

1.1 moves to amend H.F. No. 4608 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "ARTICLE 1
1.4 APPROPRIATIONS

1.5 Section 1. APPROPRIATIONS.

1.6 The sums shown in the columns marked "Appropriations" are added to or, if shown in
1.7 parentheses, subtracted from the appropriations in Laws 2021, First Special Session chapter
1.8 11, article 1, to the agencies and for the purposes specified in this article. The appropriations
1.9 are from the general fund, or another named fund, and are available for the fiscal years
1.10 indicated for each purpose. The figures "2022" and "2023" used in this article mean that
1.11 the addition to or subtraction from the appropriation listed under them is available for the
1.12 fiscal year ending June 30, 2022, or June 30, 2023, respectively. "The first year" is fiscal
1.13 year end June 30, 2022, or June 30, 2023, respectively. Supplemental appropriations and
1.14 reductions to appropriations for the fiscal year ending June 30, 2022, are effective the day
1.15 following final enactment.

1.16 APPROPRIATIONS
1.17 Available for the Year
1.18 Ending June 30
1.19 2022 2023

1.20 Sec. 2. PUBLIC SAFETY

1.21 Subdivision 1. Total

1.22 Appropriation \$ 15,000,000 \$ 151,655,000

1.23 Appropriations by Fund

1.24 2022 2023
1.25 Trunk Highway -0- 252,000

2.1	<u>Special Revenue</u>	<u>-0-</u>	<u>2,600,000</u>
2.2	<u>General</u>	<u>15,000,000</u>	<u>148,803,000</u>

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

2.6	<u>Subd. 2. Emergency Management</u>	<u>-0-</u>	<u>4,225,000</u>
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2.7 **(a) Local Government Emergency**
 2.8 **Management**

2.9 \$1,500,000 in fiscal year 2023 for grants in
 2.10 equal amounts to the emergency management
 2.11 organizations of the 87 counties, 11 federally
 2.12 recognized Tribes, and four cities of the first
 2.13 class for planning and preparedness activities,
 2.14 including capital purchases. Local emergency
 2.15 management organizations must make a
 2.16 request to the Homeland Security and
 2.17 Emergency Management Division for these
 2.18 grants. Current local funding for emergency
 2.19 management and preparedness activities may
 2.20 not be supplanted by these additional state
 2.21 funds. The commissioner may use up to one
 2.22 percent of the appropriation received under
 2.23 this paragraph to pay costs incurred by the
 2.24 department in administering the local
 2.25 government emergency management grant
 2.26 program.

2.27 By March 15, 2023, the commissioner of
 2.28 public safety must submit a report on the grant
 2.29 awards to the chairs and ranking minority
 2.30 members of the legislative committees with
 2.31 jurisdiction over emergency management and
 2.32 preparedness activities. At a minimum, the
 2.33 report must identify grant recipients,
 2.34 summarize grantee activities, and recommend

3.1 whether or not to continue the grant program
3.2 in future years.

3.3 **(b) First Responder Wellness Office**

3.4 \$2,000,000 in fiscal year 2023 is to establish
3.5 an office that will provide leadership and
3.6 resources for improving the mental health of
3.7 first responders statewide. The ongoing annual
3.8 base shall be \$1,000,000 beginning in fiscal
3.9 year 2024.

3.10 **(c) Mutual Aid**
3.11 **Response Training**

-0-

500,000

3.12 \$500,000 in fiscal year 2023 is for mutual aid
3.13 response training. This appropriation is
3.14 onetime.

3.15 **(d) Supplemental Nonprofit Security Grants**

3.16 \$225,000 in fiscal year 2023 is for
3.17 supplemental nonprofit security grants under
3.18 this paragraph.

