuals on probation in greater Minnesota.

(b) For purposes of this subdivision, "metropolitan area" has the meaning given in Minnesota Statutes, section 473.121, subdivision 2, and "greater Minnesota" has the meaning given in Minnesota Statutes, section 116J.8738, subdivision 1, paragraph (e).

(c) Members of the task force serve without compensation.

(d) Unless otherwise specified, members shall be appointed by the commissioner of corrections. Members of the task force serve at the pleasure of the appointing authority or until the task force expires. Vacancies shall be filled by the appointing authority consistent with the qualifications of the vacating member required by this subdivision.

**Subd. 3. Officers; meetings.** (a) The task force shall elect a chair and vice-chair and may elect other officers as necessary.

(b) The commissioner of corrections shall convene the first meeting of the task force no later than August 1, 2019, and shall provide meeting space and administrative assistance as necessary for the task force to conduct its work.

(c) The task force shall meet at least quarterly or upon the call of its chair. The task force shall meet sufficiently enough to accomplish the tasks identified in this section. Meetings of the task force are subject to Minnesota Statutes, chapter 13D.

(d) The task force shall request the cooperation and assistance of tribal governments, nongovernmental organizations, community and advocacy organizations working with adults on probation, and academic researchers and experts.

**Subd. 4. Duties.** (a) The duties of the task force shall, at a minimum, include:

(1) reviewing and examining the dosage probation model of the National Institute of Corrections;

(2) reviewing and assessing current supervision models in use in Minnesota, including specialty courts and any pilot projects;

(3) reviewing and assessing probation models in use in other states;

(4) recommending training for judges, county attorneys, city attorneys, public defenders, and probation agents;

(5) identifying gaps in existing services, supports, and housing for individuals on probation;

(6) developing a comprehensive plan to implement a dosage probation model in Minnesota; and

(7) reviewing existing Minnesota law and proposing amendments or new statutory provisions.

(b) At its discretion, the task force may examine other related issues consistent with this section.

**Subd. 5. Report.** On or before January 15, 2020, the task force shall report to the chairs and ranking members of the legislative committees and divisions with jurisdiction over public safety on the work of the task force including but not limited to the issues to be examined in subdivision 1. The report shall include an assessment of the

effect adopting dosage probation would be expected to have on public safety, probation supervision, and the Department of Corrections; the comprehensive plan developed under subdivision 4; and any recommended legislative action.

**EFFECTIVE DATE.** This section is effective July 1, 2019.

Sec. 37. **SENTENCING GUIDELINES; MODIFICATIONS.**

(a) By January 15, 2020, the Sentencing Guidelines Commission shall propose to the legislature modifications to the sentencing guidelines, including the guidelines grid, establishing probation guidelines or early discharge targets. When proposing the modifications, the commission must advise the legislature how the probation guidelines or early discharge targets will work in conjunction with the procedural requirements imposed by the U.S. Supreme Court decision in Blakely v. Washington, 542 U.S. 296 (2004), and make recommendations regarding statutory changes that may be needed to facilitate their operation.

(b) Modifications proposed by the commission under this section are effective August 1, 2020, unless the legislature by law provides otherwise.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 38. **EFFECTIVE DATE.**

Sections 1, 2, 13, 14, and 20 are effective the day following final enactment and apply to offenders sentenced on or after that date, and retroactively to offenders sentenced to life imprisonment without possibility of release following a conviction under Minnesota Statutes, section 609.185, paragraph (a), clause (1), (2), (4), or (7), for an offense committed when the offender was under 18 years of age and when a sentence was imposed pursuant to Minnesota Statutes, section 609.106, subdivision 2, clause (1).

ARTICLE 10  
FIREFIGHTERS

Section 1. Minnesota Statutes 2018, section 299N.01, subdivision 2, is amended to read:

Subd. 2. **Fire department.** "Fire department" means a regularly organized fire department, fire protection district, or fire company, ~~as defined in the State Fire Code adopted under section 326B.02, subdivision 6,~~ regularly charged with the responsibility of providing fire protection to the state or a local government and includes a private nonprofit fire department directly serving a local government. It does not include industrial fire brigades that do not have a fire department identification number issued by the state fire marshal.

Sec. 2. Minnesota Statutes 2018, section 299N.01, subdivision 3, is amended to read:

Subd. 3. **Firefighter.** "Firefighter" means a volunteer, paid on-call, part-time, or ~~career~~ full-time firefighter serving a general population within the boundaries of the state.

Sec. 3. Minnesota Statutes 2018, section 299N.02, subdivision 1, is amended to read:

Subdivision 1. **Membership.** Notwithstanding any provision of chapter 15 to the contrary, the Board of Firefighter Training and Education consists of the following members:

(1) five members representing the Minnesota State Fire Department Association, four of whom must be volunteer firefighters and one of whom may be a ~~career~~ full-time firefighter, appointed by the governor;

(2) two members representing the Minnesota State Fire Chiefs Association, one of whom must be a volunteer fire chief, appointed by the governor;

(3) two members representing the Minnesota Professional Firefighters Association, appointed by the governor;

(4) two members representing Minnesota home rule charter and statutory cities, appointed by the governor;

(5) two members representing Minnesota towns, appointed by the governor;

(6) the commissioner of public safety or the commissioner's designee; and

(7) one public member not affiliated or associated with any member or interest represented in clauses (1) to (6), appointed by the governor.

The Minnesota State Fire Department Association shall recommend five persons to be the members described in clause (1), the Minnesota State Fire Chiefs Association shall recommend two persons to be the members described in clause (2), the Minnesota Professional Firefighters Association shall recommend two persons to be the members described in clause (3), the League of Minnesota Cities shall recommend two persons to be the members described in clause (4), and the Minnesota Association of Townships shall recommend two persons to be the members described in clause (5). In making the appointments the governor shall try to achieve representation from all geographic areas of the state.

Sec. 4. Minnesota Statutes 2018, section 299N.02, subdivision 2, is amended to read:

Subd. 2. **Terms; chair; compensation.** Members of the board shall serve for terms of four years and ~~annually~~ biennially elect a chair from among the members. Terms and filling of vacancies are subject to section 15.0575, subdivisions 2, 4, and 5. Members serve without compensation.

Sec. 5. Minnesota Statutes 2018, section 299N.02, subdivision 3, is amended to read:

Subd. 3. **Powers and duties.** (a) The board shall:

(1) review fire service training needs and make recommendations on training to Minnesota fire service organizations;

(2) establish standards for educational programs for the fire service and develop procedures for continuing oversight of the programs;

(3) establish qualifications for fire service training instructors in programs established under clause (2); ~~and~~

(4) maintain a list of instructors that have met the qualifications established under clause (3), subject to application procedures and requirements established by the board; and

~~(4)~~ (5) license full-time firefighters and volunteer firefighters under this chapter.

(b) The board may:

(1) hire or contract for technical or professional services according to section 15.061;

(2) pay expenses necessary to carry out its duties;

(3) apply for, receive, and accept grants, gifts, devises, and endowments that any entity may make to the board for the purposes of this chapter and may use any money given to it consistent with the terms and conditions under which the money was received and for the purposes stated;

(4) accept funding from the fire safety account and allocate funding to Minnesota fire departments in the form of reimbursements that are consistent with the board's recommendations and the Department of Public Safety firefighter training;

(5) set guidelines regarding how the allocated reimbursement funds must be disbursed;

(6) set and make available to the fire service standards governing the use of funds reimbursed under this section;

~~(4)~~ (7) make recommendations to the legislature to improve the quality of firefighter training;

~~(5)~~ (8) collect and provide data, subject to section 13.03;

~~(6)~~ (9) conduct studies and surveys and make reports; and

~~(7)~~ (10) conduct other activities necessary to carry out its duties.

Sec. 6. Minnesota Statutes 2018, section 299N.03, subdivision 4, is amended to read:

Subd. 4. **Fire department.** "Fire department" has the meaning given it in section 299F.092, subdivision 6. For purposes of sections 299N.04 and 299N.05, fire department also includes a division of a state agency, regularly charged with the responsibility of providing fire protection to the state or a local government, to include a private, nonprofit fire department directly serving a local government, but does not include ~~an industrial fire brigade~~ brigades that do not have a fire department identification number issued by the state fire marshal.

Sec. 7. Minnesota Statutes 2018, section 299N.03, subdivision 5, is amended to read:

Subd. 5. **Full-time firefighter.** A "full-time firefighter" means a person who is employed and charged with the prevention ~~and~~ or suppression of fires within the boundaries of the state on a full-time, ~~salary~~ basis and who is directly engaged in the hazards of firefighting or is in charge of ~~a designated fire company or companies, as defined in section 299N.01, subdivision 2,~~ that are directly engaged in the hazards of firefighting. Full-time firefighter does not include a volunteer, part-time, or paid-on-call firefighter.

Sec. 8. Minnesota Statutes 2018, section 299N.03, subdivision 6, is amended to read:

Subd. 6. **Licensed firefighter.** "Licensed firefighter" means a full-time firefighter, to include a fire department employee, member, supervisor, state employee, or appointed official, who is licensed by the board and charged with the prevention or suppression of fires within the boundaries of the state. Licensed firefighter may also include a volunteer firefighter.

Sec. 9. Minnesota Statutes 2018, section 299N.03, is amended by adding a subdivision to read:

Subd. 8. **NFPA 1001 standard.** "NFPA 1001 standard" means the standard for firefighter professional qualifications established by the National Fire Protection Association.

Sec. 10. Minnesota Statutes 2018, section 299N.04, is amended to read:

**299N.04 FIREFIGHTER CERTIFICATION EXAMINATION.**

Subdivision 1. ~~Certification Examination; requirements.~~ (a) The board must appoint an organization that is accredited by the International Fire Service Accreditation Congress to prepare and administer firefighter certification examinations. Firefighter certification examinations ~~shall~~ must be designed to ensure and demonstrate competency ~~in at least the following areas: that meets the NFPA 1001 standard or a national standard in areas including but not limited to:~~

- (1) fire prevention;
- (2) fire suppression; and
- (3) hazardous materials operations.

~~(b) To receive a certificate, an individual must demonstrate competency in fire prevention and fire suppression.~~

(b) Certification must be obtained by the individual demonstrating competency in fire prevention and protection under the NFPA 1001 standard.

(c) Nothing in this section shall be construed to prohibit any requirement imposed by a local fire department for more comprehensive training.

Subd. 2. **Eligibility for certification examination.** Except as provided in subdivision 3, any person may take the firefighter certification examination who has successfully completed the following:

(1)(i) a firefighter course from a postsecondary educational institution, an accredited institution of higher learning, or another entity that teaches a course that has been approved by the board; or (ii) an apprenticeship or cadet program maintained by a Minnesota fire department ~~employing the person~~ that has been approved by the board; and

(2) a skills-oriented basic training course.

Subd. 3. **Certain baccalaureate or associate degree holders eligible to take certification examination.** A person with a baccalaureate degree or an associate degree in applied fire science technology from an accredited college or university, who has successfully completed the skills-oriented basic training course under subdivision 2, clause (2), is eligible to take the firefighter certification examination notwithstanding the requirements of subdivision 2, clause (1).

Sec. 11. Minnesota Statutes 2018, section 299N.05, subdivision 1, is amended to read:

Subdivision 1. **Licensure requirement.** A firefighter employed full time by a fire department is not eligible for permanent employment without being licensed by the board: and meeting the following requirements:

(1) the firefighter successfully completes a firefighter examination under section 299N.04 or completes the examination while serving a probationary period, if any, as determined by the hiring authority; and

(2) the chief firefighting officer or the chief designee completes the employment verification portion of the licensing process.

Sec. 12. Minnesota Statutes 2018, section 299N.05, subdivision 2, is amended to read:

Subd. 2. **Optional licensing.** A volunteer firefighter affiliated with a department may receive or apply for licensure under ~~this section~~ subdivision 1 and section 299N.04 under the same terms as full-time firefighters.

Sec. 13. Minnesota Statutes 2018, section 299N.05, subdivision 5, is amended to read:

Subd. 5. **Obtaining a firefighter license.** To obtain a license, a firefighter must be affiliated with a fire department, complete the board application process, and meet the requirements of this section or section 299N.04 or 299N.06. A license is valid for a three-year period determined by the board, and the fee for the license is \$75. Fees under this subdivision may be prorated by the board for licenses issued with a three-year licensure period.

Sec. 14. Minnesota Statutes 2018, section 299N.05, subdivision 6, is amended to read:

Subd. 6. **License renewal; expiration and reinstatement.** (a) A license ~~shall~~ must be renewed ~~so long as if~~ the firefighter and the chief firefighting officer ~~provide evidence to the board that the licensed firefighter has had 72 hours of approved firefighting training in the preceding three years and the firefighter completes the renewal application. The fee for renewing a firefighter license is \$75, and the license is valid for an additional three years.~~ or chief designee completes the renewal application and:

(1) attests to the board that the licensed firefighter has met the required 72 hours of approved firefighter training in the preceding three years;

(2) upon request, provides evidence the licensed firefighter completed the required 72 hours of approved firefighter training in the preceding three years;

(3) verifies that the licensed firefighter is actively serving on a department; and

(4) attests that the licensed firefighter has not been convicted of or pled guilty or nolo contendere to a felony, any arson-related charge, or another offense arising from the same set of circumstances.

(b) The fee to renew a firefighter license is \$75. The license is valid for an additional three-year period, unless submitted within the triennial period. Fees under this subdivision may be prorated by the board for licenses reinstated or renewed within the three-year licensure period.

~~(b)~~ (c) If a license expires, a firefighter may apply to have it reinstated. In order to receive reinstatement, the firefighter must:

(1) complete a reinstatement application;

(2) satisfy all ~~prior firefighter training~~ requirements listed in paragraph (a);

(3) pay any outstanding renewal fees; and

(4) pay the delayed renewal fee set by the board.

~~(c)~~ (d) In lieu of a reinstatement application under paragraph ~~(b)~~ (c), a firefighter may complete a new application for licensure under section 299N.04.

Sec. 15. Minnesota Statutes 2018, section 299N.05, subdivision 7, is amended to read:

Subd. 7. **Duties of chief firefighting officer.** (a) Every chief firefighting officer has a duty to ensure that every full-time firefighter has a license issued by the board.

(b) Every chief firefighting officer or designee has the duty to verify that every full-time and volunteer individual applying, reinstating, or renewing a license is affiliated with a Minnesota fire department.

~~(b)~~ (c) Every chief firefighting officer, provider, and individual licensee has a duty to ensure proper training records and reports are retained. Records must include, for the three-year period subsequent to the license renewal date:

- (1) the dates, subjects, and duration of programs;
- (2) sponsoring organizations;
- (3) fire training hours earned;
- (4) registration receipts to prove attendance at training sessions; and
- (5) other pertinent information.

~~(e)~~ (d) The board may require a licensee, provider, or fire department to provide the information under paragraph ~~(b)~~ (c) to demonstrate compliance with the 72-hour firefighting training requirement under subdivision 6, paragraph (a).

Sec. 16. Minnesota Statutes 2018, section 299N.05, subdivision 9, is amended to read:

Subd. 9. **Fees; appropriation.** Fees collected under this section must be deposited in the state treasury and credited to a special account and are appropriated to the board to pay costs incurred under this section and sections 299N.04 ~~and 299N.05 and 299N.06.~~

Sec. 17. Minnesota Statutes 2018, section 299N.06, is amended to read:

**299N.06 ELIGIBILITY FOR RECIPROCITY AND EXAMINATION BASED ON RELEVANT MILITARY EXPERIENCE.**

Subdivision 1. **Reciprocity license requirements for out-of-state certified applicants.** A person may apply for licensure if the person (1) becomes employed by or becomes an active member of a fire department, (2) has the appropriately certified accreditation by the International Fire Service Accreditation Congress or Pro Board, and (3) has met the requirements of section 299N.04.

Subd. 2. **Examination based on relevant military experience.** (a) For purposes of this section:

- (1) "active service" has the meaning given in section 190.05, subdivision 5; and
- (2) "relevant military experience" means:
  - (i) four years' cumulative service experience in a military firefighting occupational specialty;
  - (ii) two years' cumulative service experience in a military firefighting occupational specialty, and completion of at least a two-year degree from a regionally accredited postsecondary education institution; or

(iii) four years' cumulative experience as a full-time firefighter in another state combined with cumulative service experience in a military firefighting occupational specialty.

(b) A person is eligible to take ~~the reciprocity~~ a firefighter examination and does not have to otherwise meet the requirements of section 299N.04, subdivisions 2 and 3, if the person has:

(1) relevant military experience; and

(2) been honorably discharged from military active service as evidenced by the most recent form DD-214 or is currently in active service, as evidenced by:

(i) active duty orders providing service time in a military firefighting specialty;

(ii) a United States Department of Defense Manpower Data Center status report pursuant to the Service Members Civil Relief Act, active duty status report; or

(iii) Military Personnel Center assignment information.

(c) A person who passed the examination under paragraph (b), clause (2), shall not be eligible to be licensed as a firefighter until honorably discharged as evidenced by the most recent form DD-214.

(d) To receive a firefighter license, a person who passed ~~the reciprocity certification~~ a firefighter examination must meet the requirements of section 299N.05, ~~subdivision 4~~.

## ARTICLE 11 STATEWIDE EMERGENCY COMMUNICATION

Section 1. Minnesota Statutes 2018, section 403.21, subdivision 7a, is amended to read:

Subd. 7a. **Statewide Radio Emergency Communication Board.** "Statewide ~~Radio Emergency Communication~~ Board," "~~radio emergency communication~~ board," or "board" means the ~~Statewide Radio Board established under section 403.36 and where the Statewide Radio Board has affirmatively elected to become a Statewide Emergency Communication Board as provided in section 403.382 it shall mean the Statewide Emergency Communication Board as and is~~ the successor to the Statewide Radio Board.

Sec. 2. Minnesota Statutes 2018, section 403.36, subdivision 1, is amended to read:

Subdivision 1. **Membership.** (a) The commissioner of public safety shall convene and chair the Statewide ~~Radio Emergency Communication~~ Board to develop a project plan for a statewide, shared, trunked public safety radio communication system. The system may be referred to as "Allied Radio Matrix for Emergency Response," or "ARMER."

(b) The board consists of the following members or their designees:

(1) the commissioner of public safety;

(2) the commissioner of transportation;

(3) the state chief information officer;

(4) the commissioner of natural resources;

(5) the chief of the Minnesota State Patrol;

(6) the chair of the Metropolitan Council;

(7) the commissioner of corrections;

(8) a representative from the Minnesota Indian Affairs Council;

~~(7)~~ (9) two elected city officials, one from the ~~nine-county~~ ten-county metropolitan area and one from Greater Minnesota, appointed by the governing body of the League of Minnesota Cities;

~~(8)~~ (10) two elected county officials, one from the ~~nine-county~~ ten-county metropolitan area and one from Greater Minnesota, appointed by the governing body of the Association of Minnesota Counties;

~~(9)~~ (11) two sheriffs, one from the ~~nine-county~~ ten-county metropolitan area and one from Greater Minnesota, appointed by the governing body of the Minnesota Sheriffs' Association;

~~(10)~~ (12) two chiefs of police, one from the ~~nine-county~~ ten-county metropolitan area and one from Greater Minnesota, appointed by the ~~governor after considering recommendations made by the~~ Minnesota Chiefs' of Police Association;

~~(11)~~ (13) two fire chiefs, one from the ~~nine-county~~ ten-county metropolitan area and one from Greater Minnesota, appointed by the ~~governor after considering recommendations made by the~~ Minnesota Fire Chiefs' Association;

~~(12)~~ (14) two representatives of emergency medical service providers, one from the ~~nine-county~~ ten-county metropolitan area and one from Greater Minnesota, appointed by the ~~governor after considering recommendations made by the~~ Minnesota Ambulance Association;

~~(13)~~ (15) the chair of the ~~regional radio board for the metropolitan area~~ Metropolitan Emergency Services Board; and

~~(14)~~ (16) a representative of Greater Minnesota elected by those units of government in phase three and any subsequent phase of development as defined in the statewide, shared radio and communication plan, who have submitted a plan to the Statewide ~~Radio~~ Emergency Communication Board and where development has been initiated.

(c) The Statewide ~~Radio~~ Emergency Communication Board shall coordinate the appointment of board members representing Greater Minnesota with the appointing authorities and may designate the geographic region or regions from which an appointed board member is selected where necessary to provide representation from throughout the state.

Sec. 3. Minnesota Statutes 2018, section 403.36, subdivision 1b, is amended to read:

Subd. 1b. **Compensation; removal; vacancies.** Compensation, removal, and filling of vacancies of board members are governed by section 15.0575, except that appointments to the board are not subject to the open appointments process of sections 15.0597 to 15.0599. Pursuant to subdivision 1a, members appointed to fill vacancies under this subdivision shall have no set term.

Sec. 4. Minnesota Statutes 2018, section 403.36, subdivision 1c, is amended to read:

Subd. 1c. **Voting.** Each member has one vote. The majority of the voting power of the board constitutes a quorum, although a smaller number may adjourn from time to time. Any motion, other than adjournment, must be favored by a majority of the voting power of the board in order to carry. In the event of a conflict between the board's bylaws and state law, state law shall prevail.

Sec. 5. Minnesota Statutes 2018, section 403.36, subdivision 1d, is amended to read:

Subd. 1d. **Calling meeting.** The board shall convene upon the call of the chair, vice-chair, other officer, or any six members of the board.

Sec. 6. Minnesota Statutes 2018, section 403.37, subdivision 12, is amended to read:

Subd. 12. **Allocation of money.** (a) The board shall allocate money available to the Statewide ~~Radio~~ Emergency Communication Board among regional radio boards or to local entities within a region to encourage local and regional participation in the system. This does not limit the authority of regional radio boards and local entities to individually or collectively seek funding of local and regional enhancements and subsystems to the system backbone.

(b) The Statewide Emergency Communication Board, which encompasses other emergency communication networks, including but not limited to wireless broadband, the Integrated Public Alert and Warning System, 911 service, and the ARMER system, may grant money as available to support the goals set forth in the board's strategic plan.

Sec. 7. Minnesota Statutes 2018, section 403.382, subdivision 1, is amended to read:

Subdivision 1. **Statewide Emergency Communication Board.** ~~(a) By an affirmative vote of a majority of the members of the Statewide Radio Board, the board may elect to become a Statewide Emergency Communication Board.~~

~~(b) As a~~ The Statewide Emergency Communication Board, the board shall be ~~is~~ responsible for the statewide coordination of 911 service ~~in addition to,~~ existing responsibilities for the ARMER system provided for in sections 403.21 to 403.37, wireless broadband, and the Integrated Public Alert and Warning System.

Sec. 8. Minnesota Statutes 2018, section 403.382, subdivision 8, is amended to read:

Subd. 8. **Other emergency communication system planning and coordination.** In addition to powers provided for in this section for the coordination of 911 service, the board shall be responsible for planning and coordination of the following public safety emergency communication networks:

(1) developing and maintaining a plan for the implementation of ~~a statewide public safety broadband network~~ the National Public Safety Broadband Network, as approved by the board, including the definition of technical and operational standards for that network; and

(2) other wireless communication technologies or wireless communication networks for public safety communications, such as the Integrated Public Alert and Warning System, where the board finds that coordination and planning on a regional or statewide basis is appropriate or where regional or statewide coordination has been requested by the Federal Communications Commission or the Department of Homeland Security which is coordinating the technology or network on a national level.

Sec. 9. **REVISOR INSTRUCTION.**

In Minnesota Statutes, the revisor of statutes shall substitute the term "Statewide Emergency Communication Board" for "Statewide Radio Board" or "radio board" wherever the term refers to the powers, duties, and responsibilities of the Statewide Radio Board, consistent with the changes in this article. The revisor shall also make grammatical changes related to the change in terms.

ARTICLE 12  
UNIFORM COLLATERAL CONSEQUENCES OF  
CONVICTION ACT

Section 1. Minnesota Statutes 2018, section 245C.22, is amended by adding a subdivision to read:

Subd. 4a. **Disqualification decisions related to chapter 638.** The requirements regarding a decision to disqualify an individual under section 638.17 are met by the commissioner when implementing the requirements of this section and the exclusion under section 245C.24, subdivision 4a.

Sec. 2. Minnesota Statutes 2018, section 245C.24, is amended by adding a subdivision to read:

Subd. 4a. **Disqualification decisions related to chapter 638.** (a) Notwithstanding statutory limits on the commissioner's authority to set aside an individual's disqualification under this section, the commissioner may consider issuing a set-aside according to section 245C.22 if the disqualified individual has been issued an order of limited relief under section 638.19 that provides this specific relief.

(b) An individual who received a set-aside of a disqualification as a result of paragraph (a) must immediately inform the commissioner upon restriction or revocation of an order of limited relief under section 638.22.

(c) Upon receipt of information regarding a restriction or revocation of an order of limited relief according to section 638.22, the commissioner shall rescind a set-aside of a disqualification and the individual shall have the appeal rights stated in section 245C.22, subdivision 6.

Sec. 3. Minnesota Statutes 2018, section 364.07, is amended to read:

**364.07 APPLICATION.**

The provisions of sections 364.01 to 364.10 shall prevail over any other laws and rules, except for sections 638.10 to 638.25, which purport to govern the granting, denial, renewal, suspension, or revocation of a license or the initiation, suspension, or termination of public employment on the grounds of conviction of a crime or crimes. In deciding to grant, deny, revoke, suspend, or renew a license, or to deny, suspend, or terminate public employment for a lack of good moral character or the like, the hiring or licensing authority may consider evidence of conviction of a crime or crimes but only in the same manner and to the same effect as provided for in sections 364.01 to 364.10. Nothing in sections 364.01 to 364.10 shall be construed to otherwise affect relevant proceedings involving the granting, denial, renewal, suspension, or revocation of a license or the initiation, suspension, or termination of public employment.

Sec. 4. **[638.10] SHORT TITLE.**

Sections 638.10 to 638.25 may be cited as the "Uniform Collateral Consequences of Conviction Act."

Sec. 5. **[638.11] DEFINITIONS.**

(a) For the purposes of sections 638.10 to 638.25, the terms defined in this section have the meanings given them.

(b) "Collateral consequence" means a collateral sanction or a disqualification.

(c) "Collateral sanction" means a penalty, disability, or disadvantage, however denominated, imposed on an individual as a result of the individual's conviction of an offense which applies by operation of law whether or not the penalty, disability, or disadvantage is included in the judgment or sentence. The term does not include imprisonment, probation, parole, supervised release, forfeiture, restitution, fine, assessment, or costs of prosecution.

(d) "Conviction" or "convicted" includes a child adjudicated delinquent.

(e) "Decision maker" means the state acting through a department, agency, officer, or instrumentality, including a political subdivision, educational institution, board, or commission, or its employees, or a government contractor, including a subcontractor, made subject to sections 638.10 to 638.25 by contract, other law, or ordinance.

(f) "Disqualification" means a penalty, disability, or disadvantage, however denominated, that an administrative agency, governmental official, or court in a civil proceeding is authorized, but not required, to impose on an individual on grounds relating to the individual's conviction of an offense.

(g) "Offense" means a felony, gross misdemeanor, misdemeanor, or adjudication as a delinquent under the laws of this state, another state, or the United States.

(h) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(i) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

Sec. 6. **[638.12] LIMITATION ON SCOPE.**

(a) Sections 638.10 to 638.25 do not provide a basis for:

(1) invalidating a plea, conviction, or sentence;

(2) a cause of action for money damages; or

(3) a claim for relief from or defense to the application of a collateral consequence based on a failure to comply with section 638.13, 638.14, or 638.15.

(b) Sections 638.10 to 638.25 do not affect:

(1) the duty an individual's attorney owes to the individual; or

(2) a right or remedy under law other than sections 638.10 to 638.25 available to an individual convicted of an offense.

**Sec. 7. [638.13] IDENTIFICATION, COLLECTION, AND PUBLICATION OF LAWS REGARDING COLLATERAL CONSEQUENCES.**

(a) The revisor of statutes shall:

(1) identify or cause to be identified any provision in this state's constitution, statutes, and administrative rules which imposes a collateral sanction or authorizes the imposition of a disqualification, and any provision of law that may afford relief from a collateral consequence;

(2) in a timely manner after the effective date of sections 638.10 to 638.25, prepare a collection of citations to, and the text or short descriptions of, the provisions identified under clause (1); and

(3) annually update the collection in a timely manner after the regular or last special session of the legislature in a calendar year.

In complying with clauses (1) and (2), the revisor may rely on the study of this state's collateral sanctions, disqualifications, and relief provisions prepared by the National Institute of Justice described in section 510 of the Court Security Improvement Act of 2007, Public Law 110-177.

(b) The revisor of statutes shall include the following statements or substantially similar language in a prominent manner at the beginning of the collection required under paragraph (a):

(1) This collection has not been enacted into law and does not have the force of law.

(2) An error or omission in this collection or in any reference work cited in this collection is not a reason for invalidating a plea, conviction, or sentence or for not imposing a collateral sanction or authorizing a disqualification.

(3) The laws of other jurisdictions and local governments which impose additional collateral sanctions and authorize additional disqualifications are not included in this collection.

(4) This collection does not include any law or other provision regarding the imposition of or relief from a collateral sanction or a disqualification enacted or adopted after (date the collection was prepared or last updated.)

(c) The Office of the Revisor of Statutes shall publish the collection prepared and updated as required under paragraph (a). If available, it shall publish as part of the collection the title and website address of the most recent collection of:

(1) the collateral consequences imposed by federal law; and

(2) any provision of federal law that may afford relief from a collateral consequence.

(d) The collection described under paragraph (c) must be available to the public on the Internet without charge in a reasonable time after it is created or updated.

**Sec. 8. [638.14] NOTICE OF COLLATERAL CONSEQUENCES IN CITATION, PRETRIAL PROCEEDING, AND AT GUILTY PLEA.**

(a) When a peace officer issues a citation to a person for an offense, the officer shall ensure that the person receives a notice of additional legal consequences substantially similar to that described in paragraph (b). This requirement may be satisfied by using the uniform traffic ticket described in section 169.99 or the statewide standard citation if that document addresses collateral consequences of a criminal conviction.

(b) When an individual receives formal notice that the individual is charged with an offense, the prosecuting attorney of the county or city in which the individual is charged shall provide information substantially similar to the following to the individual:

#### **NOTICE OF ADDITIONAL LEGAL CONSEQUENCES**

If you pled guilty or are convicted of an offense you may suffer additional legal consequences beyond the sentence imposed by the court. These consequences may include, among many others, ineligibility to keep or obtain some licenses, permits or jobs, public housing or education benefits, and to vote or possess a firearm. You may be denied citizenship and be deported. It is your responsibility to learn what consequences may apply to you. Ask your attorney. Most consequences can be found at <https://niccc.csgjusticecenter.org/about/>.

(c) Before the court accepts a plea of guilty from an individual, the court shall confirm that the individual received and understands the notice required by paragraphs (a) and (b), and had an opportunity to discuss the notice with counsel.

#### **Sec. 9. [638.15] NOTICE OF COLLATERAL CONSEQUENCES AT SENTENCING AND UPON RELEASE.**

(a) As provided in paragraphs (b) and (c), an individual convicted of an offense shall be given the following notice:

(1) that collateral consequences may apply because of this conviction;

(2) the website address of the collection of laws published under section 638.13, paragraph (c);

(3) that there may be ways to obtain relief from collateral consequences;

(4) contact information for government or nonprofit agencies, groups, or organizations, if any, offering assistance to individuals seeking relief from collateral consequences; and

(5) when an individual convicted of an offense may vote under state law.

(b) The court shall provide the notice in paragraph (a) as a part of sentencing.

(c) If an individual is sentenced to imprisonment or other incarceration, the officer or agency releasing the individual shall provide the notice in paragraph (a) not more than 30 days and, if practicable, at least ten days before release.

#### **Sec. 10. [638.16] AUTHORIZATION REQUIRED FOR COLLATERAL SANCTION; AMBIGUITY.**

(a) A collateral sanction may be imposed only by statute or ordinance, or by rule authorized by law and adopted under chapter 14.

(b) A law creating a collateral consequence that is ambiguous as to whether it imposes a collateral sanction or authorizes a disqualification must be construed as authorizing a disqualification.

#### **Sec. 11. [638.17] DECISION TO DISQUALIFY.**

In deciding whether to impose a disqualification, a decision maker shall undertake an individualized assessment to determine whether the benefit or opportunity at issue shall be denied the individual. In making that decision, the decision maker may consider, if substantially related to the benefit or opportunity at issue, the particular facts and

circumstances involved in the offense and the essential elements of the offense. A conviction itself may not be considered except as having established the elements of the offense. The decision maker shall also consider other relevant information including, at a minimum, the effect on third parties of granting the benefit or opportunity and whether the individual has been granted relief such as an order of limited relief.

**Sec. 12. [638.18] EFFECT OF CONVICTION BY ANOTHER STATE OR THE UNITED STATES; RELIEVED OR PARDONED CONVICTION.**

(a) For purposes of authorizing or imposing a collateral consequence in this state, a conviction of an offense in a court of another state or the United States is deemed a conviction of the offense in this state with the same elements. If there is no offense in this state with the same elements, the conviction is deemed a conviction of the most serious offense in this state which is established by the elements of the offense. A misdemeanor in the jurisdiction of conviction may not be deemed a felony in this state, and an offense lesser than a misdemeanor in the jurisdiction of conviction may not be deemed a conviction of a felony, gross misdemeanor, or misdemeanor in this state.

(b) For purposes of authorizing or imposing a collateral consequence in this state, a juvenile adjudication in another state or the United States may not be deemed a conviction of a felony, gross misdemeanor, misdemeanor, or offense lesser than a misdemeanor in this state, but may be deemed a juvenile adjudication for the delinquent act in this state with the same elements. If there is no delinquent act in this state with the same elements, the juvenile adjudication is deemed an adjudication of the most serious delinquent act in this state which is established by the elements of the offense.

(c) A conviction that is reversed, overturned, or otherwise vacated by a court of competent jurisdiction of this state, another state, or the United States on grounds other than rehabilitation or good behavior may not serve as the basis for authorizing or imposing a collateral consequence in this state.

(d) A pardon issued by another state or the United States has the same effect for purposes of authorizing, imposing, and relieving a collateral consequence in this state as it has in the issuing jurisdiction.

(e) A conviction that has been relieved by expungement, sealing, annulment, set-aside, or vacation by a court of competent jurisdiction of another state or the United States on grounds of rehabilitation or good behavior, or for which civil rights are restored pursuant to statute, has the same effect for purposes of authorizing or imposing collateral consequences in this state as it has in the jurisdiction of conviction. However, this relief or restoration of civil rights does not relieve collateral consequences applicable under the law of this state for which relief could not be granted under section 638.21 or for which relief was expressly withheld by the court order or by the law of the jurisdiction that relieved the conviction. An individual convicted in another jurisdiction may seek relief under section 638.19 from any collateral consequence for which relief was not granted in the issuing jurisdiction, other than those listed in section 638.21, and the judge shall consider that the conviction was relieved or civil rights restored in deciding whether to issue an order of limited relief.

(f) A charge or prosecution in any jurisdiction which has been finally terminated without a conviction and imposition of sentence based on participation in a deferred adjudication or diversion program may not serve as the basis for authorizing or imposing a collateral consequence in this state. This paragraph does not affect the validity of any restriction or condition imposed by law as part of participation in the deferred adjudication or diversion program, before or after the termination of the charge or prosecution.

**Sec. 13. [638.19] ORDER OF LIMITED RELIEF.**

(a) The court shall conduct proceedings, make determinations, and issue orders on petitions for orders of limited relief filed under this section.

(b) An individual convicted of an offense may petition for an order of limited relief from one or more collateral sanctions related to employment, education, housing, public benefits, or occupational licensing. The petition may be brought before the court at any time after sentencing.

(c) Except as otherwise provided in section 638.21, the judge may issue an order of limited relief relieving one or more of the collateral sanctions described in paragraph (b) if, after reviewing the petition, the individual's criminal history, and any other relevant evidence, the judge finds the individual has established by a preponderance of the evidence that:

(1) granting the petition will materially assist the individual in obtaining or maintaining employment, education, housing, public benefits, or occupational licensing;

(2) the individual has substantial need for the relief requested in order to live a law-abiding life; and

(3) granting the petition would not pose an unreasonable risk to the safety or welfare of the public.

(d) The order of limited relief must specify:

(1) the collateral sanction from which relief is granted; and

(2) any restriction imposed pursuant to section 638.22, paragraph (a).

(e) An order of limited relief relieves a collateral sanction to the extent provided in the order.

(f) If a collateral sanction has been relieved pursuant to this section, a decision maker may consider the conduct underlying a conviction as provided in section 638.17.

Sec. 14. **[638.21] COLLATERAL SANCTIONS NOT SUBJECT TO ORDER OF LIMITED RELIEF.**

An order of limited relief may not be issued to relieve the following collateral sanctions:

(1) requirements imposed by sections 243.166 and 243.167;

(2) a motor vehicle license suspension, revocation, limitation, or ineligibility for driving while intoxicated pursuant to section 169A.20, or sections 169.792, 169.797, 169A.52, 169A.54, 171.17, 171.172, 171.173, 171.18, and 171.186, for which restoration or relief is available pursuant to sections 171.30 and 171.306;

(3) ineligibility for employment pursuant to sections 387.36 and 419.06 or other law restricting employment of convicted individuals by law enforcement agencies, such as the Department of Corrections, Department of Public Safety, Office of the Attorney General, sheriff's offices, police departments, and judicial offices; or

(4) eligibility to purchase, possess, use, transfer, or own a firearm.

Sec. 15. **[638.22] ISSUANCE, MODIFICATION, AND REVOCATION OF ORDER OF LIMITED RELIEF.**

(a) When a petition is filed under section 638.19, including a petition for enlargement of an existing order of limited relief, the judge may issue an order subject to restriction, condition, or additional requirement. When issuing, denying, modifying, or revoking an order, the judge may impose conditions for reapplication.

(b) The judge may restrict or revoke an order of limited relief issued by a court in this state if it finds just cause by a preponderance of the evidence. An order of restriction or revocation may be issued:

(1) on motion of the judge;

(2) after notice to the individual; and

(3) after a hearing if requested by the individual.

(c) The judge shall order any test, report, investigation, or disclosure by the individual it reasonably believes necessary to its decision to issue, modify, or revoke an order of limited relief.

(d) The court shall maintain a public record of the issuance, modification, and revocation of orders of limited relief and certificates of restoration of rights. The criminal history record system of the Bureau of Criminal Apprehension must include issuance, modification, and revocation of orders and certificates.

Sec. 16. **[638.23] RELIANCE ON ORDER AS EVIDENCE OF DUE CARE.**

In a judicial or administrative proceeding alleging negligence or other fault, an order of limited relief may be introduced as evidence of a person's due care in hiring, retaining, licensing, leasing to, admitting to a school or program, or otherwise transacting business or engaging in activity with the individual to whom the order was issued, if the person knew of the order at the time of the alleged negligence or other fault.

Sec. 17. **[638.24] UNIFORMITY OF APPLICATION AND CONSTRUCTION.**

In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

Sec. 18. **[638.25] SAVINGS AND TRANSITIONAL PROVISIONS.**

(a) Sections 638.10 to 638.25 apply to collateral consequences whenever enacted or imposed, unless the law creating the collateral consequence expressly states that sections 638.10 to 638.25 do not apply.

(b) Sections 638.10 to 638.25 do not invalidate the imposition of a collateral sanction on an individual before the effective date of sections 638.10 to 638.25, but a collateral sanction validly imposed before the effective date of sections 638.10 to 638.25 may be the subject of relief under these sections.

Sec. 19. **CHANGE TO UNIFORM TRAFFIC TICKET AND STATEWIDE STANDARD CITATION.**

By January 1, 2021, the uniform traffic ticket described in Minnesota Statutes, section 169.99, and the statewide standard citation must include a notice of additional legal consequences substantially similar to that described in Minnesota Statutes, section 638.14, paragraph (b). If this is determined not to be feasible, the ticket and citation must, at a minimum, inform the offender generally of the issue of potential collateral consequences and provide the following website address: <https://niccc.csgjusticecenter.org/about/>.

Sec. 20. **REPEALER.**

Minnesota Statutes 2018, sections 609B.050; 609B.100; 609B.101; 609B.102; 609B.103; 609B.104; 609B.105; 609B.106; 609B.107; 609B.108; 609B.109; 609B.110; 609B.111; 609B.112; 609B.113; 609B.120; 609B.121; 609B.122; 609B.123; 609B.124; 609B.125; 609B.126; 609B.127; 609B.128; 609B.129; 609B.130; 609B.132; 609B.133; 609B.134; 609B.135; 609B.136; 609B.139; 609B.140; 609B.141; 609B.142; 609B.143; 609B.144; 609B.146; 609B.147; 609B.148; 609B.149; 609B.1495; 609B.150; 609B.151; 609B.152; 609B.153; 609B.155; 609B.157; 609B.158; 609B.159; 609B.160; 609B.161; 609B.162; 609B.164; 609B.1641; 609B.1645; 609B.165; 609B.168; 609B.170; 609B.171; 609B.172; 609B.173; 609B.174; 609B.175; 609B.176; 609B.177; 609B.179;

609B.180; 609B.181; 609B.183; 609B.184; 609B.185; 609B.187; 609B.188; 609B.189; 609B.191; 609B.192; 609B.193; 609B.194; 609B.195; 609B.200; 609B.201; 609B.203; 609B.205; 609B.206; 609B.216; 609B.231; 609B.235; 609B.237; 609B.241; 609B.245; 609B.255; 609B.262; 609B.263; 609B.265; 609B.271; 609B.273; 609B.275; 609B.277; 609B.301; 609B.310; 609B.311; 609B.312; 609B.320; 609B.321; 609B.330; 609B.331; 609B.332; 609B.333; 609B.340; 609B.341; 609B.342; 609B.343; 609B.344; 609B.345; 609B.400; 609B.405; 609B.410; 609B.415; 609B.425; 609B.430; 609B.435; 609B.445; 609B.450; 609B.455; 609B.460; 609B.465; 609B.500; 609B.505; 609B.510; 609B.515; 609B.518; 609B.520; 609B.525; 609B.530; 609B.535; 609B.540; 609B.545; 609B.600; 609B.610; 609B.611; 609B.612; 609B.613; 609B.614; 609B.615; 609B.700; 609B.710; 609B.720; 609B.721; 609B.722; 609B.723; 609B.724; and 609B.725, are repealed.

Sec. 21. **EFFECTIVE DATE.**

(a) Except as provided in paragraph (b), sections 1 to 20 are effective January 1, 2020.

(b) Section 8, paragraph (a), is effective July 1, 2024.

ARTICLE 13  
PREDATORY OFFENDERS

Section 1. Minnesota Statutes 2018, section 171.07, subdivision 1a, is amended to read:

Subd. 1a. **Filing photograph or image; data classification.** The department shall file, or contract to file, all photographs or electronically produced images obtained in the process of issuing drivers' licenses or Minnesota identification cards. The photographs or electronically produced images shall be private data pursuant to section 13.02, subdivision 12. Notwithstanding section 13.04, subdivision 3, the department shall not be required to provide copies of photographs or electronically produced images to data subjects. The use of the files is restricted:

(1) to the issuance and control of drivers' licenses;

(2) to criminal justice agencies, as defined in section 299C.46, subdivision 2, for the investigation and prosecution of crimes, service of process, enforcement of no contact orders, location of missing persons, investigation and preparation of cases for criminal, juvenile, and traffic court, location of individuals required to register under section 243.166 or 243.167, and supervision of offenders;

(3) to public defenders, as defined in section 611.272, for the investigation and preparation of cases for criminal, juvenile, and traffic courts;

(4) to child support enforcement purposes under section 256.978; and

(5) to a county medical examiner or coroner as required by section 390.005 as necessary to fulfill the duties under sections 390.11 and 390.25.

Sec. 2. Minnesota Statutes 2018, section 243.166, subdivision 1a, is amended to read:

Subd. 1a. **Definitions.** (a) As used in this section, unless the context clearly indicates otherwise, the following terms have the meanings given them.

(b) "Bureau" means the Bureau of Criminal Apprehension.

(c) "Corrections agent" means a county or state probation agent or other corrections employee. Corrections agent also includes employees of the federal government who work with a person subject to this section.

(⇌) (d) "Dwelling" means the building where the person lives under a formal or informal agreement to do so. However, dwelling does not include a supervised publicly or privately operated shelter or facility designed to provide temporary living accommodations for homeless individuals as defined in section 116L.361, subdivision 5.

(⇌) (e) "Incarceration" and "confinement" do not include electronic home monitoring.

(⇌) (f) "Law enforcement authority" or "authority" means, ~~with respect to the chief of police of a home rule charter or statutory city, the chief of police, and with respect to the county sheriff of an unincorporated area, the county sheriff in that county.~~ An authority must be located in Minnesota.

(⇌) (g) "Motor vehicle" has the meaning given in section 169.011, subdivision 92.

(⇌) (h) "Primary address" means the mailing address of the person's dwelling. If the mailing address is different from the actual location of the dwelling, primary address also includes the physical location of the dwelling described with as much specificity as possible.

(⇌) (i) "School" includes any public or private educational institution, including any secondary school, trade, or professional institution, or institution of higher education, that the person is enrolled in on a full-time or part-time basis.

(⇌) (j) "Secondary address" means the mailing address of any place where the person regularly or occasionally stays overnight when not staying at the person's primary address. If the mailing address is different from the actual location of the place, secondary address also includes the physical location of the place described with as much specificity as possible. However, the location of a supervised publicly or privately operated shelter or facility designated to provide temporary living accommodations for homeless individuals as defined in section 116L.361, subdivision 5, does not constitute a secondary address.

(⇌) (k) "Treatment facility" means a residential facility, as defined in section 244.052, subdivision 1, and residential chemical dependency treatment programs and halfway houses licensed under chapter 245A, including, but not limited to, those facilities directly or indirectly assisted by any department or agency of the United States.

(⇌) (l) "Work" includes employment that is full time or part time for a period of time exceeding 14 days or for an aggregate period of time exceeding 30 days during any calendar year, whether financially compensated, volunteered, or for the purpose of government or educational benefit.

Sec. 3. Minnesota Statutes 2018, section 243.166, subdivision 1b, is amended to read:

Subd. 1b. **Registration required.** (a) A person shall register under this section if:

(1) the person was charged with or petitioned for a felony violation of or attempt to violate, or aiding, abetting, or conspiracy to commit, any of the following, and convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances:

(i) murder under section 609.185, paragraph (a), clause (2);

(ii) kidnapping under section 609.25;

(iii) criminal sexual conduct under section 609.342; 609.343; 609.344; 609.345; 609.3451, subdivision 3; or 609.3453; or

(iv) indecent exposure under section 617.23, subdivision 3;

(2) the person was charged with or petitioned for a violation of, or attempt to violate, or aiding, abetting, or conspiring to commit any of the following and convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances:

(i) criminal abuse in violation of section 609.2325, subdivision 1, paragraph (b);

(ii) false imprisonment in violation of section 609.255, subdivision 2;

(iii) solicitation, inducement, or promotion of the prostitution of a minor or engaging in the sex trafficking of a minor in violation of section 609.322;

(iv) a prostitution offense in violation of section 609.324, subdivision 1, paragraph (a);

(v) soliciting a minor to engage in sexual conduct in violation of section 609.352, subdivision 2 or 2a, clause (1);

(vi) using a minor in a sexual performance in violation of section 617.246; or

(vii) possessing pornographic work involving a minor in violation of section 617.247, ~~and convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances;~~

(3) the person was sentenced as a patterned sex offender under section 609.3455, subdivision 3a; ~~or~~

(4) the person was charged with or petitioned for, including pursuant to a court martial, violating a law of the United States, including the Uniform Code of Military Justice, similar to the offenses described in clause (1), (2), or (3), and convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances; or

(5) the person was charged with or petitioned for a violation of a law similar to an offense described in clause (1), (2), (3), or (4) in another country where there are sufficient safeguards for fundamental fairness and due process for the accused and the person was convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances.

(b) A person also shall register under this section if:

(1) the person was charged with or petitioned for an offense in another state that would be a violation of a law described in paragraph (a) if committed in this state and convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances;

(2) the person enters this state to reside, work, or attend school, or enters this state and remains for 14 days or longer or for an aggregate period of time exceeding 30 days during any calendar year; and

(3) ten years have not elapsed since the person was released from confinement or, if the person was not confined, since the person was convicted of or adjudicated delinquent for the offense that triggers registration, unless the person is subject to a longer registration period under the laws of another state or country in which the person has been convicted or adjudicated, or is subject to lifetime registration.