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

3.30 Eligible organizations may receive grants of
3.31 up to \$75,000, except that the total received
3.32 by any individual from both the federal
3.33 nonprofit security grant program and the state
3.34 supplemental nonprofit security grant program

4.1 shall not exceed \$75,000. Grants shall be
 4.2 awarded in an order consistent with the
 4.3 ranking given to applicants for the federal
 4.4 nonprofit security grant program. No grants
 4.5 under the state supplemental nonprofit security
 4.6 grant program shall be awarded until the
 4.7 announcement of the recipients and the
 4.8 amount of the grants awarded under the federal
 4.9 nonprofit security grant program.

4.10 The commissioner may use up to one percent
 4.11 of the appropriation received under this
 4.12 paragraph to pay costs incurred by the
 4.13 department in administering the supplemental
 4.14 nonprofit security grant program. This
 4.15 appropriation is onetime.

4.16 **Subd. 3. Criminal**
 4.17 **Apprehension**

-0-

5,414,000

4.18 **(a) Violent Crime Reduction Support**

4.19 \$1,529,000 in fiscal year 2023 is to support
 4.20 violent crime reduction strategies. This
 4.21 includes funding for staff and supplies to
 4.22 enhance forensic and analytical capacity.

4.23 **(b) BCA Accreditation**

4.24 \$186,000 in fiscal year 2023 is to support the
 4.25 Bureau of Criminal Apprehension to achieve
 4.26 and maintain law enforcement accreditation
 4.27 from an accreditation body. This includes
 4.28 funding for staff, accreditation costs, and
 4.29 supplies. The ongoing annual base shall be
 4.30 \$170,000 beginning in fiscal year 2024.

4.31 **(c) Cybersecurity Upgrades**

4.32 \$2,391,000 in fiscal year 2023 is for identity
 4.33 and access management, critical infrastructure
 4.34 upgrades, and Federal Bureau of Investigation

5.1 audit compliance. This appropriation is
 5.2 available through June 30, 2024. The ongoing
 5.3 annual base shall be \$900,000 beginning in
 5.4 fiscal year 2024.

5.5 **(d) Marijuana Penalties**
 5.6 **Modified**

5.7 \$208,000 in fiscal year 2023 is for computer
 5.8 programming, forensic testing, and supplies
 5.9 related to changes in criminal penalties for
 5.10 marijuana. The ongoing base for this program
 5.11 is \$191,000 beginning in fiscal year 2024.

5.12 **(e) Expungements**

5.13 \$1,100,000 in fiscal year 2023 is for costs
 5.14 related to expungements of criminal records.
 5.15 The base for this program shall be \$520,000
 5.16 in fiscal year 2024 and \$0 in fiscal year 2025.

5.17 **Subd. 4. Office of Justice Programs; Total**
 5.18 **Appropriation** 15,000,000 124,748,000

5.19 Appropriations by Fund

5.20 <u>Special Revenue</u>	<u>-0-</u>	<u>2,600,000</u>
5.21 <u>General</u>	<u>15,000,000</u>	<u>122,148,000</u>

5.22 **(a) Minnesota Heals**

5.23 \$1,000,000 in fiscal year 2023 is for a
 5.24 statewide community healing program; for
 5.25 statewide critical incident stress management
 5.26 services for first responders; and grants for
 5.27 trauma services and burial costs following
 5.28 officer-involved deaths. This appropriation
 5.29 may be used for new staff to support these
 5.30 programs. From this amount, the director may
 5.31 award a grant to a nonprofit that provides
 5.32 equine experiential mental health therapy to
 5.33 first responders suffering from job-related
 5.34 trauma and post-traumatic stress disorder. For

6.1 purposes of this paragraph, a "first responder"
6.2 is a peace officer as defined in Minnesota
6.3 Statutes, section 626.84, subdivision 1,
6.4 paragraph (c); a full-time firefighter as defined
6.5 in Minnesota Statutes, section 299N.03,
6.6 subdivision 5; or a volunteer firefighter as
6.7 defined in Minnesota Statutes, section
6.8 299N.03, subdivision 7. A grant recipient must
6.9 report to the commissioner of public safety
6.10 and the chairs and ranking minority members
6.11 of the house of representatives and senate
6.12 committees overseeing public safety policy
6.13 and finance on the equine experiential mental
6.14 health therapy provided to first responders.
6.15 The report must include an overview of the
6.16 program's budget, a detailed explanation of
6.17 program expenditures, the number of first
6.18 responders served by the program, and a list
6.19 and explanation of the services provided to,
6.20 and benefits received by, program participants.
6.21 An initial report is due by January 15, 2023,
6.22 and a final report is due by January 15, 2024.