If a person described in this paragraph is subject to a longer registration period in another state or country or is subject to lifetime registration, the person shall register for that time period regardless of when the person was released from confinement, convicted, or adjudicated delinquent.

(c) A person also shall register under this section if the person was committed pursuant to a court commitment order under Minnesota Statutes 2012, section 253B.185, chapter 253D, Minnesota Statutes 1992, section 526.10, or a similar law of another state ~~or~~ the United States, or another country, regardless of whether the person was convicted of any offense.

(d) A person also shall register under this section if:

(1) the person was charged with or petitioned for a felony violation or attempt to violate any of the offenses listed in paragraph (a), clause (1), or a similar law of another state ~~or~~ the United States, or another country, or the person was charged with or petitioned for a violation of any of the offenses listed in paragraph (a), clause (2), or a similar law of another state ~~or~~ the United States, or another country;

(2) the person was found not guilty by reason of mental illness or mental deficiency after a trial for that offense, or found guilty but mentally ill after a trial for that offense, in states or countries with a guilty but mentally ill verdict; and

(3) the person was committed pursuant to a court commitment order under section 253B.18 or a similar law of another state ~~or~~ the United States, or another country.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 4. Minnesota Statutes 2018, section 243.166, subdivision 2, is amended to read:

Subd. 2. **Notice.** When a person who is required to register under subdivision 1b, paragraph (a), is sentenced or becomes subject to a juvenile court disposition order, the court shall tell the person of the duty to register under this section and that, if the person fails to comply with the registration requirements, information about the offender may be made available to the public through electronic, computerized, or other accessible means. The court may not modify the person's duty to register in the pronounced sentence or disposition order. The court shall require the person to read and sign a form stating that the duty of the person to register under this section has been explained. The court shall ~~forward~~ make available the signed ~~sex offender registration~~ court notification form, the complaint, and sentencing documents to the bureau. If a person required to register under subdivision 1b, paragraph (a), was not notified by the court of the registration requirement at the time of sentencing or disposition, the assigned corrections agent shall notify the person of the requirements of this section. If a person required to register under subdivision 1b, paragraph (a), was not notified by the court of the registration requirement at the time of sentencing or disposition and does not have a corrections agent, the law enforcement authority with jurisdiction over the person's primary address shall notify the person of the requirements. When a person who is required to register under subdivision 1b, paragraph (c) or (d), is released from commitment, the treatment facility shall notify the person of the requirements of this section. The treatment facility shall also obtain the registration information required under this section and forward it to the bureau.

Sec. 5. Minnesota Statutes 2018, section 243.166, subdivision 4, is amended to read:

Subd. 4. **Contents of registration.** (a) The registration provided to the corrections agent or law enforcement authority, must consist of a statement in writing signed by the person, giving information required by the bureau, fingerprints, biological specimen for DNA analysis as defined under section 299C.155, subdivision 1, and photograph of the person taken at the time of the person's release from incarceration or, if the person was not incarcerated, at the time the person initially registered under this section. The registration information also must include a written consent form signed by the person allowing a treatment facility or residential housing unit or shelter to release information to a law enforcement officer about the person's admission to, or residence in, a treatment facility or residential housing unit or shelter. Registration information on adults and juveniles may be maintained together notwithstanding section 260B.171, subdivision 3.

(b) For persons required to register under subdivision 1b, paragraph (c), following commitment pursuant to a court commitment under Minnesota Statutes 2012, section 253B.185, chapter 253D, Minnesota Statutes 1992, section 526.10, or a similar law of another state ~~or~~ the United States, or another country, in addition to other information required by this section, the registration provided to the corrections agent or law enforcement authority must include the person's offense history and documentation of treatment received during the person's commitment. This documentation is limited to a statement of how far the person progressed in treatment during commitment.

(c) Within three days of receipt, the corrections agent or law enforcement authority shall forward the registration information to the bureau. The bureau shall ascertain whether the person has registered with the law enforcement authority in the area of the person's primary address, if any, or if the person lacks a primary address, where the person is staying, as required by subdivision 3a. If the person has not registered with the law enforcement authority, the bureau shall ~~send one copy to~~ notify that authority.

(d) The corrections agent or law enforcement authority may require that a person required to register under this section appear before the agent or authority to be photographed. The agent or authority shall ~~forward~~ submit the photograph to the bureau.

(1) Except as provided in clause (2), the agent or authority may photograph any offender at a time and frequency chosen by the agent or authority.

(2) The requirements of this paragraph shall not apply during any period where the person to be photographed is: (i) committed to the commissioner of corrections and incarcerated, (ii) incarcerated in a regional jail or county jail, or (iii) committed to the commissioner of human services and receiving treatment in a secure treatment facility.

(e) During the period a person is required to register under this section, the following provisions apply:

(1) Except for persons registering under subdivision 3a, the bureau shall mail a verification form to the person's last reported primary address. This verification form must provide notice to the offender that, if the offender does not return the verification form as required, information about the offender may be made available to the public through electronic, computerized, or other accessible means. For persons who are registered under subdivision 3a, the bureau shall mail an annual verification form to the law enforcement authority where the offender most recently reported. The authority shall provide the verification form to the person at the next weekly meeting and ensure that the person completes and signs the form and returns it to the bureau. Notice is sufficient under this paragraph; if the verification form is sent by first class mail to the person's last reported primary address, or for persons registered under subdivision 3a, to the law enforcement authority where the offender most recently reported.

(2) The person shall mail the signed verification form back to the bureau within ten days after receipt of the form, ~~stating on the form the current and last address of the person's residence and the other information required under subdivision 4a.~~ The person cannot change any registration information as part of the verification process.

(3) In addition to the requirements listed in this section, an offender who is no longer under correctional supervision for a registration offense, or a failure to register offense, but who resides, works, or attends school in Minnesota, shall have an in-person contact with a law enforcement authority as provided in this section. If the person resides in Minnesota, the in-person contact shall be with the law enforcement authority that has jurisdiction over the person's primary address or, if the person has no address, the location where the person is staying. If the person does not reside in Minnesota but works or attends school in this state, the person shall have an in-person contact with the law enforcement authority or authorities with jurisdiction over the person's school or workplace. During the month of the person's birth date, the person shall report to the authority to verify the accuracy of the registration information and to be photographed. Within three days of this contact, the authority shall enter information as required by the bureau into the predatory offender registration database and submit an updated photograph of the person to the bureau's predatory offender registration unit.

(4) If the person fails to mail the completed and signed verification form to the bureau within ten days after receipt of the form, or if the person fails to report to the law enforcement authority during the month of the person's birth date, the person is in violation of this section.

(5) For any person who fails to mail the completed and signed verification form to the bureau within ten days after receipt of the form and who has been determined to be subject to community notification pursuant to section 253D.32 or is a risk level III offender under section 244.052, the bureau shall immediately investigate and notify local law enforcement authorities to investigate the person's location and to ensure compliance with this section. The bureau also shall immediately give notice of the person's violation of this section to the law enforcement authority having jurisdiction over the person's last registered primary address ~~or addresses~~.

(6) A law enforcement authority may determine whether the person is at that person's primary address, secondary address, or school or work location, if any, or the accuracy of any other information required under subdivision 4a if the person whose primary address, secondary address, or school or work location, if any, is within the authority's jurisdiction, regardless of the assignment of a corrections agent.

For persons required to register under subdivision 1b, paragraph (c), following commitment pursuant to a court commitment under Minnesota Statutes 2012, section 253B.185, chapter 253D, Minnesota Statutes 1992, section 526.10, or a similar law of another state ~~or~~, the United States, or another country, the bureau shall comply with clause (1) at least ~~four~~ two times each year. For persons who, under section 244.052, are assigned to risk level III and who are no longer under correctional supervision for a registration offense or a failure to register offense, the bureau shall comply with clause (1) at least two times each year. For all other persons required to register under this section, the bureau shall comply with clause (1) each year within 30 days of the anniversary date of the person's initial registration.

~~(f) When sending out a verification form, the bureau shall determine whether the person to whom the verification form is being sent has signed a written consent form as provided for in paragraph (a). If the person has not signed such a consent form, the bureau shall send a written consent form to the person along with the verification form. A person who receives this written consent form shall sign and return it to the bureau at the same time as the verification form.~~ For persons registered under this section on the effective date of this section, each person, on or before one year from that date, must provide a biological specimen for the purpose of DNA analysis to the probation agency or law enforcement authority where that person is registered. A person who provides or has provided a biological specimen for the purpose of DNA analysis under chapter 299C or section 609.117 meets the requirements of this paragraph.

(g) For persons registered under this section on the effective date of this section, each person, on or before one year from that date, must provide fingerprints to the probation agency or law enforcement authority where that person is registered.

Sec. 6. Minnesota Statutes 2018, section 243.166, subdivision 4a, is amended to read:

Subd. 4a. **Information required to be provided.** (a) A person required to register under this section shall provide to the corrections agent or law enforcement authority the following information:

- (1) the person's primary address;
- (2) all of the person's secondary addresses in Minnesota, including all addresses used for residential or recreational purposes;
- (3) the addresses of all Minnesota property owned, leased, or rented by the person;

(4) the addresses of all locations where the person is employed;

(5) the addresses of all schools where the person is enrolled; ~~and~~

(6) the year, model, make, license plate number, and color of all motor vehicles owned or regularly driven by the person;

(7) the expiration year for the motor vehicle license plate tabs of all motor vehicles owned by the person; and

(8) all telephone numbers including work, school, and home and any cellular telephone service.

(b) The person shall report to the agent or authority the information required to be provided under paragraph (a), clauses (2) to ~~(6) (8)~~, within five days of the date the clause becomes applicable. If because of a change in circumstances any information reported under paragraph (a), clauses (1) to ~~(6) (8)~~, no longer applies, the person shall immediately inform the agent or authority that the information is no longer valid. If the person leaves a primary address and does not have a new primary address, the person shall register as provided in subdivision 3a.

Sec. 7. Minnesota Statutes 2018, section 243.166, subdivision 4b, is amended to read:

Subd. 4b. **Health care facility; notice of status.** (a) For the purposes of this subdivision:

(1) "health care facility" means a facility:

~~(1) (i)~~ (i) licensed by the commissioner of health as a hospital, boarding care home or supervised living facility under sections 144.50 to 144.58, or a nursing home under chapter 144A;

~~(2) (ii)~~ (ii) registered by the commissioner of health as a housing with services establishment as defined in section 144D.01; or

~~(3) (iii)~~ (iii) licensed by the commissioner of human services as a residential facility under chapter 245A to provide adult foster care, adult mental health treatment, chemical dependency treatment to adults, or residential services to persons with disabilities; ~~and~~

(2) "home care provider" has the meaning given in section 144A.43.

(b) Prior to admission to a health care facility or home care services from a home care provider, a person required to register under this section shall disclose to:

(1) the health care facility employee or the home care provider processing the admission the person's status as a registered predatory offender under this section; and

(2) the person's corrections agent, or if the person does not have an assigned corrections agent, the law enforcement authority with whom the person is currently required to register, that ~~inpatient~~ admission will occur.

(c) A law enforcement authority or corrections agent who receives notice under paragraph (b) or who knows that a person required to register under this section is planning to be admitted and receive, or has been admitted and is receiving health care at a health care facility or home care services from a home care provider, shall notify the administrator of the facility or the home care provider and deliver a fact sheet to the administrator or provider containing the following information: (1) name and physical description of the offender; (2) the offender's conviction history, including the dates of conviction; (3) the risk level classification assigned to the offender under section 244.052, if any; and (4) the profile of likely victims.

(d) Except for a hospital licensed under sections 144.50 to 144.58, if a health care facility receives a fact sheet under paragraph (c) that includes a risk level classification for the offender, and if the facility admits the offender, the facility shall distribute the fact sheet to all residents at the facility. If the facility determines that distribution to a resident is not appropriate given the resident's medical, emotional, or mental status, the facility shall distribute the fact sheet to the patient's next of kin or emergency contact.

(e) If a home care provider receives a fact sheet under paragraph (c) that includes a risk level classification for the offender, the provider shall distribute the fact sheet to any individual who will provide direct services to the offender before the individual begins to provide the service.

Sec. 8. Minnesota Statutes 2018, section 243.166, subdivision 4c, is amended to read:

Subd. 4c. **Notices in writing; signed.** All notices required by this section must be in writing and signed by the person required to register. For purposes of this section, a signature is as defined in section 645.44, subdivision 14, by an electronic method established by the bureau, or by use of a biometric for the person. If a biometric is used, the person must provide a sample that is forwarded to the bureau so that it can be maintained for comparison purposes to verify the person's identity.

Sec. 9. Minnesota Statutes 2018, section 243.166, is amended by adding a subdivision to read:

Subd. 4d. **Travel.** (a) A person required to register under this section who intends to travel outside the boundaries of the United States must appear in person to notify the person's corrections agent or the law enforcement authority with jurisdiction over the person's primary address of the travel plans. The person must provide:

(1) anticipated departure date;

(2) place of departure;

(3) place of arrival or return;

(4) carrier and flight numbers for air travel;

(5) destination country and address or other contact information;

(6) means and purpose of travel;

(7) visa information, if any; and

(8) any other itinerary information requested by the corrections agent or law enforcement authority.

(b) The notice must be provided at least 21 calendar days before the departure date and forwarded to the bureau within one business day of receipt. If it is not possible to give 21 calendar days' notice due to an emergency or a work assignment, the person is required to notify the corrections agent or the law enforcement authority with jurisdiction over the person's primary address as soon as possible prior to departure. If the travel is due to an emergency, the person must provide a copy of the message conveying the emergency that includes the date and time sent and the source of the information. If the travel is the result of a work assignment, the employer must provide the date the employee was informed of the need to travel and the nature of the work to be performed.

(c) The corrections agent or law enforcement authority must forward the notification to the bureau as soon as possible after receipt. The bureau must forward the international travel information to the United States Marshals Service pursuant to International Megan's Law, Public Law 114-119.

(d) A person required to register under this section who is assigned a corrections agent must receive the corrections agent's approval for all international travel. Nothing in this subdivision requires a corrections agent to approve of travel that is inconsistent with the terms of the offender's supervision.

Sec. 10. Minnesota Statutes 2018, section 243.166, subdivision 5, is amended to read:

Subd. 5. **Criminal penalty.** (a) A person required to register under this section who was given notice, knows, or reasonably should know of the duty to register and who:

(1) knowingly commits an act or fails to fulfill a requirement that violates any of its provisions provision of this section; or

(2) intentionally provides false information to a corrections agent, law enforcement authority, or the bureau is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

(b) Except as provided in paragraph (c), a person convicted of violating paragraph (a) shall be committed to the custody of the commissioner of corrections for not less than a year and a day, nor more than five years.

(c) A person convicted of violating paragraph (a), who has previously been convicted of or adjudicated delinquent for violating this section or a similar statute of another state ~~or~~ the United States, or another country, shall be committed to the custody of the commissioner of corrections for not less than two years, nor more than five years.

(d) Prior to the time of sentencing, the prosecutor may file a motion to have the person sentenced without regard to the mandatory minimum sentence established by this subdivision. The motion must be accompanied by a statement on the record of the reasons for it. When presented with the motion, or on its own motion, the court may sentence the person without regard to the mandatory minimum sentence if the court finds substantial and compelling reasons to do so. Sentencing a person in the manner described in this paragraph is a departure from the Sentencing Guidelines.

(e) A person convicted and sentenced as required by this subdivision is not eligible for probation, parole, discharge, work release, conditional release, or supervised release, until that person has served the full term of imprisonment as provided by law, notwithstanding the provisions of sections 241.26, 242.19, 243.05, 244.04, 609.12, and 609.135.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 11. Minnesota Statutes 2018, section 243.166, subdivision 6, is amended to read:

Subd. 6. **Registration period.** (a) Notwithstanding the provisions of section 609.165, subdivision 1, and except as provided in paragraphs (b), (c), and (d), a person required to register under this section shall continue to comply with this section until ten years have elapsed since the person initially registered in connection with the offense, or until the probation, supervised release, or conditional release period expires, whichever occurs later. For a person required to register under this section who is committed under section 253B.18, Minnesota Statutes 2012, section 253B.185, or chapter 253D, the ten-year registration period does not include the period of commitment.

(b) The commissioner of public safety shall require a person to continue to register for an additional period of five years if a the person required to register under this section fails to:

(1) provide the person's primary address as required by subdivision 3, paragraph (b), fails to;

(2) comply with the requirements of subdivision 3a, fails to;

(3) provide information as required by ~~subdivision~~ subdivisions 4a, or fails to and 4d;

(4) return the verification form referenced in subdivision 4 within ten days, ~~the commissioner of public safety shall require the person to continue to register for an additional period of five years;~~

(5) remain at the primary address of record; or

(6) sign a registration form, verification form, or change of information form.

This five-year period is added to the end of the offender's registration period. In addition, if the person is not in compliance at the end of the registration period, the commissioner shall require the person to continue to register for an additional period of two years.

(c) If a person required to register under this section is incarcerated due to a conviction for a new offense, or following a revocation of probation, supervised release, or conditional release for any offense, the person shall continue to register until ten years have elapsed since the person was last released from incarceration or until the person's probation, supervised release, or conditional release period expires, whichever occurs later.

(d) A person shall continue to comply with this section for the life of that person:

(1) if the person is convicted of or adjudicated delinquent for any offense for which registration is required under subdivision 1b, or any offense from another state, another country, or any federal offense similar to the offenses described in subdivision 1b, and the person has a prior conviction or adjudication for an offense for which registration was or would have been required under subdivision 1b, or an offense from another state, another country, or a federal offense similar to an offense described in subdivision 1b;

(2) if the person is required to register based upon a conviction or delinquency adjudication for an offense under section 609.185, paragraph (a), clause (2), or a similar statute from another state ~~or~~ the United States, or another country;

(3) if the person is required to register based upon a conviction for an offense under section 609.342, subdivision 1, paragraph (a), (c), (d), (e), (f), or (h); 609.343, subdivision 1, paragraph (a), (c), (d), (e), (f), or (h); 609.344, subdivision 1, paragraph (a), (c), or (g); or 609.345, subdivision 1, paragraph (a), (c), or (g); or a statute from another state ~~or~~ the United States, or another country similar to the offenses described in this clause; or

(4) if the person is required to register under subdivision 1b, paragraph (c), following commitment pursuant to a court commitment under Minnesota Statutes 2012, section 253B.185, chapter 253D, Minnesota Statutes 1992, section 526.10, or a similar law of another state ~~or~~ the United States, or another country.

(e) A person described in subdivision 1b, paragraph (b), who is required to register under the laws of a state or another country in which the person has been previously convicted or adjudicated delinquent, shall register under this section for the time period required by the state of conviction or adjudication unless a longer time period is required elsewhere in this section.

Sec. 12. Minnesota Statutes 2018, section 243.166, subdivision 7, is amended to read:

Subd. 7. **Use of data.** (a) Except as otherwise provided in subdivision 4b or 7a or sections 244.052 and 299C.093, the data provided under this section is private data on individuals under section 13.02, subdivision 12.

(b) The data may be used only by law enforcement and corrections agencies for law enforcement and corrections purposes. Law enforcement or a corrections agent may disclose the status of an individual as a predatory offender to a child protection worker with a local welfare agency for purposes of doing a family assessment under section 626.556. A corrections agent may also disclose the status of an individual as a predatory offender to comply with section 244.057.

(c) The commissioner of human services is authorized to have access to the data for:

(1) state-operated services, as defined in section 246.014, for the purposes described in section 246.13, subdivision 2, paragraph (b); and

(2) purposes of completing background studies under chapter 245C.

Sec. 13. Minnesota Statutes 2018, section 243.166, subdivision 7a, is amended to read:

Subd. 7a. **Availability of information on offenders who are out of compliance with registration law.** (a) The bureau may make information available to the public about offenders who are 16 years of age or older and who are out of compliance with this section for 30 days or longer for failure to:

(1) provide the offenders' primary ~~or secondary~~ addresses;

(2) comply with the requirements of subdivision 3a;

(3) provide information as required by subdivisions 4a and 4d;

(4) return the verification form referenced in subdivision 4 within 15 days;

(5) remain at the primary address of record; or

(6) sign a registration form, verification form, or change of information form.

This information may be made available to the public through electronic, computerized, or other accessible means. The amount and type of information made available is limited to the information necessary for the public to assist law enforcement in locating the offender.

(b) An offender who comes into compliance with this section after the bureau discloses information about the offender to the public may send a written request to the bureau requesting the bureau to treat information about the offender as private data, consistent with subdivision 7. The bureau shall review the request and promptly take reasonable action to treat the data as private, if the offender has complied with the requirement that the offender provide the offender's primary and secondary addresses, has returned the verification form or has returned to the primary address, or promptly notify the offender that the information will continue to be treated as public information and the reasons for the bureau's decision.

(c) If an offender believes the information made public about the offender is inaccurate or incomplete, the offender may challenge the data under section 13.04, subdivision 4.

(d) The bureau is immune from any civil or criminal liability that might otherwise arise, based on the accuracy or completeness of any information made public under this subdivision, if the bureau acts in good faith.

Sec. 14. Minnesota Statutes 2018, section 299C.093, is amended to read:

**299C.093 DATABASE OF REGISTERED PREDATORY OFFENDERS.**

The superintendent of the Bureau of Criminal Apprehension shall maintain a computerized data system relating to individuals required to register as predatory offenders under section 243.166. To the degree feasible, the system must include the data required to be provided under section 243.166, subdivisions 4, ~~4a~~, and ~~4a~~ ~~4b~~, and indicate the time period that the person is required to register. The superintendent shall maintain this data in a manner that ensures that it is readily available to law enforcement agencies. This data is private data on individuals under section 13.02, subdivision 12, but may be used for law enforcement and corrections purposes. Law enforcement or a corrections agent may disclose the status of an individual as a predatory offender to a child protection worker with a local welfare agency for purposes of doing a family assessment under section 626.556. A corrections agent may also disclose the status of an individual as a predatory offender to comply with section 244.057. The commissioner of human services has access to the data for state-operated services, as defined in section 246.014, for the purposes described in section 246.13, subdivision 2, paragraph (b), and for purposes of conducting background studies under chapter 245C. In addition, the data may be used as provided in section 243.166, subdivisions 4b and 7a.

ARTICLE 14  
FIREARM BACKGROUND CHECKS AND TRANSFERS

Section 1. Minnesota Statutes 2018, section 624.7131, is amended to read:

**624.7131 TRANSFEREE PERMIT; PENALTY.**

Subdivision 1. **Information.** Any person may apply for a transferee permit by providing the following information in writing to the chief of police of an organized full time police department of the municipality in which the person resides or to the county sheriff if there is no such local chief of police:

(1) the name, residence, telephone number, and driver's license number or nonqualification certificate number, if any, of the proposed transferee;

(2) the sex, date of birth, height, weight, and color of eyes, and distinguishing physical characteristics, if any, of the proposed transferee;

(3) a statement that the proposed transferee authorizes the release to the local police authority of commitment information about the proposed transferee maintained by the commissioner of human services, to the extent that the information relates to the proposed transferee's eligibility to possess a pistol or semiautomatic military-style assault weapon under section 624.713, subdivision 1; and

(4) a statement by the proposed transferee that the proposed transferee is not prohibited by section 624.713 from possessing a pistol or semiautomatic military-style assault weapon.

The statements shall be signed and dated by the person applying for a permit. At the time of application, the local police authority shall provide the applicant with a dated receipt for the application. The statement under clause (3) must comply with any applicable requirements of Code of Federal Regulations, title 42, sections 2.31 to 2.35, with respect to consent to disclosure of alcohol or drug abuse patient records.

Subd. 2. **Investigation.** The chief of police or sheriff shall check criminal histories, records and warrant information relating to the applicant through the Minnesota Crime Information System, the national criminal record repository, and the National Instant Criminal Background Check System. The chief of police or sheriff shall also make a reasonable effort to check other available state and local record-keeping systems. The chief of police or sheriff shall obtain commitment information from the commissioner of human services as provided in section 245.041.

Subd. 3. **Forms.** Chiefs of police and sheriffs shall make transferee permit application forms available throughout the community. There shall be no charge for forms, reports, investigations, notifications, waivers or any other act performed or materials provided by a government employee or agency in connection with application for or issuance of a transferee permit.

Subd. 4. **Grounds for disqualification.** ~~A determination by (a) The chief of police or sheriff that shall refuse to grant a transferee permit if the applicant is prohibited by section 624.713 state or federal law from possessing a pistol or semiautomatic military-style assault weapon shall be the only basis for refusal to grant a transferee permit or is determined to be a danger to self or others under paragraph (b).~~

(b) A chief of police or sheriff shall refuse to grant a permit to a person who is a danger to self or others. The decision of the chief of police or sheriff must be based on documented past contact with law enforcement. A notice of disqualification issued pursuant to this paragraph must describe and document the specific law enforcement contact or contacts relied upon to deny the permit.

(c) A person is not eligible to submit a permit application under this section if the person has had an application denied pursuant to paragraph (b) and less than six months have elapsed since the denial was issued or the person's appeal under subdivision 8 was denied, whichever is later.

(d) A chief of police or sheriff who denies a permit application pursuant to paragraph (b) must provide a copy of the notice of disqualification to the chief of police or sheriff with joint jurisdiction over the proposed transferee's residence.

Subd. 5. **Granting of permits.** (a) The chief of police or sheriff shall issue a transferee permit or deny the application within seven days of application for the permit.

(b) In the case of a denial, the chief of police or sheriff shall provide an applicant with written notification of a denial and the specific reason for the denial.

(c) The permits and their renewal shall be granted free of charge.

Subd. 6. **Permits valid statewide.** Transferee permits issued pursuant to this section are valid statewide and shall expire after one year. A transferee permit may be renewed in the same manner and subject to the same provisions by which the original permit was obtained, except that all renewed permits must comply with the standards adopted by the commissioner under section 624.7151.

Permits issued pursuant to this section are not transferable. A person who transfers a permit in violation of this subdivision is guilty of a misdemeanor.

Subd. 7. **Permit voided; revocation.** (a) The transferee permit shall be void at the time that the holder becomes prohibited from possessing or receiving a pistol under section 624.713, in which event the holder shall return the permit within five days to the issuing authority. If the chief law enforcement officer who issued the permit has knowledge that the permit holder is ineligible to possess firearms, the chief law enforcement officer must revoke the permit and give notice to the holder in writing. Failure of the holder to return the permit within the five days of

learning that the permit is void or revoked is a gross misdemeanor unless the court finds that the circumstances or the physical or mental condition of the permit holder prevented the holder from complying with the return requirement.

(b) When a permit holder receives a court disposition that prohibits the permit holder from possessing a firearm, the court must take possession of the permit, if it is available, and send it to the issuing law enforcement agency. If the permit holder does not have the permit when the court imposes a firearm prohibition, the permit holder must surrender the permit to the assigned probation officer, if applicable. When a probation officer is assigned upon disposition of the case, the court shall inform the probation agent of the permit holder's obligation to surrender the permit. Upon surrender, the probation officer must send the permit to the issuing law enforcement agency. If a probation officer is not assigned to the permit holder, the holder shall surrender the permit as provided for in paragraph (a).

Subd. 8. **Hearing upon denial.** Any person aggrieved by denial of a transferee permit may appeal the denial to the district court having jurisdiction over the county or municipality in which the denial occurred.

~~Subd. 9. **Permit to carry.** A valid permit to carry issued pursuant to section 624.714 constitutes a transferee permit for the purposes of this section and section 624.7132.~~

~~Subd. 10. **Transfer report not required.** A person who transfers a pistol or semiautomatic military style assault weapon to a person exhibiting a valid transferee permit issued pursuant to this section or a valid permit to carry issued pursuant to section 624.714 is not required to file a transfer report pursuant to section 624.7132, subdivision 1.~~

Subd. 11. **Penalty.** A person who makes a false statement in order to obtain a transferee permit knowing or having reason to know the statement is false is guilty of a ~~gross misdemeanor~~ felony.

Subd. 12. **Local regulation.** This section shall be construed to supersede municipal or county regulation of the issuance of transferee permits.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 2. Minnesota Statutes 2018, section 624.7132, is amended to read:

#### **624.7132 REPORT OF TRANSFER.**

Subdivision 1. **Required information.** Except as provided in this section and section 624.7131, every person who agrees to transfer a pistol or semiautomatic military-style assault weapon shall report the following information in writing to the chief of police of the organized full-time police department of the municipality where the proposed transferee resides or to the appropriate county sheriff if there is no such local chief of police:

(1) the name, residence, telephone number, and driver's license number or nonqualification certificate number, if any, of the proposed transferee;

(2) the sex, date of birth, height, weight, and color of eyes, and distinguishing physical characteristics, if any, of the proposed transferee;

(3) a statement that the proposed transferee authorizes the release to the local police authority of commitment information about the proposed transferee maintained by the commissioner of human services, to the extent that the information relates to the proposed transferee's eligibility to possess a pistol or semiautomatic military-style assault weapon under section 624.713, subdivision 1;

(4) a statement by the proposed transferee that the transferee is not prohibited by section 624.713 from possessing a pistol or semiautomatic military-style assault weapon; and

(5) the address of the place of business of the transferor.

The report shall be signed and dated by the transferor and the proposed transferee. The report shall be delivered by the transferor to the chief of police or sheriff no later than three days after the date of the agreement to transfer, excluding weekends and legal holidays. The statement under clause (3) must comply with any applicable requirements of Code of Federal Regulations, title 42, sections 2.31 to 2.35, with respect to consent to disclosure of alcohol or drug abuse patient records.

Subd. 2. **Investigation.** Upon receipt of a transfer report, the chief of police or sheriff shall check criminal histories, records and warrant information relating to the proposed transferee through the Minnesota Crime Information System, the national criminal record repository, and the National Instant Criminal Background Check System. The chief of police or sheriff shall also make a reasonable effort to check other available state and local record-keeping systems. The chief of police or sheriff shall obtain commitment information from the commissioner of human services as provided in section 245.041.

Subd. 3. **Notification.** The chief of police or sheriff shall notify the transferor and proposed transferee in writing as soon as possible if the chief or sheriff determines that the proposed transferee is prohibited by section 624.713 from possessing a pistol or semiautomatic military-style assault weapon. The notification to the transferee shall specify the grounds for the disqualification of the proposed transferee and shall set forth in detail the transferee's right of appeal under subdivision 13.

Subd. 4. **Delivery.** Except as otherwise provided in subdivision 7 or 8, no person shall deliver a pistol or semiautomatic military-style assault weapon to a proposed transferee until five business days after the date the agreement to transfer is delivered to a chief of police or sheriff in accordance with subdivision 1 unless the chief of police or sheriff waives all or a portion of the ~~seven-day~~ waiting period. The chief of police or sheriff may waive all or a portion of the ~~five-business-day~~ waiting period in writing if the chief of police or sheriff finds that the transferee requires access to a pistol or semiautomatic military-style assault weapon because of a threat to the life of the transferee or of any member of the household of the transferee.

No person shall deliver a ~~pistol or semiautomatic military-style assault weapon~~ firearm to a proposed transferee after receiving a written notification that the chief of police or sheriff has determined that the proposed transferee is prohibited by section 624.713 from possessing a ~~pistol or semiautomatic military-style assault weapon~~ firearm.

If the transferor makes a report of transfer and receives no written notification of disqualification of the proposed transferee within five business days after delivery of the agreement to transfer, the ~~pistol or semiautomatic military-style assault weapon~~ firearm may be delivered to the transferee.

Subd. 5. **Grounds for disqualification.** ~~A determination by (a)~~ The chief of police or sheriff ~~that shall deny an application if~~ the proposed transferee is prohibited by ~~section 624.713 state or federal law~~ from possessing a pistol or semiautomatic military-style assault weapon ~~shall be the sole basis for a notification of disqualification under this section or is determined to be a danger to self or others under paragraph (b).~~

(b) A chief of police or sheriff shall deny an application if the person is a danger to self or others. The decision of the chief of police or sheriff must be based on documented past contact with law enforcement. A notice of disqualification issued pursuant to this paragraph must describe and document the specific law enforcement contact or contacts relied upon to deny the application.

(c) A chief of police or sheriff need not process an application under this section if the person has had an application denied pursuant to paragraph (b) and less than six months have elapsed since the denial was issued or the person's appeal under subdivision 13 was denied, whichever is later.

(d) A chief of police or sheriff who denies an application pursuant to paragraph (b) must provide a copy of the notice of disqualification to the chief of police or sheriff with joint jurisdiction over the applicant's residence.

~~Subd. 6. **Transferee permit.** If a chief of police or sheriff determines that a transferee is not a person prohibited by section 624.713 from possessing a pistol or semiautomatic military style assault weapon, the transferee may, within 30 days after the determination, apply to that chief of police or sheriff for a transferee permit, and the permit shall be issued.~~

~~Subd. 8. **Report not required.** If the proposed transferee presents a valid transferee permit issued under section 624.7131 or a valid permit to carry issued under section 624.714, the transferor need not file a transfer report.~~

Subd. 9. **Number of pistols or semiautomatic military-style assault weapons.** Any number of pistols or semiautomatic military-style assault weapons may be the subject of a single transfer agreement and report to the chief of police or sheriff. Nothing in this section or section 624.7131 shall be construed to limit or restrict the number of pistols or semiautomatic military-style assault weapons a person may acquire.

Subd. 10. **Restriction on records.** If, after a determination that the transferee is not a person prohibited by section 624.713 from possessing a pistol or semiautomatic military-style assault weapon, a transferee requests that no record be maintained of the fact of who is the transferee of a pistol or semiautomatic military-style assault weapon, the chief of police or sheriff shall sign the transfer report and return it to the transferee as soon as possible. Thereafter, no government employee or agency shall maintain a record of the transfer that identifies the transferee, and the transferee shall retain the report of transfer.

Subd. 11. **Forms; cost.** Chiefs of police and sheriffs shall make transfer report forms available throughout the community. There shall be no charge for forms, reports, investigations, notifications, waivers or any other act performed or materials provided by a government employee or agency in connection with a transfer.

Subd. 12. **Exclusions.** Except as otherwise provided in section 609.66, subdivision 1f, this section shall not apply to transfers of antique firearms as curiosities or for their historical significance or value, transfers to or between federally licensed firearms dealers, transfers by order of court, involuntary transfers, transfers at death or the following transfers:

- (1) a transfer by a person other than a federally licensed firearms dealer;
- (2) a loan to a prospective transferee if the loan is intended for a period of no more than one day;
- (3) the delivery of a pistol or semiautomatic military-style assault weapon to a person for the purpose of repair, reconditioning or remodeling;
- (4) a loan by a teacher to a student in a course designed to teach marksmanship or safety with a pistol and approved by the commissioner of natural resources;
- (5) a loan between persons at a firearms collectors exhibition;
- (6) a loan between persons lawfully engaged in hunting or target shooting if the loan is intended for a period of no more than 12 hours;

(7) a loan between law enforcement officers who have the power to make arrests other than citizen arrests; and

(8) a loan between employees or between the employer and an employee in a business if the employee is required to carry a pistol or semiautomatic military-style assault weapon by reason of employment and is the holder of a valid permit to carry a pistol.

Subd. 13. **Appeal.** A person aggrieved by the determination of a chief of police or sheriff that the person is prohibited by section 624.713 from possessing a pistol or semiautomatic military-style assault weapon may appeal the determination as provided in this subdivision. The district court shall have jurisdiction of proceedings under this subdivision.

On review pursuant to this subdivision, the court shall be limited to a determination of whether the proposed transferee is a person prohibited from possessing a pistol or semiautomatic military-style assault weapon by section 624.713.

~~Subd. 14. **Transfer to unknown party.** (a) No person shall transfer a pistol or semiautomatic military style assault weapon to another who is not personally known to the transferor unless the proposed transferee presents evidence of identity to the transferor.~~

~~(b) No person who is not personally known to the transferor shall become a transferee of a pistol or semiautomatic military style assault weapon unless the person presents evidence of identity to the transferor.~~

~~(c) The evidence of identity shall contain the name, residence address, date of birth, and photograph of the proposed transferee; must be made or issued by or under the authority of the United States government, a state, a political subdivision of a state, a foreign government, a political subdivision of a foreign government, an international governmental or an international quasi governmental organization; and must be of a type commonly accepted for the purpose of identification of individuals.~~

~~(d) A person who becomes a transferee of a pistol or semiautomatic military style assault weapon in violation of this subdivision is guilty of a misdemeanor.~~

Subd. 15. **Penalties.** (a) Except as otherwise provided in paragraph (b), a person who does any of the following is guilty of a gross misdemeanor:

(1) transfers a pistol or semiautomatic military-style assault weapon in violation of subdivisions 1 to 13;

(2) transfers a pistol or semiautomatic military-style assault weapon to a person who has made a false statement in order to become a transferee, if the transferor knows or has reason to know the transferee has made the false statement;

(3) knowingly becomes a transferee in violation of subdivisions 1 to 13; or

(4) makes a false statement in order to become a transferee of a pistol or semiautomatic military-style assault weapon knowing or having reason to know the statement is false.

(b) A person who does either of the following is guilty of a felony:

(1) transfers a pistol or semiautomatic military-style assault weapon to a person under the age of 18 in violation of subdivisions 1 to 13; or

(2) transfers a pistol or semiautomatic military-style assault weapon to a person under the age of 18 who has made a false statement in order to become a transferee, if the transferor knows or has reason to know the transferee has made the false statement.

Subd. 16. **Local regulation.** This section shall be construed to supersede municipal or county regulation of the transfer of pistols.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 3. **[624.7134] PRIVATE PARTY TRANSFERS; BACKGROUND CHECK REQUIRED.**

Subdivision 1. **Definitions.** (a) As used in this section, the terms in this subdivision have the meanings given.

(b) "Firearms dealer" means a person who is licensed by the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, under United States Code, title 18, section 923(a).

(c) "State or federally issued identification" means a document or card made or issued by or under the authority of the United States government or the state that contains the person's name, residence address, date of birth, and photograph and is of a type commonly accepted for the purpose of identification of individuals.

Subd. 2. **Background check and evidence of identity.** A person who is not a firearms dealer is prohibited from transferring possession or ownership of a pistol or semiautomatic military-style assault weapon to any other person who is not a firearms dealer unless the transferee presents a valid transferee permit issued under section 624.7131 and a current state or federally issued identification.

Subd. 3. **Record of transfer; required information.** (a) When two parties complete the transfer of a pistol or semiautomatic military-style assault weapon under subdivision 2, the transferor and transferee must complete a record of transfer on a form designed and made publicly available without fee for this purpose by the superintendent of the Bureau of Criminal Apprehension. Each page of the record of transfer must be signed and dated by the transferor and the transferee and contain the serial number of the pistol or semiautomatic military-style assault weapon.

(b) The record of transfer must contain the following information:

(1) a clear copy of each person's current state or federally issued identification;

(2) a clear copy of the transferee permit presented by the transferee; and

(3) a signed statement by the transferee swearing that the transferee is not currently prohibited by state or federal law from possessing a firearm.

(c) The record of transfer must also contain the following information regarding the transferred pistol or semiautomatic military-style assault weapon:

(1) the type of pistol or semiautomatic military-style assault weapon;

(2) the manufacturer, make, and model of the pistol or semiautomatic military-style assault weapon; and

(3) the pistol or semiautomatic military-style assault weapon's manufacturer-assigned serial number.

(d) Both the transferor and the transferee must retain a copy of the record of transfer and any attachments to the record of transfer for 20 years from the date of the transfer. A copy in digital form shall be acceptable for the purposes of this paragraph.

**Subd. 4. Compulsory production of record of transfer; gross misdemeanor penalty.** (a) The transferor and transferee of a pistol or semiautomatic military-style assault weapon transferred under this section must produce the record of transfer when a peace officer requests the record as part of a criminal investigation.

(b) A person who refuses or is unable to produce a record of transfer for a firearm transferred under this section in response to a request for production made by a peace officer pursuant to paragraph (a) is guilty of a gross misdemeanor. A prosecution or conviction for violation of this subdivision is not a bar to conviction of, or punishment for, any other crime committed involving the transferred firearm.

**Subd. 5. Immunity.** A person is immune to a charge of violating this section if the person presents a record of transfer that satisfies the requirements of subdivision 3.

**Subd. 6. Exclusions.** (a) This section shall not apply to the following transfers:

(1) a transfer by or to a federally licensed firearms dealer;

(2) a transfer by or to any law enforcement agency;

(3) to the extent the transferee is acting within the course and scope of employment and official duties, a transfer to:

(i) a peace officer, as defined in section 626.84, subdivision 1, paragraph (c);

(ii) a member of the United States armed forces, the National Guard, or the reserves of the United States armed forces;

(iii) a federal law enforcement officer; or

(iv) a security guard employed by a protective agent licensed pursuant to chapter 326;

(4) a transfer between immediate family members, which for the purposes of this section means spouses, domestic partners, parents, children, siblings, grandparents, and grandchildren;

(5) a transfer to an executor, administrator, trustee, or personal representative of an estate or a trust that occurs by operation of law upon the death of the former owner of the firearm;

(6) a transfer of an antique firearm as defined in section 624.712, subdivision 3;

(7) a transfer of a curio or relic, as defined in Code of Federal Regulations, title 27, section 478.11, if the transfer is between collectors of firearms as curios or relics as defined by United States Code, title 18, section 921(a)(13), who each have in their possession a valid collector of curio and relics license issued by the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives;

(8) the temporary transfer of a firearm if:

(i) the transfer is necessary to prevent imminent death or great bodily harm; and

(ii) the person's possession lasts only as long as immediately necessary to prevent such imminent death or great bodily harm;

(9) transfers by or to an auctioneer who is in compliance with chapter 330 and acting in the person's official role as an auctioneer to facilitate or conduct an auction of the firearm; and

(10) a temporary transfer if the transferee's possession of the firearm following the transfer is only:

(i) at a shooting range that operates in compliance with the performance standards under chapter 87A or is a nonconforming use under section 87A.03, subdivision 2, or, if compliance is not required by the governing body of the jurisdiction, at an established shooting range operated consistently with local law in the jurisdiction;

(ii) at a lawfully organized competition involving the use of a firearm, or while participating in or practicing for a performance by an organized group that uses firearms as part of the performance;

(iii) while hunting or trapping if the hunting or trapping is legal in all places where the transferee possesses the firearm and the transferee holds all licenses or permits required for hunting or trapping; or

(iv) while in the actual presence of the transferor.

(b) A transfer under this subdivision is permitted only if the transferor has no reason to believe:

(1) that the transferee is prohibited by federal law from buying or possessing firearms or not entitled under state law to possess firearms;

(2) if the transferee is under 18 years of age and is receiving the firearm under direct supervision and control of an adult, that the adult is prohibited by federal law from buying or possessing firearms or not entitled under state law to possess firearms; or

(3) that the transferee will use or intends to use the firearm in the commission of a crime.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

## ARTICLE 15 POSSESSION OF FIREARMS

Section 1. Minnesota Statutes 2018, section 624.713, subdivision 1, is amended to read:

Subdivision 1. **Ineligible persons.** The following persons shall not be entitled to possess ammunition or a pistol or semiautomatic military-style assault weapon or, except for clause (1), any other firearm:

(1) a person under the age of 18 years except that a person under 18 may possess ammunition designed for use in a firearm that the person may lawfully possess and may carry or possess a pistol or semiautomatic military-style assault weapon (i) in the actual presence or under the direct supervision of the person's parent or guardian, (ii) for the purpose of military drill under the auspices of a legally recognized military organization and under competent supervision, (iii) for the purpose of instruction, competition, or target practice on a firing range approved by the chief of police or county sheriff in whose jurisdiction the range is located and under direct supervision; or (iv) if the person has successfully completed a course designed to teach marksmanship and safety with a pistol or semiautomatic military-style assault weapon and approved by the commissioner of natural resources;

(2) except as otherwise provided in clause (9), a person who has been convicted of, or adjudicated delinquent or convicted as an extended jurisdiction juvenile for committing, in this state or elsewhere, a crime of violence. For purposes of this section, crime of violence includes crimes in other states or jurisdictions which would have been crimes of violence as herein defined if they had been committed in this state;

(3) a person who is or has ever been committed in Minnesota or elsewhere by a judicial determination that the person is mentally ill, developmentally disabled, or mentally ill and dangerous to the public, as defined in section 253B.02, to a treatment facility, or who has ever been found incompetent to stand trial or not guilty by reason of mental illness, unless the person's ability to possess a firearm and ammunition has been restored under subdivision 4;

(4) a person who has been convicted in Minnesota or elsewhere of a misdemeanor or gross misdemeanor violation of chapter 152, unless three years have elapsed since the date of conviction and, during that time, the person has not been convicted of any other such violation of chapter 152 or a similar law of another state; or a person who is or has ever been committed by a judicial determination for treatment for the habitual use of a controlled substance or marijuana, as defined in sections 152.01 and 152.02, unless the person's ability to possess a firearm and ammunition has been restored under subdivision 4;

(5) a person who has been committed to a treatment facility in Minnesota or elsewhere by a judicial determination that the person is chemically dependent as defined in section 253B.02, unless the person has completed treatment or the person's ability to possess a firearm and ammunition has been restored under subdivision 4. Property rights may not be abated but access may be restricted by the courts;

(6) a peace officer who is informally admitted to a treatment facility pursuant to section 253B.04 for chemical dependency, unless the officer possesses a certificate from the head of the treatment facility discharging or provisionally discharging the officer from the treatment facility. Property rights may not be abated but access may be restricted by the courts;

(7) a person, including a person under the jurisdiction of the juvenile court, who has been charged with committing a crime of violence and has been placed in a pretrial diversion program by the court before disposition, until the person has completed the diversion program and the charge of committing the crime of violence has been dismissed;

(8) except as otherwise provided in clause (9), a person who has been convicted in another state of committing an offense similar to the offense described in section 609.224, subdivision 3, against a family or household member or section 609.2242, subdivision 3, unless three years have elapsed since the date of conviction and, during that time, the person has not been convicted of any other violation of section 609.224, subdivision 3, or 609.2242, subdivision 3, or a similar law of another state;

(9) a person who has been convicted in this state or elsewhere of assaulting a family or household member and who was found by the court to have used a firearm in any way during commission of the assault is prohibited from possessing any type of firearm or ammunition for the period determined by the sentencing court;

(10) a person who:

(i) has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;

(ii) is a fugitive from justice as a result of having fled from any state to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding;

(iii) is an unlawful user of any controlled substance as defined in chapter 152;

(iv) has been judicially committed to a treatment facility in Minnesota or elsewhere as a person who is mentally ill, developmentally disabled, or mentally ill and dangerous to the public, as defined in section 253B.02;

(v) is an alien who is illegally or unlawfully in the United States;

(vi) has been discharged from the armed forces of the United States under dishonorable conditions;

(vii) has renounced the person's citizenship having been a citizen of the United States; or

(viii) is disqualified from possessing a firearm under United States Code, title 18, section 922(g)(8) or (9), as amended through March 1, 2014;

(11) a person who has been convicted of the following offenses at the gross misdemeanor level, unless three years have elapsed since the date of conviction and, during that time, the person has not been convicted of any other violation of these sections: section 609.229 (crimes committed for the benefit of a gang); 609.2231, subdivision 4 (assaults motivated by bias); 609.255 (false imprisonment); 609.378 (neglect or endangerment of a child); 609.582, subdivision 4 (burglary in the fourth degree); 609.665 (setting a spring gun); 609.71 (riot); or 609.749 (stalking). For purposes of this paragraph, the specified gross misdemeanor convictions include crimes committed in other states or jurisdictions which would have been gross misdemeanors if conviction occurred in this state;

(12) a person who has been convicted of a violation of section 609.224 if the court determined that the assault was against a family or household member in accordance with section 609.2242, subdivision 3 (domestic assault), unless three years have elapsed since the date of conviction and, during that time, the person has not been convicted of another violation of section 609.224 or a violation of a section listed in clause (11); ~~or~~

(13) a person who is subject to an order for protection as described in section 260C.201, subdivision 3, paragraph (d), or 518B.01, subdivision 6, paragraph (g); or

(14) a person who is subject to an extreme risk protection order as described in section 624.7162 or 624.7164.

A person who issues a certificate pursuant to this section in good faith is not liable for damages resulting or arising from the actions or misconduct with a firearm or ammunition committed by the individual who is the subject of the certificate.

The prohibition in this subdivision relating to the possession of firearms other than pistols and semiautomatic military-style assault weapons does not apply retroactively to persons who are prohibited from possessing a pistol or semiautomatic military-style assault weapon under this subdivision before August 1, 1994.

The lifetime prohibition on possessing, receiving, shipping, or transporting firearms and ammunition for persons convicted or adjudicated delinquent of a crime of violence in clause (2), applies only to offenders who are discharged from sentence or court supervision for a crime of violence on or after August 1, 1993.