6.23 **(b) General Crime and Trauma Recovery**
6.24 **Grants Funding**
6.25 \$1,000,000 in fiscal year 2023 is for programs
6.26 supporting victims of general crime. These
6.27 funds may also be used to establish trauma
6.28 recovery centers in the state to support victims
6.29 of violent crime who experience trauma and
6.30 are in need of services and provide new staff
6.31 to support these programs.

6.32 **(c) Youth Development Grants**
6.33 \$500,000 in fiscal year 2023 is to provide
6.34 grants to programs serving youth and for youth
6.35 violence intervention and prevention

7.1 programs. Priority for these funds must be
7.2 given to programs that employ or utilize
7.3 trauma-informed therapists to support the
7.4 youth the programs serve. These funds may
7.5 be used to administer these grants.

7.6 **(d) Crossover and Dual-status Youth Model**
7.7 **Grants**

7.8 \$1,000,000 from the prevention services
7.9 account in the special revenue fund in fiscal
7.10 year 2023 is to provide grants to local units of
7.11 government and federally recognized Indian
7.12 Tribes to initiate or expand crossover youth
7.13 practice model and dual-status youth programs
7.14 that provide services for youth who are in both
7.15 the child welfare and juvenile justice systems,
7.16 in accordance with the Robert F. Kennedy
7.17 National Resource Center for Juvenile Justice
7.18 model.

7.19 **(e) Domestic Violence and Sexual Assault**
7.20 **Intervention and Prevention Grants**

7.21 \$5,000,000 in fiscal year 2023 is to provide
7.22 grants to programs serving victims of domestic
7.23 violence, sexual assault, child abuse, and
7.24 general crime. These funds may be used for
7.25 program administration, including new staff
7.26 and housing specialists and other program
7.27 staff, and to help programs impacted by
7.28 reductions in federal funding. This
7.29 appropriation is onetime.

7.30 **(f) Staffing and Board Expenses**

7.31 \$3,639,000 in fiscal year 2023 is to increase
7.32 staffing in the Office of Justice Programs for
7.33 grant management and compliance; build
7.34 capacity and provide technical assistance to

8.1 applicants; provide training to individuals and
8.2 entities seeking to become applicants; perform
8.3 community outreach and engagement to
8.4 improve the experiences and outcomes of
8.5 applicants, grant recipients, and crime victims
8.6 throughout Minnesota; establish and support
8.7 a final review panel; and to maintain a
8.8 Statistical Analysis Center to create ongoing
8.9 grant evaluation programs and other research
8.10 and data analysis. These funds may also be
8.11 used for the per diem and other costs necessary
8.12 to establish and support the Public Safety
8.13 Innovation Board.

8.14 **(g) Community Based Public Safety Grants**

8.15 \$1,780,000 in fiscal year 2023 is for
8.16 community based public safety grants. The
8.17 ongoing annual base shall be \$565,000
8.18 beginning in fiscal year 2024.

8.19 **(h) Prosecutor Training**

8.20 \$25,000 in fiscal year 2023 is for prosecutor
8.21 training.

8.22 **(i) Alternatives to Juvenile Detention -**

8.23 **Youth Conflict Resolution Centers Grants**

8.24 \$1,400,000 in fiscal year 2023 is to establish
8.25 and maintain youth conflict resolution centers
8.26 as alternatives to juvenile detention.

8.27 **(j) Direct Assistance to Crime Victim**

8.28 **Survivors**

8.29 \$4,000,000 in fiscal year 2023 is for an
8.30 increase in base funding for crime victim
8.31 services for the Office of Justice Programs to
8.32 provide grants for direct services and advocacy
8.33 for victims of sexual assault, general crime,

9.1 domestic violence, and child abuse. Funding
9.2 will support the direct needs of organizations
9.3 serving victims of crime by providing direct
9.4 client assistance to crime victims, competitive
9.5 wages for direct service staff, hotel stays and
9.6 other housing related supports and services,
9.7 culturally responsive programming, prevention
9.8 programming, including domestic abuse
9.9 transformation and restorative justice
9.10 programming, and other needs of
9.11 organizations and crime victim survivors.
9.12 Services funded must include services for
9.13 victims of crime in underserved communities
9.14 most impacted by violence, and reflect the
9.15 ethnic, racial, economic, cultural, and
9.16 geographic diversity of the state. The Office
9.17 of Justice Programs shall prioritize culturally
9.18 specific programs, or organizations led and
9.19 staffed by persons of color that primarily serve
9.20 communities of color, in funding allocation.
9.21 The ongoing annual base for this program shall
9.22 be \$2,000,000 beginning in fiscal year 2024.

9.23 **(k) Combatting Sex Trafficking**

9.24 \$1,500,000 in fiscal year 2023 is for grants to
9.25 state and local units of government for the
9.26 following purposes:

9.27 (1) to support new or existing
9.28 multijurisdictional entities to investigate sex
9.29 trafficking crimes; and
9.30 (2) to provide technical assistance for sex
9.31 trafficking crimes, including case consultation,
9.32 to law enforcement agencies statewide.

9.33 **(l) Epinephrine Injector Reimbursement**
9.34 **Grants**

10.1 \$1,000,000 in fiscal year 2023 is for grants to
10.2 local law enforcement agencies to reimburse
10.3 the costs of obtaining epinephrine
10.4 auto-injectors and replacing epinephrine
10.5 auto-injectors that have expired.

10.6 **(m) Office of Missing and Murdered Black**
10.7 **Women and Girls**

10.8 \$500,000 in fiscal year 2023 is to establish
10.9 and operate the Office of Missing and
10.10 Murdered Black Women and Girls.

10.11 **(n) Reward Fund Missing and Murdered**
10.12 **Indigenous Women**

10.13 \$110,000 in fiscal year 2023 is to pay rewards
10.14 for information related to investigations of
10.15 missing and murdered indigenous persons
10.16 under Minnesota statutes, section 299A.86.

10.17 **(o) Youth Intervention Program**

10.18 \$1,000,000 in fiscal year 2023 is for the youth
10.19 intervention grants program under Minnesota
10.20 statutes, section 299A.73. Money appropriated
10.21 under this section is available to programs that
10.22 are currently supported by youth intervention
10.23 program grants. This appropriation is onetime.

10.24 **(p) Task Force on the Statewide Response**
10.25 **to Substance Abuse**

10.26 \$144,000 in fiscal year 2023 is to implement
10.27 the Task Force on the Statewide Response to
10.28 Substance Abuse. The base shall be \$154,000
10.29 in fiscal year 2024 and \$66,000 in fiscal year
10.30 2025. The base for this appropriation is \$0 in
10.31 fiscal year 2026 and beyond.

10.32 **(q) Task Force on a Coordinated Approach**
10.33 **to Juvenile Wellness and Justice**

11.1 \$150,000 in fiscal year 2023 is to implement
11.2 the Task Force on a Coordinated Approach to
11.3 Juvenile Wellness and Justice. This
11.4 appropriation is onetime.