For purposes of this section, "judicial determination" means a court proceeding pursuant to sections 253B.07 to 253B.09 or a comparable law from another state.

## Sec. 2. **[624.7161] EXTREME RISK PROTECTION ORDERS.**

Subdivision 1. **Definitions.** As used in sections 624.7161 to 624.7168, "firearm" has the meaning given in section 609.666, subdivision 1, paragraph (a).

Subd. 2. **Court jurisdiction.** An application for relief under this section shall be filed in the county of residence of the respondent. Actions under this section shall be given docket priorities by the court.

Subd. 3. **Generally.** (a) There shall exist an action known as a petition for an extreme risk protection order, which order shall enjoin and prohibit the respondent from possessing firearms for a fixed period.

(b) A petition for relief under sections 624.7161 to 624.7168 may be made by the chief law enforcement officer or a designee or a city or county attorney.

(c) A petition for relief shall allege that the respondent poses a significant danger of bodily harm to self or to other persons by possessing a firearm. The petition shall be accompanied by an affidavit made under oath stating specific facts and circumstances forming a basis to allege that an extreme risk protection order should be granted. The affidavit may include but is not limited to evidence showing any of the factors described in section 624.7162, subdivision 2.

(d) A petition for emergency relief under section 624.7164 shall additionally allege that the respondent presents an immediate and present danger of bodily harm.

(e) A petition for relief must describe, to the best of the petitioner's knowledge, the types and location of any firearms believed by the petitioner to be possessed by the respondent.

(f) The state court administrator shall create all forms necessary under sections 624.7161 to 624.7168.

(g) The filing fees for an extreme risk protection order under this section are waived for the petitioner and respondent.

(h) An extreme risk protection order issued under sections 624.7161 to 624.7168 applies throughout the state.

(i) Any proceeding under sections 624.7161 to 624.7168 shall be in addition to other civil or criminal remedies.

(j) All health records and other health information provided in a petition or considered as evidence in a proceeding under sections 624.7161 to 624.7168 shall be protected from public disclosure but may be provided to law enforcement agencies as described in this section.

(k) Any extreme risk protection order or subsequent extension issued under sections 624.7161 to 624.7168 shall be forwarded by the court administrator within 24 hours to the local law enforcement agency with jurisdiction over the residence of the respondent. Each appropriate law enforcement agency shall make available to other law enforcement officers, through a system for verification, information as to the existence and status of any extreme risk protection order issued under sections 624.7161 to 624.7168.

**Sec. 3. [624.7162] EXTREME RISK PROTECTION ORDERS ISSUED AFTER HEARING.**

Subdivision 1. **Hearing.** (a) Upon receipt of the petition for an order after a hearing, the court shall order a hearing which shall be held not later than 14 days from the date of the order for hearing.

(b) The petitioning agency shall be responsible for service of an extreme risk protection order issued by the court and shall further be the agency responsible for the execution of any legal process required for the seizure and storage of firearms subject to the order. Nothing in this provision limits the ability of the law enforcement agency of record from cooperating with other law enforcement entities.

(c) Personal service of notice for the hearing may be made upon the respondent at any time up to 12 hours prior to the time set for the hearing, provided that the respondent at the hearing may request a continuance of up to five days if the respondent is served less than five days prior to the hearing, which continuance shall be granted unless there are compelling reasons not to do so. If the court grants the requested continuance, and an existing emergency order under section 624.7164 will expire due to the continuance, the court shall also issue a written order continuing the emergency order pending the new time set for the hearing.

(d) If personal service cannot be made, the court may order service of the petition and any order issued under this section by alternate means. The application for alternate service must include the last known location of the respondent; the petitioner's most recent contacts with the respondent; the last known location of the respondent's employment; the names and locations of the respondent's parents, siblings, children, and other close relatives; the names and locations of other persons who are likely to know the respondent's whereabouts; and a description of efforts to locate those persons. The court shall consider the length of time the respondent's location has been unknown, the likelihood that the respondent's location will become known, the nature of the relief sought, and the nature of efforts made to locate the respondent. The court shall order service by first class mail, forwarding address requested, to any addresses where there is a reasonable possibility that mail or information will be forwarded or communicated to the respondent. The court may also order publication, within or without the state, but only if it might reasonably succeed in notifying the respondent of the proceeding. Service shall be deemed complete 14 days after mailing or 14 days after court-ordered publication.

Subd. 2. **Relief by court.** (a) At the hearing, the petitioner must prove by a preponderance of the evidence that the respondent poses a significant danger of bodily harm to self or other persons by possessing a firearm.

(b) In determining whether to grant the order after a hearing, the court shall consider evidence of the following, whether or not the petitioner has provided evidence of the same:

(1) a history of threats or acts of violence by the respondent directed toward another person;

(2) the history of use, attempted use, or threatened use of physical force by the respondent against another person;

(3) a violation of any court order, including but not limited to orders issued under sections 624.7161 to 624.7168 or chapter 260C or 518B;

(4) a prior arrest for a felony offense;

(5) a conviction or prior arrest for a violent misdemeanor offense, for a stalking offense under section 609.749, or for domestic assault under section 609.2242;

(6) a conviction for an offense of cruelty to animals under chapter 343;

(7) the unlawful and reckless use, display, or brandishing of a firearm by the respondent;

(8) a history of self-harm by the respondent; and

(9) whether the respondent is named in an existing order in effect under sections 624.7161 to 624.7168 or chapter 260C or 518B, or party to a pending lawsuit, complaint, petition, or other action under sections 624.7161 to 624.7168 or chapter 518B.

(c) In determining whether to grant the order after a hearing, the court may consider any other evidence that bears on whether the respondent poses a danger to the respondent's self or others.

(d) If the court finds there is a preponderance of the evidence to issue an extreme risk protection order, the court shall issue the order prohibiting the person from possessing a firearm for the duration of the order. The court shall inform the respondent that the respondent is prohibited from possessing firearms and shall issue a transfer order under section 624.7165. The court shall also give notice to the county attorney's office, which may take action as it deems appropriate.

(e) The order shall have a fixed period, to be determined by the court, of not less than six months and not more than two years, subject to renewal or extension under section 624.7163.

(f) If there is no existing emergency order under section 624.7164 at the time an order is granted under this section, the court shall determine by a preponderance of the evidence whether the respondent presents an immediate and present danger of bodily harm. If the court so determines, the transfer order shall include the provisions described in section 624.7165, paragraph (c).

(g) If, after a hearing, the court does not issue an order of protection, the court shall vacate any emergency extreme risk protection order currently in effect.

(h) A respondent may waive the respondent's right to contest the hearing and consent to the court's imposition of an extreme risk protection order. The court shall seal the petition filed under this section and section 624.7144 if a respondent who consents to imposition of an extreme risk protection order requests that the petition be sealed, unless the court finds that there is clear and convincing evidence that the interests of the public and public safety outweigh the disadvantages to the respondent of not sealing the petition. All extreme risk protection orders shall remain public.

#### Sec. 4. **[624.7163] SUBSEQUENT EXTENSIONS AND TERMINATION.**

(a) Upon application by any party entitled to petition for an order under section 624.7162, and after notice to the respondent and a hearing, the court may extend the relief granted in an existing order granted after a hearing under section 624.7162. Application for an extension may be made any time within the three months before the expiration of the existing order. The order may be extended for a fixed period of at least six months and not to exceed two years, if the court makes the same findings by a preponderance of the evidence as required for granting of an initial order under section 624.7162, subdivision 2, paragraph (d). The court shall consider the same types of evidence as required for the initial order under section 624.7162, subdivision 2, paragraphs (b) and (c).

(b) Upon application by the respondent to an order issued under section 624.7162, the court may terminate an order after a hearing at which the respondent shall bear the burden of proving by a preponderance of the evidence that the respondent does not pose a significant danger of bodily harm to the respondent's self or to other persons by possessing a firearm. Application for termination may be made one time for each year an order is in effect. If an order has been issued for a period of six months, the respondent may apply for termination one time.

#### Sec. 5. **[624.7164] EMERGENCY ISSUANCE OF EXTREME RISK PROTECTION ORDER.**

(a) In determining whether to grant an emergency extreme risk protection order, the court shall consider evidence of all facts identified in section 624.7162, subdivision 2, paragraphs (b) and (c).

(b) If the court finds there is reasonable grounds that (1) the respondent poses a significant danger of bodily harm to the respondent's self or to other persons by possessing a firearm, and (2) the respondent presents an immediate and present danger of bodily harm, the court shall issue an ex parte emergency order prohibiting the respondent from possessing a firearm for the duration of the order. The order shall inform the respondent that the respondent is prohibited from possessing firearms and shall issue a transfer order under section 624.7165, paragraph (c).

(c) A finding by the court that there is a basis for issuing an emergency extreme risk protection order constitutes a finding that sufficient reasons exist not to require notice under applicable court rules governing applications for ex parte relief.

(d) The emergency order shall have a fixed period of 14 days unless a hearing is set under section 624.7162 on an earlier date, in which case the order shall expire upon a judge's finding that no order is issued under section 624.7162.

(e) Except as provided in paragraph (f), the respondent shall be personally served immediately with a copy of the emergency order and a copy of the petition and, if a hearing is requested by the petitioner under section 624.7162, notice of the date set for the hearing. If the petitioner does not request a hearing under section 624.7162, an order served on a respondent under this subdivision must include a notice advising the respondent of the right to request a hearing challenging the issuance of the emergency order, and must be accompanied by a form that can be used by the respondent to request a hearing.

(f) Service of the emergency order may be made by alternate service as provided under section 624.7162, subdivision 1, paragraph (d), provided that the petitioner files the affidavit required under that subdivision. If the petitioner does not request a hearing under section 624.7162, the petition mailed to the respondent's residence, if known, must be accompanied by the form for requesting a hearing described in paragraph (e).

**Sec. 6. [624.7165] TRANSFER OF FIREARMS.**

(a) Except as provided in paragraph (b), upon issuance of an extreme risk protection order, the court shall direct the respondent to transfer any firearms the person possesses as soon as reasonably practicable, but in no case later than 24 hours, to a federally licensed firearms dealer or a law enforcement agency. If the respondent elects to transfer the respondent's firearms to a law enforcement agency, the agency must accept the transfer. The transfer may be permanent or temporary. A temporary firearm transfer only entitles the receiving party to possess the firearm and does not transfer ownership or title. If the respondent makes a temporary transfer, a federally licensed firearms dealer or law enforcement agency may charge the respondent a reasonable fee to store the firearms and may establish policies for disposal of abandoned firearms, provided these policies require that the respondent be notified prior to disposal of abandoned firearms. If a respondent permanently transfers the respondent's firearms to a law enforcement agency, the agency is not required to compensate the respondent and may charge the respondent a reasonable processing fee.

(b) A person directed to transfer any firearms pursuant to paragraph (a) may transfer any antique firearm, as defined in United States Code, title 18, section 921, paragraph (a), clause (16), as amended, or a curio or relic as defined in Code of Federal Regulations, title 27, section 478.11, as amended, to a relative who does not live with the respondent after confirming that the relative may lawfully own or possess a firearm.

(c) The respondent must file proof of transfer as provided in this paragraph.

(1) A law enforcement agency or federally licensed firearms dealer accepting transfer of a firearm pursuant to this section shall provide proof of transfer to the respondent. The proof of transfer must specify whether the firearms were permanently or temporarily transferred and must include the name of the respondent, date of transfer, and the serial number, manufacturer, and model of all transferred firearms. If transfer is made to a federally licensed firearms dealer, the respondent shall, within two business days after being served with the order, file a copy of proof of transfer with the law enforcement agency and attest that all firearms owned or possessed at the time of the order have been transferred in accordance with this section and that the person currently does not possess any firearms. If the respondent claims not to own or possess firearms, the respondent shall file a declaration of nonpossession with the law enforcement agency attesting that, at the time of the order, the respondent neither owned nor possessed any firearms, and that the respondent currently neither owns nor possesses any firearms. If the transfer is made to a

relative pursuant to paragraph (b), the relative must sign an affidavit under oath before a notary public either acknowledging that the respondent permanently transferred the respondent's antique firearms, curios, or relics to the relative or agreeing to temporarily store the respondent's antique firearms, curios, or relics until such time as the respondent is legally permitted to possess firearms. To the extent possible, the affidavit shall indicate the serial number, make, and model of all antique firearms, curios, or relics transferred by the respondent to the relative.

(2) The court shall seal affidavits, proofs of transfer, and declarations of nonpossession filed pursuant to this paragraph.

(d) If a court issues an emergency order under section 624.7164, or makes a finding of immediate and present danger under section 624.7162, subdivision 2, paragraph (e), and there is probable cause to believe the respondent possesses firearms, the court shall issue a search warrant to the local law enforcement agency to take possession of all firearms in the respondent's possession as soon as practicable. The local law enforcement agency shall, upon written notice from the respondent, transfer the firearms to a federally licensed firearms dealer. Before a local law enforcement agency transfers a firearm under this paragraph, the agency shall require the federally licensed firearms dealer receiving the firearm to submit a proof of transfer that complies with the requirements for proofs of transfer established in paragraph (c). The agency shall file all proofs of transfer received by the court within two business days of the transfer. A federally licensed firearms dealer who accepts a firearm transfer pursuant to this paragraph shall comply with paragraphs (a) and (c) as if accepting transfer directly from the respondent. If the law enforcement agency does not receive written notice from the respondent within three business days, the agency may charge a reasonable fee to store the respondent's firearms. A law enforcement agency may establish policies for disposal of abandoned firearms, provided these policies require that the respondent be notified prior to disposal of abandoned firearms.

#### Sec. 7. **[624.7166] RETURN OF FIREARMS.**

Subdivision 1. **Law enforcement.** A local law enforcement agency that accepted temporary transfer of firearms under section 624.7165 shall return the firearms to the respondent upon request after the expiration of the order, provided the respondent is not otherwise prohibited from possessing firearms under state or federal law.

Subd. 2. **Firearms dealer.** A federally licensed firearms dealer that accepted temporary transfer of firearms under section 624.7165 shall return the transferring firearms to the respondent upon request after the expiration of the order, provided the respondent is not otherwise prohibited from possessing firearms under state or federal law. A federally licensed firearms dealer returning firearms shall comply with state and federal law as though transferring a firearm from the dealer's own inventory.

#### Sec. 8. **[624.7167] OFFENSES.**

Subdivision 1. **False information or harassment.** A person who petitions for an extreme risk protection order under section 624.7162 or 624.7164, knowing any information in the petition to be materially false or with the intent to harass, abuse, or threaten, is guilty of a misdemeanor.

Subd. 2. **Violation of order.** A person who possesses a firearm and knows or should have known that the person is prohibited from doing so by an extreme risk protection order under section 624.7162 or 624.7164, or by an order of protection granted by a judge or referee pursuant to a substantially similar law of another state, is guilty of a misdemeanor and shall be prohibited from possessing firearms for a period of five years. Each extreme risk protection order granted under this chapter must contain a conspicuous notice to the respondent regarding the penalty for violation of the order.

Sec. 9. **[624.7168] LIABILITY PROTECTION.**

Subdivision 1. **Liability protection for petition.** A chief law enforcement officer, or a designee, or a city or county attorney, who, in good faith, decides not to petition for an extreme risk protection order or emergency extreme risk protection order shall be immune from criminal or civil liability.

Subd. 2. **Liability protection for storage of firearms.** A law enforcement agency shall be immune from civil or criminal liability for any damage or deterioration of firearms, ammunition, or weapons stored or transported pursuant to section 624.7165. This subdivision shall not apply if the damage or deterioration occurred as a result of recklessness, gross negligence, or intentional misconduct by the law enforcement agency.

Subd. 3. **Liability protection for harm following service of an order or execution of a search warrant.** A peace officer, law enforcement agency, and the state or a political subdivision by which a peace officer is employed has immunity from any liability, civil or criminal, for harm caused by a person who is the subject of an extreme risk protection order, a search warrant issued pursuant to section 624.7165, paragraph (d), or both after service of the order or execution of the warrant, whichever comes first, if the peace officer acts in good faith in serving the order or executing the warrant.

Sec. 10. **[626.8474] EXTREME RISK PROTECTION ORDER; DEVELOPMENT OF MODEL PROCEDURES.**

By December 1, 2020, the Peace Officer Standards and Training Board, after consulting with the Minnesota County Attorneys Association, the Minnesota Sheriffs' Association, the Minnesota Chiefs of Police Association, and the Minnesota Police and Peace Officers Association, shall develop model procedures and standards for the storage of firearms transferred to law enforcement under section 624.7165.

Sec. 11. **REVISOR INSTRUCTION.**

In the next edition of Minnesota Statutes, the revisor of statutes shall renumber Minnesota Statutes 2018, sections 624.7161 to 624.7168, and correct cross-references to those provisions so as not to conflict with this act.

Sec. 12. **EFFECTIVE DATE.**

Sections 1 to 9 and 11 are effective January 1, 2020, and apply to firearm permit background checks made on or after that date.

ARTICLE 16  
DISASTER ASSISTANCE

Section 1. **DISASTER ASSISTANCE CONTINGENCY ACCOUNT; TRANSFER.**

\$10,000,000 in fiscal year 2020 and \$10,000,000 in fiscal year 2021 are transferred from the general fund to the commissioner of public safety for deposit in the disaster assistance contingency account established under Minnesota Statutes, section 12.221, subdivision 6. These are onetime transfers.

ARTICLE 17  
JUDICIARY APPROPRIATIONS

Section 1. **APPROPRIATIONS.**

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this act. The appropriations are from the general fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2020" and "2021" used in this act mean that the appropriations listed under them are available for the fiscal year ending June 30, 2020, or June 30, 2021, respectively. "The first year" is fiscal year 2020. "The second year" is fiscal year 2021. "The biennium" is fiscal years 2020 and 2021.

<b><u>APPROPRIATIONS</u></b>	
<b><u>Available for the Year</u></b>	
<b><u>Ending June 30</u></b>	
<b><u>2020</u></b>	<b><u>2021</u></b>

Sec. 2. **SUPREME COURT**

Subdivision 1. **Total Appropriation**

**\$59,131,000**

**\$61,304,000**

The amounts that may be spent for each purpose are specified in the following subdivisions.

Subd. 2. **Supreme Court Operations**

43,608,000

44,858,000

(a) **Contingent Account**

\$5,000 each year is for a contingent account for expenses necessary for the normal operation of the court for which no other reimbursement is provided.

(b) **Judges' Compensation**

Judges' compensation is increased by three percent each year.

(c) **Cybersecurity Program**

\$2,500,000 each year is for a cybersecurity program.

(d) **Early Neutral Evaluation**

\$50,000 the first year is to contract with the Board of Regents of the University of Minnesota for its Extension Service to develop and conduct a survey of all early neutral evaluation participants and provide a report to the legislature pursuant to article 2, section 8.

Subd. 3. **Civil Legal Services**

15,523,000

16,446,000

**Legal Services to Low-Income Clients in Family Law Matters.**

\$1,062,000 the first year and \$1,125,000 the second year are to improve the access of low-income clients to legal representation in

family law matters. This appropriation must be distributed under Minnesota Statutes, section 480.242, to the qualified legal services program described in Minnesota Statutes, section 480.242, subdivision 2, paragraph (a). Any unencumbered balance remaining in the first year does not cancel and is available in the second year.

Sec. 3. **COURT OF APPEALS**

**\$12,878,000**

**\$13,258,000**

**Judges' Compensation.** Judges' compensation is increased by three percent each year.

Sec. 4. **DISTRICT COURTS**

**\$311,201,000**

**\$321,140,000**

(a) **Judges' Compensation**

Judges' compensation is increased by four percent each year.

(b) **New Trial Judges**

\$912,000 the first year and \$846,000 the second year are for two new trial court judge units in the Seventh Judicial District.

(c) **Mandated Psychological Services**

\$1,070,000 each year is for mandated court services.

(d) **Treatment Courts Stability**

\$306,000 each year is for treatment courts stability.

(e) **Gun Violence Prevention**

\$81,000 each year is to process petitions for extreme risk protection orders.

Sec. 5. **GUARDIAN AD LITEM BOARD**

**\$21,876,000**

**\$22,578,000**

**Compliance Positions.** \$4,205,000 the first year and \$4,443,000 the second year are for new positions to maintain compliance with federal and state mandates.

Sec. 6. **TAX COURT**

**\$1,807,000**

**\$1,808,000**

Sec. 7. **UNIFORM LAWS COMMISSION**

**\$98,000**

**\$98,000**

Sec. 8. **BOARD ON JUDICIAL STANDARDS**

**\$535,000**

**\$509,000**

**Major Disciplinary Actions.** \$125,000 each year is for special investigative and hearing costs for major disciplinary actions undertaken by the board. This appropriation does not cancel. Any unencumbered and unspent balances remain available for these expenditures until June 30, 2023.

Sec. 9. **BOARD OF PUBLIC DEFENSE****\$100,029,000****\$111,657,000**(a) **New Positions**

\$3,296,000 the first year and \$9,472,000 the second year are contingent on participation in veteran's specialty courts.

(b) **Forfeiture Representation**

\$205,000 the first year and \$515,000 the second year are for providing representation in forfeiture proceedings for individuals entitled to be represented in criminal matters.

(c) **Base Adjustment**

The general fund base is increased by \$108,000 beginning in fiscal year 2022.

Sec. 10. **HUMAN RIGHTS****\$6,421,000****\$6,698,000**

\$10,000 the second year is for a microgrant program for capacity building by local units of government and local groups.

Sec. 11. **BUREAU OF MEDIATION SERVICES****\$2,200,000****\$413,000**

\$2,200,000 the first year and \$413,000 the second year are to develop and implement the online cooperative private divorce program under article 5, section 4. The cooperative private divorce program must be made available on the Bureau of Mediation Services website by January 1, 2021.

Sec. 12. **LEGISLATIVE COORDINATING COMMISSION****\$7,000****\$7,000**

\$7,000 each year is for the Legislative Commission on Intelligence and Technology under article 4, section 1.

Sec. 13. **TRANSFER.**

\$10,000 the first year and \$20,000 the second year and annually thereafter are appropriated to the commissioner of management and budget for transfer to the special revenue fund for use by the displaced homemaker program.

Sec. 14. **TRANSFER.**

\$1,075,000 annually is appropriated to the commissioner of management and budget for transfer to the Minnesota State Patrol's forfeited property account in the special revenue fund for use by the Minnesota State Patrol as a supplement to the agency's operating fund.

Sec. 15. **TRANSFER.**

\$763,000 annually is appropriated to the commissioner of management and budget for transfer to the Bureau of Criminal Apprehension's forfeited property account for use by the Bureau of Criminal Apprehension as a supplement to the agency's operating fund.

ARTICLE 18  
COURTS

Section 1. Minnesota Statutes 2018, section 169.99, subdivision 1c, is amended to read:

Subd. 1c. **Notice of surcharge.** All parts of the uniform traffic ticket must ~~give~~ provide conspicuous notice ~~of the fact~~ that, if convicted, the person to whom it was issued ~~must~~ may be required to pay a state-imposed surcharge under section 357.021, subdivision 6, and the current amount of the required surcharge.

**EFFECTIVE DATE.** This section is effective August 1, 2019. The changes to the uniform traffic ticket described in this section must be reflected on the ticket the next time it is revised.

Sec. 2. Minnesota Statutes 2018, section 169.99, is amended by adding a subdivision to read:

Subd. 1d. **Financial hardship.** The first paragraph on the reverse side of the summons on the uniform traffic ticket must include the following, or substantially similar, language: "All or part of the cost of this summons may be waived on a showing of indigency or undue hardship on you or your family. You may schedule a court appearance to request a waiver based on your ability to pay by calling the Minnesota Court Payment Center (CPC) [followed by the Court Payment Center telephone number]. For more information, call the CPC or visit [www.mncourts.gov/fines](http://www.mncourts.gov/fines)."

**EFFECTIVE DATE.** This section is effective August 1, 2019. The changes to the uniform traffic ticket described in this section must be reflected on the ticket the next time it is revised.

Sec. 3. Minnesota Statutes 2018, section 357.021, subdivision 2, is amended to read:

Subd. 2. **Fee amounts.** The fees to be charged and collected by the court administrator shall be as follows:

(1) In every civil action or proceeding in said court, including any case arising under the tax laws of the state that could be transferred or appealed to the Tax Court, the plaintiff, petitioner, or other moving party shall pay, when the first paper is filed for that party in said action, a fee of ~~\$285~~ \$335, except in marriage dissolution actions the fee is \$315.

The defendant or other adverse or intervening party, or any one or more of several defendants or other adverse or intervening parties appearing separately from the others, shall pay, when the first paper is filed for that party in said action, a fee of ~~\$285~~ \$335, except in marriage dissolution actions the fee is \$315. This subdivision does not apply to the filing of an Application for Discharge of Judgment. Section 548.181 applies to an Application for Discharge of Judgment.

The party requesting a trial by jury shall pay \$100.

The fees above stated shall be the full trial fee chargeable to said parties irrespective of whether trial be to the court alone, to the court and jury, or disposed of without trial, and shall include the entry of judgment in the action, but does not include copies or certified copies of any papers so filed or proceedings under chapter 103E, except the provisions therein as to appeals.

- (2) Certified copy of any instrument from a civil or criminal proceeding, \$14, and \$8 for an uncertified copy.
- (3) Issuing a subpoena, \$16 for each name.
- (4) Filing a motion or response to a motion in civil, family, excluding child support, and guardianship cases, \$75.
- (5) Issuing an execution and filing the return thereof; issuing a writ of attachment, injunction, habeas corpus, mandamus, quo warranto, certiorari, or other writs not specifically mentioned, \$55.
- (6) Issuing a transcript of judgment, or for filing and docketing a transcript of judgment from another court, \$40.
- (7) Filing and entering a satisfaction of judgment, partial satisfaction, or assignment of judgment, \$5.
- (8) Certificate as to existence or nonexistence of judgments docketed, \$5 for each name certified to.
- (9) Filing and indexing trade name; or recording basic science certificate; or recording certificate of physicians, osteopathic physicians, chiropractors, veterinarians, or optometrists, \$5.
- (10) For the filing of each partial, final, or annual account in all trusteeships, \$55.
- (11) For the deposit of a will, \$27.
- (12) For recording notary commission, \$20.
- (13) Filing a motion or response to a motion for modification of child support, a fee of \$50.
- (14) All other services required by law for which no fee is provided, such fee as compares favorably with those herein provided, or such as may be fixed by rule or order of the court.
- (15) In addition to any other filing fees under this chapter, a surcharge in the amount of \$75 must be assessed in accordance with section 259.52, subdivision 14, for each adoption petition filed in district court to fund the fathers' adoption registry under section 259.52.

The fees in clauses (3) and (5) need not be paid by a public authority or the party the public authority represents.

**EFFECTIVE DATE.** This section is effective July 1, 2019.

Sec. 4. Minnesota Statutes 2018, section 357.021, is amended by adding a subdivision to read:

Subd. 2c. **Court cybersecurity fee.** In addition to any other filing fee under this chapter, the court administrator shall collect a \$1 cybersecurity fee on filings made under subdivision 2, clauses (1) to (13). The court administrator shall transmit the fee monthly to the commissioner of management and budget for deposit in the general fund. This subdivision expires June 30, 2021.

**EFFECTIVE DATE.** This section is effective July 1, 2019.

Sec. 5. Minnesota Statutes 2018, section 357.021, subdivision 6, is amended to read:

Subd. 6. **Surcharges on criminal and traffic offenders.** (a) Except as provided in this ~~paragraph~~ subdivision, the court shall impose and the court administrator shall collect a \$75 surcharge on every person convicted of any felony, gross misdemeanor, misdemeanor, or petty misdemeanor offense, other than a violation of a law or

ordinance relating to vehicle parking, for which there shall be a \$12 surcharge. When a defendant is convicted of more than one offense in a case, the surcharge shall be imposed only once in that case. In the Second Judicial District, the court shall impose, and the court administrator shall collect, an additional \$1 surcharge on every person convicted of any felony, gross misdemeanor, misdemeanor, or petty misdemeanor offense, including a violation of a law or ordinance relating to vehicle parking, if the Ramsey County Board of Commissioners authorizes the \$1 surcharge. The surcharge shall be imposed whether or not the person is sentenced to imprisonment or the sentence is stayed. The surcharge shall not be imposed when a person is convicted of a petty misdemeanor for which no fine is imposed.

~~(b) If the court fails to impose a surcharge as required by this subdivision, the court administrator shall show the imposition of the surcharge, collect the surcharge, and correct the record.~~

~~(e) (b) The court may not reduce the amount or waive payment of the surcharge required under this subdivision. Upon on a showing of indigency or undue hardship upon the convicted person or the convicted person's immediate family, the sentencing court may authorize payment of the surcharge in installments. Additionally, the court may permit the defendant to perform community work service in lieu of a surcharge.~~

~~(d) (c) The court administrator or other entity collecting a surcharge shall forward it to the commissioner of management and budget.~~

~~(e) (d) If the convicted person is sentenced to imprisonment and has not paid the surcharge before the term of imprisonment begins, the chief executive officer of the correctional facility in which the convicted person is incarcerated shall collect the surcharge from any earnings the inmate accrues from work performed in the facility or while on conditional release. The chief executive officer shall forward the amount collected to the court administrator or other entity collecting the surcharge imposed by the court.~~

~~(f) (e) A person who enters a diversion program, continuance without prosecution, continuance for dismissal, or stay of adjudication for a violation of chapter 169 must pay the surcharge described in this subdivision. A surcharge imposed under this paragraph shall be imposed only once per case.~~

~~(g) (f) The surcharge does not apply to administrative citations issued pursuant to section 169.999.~~

Sec. 6. Minnesota Statutes 2018, section 484.85, is amended to read:

**484.85 DISPOSITION OF FINES, FEES, AND OTHER MONEY; ACCOUNTS; RAMSEY COUNTY DISTRICT COURT.**

(a) In all cases prosecuted in Ramsey County District Court by an attorney for a municipality or subdivision of government within Ramsey County for violation of a statute; an ordinance; or a charter provision, rule, or regulation of a city; all fines, penalties, and forfeitures collected by the court administrator shall be deposited in the state treasury and distributed according to this paragraph. Except where a different disposition is provided by section 299D.03, subdivision 5, or other law, on or before the last day of each month, the court shall pay over all fines, penalties, and forfeitures collected by the court administrator during the previous month as follows:

~~(1) for offenses committed within the city of St. Paul, two-thirds paid to the treasurer of the city of St. Paul municipality or subdivision of government within Ramsey County and one-third credited to the state general fund; and~~

~~(2) for offenses committed within any other municipality or subdivision of government within Ramsey County, one-half paid to the treasurer of the municipality or subdivision of government and one-half credited to the state general fund.~~

All other fines, penalties, and forfeitures collected by the district court shall be distributed by the courts as provided by law.

(b) Fines, penalties, and forfeitures shall be distributed as provided in paragraph (a) when:

(1) a city contracts with the county attorney for prosecutorial services under section 484.87, subdivision 3; or

(2) the attorney general provides assistance to the city attorney under section 484.87, subdivision 5.

**EFFECTIVE DATE.** This section is effective July 1, 2019.

Sec. 7. Minnesota Statutes 2018, section 609.101, subdivision 5, is amended to read:

Subd. 5. **Waiver prohibited; reduction and installment payments.** (a) The court may not waive payment of the minimum fine required by this section.

(b) If the defendant qualifies for the services of a public defender or the court finds on the record that the convicted person is indigent or that immediate payment of the fine would create undue hardship for the convicted person or that person's immediate family, the court may reduce the amount of the minimum fine to not less than \$50. Additionally, the court may permit the defendant to perform community work service in lieu of a fine.

(c) The court also may authorize payment of the fine in installments.

(d) Before sentencing a person convicted of a felony, gross misdemeanor, misdemeanor, or petty misdemeanor to pay money for a fine, fee, or surcharge, the court shall make a finding on the record as to indigency or the convicted person's ability to comply with an order to pay without undue hardship for the convicted person or that person's immediate family. In determining indigency or whether the defendant is able to comply with an order to pay a fine, fee, or surcharge without undue hardship to the convicted person or that person's immediate family, the court shall consider:

(1) income;

(2) dependents;

(3) financial resources, including assets and liabilities;

(4) basic living expenses;

(5) receipt of means-tested public assistance program; and

(6) any special circumstances that may bear on the person's ability to pay.

(e) Paragraph (d) shall not apply when a conviction for a violation that is included on the uniform fine schedule authorized under section 609.101, subdivision 4, is entered without a hearing before the court.

Sec. 8. **EARLY NEUTRAL EVALUATION STUDY AND REPORT.**

(a) The supreme court is requested to contract with the Board of Regents of the University of Minnesota to develop and conduct a survey and report as provided in this section.

(b) The board, through its Extension Service, is requested to develop and conduct a survey of all early neutral evaluation participants from November 1, 2019, to November 1, 2020. At a minimum, the survey must seek the following information:

(1) the participant's demographic information, including age, gender, and race;

(2) a participant's satisfaction levels with the early neutral evaluation process and outcome as it relates to the following:

(i) custody arrangements;

(ii) parenting time;

(iii) property division;

(iv) legal expenses;

(v) length of time of the process;

(vi) level of cooperation of each party; and

(vii) the effectiveness of the neutral or neutrals;

(3) the participant's opinion regarding fairness of the early neutral evaluation process, whether the participant's expectations were met, whether the participant made decisions voluntarily, and whether the participant would recommend the early neutral evaluation to others; and

(4) the participant's recommendations related to the early neutral evaluation process and outcome.

(c) The Extension Service is requested to aggregate the results of the survey and report summary data, as defined in Minnesota Statutes, section 13.03, subdivision 19, to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over children, families, and the judiciary by January 15, 2021. The report is requested to include the following:

(1) the total number of early neutral evaluation participants;

(2) the total number of social-early neutral evaluation participants;

(3) the total number of financial-early neutral evaluation participants;

(4) all disaggregated data, including survey data, collected by judicial district;

(5) a description of the methods used to collect data; and

(6) a description of general trends, findings, and conclusions based on data collected.

(d) Data collected by the Extension Service in individual participant surveys are private data on individuals, as defined in Minnesota Statutes, section 13.02, subdivision 12.

ARTICLE 19  
FORFEITURE

Section 1. Minnesota Statutes 2018, section 84.7741, subdivision 13, is amended to read:

Subd. 13. **Reporting.** The appropriate agency and prosecuting authority shall report on forfeitures occurring under this section as described in section ~~609.5315, subdivision 6~~ 609.112, subdivision 35.

Sec. 2. Minnesota Statutes 2018, section 97A.221, subdivision 5, is amended to read:

Subd. 5. **Reporting.** The appropriate agency and prosecuting authority shall report on forfeitures of firearms, bows, and motor vehicles occurring under this section as described in section ~~609.5315, subdivision 6~~ 609.112, subdivision 35.

Sec. 3. Minnesota Statutes 2018, section 97A.223, subdivision 6, is amended to read:

Subd. 6. **Reporting.** The appropriate agency and prosecuting authority shall report on forfeitures of firearms, bows, and motor vehicles occurring under this section as described in section ~~609.5315, subdivision 6~~ 609.112, subdivision 35.

Sec. 4. Minnesota Statutes 2018, section 97A.225, subdivision 10, is amended to read:

Subd. 10. **Reporting.** The appropriate agency and prosecuting authority shall report on forfeitures occurring under this section as described in section ~~609.5315, subdivision 6~~ 609.112, subdivision 35.

Sec. 5. Minnesota Statutes 2018, section 152.21, subdivision 6, is amended to read:

Subd. 6. **Exemption from criminal sanctions.** For the purposes of this section, the following are not violations under this chapter:

- (1) use or possession of THC, or both, by a patient in the research program;
- (2) possession, prescribing use of, administering, or dispensing THC, or any combination of these actions, by the principal investigator or by any clinical investigator; and
- (3) possession or distribution of THC, or both, by a pharmacy registered to handle Schedule I substances which stores THC on behalf of the principal investigator or a clinical investigator.

THC obtained and distributed pursuant to this section is not subject to forfeiture under ~~sections 609.531 to 609.5316~~ section 609.112.

For the purposes of this section, THC is removed from Schedule I contained in section 152.02, subdivision 2, and inserted in Schedule II contained in section 152.02, subdivision 3.

Sec. 6. Minnesota Statutes 2018, section 152.32, subdivision 2, is amended to read:

Subd. 2. **Criminal and civil protections.** (a) Subject to section 152.23, the following are not violations under this chapter:

(1) use or possession of medical cannabis or medical cannabis products by a patient enrolled in the registry program, or possession by a registered designated caregiver or the parent or legal guardian of a patient if the parent or legal guardian is listed on the registry verification;

(2) possession, dosage determination, or sale of medical cannabis or medical cannabis products by a medical cannabis manufacturer, employees of a manufacturer, a laboratory conducting testing on medical cannabis, or employees of the laboratory; and

(3) possession of medical cannabis or medical cannabis products by any person while carrying out the duties required under sections 152.22 to 152.37.

(b) Medical cannabis obtained and distributed pursuant to sections 152.22 to 152.37 and associated property is not subject to forfeiture under ~~sections 609.531 to 609.5316~~ section 609.112.

(c) The commissioner, the commissioner's staff, the commissioner's agents or contractors, and any health care practitioner are not subject to any civil or disciplinary penalties by the Board of Medical Practice, the Board of Nursing, or by any business, occupational, or professional licensing board or entity, solely for the participation in the registry program under sections 152.22 to 152.37. A pharmacist licensed under chapter 151 is not subject to any civil or disciplinary penalties by the Board of Pharmacy when acting in accordance with the provisions of sections 152.22 to 152.37. Nothing in this section affects a professional licensing board from taking action in response to violations of any other section of law.

(d) Notwithstanding any law to the contrary, the commissioner, the governor of Minnesota, or an employee of any state agency may not be held civilly or criminally liable for any injury, loss of property, personal injury, or death caused by any act or omission while acting within the scope of office or employment under sections 152.22 to 152.37.

(e) Federal, state, and local law enforcement authorities are prohibited from accessing the patient registry under sections 152.22 to 152.37 except when acting pursuant to a valid search warrant.

(f) Notwithstanding any law to the contrary, neither the commissioner nor a public employee may release data or information about an individual contained in any report, document, or registry created under sections 152.22 to 152.37 or any information obtained about a patient participating in the program, except as provided in sections 152.22 to 152.37.

(g) No information contained in a report, document, or registry or obtained from a patient under sections 152.22 to 152.37 may be admitted as evidence in a criminal proceeding unless independently obtained or in connection with a proceeding involving a violation of sections 152.22 to 152.37.

(h) Notwithstanding section 13.09, any person who violates paragraph (e) or (f) is guilty of a gross misdemeanor.

(i) An attorney may not be subject to disciplinary action by the Minnesota Supreme Court or professional responsibility board for providing legal assistance to prospective or registered manufacturers or others related to activity that is no longer subject to criminal penalties under state law pursuant to sections 152.22 to 152.37.

(j) Possession of a registry verification or application for enrollment in the program by a person entitled to possess or apply for enrollment in the registry program does not constitute probable cause or reasonable suspicion, nor shall it be used to support a search of the person or property of the person possessing or applying for the registry verification, or otherwise subject the person or property of the person to inspection by any governmental agency.

Sec. 7. Minnesota Statutes 2018, section 299A.681, subdivision 11, is amended to read:

Subd. 11. **Forfeiture.** Property seized by the task force is subject to forfeiture ~~pursuant to sections 609.531, 609.5312, 609.5313, and 609.5315 if ownership cannot be established. The task force shall receive the proceeds from the sale of all property properly seized and forfeited~~ under section 609.112.

Sec. 8. Minnesota Statutes 2018, section 357.021, subdivision 1a, is amended to read:

Subd. 1a. **Transmittal of fees to commissioner of management and budget.** (a) Every person, including the state of Minnesota and all bodies politic and corporate, who shall transact any business in the district court, shall pay to the court administrator of said court the sundry fees prescribed in subdivision 2. Except as provided in paragraph (d), the court administrator shall transmit the fees monthly to the commissioner of management and budget for deposit in the state treasury and credit to the general fund. \$30 of each fee collected in a dissolution action under subdivision 2, clause (1), must be deposited by the commissioner of management and budget in the special revenue fund and is appropriated to the commissioner of employment and economic development for the displaced homemaker program under section 116L.96.

(b) In a county which has a screener-collector position, fees paid by a county pursuant to this subdivision shall be transmitted monthly to the county treasurer, who shall apply the fees first to reimburse the county for the amount of the salary paid for the screener-collector position. The balance of the fees collected shall then be forwarded to the commissioner of management and budget for deposit in the state treasury and credited to the general fund. In a county in a judicial district under section 480.181, subdivision 1, paragraph (b), which has a screener-collector position, the fees paid by a county shall be transmitted monthly to the commissioner of management and budget for deposit in the state treasury and credited to the general fund. A screener-collector position for purposes of this paragraph is an employee whose function is to increase the collection of fines and to review the incomes of potential clients of the public defender, in order to verify eligibility for that service.

(c) No fee is required under this section from the public authority or the party the public authority represents in an action for:

(1) child support enforcement or modification, medical assistance enforcement, or establishment of parentage in the district court, or in a proceeding under section 484.702;

(2) civil commitment under chapter 253B;

(3) the appointment of a public conservator or public guardian or any other action under chapters 252A and 525;

(4) wrongfully obtaining public assistance under section 256.98 or 256D.07, or recovery of overpayments of public assistance;

(5) court relief under chapters 260, 260A, 260B, and 260C;

(6) forfeiture of property under ~~sections 169A.63 and 609.531 to 609.5317~~ section 609.112;

(7) recovery of amounts issued by political subdivisions or public institutions under sections 246.52, 252.27, 256.045, 256.25, 256.87, 256B.042, 256B.14, 256B.15, 256B.37, 260B.331, and 260C.331, or other sections referring to other forms of public assistance;

(8) restitution under section 611A.04; or

(9) actions seeking monetary relief in favor of the state pursuant to section 16D.14, subdivision 5.

(d) \$20 from each fee collected for child support modifications under subdivision 2, clause (13), must be transmitted to the county treasurer for deposit in the county general fund and \$35 from each fee shall be credited to the state general fund. The fees must be used by the county to pay for child support enforcement efforts by county attorneys.

Sec. 9. **[609.112] CRIMINAL FORFEITURE.**

Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the meanings given them.

(b) "Abandoned property" means personal property left by an owner who relinquishes all rights to its control. Real property may not be abandoned.

(c) "Actual knowledge" means direct and clear awareness of information, a fact, or a condition.

(d) "Appropriate agency" means the Bureau of Criminal Apprehension; the Department of Commerce Fraud Bureau; the Minnesota Division of Driver and Vehicle Services; the Minnesota State Patrol; a county sheriff's department; the Three Rivers Park District park rangers; the University of Minnesota Police Department; the Department of Corrections Fugitive Apprehension Unit; a city, metropolitan transit, or airport police department; or a multijurisdictional entity established under section 299A.642 or 299A.681.

(e) "Contraband" means goods that, in themselves, are unlawful to possess. Contraband includes but is not limited to scheduled drugs without a valid prescription; bullet-resistant vests, as defined in section 609.486, worn or possessed during the commission or attempted commission of a crime; and weapons upon conviction of the weapon's owner or possessor for:

(1) a controlled substance crime;

(2) any offense of this chapter or chapter 624; or

(3) a violation of an order for protection under section 518B.01, subdivision 14.

In this chapter, contraband does not include proceeds derived from an alleged crime or an instrumentality used in an alleged crime.

(f) "Conveyance" means a device used for transportation and includes a motor vehicle, trailer, snowmobile, airplane, vessel, or any equipment attached to one of these devices. The term does not include property that is stolen or taken in violation of the law.

(g) "Designated offense" means:

(1) for weapons used, any violation of this chapter or chapter 152 or 624;

(2) for driver's license or identification card transactions, any violation of section 171.22;

(3) all controlled substances that were manufactured, distributed, dispensed, or acquired in violation of chapter 152, and all property, real and personal, that has been used or is intended for use, or has in any way facilitated, in whole or in part, the manufacturing, compounding, processing, delivering, importing, cultivating, exporting, transporting, or exchanging of contraband, or a controlled substance that has not been lawfully manufactured, distributed, dispensed, and acquired, is subject to forfeiture under this section, except as provided in this section;

(4) a violation of section 169A.20 (driving while impaired) under the circumstances described in section 169A.24 (first-degree driving while impaired) or 169A.25 (second-degree driving while impaired);

(5) a violation of section 169A.20 or an ordinance in conformity with it:

(i) by a person whose driver's license or driving privileges have been canceled as inimical to public safety under section 171.04, subdivision 1, clause (10), and not reinstated; or

(ii) by a person who is subject to a restriction on the person's driver's license under section 171.09 (commissioner's license restrictions), which provides that the person may not use or consume any amount of alcohol or a controlled substance; or

(6) for all other purposes, a felony violation of or a felony-level attempt or conspiracy to violate section 325E.17; 325E.18; 609.185; 609.19; 609.195; 609.2112; 609.2113; 609.2114; 609.221; 609.222; 609.223; 609.2231; 609.2335; 609.24; 609.245; 609.25; 609.255; 609.282; 609.283; 609.322; 609.342, subdivision 1, clauses (a) to (f); 609.343, subdivision 1, clauses (a) to (f); 609.344, subdivision 1, clauses (a) to (e) and (h) to (j); 609.345, subdivision 1, clauses (a) to (e) and (h) to (j); 609.352; 609.42; 609.425; 609.466; 609.485; 609.487; 609.52; 609.525; 609.527; 609.528; 609.53; 609.54; 609.551; 609.561; 609.562; 609.563; 609.582; 609.59; 609.595; 609.611; 609.631; 609.66, subdivision 1e; 609.671, subdivisions 3, 4, 5, 8, and 12; 609.687; 609.821; 609.825; 609.86; 609.88; 609.89; 609.893; 609.895; 617.246; or 617.247; or a gross misdemeanor or felony violation of section 609.891 or 624.7181; or any violation of section 609.324; or a felony violation of or a felony-level attempt or conspiracy to violate Minnesota Statutes 2012, section 609.21.

(h) "Instrumentality" means property otherwise lawful to possess that is used in the commission of a designated offense. An instrumentality includes but is not limited to land, buildings, a container, a conveyance, equipment, materials, products, a tool, a computer, computer software, a telecommunications device, a firearm, or ammunition.

(i) "Proceeds" means money, securities, negotiable instruments, or other means of exchange obtained by the sale of property.

Subd. 2. **Purpose.** Forfeiture is disfavored. The purpose of this chapter is to:

(1) deter criminal activity by reducing its economic incentives;

(2) confiscate property used in violation of the law and disgorge the fruits of illegal conduct; and

(3) protect rights due to defendants and innocent owners.

Subd. 3. **Seizure of personal property with process.** At the request of the state at any time, a court may issue an ex parte preliminary order to attach, seize, or secure personal property for which forfeiture is sought and to provide for its custody. Application, issuance, execution, and return are subject to state statute and court rules.

Subd. 4. **Seizure of personal property without process.** (a) Personal property is subject to forfeiture and may be seized without a court order if:

(1) the personal property is the subject of a prior judgment in favor of the state;

(2) the seizure of personal property is incident to a lawful arrest for a designated offense, the property was discovered in a lawful search, and the appropriate agency has probable cause to believe the property:

(i) was used in any manner or part to commit or to facilitate the commission of the designated offense; or

(ii) constitutes or was derived directly from proceeds of a designated offense; or

(3) the appropriate agency has probable cause to believe that the delay occasioned by the necessity to obtain process would result in the removal or destruction of the property and that:

(i) the property was used or is intended to be used in commission of a felony; or

(ii) the property is dangerous to health or safety.

(b) Mere presence or possession of United States currency, without other indicia of an offense that authorizes forfeiture of property, is insufficient probable cause for seizure of United States currency.

**Subd. 5. Seizure or restraint of real property with process.** (a) Seizure or restraint of real property requires a court order. Except as provided in subdivision 6, a court may issue an order to seize or secure real property for which forfeiture is sought only after proper notice to property owners and an opportunity for a contested hearing to determine the sufficiency of probable cause for the seizure.

(b) Except as provided in subdivision 6, nothing in this section prohibits the prosecuting authority from seeking a lis pendens or restraining order to hinder the sale or destruction of the real property. However, if the prosecuting attorney obtains a lis pendens or restraining order, the prosecuting authority shall notify any party with an interest in any real property within 30 days.

(c) Application, filing, issuance, execution, and return of any order are subject to state law.