11.5 **(r) Juvenile Prevention Services**

11.6 \$150,000 in fiscal year 2023 is appropriated
11.7 from the general fund, and \$1,600,000 from
11.8 the prevention services account in the special
11.9 revenue fund is appropriated for grants to
11.10 provide prevention services. Grant recipients
11.11 may be local units of government, federally
11.12 recognized Indian Tribes, or nonprofit
11.13 organizations. Recipients must use funds to
11.14 establish or support programs designed to
11.15 prevent juveniles from entering the criminal
11.16 or juvenile justice systems through approaches
11.17 that encourage a youth's involvement in the
11.18 community, provide wrap-around services for
11.19 at-risk youth, or include culturally appropriate
11.20 behavioral health interventions for youth.
11.21 Specific programs may include, but are not
11.22 limited to, after-school programs, mentorship
11.23 programs, tutoring programs, programs that
11.24 employ restorative justice techniques such as
11.25 peacemaking circles, or programs based on
11.26 the Developmental Assets Framework of the
11.27 Search Institute.

11.28 **(s) Juvenile Intervention Services**

11.29 \$2,500,000 in fiscal year 2023 is to provide
11.30 intervention and healing services. Grant
11.31 recipients may be local units of government,
11.32 federally recognized Indian Tribes, or
11.33 nonprofit organizations. Recipients must use
11.34 funds to provide intervention services to youth
11.35 involved in the juvenile or criminal justice

12.1 systems. Intervention services must engage
12.2 youth who have been involved in the justice
12.3 system with the aim to create community
12.4 connections between the youth and their
12.5 community, promote community healing, and
12.6 employ restorative justice techniques such as
12.7 circles, panels, or victim-offender mediation.

12.8 **(t) Mental Health Services and Wellness**

12.9 **Support for Juveniles and Families**

12.10 \$1,750,000 in fiscal year 2023 is for grants to
12.11 organizations to provide mental health and
12.12 wellness support services for youth involved
12.13 in the juvenile justice system and their
12.14 families. Funding for mental health services
12.15 is for individuals or organizations that provide
12.16 mental health services for youth involved in
12.17 the juvenile justice system, including
12.18 residential settings or community-based
12.19 treatment. Funds must be used to support
12.20 programs designed with input from youth with
12.21 lived experience, as well as individuals with
12.22 professional expertise. Wellness support
12.23 services for families of young people placed
12.24 out-of-home following a juvenile delinquency
12.25 adjudication must create family support
12.26 groups, provide resources to support families
12.27 during out-of-home placements, or support
12.28 the family through the period of
12.29 post-placement reentry.

12.30 **(u) Local Community Innovation Grants**

12.31 \$55,000,000 in fiscal year 2023 is for local
12.32 community innovation grants. The base for
12.33 this appropriation is \$30,000,000 in fiscal year
12.34 2024 and beyond. Any unencumbered grant
12.35 balances at the end of the fiscal year do not

13.1 cancel but are available for grants in the
13.2 following year.

13.3 **(v) Emergency Community Safety Grants**

13.4 \$15,000,000 in fiscal year 2022 is for grants
13.5 to crime prevention programs for the purpose
13.6 of providing public safety. Any unencumbered
13.7 balance at the end of fiscal year 2023 does not
13.8 cancel but is available for the purposes of this
13.9 section until spent. This appropriation is
13.10 onetime.

13.11 **(w) Local Co-Responder Grants**

13.12 \$10,000,000 in fiscal year 2023 is for grants
13.13 to establish, maintain, or expand the use of
13.14 co-responder programs that work with law
13.15 enforcement agencies. Any unencumbered
13.16 balance at the end of the fiscal year does not
13.17 cancel but is available for the purposes of this
13.18 section until spent.

13.19 **(y) Local Community Policing Grants**

13.20 \$15,000,000 in fiscal year 2023 is for local
13.21 community policing grants. The base for this
13.22 appropriation is \$10,000,000 in fiscal year
13.23 2024 and fiscal year 2025. The base for this
13.24 appropriation is \$0 in fiscal year 2026 and
13.25 beyond. Any unencumbered grant balances at
13.26 the end of a fiscal year do not cancel but are
13.27 available for grants in the following year.