**Subd. 6. Rental property.** (a) When contraband or a controlled substance manufactured, distributed, or acquired in violation of chapter 152 is seized on residential rental property incident to a lawful search or arrest, the prosecuting authority shall give the notice required by this subdivision to (1) the landlord of the property or the fee owner identified in the records of the county assessor, and (2) the agent authorized by the owner to accept service pursuant to section 504B.181. The notice is not required during an ongoing investigation. The notice shall state what has been seized and specify the applicable duties and penalties under this subdivision. The notice shall state that the landlord who chooses to assign the right to bring an eviction action retains all rights and duties, including removal of a tenant's personal property following issuance of the writ of recovery and delivery of the writ to the sheriff for execution. The notice shall also state that the landlord may contact the prosecuting authority if threatened by the tenant. Notice shall be sent by certified letter, return receipt requested, within 30 days of the seizure. If receipt is not returned, notice shall be given in the manner provided by law for service of summons in a civil action.

(b) Within 15 days after notice of the first occurrence, the landlord shall bring or assign to the prosecuting authority of the county in which the real property is located the right to bring an eviction action against the tenant. The assignment must be in writing on a form prepared by the prosecuting authority. If the landlord chooses to assign the right to bring an eviction action, the assignment shall be limited to those rights and duties up to and including delivery of the writ of recovery to the sheriff for execution.

(c) Upon notice of a second occurrence on any residential rental property owned by the same landlord in the same county and involving the same tenant, and within one year after notice of the first occurrence, the property is subject to forfeiture under this section unless an eviction action has been commenced as provided in paragraph (b) or the right to bring an eviction action was assigned to the prosecuting authority as provided in paragraph (b). If the right has been assigned and not previously exercised, or if the prosecuting authority requests an assignment and the landlord makes an assignment, the prosecuting authority may bring an eviction action rather than an action for forfeiture.

(d) The Department of Corrections Fugitive Apprehension Unit shall not seize real property for the purposes of forfeiture as described in paragraphs (a) to (c).

(e) It is a defense against a proceeding under paragraph (b) that the tenant had no knowledge or reason to know of the presence of the contraband or controlled substance or could not prevent its being brought onto the property. It is a defense against a proceeding under paragraph (c) that the landlord made every reasonable attempt to evict a tenant or to assign the prosecuting authority the right to bring an eviction action against the tenant or that the landlord did not receive notice of the seizure.

(f) This subdivision shall not apply if the retail value of the controlled substance is less than \$100, but this subdivision does not subject real property to forfeiture unless (1) the retail value of the controlled substance is \$1,000 or more, or (2) there have been two previous controlled substance seizures involving the same tenant.

**Subd. 7. Exemptions.** (a) The following property is exempt from seizure and forfeiture:

(1) homestead real property;

(2) United States currency totaling no more than \$300; and

(3) a motor vehicle of no more than \$2,500 in market value, except that this provision does not apply to a motor vehicle used in violation of section 609.66, subdivision 1e.

(b) A prosecuting authority may establish an exemption with a minimum dollar amount larger than those in paragraph (a), clauses (2) and (3), in the prosecuting authority's jurisdiction.

**Subd. 8. Contraband.** No property right exists in contraband. Contraband is subject to seizure and shall be disposed of according to law.

**Subd. 9. Waiver prohibition.** (a) An appropriate agency may not request, require, or in any manner induce any person to execute a document purporting to waive, for purposes of forfeiture under this section, the person's interest in or rights to property seized. This prohibition does not apply to the prosecuting agency responsible for the litigation of the forfeiture case.

(b) Any document in violation of paragraph (a) purporting to waive a person's interest in, or right to, property seized under this chapter is null, void, and inadmissible in court.

**Subd. 10. Receipt.** When property is seized, the appropriate agency shall give an itemized receipt to the person possessing the property or, in the absence of any person, leave a receipt in the place where the property was found, if reasonably possible.

**Subd. 11. Criminal forfeiture; property subject to forfeiture.** When a person is convicted of violating a designated offense, the court, consistent with this chapter, may order the person to forfeit:

(1) any property constituting or derived directly from proceeds of the underlying offense for which the person is convicted; or

(2) any of the person's property used in any manner or part to commit or to facilitate the commission of the offense for which the person is convicted.

**Subd. 12. Conviction required; standard of proof.** (a) There shall be no civil forfeiture under this chapter.

(b) Property may be forfeited if (1) the offense is a designated offense, (2) the offense is established by proof of a criminal conviction, and (3) the state establishes that the property is subject to forfeiture under subdivision 11 by clear and convincing evidence.

(c) Nothing in this section prevents property from being forfeited by plea agreement approved by the presiding criminal court except the court shall not accept a plea agreement or other arrangement that prevents the claims of any person who filed a statement of interest or ownership pursuant to subdivision 20 or 21 from being adjudicated.

(d) The court may waive the conviction requirement if the prosecuting authority shows by clear and convincing evidence that, before conviction, the defendant:

(1) died;

(2) no longer resides in the United States;

(3) was granted immunity or reduced punishment in exchange for testifying or assisting a law enforcement investigation or prosecution;

(4) fled state jurisdiction; or

(5) abandoned the property.

(e) Notwithstanding any law to the contrary, the court shall order the sale of personal property that is (1) seized from a person who flees state jurisdiction, or (2) abandoned to be credited to the state general fund.

(f) The court shall order currency that is (1) seized from a person who flees the jurisdiction, or (2) abandoned to be credited to the state general fund.

Subd. 13. **Forfeiture indictment.** (a) In any case in which the state seeks forfeiture of property except through a complaint as provided in subdivision 14, the prosecuting authority shall file an indictment or information that includes:

(1) a criminal charge; and

(2) a charge for which forfeiture of property under this chapter may be ordered. This property-related charge shall identify the specific assets to be forfeited, if known, or the relevant forfeiture statutes if specific assets to be forfeited are not known at the time the prosecuting authority requests the issuance of the indictment.

(b) Upon application of the prosecuting authority, the court may enter a restraining order or injunction, or take other action to preserve the availability of property only:

(1) upon the issuance of an indictment or information according to paragraph (a); or

(2) prior to the issuance of such an indictment or information if the court determines there is a substantial probability the state will prevail on the issue of criminal forfeiture and that failure to enter the order will result in property being destroyed, removed from the jurisdiction, or otherwise made unavailable for forfeiture.

(c) Any order entered pursuant to paragraph (b) shall be effective for not more than 90 days, unless extended by the court for good cause shown or unless an indictment or information described in paragraph (b), clause (1), has been subsequently issued.

(d) Notice must be provided as set forth in the complaint process provided in subdivision 14 to all persons known to have an interest in the property who are not named in the indictment or information.

Subd. 14. **Forfeiture complaint; service of process.** (a) In any case in which the state seeks forfeiture of property, except when the state seeks forfeiture through indictment or information as provided in subdivision 13, the prosecuting authority shall file a criminal complaint that includes (1) criminal charges, and (2) the information identified in paragraph (b) before the defendant's first appearance in court. Upon motion by the prosecuting authority, a court may permit the filing of an amended criminal complaint within seven days of the first appearance for good cause shown. Service of an amended criminal complaint on a represented party must be made on the attorney. Service on the attorney or party must be made in the manner provided by the rules of practice of the court, including by electronic means as authorized by the court. The court shall verify service at the defendant's next appearance.

(b) A complaint in any case in which the state seeks forfeiture of property must include:

(1) a description of the property seized;

(2) the date and place of the seizure;

(3) the name and address of the appropriate agency responsible for the seizure;

(4) a statement of facts establishing probable cause to believe that the charged offense has been committed, that the defendant committed it, and that the seized property is an instrument or represents the proceeds of the underlying offense;

(5) the name of any person known to the prosecuting authority to have an interest in the property and the nature of that interest; and

(6) references to the relevant statutory provisions required to show the property is the type of property that may be forfeited under subdivision 11.

(c) If notice is not served in accordance with paragraphs (a) and (b) to all persons appearing to have an interest in the property and no time extension is granted or the extension period has expired, the appropriate agency shall, upon the owner's request, return the property to the person from whom the property was seized, if known. The agency shall not be required to return contraband.

(d) Failure to file a forfeiture complaint required by this subdivision shall not invalidate prosecution for the underlying criminal offense.

(e) Unless otherwise specified in law, the prosecuting authority shall provide notice of the forfeiture proceeding to the registered owner of any vehicle and any other individual known to have an interest in any property subject to forfeiture under this section who is not charged with a crime in the complaint. Notice must be given within seven days of the filing of the complaint pursuant to paragraph (a) or, if an interest was not known at the time of the filing, within seven days of discovery of an individual with an interest in the property and may be made by personal service if the owner is a resident of this state, or by certified mail if the person is a resident of another state.

(f) The notice must be in writing and contain:

(1) a description of the property seized;

(2) the date of seizure; and

(3) a copy of the complaint filed pursuant to paragraph (a).

(g) Substantially, the following language must appear conspicuously in the notice:

"WARNING: You may lose the right to be heard in court if you do not file a petition pursuant to Minnesota Statutes, section 609.112, subdivision 20 or 21. You do not have to pay a filing fee to file your notice."

Subd. 15. **Title.** (a) Title to the property subject to forfeiture vests with the state when the court issues a forfeiture judgment and relates back to the time when the state seizes or restrains the property.

(b) Title to substitute assets vests when the court issues an order forfeiting substitute assets.

(c) For either paragraph (a) or (b), title is subject to claims by third parties adjudicated under this chapter.

Subd. 16. **Defendant's pretrial replevin hearing.** (a) Following the seizure of property, a defendant has a right to a pretrial hearing to determine the validity of the seizure.

(b) The court shall hold the hearing at the time the defendant enters a plea or no later than 14 days after the defendant's first appearance under rule 5 of the Rules of Criminal Procedure.

(c) Either party may, by agreement or for good cause, move the court for one extension of no more than ten days. This motion may be supported by affidavits or other submissions.

(d) The court shall issue a writ of replevin if it finds that:

(1) it is likely the final judgment will be that the state must return the property to the defendant;

(2) the property is not reasonably required to be held for evidentiary reasons; and

(3) the property is the only reasonable means for the defendant to pay for legal representation and minimum living expenses in the forfeiture or criminal proceeding unless the prosecuting authority shows by clear and convincing evidence that the property is the instrument or proceeds of an offense for which the defendant is charged. At the court's discretion, it may order the return of funds or property sufficient to obtain counsel of choice but less than the total amount seized.

Subd. 17. **Discovery.** Discovery is subject to the Rules of Criminal Procedure.

Subd. 18. **Venue; trial proceedings.** (a) The district court with jurisdiction over the related criminal matter has jurisdiction over the forfeiture proceeding.

(b) The litigation related to the forfeiture of property shall be held in a single proceeding following entry of a plea of guilty or the trial of the related alleged offense. The litigation associated with the forfeiture of property of less than \$10,000 in value shall be held before only a judge.

(c) The court is not bound by the rules of evidence or technical or formal rules of pleading or procedure in the litigation related to the forfeiture of property when a property owner engages in pro se representation in a case before a judge.

(d) If the defendant in the related criminal matter was represented by the public defender, the state public defender or chief public defender of the judicial district may authorize representation of the defendant in the forfeiture proceeding.

Subd. 19. **Proportionality hearing.** (a) At any time during a hearing pursuant to subdivision 16 or 18, the defendant may petition the court to determine whether the forfeiture is unconstitutionally excessive under the state or federal constitution.

(b) The defendant has the burden of proving the forfeiture is disproportional to the seriousness of the offense by a preponderance of the evidence at a hearing conducted by the court without a jury.

(c) In determining whether the forfeiture of an instrumentality is unconstitutionally excessive, the court may consider all relevant factors, including but not limited to:

(1) the seriousness of the offense and its impact on the community, including the duration of the activity and the harm caused by the defendant;

(2) the extent to which the defendant participated in the offense;

(3) the extent to which the property was used in committing the offense;

(4) the sentence imposed for committing the crime authorizing forfeiture; and

(5) whether the offense was completed or attempted.

(d) In determining the value of the instrumentality subject to forfeiture, the court may consider the fair market value of the property.

(e) The court may also consider:

(1) the hardship to the defendant if the forfeiture is realized and if the forfeiture would deprive the property owner of the owner's livelihood; and

(2) the hardship from the loss of a primary residence, motor vehicle, or other property to the defendant's family members or others if the property is forfeited.

(f) The court may not consider the value of the instrumentality to the state in determining whether the forfeiture of an instrumentality is constitutionally excessive.

Subd. 20. **Secured interest.** (a) Property encumbered by a bona fide security interest is not subject to forfeiture. A person claiming a security interest must establish by clear and convincing evidence the validity of the interest.

(b) The prosecuting authority summarily and without unreasonable delay shall return seized property to the person with a bona fide security interest, up to the value of the secured interest.

(c) If the person alleges a valid security interest but the state seeks to proceed with the forfeiture against the property claimed by the person, the state shall prove by clear and convincing evidence that the person had actual knowledge of the underlying crime giving rise to the forfeiture. Either party may ask the court for a hearing at any time before the court enters a judgment in the criminal prosecution.

Subd. 21. **Innocent owner.** (a) Any person, including an heir but excluding the defendant or a secured-interest holder, asserting a legal interest in property that has been seized or restrained may, at any time before the court enters judgment in the criminal prosecution, petition the court for a hearing to adjudicate the validity of the person's alleged interest in the property. The hearing shall be held before the court without a jury.

(b) The petitioner shall file a simple statement of interest or ownership. The petitioner shall sign the petition under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the property; the time and circumstances of the petitioner's acquisition of the right, title, or interest in the property; any additional facts supporting the petitioner's claim; and the relief sought.

(c) The filing fee for the statement under this subdivision is waived.

(d) The hearing on the petition shall, to the extent practicable and consistent with the interests of justice, be held within 30 days of the filing of the petition. The court may consolidate the hearing on the petition with a hearing on any other petition filed by a person other than the defendant under this subdivision.

(e) At the hearing, the petitioner may testify and present evidence and witnesses on the petitioner's own behalf and cross-examine witnesses who appear at the hearing. The state may present evidence and witnesses in rebuttal and in defense of its claim to the property and cross-examine witnesses who appear at the hearing.

(f) The petitioner who has an ownership interest in property subject to forfeiture at the time the commission of the crime giving rise to forfeiture occurred and who claims to be an innocent owner bears the burden of proving by clear and convincing evidence that the person has a legal right, title, or interest in the property seized under this chapter.

(g) If paragraph (f) is satisfied and the state seeks to proceed with the forfeiture of the property, the state shall prove by clear and convincing evidence that the petitioner had actual knowledge of the underlying crime giving rise to the forfeiture.

(h) A petitioner who acquired an ownership interest in property subject to forfeiture after the commission of the crime giving rise to the forfeiture and who claims to be an innocent owner bears the burden of proving by clear and convincing evidence that the person has a legal right, title, or interest in the property seized under this chapter.

(i) If paragraph (h) is satisfied and the state seeks to proceed with the forfeiture of the property, the state shall prove by clear and convincing evidence that, at the time the petitioner acquired the property, the person:

(1) had actual knowledge that the property was subject to forfeiture; or

(2) was not a bona fide purchaser without notice of any defect in title and for valuable consideration.

(j) If the state fails to meet its burden in paragraph (g) or (i), the court shall find that the petitioner is an innocent owner and shall order the state to relinquish all claims of title to the property.

(k) No information in the statement of interest or ownership filed pursuant to this section shall be used as evidence in the criminal matter. Nothing in this section prohibits the petitioner who has filed a statement of interest or ownership under this section from providing information to any prosecuting authority or defendant involved in the related criminal matter or representatives of any prosecuting authority or defendant, or from testifying in any criminal trial as to facts within the petitioner's knowledge.

(l) The defendant or convicted offender may invoke the right against self-incrimination or the marital privilege during the forfeiture-related stage of the prosecution. The trier of fact at the hearing may draw an adverse inference from the invocation of the right or privilege.

Subd. 22. **Judgment.** (a) If the prosecuting authority fails to meet its burden as to any claimant, the court must enter judgment dismissing the forfeiture proceeding and delivering the property to the prevailing owner, unless the owner's possession of the property is illegal.

(b) If the prosecuting authority meets its burden as to all claimants, the court shall enter judgment forfeiting the seized property.

(c) A court may enter judgment following a hearing or pursuant to a stipulation or plea agreement.

Subd. 23. **Substitution of assets.** Upon the state's motion following conviction, the court may order the forfeiture of substitute property owned by the defendant up to the value of unreachable property that is beyond the court's jurisdiction or cannot be located through due diligence only if the state proves by a preponderance of the evidence that the defendant intentionally:

(1) dissipated property;

(2) transferred, sold, or deposited property with a third party to avoid forfeiture;

(3) diminished substantially the value of the property; or

(4) commingled property with other property that cannot be divided without difficulty.

Subd. 24. **No additional remedies.** The state may not seek personal money judgments or other remedies related to the forfeiture of property not provided for in this section.

Subd. 25. **No joint and several liability.** A defendant is not jointly and severally liable for forfeiture awards owed by other defendants. When ownership is unclear, a court may order each defendant to forfeit property on a pro rata basis or by another means the court finds equitable.

Subd. 26. **Appeal.** (a) A party to forfeiture litigation, other than the defendant, may appeal the district court's decision regarding the seizure, on an interlocutory basis, or forfeiture of property under this chapter.

(b) The defendant may appeal the district court's decision regarding the seizure or forfeiture of property following judgment in the forfeiture litigation.

Subd. 27. **Attorney fees.** In any proceeding in which a property owner's claims prevail by recovering at least half, by value, of the property or currency claimed, the seizing agency shall be liable for:

(1) attorney fees and other litigation costs reasonably incurred by the claimant;

(2) postjudgment interest; and

(3) in cases involving currency, other negotiable instruments, or the proceeds of an interlocutory sale, any interest actually paid from the date of seizure.

Subd. 28. **Return of property; damages; costs.** (a) If the court orders the return of property, the appropriate agency that holds the property shall return the property to the owner or other prevailing claimant within a reasonable period of time not to exceed five days after entry of judgment.

(b) Any owner to whom property is returned shall not be subject to any charges for storage of the property or expenses incurred in the preservation of the property.

(c) The appropriate agency that holds the property is responsible for any damages, storage fees, and related costs applicable to property returned under this section.

Subd. 29. **Disposition of property and proceeds.** (a) At any time when contraband held for evidentiary purposes is no longer needed for that purpose, the court may order that it be destroyed pursuant to state law.

(b) At any time when abandoned property held for evidentiary purposes is no longer needed for that purpose, the court may order the property to be sold and the proceeds distributed pursuant to subdivision 12, paragraphs (e) and (f).

(c) If forfeiture is granted, the proceeds from the sale of forfeited personal property shall first be used to pay all outstanding recorded liens on the forfeited property.

(d) The court may then order that a portion of the currency seized or proceeds from the sale of forfeited property be used to (1) pay the victim of the crime for which the defendant is convicted, and (2) pay reasonable nonpersonnel expenses for the seizure, storage, and maintenance of any forfeited property.

(e) The court must then order remaining funds be credited equally to:

(1) the justice programs forfeiture account in the special revenue fund and is appropriated to the commissioner of public safety for grants administered through the Office of Justice Programs;

(2) the commissioner of health to be deposited in the safe harbor for youth account in the special revenue fund and is appropriated to the commissioner of health for distribution to crime victims services organizations that provide services to sexually exploited youth, as defined in section 260C.007, subdivision 31;

(3) the public defender forfeiture account in the special revenue fund and is appropriated to the Minnesota Board of Public Defense; and

(4) the state general fund.

(f) A justice programs forfeiture account is established as a special account in the state treasury.

(g) A public defender forfeiture account is established as a special account in the state treasury.

Subd. 30. **Prohibition on retaining property; sale restrictions.** No appropriate agency may retain forfeited or abandoned property for its own use or sell it directly or indirectly to any employee of the agency, to a person related to an employee by blood or marriage, or to another appropriate agency or any other law enforcement agency.

Subd. 31. **Prohibition of federal adoption.** A local, county, or state law enforcement agency shall not refer, transfer, or otherwise relinquish possession of property seized under state law to a federal agency by way of adoption of the seized property or other means by the federal agency for the purpose of the property's forfeiture under the federal Controlled Substances Act, United States Code, title 21, section 881, or the Comprehensive Drug Abuse Prevention and Control Act of 1970, Public Law 91-513, section 413.

Subd. 32. **Limit on receiving forfeiture proceeds from joint task forces.** (a) In a case in which the aggregate net equity value of the property and currency seized has a value of \$50,000 or less, excluding the value of contraband, a local, county, or state law enforcement agency or participant in a joint task force or other multijurisdictional collaboration with the federal government shall transfer responsibility for the seized property to the state prosecuting authority for forfeiture under state law.

(b) If the federal government prohibits the transfer of seized property and currency to the state prosecuting authority as required by paragraph (a) and instead requires the property be transferred to the federal government for forfeiture under federal law, the agency is prohibited from accepting payment of any kind or distribution of forfeiture proceeds from the federal government.

(c) Nothing in paragraph (a) or (b) shall be construed to restrict an agency from transferring responsibility to the federal government for forfeiture of seized property and currency that has an aggregate net equity value of greater than \$50,000, excluding the value of contraband.

(d) Nothing in paragraph (a) or (b) or subdivision 31 shall be construed to restrict a local, county, or state law enforcement agency from acting alone or collaborating with a federal agency or other agency to seize contraband or property a law enforcement agent has probable cause to believe is the proceeds or instruments of a crime that subjects property to forfeiture.

(e) Nothing in paragraph (a) or (b) or subdivision 31 shall be construed to prohibit the federal government, acting without the involvement of a local, county, or state law enforcement agency, from seizing property and seeking forfeiture under federal law.

Subd. 33. **Preemption.** This chapter preempts laws by other governments in the state that regulate forfeiture of property in crimes related to controlled substances and driving while impaired.

Subd. 34. **Exception.** The provisions of this section other than the reporting requirement under subdivision 35 do not apply to seizure or forfeiture proceedings under chapter 84 or 97A.

Subd. 35. **Reporting requirement.** (a) For each forfeiture occurring in the state, the appropriate agency and the prosecuting authority shall provide a written record of the forfeiture incident to the state auditor. The record shall include the amount forfeited, the statutory authority for the forfeiture, the date, a brief description of the circumstances involved, and whether the forfeiture was contested. The record shall also list the number of firearms forfeited and the make, model, and serial number of each firearm forfeited. The record shall indicate how the property was or is to be disposed of.

(b) An appropriate agency or the prosecuting authority shall report to the state auditor all instances in which property seized for forfeiture is returned to its owner either because forfeiture is not pursued or for any other reason.

(c) Reports shall be made on a monthly basis in a manner prescribed by the state auditor. The state auditor shall report annually to the legislature on the nature and extent of forfeitures.

(d) For forfeitures resulting from the activities of multijurisdictional law enforcement entities, the entity on its own behalf shall report the information required in this subdivision.

(e) The prosecuting authority is not required to report information required by this subdivision unless the prosecuting authority has been notified by the state auditor that the appropriate agency has not reported it.

Sec. 10. Minnesota Statutes 2018, section 609.66, subdivision 1d, is amended to read:

Subd. 1d. **Possession on school property; penalty.** (a) Except as provided under paragraphs (d) and (f), whoever possesses, stores, or keeps a dangerous weapon while knowingly on school property is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

(b) Whoever uses or brandishes a replica firearm or a BB gun while knowingly on school property is guilty of a gross misdemeanor.

(c) Whoever possesses, stores, or keeps a replica firearm or a BB gun while knowingly on school property is guilty of a misdemeanor.

(d) Notwithstanding paragraph (a), (b), or (c), it is a misdemeanor for a person authorized to carry a firearm under the provisions of a permit or otherwise to carry a firearm on or about the person's clothes or person in a location the person knows is school property. Notwithstanding ~~section 609.531~~ any law to the contrary, a firearm carried in violation of this paragraph is not subject to forfeiture.

(e) As used in this subdivision:

(1) "BB gun" means a device that fires or ejects a shot measuring .18 of an inch or less in diameter;

(2) "dangerous weapon" has the meaning given it in section 609.02, subdivision 6;

(3) "replica firearm" has the meaning given it in section 609.713; and

(4) "school property" means:

(i) a public or private elementary, middle, or secondary school building and its improved grounds, whether leased or owned by the school;

(ii) a child care center licensed under chapter 245A during the period children are present and participating in a child care program;

(iii) the area within a school bus when that bus is being used by a school to transport one or more elementary, middle, or secondary school students to and from school-related activities, including curricular, cocurricular, noncurricular, extracurricular, and supplementary activities; and

(iv) that portion of a building or facility under the temporary, exclusive control of a public or private school, a school district, or an association of such entities where conspicuous signs are prominently posted at each entrance that give actual notice to persons of the school-related use.

(f) This subdivision does not apply to:

(1) active licensed peace officers;

(2) military personnel or students participating in military training, who are on-duty, performing official duties;

(3) persons authorized to carry a pistol under section 624.714 while in a motor vehicle or outside of a motor vehicle to directly place a firearm in, or retrieve it from, the trunk or rear area of the vehicle;

(4) persons who keep or store in a motor vehicle pistols in accordance with section 624.714 or 624.715 or other firearms in accordance with section 97B.045;

(5) firearm safety or marksmanship courses or activities conducted on school property;

(6) possession of dangerous weapons, BB guns, or replica firearms by a ceremonial color guard;

(7) a gun or knife show held on school property;

(8) possession of dangerous weapons, BB guns, or replica firearms with written permission of the principal or other person having general control and supervision of the school or the director of a child care center; or

(9) persons who are on unimproved property owned or leased by a child care center, school, or school district unless the person knows that a student is currently present on the land for a school-related activity.

(g) Notwithstanding section 471.634, a school district or other entity composed exclusively of school districts may not regulate firearms, ammunition, or their respective components, when possessed or carried by nonstudents or nonemployees, in a manner that is inconsistent with this subdivision.

Sec. 11. Minnesota Statutes 2018, section 609.762, subdivision 2, is amended to read:

Subd. 2. **Seizure.** ~~Forfeiture of property subject to forfeiture under identified in subdivision 1 may be seized by any law enforcement agency upon process issued by any court having jurisdiction over the property. Seizure without process may be made if:~~ must be made pursuant to section 609.112.

~~(1) the seizure is incident to an arrest or a search under a search warrant;~~

~~(2) the property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding; or~~

~~(3) the law enforcement agency has probable cause to believe that the property was used or is intended to be used in a gambling violation and the delay occasioned by the necessity to obtain process would result in the removal, loss, or destruction of the property.~~

Sec. 12. Minnesota Statutes 2018, section 609.856, subdivision 2, is amended to read:

Subd. 2. **Forfeiture.** A radio or device defined in subdivision 1 that is used in the commission of a felony or violation of section 609.487 or attempt to commit a felony or violation of section 609.487 is contraband property and subject to the forfeiture provisions of section ~~609.531~~ 609.112.

Sec. 13. Minnesota Statutes 2018, section 609.895, subdivision 5, is amended to read:

Subd. 5. **Forfeiture.** Property used to commit or facilitate the commission of a violation of this section, and all money and property representing proceeds of a violation of this section, shall be forfeited in accordance with ~~sections 609.531 to 609.5316~~ section 609.112. Notwithstanding any provision of section ~~609.5315~~ 609.112 to the contrary, forfeited items bearing or identified by a counterfeit mark must be destroyed unless the intellectual property owner consents to another disposition.

Sec. 14. Minnesota Statutes 2018, section 609.908, subdivision 3, is amended to read:

Subd. 3. **Sale proceeds.** The proceeds of a sale or other disposition of forfeited property under this section whether by final judgment, settlement, or otherwise, must be applied as follows:

(1) to the fees and costs of the forfeiture and sale including expenses of seizure, maintenance, and custody of the property pending its disposition, advertising, and court costs;

(2) to all costs and expenses of investigation and prosecution including costs of resources and personnel incurred in investigation and prosecution; and

(3) the balance to the appropriate agencies under section ~~609.5315, subdivision 5~~ 609.112, subdivision 28.

Sec. 15. Minnesota Statutes 2018, section 609B.515, is amended to read:

**609B.515 DWI; VEHICLE FORFEITURE.**

Under section ~~169A.63~~ 609.112, a motor vehicle is subject to forfeiture if a driver is convicted of a "designated offense," as defined in section ~~169A.63, subdivision 1~~ 609.112, subdivision 1.

Section ~~169A.63, subdivision 7~~, 609.112 specifies limitations on vehicle forfeiture. ~~Section 169A.63, subdivisions 8 and 9, provide for administrative forfeiture procedure and judicial forfeiture procedure. Section 169A.63, subdivisions 10 and 11, provide for disposition of a forfeited vehicle.~~

Sec. 16. Minnesota Statutes 2018, section 611.32, subdivision 2, is amended to read:

Subd. 2. **Proceedings at time of apprehension or arrest.** Following the apprehension or arrest of a person disabled in communication for an alleged violation of a criminal law, the arresting officer, sheriff or other law enforcement official shall immediately make necessary contacts to obtain a qualified interpreter and shall obtain an interpreter at the earliest possible time at the place of detention. A law enforcement officer shall, with the assistance of the interpreter, explain to the person disabled in communication, all charges filed against the person, and all procedures relating to the person's detainment and release. If the property of a person is seized under section ~~609.531, subdivision 4~~ 609.112, the seizing officer, sheriff, or other law enforcement official shall, upon request, make available to the person at the earliest possible time a qualified interpreter to assist the person in understanding the possible consequences of the seizure and the person's right to judicial review. ~~If the seizure is governed by section 609.5314, subdivision 2, a request for an interpreter must be made within 15 days after service of the notice of seizure and forfeiture. For a person who requests an interpreter under this section because of a seizure of property under section 609.5314, the 60 days for filing a demand for a judicial determination of a forfeiture begins when the interpreter is provided.~~ The interpreter shall also assist the person with all other communications, including communications relating to needed medical attention. Prior to interrogating or taking the statement of the person disabled in communication, the arresting officer, sheriff, or other law enforcement official shall make available to the person a qualified interpreter to assist the person throughout the interrogation or taking of a statement.

Sec. 17. Minnesota Statutes 2018, section 624.714, subdivision 1b, is amended to read:

Subd. 1b. **Display of permit; penalty.** (a) The holder of a permit to carry must have the permit card and a driver's license, state identification card, or other government-issued photo identification in immediate possession at all times when carrying a pistol and must display the permit card and identification document upon lawful demand by a peace officer, as defined in section 626.84, subdivision 1. A violation of this paragraph is a petty misdemeanor. The fine for a first offense must not exceed \$25. Notwithstanding section ~~609.531~~ 609.112, a firearm carried in violation of this paragraph is not subject to forfeiture.

(b) A citation issued for violating paragraph (a) must be dismissed if the person demonstrates, in court or in the office of the arresting officer, that the person was authorized to carry the pistol at the time of the alleged violation.

(c) Upon the request of a peace officer, a permit holder must write a sample signature in the officer's presence to aid in verifying the person's identity.

(d) Upon the request of a peace officer, a permit holder shall disclose to the officer whether or not the permit holder is currently carrying a firearm.

Sec. 18. Minnesota Statutes 2018, section 624.714, subdivision 7a, is amended to read:

Subd. 7a. **Change of address; loss or destruction of permit.** (a) Within 30 days after changing permanent address, or within 30 days of having lost or destroyed the permit card, the permit holder must notify the issuing sheriff of the change, loss, or destruction. Failure to provide notification as required by this subdivision is a petty misdemeanor. The fine for a first offense must not exceed \$25. Notwithstanding section ~~609.534~~ 609.112, a firearm carried in violation of this paragraph is not subject to forfeiture.

(b) After notice is given under paragraph (a), a permit holder may obtain a replacement permit card by paying \$10 to the sheriff. The request for a replacement permit card must be made on an official, standardized application adopted for this purpose under section 624.7151, and, except in the case of an address change, must include a notarized statement that the permit card has been lost or destroyed.

Sec. 19. Minnesota Statutes 2018, section 624.714, subdivision 17, is amended to read:

Subd. 17. **Posting; trespass.** (a) A person carrying a firearm on or about his or her person or clothes under a permit or otherwise who remains at a private establishment knowing that the operator of the establishment or its agent has made a reasonable request that firearms not be brought into the establishment may be ordered to leave the premises. A person who fails to leave when so requested is guilty of a petty misdemeanor. The fine for a first offense must not exceed \$25. Notwithstanding section ~~609.534~~ 609.112, a firearm carried in violation of this subdivision is not subject to forfeiture.

(b) As used in this subdivision, the terms in this paragraph have the meanings given.

(1) "Reasonable request" means a request made under the following circumstances:

(i) the requester has prominently posted a conspicuous sign at every entrance to the establishment containing the following language: "(INDICATE IDENTITY OF OPERATOR) BANS GUNS IN THESE PREMISES."; or

(ii) the requester or the requester's agent personally informs the person that guns are prohibited in the premises and demands compliance.

(2) "Prominently" means readily visible and within four feet laterally of the entrance with the bottom of the sign at a height of four to six feet above the floor.

(3) "Conspicuous" means lettering in black arial typeface at least 1-1/2 inches in height against a bright contrasting background that is at least 187 square inches in area.

(4) "Private establishment" means a building, structure, or portion thereof that is owned, leased, controlled, or operated by a nongovernmental entity for a nongovernmental purpose.

(c) The owner or operator of a private establishment may not prohibit the lawful carry or possession of firearms in a parking facility or parking area.

(d) The owner or operator of a private establishment may not prohibit the lawful carry or possession of firearms by a peace officer, as defined in section 626.84, subdivision 1, paragraph (c), within the private establishment or deny the officer access thereto, except when specifically authorized by statute. The owner or operator of the private establishment may require the display of official credentials issued by the agency that employs the peace officer prior to granting the officer entry into the private establishment.

(e) This subdivision does not apply to private residences. The lawful possessor of a private residence may prohibit firearms, and provide notice thereof, in any lawful manner.

(f) A landlord may not restrict the lawful carry or possession of firearms by tenants or their guests.

(g) Notwithstanding any inconsistent provisions in section 609.605, this subdivision sets forth the exclusive criteria to notify a permit holder when otherwise lawful firearm possession is not allowed in a private establishment and sets forth the exclusive penalty for such activity.

(h) This subdivision does not apply to a security guard acting in the course and scope of employment. The owner or operator of a private establishment may require the display of official credentials issued by the company, which must be licensed by the Private Detective and Protective Agent Services Board, that employs the security guard and the guard's permit card prior to granting the guard entrance into the private establishment.

Sec. 20. Minnesota Statutes 2018, section 624.7142, subdivision 6, is amended to read:

Subd. 6. **Penalties.** (a) A person who violates a prohibition under subdivision 1, clauses (1) to (5), is guilty of a misdemeanor. A second or subsequent violation is a gross misdemeanor.

(b) A person who violates subdivision 1, clause (6), is guilty of a misdemeanor.

(c) In addition to the penalty imposed under paragraph (a), if a person violates subdivision 1, clauses (1) to (5), the person's authority to carry a pistol in a public place on or about the person's clothes or person under the provisions of a permit or otherwise is revoked and the person may not reapply for a period of one year from the date of conviction.

(d) In addition to the penalty imposed under paragraph (b), if a person violates subdivision 1, clause (6), the person's authority to carry a pistol in a public place on or about the person's clothes or person under the provisions of a permit or otherwise is suspended for 180 days from the date of conviction.

(e) Notwithstanding section ~~609.531~~ 609.112, a firearm carried in violation of subdivision 1, clause (6), is not subject to forfeiture.

Sec. 21. Minnesota Statutes 2018, section 629.715, subdivision 2, is amended to read:

Subd. 2. **Surrender of firearms.** The judge may order as a condition of release that the person surrender to the local law enforcement agency all firearms, destructive devices, or dangerous weapons owned or possessed by the person, and may not live in a residence where others possess firearms. Any firearm, destructive device, or dangerous weapon surrendered under this subdivision shall be inventoried and retained, with due care to preserve its quality and function, by the local law enforcement agency, and must be returned to the person upon the person's acquittal, when charges are dismissed, or if no charges are filed. If the person is convicted, the firearm must be returned when the court orders the return or when the person is discharged from probation and restored to civil rights. If the person is convicted of ~~a designated an offense as defined in section 609.531, under which~~ the firearm is subject to forfeiture, it is subject to forfeiture as provided under ~~that~~ section 609.112. This condition may be imposed in addition to any other condition authorized by rule 6.02 of the Rules of Criminal Procedure.

Sec. 22. **REPEALER.**

Minnesota Statutes 2018, sections 169A.63; 609.531, subdivisions 1, 1a, 4, 5, 5a, 6a, 7, and 8; 609.5311; 609.5312; 609.5313; 609.5314; 609.5315; 609.5316; 609.5317; 609.5318; 609.5319; 609.762, subdivisions 3, 4, 5, and 6; and 609.905, subdivision 3, are repealed.

Sec. 23. **EFFECTIVE DATE.**

This article is effective July 1, 2019.

ARTICLE 20  
CIVIL POLICY

Section 1. [3.8844] LEGISLATIVE COMMISSION ON INTELLIGENCE AND TECHNOLOGY.

Subdivision 1. **Established.** The Legislative Commission on Intelligence and Technology is created to study and make recommendations on issues relating to the effect of emerging technology on privacy. The commission has investigatory and oversight jurisdiction over government surveillance programs and technology, including subpoena power.

Subd. 2. **Membership.** The commission consists of four members of the senate, two appointed by the majority leader and two appointed by the minority leader, and four members of the house of representatives, two appointed by the speaker of the house and two appointed by the minority leader. Each appointing authority must make appointments as soon as possible after the beginning of the regular legislative session in an odd-numbered year. Each member of the commission must take an oath, swearing to faithfully discharge the duties of members of the commission in compliance with the laws governing the commission.

Subd. 3. **Terms; vacancies.** Commission member terms begin upon appointment and end at the beginning of the regular legislative session in the next odd-numbered year. In the case of a vacancy, the appropriate appointing authority must fill the vacancy for the remainder of the unexpired term.

Subd. 4. **Officers.** The commission must elect a chair and vice-chair and may elect other officers as the commission determines is necessary. The chair alternates between a member of the senate and a member of the house of representatives in January of each odd-numbered year.

Subd. 5. **Staff.** Legislative staff must provide administrative and research assistance to the commission.

Subd. 6. **Meetings; data.** Notwithstanding any other laws or legislative rules to the contrary, the commission may determine that a meeting shall not be open to the public. Notwithstanding any contrary provision of chapter 13 or other law, the commission may require a law enforcement official to disclose not public data to the commission, as the commission determines is necessary for performance of the commission's duties. If data provided to the commission is disseminated by the commission or its members or agents in violation of section 13.05, subdivision 4, the commission is subject to liability under section 13.08, subdivisions 1 and 3. Disclosure of not public data by a member of the commission is grounds for an ethics complaint to the committee with jurisdiction over ethics in the chamber in which the member serves.

Subd. 7. **Subpoena power.** The chair or vice-chair or a member of the commission designated by the chair may issue subpoenas requiring the appearance of persons, producing relevant records, and giving relevant testimony on matters within the jurisdiction of the commission. The person issuing the subpoena may request the issuance of an attachment to compel the attendance of a witness who, having been duly subpoenaed to attend, fails to do so. Section 3.153 applies to issuance of subpoenas under this section, except as otherwise provided in this section.

**EFFECTIVE DATE.** This section is effective the day following final enactment. Appointing authorities must make initial appointments by June 1, 2019. The speaker of the house must designate one member of the commission to convene the first meeting of the commission by June 15, 2019.

Sec. 2. Minnesota Statutes 2018, section 13.599, is amended by adding a subdivision to read:

Subd. 5. **State Arts Board.** Notwithstanding subdivision 3, responses submitted by a grantee to the State Arts Board or to a regional arts council under chapter 129D become public data at the public review meeting at which they are considered, except for trade secret data as defined and classified in section 13.37.

Sec. 3. Minnesota Statutes 2018, section 257.56, is amended to read:

**257.56 ARTIFICIAL INSEMINATION ASSISTED REPRODUCTION.**

Subdivision 1. **Husband Spouse treated as biological father parent.** If, under the supervision of a licensed physician and with the consent of her ~~husband spouse~~, a ~~wife is inseminated artificially~~ woman conceives through assisted reproduction with semen or ova or both, donated by a ~~man not her husband~~ donor or donors not her spouse, the ~~husband spouse~~ is treated in law as ~~if he were the biological father~~ the parent of a child thereby conceived. The ~~husband's spouse's~~ consent must be in writing and signed by ~~him and his wife~~ the spouse and the woman conceiving through assisted reproduction. The consent must be retained by the physician for at least four years after the confirmation of a pregnancy that occurs during the process of ~~artificial insemination~~ assisted reproduction.

All papers and records pertaining to the ~~insemination~~ assisted reproduction, whether part of the permanent record of a court or of a file held by the supervising physician or elsewhere, are subject to inspection only upon an order of the court for good cause shown.

Subd. 2. **Donor not treated as biological father parent.** The donor of semen or ova provided to a licensed physician for use in ~~artificial insemination of assisted reproduction~~ by a married woman other than the donor's ~~wife spouse~~ is treated in law as if ~~he were~~ the donor is not the ~~biological father parent~~ of a child thereby conceived, unless a court finds satisfactory evidence that the donor and the woman intended for the donor to be a parent.

Sec. 4. Minnesota Statutes 2018, section 363A.03, subdivision 43, is amended to read:

Subd. 43. **Sexual harassment.** (a) "Sexual harassment" includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature when:

(1) submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment, public accommodations or public services, education, or housing;

(2) submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment, public accommodations or public services, education, or housing; or

(3) that conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public accommodations or public services, education, or housing, or creating an intimidating, hostile, or materially offensive employment, public accommodations, public services, educational, or housing environment.

(b) Paragraph (a), clause (3), does not require the harassing conduct or communication to be severe or pervasive. Conduct or communication has the purpose or effect of creating an intimidating, hostile, or materially offensive environment when:

(1) a reasonable person in similar circumstances to the plaintiff would find the environment intimidating, hostile, or materially offensive; and

(2) the plaintiff found the environment intimidating, hostile, or materially offensive.

The intimidating, hostile, or materially offensive environment must be determined based on the totality of the circumstances.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to causes of action arising on or after that date.

Sec. 5. Minnesota Statutes 2018, section 363A.35, subdivision 3, is amended to read:

Subd. 3. **Access to closed files.** (a) Except as otherwise provided in this subdivision, human rights investigative data contained in a closed case file are private data on individuals or nonpublic data. The name and address of the charging party and respondent, factual basis of the allegations, the statute under which the action is brought, the part of the summary of the investigation that does not contain identifying data on a person other than the complainant or respondent, and the commissioner's memorandum determining whether probable cause has been shown are public data.

(b) The commissioner may make human rights investigative data contained in a closed case file inaccessible to the charging party or the respondent in order to protect medical or other security interests of the parties or third persons.

(c) Except for paragraph (b), when the charging party files a case in district court, the commissioner may provide private data or nonpublic data in a closed case file to the charging party and respondent.

Sec. 6. Minnesota Statutes 2018, section 363A.36, subdivision 1, is amended to read:

Subdivision 1. **Scope of application.** ~~(a) For all contracts for goods and services in excess of \$100,000, no department or agency of the state shall accept any bid or proposal for a contract or agreement from any business having more than 40 full-time employees within this state on a single working day during the previous 12 months, unless the commissioner is in receipt of the business' affirmative action plan for the employment of minority persons, women, and qualified disabled individuals. No department or agency of the state shall execute any such contract or agreement until the affirmative action plan has been approved by the commissioner. Receipt of a certificate of compliance issued by the commissioner shall signify that a firm or business has an affirmative action plan that has been approved by the commissioner. A certificate shall be valid for a period of four years. A department, an agency of the state, the Metropolitan Council, an agency subject to section 473.143, subdivision 1, or a public officer or agency subject to section 16A.695 shall not execute a contract for goods or services in excess of \$100,000 with a business that has 40 or more full-time employees in this state or a state where the business has its primary place of business on a single day during the prior 12 months, unless the business has a workforce certificate, as created in sections 363A.36 and 363A.37, from the commissioner of human rights or has certified in writing that it is exempt. Determinations of exempt status shall be made by the commissioner of human rights. A certificate is valid for four years.~~ A municipality as defined in section 466.01, subdivision 1, that receives state money for any reason is encouraged to prepare and implement an affirmative action plan for the employment of minority persons, people with disabilities, people of color, and women, and the qualified disabled and to submit the plan to the commissioner.

~~(b) This paragraph applies to a contract for goods or services in excess of \$100,000 to be entered into between a department or agency of the state and a business that is not subject to paragraph (a), but that has more than 40 full-time employees on a single working day during the previous 12 months in the state where the business has its primary place of business. A department or agency of the state may not execute a contract or agreement with a business covered by this paragraph unless the business has a certificate of compliance issued by the commissioner under paragraph (a) or the business certifies that it is in compliance with federal affirmative action requirements.~~

~~(e)~~ (b) This section does not apply to contracts entered into by the State Board of Investment for investment options under section 356.645.

~~(d)~~ (c) The commissioner shall issue a certificate of compliance or notice of denial within 15 days of the application submitted by the business or firm.

Sec. 7. Minnesota Statutes 2018, section 363A.36, subdivision 4, is amended to read:

Subd. 4. **Revocation of contract.** A contract awarded by a department or agency of the state, ~~the Metropolitan Council, an agency subject to section 473.143, subdivision 1, or a public officer or agency subject to section 16A.695,~~ may be terminated or abridged by the department or agency, ~~the Metropolitan Council, an agency subject to section 473.143, subdivision 1, or a public officer or agency subject to section 16A.695,~~ because of suspension or revocation of a certificate based upon a contractor's failure to implement or make a good faith effort to implement an affirmative action plan approved by the commissioner under this section. If a contract is awarded to a person who does not have a contract compliance certificate required under subdivision 1, the commissioner may void the contract on behalf of the state.

Sec. 8. Minnesota Statutes 2018, section 363A.36, is amended by adding a subdivision to read:

Subd. 6. **Access to data.** Data created, collected, and maintained by the commissioner for a business to receive and retain a certificate of compliance under this section is private data or nonpublic data. Applications, forms, or similar documents submitted by a business seeking a certificate of compliance is public data. A letter that states the commissioner's decision to issue, not issue, revoke, or suspend a certificate of compliance is public data.

Sec. 9. Minnesota Statutes 2018, section 363A.44, subdivision 1, is amended to read:

Subdivision 1. **Scope.** (a) ~~No~~ A department, an agency of the state, the Metropolitan Council, ~~or~~ an agency subject to section 473.143, subdivision 1, ~~or a public officer or agency subject to section 16A.695~~ shall not execute a contract for goods or services or an agreement for goods or services in excess of \$500,000 with a business that has 40 or more full-time employees in this state or a state where the business has its primary place of business on a single day during the prior 12 months, unless the business has an equal pay certificate or it has certified in writing that it is exempt. A certificate is valid for four years.

(b) This section does not apply to a business with respect to a specific contract if the commissioner of administration determines that application of this section would cause undue hardship to the contracting entity. This section does not apply to a contract to provide goods and services to individuals under chapters 43A, 62A, 62C, 62D, 62E, 256B, 256I, 256L, and 268A, with a business that has a license, certification, registration, provider agreement, or provider enrollment contract that is prerequisite to providing those goods and services. This section does not apply to contracts entered into by the State Board of Investment for investment options under section 352.965, subdivision 4.

Sec. 10. Minnesota Statutes 2018, section 517.02, is amended to read:

#### **517.02 PERSONS CAPABLE OF CONTRACTING.**

~~Every~~ A person who has attained the full age of 18 years is capable in law of contracting into a civil marriage, if otherwise competent. ~~A person of the full age of 16 years may, with the consent of the person's legal custodial parents, guardian, or the court, as provided in section 517.08, receive a license to marry, when, after a careful inquiry into the facts and the surrounding circumstances, the person's application for a license and consent for civil marriage of a minor form is approved by the judge of the district court of the county in which the person resides. If the judge of the district court of the county in which the person resides is absent from the county and has not by order assigned another judge or a retired judge to act in the judge's stead, then the court commissioner or any judge of district court of the county may approve the application for a license.~~

~~The consent for civil marriage of a minor must be in the following form:~~

~~STATE OF MINNESOTA, COUNTY OF ..... (insert county name)~~

I/We ..... (insert legal custodial parent or guardian names) under oath or affirmation say:

That I/we are the legal custodial parent(s) or guardian of ..... (insert name of minor), who was born at ..... (insert place of birth) on ..... (insert date of birth) who is presently the age of ..... (insert age).

That the minor has not been previously married.