13.28 **(z) Local Investigation Grants**

13.29 \$15,000,000 in fiscal year 2023 is for local
13.30 investigation grants. The base for this
13.31 appropriation is \$10,000,000 in fiscal year
13.32 2024 and fiscal year 2025. The base for this
13.33 appropriation is \$0 in fiscal year 2026 and

14.1 beyond. Any unencumbered grant balances at
 14.2 the end of a fiscal year do not cancel but are
 14.3 available for grants in the following year.

14.4 **Subd. 5. State Patrol** -0- 252,000

14.5 **(a) Criminal Record Expungement**

14.6 \$84,000 in fiscal year 2023 from the trunk
 14.7 highway fund is for costs related to criminal
 14.8 record expungement. The ongoing base for
 14.9 this appropriation shall be \$168,000 beginning
 14.10 in fiscal year 2024.

14.11 **(b) Marijuana Penalties Modified**

14.12 \$168,000 in fiscal year 2023 from the trunk
 14.13 highway fund is for costs related to changes
 14.14 in marijuana criminal penalties.

14.15 **Subd. 6. Administrative Services** -0- 16,016,000

14.16 **(a) Public Safety Officer Soft Body Armor**

14.17 \$1,000,000 in fiscal year 2023 is for public
 14.18 safety officer soft body armor reimbursements
 14.19 under Minnesota Statutes, section 299A.381.

14.20 **(b) Body Camera Grants**

14.21 \$9,000,000 in fiscal year 2023 is for grants to
 14.22 local law enforcement agencies for portable
 14.23 recording systems. The executive director shall
 14.24 award grants to local law enforcement
 14.25 agencies for the purchase and maintenance of
 14.26 portable recording systems and portable
 14.27 recording system data. The ongoing annual
 14.28 base shall be \$4,500,000 beginning in fiscal
 14.29 year 2024.

14.30 **(c) Body Camera Data Storage**

14.31 \$6,016,000 in fiscal year 2023 is to develop
 14.32 and administer a statewide cloud-based body

15.1 camera data storage program. Of this amount,
 15.2 the commissioner may use up to \$1,000,000
 15.3 to retain and compensate a staff necessary to
 15.4 administer the program. The base for this
 15.5 appropriation is \$6,036,000 in fiscal year 2024
 15.6 and \$6,057,000 in fiscal year 2025.

15.7 **Subd. 7. Emergency Communication Networks** -0- 1,000,000

15.8 \$1,000,000 for grants to local government
 15.9 units participating in the statewide public
 15.10 safety radio communication system established
 15.11 under Minnesota Statutes, section 403.36. The
 15.12 grants must be used to purchase portable
 15.13 radios and related equipment that is
 15.14 interoperable with the Allied Radio Matrix for
 15.15 Emergency Response (ARMER) system. Each
 15.16 local government unit may receive only one
 15.17 grant. The grant is contingent upon a match
 15.18 of at least five percent from nonstate funds.
 15.19 The director of the Emergency
 15.20 Communications Networks division, in
 15.21 consultation with the Statewide Emergency
 15.22 Communications Board, must administer the
 15.23 grant program. This appropriation is onetime.

15.24 **Sec. 3. PEACE OFFICER STANDARDS AND**
 15.25 **TRAINING (POST) BOARD** \$ 165,000 \$ 1,550,000

15.26 **(a) Database for Public Records**
 15.27 \$165,000 in fiscal year 2023 if for a database
 15.28 for public records. This appropriation is
 15.29 onetime.

15.30 **(b) Task Force on Alternative Courses to**
 15.31 **Peace Officer Licensure**
 15.32 \$50,000 in fiscal year 2023 is for a task force
 15.33 on alternative courses to peace officer
 15.34 licensure. This appropriation is onetime.