That I/we consent to the civil marriage of this minor to ..... (insert name of the person minor intends to marry) who is of the age of ..... (insert age).

That affidavit is being made for the purpose of requesting the judge's consent to allow this minor to marry and make this civil marriage legal.

Date: .....

.....

.....

(Signature of legal custodial parents or guardian)

Sworn to or affirmed and acknowledged before me on this ..... day of .....

.....

NOTARY PUBLIC

STATE OF MINNESOTA, COUNTY OF ..... (insert county name).

The undersigned is the judge of the district court where the minor resides and grants the request for the minor to marry.

..... (judge of district court)

..... (date).

**EFFECTIVE DATE; APPLICATION.** This section is effective August 1, 2019, and applies to marriages entered into on or after that date.

Sec. 11. Minnesota Statutes 2018, section 517.03, subdivision 1, is amended to read:

Subdivision 1. **General.** (a) The following civil marriages are prohibited:

(1) a civil marriage entered into before the dissolution of an earlier civil marriage of one of the parties becomes final, as provided in section 518.145 or by the law of the jurisdiction where the dissolution was granted;

(2) a civil marriage between an ancestor and a descendant, or between siblings, whether the relationship is by the half or the whole blood or by adoption; ~~and~~

(3) a civil marriage between an uncle or aunt and a niece or nephew, or between first cousins, whether the relationship is by the half or the whole blood, except as to civil marriages permitted by the established customs of aboriginal cultures; and

(4) a civil marriage entered into between persons when both have not attained the full age of 18 years.

(b) A civil marriage prohibited under paragraph (a), clause (4), that is recognized by another state or foreign jurisdiction under common law or statute is void and against the public policy of this state unless neither party was a resident of this state at the time the marriage was entered into.

**EFFECTIVE DATE; APPLICATION.** This section is effective August 1, 2019, and applies to marriages entered into on or after that date.

Sec. 12. Minnesota Statutes 2018, section 517.08, subdivision 1a, is amended to read:

Subd. 1a. **Form.** Application for a civil marriage license shall be made by both of the parties upon a form provided for the purpose and shall contain the following information:

(1) the full names of the parties and the sex of each party;

(2) their post office addresses and county and state of residence;

(3) their full ages;

(4) if either party has previously been married, the party's married name, and the date, place and court in which the civil marriage was dissolved or annulled or the date and place of death of the former spouse;

~~(5) if either party is a minor, the name and address of the minor's parents or guardian;~~

~~(6) (5) whether the parties are related to each other, and, if so, their relationship;~~

~~(7) (6) the address of the parties after the civil marriage is entered into to which the local registrar shall send a certified copy of the civil marriage certificate;~~

~~(8) (7) the full names the parties will have after the civil marriage is entered into and the parties' Social Security numbers. The Social Security numbers must be collected for the application but must not appear on the civil marriage license. If a party listed on a civil marriage application does not have a Social Security number, the party must certify on the application, or a supplement to the application, that the party does not have a Social Security number;~~

~~(9) (8) if one or both of the parties to the civil marriage license has a felony conviction under Minnesota law or the law of another state or federal jurisdiction, the parties shall provide to the county proof of service upon the prosecuting authority and, if applicable, the attorney general, as required by section 259.13; and~~

~~(10) (9) notice that a party who has a felony conviction under Minnesota law or the law of another state or federal jurisdiction may not use a different name after a civil marriage except as authorized by section 259.13, and that doing so is a gross misdemeanor.~~

**EFFECTIVE DATE; APPLICATION.** This section is effective August 1, 2019, and applies to applications submitted to the local registrar on or after that date.

Sec. 13. Minnesota Statutes 2018, section 517.08, subdivision 1b, is amended to read:

Subd. 1b. **Term of license; fee; premarital education.** (a) The local registrar shall examine upon oath the parties applying for a license relative to the legality of the contemplated civil marriage. Both parties must present proof of age to the local registrar. If one party is unable to appear in person, the party appearing may complete the absent applicant's information. The local registrar shall provide a copy of the civil marriage application to the party who is unable to appear, who must verify the accuracy of the appearing party's information in a notarized statement. The verification statement must be accompanied by a copy of proof of age of the party. The civil marriage license must not be released until the verification statement and proof of age has been received by the local registrar. If the local registrar is satisfied that there is no legal impediment to it, including the restriction contained in section 259.13, the local registrar shall issue the license, containing the full names of the parties before and after the civil marriage, and county and state of residence, with the county seal attached, and make a record of the date of issuance. The license shall be valid for a period of six months. Except as provided in paragraph (b), the local registrar shall collect from the applicant a fee of \$115 for administering the oath, issuing, recording, and filing all papers required, and preparing and transmitting to the state registrar of vital records the reports of civil marriage required by this section. If the license should not be used within the period of six months due to illness or other extenuating circumstances, it may be surrendered to the local registrar for cancellation, and in that case a new license shall issue upon request of the parties of the original license without fee. A local registrar who knowingly issues or signs a civil marriage license in any manner other than as provided in this section shall pay to the parties aggrieved an amount not to exceed \$1,000.

(b) The civil marriage license fee for parties who have completed at least 12 hours of premarital education is \$40. In order to qualify for the reduced license fee, the parties must submit at the time of applying for the civil marriage license a statement that is signed, dated, and notarized or marked with a church seal from the person who provided the premarital education on their letterhead confirming that it was received. The premarital education must be provided by a licensed or ordained minister or the minister's designee, a person authorized to solemnize civil marriages under section 517.18, or a person authorized to practice marriage and family therapy under section 148B.33. The education must include the use of a premarital inventory and the teaching of communication and conflict management skills.

(c) The statement from the person who provided the premarital education under paragraph (b) must be in the following form:

"I, ..... (name of educator), confirm that ..... (names of both parties) received at least 12 hours of premarital education that included the use of a premarital inventory and the teaching of communication and conflict management skills. I am a licensed or ordained minister, a person authorized to solemnize civil marriages under Minnesota Statutes, section 517.18, or a person licensed to practice marriage and family therapy under Minnesota Statutes, section 148B.33."

The names of the parties in the educator's statement must be identical to the legal names of the parties as they appear in the civil marriage license application. Notwithstanding section 138.17, the educator's statement must be retained for seven years, after which time it may be destroyed.

(d) If section 259.13 applies to the request for a civil marriage license, the local registrar shall grant the civil marriage license without the requested name change. Alternatively, the local registrar may delay the granting of the civil marriage license until the party with the conviction:

(1) certifies under oath that 30 days have passed since service of the notice for a name change upon the prosecuting authority and, if applicable, the attorney general and no objection has been filed under section 259.13; or

(2) provides a certified copy of the court order granting it. The parties seeking the civil marriage license shall have the right to choose to have the license granted without the name change or to delay its granting pending further action on the name change request.

**EFFECTIVE DATE; APPLICATION.** This section is effective August 1, 2019, and applies to applications submitted to the local registrar on or after that date.

Sec. 14. Minnesota Statutes 2018, section 517.08, is amended by adding a subdivision to read:

Subd. 1d. **Proof of age.** For purposes of this section, proof of age of a party may be established in the form of:

(1) an original or certified copy of a birth certificate or birth record;

(2) a driver's license or other identification card issued by a government entity or school; or

(3) a school record, immigration record, naturalization record, court record, or other document or record issued by a government entity that contains the date of birth of a party.

#### ARTICLE 21 COOPERATIVE PRIVATE DIVORCE PROGRAM

Section 1. Minnesota Statutes 2018, section 62A.21, subdivision 2a, is amended to read:

Subd. 2a. **Continuation privilege.** Every policy described in subdivision 1 shall contain a provision which permits continuation of coverage under the policy for the insured's dependent children, which is defined as required by section 62A.302, and former spouse, who was covered on the day before the entry of a valid decree of dissolution of marriage or a certificate of marital dissolution. The coverage shall be continued until the earlier of the following dates:

~~(a)~~ (1) the date the insured's former spouse becomes covered under any other group health plan; or

~~(b)~~ (2) the date coverage would otherwise terminate under the policy.

If the coverage is provided under a group policy, any required premium contributions for the coverage shall be paid by the insured on a monthly basis to the group policyholder for remittance to the insurer. The policy must require the group policyholder to, upon request, provide the insured with written verification from the insurer of the cost of this coverage promptly at the time of eligibility for this coverage and at any time during the continuation period. In no event shall the amount of premium charged exceed 102 percent of the cost to the plan for such period of coverage for other similarly situated spouses and dependent children with respect to whom the marital relationship has not dissolved, without regard to whether such cost is paid by the employer or employee.

Upon request by the insured's former spouse, who was covered on the day before the entry of a valid decree of dissolution, or dependent child, a health carrier must provide the instructions necessary to enable the child or former spouse to elect continuation of coverage.

Sec. 2. Minnesota Statutes 2018, section 518.191, is amended by adding a subdivision to read:

Subd. 6. **Summary real estate disposition judgment following certificate of marital dissolution.** A summary real estate disposition judgment may also be obtained after a certificate of marital dissolution is issued in accordance with section 518.80, subdivision 5. Upon the filing of the certificate the district court administrator may provide to a participant upon request certified copies of a summary real estate disposition judgment submitted by the participants that contains the following information:

- (1) the dates of the participants' marriage and of the issuance of the certificate of marital dissolution;
- (2) the legal description of each parcel of real estate;
- (3) the name or names of the persons awarded an interest in each parcel of real estate and a description of the interest awarded;
- (4) liens, mortgages, encumbrances, or other interests in the real estate described in the declaration of divorce; and
- (5) triggering or contingent events set forth in the declaration of divorce affecting the disposition of each parcel of real estate.

Sec. 3. Minnesota Statutes 2018, section 518.195, is amended by adding a subdivision to read:

Subd. 5. **Issuance of qualified domestic relations order following certificate of marital dissolution.** A certificate of marital dissolution issued in accordance with section 518.80, subdivision 5, may be filed with the district court administrator. Upon the filing of the certificate, the district court administrator may enter a decree of dissolution and may issue a qualified domestic relations order submitted by the participants and approved by the retirement plan administrator for the assignment of an interest in a retirement plan as provided in the declaration of divorce.

Sec. 4. **[518.80] COOPERATIVE PRIVATE DIVORCE PROGRAM.**

Subdivision 1. **Commissioner.** For purposes of this section, "commissioner" means the commissioner of the Bureau of Mediation Services.

Subd. 2. **Establishment.** The commissioner shall establish a cooperative private divorce program as provided in this section.

Subd. 3. **Requirements.** The cooperative private divorce program must, at a minimum:

- (1) be made available on the Bureau of Mediation Services website;
- (2) make available to the participants of the program the notices and instructions provided under subdivisions 9 and 10 and section 518.82;
- (3) allow participants of the program to electronically complete and submit to the commissioner an intent to divorce and a declaration of divorce as provided under subdivision 11;
- (4) require a separate unique login and password for each participant to access the program;
- (5) provide a notification system that automatically contacts one participant when the other participant accesses the program;
- (6) provide a list of supportive services and service providers that may be helpful to participants;
- (7) provide a method to authenticate the identities of the signatories of the forms required under subdivision 11;
- (8) employ security measures to protect the confidentiality and personal information of the participants submitting information through the program; and

(9) encrypt all data sent and received through the program website.

Subd. 4. **Residency requirement.** Married participants seeking dissolution under this section qualify for the cooperative private divorce program if the residency requirements under section 518.07 have been met by the participants.

Subd. 5. **Procedure.** (a) Notwithstanding any law to the contrary, married participants who meet the criteria under subdivision 4 may dissolve their marital status through the cooperative private divorce program made available on the Bureau of Mediation Services website by:

(1) signing and submitting the intent to divorce under subdivision 11; and

(2) completing, signing, and submitting the declaration of divorce under subdivision 11 at least 90 days after but not more than two years after the intent to divorce was submitted by both participants.

(b) Upon receipt of the completed declaration of divorce, the commissioner shall issue a certificate of marital dissolution that includes the following information:

(1) the name and any prior names of the two participants to the cooperative private divorce dissolution;

(2) the name of any living minor or dependent children of the participants;

(3) that the marriage of the participants is dissolved and the date of the dissolution; and

(4) the Social Security numbers of the participants and any living minor or dependent children of the participants.

(c) A certificate of marital dissolution issued under this section completely dissolves the marital status of the participants.

(d) Upon receipt of a declaration of divorce, the commissioner shall issue a certificate of marital dissolution that is accessible to each participant through the online cooperative private divorce program. The certificate of marital dissolution is conclusive evidence of the divorce.

(e) The commissioner shall maintain a public registry containing the following:

(1) the name and any prior names of any participant of the cooperative private divorce program;

(2) the name of any living minor or dependent children of a participant; and

(3) that the marriage of the participants is dissolved and the date of the dissolution.

(f) Before the commissioner issues a certificate of marital dissolution to married participants who are parents of minor children, the married participants must attend a four-hour parent education program as required under section 518.81.

Subd. 6. **Certain agreements.** (a) Any agreement made by the participants as part of the declaration of divorce that allocates expenses for their child or children is an enforceable contract between the participants under section 518.1705.

(b) It is the intent of this paragraph that agreements recorded in a declaration of divorce shall be deemed to be a decree of divorce wherever a decree of divorce is referred to in the Internal Revenue Code, and agreements between the participants in a declaration of divorce regarding alimony or maintenance shall be deemed to be a divorce or separation agreement for purposes of deductibility under the Internal Revenue Code.

(c) Any issue that is not specifically addressed by the participants in the declaration of divorce agreement is considered to be reserved for future agreement by the participants or de novo review by the court.

Subd. 7. **Modification.** Any agreement made by the participants in their declaration of divorce may be modified at any time after a declaration of divorce agreement is submitted to the commissioner through the cooperative private divorce program, but prior to the parties modifying or vacating an agreement under subdivision 8, if both participants agree to the amendment and submit an amended declaration of divorce.

Subd. 8. **Court involvement.** (a) At any time prior to the submission of a declaration of divorce, participants in a cooperative private divorce may initiate an action for marriage dissolution under this chapter in district court. Any action under this chapter pending in district court must be resolved or dismissed before participants may submit a declaration of divorce.

(b) Cooperative private divorce agreements contained in a declaration of divorce may be enforced, modified, or vacated by the district court, or the court may address issues that were reserved by the participants according to the provisions of this chapter. Review of a cooperative private divorce agreement under paragraph (e) in district court are de novo and determined by existing statute.

(c) Upon the filing of a certificate of marital dissolution by the participants, the court administrator shall enter a decree of dissolution as provided in section 518.195 without necessity of court approval or a judgment and decree and without regard to the criteria or procedures in section 518.195, subdivisions 1 and 2.

(d) By executing a declaration of divorce with the Bureau of Mediation Services that may be filed with the court, each participant consents to the continuing personal jurisdiction of the Minnesota courts as to all matters related to the declaration of divorce.

(e) A participant in a cooperative private divorce may by petition initiate an action in district court to:

(1) enforce, modify, or vacate the declaration of divorce;

(2) petition the court to address any issue reserved by the participants;

(3) obtain a summary real estate disposition judgment;

(4) obtain a qualified domestic relations order; or

(5) obtain a court decree of dissolution when necessary to comply with state or federal law involving interstate enforcement of the participants' divorce.

A participant initiating an action under this paragraph must, by personal service, provide to the other participant notice of filing the certificate of marital dissolution with the district court together with any motion for relief. Any subsequent court action related to the certificate of marital dissolution may be initiated by notice of motion and motion. An action initiated under this paragraph shall be venued in a county located in this state where either participant was residing at the time the certificate of marital dissolution was issued by the Bureau of Mediation Services. Matters reviewed by the court under this section are reviewed by the court de novo and governed by this chapter, chapter 518A, and other applicable laws. The filing fee for any action under this paragraph is \$315. For a

motion to vacate the declaration of divorce under section 518.145, the one-year period of limitation begins on the date of the participants' dissolution, which is the date of the certificate of marital dissolution in subdivision 5, paragraph (d).

Subd. 9. **Notices; introduction to private divorce; form.** The commissioner shall make available the following form for use in the cooperative private divorce program:

### **NOTICE: Introduction to Cooperative Private Divorce**

You are considering obtaining a Cooperative Private Divorce rather than going to court to get divorced. Cooperative Private Divorce is a simplified procedure for couples who want to avoid the expense, emotional strain, and arbitrary time frames that often accompany adversarial court proceedings. To obtain a Cooperative Private Divorce you will need to reach an agreement with your spouse about the issues in your divorce. Many public and private services are available to help you.

The Cooperative Private Divorce process is based on the assumption that most people have the capacity to divorce with respect and fairness if they are supported in that direction. To that end, a Cooperative Private Divorce differs in two important ways from a court divorce. First, the two of you have total control over your divorce and no one will oversee or scrutinize the decisions you make. Second, it is a completely private process.

This leaves you with a great deal of flexibility. After you have educated yourself, you can choose how detailed or simple to make your divorce decisions, and whether to postpone some decisions to a later time. You can also create your own understanding of fairness unique to your own situation.

These special features of a Cooperative Private Divorce, eliminating the anxiety of someone else having control over your family, and lessening the pressure to resolve everything all at once during a very stressful time are intended to replace conflict with your spouse by creating a healthy transition for you and your family. You are encouraged to view each other as partners in creating the best solution for you and your family in parenting and financial matters.

### **Basic Principles**

Cooperative Private Divorce is not for everyone. Because of the need to create a fair and healthy plan without coercion or oversight, it is intended for couples who can work together in good faith for the best interests of everyone in the family.

Here are the six principles underlying Cooperative Private Divorce. If you and your spouse believe you can fashion your divorce according to these principles, then a Cooperative Private Divorce may be the best procedure for you.

1. The preventing unnecessary divorce principle: You have reached a decision to initiate a divorce only after exhausting other options to solve your problems within your marriage, particularly if you have children.

2. The healthy relationships principle: If you have children, your parenting plan promotes safe, nurturing, and stable relationships among the children and with both of their parents.

3. The maximum parent involvement principle: Your parenting plan promotes high levels of involvement of both parents with the children when that is feasible and consistent with the needs of the children.

4. The equity principle: Your financial plan promotes equitable and sustainable lifestyles for all family members in light of the unique circumstances of your marriage and family.

5. The flexibility principle: Your divorce agreements take into account both the value of having stable arrangements and the likelihood that the needs and circumstances of your family will change over time.

6. The optimal timing principle: You create partial or comprehensive agreements with the timing and sequence that work best for you and your family.

### **Two Cautions**

First, if you feel pressured or intimidated by your spouse to use this process or to agree to specific matters in your divorce, or if you have doubts generally about your spouse's willingness to reach agreements that are best for everyone in your family, consider getting professional assistance before going further.

Second, the flexibility of a Cooperative Private Divorce also leaves you with an important responsibility. Some couples have relatively simple issues to address in their divorce. But some couples have more complex financial and parenting matters to resolve. Financial matters are often more complex if you are self-employed or a business owner. If you do not consider such matters carefully, you may face problems such as having agreements that do not work over time or that are not enforceable. You are responsible to educate yourself about the issues in your divorce and to obtain professional assistance if you need it.

### **Professional and Community Resources**

To begin with, recognize that going ahead with a divorce is a significant decision, especially if you have children. Many research studies have shown that divorce can have an adverse effect on children. If you want help to make sure you are making the right decision for you and your family, you can make use of services available in local communities.

If you have made the decision to go ahead with the divorce, you may choose to work with an advocate or with a facilitator who can guide you and your spouse in cooperative processes that focus on your interests and needs and what will work for your family. You may want to consult with an adviser on parenting or financial issues. From private sources you can obtain sample agreements that may help you frame all of the issues you will likely encounter. Although divorce can seem complex and difficult, these resources and professional services can help make it easier for you and your spouse to reach an agreement.

The Bureau of Mediation Services serves as a clearinghouse for information about the types of resources available. It can also provide information about services that are offered for free or on a sliding fee.

Subd. 10. **Instructions; form.** The commissioner shall make available the following form for use in the cooperative private divorce program:

### **Instructions for Cooperative Private Divorce**

1. Both spouses obtain unique identifiers from the Bureau of Mediation Services.
2. Both spouses sign and submit the INTENT TO DIVORCE form with their unique identifiers to register with the Bureau of Mediation Services.
3. At any time at least 90 days after but not more than two years after submitting the INTENT TO DIVORCE form, submit the Declaration of Divorce form signed by both spouses.
4. Upon submitting the Declaration of Divorce form, both spouses will receive a certification that your marriage is dissolved.

5. Most complete divorce agreements address the issues set forth in the Declaration of Divorce form. It is up to you whether you want to record agreements in all or any of these areas. But recognize that if your agreements are vague or incomplete or if you do not record your agreements, it may be difficult for you to recall them, live up to your obligations, or later ask a court to enforce an agreement. Use attachments if you want to record agreements that are longer than space here permits. No one will review or approve the agreements you set forth here before your divorce is certified. They are for your use only.

6. At any time, either spouse can retrieve the Declaration of Divorce form containing your agreements by providing your unique identifier. No one except you and your spouse will have access to this form.

7. At any time, you and your former spouse can retrieve the Declaration of Divorce form, make additions or modifications that you both agree to, and resubmit it.

8. If you want to modify your previous agreements but you and your former spouse cannot agree on the modifications, or if you want to seek enforcement of a previous agreement, you are encouraged to seek assistance from professionals in the community who specialize in helping former spouses reach fair agreements. You also have the option of going to court to submit your Declaration of Divorce form.

9. Remember that by creating a smooth family transition now and working on issues that may arise in the future, developing a trustworthy working relationship with your spouse will be just as helpful as written agreements.

Subd. 11. **Intent to divorce; declaration of divorce; form.** The commissioner shall make available the following form for use in the cooperative private divorce program:

**Intent to Divorce**

We hereby declare that we are legally married, have both been residents of Minnesota for at least 180 days, and intend to divorce. We understand that our divorce will be certified if we submit the Declaration of Divorce form signed by both spouses at least 90 days after but not more than two years after the date this INTENT TO DIVORCE form is submitted.

Date and place of marriage: .....  
Signature, date: .....  
E-mail address: .....  
Social Security number: .....  
Signature, date: .....  
E-mail address: .....  
Social Security number: .....

**Declaration of Divorce**

**Facts**

- 1. We agree that the following is a list of all our assets and their approximate value:
- 2. We agree that the following is a list of all our debts:
- 3. Spouse A name, previous name(s) if any, and yearly income, including any bonuses:
- 4. Spouse B name, previous name(s) if any, and yearly income, including any bonuses:
- 5. The names, dates of birth, and Social Security numbers of our minor or dependent children covered by this agreement are:

### Agreements

1. We agree to the following plan for parenting our child or children together after the divorce. If our plan is temporary, we agree to the following process for updating it. (A comprehensive plan would include: (a) how you will make important decisions like those about school, health care, and religion; (b) how you will allocate your time with the children during the school year, summer, holidays, and vacations to provide a nurturing environment and rich relationships with both of you; and (c) how you will communicate with each other and work out differences of opinion.)

2. We agree to the following plan for sharing the expenses of raising our child or children.

#### Guideline Child Support

The guideline child support for our child(ren) is \$..... We agree that ..... will pay the guideline child support amount.

(The Minnesota Child Support guidelines calculator can be accessed at .....)

Attach the guidelines printout.

#### Non-Guideline Child Support

We agree to deviate from the guideline child support amount after considering the following factors that support deviation (Make a check or "X" on all that apply):

- .... each of our earnings, income, circumstances, and resources, including our real and personal property, but excluding income from excess employment of the obligor or obligee that meets the criteria of Minnesota Statutes, section 518A.29, paragraph (b);
- .... the extraordinary financial needs and resources, physical and emotional condition, and educational needs of our child(ren) to be supported;
- .... the standard of living our child would enjoy if we were currently living together, but recognizing that we now have separate households;
- .... whether our child resides for more than one year in a foreign country that has a substantially higher or lower cost of living than this country;
- .... the income taxation dependency exemption and the financial benefit that one of us receives from it;
- .... our agreed-upon plan for paying off our debts under paragraph 4;
- .... the obligor's total payments for court-ordered child support exceed the limitations set forth in Minnesota Statutes, section 571.922;
- .... an allocation of the expenses of our children that enables us to maintain a suitable place for our children, taking into account our current standard of living;
- .... the following factor: .....

Make a check or "X" on one of the following:

- .... Because of the factor(s) we have checked above, we agree that ..... will pay \$..... in child support on the ..... of each month;
- .... We will be sharing the following children's expenses: (list items) with ..... paying ... percent and ..... paying ... percent; or
- .... We agree that no child support will be exchanged between us, as we are each paying the children's expenses directly.

Make a check or "X" on all that apply:

- .... We agree to modify the amount of child support from time to time as our circumstances may change.
- .... We agree to a biennial adjustment in the amount of child support to be paid based on cost-of-living changes using a cost-of-living index published by the Department of Labor.

(If either parent is receiving public assistance, the county attorney must approve this agreement or it is not enforceable. The county attorney may ask the court to modify any child support agreement you make if a minor or dependent child receives or begins to receive public assistance.)

### **Caution**

If your former spouse does not pay you the child support agreed upon in the declaration of divorce, you should act promptly to address the matter because if you decide to go to court, the court may not order the payment of arrears.

3. We agree to the following plan for providing health insurance for our children.

4. We agree to the following plan for paying off our debts. (This agreement will not change your obligations to any creditor. It is simply an agreement between the two of you about who will be paying a debt.)

5. We agree to the following plan for dividing our property and assets. (If an allocation of assets or debts, or both, deviates from a nearly equal division, provide the reasons for the allocation. Educate yourself about the difference between marital and nonmarital property.)

a. Real estate (Include who will pay any mortgages or agreements to refinance a mortgage, and make provisions for recording necessary documents with the county recorder. This declaration of divorce does not transfer an interest in real estate. To transfer interest in real estate, you must prepare a quitclaim deed or a summary real estate disposition judgment for the court administrator, either of which you would need to file with the county recorder. It is advisable to seek professional assistance about this process.)

b. Personal property, such as household furnishings, vehicles, and other objects you own.

c. Financial assets, such as retirements, investments, stock, bank accounts, and business interests. (This declaration of divorce has no effect on the division of a retirement account or pension plan unless the account or plan receives proper instructions. Many retirement assets cannot be divided unless they receive a qualified domestic relations order from a court. Often a draft of such an order is approved by the pension plan administrator before it is submitted to the court. It is advisable to seek professional assistance about this process.)

6. We agree to the following schedule of payments for spousal support (alimony) which ends upon the death of either of us or the remarriage of the payee spouse. (If there is a large difference in your incomes and you agree to a minimal amount or no amount of spousal support, provide the reasons for the spousal support agreement. For purposes of federal tax deductibility, this agreement is deemed to be a divorce or separation instrument. Be aware that, upon motion, a court has the authority to modify the amount of spousal support you agree on here at any time during the time period in which spousal support is being paid.)

7. We agree to the following plan to maintain health insurance coverage for both spouses. (If one spouse is interested in continuing health insurance coverage under the other spouse's employer-provided policy, certain laws apply, including a requirement that an election must be made and submitted to the other spouse's employer and health insurance carrier within 60 days of your divorce.)

8. We agree to the following plan for paying any past joint tax liability or future tax liability, or both, and we agree to the following plan for who will claim the child or dependency exemptions or credits for our child or children.

9. We have reached the following additional agreements which we wish to record.

(You may not use the cooperative private divorce program to legally change a name. A name can be changed only by a court.)

**Dissolution**

We hereby agree to the dissolution of our marriage according to the preceding terms. We hereby warrant that we have made complete disclosure to each other of all information and documents that are important to these agreements, and that the list of assets and debts contained in paragraph (1) are complete and accurate and there are no open court cases involving these issues.

Signature, date: .....  
Signature, date: .....

Subd. 12. **Fee.** The commissioner shall charge the participants of the cooperative private divorce program a fee of \$1,062. Collected fees must be deposited in the cooperative divorce account established under subdivision 13. The commissioner may reduce the fee to ensure that revenue more closely matches the expenses of the program.

Subd. 13. **Cooperative divorce account.** The cooperative divorce account is established as a separate account in the special revenue fund in the state treasury. Money in the account is appropriated to the commissioner to administer and manage the online program under this section.

Subd. 14. **Data.** Data collected under this section is classified as private data on individuals as defined in section 13.02, subdivision 12.

Subd. 15. **Notice; translations.** Notices provided in this section and section 518.82 must be provided in languages that participants can understand and versions of the notices must be available online in languages commonly spoken in Minnesota.

**Sec. 5. [518.81] PARENT EDUCATION; COOPERATIVE PRIVATE DIVORCE.**

Subdivision 1. **Parent education requirements.** Married participants who are parents of minor children shall attend a four-hour parent education program prior to receiving a certificate of marital dissolution under section 518.80, subdivision 5. The parent education program must provide information on:

(1) constructive parenting in the dissolution process, including risk factors for families, how marriage dissolution affects children of different ages, and skills that parents can learn to increase cooperation and minimize conflict, particularly conflict arising when parents place children in the middle, creating conflicting loyalty. This component of the program must be aimed at increasing a parent's sensitivity to a child's needs and at giving a parent skills to improve the parent's and the child's adjustment to the dissolution of the marriage. The primary emphasis of the program must be on constructive parenting information, and its content must be consistent with and promote the principles of cooperative private divorce as described in section 518.80, subdivision 9;

(2) assessing if a parent is perpetrating domestic violence against the other parent and when cooperation in co-parenting may not be desirable because of safety risks, and providing information on local domestic violence resources;

(3) information on the option of reconciliation, including research on reconciliation interests among couples considering marriage dissolution, the potential benefits of avoiding marriage dissolution, resources to assist with reconciliation for interested couples, and information on when the risk of domestic violence should exclude consideration of reconciliation; and

(4) an overview of the legal process of marital dissolution and the advantages and disadvantages of litigation and alternative processes, including but not limited to mediation, collaborative and cooperative law, and restorative circles.

Subd. 2. **Program requirements.** A parent education program under this section may be conducted in person or online.

Subd. 3. **Confidentiality.** Unless all parties agree in writing, statements made by a party during participation in a parent education program are inadmissible as evidence for any purpose, including impeachment. No record may be made regarding a party's participation in a parent education program, except a record of completion of the program as required under this section. Instructors shall not disclose information regarding an individual participant obtained as a result of participation in a parent education program. Parent education instructors may not be subpoenaed or called as witnesses in court proceedings.

Subd. 4. **Costs and program providers.** Each parent education program must enable persons to have timely and reasonable access to education sessions. A party who qualifies for a waiver of filing fees under section 563.01 is exempt from paying the parent education program fee. Program providers shall implement a sliding fee scale.

#### Sec. 6. **[518.82] COOPERATIVE PRIVATE DIVORCE SCREENING; NOTICE; FORM.**

The commissioner of the Bureau of Mediation Services shall make available the following notice for use in the cooperative private divorce program under section 518.80 before full access to the program is granted to a user. The data maintained by the coercion screening tool are private data on individuals, as defined in section 13.02, subdivision 12, and shall not be tracked or recorded by any means at any time.

#### COERCION SCREENING TOOL

#### WHEN NOT TO USE COOPERATIVE PRIVATE DIVORCE

Cooperative private divorce is not for everyone. It is probably not appropriate for you if any of the following statements are true. Choices you make in this section are private. No record of any choice you make in this section will be recorded or tracked.

- ... You are feeling undue pressure or intimidation from your spouse to use cooperative private divorce.
- ... You have serious doubts about your spouse's willingness to reach agreements that are best for everyone in the family.
- ... Your spouse has made threats of physical or emotional harm during discussions of divorce.
- ... Your spouse has unilaterally ruled out involving any professionals in your divorce process even though you want this kind of support.
- ... Your spouse is telling you not to discuss your divorce options with anyone.

Information on resources can be provided upon request if any of the above risks are occurring.

Sec. 7. Minnesota Statutes 2018, section 518A.43, subdivision 1, is amended to read:

Subdivision 1. **General factors.** Among other reasons, deviation from the presumptive child support obligation computed under section 518A.34 is intended to encourage prompt and regular payments of child support and to prevent either parent or the joint children from living in poverty. In addition to the child support guidelines and other factors used to calculate the child support obligation under section 518A.34, the court must take into consideration the following factors in setting or modifying child support or in determining whether to deviate upward or downward from the presumptive child support obligation:

(1) all earnings, income, circumstances, and resources of each parent, including real and personal property, but excluding income from excess employment of the obligor or obligee that meets the criteria of section 518A.29, paragraph (b);

(2) the extraordinary financial needs and resources, physical and emotional condition, and educational needs of the child to be supported;

(3) the standard of living the child would enjoy if the parents were currently living together, but recognizing that the parents now have separate households;

(4) whether the child resides in a foreign country for more than one year that has a substantially higher or lower cost of living than this country;

(5) which parent receives the income taxation dependency exemption and the financial benefit the parent receives from it;

(6) the parents' debts as provided in subdivision 2; ~~and~~

(7) the obligor's total payments for court-ordered child support exceed the limitations set forth in section 571.922-; ~~and~~

(8) an allocation of expenses of the children in a parenting plan under section 518.1705, subdivision 8, or in a declaration of dissolution under section 518.80, subdivision 6, paragraph (a), that enables both parents to maintain a suitable place for their children, taking into account their current standard of living.

Sec. 8. **REPORT.**

The commissioner of the Bureau of Mediation Services shall conduct an evaluation of the cooperative private divorce program after the first and second years of operation. The areas of evaluation shall include but not be limited to:

(1) number of users of the cooperative private divorce program, both initially and transferring to and from a court divorce;

(2) costs of the cooperative private divorce program to government and families in comparison to court divorces;

(3) user satisfaction with the cooperative private divorce program process and with their agreements; and

(4) any correlation between use of the cooperative private divorce program system and subsequent use of court services for the same case or related cases."

Delete the title and insert:

"A bill for an act relating to judiciary; modifying certain provisions relating to public safety; courts; corrections; law enforcement; sexual offenders; controlled substances; DWI; vehicle operations; pretrial release; offender sentencing, probation, and diversion; firefighters; statewide emergency communication; predatory offenders; and forfeiture; modifying ex-offender voting rights; enacting the Uniform Collateral Consequences of Conviction Act; raising the age of marriage to 18; establishing a cooperative private divorce program; requiring reports; providing for task forces; providing for studies; providing for criminal penalties; appropriating money for sentencing guidelines, public safety, courts, corrections, Peace Officer Standards and Training (POST) Board, Private Detective Board, human services, health, civil legal services, human rights, Guardian Ad Litem Board, Uniform Laws Commission, Board on Judicial Standards, Board of Public Defense, Bureau of Mediation Services, and Legislative Coordinating Commission; amending Minnesota Statutes 2018, sections 13.599, by adding a subdivision; 13.6905, by adding a subdivision; 13.851, by adding a subdivision; 15A.0815, subdivision 3; 62A.21, subdivision 2a; 84.7741, subdivision 13; 84.91, subdivision 1; 86B.331, subdivision 1; 97A.221, subdivision 5; 97A.223, subdivision 6; 97A.225, subdivision 10; 144.121, subdivision 1a, by adding a subdivision; 151.37, subdivision 12; 152.021, subdivision 2a; 152.025, subdivisions 1, 2, 4; 152.0275; 152.18, subdivision 1; 152.21, subdivision 6; 152.32, subdivision 2; 169.92, subdivision 4; 169.99, subdivision 1c, by adding a subdivision; 169A.03, subdivision 18; 169A.37, subdivision 1; 169A.55, subdivision 2; 169A.60, subdivisions 4, 5, 8; 169A.63, by adding a subdivision; 171.07, subdivision 1a; 171.16, subdivisions 2, 3; 171.18, subdivision 1; 171.20, subdivision 4; 171.26, subdivision 1; 171.29, subdivision 1; 241.01, subdivision 3a; 241.025, subdivisions 1, 2; 241.75, subdivision 2; 242.192; 243.166, subdivisions 1a, 1b, 2, 4, 4a, 4b, 4c, 5, 6, 7, 7a, by adding a subdivision; 243.48, subdivision 1; 244.05, subdivisions 4, 5; 244.09, subdivisions 6, 8; 245C.22, by adding a subdivision; 245C.24, by adding a subdivision; 257.56; 260B.176, by adding a subdivision; 299A.12, subdivisions 1, 2, 3; 299A.13; 299A.14, subdivision 3; 299A.55, subdivisions 2, 4; 299A.681, subdivision 11; 299A.706; 299A.707, by adding a subdivision; 299C.091, subdivision 5; 299C.093; 299C.46, subdivision 3; 299F.857; 299N.01, subdivisions 2, 3; 299N.02, subdivisions 1, 2, 3; 299N.03, subdivisions 4, 5, 6, by adding a subdivision; 299N.04; 299N.05, subdivisions 1, 2, 5, 6, 7, 9; 299N.06; 340A.22, subdivision 4; 340A.304; 340A.417; 357.021, subdivisions 1a, 2, 6, 7, by adding a subdivision; 363A.03, subdivision 43; 363A.35, subdivision 3; 363A.36, subdivisions 1, 4, by adding a subdivision; 363A.44, subdivision 1; 364.07; 403.02, by adding a subdivision; 403.03; 403.21, subdivision 7a; 403.36, subdivisions 1, 1b, 1c, 1d; 403.37, subdivision 12; 403.382, subdivisions 1, 8; 446A.083, subdivision 2; 480.15, by adding a subdivision; 484.85; 517.02; 517.03, subdivision 1; 517.08, subdivisions 1a, 1b, by adding a subdivision; 518.191, by adding a subdivision; 518.195, by adding a subdivision; 518A.43, subdivision 1; 590.01, subdivision 4; 590.11, subdivisions 1, 2, 5, 7; 609.101, subdivision 5; 609.106, subdivision 2, by adding a subdivision; 609.115, by adding a subdivision; 609.135, subdivisions 1a, 1c, 2, by adding a subdivision; 609.2112, subdivision 1; 609.2113, subdivisions 1, 2, 3; 609.341, subdivisions 10, 11, 12, by adding subdivisions; 609.342, subdivision 1; 609.343, subdivision 1; 609.344, subdivision 1; 609.345, subdivision 1; 609.3451, subdivision 1; 609.3455, subdivision 2; 609.582, subdivisions 3, 4; 609.66, subdivision 1d; 609.749, subdivisions 1, 2, 3, 5, 8; 609.762, subdivision 2; 609.856, subdivision 2; 609.895, subdivision 5; 609.908, subdivision 3; 609A.02, by adding a subdivision; 609A.025; 609B.515; 611.32, subdivision 2; 611.365, subdivisions 2, 3; 611.367; 611.368; 611A.039, subdivision 1; 617.246, subdivisions 2, 3, 4, 7, by adding a subdivision; 617.247, subdivisions 3, 4, 9, by adding a subdivision; 624.712, subdivision 5; 624.713, subdivision 1; 624.7131; 624.7132; 624.714, subdivisions 1b, 7a, 17; 624.7142, subdivision 6; 626.556, subdivision 2; 626.841; 626.93, subdivisions 3, 4; 628.26; 629.53; 629.715, subdivision 2; 631.412; 634.20; 638.02, subdivision 3; 641.15, subdivision 3a; Laws 2009, chapter 59, article 3, section 4, subdivision 9, as amended; Laws 2017, chapter 95, article 1, section 11, subdivision 7; article 3, section 30; proposing coding for new law in Minnesota Statutes, chapters 3; 13; 152; 171; 241; 243; 244; 260B; 299A; 340A; 518; 609; 611A; 624; 626; 638; 641; repealing Minnesota Statutes 2018, sections 152.027, subdivisions 3, 4; 169A.63; 299A.12, subdivision 4; 299A.18; 401.13; 609.349; 609.531, subdivisions 1, 1a, 4, 5, 5a, 6a, 7, 8; 609.5311; 609.5312; 609.5313; 609.5314; 609.5315; 609.5316; 609.5317; 609.5318; 609.5319; 609.762, subdivisions 3, 4, 5, 6; 609.905, subdivision 3; 609B.050; 609B.100; 609B.101; 609B.102; 609B.103; 609B.104; 609B.105; 609B.106; 609B.107; 609B.108; 609B.109; 609B.110; 609B.111; 609B.112; 609B.113; 609B.120;

609B.121; 609B.122; 609B.123; 609B.124; 609B.125; 609B.126; 609B.127; 609B.128; 609B.129; 609B.130; 609B.132; 609B.133; 609B.134; 609B.135; 609B.136; 609B.139; 609B.140; 609B.141; 609B.142; 609B.143; 609B.144; 609B.146; 609B.147; 609B.148; 609B.149; 609B.1495; 609B.150; 609B.151; 609B.152; 609B.153; 609B.155; 609B.157; 609B.158; 609B.159; 609B.160; 609B.161; 609B.162; 609B.164; 609B.1641; 609B.1645; 609B.165; 609B.168; 609B.170; 609B.171; 609B.172; 609B.173; 609B.174; 609B.175; 609B.176; 609B.177; 609B.179; 609B.180; 609B.181; 609B.183; 609B.184; 609B.185; 609B.187; 609B.188; 609B.189; 609B.191; 609B.192; 609B.193; 609B.194; 609B.195; 609B.200; 609B.201; 609B.203; 609B.205; 609B.206; 609B.216; 609B.231; 609B.235; 609B.237; 609B.241; 609B.245; 609B.255; 609B.262; 609B.263; 609B.265; 609B.271; 609B.273; 609B.275; 609B.277; 609B.301; 609B.310; 609B.311; 609B.312; 609B.320; 609B.321; 609B.330; 609B.331; 609B.332; 609B.333; 609B.340; 609B.341; 609B.342; 609B.343; 609B.344; 609B.345; 609B.400; 609B.405; 609B.410; 609B.415; 609B.425; 609B.430; 609B.435; 609B.445; 609B.450; 609B.455; 609B.460; 609B.465; 609B.500; 609B.505; 609B.510; 609B.515; 609B.518; 609B.520; 609B.525; 609B.530; 609B.535; 609B.540; 609B.545; 609B.600; 609B.610; 609B.611; 609B.612; 609B.613; 609B.614; 609B.615; 609B.700; 609B.710; 609B.720; 609B.721; 609B.722; 609B.723; 609B.724; 609B.725."

The motion prevailed and the amendment was adopted.

#### CALL OF THE HOUSE LIFTED

Winkler moved that the call of the House be lifted. The motion prevailed and it was so ordered.

Mariani moved to amend S. F. No. 802, the third engrossment, as amended, as follows:

Page 3, line 20, delete "202,143,000" and insert "203,148,000" and delete "201,171,000" and insert "202,132,000"

Page 3, line 23, delete "108,637,000" and insert "108,572,000" and delete "107,665,000" and insert "107,600,000"

Page 3, line 24, delete "13,926,000" and insert "14,321,000" and delete "13,926,000" and insert "14,277,000"

Page 10, line 12, delete "41,730,000" and insert "41,715,000" and delete "41,365,000" and insert "41,400,000"

Page 10, line 14, delete "41,634,000" and insert "41,619,000" and delete "41,269,000" and insert "41,304,000"

Page 12, line 11, delete "\$783,000" and insert "\$868,000"

Page 17, delete subdivision 10 and insert:

"Subd. 10. Traffic Safety

100,000

\$100,000 the first year is for a study on the use of roadside screening instruments that determine the presence of controlled substances, including marijuana or tetrahydrocannabinols, in individuals stopped or arrested for driving while impaired. The study shall determine the practicality, accuracy, and efficacy of those screening instruments. All oral fluid samples obtained for

the purpose of this pilot project shall be obtained by a certified drug recognition expert and may only be collected with the express voluntary consent of the person stopped or arrested for suspicion of driving while impaired. The commissioner of public safety shall report to the chairs and ranking members of the committees or divisions of the house of representatives and senate with jurisdiction over public safety.

**Subd. 11. Driver and Vehicle Services**

395,000

351,000

\$395,000 the first year and \$351,000 the second year from the driver services account in the special revenue fund are for costs associated with additional participants in the ignition interlock program."

Page 17, line 19, delete "10,563,000" and insert "10,419,000"

Page 19, line 29, delete "\$250,000" and insert "\$106,000"

Page 19, line 34, delete "633,129,000" and insert "632,707,000" and delete "655,572,000" and insert "654,687,000"

Page 20, line 4, delete "460,026,000" and insert "459,604,000" and delete "475,654,000" and insert "474,769,000"

Page 27, line 16, delete "\$453,000" and insert "\$830,000" and delete "\$474,000" and insert "\$825,000"

Page 117, delete section 8

Page 120, line 18, after "appropriate" insert "statutory, constitutional, or other"

Page 123, after line 15, insert:

"Sec. 4. Minnesota Statutes 2018, section 169A.24, subdivision 1, is amended to read:

Subdivision 1. **Degree described.** A person who violates section 169A.20 (driving while impaired) is guilty of first-degree driving while impaired if the person:

(1) commits the violation within ten years of the first of three or more qualified prior impaired driving incidents;

(2) has previously been convicted of a felony under this section; or

(3) has previously been convicted of a felony under:

(i) Minnesota Statutes 2012, section 609.21 (criminal vehicular homicide and injury, substance-related offenses), subdivision 1, clauses (2) to (6);

(ii) Minnesota Statutes 2006, section 609.21 (criminal vehicular homicide and injury, substance-related offenses), subdivision 1, clauses (2) to (6); subdivision 2, clauses (2) to (6); subdivision 2a, clauses (2) to (6); subdivision 3, clauses (2) to (6); or subdivision 4, clauses (2) to (6); ~~or~~

(iii) section 609.2112, subdivision 1, clauses (2) to (6); 609.2113, subdivision 1, clauses (2) to (6), subdivision 2, clauses (2) to (6), or subdivision 3, clauses (2) to (6); or 609.2114, subdivision 1, clauses (2) to (6), or subdivision 2, clauses (2) to (6); or

(iv) a statute from this state or another state in conformity with any provision listed in item (i), (ii), or (iii).

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date."

Page 124, after line 25, insert:

"Sec. 6. Minnesota Statutes 2018, section 169A.55, subdivision 4, is amended to read:

Subd. 4. **Reinstatement of driving privileges; multiple incidents.** (a) A person whose driver's license has been revoked as a result of an offense listed under clause (1) or (2) shall not be eligible for reinstatement of driving privileges without an ignition interlock restriction until the commissioner certifies that the person has used the ignition interlock device and complied with section 171.306 for a period of not less than:

(1) one year, for a person whose driver's license was revoked for:

(i) an offense occurring within ten years of a qualified prior impaired driving incident; or

(ii) an offense occurring after two qualified prior impaired driving incidents; or

(2) two years, for a person whose driver's license was revoked for:

(i) an offense occurring under clause (1), and where the test results indicated an alcohol concentration of twice the legal limit or more; or

(ii) an offense occurring under clause (1), and where the current offense is for a violation of section 169A.20, subdivision 2 (test refusal).

As used in this paragraph, "family or household member" has the meaning given in section 169A.63, subdivision 1, paragraph (f).

(b) A person whose driver's license has been canceled or denied as a result of three or more qualified impaired driving incidents shall not be eligible for reinstatement of driving privileges without an ignition interlock restriction until the person:

(1) has completed rehabilitation according to rules adopted by the commissioner or been granted a variance from the rules by the commissioner; and

(2) has submitted verification of abstinence from alcohol and controlled substances under paragraph (c), as evidenced by the person's use of an ignition interlock device or other chemical monitoring device approved by the commissioner.

~~(b)~~ (c) The verification of abstinence must show that the person has abstained from the use of alcohol and controlled substances for a period of not less than:

(1) three years, for a person whose driver's license was canceled or denied for an offense occurring within ten years of the first of two qualified prior impaired driving incidents, or occurring after three qualified prior impaired driving incidents;

(2) four years, for a person whose driver's license was canceled or denied for an offense occurring within ten years of the first of three qualified prior impaired driving incidents; or

(3) six years, for a person whose driver's license was canceled or denied for an offense occurring after four or more qualified prior impaired driving incidents.

~~(c) The commissioner shall establish performance standards and a process for certifying chemical monitoring devices. The standards and procedures are not rules and are exempt from chapter 14, including section 14.386.~~

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date."

Page 127, delete section 11 and insert:

"Sec. 11. Minnesota Statutes 2018, section 171.306, subdivision 2, is amended to read:

Subd. 2. **Performance standards; certification; manufacturer and provider requirements.** (a) The commissioner shall establish performance standards and a process for certifying devices used in the ignition interlock program, except that the commissioner may not establish standards that, directly or indirectly, require devices to use or enable location tracking capabilities without a court order.