16.1 **(c) Investigators**

16.2 \$1,250,000 in fiscal year 2023 is to hire
 16.3 investigators and additional staff to perform
 16.4 compliance reviews and investigate alleged
 16.5 code of conduct violations, and to obtain or
 16.6 improve equipment for that purpose.

16.7 **(d) Strength and Agility Testing**

16.8 \$250,000 in fiscal year 2023 is to reimburse
 16.9 law enforcement agencies for funding
 16.10 scientifically content-validated and job-related
 16.11 physical strength and agility examinations to
 16.12 screen applicants as required under Minnesota
 16.13 Statutes, section 626.843, subdivision 1c. The
 16.14 board must establish guidelines for the
 16.15 administration of reimbursement payments
 16.16 under this section.

16.17 **Sec. 4. PRIVATE DETECTIVE BOARD** **\$** **80,000** **\$** **518,000**

16.18 **(a) Record Management System and**
 16.19 **Background Checks**

16.20 \$80,000 in fiscal year 2022 and \$18,000 in
 16.21 fiscal year 2023 are to purchase and implement
 16.22 a record management system.

16.23 **(b) Investigations and Field Audits**

16.24 \$430,000 is for additional staffing to conduct
 16.25 investigations and field audits.

16.26 **(c) Review Training Curriculum**

16.27 \$70,000 in fiscal year 2023 is for an annual
 16.28 review of training curriculum.

16.29 **Sec. 5. CORRECTIONS**

16.30 **Subdivision 1. Total**
 16.31 **Appropriation**

\$ **1,000,000** **\$** **24,110,000**

17.1	<u>Subd. 2. Incarceration and</u>		
17.2	<u>Prerelease Services</u>	<u>-0-</u>	<u>5,140,000</u>
17.3	<u>(a) Base Adjustment</u>		
17.4	<u>The general fund base, as a result of new</u>		
17.5	<u>appropriations and bed impact changes, shall</u>		
17.6	<u>result in a net increase of \$5,960,000 in fiscal</u>		
17.7	<u>year 2024 and \$5,950,000 in fiscal year 2025</u>		
17.8	<u>for all provisions in this subdivision.</u>		
17.9	<u>(b) Body-worn Camera Program</u>		
17.10	<u>\$1,500,000 in fiscal year 2023 is to implement</u>		
17.11	<u>a body-worn camera program for uniformed</u>		
17.12	<u>correctional security personnel and</u>		
17.13	<u>community-based supervision agents. The</u>		
17.14	<u>ongoing annual base shall be \$1,000,000</u>		
17.15	<u>beginning in fiscal year 2024.</u>		
17.16	<u>(c) Family Support Unit</u>		
17.17	<u>\$280,000 in fiscal year 2023 is to create a</u>		
17.18	<u>family support unit that focuses on family</u>		
17.19	<u>support and engagement for incarcerated</u>		
17.20	<u>individuals and their families.</u>		
17.21	<u>(d) Higher Education</u>		
17.22	<u>\$2,000,000 in fiscal year 2023 is to contract</u>		
17.23	<u>with Minnesota's institutions of higher</u>		
17.24	<u>education to provide instruction to incarcerated</u>		
17.25	<u>individuals in state correctional facilities and</u>		
17.26	<u>to support partnerships with public and private</u>		
17.27	<u>employers, trades programs, and community</u>		
17.28	<u>colleges in providing employment</u>		
17.29	<u>opportunities for individuals after their term</u>		
17.30	<u>of incarceration. Funding must be used for</u>		
17.31	<u>contracts with institutions of higher education</u>		
17.32	<u>and other training providers, and associated</u>		
17.33	<u>reentry and operational support services</u>		
17.34	<u>provided by the agency. The ongoing annual</u>		

18.1 base shall be \$3,500,000 beginning in fiscal
18.2 year 2024.