(b) The manufacturer of a device must apply annually for certification of the device by submitting the form prescribed by the commissioner. The commissioner shall require manufacturers of certified devices to:

(1) provide device installation, servicing, and monitoring to indigent program participants at a discounted rate, according to the standards established by the commissioner; ~~and~~

(2) include in an ignition interlock device contract a provision that a program participant who voluntarily terminates participation in the program is only liable for servicing and monitoring costs incurred during the time the device is installed on the motor vehicle, regardless of whether the term of the contract has expired; and

(3) include in an ignition interlock device contract a provision that requires manufacturers of certified devices to pay any towing or repair costs caused by device failure or malfunction, or by damage caused during device installation, servicing, or monitoring.

(c) The manufacturer of a certified device must include with an ignition interlock device contract a separate notice to the program participant regarding any location tracking capabilities of the device."

Page 220, line 21, delete the second "or"

Page 220, after line 21, insert:

"(iv) at a lawfully organized educational or instructional course and under the direct supervision of a certified instructor, as that term is defined in section 624.714, subdivision 2a, paragraph (d); or"

Page 220, line 22, delete "(iv)" and insert "(v)"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Dehn moved to amend the Mariani amendment to S. F. No. 802, the third engrossment, as amended, as follows:

Page 2, after line 25, insert:

"Page 110, line 5, delete "250" and insert "200"

Page 110, line 26, delete "ten" and insert "1.5"

Page 110, line 28, delete "ten" and insert "1.5"

Page 110, line 31, delete the colon and insert "a total weight of more than 42.5 grams but not more than 200 grams of the nonresinous form of marijuana."

Page 111, delete lines 1 to 4

Page 111, line 6, delete the second ", clause (1)"

Page 111, line 7, delete ", or"

Page 111, line 8, delete everything before the period"

The motion prevailed and the amendment to the amendment was adopted.

The question recurred on the Mariani amendment, as amended, to S. F. No. 802, the third engrossment, as amended. The motion prevailed and the amendment, as amended, was adopted.

Munson moved to amend S. F. No. 802, the third engrossment, as amended, as follows:

Page 109, after line 3, insert:

"Section 1. Minnesota Statutes 2018, section 152.01, subdivision 18, is amended to read:

Subd. 18. **Drug paraphernalia.** (a) Except as otherwise provided in paragraph (b), "drug paraphernalia" means all equipment, products, and materials of any kind, except those items used in conjunction with permitted uses of controlled substances under this chapter or the Uniform Controlled Substances Act, which are knowingly or intentionally used primarily in (1) manufacturing a controlled substance, (2) injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance, ~~(3) testing the strength, effectiveness, or purity of a controlled substance,~~ or (4) (3) enhancing the effect of a controlled substance.

(b) "Drug paraphernalia" does not include the possession, manufacture, delivery, or sale of hypodermic needles or syringes in accordance with section 151.40, subdivision 2."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Quam moved to amend S. F. No. 802, the third engrossment, as amended, as follows:

Page 128, after line 2, insert:

"Section 1. Minnesota Statutes 2018, section 168.1294, subdivision 6, is amended to read:

Subd. 6. **Contributions; memorial account; appropriation.** Contributions collected under subdivision 1, clause (4), must be deposited in the Minnesota law enforcement memorial account, which is established in the special revenue fund. Money in the account is appropriated to the commissioner of public safety. This appropriation is first for the annual cost of administering the account funds, and the remaining funds are for distribution to the Minnesota Law Enforcement Memorial Association, ~~to be used.~~ By July 15 of each year, the commissioner must distribute all funds remaining to the association. The association must use the funds to further the mission of the association in assisting the families and home agencies of Minnesota law enforcement officers who have died in the line of duty. By August 15 of each year, the association must report to the commissioner of public safety and to the chairs and ranking minority members of the legislative committees with jurisdiction over transportation policy and finance. The report must include an itemized list of each expenditure the association made with the funds received under this section.

**EFFECTIVE DATE.** This section is effective July 1, 2019."

Reorder the sections in sequence and correct the internal references

Correct the title numbers accordingly

Mariani moved to amend the Quam amendment to S. F. No. 802, the third engrossment, as amended, as follows:

Page 1, line 9, delete "July 15" and insert "August 1"

The motion prevailed and the amendment to the amendment was adopted.

The question recurred on the Quam amendment, as amended, to S. F. No. 802, the third engrossment, as amended. The motion prevailed and the amendment, as amended, was adopted.

Lucero moved to amend S. F. No. 802, the third engrossment, as amended, as follows:

Page 158, after line 20, insert:

"(m) If the defendant has received a stayed sentence for a conviction of a felony offense, the period of the stayed sentence shall be tolled during any period of incarceration imposed as a sanction for violating a condition of probation."

Reletter the paragraphs in sequence

A roll call was requested and properly seconded.

The question was taken on the Lucero amendment and the roll was called. There were 57 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Albright	Dettmer	Hamilton	Lucero	O'Driscoll	Swedzinski
Anderson	Drazkowski	Heinrich	Lueck	O'Neill	Theis
Backer	Erickson	Heintzeman	Marquart	Petersburg	Torkelson
Bahr	Fabian	Hertaus	Mekeland	Pierson	Urdahl
Baker	Franson	Johnson	Miller	Poston	Vogel
Bennett	Green	Jurgens	Munson	Quam	West
Boe	Grossell	Kiel	Nash	Robbins	Zerwas
Daniels	Gruenhagen	Koznick	Nelson, N.	Runbeck	
Davids	Gunther	Kresha	Neu	Schomacker	
Demuth	Haley	Layman	Nornes	Scott	

Those who voted in the negative were:

Acomb	Dehn	Howard	Loeffler	Pelowski	Wagenius
Bahner	Ecklund	Huot	Long	Persell	Wazlawik
Becker-Finn	Edelson	Klevorn	Mahoney	Pinto	Winkler
Bernardy	Elkins	Koegel	Mann	Pryor	Wolgamott
Bierman	Fischer	Kotyza-Witthuhn	Mariani	Richardson	Xiong, J.
Brand	Freiberg	Kunesh-Podein	Masin	Sandell	Xiong, T.
Cantrell	Gomez	Lee	Moller	Sandstede	Youakim
Carlson, A.	Halverson	Lesch	Moran	Sauke	Spk. Hortman
Carlson, L.	Hansen	Liebling	Morrison	Schultz	
Christensen	Hassan	Lien	Murphy	Stephenson	
Clafin	Hausman	Lillie	Nelson, M.	Sundin	
Considine	Her	Lippert	Noor	Tabke	
Davnie	Hornstein	Lislegard	Olson	Vang	

The motion did not prevail and the amendment was not adopted.

Johnson moved to amend S. F. No. 802, the third engrossment, as amended, as follows:

Page 90, after line 6, insert:

"Sec. 7. Minnesota Statutes 2018, section 609.342, subdivision 2, is amended to read:

Subd. 2. **Penalty.** (a) Except as otherwise provided in section 609.3455; or Minnesota Statutes 2004, section 609.109, a person convicted under subdivision 1 may be sentenced to imprisonment for not more than 30 years or to a payment of a fine of not more than \$40,000, or both.

(b) Unless a longer mandatory minimum sentence is otherwise required by law or the Sentencing Guidelines provide for a longer presumptive executed sentence, the court shall presume that an executed sentence of 144 months must be imposed on an offender convicted of violating this section. Sentencing a person in a manner other than that described in this paragraph is a departure from the Sentencing Guidelines.

(c) A person convicted under this section is also subject to conditional release, extended probation, and intensive probation under section 609.3455.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to offenses committed on or after that date."

Page 91, after line 15, insert:

"Sec. 8. Minnesota Statutes 2018, section 609.343, subdivision 2, is amended to read:

Subd. 2. **Penalty.** (a) Except as otherwise provided in section 609.3455; or Minnesota Statutes 2004, section 609.109, a person convicted under subdivision 1 may be sentenced to imprisonment for not more than 25 years or to a payment of a fine of not more than \$35,000, or both.

(b) Unless a longer mandatory minimum sentence is otherwise required by law or the Sentencing Guidelines provide for a longer presumptive executed sentence, the court shall presume that an executed sentence of 90 months must be imposed on an offender convicted of violating subdivision 1, clause (c), (d), (e), (f), or (h). Sentencing a person in a manner other than that described in this paragraph is a departure from the Sentencing Guidelines.

(c) A person convicted under this section is also subject to conditional release, extended probation, and intensive probation under section 609.3455.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to offenses committed on or after that date."

Page 93, after line 30, insert:

"Sec. 9. Minnesota Statutes 2018, section 609.344, subdivision 2, is amended to read:

Subd. 2. **Penalty.** Except as otherwise provided in section 609.3455, a person convicted under subdivision 1 may be sentenced:

(1) to imprisonment for not more than 15 years or to a payment of a fine of not more than \$30,000, or both; or

(2) if the person was convicted under subdivision 1, paragraph (b), and if the actor was no more than 48 months but more than 24 months older than the complainant, to imprisonment for not more than five years or a fine of not more than \$30,000, or both.

A person convicted under this section is also subject to conditional release, extended probation, and intensive probation under section 609.3455.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to offenses committed on or after that date."

Page 96, after line 11, insert:

"Sec. 10. Minnesota Statutes 2018, section 609.345, subdivision 2, is amended to read:

Subd. 2. **Penalty.** Except as otherwise provided in section 609.3455, a person convicted under subdivision 1 may be sentenced to imprisonment for not more than ten years or to a payment of a fine of not more than \$20,000, or both. A person convicted under this section is also subject to conditional release, extended probation, and intensive probation under section 609.3455.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to offenses committed on or after that date."

Page 96, after line 26, insert:

"Sec. 11. Minnesota Statutes 2018, section 609.3451, subdivision 3, is amended to read:

Subd. 3. **Felony.** (a) A person is guilty of a felony and may be sentenced to imprisonment for not more than seven years or to payment of a fine of not more than \$14,000, or both, if the person violates this section within seven years of:

(1) a previous conviction for violating subdivision 1, clause (2), a crime described in paragraph (b), or a statute from another state in conformity with any of these offenses; or

(2) the first of two or more previous convictions for violating subdivision 1, clause (1), or a statute from another state in conformity with this offense.

(b) A previous conviction for violating section 609.342; 609.343; 609.344; 609.345; 609.3453; 617.23, subdivision 2, clause (2), or subdivision 3; or 617.247 may be used to enhance a criminal penalty as provided in paragraph (a).

(c) A person convicted under this subdivision is also subject to conditional release, extended probation, and intensive probation under section 609.3455.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to offenses committed on or after that date.

Sec. 12. Minnesota Statutes 2018, section 609.3455, subdivision 6, is amended to read:

Subd. 6. **Mandatory ~~ten-year~~ 20-year conditional release term.** (a) Notwithstanding the statutory maximum sentence otherwise applicable to the offense and unless a longer conditional release term is required in subdivision 7, when a court commits an offender to the custody of the commissioner of corrections for a violation of section 609.342, 609.343, 609.344, 609.345, or 609.3453, the court shall provide that, after the offender has been released from prison, the commissioner shall place the offender on conditional release for ~~ten~~ 20 years.

(b) After ten years, the sentencing court shall terminate an offender's conditional release term if the offender has (1) remained law abiding, and (2) the commissioner has not revoked the offender's conditional release, unless the county attorney files a motion to continue conditional release and proves by clear and convincing evidence that the offender is a continued threat to public safety. The prosecuting attorney must provide notice of a petition to continue conditional release to victims who requested notification under section 611A.06. The court must hold a hearing on a petition. The court must consider the testimony of the offender's victims before ruling on the county attorney's petition.

Sec. 13. Minnesota Statutes 2018, section 609.3455, is amended by adding a subdivision to read:

Subd. 7a. **Extended probation.** (a) Notwithstanding the statutory maximum sentence otherwise applicable to the offense and otherwise provided in section 609.135, subdivision 2, paragraph (a), when the court does not commit an offender to the commissioner of corrections for a felony violation of section 609.342, 609.343, 609.344, 609.345, 609.3451, or 609.3453, the court shall, after the offender has been released from any term of confinement imposed by the court, place the offender on probation for 20 years.

(b) After ten years, the sentencing court shall terminate an offender's extended probation if the offender has (1) remained law abiding, and (2) the court has not revoked the offender's probation, unless the county attorney files a motion to continue extended probation and proves by clear and convincing evidence that the offender is a continued

threat to public safety. The prosecuting attorney must provide notice of a petition to continue extended probation to victims who requested notification under section 611A.06. The court must hold a hearing on a petition. The court must consider the testimony of the offender's victims before ruling on the county attorney's petition.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to offenses committed on or after that date.

Sec. 14. Minnesota Statutes 2018, section 609.3455, subdivision 8, is amended to read:

Subd. 8. **Terms of conditional release; applicable to all sex offenders.** (a) The provisions of this subdivision relating to conditional release apply to all sex offenders sentenced to prison for a violation of section 609.342, 609.343, 609.344, 609.345, 609.3451, or 609.3453. Except as provided in this subdivision, conditional release of sex offenders is governed by provisions relating to supervised release. The commissioner of corrections may not dismiss an offender on conditional release from supervision until the offender's conditional release term expires.

(b) The conditions of release may include successful completion of treatment and aftercare in a program approved by the commissioner, satisfaction of the release conditions specified in section 244.05, subdivision 6, and any other conditions the commissioner considers appropriate. The commissioner shall develop a plan to pay the cost of treatment of a person released under this subdivision. The plan may include co-payments from offenders, third-party payers, local agencies, or other funding sources as they are identified. This section does not require the commissioner to accept or retain an offender in a treatment program. Before the offender is placed on conditional release, the commissioner shall notify the sentencing court and the prosecutor in the jurisdiction where the offender was sentenced of the terms of the offender's conditional release. The commissioner also shall make reasonable efforts to notify the victim of the offender's crime of the terms of the offender's conditional release.

(c) If the offender fails to meet any condition of release, the commissioner may revoke the offender's conditional release and order that the offender serve all or a part of the remaining portion of the conditional release term in prison. An offender, while on supervised release, is not entitled to credit against the offender's conditional release term for time served in confinement for a violation of release.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to offenses committed on or after that date.

Sec. 15. Minnesota Statutes 2018, section 609.3455, is amended by adding a subdivision to read:

Subd. 8a. **Intensive probation.** (a) When the court does not commit an offender to the commissioner of corrections after a conviction for a felony violation of section 609.342, 609.343, 609.344, 609.345, 609.3451, or 609.3453, the court may place the offender on intensive probation as provided in this subdivision.

(b) Phase I of intensive probation is six months and begins after the offender is released from confinement, if ordered by the court. Phase II lasts for at least one-third of the time remaining in the offender's imposed sentence at the beginning of phase II. Phase III lasts for at least one-third of the time remaining in the offender's imposed sentence at the beginning of phase III. Phase IV continues until the offender's imposed sentence expires.

(c) During phase I, the offender will be under house arrest in a residence approved by the offender's probation agent and may not move to another residence without permission. "House arrest" means that the offender's movements will be severely restricted and continually monitored by the assigned agent. During phase II, modified house arrest is imposed. During phases III and IV, the offender is subjected to a daily curfew instead of house arrest.

(d) During phase I, the assigned probation agent shall have at least four face-to-face contacts with the offender each week. During phase II, two face-to-face contacts a week are required. During phase III, one face-to-face contact a week is required. During phase IV, two face-to-face contacts a month are required. When an offender is an inmate of a jail or a resident of a facility that is staffed full time, at least one face-to-face contact a week is required.

(e) During phases I, II, III, and IV, the offender must spend at least 40 hours a week performing approved work, undertaking constructive activity designed to obtain employment, or attending a treatment or education program as directed by the agent. An offender may not spend more than six months in a residential treatment program that does not require the offender to spend at least 40 hours a week performing approved work or undertaking constructive activity designed to obtain employment.

(f) During any phase, the offender may be placed on electronic surveillance if the probation agent so directs. If electronic surveillance is directed during phase I, the court must require that the offender be kept in custody, or that the offender's probation agent or the agent's designee directly supervise the offender, until electronic surveillance is activated. It is the responsibility of the offender placed on electronic surveillance to ensure that the offender's residence is properly equipped and the offender's telecommunications system is properly configured to support electronic surveillance prior to being released from custody or the direct supervision of a probation agent. It is a violation of an offender's probation to fail to comply with this paragraph.

(g) Throughout all phases of intensive probation, the offender shall submit at any time to an unannounced search of the offender's person, vehicle, computer and other devices that access the Internet or store data, or premises by a probation agent.

(h) The court may include any other conditions in the various phases of intensive probation that the court finds necessary and appropriate.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to offenses committed on or after that date."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Johnson amendment and the roll was called. There were 57 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Albright	Dettmer	Haley	Lucero	O'Driscoll	Stephenson
Anderson	Drazkowski	Hamilton	Lueck	O'Neill	Swedzinski
Backer	Erickson	Heinrich	Mann	Petersburg	Theis
Bahr	Fabian	Heintzeman	Mekeland	Pierson	Torkelson
Baker	Franson	Hertaus	Miller	Poston	Urdahl
Bennett	Garofalo	Johnson	Munson	Quam	Vogel
Boe	Green	Jurgens	Nash	Robbins	West
Daniels	Grossell	Kiel	Nelson, N.	Runbeck	
Davids	Gruenhagen	Kresha	Neu	Schomacker	
Demuth	Gunther	Layman	Nornes	Scott	

Those who voted in the negative were:

Acomb	Dehn	Howard	Loeffler	Persell	Wazlawik
Bahner	Ecklund	Huot	Long	Pinto	Winkler
Becker-Finn	Edelson	Klevorn	Mahoney	Poppe	Wolgamott
Bernardy	Elkins	Koegel	Mariani	Pryor	Xiong, J.
Bierman	Fischer	Kotzya-Witthuhn	Marquart	Richardson	Xiong, T.
Brand	Freiberg	Kunesh-Podein	Masin	Sandell	Youakim
Cantrell	Gomez	Lee	Moller	Sandstede	Zerwas
Carlson, A.	Halverson	Lesch	Moran	Sauke	Spk. Hortman
Carlson, L.	Hansen	Liebling	Morrison	Schultz	
Christensen	Hassan	Lien	Murphy	Sundin	
Clafin	Hausman	Lillie	Nelson, M.	Tabke	
Considine	Her	Lippert	Noor	Vang	
Davnie	Hornstein	Lislegard	Olson	Wagenius	

The motion did not prevail and the amendment was not adopted.

Hertaus moved to amend S. F. No. 802, the third engrossment, as amended, as follows:

Page 184, line 24, delete everything after "(b)"

Page 184, line 25, delete "(a)" and insert "The court"

Page 184, line 26, after the period, insert "Notice from the court must contain sufficient information for the commissioner to determine if the individual received a set-aside of a disqualification as a result of paragraph (a)."

The motion did not prevail and the amendment was not adopted.

Johnson moved to amend S. F. No. 802, the third engrossment, as amended, as follows:

Page 65, after line 17, insert:

"Sec. 22. Minnesota Statutes 2018, section 244.05, subdivision 1, is amended to read:

Subdivision 1. **Supervised release required.** (a) Except as provided in subdivisions 1b, 4, and 5, every inmate shall serve a supervised release term upon completion of the inmate's term of imprisonment as reduced by any good time earned by the inmate or extended by confinement in punitive segregation pursuant to section 244.04, subdivision 2. Except for a sex offender conditionally released under Minnesota Statutes 2004, section 609.108, subdivision 5, the supervised release term shall be equal to the period of good time the inmate has earned, and shall not exceed the length of time remaining in the inmate's sentence.

(b) An inmate of a state correctional facility who is convicted of violating section 609.221, 609.222, 609.223, 609.2231, or 609.224 for assaulting an employee of the Department of Corrections forfeits any good time earned prior to the assault conviction.

Sec. 23. Minnesota Statutes 2018, section 244.05, subdivision 1b, is amended to read:

Subd. 1b. **Supervised release; offenders who commit crimes on or after August 1, 1993.** (a) Except as provided in subdivisions 4 and 5, every inmate sentenced to prison for a felony offense committed on or after August 1, 1993, shall serve a supervised release term upon completion of the inmate's term of imprisonment and any disciplinary confinement period imposed by the commissioner due to the inmate's violation of any disciplinary rule adopted by the commissioner or refusal to participate in a rehabilitative program required under section 244.03. The amount of time the inmate serves on supervised release shall be equal in length to the amount of time remaining in the inmate's executed sentence after the inmate has served the term of imprisonment and any disciplinary confinement period imposed by the commissioner.

(b) No inmate who violates a disciplinary rule or refuses to participate in a rehabilitative program as required under section 244.03 shall be placed on supervised release until the inmate has served the disciplinary confinement period for that disciplinary sanction or until the inmate is discharged or released from punitive segregation confinement, whichever is later. The imposition of a disciplinary confinement period shall be considered to be a disciplinary sanction imposed upon an inmate, and the procedure for imposing the disciplinary confinement period and the rights of the inmate in the procedure shall be those in effect for the imposition of other disciplinary sanctions at each state correctional institution.

(c) An inmate of a state correctional facility who is convicted of violating section 609.221, 609.222, 609.223, 609.2231, or 609.224 for assaulting an employee of the Department of Corrections forfeits any good time earned prior to the assault conviction."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

The Speaker called Olson to the Chair.

O'Neill moved to amend S. F. No. 802, the third engrossment, as amended, as follows:

Page 20, after line 27, insert:

"The commissioner of corrections shall increase the minimum starting salary for correctional officer positions to \$19.95 per hour."

A roll call was requested and properly seconded.

The question was taken on the O'Neill amendment and the roll was called. There were 58 yeas and 74 nays as follows:

Those who voted in the affirmative were:

Albright	Bahr	Boe	Demuth	Erickson	Garofalo
Anderson	Baker	Daniels	Dettmer	Fabian	Green
Backer	Bennett	Davids	Drazkowski	Franson	Grossell

Gruenhagen	Johnson	Lueck	Neu	Quam	Torkelson
Gunther	Jurgens	Mann	Nornes	Robbins	Urdahl
Haley	Kiel	Mekeland	O'Driscoll	Runbeck	Vogel
Hamilton	Koznick	Miller	O'Neill	Schomacker	West
Heinrich	Kresha	Munson	Petersburg	Scott	Zerwas
Heintzeman	Layman	Nash	Pierson	Swedzinski	
Hertaus	Lucero	Nelson, N.	Poston	Theis	

Those who voted in the negative were:

Acomb	Dehn	Howard	Loeffler	Pelowski	Vang
Bahner	Ecklund	Huot	Long	Persell	Wagenius
Becker-Finn	Edelson	Klevorn	Mahoney	Pinto	Wazlawik
Bernardy	Elkins	Koegel	Mariani	Poppe	Winkler
Bierman	Fischer	Kotyza-Witthuhn	Marquart	Pryor	Wolgamott
Brand	Freiberg	Kunesh-Podein	Masin	Richardson	Xiong, J.
Cantrell	Gomez	Lee	Moller	Sandell	Xiong, T.
Carlson, A.	Halverson	Lesch	Moran	Sandstede	Youakim
Carlson, L.	Hansen	Liebling	Morrison	Sauke	Spk. Hortman
Christensen	Hassan	Lien	Murphy	Schultz	
Clafin	Hausman	Lillie	Nelson, M.	Stephenson	
Considine	Her	Lippert	Noor	Sundin	
Davnie	Hornstein	Lislegard	Olson	Tabke	

The motion did not prevail and the amendment was not adopted.

Zerwas moved to amend S. F. No. 802, the third engrossment, as amended, as follows:

Page 70, after line 30, insert:

"Sec. 28. **CORRECTIONAL OFFICER WAGE SCALE CONDENSED.**

The commissioner of management and budget must bargain to condense the step wage increase scale for correctional officers so that correctional officers reach the top of the wage scale after six years of qualified service.

**EFFECTIVE DATE.** This section is effective July 1, 2019, and applies to contracts entered on or after that date."

Renumber the sections in sequence and correct the internal references

A roll call was requested and properly seconded.

The question was taken on the Zerwas amendment and the roll was called. There were 57 yeas and 75 nays as follows:

Those who voted in the affirmative were:

Albright	Bennett	Detmer	Garofalo	Haley	Johnson
Anderson	Boe	Drazkowski	Green	Hamilton	Jurgens
Backer	Daniels	Erickson	Grossell	Heinrich	Kiel
Bahr	Davids	Fabian	Gruenhagen	Heintzeman	Koznick
Baker	Demuth	Franson	Gunther	Hertaus	Kresha

Layman	Munson	O'Driscoll	Quam	Swedzinski	West
Lucero	Nash	O'Neill	Robbins	Theis	Zerwas
Lueck	Nelson, N.	Petersburg	Runbeck	Torkelson	
Mekeland	Neu	Pierson	Schomacker	Urdahl	
Miller	Nornes	Poston	Scott	Vogel	

Those who voted in the negative were:

Acomb	Dehn	Howard	Loeffler	Olson	Tabke
Bahner	Ecklund	Huot	Long	Pelowski	Vang
Becker-Finn	Edelson	Klevorn	Mahoney	Persell	Wagenius
Bernardy	Elkins	Koegel	Mann	Pinto	Wazlawik
Bierman	Fischer	Kotyza-Witthuhn	Mariani	Poppe	Winkler
Brand	Freiberg	Kunesh-Podein	Marquart	Pryor	Wolgamott
Cantrell	Gomez	Lee	Masin	Richardson	Xiong, J.
Carlson, A.	Halverson	Lesch	Moller	Sandell	Xiong, T.
Carlson, L.	Hansen	Liebling	Moran	Sandstede	Youakim
Christensen	Hassan	Lien	Morrison	Sauke	Spk. Hortman
Clafin	Hausman	Lillie	Murphy	Schultz	
Considine	Her	Lippert	Nelson, M.	Stephenson	
Davnie	Hornstein	Lislegard	Noor	Sundin	

The motion did not prevail and the amendment was not adopted.

Nash moved to amend S. F. No. 802, the third engrossment, as amended, as follows:

Page 164, line 26, after "apply" insert "to violations of section 169A.20 or person offenses. For the purpose of this section, person offenses are crimes that involve actual or threatened violence, force, fear, or intimidation and include, but are not limited"

Page 164, delete line 27

Renumber the clauses in sequence and correct the internal references

A roll call was requested and properly seconded.

Speaker pro tempore Olson called Halverson to the Chair.

The question was taken on the Nash amendment and the roll was called. There were 58 yeas and 74 nays as follows:

Those who voted in the affirmative were:

Albright	Daniels	Fabian	Haley	Kiel	Miller
Anderson	Daudt	Franson	Hamilton	Kresha	Munson
Backer	Dauids	Garofalo	Heinrich	Layman	Nash
Bahr	Demuth	Green	Heintzeman	Lucero	Nelson, N.
Baker	Dettmer	Grossell	Hertaus	Lueck	Neu
Bennett	Drazkowski	Gruenhagen	Johnson	Marquart	Nornes
Boe	Erickson	Gunther	Jurgens	Mekeland	O'Driscoll

O'Neill	Poston	Runbeck	Swedzinski	Urdahl	Zerwas
Petersburg	Quam	Schomacker	Theis	Vogel	
Pierson	Robbins	Scott	Torkelson	West	

Those who voted in the negative were:

Acomb	Dehn	Howard	Loeffler	Pelowski	Vang
Bahner	Ecklund	Huot	Long	Persell	Wagenius
Becker-Finn	Edelson	Klevorn	Mahoney	Pinto	Wazlawik
Bernardy	Elkins	Koegel	Mann	Poppe	Winkler
Bierman	Fischer	Kotyza-Witthuhn	Mariani	Pryor	Wolgamott
Brand	Freiberg	Kunesh-Podein	Masin	Richardson	Xiong, J.
Cantrell	Gomez	Lee	Moller	Sandell	Xiong, T.
Carlson, A.	Halverson	Lesch	Moran	Sandstede	Youakim
Carlson, L.	Hansen	Liebling	Morrison	Sauke	Spk. Hortman
Christensen	Hassan	Lien	Murphy	Schultz	
Clafin	Hausman	Lillie	Nelson, M.	Stephenson	
Considine	Her	Lippert	Noor	Sundin	
Davnie	Hornstein	Lislegard	Olson	Tabke	

The motion did not prevail and the amendment was not adopted.

O'Neill moved to amend S. F. No. 802, the third engrossment, as amended, as follows:

Page 74, line 4, delete everything after "or" and insert "an attorney representing the victim"

Page 74, delete line 5

Page 74, line 6, delete everything before the comma

A roll call was requested and properly seconded.

The question was taken on the O'Neill amendment and the roll was called. There were 57 yeas and 75 nays as follows:

Those who voted in the affirmative were:

Albright	Demuth	Gunther	Layman	O'Driscoll	Swedzinski
Anderson	Dettmer	Haley	Lucero	O'Neill	Theis
Backer	Drazkowski	Heinrich	Lueck	Petersburg	Torkelson
Bahr	Erickson	Heintzeman	Mekeland	Pierson	Urdahl
Baker	Fabian	Hertaus	Miller	Poston	Vogel
Bennett	Franson	Johnson	Munson	Quam	West
Boe	Garofalo	Jurgens	Nash	Robbins	Zerwas
Daniels	Green	Kiel	Nelson, N.	Runbeck	
Daudt	Grossell	Koznick	Neu	Schomacker	
Davids	Gruenhagen	Kresha	Nornes	Scott	

Those who voted in the negative were:

Acomb	Bernardy	Cantrell	Christensen	Davnie	Edelson
Bahner	Bierman	Carlson, A.	Clafin	Dehn	Elkins
Becker-Finn	Brand	Carlson, L.	Considine	Ecklund	Fischer

Freiberg	Huot	Lislegard	Morrison	Richardson	Wazlawik
Gomez	Koegel	Loeffler	Murphy	Sandell	Winkler
Halverson	Kotzya-Witthuhn	Long	Nelson, M.	Sandstede	Wolgamott
Hamilton	Kunesh-Podein	Mahoney	Noor	Sauke	Xiong, J.
Hansen	Lee	Mann	Olson	Schultz	Xiong, T.
Hassan	Lesch	Mariani	Pelowski	Stephenson	Youakim
Hausman	Liebling	Marquart	Persell	Sundin	Spk. Hortman
Her	Lien	Masin	Pinto	Tabke	
Hornstein	Lillie	Moller	Poppe	Vang	
Howard	Lippert	Moran	Pryor	Wagenius	

The motion did not prevail and the amendment was not adopted.

Poston moved to amend S. F. No. 802, the third engrossment, as amended, as follows:

Page 74, line 11, before "An" insert "The certifying entity must initiate an investigation upon request or there must be" and delete "are not"

Page 74, line 12, delete "required" and delete "request and"

A roll call was requested and properly seconded.

The Speaker resumed the Chair.

The question was taken on the Poston amendment and the roll was called. There were 59 yeas and 74 nays as follows:

Those who voted in the affirmative were:

Albright	Demuth	Gunther	Kresha	Neu	Schomacker
Anderson	Dettmer	Haley	Layman	Nornes	Scott
Backer	Drazkowski	Hamilton	Lucero	O'Driscoll	Swedzinski
Bahr	Erickson	Heinrich	Lueck	O'Neill	Theis
Baker	Fabian	Heintzeman	Marquart	Petersburg	Torkelson
Bennett	Franson	Hertaus	Mekeland	Pierson	Urdahl
Boe	Garofalo	Johnson	Miller	Poston	Vogel
Daniels	Green	Jurgens	Munson	Quam	West
Daudt	Grossell	Kiel	Nash	Robbins	Zerwas
Davids	Gruenhagen	Koznick	Nelson, N.	Runbeck	

Those who voted in the negative were:

Acomb	Carlson, L.	Elkins	Her	Lee	Long
Bahner	Christensen	Fischer	Hornstein	Lesch	Mahoney
Becker-Finn	Clafin	Freiberg	Howard	Liebling	Mann
Bernardy	Considine	Gomez	Huot	Lien	Mariani
Bierman	Davnie	Halverson	Klevorn	Lillie	Masin
Brand	Dehn	Hansen	Koegel	Lippert	Moller
Cantrell	Ecklund	Hassan	Kotzya-Witthuhn	Lislegard	Moran
Carlson, A.	Edelson	Hausman	Kunesh-Podein	Loeffler	Morrison

Murphy	Persell	Sandell	Sundin	Winkler	Spk. Hortman
Nelson, M.	Pinto	Sandstede	Tabke	Wolgamott	
Noor	Poppe	Sauke	Vang	Xiong, J.	
Olson	Pryor	Schultz	Wagenius	Xiong, T.	
Pelowski	Richardson	Stephenson	Wazlawik	Youakim	

The motion did not prevail and the amendment was not adopted.

Johnson moved to amend S. F. No. 802, the third engrossment, as amended, as follows:

Page 74, line 22, delete "or representative"

Page 74, line 24, delete "or representative"

A roll call was requested and properly seconded.

The question was taken on the Johnson amendment and the roll was called. There were 58 yeas and 76 nays as follows:

Those who voted in the affirmative were:

Albright	Demuth	Gunther	Layman	Nornes	Scott
Anderson	Dettmer	Haley	Lucero	O'Driscoll	Swedzinski
Backer	Drazkowski	Heinrich	Lueck	O'Neill	Theis
Bahr	Erickson	Heintzeman	McDonald	Petersburg	Torkelson
Baker	Fabian	Hertaus	Mekeland	Pierson	Urdahl
Bennett	Franson	Johnson	Miller	Poston	Vogel
Boe	Garofalo	Jurgens	Munson	Quam	West
Daniels	Green	Kiel	Nash	Robbins	Zerwas
Daudt	Grossell	Koznick	Nelson, N.	Runbeck	
Davids	Gruenhagen	Kresha	Neu	Schomacker	

Those who voted in the negative were:

Acomb	Dehn	Hornstein	Lislegard	Noor	Sundin
Bahner	Ecklund	Howard	Loeffler	Olson	Tabke
Becker-Finn	Edelson	Huot	Long	Pelowski	Vang
Bernardy	Elkins	Klevorn	Mahoney	Persell	Wagenius
Bierman	Fischer	Koegel	Mann	Pinto	Wazlawik
Brand	Freiberg	Kotzya-Witthuhn	Mariani	Poppe	Winkler
Cantrell	Gomez	Kunesh-Podein	Marquart	Pryor	Wolgamott
Carlson, A.	Halverson	Lee	Masin	Richardson	Xiong, J.
Carlson, L.	Hamilton	Lesch	Moller	Sandell	Xiong, T.
Christensen	Hansen	Liebling	Moran	Sandstede	Youakim
Clafin	Hassan	Lien	Morrison	Sauke	Spk. Hortman
Considine	Hausman	Lillie	Murphy	Schultz	
Davnie	Her	Lippert	Nelson, M.	Stephenson	

The motion did not prevail and the amendment was not adopted.

Grossell moved to amend S. F. No. 802, the third engrossment, as amended, as follows:

Page 86, after line 7, insert:

"Section 1. Minnesota Statutes 2018, section 609.095, is amended to read:

**609.095 LIMITS OF SENTENCES.**

(a) The legislature has the exclusive authority to define crimes and offenses and the range of the sentences or punishments for their violation. No other or different sentence or punishment shall be imposed for the commission of a crime than is authorized by this chapter or other applicable law.

(b) Except as provided in section 152.18 or 609.375, or upon agreement of the parties, a court may not refuse to adjudicate the guilt of a defendant who tenders a guilty plea in accordance with Minnesota Rules of Criminal Procedure, rule 15, or who has been found guilty by a court or jury following a trial. A decision by the court to issue a stay of adjudication under this paragraph for a charge of violating section 243.166, 609.342, 609.343, 609.344, 609.345, 609.3451, subdivision 3, or 609.3453, must be justified in writing and on the record.

(c) Paragraph (b) does not supersede Minnesota Rules of Criminal Procedure, rule 26.04.

(d) The rules promulgated by the supreme court shall provide for remote access, searchable by defendant name, to the publicly accessible portions of the district court register of actions, orders, notices prepared by the court, and any other documents in a case:

(1) that includes a charge for violating section 243.166, 609.342, 609.343, 609.344, 609.345, 609.3451, subdivision 3, or 609.3453; and

(2) in which a court did not adjudicate the guilt of a defendant who tendered a guilty plea in accordance with Minnesota Rules of Criminal Procedure, rule 15, or who has been found guilty by a court or jury following a trial.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to offenses committed on or after that date."

Page 198, after line 16, insert:

"(e) A person also shall register under this section if the person received a stay of adjudication under section 609.095, paragraph (b), for a charge of violating section 243.166, 609.342, 609.343, 609.344, 609.345, 609.3451, subdivision 3, or 609.3453, unless the offender is a juvenile and the court finds, on the record, that there is good cause to waive the registration requirement."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Grossell amendment and the roll was called. There were 60 yeas and 74 nays as follows:

Those who voted in the affirmative were:

Albright	Demuth	Gunther	Kresha	Nelson, N.	Runbeck
Anderson	Dettmer	Haley	Layman	Neu	Schomacker
Backer	Drazkowski	Hamilton	Lucero	Nornes	Scott
Bahr	Erickson	Heinrich	Lueck	O'Driscoll	Swedzinski
Baker	Fabian	Heintzeman	Marquart	O'Neill	Theis
Bennett	Franson	Hertaus	McDonald	Petersburg	Torkelson
Boe	Garofalo	Johnson	Mekeland	Pierson	Urdahl
Daniels	Green	Jurgens	Miller	Poston	Vogel
Daudt	Grossell	Kiel	Munson	Quam	West
Davids	Gruenhagen	Koznick	Nash	Robbins	Zerwas

Those who voted in the negative were:

Acomb	Dehn	Howard	Loeffler	Pelowski	Vang
Bahner	Ecklund	Huot	Long	Persell	Wagenius
Becker-Finn	Edelson	Klevorn	Mahoney	Pinto	Wazlawik
Bernardy	Elkins	Koegel	Mann	Poppe	Winkler
Bierman	Fischer	Kotyza-Witthuhn	Mariani	Pryor	Wolgamott
Brand	Freiberg	Kunesh-Podein	Masin	Richardson	Xiong, J.
Cantrell	Gomez	Lee	Moller	Sandell	Xiong, T.
Carlson, A.	Halverson	Lesch	Moran	Sandstede	Youakim
Carlson, L.	Hansen	Liebling	Morrison	Sauke	Spk. Hortman
Christensen	Hassan	Lien	Murphy	Schultz	
Clafin	Hausman	Lillie	Nelson, M.	Stephenson	
Considine	Her	Lippert	Noor	Sundin	
Davnie	Hornstein	Lislegard	Olson	Tabke	

The motion did not prevail and the amendment was not adopted.

Zerwas moved to amend S. F. No. 802, the third engrossment, as amended, as follows:

Page 39, after line 23, insert:

"Sec. 16. Minnesota Statutes 2018, section 609.505, is amended by adding a subdivision to read:

**Subd. 3. False reporting of bias crime.** (a) Whoever causes information to be communicated to a peace officer, knowing that the person is a peace officer, that a crime motivated by bias has been committed, knowing that the information is false, is guilty of a gross misdemeanor.

(b) For purposes of this subdivision, "peace officer" has the meaning given in section 626.84, subdivision 1, paragraph (c).

(c) For purposes of this subdivision, "crime motivated by bias" means that the offender intentionally selected the victim or the property against which the offense was committed, in whole or in part, because of the victim's, the property owner's, or another's actual or perceived race, color, religion, sex, sexual orientation, disability as defined in section 363A.03, age, or national origin. A crime motivated by bias includes, but is not limited to, violations of section 609.221; 609.222; 609.223; 609.2231, subdivision 4; 609.595, subdivision 1a; 609.748, subdivision 6, paragraph (d), clause (2); or 609.749, subdivision 3, paragraph (a), clause (1).

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Zerwas amendment and the roll was called. There were 59 yeas and 75 nays as follows:

Those who voted in the affirmative were:

Albright	Demuth	Gunther	Kresha	Neu	Schomacker
Anderson	Dettmer	Haley	Layman	Nornes	Scott
Backer	Drazkowski	Hamilton	Lucero	O'Driscoll	Swedzinski
Bahr	Erickson	Heinrich	Lueck	O'Neill	Theis
Baker	Fabian	Heintzeman	McDonald	Petersburg	Torkelson
Bennett	Franson	Hertaus	Mekeland	Pierson	Urdahl
Boe	Garofalo	Johnson	Miller	Poston	Vogel
Daniels	Green	Jurgens	Munson	Quam	West
Daudt	Grossell	Kiel	Nash	Robbins	Zerwas
Davids	Gruenhagen	Koznick	Nelson, N.	Runbeck	

Those who voted in the negative were:

Acomb	Dehn	Howard	Loeffler	Olson	Tabke
Bahner	Ecklund	Huot	Long	Pelowski	Vang
Becker-Finn	Edelson	Klevorn	Mahoney	Persell	Wagenius
Bernardy	Elkins	Koegel	Mann	Pinto	Wazlawik
Bierman	Fischer	Kotyza-Witthuhn	Mariani	Poppe	Winkler
Brand	Freiberg	Kunesh-Podein	Marquart	Pryor	Wolgamott
Cantrell	Gomez	Lee	Masin	Richardson	Xiong, J.
Carlson, A.	Halverson	Lesch	Moller	Sandell	Xiong, T.
Carlson, L.	Hansen	Liebling	Moran	Sandstede	Youakim
Christensen	Hassan	Lien	Morrison	Sauke	Spk. Hortman
Clafin	Hausman	Lillie	Murphy	Schultz	
Considine	Her	Lippert	Nelson, M.	Stephenson	
Davnie	Hornstein	Lislegard	Noor	Sundin	

The motion did not prevail and the amendment was not adopted.

Poston moved to amend S. F. No. 802, the third engrossment, as amended, as follows:

Page 27, after line 14, insert:

"Sec. 11. **REPORTS BY GRANT RECIPIENTS.**

(a) As a condition to receiving a grant under section 3, subdivision 3, paragraph (b) or (c); section 3, subdivision 8, paragraph (c), (e), (f), (g), or (h); or section 6, subdivision 3, paragraph (i), (j), or (l), clause (2), a recipient must provide the following information to the authority administering the grant:

(1) a detailed description of the recipient's budget;

(2) an accounting of how grant funds were spent;

(3) a list of staff salaries;

(4) identification of newly hired staff; and

(5) a list of board members, indicating the amount of compensation, if any, provided to each board member.

(b) By February 15 of each year, the authority administering the grant must forward reports received under paragraph (a) and a list of any grant recipients who failed to provide the report required under paragraph (a) to the chairs and ranking members of the legislative committees and divisions with jurisdiction over public safety."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Poston amendment and the roll was called. There were 58 yeas and 72 nays as follows:

Those who voted in the affirmative were:

Albright	Demuth	Gunther	Kresha	Nornes	Scott
Anderson	Dettmer	Haley	Layman	O'Driscoll	Swedzinski
Backer	Drazkowski	Hamilton	Lucero	O'Neill	Theis
Bahr	Erickson	Heinrich	Lueck	Petersburg	Torkelson
Baker	Fabian	Heintzeman	McDonald	Pierson	Urdahl
Bennett	Franson	Hertaus	Miller	Poston	Vogel
Boe	Garofalo	Johnson	Munson	Quam	West
Daniels	Green	Jurgens	Nash	Robbins	Zerwas
Daudt	Grossell	Kiel	Nelson, N.	Runbeck	
Davids	Gruenhagen	Koznick	Neu	Schomacker	

Those who voted in the negative were:

Acomb	Davnie	Hornstein	Lislegard	Nelson, M.	Stephenson
Bahner	Dehn	Howard	Loeffler	Noor	Sundin
Becker-Finn	Ecklund	Huot	Long	Olson	Tabke
Bernardy	Edelson	Klevorn	Mahoney	Persell	Vang
Bierman	Elkins	Koegel	Mann	Pinto	Wagenius
Brand	Fischer	Kotyza-Witthuhn	Mariani	Poppe	Wazlawik
Cantrell	Freiberg	Kunesh-Podein	Marquart	Pryor	Winkler
Carlson, A.	Gomez	Lee	Masin	Richardson	Wolgamott
Carlson, L.	Halverson	Lesch	Moller	Sandell	Xiong, J.
Christensen	Hansen	Lien	Moran	Sandstede	Xiong, T.
Clafin	Hausman	Lillie	Morrison	Sauke	Youakim
Considine	Her	Lippert	Murphy	Schultz	Spk. Hortman

The motion did not prevail and the amendment was not adopted.

Franson offered an amendment to S. F. No. 802, the third engrossment, as amended.

#### CALL OF THE HOUSE

On the motion of Franson and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Acomb	Dehn	Hausman	Lippert	Noor	Stephenson
Albright	Demuth	Heinrich	Lislegard	Nornes	Sundin
Anderson	Dettmer	Heintzeman	Loeffler	O'Driscoll	Swedzinski
Backer	Drazkowski	Her	Long	Olson	Tabke
Bahner	Ecklund	Hertaus	Lucero	O'Neill	Theis
Bahr	Edelson	Hornstein	Lueck	Pelowski	Torkelson
Baker	Elkins	Howard	Mahoney	Persell	Urdahl
Becker-Finn	Erickson	Huot	Mann	Petersburg	Vang
Bennett	Fabian	Johnson	Mariani	Pierson	Vogel
Bernardy	Fischer	Jurgens	Marquart	Pinto	Wagenius
Bierman	Franson	Kiel	Masin	Poppe	Wazlawik
Boe	Freiberg	Klevorn	McDonald	Poston	West
Brand	Garfalo	Koegel	Mekeland	Pryor	Winkler
Cantrell	Gomez	Kotyza-Witthuhn	Miller	Quam	Wolgamott
Carlson, A.	Green	Koznick	Moller	Richardson	Xiong, J.
Carlson, L.	Grossell	Kresha	Moran	Robbins	Xiong, T.
Christensen	Gruenhagen	Kunesh-Podein	Morrison	Runbeck	Youakim
Clafin	Gunther	Layman	Munson	Sandell	Zerwas
Considine	Haley	Lee	Murphy	Sandstede	Spk. Hortman
Daniels	Halverson	Lesch	Nash	Sauke	
Daudt	Hamilton	Liebling	Nelson, M.	Schomacker	
Davids	Hansen	Lien	Nelson, N.	Schultz	
Davnie	Hassan	Lillie	Neu	Scott	

Garfalo moved that further proceedings of the roll call be suspended and that the Sergeant at Arms be instructed to bring in the absentees. The motion did not prevail.

All members answered to the call and it was so ordered.

#### POINT OF ORDER

Moran raised a point of order pursuant to rule 4.03, relating to Ways and Means Committee; Budget Resolution; Effect on Expenditure and Revenue Bills, that the Franson amendment was not in order. The Speaker ruled the point of order well taken and the Franson amendment out of order.

Neu appealed the decision of the Speaker.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of the Speaker stand as the judgment of the House?" and the roll was called. There were 76 yeas and 58 nays as follows:

Those who voted in the affirmative were:

Acomb	Dehn	Howard	Loeffler	Olson	Sundin
Bahner	Ecklund	Huot	Long	Pelowski	Tabke
Becker-Finn	Edelson	Klevorn	Mahoney	Persell	Vang
Bernardy	Elkins	Koegel	Mann	Pinto	Wagenius
Bierman	Fischer	Kotyza-Witthuhn	Mariani	Poppe	Wazlawik
Brand	Freiberg	Kunesh-Podein	Marquart	Pryor	Winkler
Cantrell	Gomez	Lee	Masin	Richardson	Wolgamott
Carlson, A.	Halverson	Lesch	Moller	Runbeck	Xiong, J.
Carlson, L.	Hansen	Liebling	Moran	Sandell	Xiong, T.
Christensen	Hassan	Lien	Morrison	Sandstede	Youakim
Clafin	Hausman	Lillie	Murphy	Sauke	Spk. Hortman
Considine	Her	Lippert	Nelson, M.	Schultz	
Davnie	Hornstein	Lislegard	Noor	Stephenson	

Those who voted in the negative were:

Albright	Demuth	Gunther	Kresha	Neu	Scott
Anderson	Dettmer	Haley	Layman	Nornes	Swedzinski
Backer	Drazkowski	Hamilton	Lucero	O'Driscoll	Theis
Bahr	Erickson	Heinrich	Lueck	O'Neill	Torkelson
Baker	Fabian	Heintzeman	McDonald	Petersburg	Urdahl
Bennett	Franson	Hertaus	Mekeland	Pierson	Vogel
Boe	Garofalo	Johnson	Miller	Poston	West
Daniels	Green	Jurgens	Munson	Quam	Zerwas
Daudt	Grossell	Kiel	Nash	Robbins	
Davids	Gruenhagen	Koznick	Nelson, N.	Schomacker	

So it was the judgment of the House that the decision of the Speaker should stand.

Lucero moved to amend S. F. No. 802, the third engrossment, as amended, as follows:

Page 154, delete section 15

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

CALL OF THE HOUSE LIFTED

Winkler moved that the call of the House be lifted. The motion prevailed and it was so ordered.

The question recurred on the Lucero amendment and the roll was called. There were 57 yeas and 76 nays as follows:

Those who voted in the affirmative were:

Albright	Demuth	Gunther	Layman	Nornes	Scott
Anderson	Dettmer	Hamilton	Lucero	O'Driscoll	Swedzinski
Backer	Drazkowski	Heinrich	Lueck	O'Neill	Theis
Bahr	Erickson	Heintzeman	McDonald	Petersburg	Torkelson
Baker	Fabian	Hertaus	Mekeland	Pierson	Urdahl
Bennett	Franson	Johnson	Miller	Poston	Vogel
Boe	Garofalo	Jurgens	Munson	Quam	West
Daniels	Green	Kiel	Nash	Robbins	
Daudt	Grossell	Koznick	Nelson, N.	Runbeck	
Davids	Gruenhagen	Kresha	Neu	Schomacker	

Those who voted in the negative were:

Acomb	Dehn	Howard	Loeffler	Olson	Tabke
Bahner	Ecklund	Huot	Long	Pelowski	Vang
Becker-Finn	Edelson	Klevorn	Mahoney	Persell	Wagenius
Bernardy	Elkins	Koegel	Mann	Pinto	Wazlawik
Bierman	Fischer	Kotyza-Witthuhn	Mariani	Poppe	Winkler
Brand	Freiberg	Kunesh-Podein	Marquart	Pryor	Wolgamott
Cantrell	Gomez	Lee	Masin	Richardson	Xiong, J.
Carlson, A.	Halverson	Lesch	Moller	Sandell	Xiong, T.
Carlson, L.	Hansen	Liebling	Moran	Sandstede	Youakim
Christensen	Hassan	Lien	Morrison	Sauke	Zerwas
Clafin	Hausman	Lillie	Murphy	Schultz	Spk. Hortman
Considine	Her	Lippert	Nelson, M.	Stephenson	
Davnie	Hornstein	Lislegard	Noor	Sundin	

The motion did not prevail and the amendment was not adopted.

Heintzeman moved to amend S. F. No. 802, the third engrossment, as amended, as follows:

Page 130, after line 17, insert:

"Sec. 5. Minnesota Statutes 2018, section 171.24, is amended to read:

**171.24 VIOLATIONS; DRIVING WITHOUT VALID LICENSE.**

Subdivision 1. **Driving after suspension; misdemeanor.** Except as otherwise provided in subdivision 5, a person is guilty of a misdemeanor if:

- (1) the person's driver's license or driving privilege has been suspended;
- (2) the person has been given notice of or reasonably should know of the suspension; and
- (3) the person disobeys the order by operating in this state any motor vehicle, the operation of which requires a driver's license, while the person's license or privilege is suspended.

Subd. 2. **Driving after revocation; misdemeanor.** Except as otherwise provided in subdivision 5, a person is guilty of a misdemeanor if:

- (1) the person's driver's license or driving privilege has been revoked;
- (2) the person has been given notice of or reasonably should know of the revocation; and
- (3) the person disobeys the order by operating in this state any motor vehicle, the operation of which requires a driver's license, while the person's license or privilege is revoked.

Subd. 3. **Driving after cancellation; misdemeanor.** Except as otherwise provided in subdivision 5, a person is guilty of a misdemeanor if:

- (1) the person's driver's license or driving privilege has been canceled;
- (2) the person has been given notice of or reasonably should know of the cancellation; and
- (3) the person disobeys the order by operating in this state any motor vehicle, the operation of which requires a driver's license, while the person's license or privilege is canceled.

Subd. 4. **Driving after disqualification; misdemeanor.** Except as otherwise provided in subdivision 5, a person is guilty of a misdemeanor if the person:

- (1) has been disqualified from holding a commercial driver's license or been denied the privilege to operate a commercial motor vehicle;
- (2) has been given notice of or reasonably should know of the disqualification; and
- (3) disobeys the order by operating in this state a commercial motor vehicle while the person is disqualified to hold the license or privilege.

Subd. 5. **Gross misdemeanor violations.** (a) A person is guilty of a gross misdemeanor if:

- (1) the person's driver's license or driving privilege has been canceled or denied under section 171.04, subdivision 1, clause (10);
- (2) the person has been given notice of or reasonably should know of the cancellation or denial; and
- (3) the person disobeys the order by operating in this state any motor vehicle, the operation of which requires a driver's license, while the person's license or privilege is canceled or denied.

(b) A person is guilty of a gross misdemeanor if the person:

- (1) violates this section:
  - (i) and causes a collision resulting in substantial bodily harm, as defined in section 609.02, subdivision 7a, or death to another; or
  - (ii) within ten years of the first of two prior convictions under this section; and

(2) at the time of the violation the person's driver's license or driving privilege has been suspended, revoked, or canceled or the person has been disqualified from holding a commercial driver's license or been denied the privilege to operate a commercial motor vehicle;

(i) pursuant to section 169.89, subdivision 5; 169A.52; 169A.54; 171.05, subdivision 2b, paragraph (d); 171.13, subdivision 3 or 4; 171.17, subdivision 1, paragraph (a), clause (1) or (10); 171.177; 171.18, subdivision 1, paragraph (a), clause (2), (3), (4), (5), or (11); 171.32; or 260B.225, subdivision 9; or a violation of section 169.13; 169.21; 169.444; 609.19, subdivision 1, clause (2); or 609.487, subdivisions 3 to 5; or any violation of chapter 169A; or

(ii) pursuant to a law from another state similar to those described in item (i).

Subd. 6. **Responsibility for prosecution.** (a) The attorney in the jurisdiction in which the violation occurred who is responsible for prosecution of misdemeanor violations of this section is also responsible for prosecution of gross misdemeanor violations of this section.

(b) Nothing in this section or section 609.035 or 609.04 shall limit the power of the state to prosecute or punish a person for conduct that constitutes any other crime under any other law of this state.

Subd. 7. **Sufficiency of notice.** (a) Notice of revocation, suspension, cancellation, or disqualification is sufficient if personally served, or if mailed by first class mail to the person's last known address or to the address listed on the person's driver's license. Notice is also sufficient if the person was informed that revocation, suspension, cancellation, or disqualification would be imposed upon a condition occurring or failing to occur, and where the condition has in fact occurred or failed to occur.

(b) It is not a defense that a person failed to file a change of address with the post office, or failed to notify the Department of Public Safety of a change of name or address as required under section 171.11.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to offenses committed on or after that date."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Heintzeman amendment and the roll was called. There were 64 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Albright	Daniels	Franson	Heinrich	Layman	Nash
Anderson	Daudt	Garofalo	Heintzeman	Lucero	Nelson, N.
Backer	Davids	Green	Hertaus	Lueck	Neu
Bahr	Demuth	Grossell	Johnson	Marquart	Nornes
Baker	Dettmer	Gruenhagen	Jurgens	McDonald	O'Driscoll
Bennett	Drazkowski	Gunther	Kiel	Mekeland	O'Neill
Boe	Erickson	Haley	Koznick	Miller	Pelowski
Brand	Fabian	Hamilton	Kresha	Munson	Petersburg

Pierson	Quam	Sandell	Stephenson	Torkelson	West
Poppe	Robbins	Schomacker	Swedzinski	Urdahl	
Poston	Runbeck	Scott	Theis	Vogel	

Those who voted in the negative were:

Acomb	Dehn	Hornstein	Lippert	Nelson, M.	Vang
Bahner	Ecklund	Howard	Lislegard	Noor	Wagenius
Becker-Finn	Edelson	Huot	Loeffler	Olson	Wazlawik
Bernardy	Elkins	Klevorn	Long	Persell	Winkler
Bierman	Fischer	Koegel	Mahoney	Pinto	Wolgamott
Cantrell	Freiberg	Kotzya-Witthuhn	Mann	Pryor	Xiong, J.
Carlson, A.	Gomez	Kunesh-Podein	Mariani	Richardson	Xiong, T.
Carlson, L.	Halverson	Lee	Masin	Sandstede	Youakim
Christensen	Hansen	Lesch	Moller	Sauke	Zerwas
Clafin	Hassan	Liebling	Moran	Schultz	Spk. Hortman
Considine	Hausman	Lien	Morrison	Sundin	
Davnie	Her	Lillie	Murphy	Tabke	

The motion did not prevail and the amendment was not adopted.

Zerwas moved to amend S. F. No. 802, the third engrossment, as amended, as follows:

Page 40, after line 31, insert:

"Sec. 18. Minnesota Statutes 2018, section 609.74, is amended to read:

**609.74 PUBLIC NUISANCE.**

(a) Whoever by an act or failure to perform a legal duty intentionally does any of the following is guilty of maintaining a public nuisance, which is a misdemeanor:

(1) maintains or permits a condition which unreasonably annoys, injures or endangers the safety, health, morals, comfort, or repose of any considerable number of members of the public; or

(2) except as provided in paragraph (b), interferes with, obstructs, or renders dangerous for passage, any public highway or right-of-way, or waters used by the public; or

(3) is guilty of any other act or omission declared by law to be a public nuisance and for which no sentence is specifically provided.

(b) It is a gross misdemeanor for a person to interfere with or obstruct traffic that is entering, exiting, or on a freeway or entering, exiting, or on a public roadway within the boundaries of airport property with the intent to interfere with, obstruct, or otherwise disrupt traffic. This paragraph does not apply to the actions of law enforcement or other emergency responders, road or airport authorities, or utility officials, or their agents, employees, or contractors when carrying out duties imposed by law or contract. For purposes of this paragraph: (1) "airport" means an airport that has a control tower and airline service; and (2) "freeway" means any section of a divided highway where the only access and egress for vehicular traffic is from entrance and exit ramps.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date."

Page 46, after line 16, insert:

"Sec. 23. Minnesota Statutes 2018, section 609.855, subdivision 2, is amended to read:

Subd. 2. **Unlawful interference with transit operator.** (a) Whoever intentionally commits an act that interferes with or obstructs, or tends to interfere with or obstruct, the operation of a transit vehicle is guilty of ~~unlawful interference with a transit operator a crime~~ and may be sentenced as provided in paragraph (c).

(b) An act that is committed on a transit vehicle that distracts the driver from the safe operation of the vehicle, ~~restricts passenger access to the transit vehicle,~~ or ~~that~~ endangers passengers is a violation of this subdivision if an authorized transit representative has clearly warned the person once to stop the act.

(c) A person who violates this subdivision may be sentenced as follows:

(1) to imprisonment for not more than three years or to payment of a fine of not more than \$5,000, or both, if the violation was accompanied by force or violence or a communication of a threat of force or violence; or

(2) to imprisonment for not more than ~~90 days~~ one year or to payment of a fine of not more than ~~\$1,000~~ \$3,000, or both, if the violation was not accompanied by force or violence or a communication of a threat of force or violence.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Zerwas amendment and the roll was called. There were 60 yeas and 74 nays as follows:

Those who voted in the affirmative were:

Albright	Demuth	Gunther	Layman	Neu	Runbeck
Anderson	Dettmer	Haley	Lucero	Nornes	Schomacker
Backer	Drazkowski	Heinrich	Lueck	O'Driscoll	Scott
Bahr	Erickson	Heintzeman	Marquart	O'Neill	Swedzinski
Baker	Fabian	Hertaus	McDonald	Pelowski	Theis
Bennett	Franson	Johnson	Mekeland	Petersburg	Torkelson
Boe	Garofalo	Jurgens	Miller	Pierson	Urdahl
Daniels	Green	Kiel	Munson	Poston	Vogel
Daudt	Grossell	Koznick	Nash	Quam	West
Davids	Gruenhagen	Kresha	Nelson, N.	Robbins	Zerwas

Those who voted in the negative were:

Acomb	Bierman	Carlson, L.	Davnie	Elkins	Halverson
Bahner	Brand	Christensen	Dehn	Fischer	Hamilton
Becker-Finn	Cantrell	Clafin	Ecklund	Freiberg	Hansen
Bernardy	Carlson, A.	Considine	Edelson	Gomez	Hassan

Hausman	Lee	Mahoney	Noor	Sauke	Wolgamott
Her	Lesch	Mann	Olson	Schultz	Xiong, J.
Hornstein	Liebling	Mariani	Persell	Stephenson	Xiong, T.
Howard	Lien	Masin	Pinto	Sundin	Youakim
Huot	Lillie	Moller	Poppe	Tabke	Spk. Hortman
Klevorn	Lippert	Moran	Pryor	Vang	
Koegel	Lislegard	Morrison	Richardson	Wagenius	
Kotyza-Witthuhn	Loeffler	Murphy	Sandell	Wazlawik	
Kunesh-Podein	Long	Nelson, M.	Sandstede	Winkler	

The motion did not prevail and the amendment was not adopted.

Erickson moved to amend S. F. No. 802, the third engrossment, as amended, as follows:

Page 4, line 3, delete "5,343,000" and insert "6,222,000" and delete "5,093,000" and insert "7,253,000"

Page 4, line 5, delete "3,745,000" and insert "4,624,000" and delete "3,495,000" and insert "5,655,000"

Page 6, after line 30, insert:

**"(g) Physical Security Audit Grants for Public Schools**

\$879,000 in the first year and \$2,160,000 in the second year are for reimbursement grants to public school districts that contract for audits of the physical security of public school campuses. Applicants for reimbursement grants may receive up to 100 percent of the cost of physical security audits of public school campuses conducted by security consultants holding a certified protection professional certification from the American Society for Industrial Security or other professional certification deemed acceptable by the commissioner of public safety."

Reletter the paragraphs in sequence

Page 19, line 34, delete "633,129,000" and insert "632,250,000" and delete "655,572,000" and insert "653,412,000"

Page 20, line 4, delete "460,026,000" and insert "459,147,000" and delete "475,654,000" and insert "473,494,000"

Page 21, delete lines 21 to 24

Reletter the paragraphs in sequence

Adjust fund and bill totals accordingly

A roll call was requested and properly seconded.

The question was taken on the Erickson amendment and the roll was called. There were 59 yeas and 74 nays as follows:

Those who voted in the affirmative were:

Albright	Demuth	Gunther	Kresha	Neu	Schomacker
Anderson	Dettmer	Haley	Layman	Nornes	Scott
Backer	Drazkowski	Hamilton	Lucero	O'Driscoll	Swedzinski
Bahr	Erickson	Heinrich	Lueck	O'Neill	Theis
Baker	Fabian	Heintzeman	McDonald	Petersburg	Torkelson
Bennett	Franson	Hertaus	Mekeland	Pierson	Urdahl
Boe	Garofalo	Johnson	Miller	Poston	Vogel
Daniels	Green	Jurgens	Munson	Quam	West
Daudt	Grossell	Kiel	Nash	Robbins	Zerwas
Dauids	Gruenhagen	Koznick	Nelson, N.	Runbeck	

Those who voted in the negative were:

Acomb	Dehn	Huot	Long	Pelowski	Vang
Bahner	Ecklund	Klevorn	Mahoney	Persell	Wagenius
Becker-Finn	Edelson	Koegel	Mann	Pinto	Wazlawik
Bernardy	Elkins	Kotzya-Witthuhn	Mariani	Poppe	Winkler
Bierman	Fischer	Kunesh-Podein	Marquart	Pryor	Wolgamott
Brand	Freiberg	Lee	Masin	Richardson	Xiong, J.
Cantrell	Gomez	Lesch	Moller	Sandell	Xiong, T.
Carlson, A.	Halverson	Liebling	Moran	Sandstede	Youakim
Carlson, L.	Hansen	Lien	Morrison	Sauke	Spk. Hortman
Christensen	Hassan	Lillie	Murphy	Schultz	
Clafin	Hausman	Lippert	Nelson, M.	Stephenson	
Considine	Her	Lislegard	Noor	Sundin	
Davnie	Hornstein	Loeffler	Olson	Tabke	

The motion did not prevail and the amendment was not adopted.

Runbeck moved to amend S. F. No. 802, the third engrossment, as amended, as follows:

Page 32, after line 23, insert:

"Sec. 8. **[299C.77] FEDERAL BACKGROUND CHECKS BY POLITICAL SUBDIVISIONS.**

**Subdivision 1. Definitions.** (a) For purposes of this section, the following terms have the meanings given them.

(b) "Applicant for employment" means an individual who seeks either county or city employment where the job duties include access to residential property or business property.

(c) "Applicant for licensure" means an individual who seeks a license issued by a county or city to:

(1) operate a cabaret;

(2) provide massage services;

(3) operate a business providing massage services;

(4) operate as a solicitor or peddler;

(5) operate a lawful gambling business other than charitable gambling;

(6) obtain a premise permit for lawful gambling;

(7) operate a taxi service; or

(8) operate as a pawnbroker or precious metal or secondhand goods dealer.

Subd. 2. **Background check authorized.** (a) A county or city may investigate the criminal history background of any applicant for employment or applicant for licensure.

(b) The investigation must consist of a criminal history check of the state criminal records repository and a national criminal history check. The county or city shall accept the applicant's signed informed consent form for the state and national criminal history check request, fingerprints, and required fees. The county or city shall submit the applicant's signed informed consent form, fingerprints, and fees to the superintendent of the Bureau of Criminal Apprehension, who is authorized to exchange the fingerprints with the Federal Bureau of Investigation to obtain the applicant's national criminal history record information. The superintendent shall also retrieve Minnesota criminal history data and provide the results of both checks to the county or city. Using the criminal history data provided by the superintendent, the county or city shall determine whether the applicant is disqualified from employment or licensure. The applicant's failure to cooperate with the county or city in conducting the records check is reasonable cause to deny an application."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Runbeck amendment and the roll was called. There were 58 yeas and 75 nays as follows:

Those who voted in the affirmative were:

Albright	Demuth	Gunther	Layman	Nornes	Scott
Anderson	Dettmer	Haley	Lucero	O'Driscoll	Swedzinski
Backer	Elkins	Hamilton	Lueck	O'Neill	Theis
Baker	Erickson	Heinrich	McDonald	Petersburg	Torkelson
Bennett	Fabian	Heintzeman	Mekeland	Pierson	Urdahl
Boe	Franson	Johnson	Miller	Poston	Vogel
Brand	Garofalo	Jurgens	Moller	Quam	West
Daniels	Green	Kiel	Nash	Robbins	Zerwas
Daudt	Grossell	Koznick	Nelson, N.	Runbeck	
Davids	Gruenhagen	Kresha	Neu	Schomacker	

Those who voted in the negative were:

Acomb	Becker-Finn	Cantrell	Christensen	Dehn	Edelson
Bahner	Bernardy	Carlson, A.	Considine	Drazkowski	Fischer
Bahr	Bierman	Carlson, L.	Davnie	Ecklund	Freiberg

Gomez	Klevorn	Lislegard	Munson	Richardson	Wazlawik
Halverson	Koegel	Loeffler	Murphy	Sandell	Winkler
Hansen	Kotyza-Witthuhn	Long	Nelson, M.	Sandstede	Wolgamott
Hassan	Kunesh-Podein	Mahoney	Noor	Sauke	Xiong, J.
Hausman	Lee	Mann	Olson	Schultz	Xiong, T.
Her	Lesch	Mariani	Pelowski	Stephenson	Youakim
Hertaus	Liebling	Marquart	Persell	Sundin	Spk. Hortman
Hornstein	Lien	Masin	Pinto	Tabke	
Howard	Lillie	Moran	Poppe	Vang	
Huot	Lippert	Morrison	Pryor	Wagenius	

The motion did not prevail and the amendment was not adopted.

Grossell moved to amend S. F. No. 802, the third engrossment, as amended, as follows:

Page 83, after line 5, insert:

"Sec. 9. Minnesota Statutes 2018, section 626.8452, is amended by adding a subdivision to read:

Subd. 6. **Prohibition on disarming local law enforcement officers.** Unless expressly authorized under another section of law, a mayor, city council, county board, or chief law enforcement officer may not disarm a peace officer who is in good standing and not currently under investigation or subject to disciplinary action."

ReNUMBER the sections in sequence and correct the internal references

Amend the title accordingly

Mariani moved to amend the Grossell amendment to S. F. No. 802, the third engrossment, as amended, as follows:

Page 1, line 6, before "Unless" insert "(a)"

Page 1, line 7, before the first comma, insert "or paragraph (b)" and before "county" insert "or" and delete ", or chief law"

Page 1, line 8, delete "enforcement officer"

Page 1, after line 9, insert:

"(b) A local municipality may institute a pilot program where peace officers employed by the municipality voluntarily perform their duties without carrying a firearm."

A roll call was requested and properly seconded.

The question was taken on the Mariani amendment to the Grossell amendment and the roll was called. There were 75 yeas and 58 nays as follows:

Those who voted in the affirmative were:

Acomb	Becker-Finn	Brand	Carlson, L.	Considine	Drazkowski
Bahner	Bernardy	Cantrell	Christensen	Davnie	Ecklund
Bahr	Bierman	Carlson, A.	Claflin	Dehn	Elkins

Fischer	Huot	Lislegard	Munson	Sandell	Wazlawik
Freiberg	Klevorn	Loeffler	Murphy	Sandstede	Winkler
Gomez	Koegel	Long	Nelson, M.	Sauke	Wolgamott
Halverson	Kotyza-Witthuhn	Mahoney	Noor	Schultz	Xiong, J.
Hansen	Kunesh-Podein	Mann	Olson	Stephenson	Xiong, T.
Hassan	Lee	Mariani	Persell	Sundin	Youakim
Hausman	Lesch	Masin	Pinto	Tabke	Spk. Hortman
Her	Liebling	Moller	Poppe	Vang	
Hornstein	Lillie	Moran	Pryor	Vogel	
Howard	Lippert	Morrison	Richardson	Wagenius	

Those who voted in the negative were:

Albright	Dettmer	Hamilton	Lien	Nornes	Schomacker
Anderson	Erickson	Heinrich	Lucero	O'Driscoll	Scott
Backer	Fabian	Heintzeman	Lueck	O'Neill	Swedzinski
Baker	Franson	Hertaus	Marquart	Pelowski	Theis
Bennett	Garofalo	Johnson	McDonald	Petersburg	Torkelson
Boe	Green	Jurgens	Mekeland	Pierson	Urdahl
Daniels	Grossell	Kiel	Miller	Poston	West
Daudt	Gruenhagen	Koznick	Nash	Quam	Zerwas
Davids	Gunther	Kresha	Nelson, N.	Robbins	
Demuth	Haley	Layman	Neu	Runbeck	

The motion prevailed and the amendment to the amendment was adopted.

Grossell withdrew his amendment, as amended, to S. F. No. 802, the third engrossment, as amended.

Grossell moved to amend S. F. No. 802, the third engrossment, as amended, as follows:

Page 75, line 11, after "UAV" insert "within the airspace 200 feet above the curtilage of a residence or any other location or property at which a person has a reasonable expectation of privacy"

The motion did not prevail and the amendment was not adopted.

Daudt offered an amendment to S. F. No. 802, the third engrossment, as amended.

#### POINT OF ORDER

Carlson, L., raised a point of order pursuant to rule 4.03, relating to Ways and Means Committee; Budget Resolution; Effect on Expenditure and Revenue Bills, that the Daudt amendment was not in order. The Speaker ruled the point of order well taken and the Daudt amendment out of order.

Lien moved to amend S. F. No. 802, the third engrossment, as amended, as follows:

Page 212, lines 22 and 23, reinstate the stricken language

Page 212, line 23, strike the second "section" and insert "sections" and before the period, insert ", and 624.7134"

Page 218, line 8, after "624.7131" insert "or a valid permit to carry issued under section 624.714"

Page 218, line 19, after "permit" insert "or permit to carry"

Drazkowski moved to amend the Lien amendment to S. F. No. 802, the third engrossment, as amended, as follows:

Page 1, after line 8, insert:

"Page 221, after line 2, insert:

"Sec. 4. Minnesota Statutes 2018, section 624.714, is amended by adding a subdivision to read:

Subd. 1c. **No permit required.** (a) The legislature of the state of Minnesota recognizes and declares that the second amendment of the United States Constitution guarantees the fundamental, individual right to keep and bear arms.

(b) A person who is not prohibited from possessing a firearm by any law of this state or any federal law shall have the right to carry, hold, or possess a firearm in a motor vehicle, snowmobile, or boat, or on or about the person's clothes or the person, or otherwise in possession or control in a public place.

(c) For the purposes of this section, "public place" means property owned, leased, or controlled by a governmental unit and private property that is regularly and frequently open to or made available for use by the public in sufficient numbers to give clear notice of the property's current dedication to public use but does not include: a person's dwelling house or premises, the place of business owned or managed by the person, or land possessed by the person; a gun show, gun shop, or hunting or target shooting facility; or the woods, fields, or waters of this state where the person is present lawfully for the purpose of hunting or target shooting or other lawful activity involving firearms.

Sec. 5. Minnesota Statutes 2018, section 624.714, is amended by adding a subdivision to read:

Subd. 1d. **Optional carry permit.** A person may apply for an optional permit to carry a pistol as provided in this section.

Sec. 6. Minnesota Statutes 2018, section 624.714, subdivision 2, is amended to read:

Subd. 2. **Where application made; authority to issue permit; criteria; scope.** (a) Applications by Minnesota residents for optional permits to carry shall be made to the county sheriff where the applicant resides. Nonresidents, as defined in section 171.01, subdivision 42, may apply to any sheriff.

(b) Unless a sheriff denies a permit under the exception set forth in subdivision 6, paragraph (a), clause (3), a sheriff must issue a permit to an applicant if the person:

- (1) has training in the safe use of a pistol;
- (2) is at least 21 years old and a citizen or a permanent resident of the United States;
- (3) completes an application for a permit;

(4) is not prohibited from possessing a firearm under the following sections:

(i) 518B.01, subdivision 14;

(ii) 609.224, subdivision 3;

(iii) 609.2242, subdivision 3;

(iv) 609.749, subdivision 8;

(v) 624.713;

(vi) 624.719;

(vii) 629.715, subdivision 2;

(viii) 629.72, subdivision 2; or

(ix) any federal law; and

(5) is not listed in the criminal gang investigative data system under section 299C.091.

(c) A permit to carry a pistol issued or recognized under this section is a state permit and is effective throughout the state.

(d) A sheriff may contract with a police chief to process permit applications under this section. If a sheriff contracts with a police chief, the sheriff remains the issuing authority and the police chief acts as the sheriff's agent. If a sheriff contracts with a police chief, all of the provisions of this section will apply.

Sec. 7. Minnesota Statutes 2018, section 624.714, subdivision 3, is amended to read:

Subd. 3. **Form and contents of application.** (a) Applications for optional permits to carry must be an official, standardized application form, adopted under section 624.7151, and must set forth in writing only the following information:

(1) the applicant's name, residence, telephone number, if any, and driver's license number or state identification card number;

(2) the applicant's sex, date of birth, height, weight, and color of eyes and hair, and distinguishing physical characteristics, if any;

(3) the township or statutory city or home rule charter city, and county, of all Minnesota residences of the applicant in the last five years, though not including specific addresses;

(4) the township or city, county, and state of all non-Minnesota residences of the applicant in the last five years, though not including specific addresses;

(5) a statement that the applicant authorizes the release to the sheriff of commitment information about the applicant maintained by the commissioner of human services or any similar agency or department of another state where the applicant has resided, to the extent that the information relates to the applicant's eligibility to possess a firearm; and

(6) a statement by the applicant that, to the best of the applicant's knowledge and belief, the applicant is not prohibited by law from possessing a firearm.

(b) The statement under paragraph (a), clause (5), must comply with any applicable requirements of Code of Federal Regulations, title 42, sections 2.31 to 2.35, with respect to consent to disclosure of alcohol or drug abuse patient records.

(c) An applicant must submit to the sheriff an application packet consisting only of the following items:

(1) a completed application form, signed and dated by the applicant;

(2) an accurate photocopy of the certificate described in subdivision 2a, paragraph (c), that is submitted as the applicant's evidence of training in the safe use of a pistol; and

(3) an accurate photocopy of the applicant's current driver's license, state identification card, or the photo page of the applicant's passport.

(d) In addition to the other application materials, a person who is otherwise ineligible for a permit due to a criminal conviction but who has obtained a pardon or expungement setting aside the conviction, sealing the conviction, or otherwise restoring applicable rights, must submit a copy of the relevant order.

(e) Applications must be submitted in person.

(f) The sheriff may charge a new application processing fee in an amount not to exceed the actual and reasonable direct cost of processing the application or \$100, whichever is less. Of this amount, \$10 must be submitted to the commissioner and deposited into the general fund.

(g) This subdivision prescribes the complete and exclusive set of items an applicant is required to submit in order to apply for a new or renewal permit to carry. The applicant must not be asked or required to submit, voluntarily or involuntarily, any information, fees, or documentation beyond that specifically required by this subdivision. This paragraph does not apply to alternate training evidence accepted by the sheriff under subdivision 2a, paragraph (d).

(h) Forms for new and renewal applications must be available at all sheriffs' offices and the commissioner must make the forms available on the Internet.

(i) Application forms must clearly display a notice that a permit, if granted, is void and must be immediately returned to the sheriff if the permit holder is or becomes prohibited by law from possessing a firearm. The notice must list the applicable state criminal offenses and civil categories that prohibit a person from possessing a firearm.

(j) Upon receipt of an application packet and any required fee, the sheriff must provide a signed receipt indicating the date of submission.

Sec. 8. Minnesota Statutes 2018, section 624.714, subdivision 7, is amended to read:

Subd. 7. **Permit card contents; expiration; renewal.** (a) Optional permits to carry must be on an official, standardized permit card adopted by the commissioner, containing only the name, residence, and driver's license number or state identification card number of the permit holder, if any.

(b) The permit card must also identify the issuing sheriff and state the expiration date of the permit. The permit card must clearly display a notice that a permit, if granted, is void and must be immediately returned to the sheriff if the permit holder becomes prohibited by law from possessing a firearm.

(c) A permit to carry a pistol issued under this section expires five years after the date of issue. It may be renewed in the same manner and under the same criteria which the original permit was obtained, subject to the following procedures:

(1) no earlier than 90 days prior to the expiration date on the permit, the permit holder may renew the permit by submitting to the appropriate sheriff the application packet described in subdivision 3 and a renewal processing fee not to exceed the actual and reasonable direct cost of processing the application or \$75, whichever is less. Of this amount, \$5 must be submitted to the commissioner and deposited into the general fund. The sheriff must process the renewal application in accordance with subdivisions 4 and 6; and

(2) a permit holder who submits a renewal application packet after the expiration date of the permit, but within 30 days after expiration, may renew the permit as provided in clause (1) by paying an additional late fee of \$10.

(d) The renewal permit is effective beginning on the expiration date of the prior permit to carry.

Sec. 9. Minnesota Statutes 2018, section 624.714, subdivision 15, is amended to read:

Subd. 15. **Commissioner; contracts; database.** (a) The commissioner must maintain an automated database of persons ~~authorized to carry pistols~~ issued an optional permit to carry a pistol under this section that is available 24 hours a day, seven days a week, only to law enforcement agencies, including prosecutors carrying out their duties under subdivision 8a, to verify the validity of a permit.

(b) The commissioner may maintain a separate automated database of denied applications for optional permits to carry and of revoked permits that is available only to sheriffs performing their duties under this section containing the date of, the statutory basis for, and the initiating agency for any permit application denied or permit revoked for a period of six years from the date of the denial or revocation.

(c) The commissioner may contract with one or more vendors to implement the commissioner's duties under this section.

Sec. 10. Minnesota Statutes 2018, section 624.714, subdivision 20, is amended to read:

Subd. 20. **Monitoring.** (a) By March 1, 2004, and each year thereafter, the commissioner must report to the legislature on:

(1) the number of optional permits applied for, issued, suspended, revoked, and denied, further categorized by the age, sex, and zip code of the applicant or permit holder, since the previous submission, and in total;

(2) the number of optional permits currently valid;

(3) the specific reasons for each suspension, revocation, and denial and the number of reversed, canceled, or corrected actions;

(4) without expressly identifying an applicant, the number of denials or revocations based on the grounds under subdivision 6, paragraph (a), clause (3), the factual basis for each denial or revocation, and the result of an appeal, if any, including the court's findings of fact, conclusions of law, and order;

(5) the number of convictions and types of crimes committed since the previous submission, and in total, by individuals ~~with permits~~ legally carrying pistols as provided by this section including data as to whether a firearm lawfully carried solely by virtue of ~~a permit~~ this section was actually used in furtherance of the crime;

(6) to the extent known or determinable, data on the lawful and justifiable use of firearms by ~~permit holders~~ individuals legally carrying pistols as provided by this section; and

(7) the status of the segregated funds reported to the commissioner under subdivision 21.

(b) Sheriffs and police chiefs must supply the Department of Public Safety with the basic data the department requires to complete the report under paragraph (a). Sheriffs and police chiefs may submit data classified as private to the Department of Public Safety under this paragraph.

(c) Copies of the report under paragraph (a) must be made available to the public at the actual cost of duplication.

(d) Nothing contained in any provision of this section or any other law requires or authorizes the registration, documentation, collection, or providing of serial numbers or other data on firearms or on firearms' owners.

Sec. 11. Minnesota Statutes 2018, section 624.714, subdivision 23, is amended to read:

Subd. 23. **Exclusivity.** This section sets forth the complete and exclusive criteria and procedures for the issuance of optional permits to carry and establishes their nature and scope. No sheriff, police chief, governmental unit, government official, government employee, or other person or body acting under color of law or governmental authority may change, modify, or supplement these criteria or procedures, or limit the exercise of ~~a permit~~ the right to carry a firearm.

Sec. 12. **REPEALER.**

Minnesota Statutes 2018, sections 624.714, subdivisions 1a, 1b, and 16; and 624.7181, are repealed."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly"

A roll call was requested and properly seconded.

The question was taken on the Drazkowski amendment to the Lien amendment and the roll was called. There were 61 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Albright	Dauids	Garofalo	Heintzeman	Lislegard	Nash
Anderson	Demuth	Green	Hertaus	Lucero	Nelson, N.
Backer	Dettmer	Grossell	Johnson	Lueck	Neu
Bahr	Drazkowski	Gruenhagen	Jurgens	Marquart	Nornes
Baker	Ecklund	Gunther	Kiel	McDonald	O'Driscoll
Boe	Erickson	Haley	Koznick	Mekeland	O'Neill
Daniels	Fabian	Hamilton	Kresha	Miller	Petersburg
Daudt	Franson	Heinrich	Layman	Munson	Pierson

Poston	Runbeck	Sundin	Torkelson	Zerwas
Quam	Schomacker	Swedzinski	Urdahl	
Robbins	Scott	Theis	Vogel	

Those who voted in the negative were:

Acomb	Davnie	Howard	Long	Persell	Wazlawik
Bahner	Dehn	Huot	Mahoney	Pinto	West
Becker-Finn	Edelson	Klevorn	Mann	Poppe	Winkler
Bennett	Elkins	Koegel	Mariani	Pryor	Wolgamott
Bernardy	Fischer	Kotyza-Witthuhn	Masin	Richardson	Xiong, J.
Bierman	Freiberg	Kunesh-Podein	Moller	Sandell	Xiong, T.
Brand	Gomez	Lee	Moran	Sandstede	Youakim
Cantrell	Halverson	Lesch	Morrison	Sauke	Spk. Hortman
Carlson, A.	Hansen	Liebling	Murphy	Schultz	
Carlson, L.	Hassan	Lien	Nelson, M.	Stephenson	
Christensen	Hausman	Lillie	Noor	Tabke	
Claflin	Her	Lippert	Olson	Vang	
Considine	Hornstein	Loeffler	Pelowski	Wagenius	

The motion did not prevail and the amendment to the amendment was not adopted.

Drazkowski moved to amend the Lien amendment to S. F. No. 802, the third engrossment, as amended, as follows:

Page 1, after line 8, insert:

"Page 221, after line 2, insert:

"Sec. 4. Minnesota Statutes 2018, section 624.714, subdivision 7, is amended to read:

Subd. 7. ~~Permit card contents; expiration; renewal.~~ (a) Permits to carry must be on an official, standardized permit card adopted by the commissioner, containing only the name, residence, and driver's license number or state identification card number of the permit holder, if any.

(b) The permit card must also identify the issuing sheriff ~~and state the expiration date of the permit.~~ The permit card must clearly display a notice that a permit, if granted, is void and must be immediately returned to the sheriff if the permit holder becomes prohibited by law from possessing a firearm.

~~(c) A permit to carry a pistol issued under this section expires five years after the date of issue. It may be renewed in the same manner and under the same criteria which the original permit was obtained, subject to the following procedures:~~

~~(1) no earlier than 90 days prior to the expiration date on the permit, the permit holder may renew the permit by submitting to the appropriate sheriff the application packet described in subdivision 3 and a renewal processing fee not to exceed the actual and reasonable direct cost of processing the application or \$75, whichever is less. Of this amount, \$5 must be submitted to the commissioner and deposited into the general fund. The sheriff must process the renewal application in accordance with subdivisions 4 and 6; and~~

~~(2) a permit holder who submits a renewal application packet after the expiration date of the permit, but within 30 days after expiration, may renew the permit as provided in clause (1) by paying an additional late fee of \$10.~~

~~(d) The renewal permit is effective beginning on the expiration date of the prior permit to carry."~~

Renumber the sections in sequence and correct the internal references

Amend the title accordingly"

A roll call was requested and properly seconded.

The question was taken on the Drazkowski amendment to the Lien amendment and the roll was called. There were 62 yeas and 72 nays as follows:

Those who voted in the affirmative were:

Albright	Dettmer	Haley	Lislegard	Nornes	Swedzinski
Anderson	Drazkowski	Hamilton	Lucero	O'Driscoll	Theis
Backer	Ecklund	Heinrich	Lueck	O'Neill	Torkelson
Bahr	Erickson	Heintzeman	Marquart	Petersburg	Urdahl
Baker	Fabian	Hertaus	McDonald	Pierson	Vogel
Bennett	Franson	Johnson	Mekeland	Poston	West
Boe	Garofalo	Jurgens	Miller	Quam	Zerwas
Daniels	Green	Kiel	Munson	Robbins	
Daudt	Grossell	Koznick	Nash	Runbeck	
Davids	Gruenhagen	Kresha	Nelson, N.	Schomacker	
Demuth	Gunther	Layman	Neu	Scott	

Those who voted in the negative were:

Acomb	Davnie	Hornstein	Lippert	Noor	Stephenson
Bahner	Dehn	Howard	Loeffler	Olson	Sundin
Becker-Finn	Edelson	Huot	Long	Pelowski	Tabke
Bernardy	Elkins	Klevorn	Mahoney	Persell	Vang
Bierman	Fischer	Koegel	Mann	Pinto	Wagenius
Brand	Freiberg	Kotyza-Witthuhn	Mariani	Poppe	Wazlawik
Cantrell	Gomez	Kunesh-Podein	Masin	Pryor	Winkler
Carlson, A.	Halverson	Lee	Moller	Richardson	Wolgamott
Carlson, L.	Hansen	Lesch	Moran	Sandell	Xiong, J.
Christensen	Hassan	Liebling	Morrison	Sandstede	Xiong, T.
Clafin	Hausman	Lien	Murphy	Sauke	Youakim
Considine	Her	Lillie	Nelson, M.	Schultz	Spk. Hortman

The motion did not prevail and the amendment to the amendment was not adopted.

The question recurred on the Lien amendment to S. F. No. 802, the third engrossment, as amended. The motion prevailed and the amendment was adopted.

Drazkowski moved to amend S. F. No. 802, the third engrossment, as amended, as follows:

Page 220, line 4, after "harm" insert "or for the justifiable taking of a life as authorized by section 609.065"

A roll call was requested and properly seconded.

Drazkowski moved to amend the Drazkowski amendment to S. F. No. 802, the third engrossment, as amended, as follows:

Page 1, after line 2, insert:

"Page 39, after line 23, insert:

"Sec. 16. Minnesota Statutes 2018, section 609.065, is amended to read:

**609.065 JUSTIFIABLE ~~TAKING OF LIFE~~ USE OF DEADLY FORCE IN DEFENSE OF HOME AND PERSON.**

Subdivision 1. Definitions. ~~The intentional taking of the life of another is not authorized by section 609.06, except when necessary in resisting or preventing an offense which the actor reasonably believes exposes the actor or another to great bodily harm or death, or preventing the commission of a felony in the actor's place of abode. (a) For purposes of this section, the terms in this subdivision have the meanings given them.~~

(b) "Court order" means an order for protection issued under section 518B.01, a restraining order issued under section 609.748, a no contact order issued under section 629.75, or a substantively similar order issued by any court in this state, another state, the United States, or any subordinate jurisdiction of the United States.

(c) "Deadly force" means force used by an individual with the purpose of causing, or which the individual should reasonably know creates a substantial risk of causing, great bodily harm or death. The intentional discharge of a firearm by an individual at another person, or at a vehicle in which another person is believed to be, constitutes deadly force. A threat to cause great bodily harm or death, by the production of a weapon or otherwise, constitutes reasonable force and not deadly force, when the individual's objective is limited to creating an expectation that the individual will use deadly force only if authorized by law.

(d) "Dwelling" means a building defined under section 609.556, subdivision 3, an overnight stopping accommodation of any kind, or a place of abode, that an individual temporarily or permanently is occupying or intending to occupy as a habitation or home. A dwelling includes but is not limited to a building or conveyance and that building's or conveyance's curtilage and any attached or adjacent deck, porch, appurtenance, or other structure, whether the building or conveyance is used temporarily or permanently for these purposes, is mobile or immobile, or is a motor vehicle, watercraft, motor home, tent, or the equivalent.

(e) "Forcible felony" means any crime punishable by imprisonment exceeding one year the elements of which include the use or threatened use of physical force or a deadly weapon against the person of another, including but not limited to: murder in the first degree under section 609.185; murder in the second degree under section 609.19; manslaughter in the first degree under section 609.20; assault in the first degree under section 609.221; assault in the second degree under section 609.222; assault in the third degree under section 609.223; criminal sexual conduct in the first degree under section 609.342; criminal sexual conduct in the second degree under section 609.343; arson in the first degree under section 609.561; burglary in the first, second, and third degrees under section 609.582; robbery under sections 609.24 and 609.245; and kidnapping under section 609.25.

(f) "Good faith" includes honesty in fact in the conduct of the act concerned.

(g) "Great bodily harm" has the meaning given in section 609.02, subdivision 8.

(h) "Imminent" means the actor infers from all the facts and circumstances that the course of conduct has commenced.

(i) "Substantial bodily harm" has the meaning given in section 609.02, subdivision 7a.

(j) "Vehicle" means a conveyance of any type.

**Subd. 2. Circumstances when authorized.** (a) The use of deadly force by an individual is justified under this section when the act is undertaken:

(1) to resist or prevent the commission of a felony in the individual's dwelling;

(2) to resist or prevent what the individual reasonably believes is an offense or attempted offense that imminently exposes the individual or another person to substantial bodily harm, great bodily harm, or death; or

(3) to resist or prevent what the individual reasonably believes is the commission or imminent commission of a forcible felony.

(b) The use of deadly force is not authorized under this section if the individual knows that the person against whom force is being used is a licensed peace officer from this state, another state, the United States, or any subordinate jurisdiction of the United States, who is acting lawfully.

**Subd. 3. Degree of force; retreat.** An individual taking defensive action pursuant to subdivision 2 may use all force and means, including deadly force, that the individual in good faith believes is required to succeed in defense. The individual may meet force with superior force when the individual's objective is defensive; the individual is not required to retreat; and the individual may continue defensive actions against an assailant until the danger has ended.

**Subd. 4. Presumptions.** (a) An individual using deadly force is presumed to possess a reasonable belief that there exists an imminent threat of substantial bodily harm, great bodily harm, or death to the individual or another person, if the individual knows or has reason to know that:

(1) the person against whom the defensive action is being taken is unlawfully entering or attempting to enter by force or by stealth, or has unlawfully entered by force or by stealth and remains within, the dwelling or occupied vehicle of the individual; or

(2) the person against whom the defensive action is being taken is in the process of removing, or attempting to remove, the individual or another person from the dwelling or occupied vehicle of the individual.

(b) An individual is not entitled to the benefit of the presumption in paragraph (a) if the individual knows that the person against whom the defensive action is being taken:

(1) is a lawful resident of the dwelling or a lawful possessor of the vehicle, or is otherwise lawfully permitted to enter the dwelling or vehicle; or

(2) is a person who has lawful custody of the person being removed from the dwelling or vehicle or whose removal from the dwelling or vehicle is being attempted. A person who is prohibited by a court order from contacting another individual or from entering a dwelling or possessing a vehicle of another individual is not a lawful resident of that individual's dwelling and is not a lawful possessor of that individual's vehicle.

(c) An individual using defensive force is not entitled to the benefit of the presumption in paragraph (a) if the individual is presently engaged in a crime or attempting to escape from the scene of a crime, or is presently using the dwelling or occupied vehicle in furtherance of a crime.

(d) An individual is not entitled to the benefit of the presumption in paragraph (a) if the individual knows or has reason to know that the person against whom the defensive action is being taken is a licensed peace officer from this state, another state, the United States, or any subordinate jurisdiction of the United States, who is acting lawfully.

Subd. 5. **Criminal investigation; immunity from prosecution.** (a) An individual who uses force, including deadly force, according to this section or as otherwise provided by law in defense of the individual, the individual's dwelling, or another individual is justified in using such force and is immune from any criminal prosecution for that act.

(b) A law enforcement agency may arrest an individual using force under circumstances described in this section only after considering any claims or circumstances supporting self-defense or lawful defense of another individual.

Subd. 6. **Justifiable use of force; burden of proof.** In a criminal trial, when there is any evidence of justifiable use of force under this section or section 609.06, the state has the burden of proving beyond a reasonable doubt that the defendant's actions were not justifiable.

Subd. 7. **Short title.** This section may be cited as the "Defense of Dwelling and Person Act of 2019."

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to uses of deadly force occurring on or after that date."

Page 1, after line 4, insert:

"Renumber the sections in sequence and correct the internal references

Amend the title accordingly"

A roll call was requested and properly seconded.

The question was taken on the Drazkowski amendment to the Drazkowski amendment and the roll was called. There were 59 yeas and 74 nays as follows:

Those who voted in the affirmative were:

Albright	Demuth	Gunther	Kresha	Nelson, N.	Runbeck
Anderson	Dettmer	Haley	Layman	Neu	Schomacker
Backer	Drazkowski	Hamilton	Lucero	Nornes	Swedzinski
Bahr	Erickson	Heinrich	Lueck	O'Driscoll	Theis
Baker	Fabian	Heintzeman	Marquart	O'Neill	Torkelson
Bennett	Franson	Hertaus	McDonald	Petersburg	Urdahl
Boe	Garofalo	Johnson	Mekeland	Pierson	Vogel
Daniels	Green	Jurgens	Miller	Poston	West
Daudt	Grossell	Kiel	Munson	Quam	Zerwas
Davids	Gruenhagen	Koznick	Nash	Robbins	

Those who voted in the negative were:

Acomb	Brand	Clafflin	Edelson	Halverson	Hornstein
Bahner	Cantrell	Considine	Elkins	Hansen	Howard
Becker-Finn	Carlson, A.	Davnie	Fischer	Hassan	Huot
Bernardy	Carlson, L.	Dehn	Freiberg	Hausman	Klevorn
Bierman	Christensen	Ecklund	Gomez	Her	Koegel

Kotyza-Witthuhn	Lislegard	Moran	Pinto	Stephenson	Xiong, J.
Kunesh-Podein	Loeffler	Morrison	Poppe	Sundin	Xiong, T.
Lee	Long	Murphy	Pryor	Tabke	Youakim
Lesch	Mahoney	Nelson, M.	Richardson	Vang	Spk. Hortman
Liebling	Mann	Noor	Sandell	Wagenius	
Lien	Mariani	Olson	Sandstede	Wazlawik	
Lillie	Masin	Pelowski	Sauke	Winkler	
Lippert	Moller	Persell	Schultz	Wolgamott	

The motion did not prevail and the amendment to the amendment was not adopted.

The question recurred on the Drazkowski amendment and the roll was called. There were 63 yeas and 71 nays as follows:

Those who voted in the affirmative were:

Albright	Dettmer	Haley	Lislegard	Nornes	Scott
Anderson	Drazkowski	Hamilton	Lucero	O'Driscoll	Swedzinski
Backer	Ecklund	Heinrich	Lueck	O'Neill	Theis
Bahr	Erickson	Heintzeman	Marquart	Petersburg	Torkelson
Baker	Fabian	Hertaus	McDonald	Pierson	Urdahl
Bennett	Franson	Johnson	Mekeland	Poston	Vogel
Boe	Garofalo	Jurgens	Miller	Quam	West
Daniels	Green	Kiel	Munson	Robbins	Zerwas
Daudt	Grossell	Koznick	Nash	Runbeck	
Davids	Gruenhagen	Kresha	Nelson, N.	Sandstede	
Demuth	Gunther	Layman	Neu	Schomacker	

Those who voted in the negative were:

Acomb	Davnie	Hornstein	Lippert	Noor	Sundin
Bahner	Dehn	Howard	Loeffler	Olson	Tabke
Becker-Finn	Edelson	Huot	Long	Pelowski	Vang
Bernardy	Elkins	Klevorn	Mahoney	Persell	Wagenius
Bierman	Fischer	Koegel	Mann	Pinto	Wazlawik
Brand	Freiberg	Kotyza-Witthuhn	Mariani	Poppe	Winkler
Cantrell	Gomez	Kunesh-Podein	Masin	Pryor	Wolgamott
Carlson, A.	Halverson	Lee	Moller	Richardson	Xiong, J.
Carlson, L.	Hansen	Lesch	Moran	Sandell	Xiong, T.
Christensen	Hassan	Liebling	Morrison	Sauke	Youakim
Clafin	Hausman	Lien	Murphy	Schultz	Spk. Hortman
Considine	Her	Lillie	Nelson, M.	Stephenson	

The motion did not prevail and the amendment was not adopted.

Munson offered an amendment to S. F. No. 802, the third engrossment, as amended.

#### POINT OF ORDER

Carlson, L., raised a point of order pursuant to rule 4.03, relating to Ways and Means Committee; Budget Resolution; Effect on Expenditure and Revenue Bills, that the Munson amendment was not in order. The Speaker ruled the point of order well taken and the Munson amendment out of order.

Lucero moved to amend S. F. No. 802, the third engrossment, as amended, as follows:

Page 230, line 26, after the period, insert "The court shall also order law enforcement to take possession of the respondent's motor vehicles; knives; axes; rope; baseball bats, golf clubs, and other sporting equipment; tools; household chemicals; antifreeze; and any other item that may be used as a weapon."

A roll call was requested and properly seconded.

The question was taken on the Lucero amendment and the roll was called. There were 0 yeas and 134 nays as follows:

Those who voted in the negative were:

Acomb	Dehn	Hausman	Lippert	Noor	Stephenson
Albright	Demuth	Heinrich	Lislegard	Nornes	Sundin
Anderson	Dettmer	Heintzeman	Loeffler	O'Driscoll	Swedzinski
Backer	Drazkowski	Her	Long	Olson	Tabke
Bahner	Ecklund	Hertaus	Lucero	O'Neill	Theis
Bahr	Edelson	Hornstein	Lueck	Pelowski	Torkelson
Baker	Elkins	Howard	Mahoney	Persell	Urdahl
Becker-Finn	Erickson	Huot	Mann	Petersburg	Vang
Bennett	Fabian	Johnson	Mariani	Pierson	Vogel
Bernardy	Fischer	Jurgens	Marquart	Pinto	Wagenius
Bierman	Franson	Kiel	Masin	Poppe	Wazlawik
Boe	Freiberg	Klevorn	McDonald	Poston	West
Brand	Garofalo	Koegel	Mekeland	Pryor	Winkler
Cantrell	Gomez	Kotzya-Witthuhn	Miller	Quam	Wolgamott
Carlson, A.	Green	Koznick	Moller	Richardson	Xiong, J.
Carlson, L.	Grossell	Kresha	Moran	Robbins	Xiong, T.
Christensen	Gruenhagen	Kunesh-Podein	Morrison	Runbeck	Youakim
Clafin	Gunther	Layman	Munson	Sandell	Zerwas
Considine	Haley	Lee	Murphy	Sandstede	Spk. Hortman
Daniels	Halverson	Lesch	Nash	Sauke	
Daudt	Hamilton	Liebling	Nelson, M.	Schomacker	
Davids	Hansen	Lien	Nelson, N.	Schultz	
Davnie	Hassan	Lillie	Neu	Scott	

The motion did not prevail and the amendment was not adopted.

Bennett moved to amend S. F. No. 802, the third engrossment, as amended, as follows:

Page 231, line 19, before "misdemeanor" insert "gross"

A roll call was requested and properly seconded.

The question was taken on the Bennett amendment and the roll was called. There were 61 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Albright	Bahr	Boe	Daudt	Dettmer	Fabian
Anderson	Baker	Brand	Davids	Drazkowski	Franson
Backer	Bennett	Daniels	Demuth	Erickson	Garofalo

Green	Hertaus	Lueck	Neu	Robbins	Vogel
Grossell	Johnson	Marquart	Nornes	Runbeck	West
Gruenhagen	Jurgens	McDonald	O'Driscoll	Schomacker	Zerwas
Gunther	Kiel	Mekeland	O'Neill	Scott	
Haley	Koznick	Miller	Petersburg	Swedzinski	
Hamilton	Kresha	Munson	Pierson	Theis	
Heinrich	Layman	Nash	Poston	Torkelson	
Heintzeman	Lucero	Nelson, N.	Quam	Urdahl	

Those who voted in the negative were:

Acomb	Ecklund	Huot	Long	Persell	Wagenius
Bahner	Edelson	Klevorn	Mahoney	Pinto	Wazlawik
Becker-Finn	Elkins	Koegel	Mann	Poppe	Winkler
Bernardy	Fischer	Kotzya-Witthuhn	Mariani	Pryor	Wolgamott
Bierman	Freiberg	Kunesh-Podein	Masin	Richardson	Xiong, J.
Cantrell	Gomez	Lee	Moller	Sandell	Xiong, T.
Carlson, A.	Halverson	Lesch	Moran	Sandstede	Youakim
Carlson, L.	Hansen	Liebling	Morrison	Sauke	Spk. Hortman
Christensen	Hassan	Lien	Murphy	Schultz	
Clafin	Hausman	Lillie	Nelson, M.	Stephenson	
Considine	Her	Lippert	Noor	Sundin	
Davnie	Hornstein	Lislegard	Olson	Tabke	
Dehn	Howard	Loeffler	Pelowski	Vang	

The motion did not prevail and the amendment was not adopted.

Heintzeman moved to amend S. F. No. 802, the third engrossment, as amended, as follows:

Page 212, after line 32, insert:

"Subd. 13. **Monitoring.** (a) Beginning September 1, 2019, and each year thereafter, the commissioner of public safety must report to the legislature on:

(1) the number of permits applied for, issued, suspended, revoked, and denied, further categorized by the age, sex, and zip code of the applicant or permit holder, since the previous submission, and in total;

(2) the number of permits currently valid;

(3) the specific reasons for each suspension, revocation, and denial and the number of reversed, canceled, or corrected actions; and

(4) without expressly identifying an applicant, the number of denials or terminations based on the grounds under subdivisions 4 and 7, the factual basis for each denial or revocation, and the result of an appeal, if any, including the court's findings of fact, conclusions of law, and order.

(b) Sheriffs and police chiefs must supply the Department of Public Safety with the basic data the department requires to complete the report under paragraph (a). Sheriffs and police chiefs may submit data classified as private to the Department of Public Safety under this paragraph.

(c) Copies of the report under paragraph (a) must be made available to the public at the actual cost of duplication.

(d) Nothing contained in any provision of this section or any other law requires or authorizes the registration, documentation, collection, or providing of serial numbers or other data on firearms or on firearms' owners."

Amend the title accordingly

Pinto moved to amend the Heintzeman amendment to S. F. No. 802, the third engrossment, as amended, as follows:

Page 1, line 4, delete "2019" and insert "2020"

The motion prevailed and the amendment to the amendment was adopted.

The question recurred on the Heintzeman amendment, as amended, to S. F. No. 802, the third engrossment, as amended. The motion prevailed and the amendment, as amended, was adopted.

Heintzeman moved to amend S. F. No. 802, the third engrossment, as amended, as follows:

Page 210, after line 2, insert:

"Section 1. Minnesota Statutes 2018, section 624.711, is amended to read:

**624.711 DECLARATION OF POLICY.**

It is not the intent of the legislature to regulate shotguns, rifles and other longguns of the type commonly used for hunting and not defined as pistols or semiautomatic military-style assault weapons, or to place costs of administration upon those citizens who wish to possess ~~or~~ carry, or transfer pistols or semiautomatic military-style assault weapons lawfully, or to confiscate or otherwise restrict the use or transfer of pistols or semiautomatic military-style assault weapons by law-abiding citizens."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Heintzeman amendment and the roll was called. There were 64 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Albright	Boe	Drazkowski	Green	Heinrich	Koznick
Anderson	Daniels	Ecklund	Grossell	Heintzeman	Kresha
Backer	Daudt	Erickson	Gruenhagen	Hertaus	Layman
Bahr	Davids	Fabian	Gunther	Johnson	Lislegard
Baker	Demuth	Franson	Haley	Jurgens	Lucero
Bennett	Dettmer	Garofalo	Hamilton	Kiel	Lueck

Marquart	Nash	O'Neill	Robbins	Sundin	Vogel
McDonald	Nelson, N.	Petersburg	Runbeck	Swedzinski	West
Mekeland	Neu	Pierson	Sandstede	Theis	Zerwas
Miller	Normes	Poston	Schomacker	Torkelson	
Munson	O'Driscoll	Quam	Scott	Urdahl	

Those who voted in the negative were:

Acomb	Davnie	Hornstein	Lippert	Noor	Tabke
Bahner	Dehn	Howard	Loeffler	Olson	Vang
Becker-Finn	Edelson	Huot	Long	Pelowski	Wagenius
Bernardy	Elkins	Klevorn	Mahoney	Persell	Wazlawik
Bierman	Fischer	Koegel	Mann	Pinto	Winkler
Brand	Freiberg	Kotzya-Witthuhn	Mariani	Poppe	Wolgamott
Cantrell	Gomez	Kunesh-Podein	Masin	Pryor	Xiong, J.
Carlson, A.	Halverson	Lee	Moller	Richardson	Xiong, T.
Carlson, L.	Hansen	Lesch	Moran	Sandell	Youakim
Christensen	Hassan	Liebling	Morrison	Sauke	Spk. Hortman
Clafin	Hausman	Lien	Murphy	Schultz	
Considine	Her	Lillie	Nelson, M.	Stephenson	

The motion did not prevail and the amendment was not adopted.

Johnson moved to amend S. F. No. 802, the third engrossment, as amended, as follows:

Page 211, after line 20, insert:

"(e) A chief of police or sheriff who learns that a permit applicant does not have lawful immigration status must report the person to Immigration and Customs Enforcement."

Mariani moved to amend the Johnson amendment to S. F. No. 802, the third engrossment, as amended, as follows:

Page 1, line 4, before "lawful" insert "a"

Page 1, delete line 5 and insert "right to possess a firearm may pursue all appropriate remedies."

The motion prevailed and the amendment to the amendment was adopted.

The question recurred on the Johnson amendment, as amended, to S. F. No. 802, the third engrossment, as amended. The motion prevailed and the amendment, as amended, was adopted.

Scott offered an amendment to S. F. No. 802, the third engrossment, as amended.

#### POINT OF ORDER

Carlson, L., raised a point of order pursuant to rule 4.03, relating to Ways and Means Committee; Budget Resolution; Effect on Expenditure and Revenue Bills, that the Scott amendment was not in order. The Speaker ruled the point of order well taken and the Scott amendment out of order.

Scott appealed the decision of the Speaker.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of the Speaker stand as the judgment of the House?" and the roll was called. There were 75 yeas and 59 nays as follows:

Those who voted in the affirmative were:

Acomb	Dehn	Howard	Loeffler	Olson	Tabke
Bahner	Ecklund	Huot	Long	Pelowski	Vang
Becker-Finn	Edelson	Klevorn	Mahoney	Persell	Wagenius
Bernardy	Elkins	Koegel	Mann	Pinto	Wazlawik
Bierman	Fischer	Kotyza-Witthuhn	Mariani	Poppe	Winkler
Brand	Freiberg	Kunesh-Podein	Marquart	Pryor	Wolgamott
Cantrell	Gomez	Lee	Masin	Richardson	Xiong, J.
Carlson, A.	Halverson	Lesch	Moller	Sandell	Xiong, T.
Carlson, L.	Hansen	Liebling	Moran	Sandstede	Youakim
Christensen	Hassan	Lien	Morrison	Sauke	Spk. Hortman
Clafin	Hausman	Lillie	Murphy	Schultz	
Considine	Her	Lippert	Nelson, M.	Stephenson	
Davnie	Hornstein	Lislegard	Noor	Sundin	

Those who voted in the negative were:

Albright	Demuth	Gunther	Kresha	Neu	Schomacker
Anderson	Dettmer	Haley	Layman	Nornes	Scott
Backer	Drazkowski	Hamilton	Lucero	O'Driscoll	Swedzinski
Bahr	Erickson	Heinrich	Lueck	O'Neill	Theis
Baker	Fabian	Heintzeman	McDonald	Petersburg	Torkelson
Bennett	Franson	Hertaus	Mekeland	Pierson	Urdahl
Boe	Garofalo	Johnson	Miller	Poston	Vogel
Daniels	Green	Jurgens	Munson	Quam	West
Daudt	Grossell	Kiel	Nash	Robbins	Zerwas
Davids	Gruenhagen	Koznick	Nelson, N.	Runbeck	

So it was the judgment of the House that the decision of the Speaker should stand.

Nash moved to amend S. F. No. 802, the third engrossment, as amended, as follows:

Page 221, after line 2, insert:

"Sec. 3. **PROHIBITED PERSONS IN POSSESSION OF FIREARMS STUDY; REPORT.**

The commissioner of public safety shall study the issue of convictions of prohibited persons in possession of firearms and how the prohibited persons obtained possession of the firearms. By December 15, 2019, the commissioner must file a report detailing the commissioner's study with the chairs and ranking minority members of the house and senate committees with jurisdiction over public safety policy and finance."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Mariani moved to amend the Nash amendment to S. F. No. 802, the third engrossment, as amended, as follows:

Page 1, line 8, delete "2019" and insert "2020"

The motion prevailed and the amendment to the amendment was adopted.

The question recurred on the Nash amendment, as amended, to S. F. No. 802, the third engrossment, as amended. The motion prevailed and the amendment, as amended, was adopted.

Nash moved to amend S. F. No. 802, the third engrossment, as amended, as follows:

Page 210, after line 2, insert:

"Section 1. Minnesota Statutes 2018, section 609.11, subdivision 10, is amended to read:

Subd. 10. **Report on criminal cases involving firearm.** Beginning on July 1, 1994, every county attorney shall collect and maintain the following information on criminal complaints and prosecutions within the county attorney's office in which the defendant is alleged to have committed an offense listed in subdivision 9 while possessing or using a firearm:

- (1) whether the case was charged or dismissed;
- (2) whether the defendant was convicted of the offense or a lesser offense; ~~and~~
- (3) whether the mandatory minimum sentence required under this section was imposed and executed or was waived by the prosecutor or court; and
- (4) whether the defendant had previously been convicted of an offense under subdivision 9 while possessing a firearm.

No later than July 1 of each year, beginning on July 1, 1995, the county attorney shall forward this information to the Sentencing Guidelines commission upon forms prescribed by the commission."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

Nash moved to amend the Nash amendment to S. F. No. 802, the third engrossment, as amended, as follows:

Page 1, line 18, after the period, insert "As part of the report required under this subdivision, the Sentencing Guidelines Commission, in consultation with the commissioner of public safety, shall study and make findings on the prevalence of strawman firearm purchases in states that have universal background checks for firearm transfers."

The motion did not prevail and the amendment to the amendment was not adopted.

The question recurred on the Nash amendment and the roll was called. There were 134 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Acomb	Dehn	Hausman	Lippert	Noor	Stephenson
Albright	Demuth	Heinrich	Lislegard	Nornes	Sundin
Anderson	Dettmer	Heintzeman	Loeffler	O'Driscoll	Swedzinski
Backer	Drazkowski	Her	Long	Olson	Tabke
Bahner	Ecklund	Hertaus	Lucero	O'Neill	Theis
Bahr	Edelson	Hornstein	Lueck	Pelowski	Torkelson
Baker	Elkins	Howard	Mahoney	Persell	Urdahl
Becker-Finn	Erickson	Huot	Mann	Petersburg	Vang
Bennett	Fabian	Johnson	Mariani	Pierson	Vogel
Bernardy	Fischer	Jurgens	Marquart	Pinto	Wagenius
Bierman	Franson	Kiel	Masin	Poppe	Wazlawik
Boe	Freiberg	Klevorn	McDonald	Poston	West
Brand	Garofalo	Koegel	Mekeland	Pryor	Winkler
Cantrell	Gomez	Kotzya-Witthuhn	Miller	Quam	Wolgamott
Carlson, A.	Green	Koznick	Moller	Richardson	Xiong, J.
Carlson, L.	Grossell	Kresha	Moran	Robbins	Xiong, T.
Christensen	Gruenhagen	Kunesh-Podein	Morrison	Runbeck	Youakim
Clafin	Gunther	Layman	Munson	Sandell	Zerwas
Considine	Haley	Lee	Murphy	Sandstede	Spk. Hortman
Daniels	Halverson	Lesch	Nash	Sauke	
Daudt	Hamilton	Liebling	Nelson, M.	Schomacker	
Davids	Hansen	Lien	Nelson, N.	Schultz	
Davnie	Hassan	Lillie	Neu	Scott	

The motion prevailed and the amendment was adopted.

Becker-Finn moved to amend S. F. No. 802, the third engrossment, as amended, as follows:

Page 281, delete article 21

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

Pursuant to rule 1.50, Winkler moved that the House be allowed to continue in session after 12:00 midnight. The motion prevailed.

The question recurred on the Becker-Finn amendment and the roll was called. There were 63 yeas and 69 nays as follows:

Those who voted in the affirmative were:

Acomb	Bernardy	Carlson, A.	Clafin	Edelson	Freiberg
Bahner	Bierman	Carlson, L.	Davnie	Elkins	Gomez
Becker-Finn	Cantrell	Christensen	Dehn	Fischer	Halverson

Hansen	Kotyza-Witthuhn	Long	Noor	Sandstede	Wolgamott
Hassan	Kunesh-Podein	Mann	Olson	Schultz	Xiong, J.
Her	Lee	Marquart	Pelowski	Stephenson	Xiong, T.
Hornstein	Liebling	Masin	Persell	Tabke	Youakim
Howard	Lien	Moller	Pinto	Vang	Spk. Hortman
Huot	Lillie	Moran	Poppe	Wagenius	
Klevorn	Lippert	Morrison	Pryor	Wazlawik	
Koegel	Loeffler	Murphy	Richardson	Winkler	

Those who voted in the negative were:

Albright	Demuth	Haley	Lislegard	Nornes	Scott
Anderson	Dettmer	Hamilton	Lucero	O'Driscoll	Sundin
Backer	Drazkowski	Heinrich	Lueck	O'Neill	Swedzinski
Bahr	Ecklund	Heintzeman	Mahoney	Petersburg	Theis
Baker	Erickson	Hertaus	Mariani	Pierson	Torkelson
Bennett	Fabian	Johnson	McDonald	Poston	Urdahl
Boe	Franson	Jurgens	Mekeland	Quam	Vogel
Brand	Garofalo	Kiel	Miller	Robbins	West
Considine	Green	Koznick	Munson	Runbeck	Zerwas
Daniels	Grossell	Kresha	Nash	Sandell	
Daudt	Gruenhagen	Layman	Nelson, N.	Sauke	
Davids	Gunther	Lesch	Neu	Schomacker	

The motion did not prevail and the amendment was not adopted.

O'Neill moved to amend S. F. No. 802, the third engrossment, as amended, as follows:

Page 285, line 20, before the period, insert "including chapters 518A and 518, and sections 518.17 and 518.175"

A roll call was requested and properly seconded.

Scott moved to amend the O'Neill amendment to S. F. No. 802, the third engrossment, as amended, as follows:

Page 1, after line 2, insert:

"Page 282, after line 3, insert:

"Sec. 2. Minnesota Statutes 2018, section 518.175, subdivision 1, is amended to read:

Subdivision 1. **General.** (a) In all proceedings for dissolution or legal separation, subsequent to the commencement of the proceeding and continuing thereafter during the minority of the child, the court shall, upon the request of either parent, grant such parenting time on behalf of the child and a parent as will enable the child and the parent to maintain a child to parent relationship that will be in the best interests of the child. The court shall use a rebuttable presumption that it is in the best interests of the child to protect each individual parent-child relationship by maximizing the child's time with each parent. The court, when issuing a parenting time order, may reserve a determination as to the future establishment or expansion of a parent's parenting time. In that event, the best interest standard set forth in subdivision 5, paragraph (a), shall be applied to a subsequent motion to establish or expand parenting time.

(b) If the court finds, after a hearing, that parenting time with a parent is likely to endanger the child's physical, mental, or emotional health or safety or impair the child's emotional development, the court shall restrict parenting time with that parent as to time, place, duration, or supervision and may deny parenting time entirely, as the circumstances warrant. The court shall consider the age of the child and the child's relationship with the parent prior to the commencement of the proceeding.

(c) A parent's failure to pay support because of the parent's inability to do so shall not be sufficient cause for denial of parenting time.

(d) The court may provide that a law enforcement officer or other appropriate person will accompany a party seeking to enforce or comply with parenting time.

(e) Upon request of either party, to the extent practicable an order for parenting time must include a specific schedule for regular parenting time, including the frequency and duration of ~~visitation~~ parenting time and ~~visitation~~ parenting time during holidays ~~and~~, vacations, and school breaks, unless parenting time is restricted, denied, or reserved.

(f) The court administrator shall provide a form for a pro se motion regarding parenting time disputes, which includes provisions for indicating the relief requested, an affidavit in which the party may state the facts of the dispute, and a brief description of the parenting time expeditor process under section 518.1751. The form may not include a request for a change of custody. The court shall provide instructions on serving and filing the motion.

(g) ~~In the absence of other evidence, Unless otherwise agreed, there is a rebuttable presumption that a the court shall award each parent is entitled to receive a minimum of 25 50 percent of the parenting time for the child. If it is not practicable to award 50 percent parenting time to each parent, the court shall maximize parenting time for each parent as close as possible to the 50 percent presumption.~~ For purposes of this paragraph, the percentage of parenting time may be determined by calculating the number of overnights that a child spends with a parent or by using a method other than overnights if the parent has significant time periods when the child is in the parent's physical custody but does not stay overnight. ~~The court may consider the age of the child in determining whether a child is with a parent for a significant period of time.~~

(h) The court must include in a parenting time order the following:

(1) the ability of each parent to comply with the awarded parenting time schedule; and

(2) if a court deviates from the parenting time presumption under paragraph (g) and the parties have not otherwise made a parenting time agreement, the court shall make written findings of fact supported by clear and convincing evidence that the deviation results from one or more of the following:

(i) a parent has a mental illness that was diagnosed by a licensed physician or by a licensed psychologist, and the mental illness endangers the safety of the child based on the opinion of the licensed physician or the licensed psychologist treating the parent;

(ii) a parent refuses or fails to complete a chemical dependency evaluation or assessment ordered by a court, or a parent refuses or fails to complete chemical dependency recommendations as ordered by a licensed physician or by a licensed drug or alcohol counselor;

(iii) a parent is unable to care for the child 50 percent of the time because of the parent's inability to modify the parent's schedule to accommodate having a child 50 percent of the time. An inability to modify a parent's schedule includes but is not limited to work, school, child care, or medical appointment scheduling conflicts that prevent a

parent from maintaining parenting time with a child to accommodate the presumption under this section. A parent's provision for safe alternative care when the parent is not available during the parent's scheduled parenting time is not an inability of a parent to participate in a parenting time schedule under this paragraph;

(iv) a parent's repeated willful failure to comply with parenting time awarded pursuant to a temporary order;

(v) the distance required to travel between each parent's residence is so great that it makes the parenting time presumption impractical to meet;

(vi) the child has a diagnosed medical or educational special need that cannot be accommodated by the parenting time presumption; or

(vii) a child protection finding that the child is currently not safe under a parent's care.

(i) In assessing whether to deviate from the parenting time presumption in paragraph (g), the court shall consider that a reduction in a parent's parenting time may impair the parent's ability to parent the child, which may have negative impacts on the child.

(j) If a child does not have a relationship with a parent due to an absence of one year or more with minimal or no contact with the child, or if the child is one year old or younger, the court may order a gradual increase in parenting time. If the court orders a gradual increase in parenting time, the gradual increase shall only be in effect for a period of one year or less, at which time the order shall provide for a parenting time schedule based on the parenting time presumption in paragraph (g).

(k) The court shall not limit parenting time for a parent based solely on the age of the child. If the child is five years old or younger at the time the parenting time schedule is established and the order does not provide for equal parenting time, the order must include a provision for a possible future modification of the parenting time order.

(l) The court shall not consider the gender of a parent or a parent's marital or relationship status in making parenting time determinations under this section.

(m) An award of parenting time of up to 53 percent for one parent and not below 47 percent for the other parent or a finding that domestic abuse has occurred, as defined in section 518B.01, subdivision 2, or a qualified domestic violence-related offense, as defined in section 609.02, subdivision 16, between the parents or between a parent and the child does not constitute a deviation from the parenting time presumption in paragraph (g).

(n) In awarding parenting time, the court shall evaluate whether:

(1) one parent has engaged in unwarranted interference between the child and the other parent;

(2) one parent has made false allegations of domestic abuse; and

(3) one parent has chronically denied or minimized parenting time to the other parent in order to gain advantage in custody matters."

Page 1, after line 4, insert:

"Renumber the sections in sequence and correct the internal references

Amend the title accordingly"

A roll call was requested and properly seconded.

The question was taken on the Scott amendment to the O'Neill amendment and the roll was called. There were 67 yeas and 67 nays as follows:

Those who voted in the affirmative were:

Albright	Dettmer	Hamilton	Mahoney	O'Driscoll	Swedzinski
Anderson	Drazkowski	Heinrich	Marquart	O'Neill	Theis
Backer	Elkins	Hertaus	McDonald	Pelowski	Torkelson
Bahr	Erickson	Johnson	Mekeland	Petersburg	Urdahl
Baker	Fabian	Jurgens	Miller	Pierson	Vogel
Bennett	Franson	Kiel	Moran	Poston	West
Boe	Garofalo	Koznick	Munson	Quam	Zerwas
Considine	Green	Kresha	Murphy	Robbins	
Daniels	Grossell	Layman	Nash	Runbeck	
Daudt	Gruenhagen	Lien	Nelson, N.	Sauke	
Davids	Gunther	Lucero	Neu	Schomacker	
Demuth	Haley	Lueck	Nornes	Scott	

Those who voted in the negative were:

Acomb	Dehn	Hornstein	Lislegard	Pinto	Wazlawik
Bahner	Ecklund	Howard	Loeffler	Poppe	Winkler
Becker-Finn	Edelson	Huot	Long	Pryor	Wolgamott
Bernardy	Fischer	Klevorn	Mann	Richardson	Xiong, J.
Bierman	Freiberg	Koegel	Mariani	Sandell	Xiong, T.
Brand	Gomez	Kotyza-Witthuhn	Masin	Sandstede	Youakim
Cantrell	Halverson	Kunesh-Podein	Moller	Schultz	Spk. Hortman
Carlson, A.	Hansen	Lee	Morrison	Stephenson	
Carlson, L.	Hassan	Lesch	Nelson, M.	Sundin	
Christensen	Hausman	Liebling	Noor	Tabke	
Clafin	Heintzeman	Lillie	Olson	Vang	
Davnie	Her	Lippert	Persell	Wagenius	

The motion did not prevail and the amendment to the amendment was not adopted.

The question recurred on the O'Neill amendment and the roll was called. There were 120 yeas and 11 nays as follows:

Those who voted in the affirmative were:

Acomb	Christensen	Fabian	Hertaus	Lien	Munson
Albright	Clafin	Franson	Hornstein	Lillie	Murphy
Anderson	Considine	Freiberg	Howard	Lippert	Nash
Backer	Daniels	Green	Johnson	Lislegard	Nelson, N.
Bahr	Daudt	Grossell	Jurgens	Long	Neu
Baker	Davids	Gruenhagen	Kiel	Lucero	Noor
Becker-Finn	Davnie	Gunther	Klevorn	Lueck	Nornes
Bennett	Dehn	Haley	Koegel	Mahoney	O'Driscoll
Bernardy	Demuth	Halverson	Kotyza-Witthuhn	Mariani	Olson
Bierman	Dettmer	Hamilton	Koznick	Marquart	O'Neill
Boe	Drazkowski	Hansen	Kresha	McDonald	Pelowski
Brand	Ecklund	Hausman	Kunesh-Podein	Mekeland	Persell
Cantrell	Edelson	Heinrich	Layman	Miller	Petersburg
Carlson, A.	Elkins	Heintzeman	Lee	Moller	Pierson
Carlson, L.	Erickson	Her	Lesch	Moran	Pinto

Poppe	Robbins	Schomacker	Tabke	Vogel	Wolgamott
Poston	Runbeck	Scott	Theis	Wagenius	Xiong, J.
Pryor	Sandell	Stephenson	Torkelson	Wazlawik	Xiong, T.
Quam	Sandstede	Sundin	Urdahl	West	Youakim
Richardson	Sauke	Swedzinski	Vang	Winkler	Zerwas

Those who voted in the negative were:

Bahner	Gomez	Huot	Loeffler	Morrison	Spk. Hortman
Fischer	Hassan	Liebling	Mann	Nelson, M.	

The motion prevailed and the amendment was adopted.

Moller moved to amend S. F. No. 802, the third engrossment, as amended, as follows:

Page 235, line 25, delete "100,029,000" and insert "99,904,000"

Page 235, delete line 30

Page 236, delete lines 1 to 4

Page 236, line 5, delete "(c)" and insert "(b)"

Page 236, after line 25, insert:

"Sec. 13. **PUBLIC SAFETY** **\$125,000** **\$-0-**

\$125,000 the first year is to convene, administer, and implement the Forfeiture Reform Task Force.

Page 237, delete sections 14 and 15

Page 243, delete article 19 and insert:

"ARTICLE 19  
FORFEITURE TASK FORCE

Section 1. **FORFEITURE REFORM TASK FORCE.**

Subdivision 1. **Establishment.** A task force on forfeiture reform is established to develop a comprehensive plan to reform procedures relating to the seizure and forfeiture of property associated with criminal activity in Minnesota, including proposals for model policies and legislative action. Proposed legislation and model policies must be consistent with the goals that no forfeiture be completed without sufficient proof of criminal activity; all owners have access to a meaningful hearing within a reasonable time after property is seized; the value of forfeited property is not excessive in relation to the underlying criminal offense; proceeds from forfeiture proceedings do not directly fund the entity that seized the property or represented the government agency in forfeiture proceedings; local law enforcement agencies are prohibited from circumventing state laws; and local law enforcement agencies have access to sufficient sources of funding that are not connected to forfeiture.

Subd. 2. **Membership.** (a) The task force consists of the following members:

- (1) the commissioner of public safety or a designee;
- (2) one chief of police appointed by the Minnesota Chiefs of Police Association;
- (3) one sheriff appointed by the Minnesota Sheriffs' Association;
- (4) two rank and file peace officers, at least one of whom must serve a jurisdiction outside the seven-county metropolitan area, appointed by the Minnesota Police and Peace Officers Association;
- (5) one conservation officer appointed by the commissioner of natural resources;
- (6) the superintendent of the Bureau of Criminal Apprehension or a designee;
- (7) the state public defender or a designee;
- (8) one defense attorney appointed by the Minnesota Association of Criminal Defense Lawyers;
- (9) one county attorney appointed by the Minnesota County Attorneys Association;
- (10) one member of the Violent Crime Coordinating Council appointed by the council's chair;
- (11) one attorney representing the ACLU of Minnesota, appointed by its executive director;
- (12) one attorney with a nonprofit public interest law firm focusing on property rights, free speech, educational choice, and economic liberty; and
- (13) the director of the Office of Justice Programs or a designee.

(b) Unless otherwise specified, members shall be appointed by the commissioner of public safety. Appointments must be made no later than July 30, 2019.

(c) Members shall serve without compensation.

(d) Members of the task force serve at the pleasure of the appointing authority or until the task force expires. Vacancies shall be filled by the appointing authority consistent with the qualifications of the vacating member required by this subdivision.

Subd. 3. **Officers; meetings.** (a) The task force shall elect a chair and vice-chair and may elect other officers as necessary.

(b) The commissioner of public safety shall convene the first meeting of the task force no later than August 1, 2019, and shall provide meeting space and administrative assistance as necessary for the task force to conduct its work.

(c) The task force shall meet at least monthly, or upon the call of its chair. The task force shall meet sufficiently enough to accomplish the tasks identified in this section. Meetings of the task force are subject to Minnesota Statutes, chapter 13D.

Subd. 4. **Duties.** (a) The duties of the task force shall, at a minimum, include:

(1) reviewing current state laws relating to the forfeiture of property in connection with criminal activity;

(2) reviewing state and federal court decisions relating to forfeiture of property in connection with criminal activity;

(3) reviewing the financial impact of forfeiture on state and local law enforcement agencies;

(4) receiving input from individuals who had property seized pursuant to Minnesota's forfeiture laws;

(5) reviewing laws and policies adopted and proposed in other jurisdictions relating to forfeiture of property in connection with criminal activity; and

(6) developing proposed model policies and legislation which are consistent with the goals identified in subdivision 1.

(b) At its discretion, the task force may examine other related issues consistent with this section as necessary.

Subd. 5. **Report.** On or before February 15, 2020, the task force shall report to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over public safety finance and policy on the work of the task force. The report shall include proposed model policies and legislation.

Subd. 6. **Expiration.** This task force expires upon submission of the report required under subdivision 5.

**EFFECTIVE DATE.** This article is effective July 1, 2019."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Moller amendment and the roll was called. There were 95 yeas and 35 nays as follows:

Those who voted in the affirmative were:

Acomb	Clafin	Gruenhagen	Jurgens	Mahoney	Olson
Bahner	Considine	Gunther	Klevorn	Mann	Pelowski
Baker	Daniels	Haley	Koegel	Mariani	Persell
Becker-Finn	Davnie	Halverson	Kotzya-Witthuhn	Marquart	Petersburg
Bennett	Dehn	Hamilton	Kunesh-Podein	Masin	Pinto
Bernardy	Ecklund	Heinrich	Layman	Moller	Poppe
Bierman	Edelson	Heintzeman	Lee	Moran	Pryor
Boe	Elkins	Her	Lien	Morrison	Quam
Brand	Fischer	Hertaus	Lillie	Murphy	Richardson
Cantrell	Franson	Hornstein	Lippert	Nash	Runbeck
Carlson, A.	Freiberg	Howard	Lislegard	Nelson, M.	Sandell
Carlson, L.	Gomez	Huot	Loeffler	Noor	Sandstede
Christensen	Grossell	Johnson	Lueck	O'Driscoll	Sauke

Schultz	Tabke	Urdahl	Wazlawik	Xiong, J.	Zerwas
Stephenson	Theis	Vang	Winkler	Xiong, T.	Spk. Hortman
Sundin	Torkelson	Wagenius	Wolgammott	Youakim	

Those who voted in the negative were:

Albright	Demuth	Green	Lesch	Miller	Robbins
Anderson	Dettmer	Hansen	Liebling	Munson	Schomacker
Backer	Drazkowski	Hausman	Long	Nelson, N.	Swedzinski
Bahr	Erickson	Kiel	Lucero	Neu	Vogel
Daudt	Fabian	Koznick	McDonald	Pierson	West
Davids	Garofalo	Kresha	Mekeland	Poston	

The motion prevailed and the amendment was adopted.

O'Neill moved to amend S. F. No. 802, the third engrossment, as amended, as follows:

Page 234, line 26, delete "311,201,000" and insert "312,512,000" and delete "321,140,000" and insert "322,503,000"

Page 235, after line 6, insert:

**"(e) Establishment of New Treatment Courts**

\$1,311,000 the first year and \$1,363,000 the second year are to support existing treatment courts and establish new treatment courts."

Reletter the paragraphs in sequence

Page 236, line 8, delete "6,421,000" and insert "5,110,000" and delete "6,698,000" and insert "5,335,000"

Adjust amounts accordingly

A roll call was requested and properly seconded.

The question was taken on the O'Neill amendment and the roll was called. There were 56 yeas and 75 nays as follows:

Those who voted in the affirmative were:

Albright	Demuth	Gunther	Layman	O'Driscoll	Theis
Anderson	Dettmer	Haley	Lucero	O'Neill	Torkelson
Backer	Drazkowski	Heinrich	Lueck	Petersburg	Urdahl
Bahr	Erickson	Heintzeman	Mekeland	Pierson	Vogel
Baker	Fabian	Hertaus	Miller	Poston	West
Bennett	Franson	Johnson	Munson	Quam	Zerwas
Boe	Garofalo	Jurgens	Nash	Runbeck	
Daniels	Green	Kiel	Nelson, N.	Schomacker	
Daudt	Grossell	Koznick	Neu	Scott	
Davids	Gruenhagen	Kresha	Nornes	Swedzinski	

Those who voted in the negative were:

Acomb	Dehn	Hornstein	Lislegard	Noor	Tabke
Bahner	Ecklund	Howard	Loeffler	Olson	Vang
Becker-Finn	Edelson	Huot	Long	Pelowski	Wagenius
Bernardy	Elkins	Klevorn	Mahoney	Persell	Wazlawik
Bierman	Fischer	Koegel	Mann	Pinto	Winkler
Brand	Freiberg	Kotyza-Witthuhn	Mariani	Poppe	Wolgamott
Cantrell	Gomez	Kunesh-Podein	Marquart	Pryor	Xiong, J.
Carlson, A.	Halverson	Lee	Masin	Richardson	Xiong, T.
Carlson, L.	Hamilton	Lesch	Moller	Sandell	Youakim
Christensen	Hansen	Liebling	Moran	Sandstede	Spk. Hortman
Clafin	Hassan	Lien	Morrison	Schultz	
Considine	Hausman	Lillie	Murphy	Stephenson	
Davnie	Her	Lippert	Nelson, M.	Sundin	

The motion did not prevail and the amendment was not adopted.

Lucero moved to amend S. F. No. 802, the third engrossment, as amended, as follows:

Page 272, line 2, after the period, insert "Disclosure of not public data by a member of the commission also constitutes a breach of the security of the data under section 13.055 and the commission must provide notice of the breach as required by that section."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

Scott moved to amend the Lucero amendment to S. F. No. 802, the third engrossment, as amended, as follows:

Page 1, after line 2, insert:

"Page 272, after line 13, insert:

"Sec. 2. Minnesota Statutes 2018, section 13.055, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** For purposes of this section, the following terms have the meanings given to them.

(a) "Breach of the security of the data" means unauthorized acquisition of data maintained by a government entity that compromises the security and classification of the data. Good faith acquisition of or access to government data by an employee, contractor, or agent of a government entity for the purposes of the entity is not a breach of the security of the data, if the government data is not provided to or viewable by an unauthorized person, or accessed for a purpose not described in the procedures required by section 13.05, subdivision 5. For purposes of this paragraph, data maintained by a government entity includes data maintained by a person under a contract with the government entity that provides for the acquisition of or access to the data by an employee, contractor, or agent of the government entity.

(b) "Contact information" means either name and mailing address or name and e-mail address for each individual who is the subject of data maintained by the government entity.

(c) "Unauthorized acquisition" means that a person has obtained, accessed, or viewed government data without the informed consent of the individuals who are the subjects of the data or statutory authority ~~and with the intent to use the data for nongovernmental purposes.~~

(d) "Unauthorized person" means any person who accesses government data without a work assignment that reasonably requires access, or regardless of the person's work assignment, for a purpose not described in the procedures required by section 13.05, subdivision 5.""

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Scott amendment to the Lucero amendment and the roll was called. There were 60 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Albright	Demuth	Gunther	Kresha	Nelson, N.	Runbeck
Anderson	Dettmer	Haley	Layman	Neu	Schomacker
Backer	Drazkowski	Hamilton	Lesch	Nornes	Scott
Bahr	Erickson	Heinrich	Lucero	O'Driscoll	Swedzinski
Baker	Fabian	Heintzeman	Lueck	O'Neill	Theis
Bennett	Franson	Hertaus	McDonald	Petersburg	Torkelson
Boe	Garofalo	Johnson	Mekeland	Pierson	Urdahl
Daniels	Green	Jurgens	Miller	Poston	Vogel
Daudt	Grossell	Kiel	Munson	Quam	West
Davids	Gruenhagen	Koznick	Nash	Robbins	Zerwas

Those who voted in the negative were:

Acomb	Dehn	Huot	Mahoney	Persell	Wagenius
Bahner	Ecklund	Klevorn	Mann	Pinto	Wazlawik
Becker-Finn	Edelson	Koegel	Mariani	Poppe	Winkler
Bernardy	Elkins	Kotyza-Witthuhn	Marquart	Pryor	Wolgamott
Bierman	Fischer	Kunesh-Podein	Masin	Richardson	Xiong, J.
Brand	Freiberg	Lee	Moller	Sandell	Xiong, T.
Cantrell	Gomez	Liebling	Moran	Sandstede	Youakim
Carlson, A.	Halverson	Lien	Morrison	Sauke	Spk. Hortman
Carlson, L.	Hansen	Lillie	Murphy	Schultz	
Christensen	Hassan	Lippert	Nelson, M.	Stephenson	
Claflin	Her	Lislegard	Noor	Sundin	
Considine	Hornstein	Loeffler	Olson	Tabke	
Davnie	Howard	Long	Pelowski	Vang	

The motion did not prevail and the amendment to the amendment was not adopted.

The question recurred on the Lucero amendment and the roll was called. There were 134 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Acomb	Dehn	Hausman	Lippert	Noor	Stephenson
Albright	Demuth	Heinrich	Lislegard	Nornes	Sundin
Anderson	Dettmer	Heintzeman	Loeffler	O'Driscoll	Swedzinski
Backer	Drazkowski	Her	Long	Olson	Tabke
Bahner	Ecklund	Hertaus	Lucero	O'Neill	Theis
Bahr	Edelson	Hornstein	Lueck	Pelowski	Torkelson
Baker	Elkins	Howard	Mahoney	Persell	Urdahl
Becker-Finn	Erickson	Huot	Mann	Petersburg	Vang
Bennett	Fabian	Johnson	Mariani	Pierson	Vogel
Bernardy	Fischer	Jurgens	Marquart	Pinto	Wagenius
Bierman	Franson	Kiel	Masin	Poppe	Wazlawik
Boe	Freiberg	Klevorn	McDonald	Poston	West
Brand	Garofalo	Koegel	Mekeland	Pryor	Winkler
Cantrell	Gomez	Kotzya-Witthuhn	Miller	Quam	Wolgamott
Carlson, A.	Green	Koznick	Moller	Richardson	Xiong, J.
Carlson, L.	Grossell	Kresha	Moran	Robbins	Xiong, T.
Christensen	Gruenhagen	Kunesh-Podein	Morrison	Runbeck	Youakim
Clafin	Gunther	Layman	Munson	Sandell	Zerwas
Considine	Haley	Lee	Murphy	Sandstede	Spk. Hortman
Daniels	Halverson	Lesch	Nash	Sauke	
Daudt	Hamilton	Liebling	Nelson, M.	Schomacker	
Davids	Hansen	Lien	Nelson, N.	Schultz	
Davnie	Hassan	Lillie	Neu	Scott	

The motion prevailed and the amendment was adopted.

#### CALL OF THE HOUSE

On the motion of Daudt and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Acomb	Daniels	Grossell	Klevorn	Mann	Olson
Albright	Daudt	Gruenhagen	Koegel	Mariani	O'Neill
Anderson	Davids	Gunther	Kotzya-Witthuhn	Marquart	Pelowski
Backer	Davnie	Haley	Koznick	Masin	Persell
Bahner	Dehn	Halverson	Kresha	McDonald	Petersburg
Bahr	Demuth	Hamilton	Kunesh-Podein	Mekeland	Pierson
Baker	Dettmer	Hansen	Layman	Miller	Pinto
Becker-Finn	Drazkowski	Hassan	Lee	Moller	Poppe
Bennett	Ecklund	Hausman	Lesch	Moran	Poston
Bernardy	Edelson	Heinrich	Liebling	Morrison	Pryor
Bierman	Elkins	Heintzeman	Lien	Munson	Quam
Boe	Erickson	Her	Lillie	Murphy	Richardson
Brand	Fabian	Hertaus	Lippert	Nash	Robbins
Cantrell	Fischer	Hornstein	Lislegard	Nelson, M.	Runbeck
Carlson, A.	Franson	Howard	Loeffler	Nelson, N.	Sandell
Carlson, L.	Freiberg	Huot	Long	Neu	Sandstede
Christensen	Garofalo	Johnson	Lucero	Noor	Sauke
Clafin	Gomez	Jurgens	Lueck	Nornes	Schomacker
Considine	Green	Kiel	Mahoney	O'Driscoll	Schultz

Scott	Tabke	Vang	West	Xiong, T.
Stephenson	Theis	Vogel	Winkler	Youakim
Sundin	Torkelson	Wagenius	Wolgamott	Zerwas
Swedzinski	Urdahl	Wazlawik	Xiong, J.	Spk. Hortman

All members answered to the call and it was so ordered.

S. F. No. 802, A bill for an act relating to public safety; appropriating money for public safety, courts, corrections, human rights, Guardian Ad Litem Board, Uniform Laws Commission, Board on Judicial Standards, Board of Public Defense, Sentencing Guidelines, Peace Officer Standards and Training (POST) Board, and Private Detective Board; increasing the maximum penalty and requiring predatory offender registration for certain invasion of privacy crimes involving minors; increasing penalties for child pornography offenses; expanding criminal sexual conduct offenses for persons in current or recent positions of authority over juveniles and for peace officers who engage in sexual activity with those in custody; amending Minnesota Statutes 2018, sections 243.166, subdivision 1b; 299A.707, by adding a subdivision; 357.021, subdivision 7; 609.341, subdivisions 10, 11; 609.342, subdivision 1; 609.343, subdivision 1; 609.344, subdivision 1; 609.345, subdivision 1; 609.746, subdivision 1; 617.246, subdivisions 2, 3, 4, 7; 617.247, subdivisions 3, 4, 9.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 70 yeas and 64 nays as follows:

Those who voted in the affirmative were:

Acomb	Davnie	Hornstein	Lippert	Noor	Tabke
Bahner	Dehn	Howard	Loeffler	Olson	Vang
Becker-Finn	Edelson	Huot	Long	Pelowski	Wagenius
Bernardy	Elkins	Klevorn	Mahoney	Persell	Wazlawik
Bierman	Fischer	Koegel	Mann	Pinto	Winkler
Brand	Freiberg	Kotyza-Witthuhn	Mariani	Poppe	Wolgamott
Cantrell	Gomez	Kunesh-Podein	Masin	Pryor	Xiong, J.
Carlson, A.	Halverson	Lee	Moller	Richardson	Xiong, T.
Carlson, L.	Hansen	Lesch	Moran	Sandell	Youakim
Christensen	Hassan	Liebling	Morrison	Sauke	Spk. Hortman
Clafin	Hausman	Lien	Murphy	Schultz	
Considine	Her	Lillie	Nelson, M.	Stephenson	

Those who voted in the negative were:

Albright	Dettmer	Haley	Lislegard	Nornes	Scott
Anderson	Drazkowski	Hamilton	Lucero	O'Driscoll	Sundin
Backer	Ecklund	Heinrich	Lueck	O'Neill	Swedzinski
Bahr	Erickson	Heintzeman	Marquart	Petersburg	Theis
Baker	Fabian	Hertaus	McDonald	Pierson	Torkelson
Bennett	Franson	Johnson	Mekeland	Poston	Urdahl
Boe	Garofalo	Jurgens	Miller	Quam	Vogel
Daniels	Green	Kiel	Munson	Robbins	West
Daudt	Grossell	Koznick	Nash	Runbeck	Zerwas
Davids	Gruenhagen	Kresha	Nelson, N.	Sandstede	
Demuth	Gunther	Layman	Neu	Schomacker	

The bill was passed, as amended, and its title agreed to.

S. F. No. 2415 was reported to the House.

#### LAY ON THE TABLE

Winkler moved that S. F. No. 2415 be laid on the table. The motion prevailed.

#### ADJOURNMENT

Winkler moved that when the House adjourns today it adjourn until 10:00 a.m., Tuesday, April 30, 2019. The motion prevailed.

Winkler moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 10:00 a.m., Tuesday, April 30, 2019.

PATRICK D. MURPHY, Chief Clerk, House of Representatives