18.3 **(e) Family Communication and Support**
18.4 **Services**

18.5 \$1,500,000 in fiscal year 2023 is to provide
18.6 communications and related supportive
18.7 services for incarcerated individuals to connect
18.8 with family members and other approved
18.9 support persons or service providers through
18.10 video visits and phone calls during an
18.11 individual's incarceration.

18.12 **Subd. 3. Community**
18.13 **Supervision and Postrelease**
18.14 **Services**

-0-

7,050,000

18.15 **(a) Grants Management System**

18.16 \$450,000 in fiscal year 2023 is for a grants
18.17 management system and to increase capacity
18.18 for grants management including compliance
18.19 and internal controls. This appropriation is
18.20 onetime.

18.21 **(b) Supervision Services**

18.22 \$5,450,000 is for services provided by the
18.23 Department of Corrections Field Services,
18.24 County Probation Officers, and Community
18.25 Corrections Act counties. The base for this
18.26 program shall be \$26,239,000 in fiscal year
18.27 2024 and \$38,789,000 in fiscal year 2025.

18.28 **(c) Work Release Program**

18.29 \$1,000,000 in fiscal year 2023 is to expand
18.30 the use of the Department of Corrections
18.31 existing work release program to increase the
18.32 availability of educational programming for
18.33 incarcerated individuals who are eligible and
18.34 approved for work release.

19.1 **(d) Healing House**

19.2 \$150,000 in fiscal year 2023 is to provide
 19.3 project management services in support of the
 19.4 Healing House model. The Healing House
 19.5 provides support and assistance to Native
 19.6 American women who have been victims of
 19.7 trauma. The base for this appropriation is \$0
 19.8 in fiscal year 2026 and beyond.

19.9 **Subd. 4. Organizational, Regulatory, and**
 19.10 **Administrative Services**

1,000,00011,920,00019.11 **(a) Technology**

19.12 \$1,000,000 in fiscal year 2022 and
 19.13 \$11,000,000 in fiscal year 2023 are to replace
 19.14 or improve existing corrections data
 19.15 management systems that have significant
 19.16 deficiencies, create a statewide public safety
 19.17 information sharing infrastructure, and
 19.18 improve data collection and reportability. The
 19.19 ongoing annual base shall be \$17,500,000
 19.20 beginning in fiscal year 2024.

19.21 In the development, design, and
 19.22 implementation of the statewide public safety
 19.23 data information sharing infrastructure, the
 19.24 department shall, at a minimum, consult with
 19.25 county correctional supervision providers, the
 19.26 judicial branch, the Minnesota Sheriffs'
 19.27 Association, the Minnesota Chiefs of Police
 19.28 Association, and the Bureau of Criminal
 19.29 Apprehension.

19.30 **(b) Property Insurance Premiums**

19.31 \$650,000 in fiscal year 2023 is to fund cost
 19.32 increases for property insurance premiums at
 19.33 state correctional facilities.

19.34 **(c) Project Management Office**

20.1 \$230,000 in fiscal year 2023 is to expand the
 20.2 Department of Corrections project
 20.3 management office, including the addition of
 20.4 two project manager full-time-equivalent
 20.5 positions.

20.6 **(d) Indeterminate Sentence Release Board**

20.7 \$40,000 in fiscal year 2023 is to fund the
 20.8 establishment of an Indeterminate Sentence
 20.9 Release Board (ISRB) to review eligible cases
 20.10 and make release decisions for persons serving
 20.11 indeterminate sentences under the authority
 20.12 of the commissioner of corrections. The ISRB
 20.13 must consist of five members, including four
 20.14 persons appointed by the governor from two
 20.15 recommendations of each of the majority and
 20.16 minority leaders of the house of
 20.17 representatives and the senate, and the
 20.18 commissioner of corrections who shall serve
 20.19 as chair.

20.20 **Sec. 6. OMBUDSPERSON FOR**
 20.21 **CORRECTIONS**

<u>\$</u>	<u>21,000</u>	<u>\$</u>	<u>12,000</u>
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20.22 **Sec. 7. OFFICE OF HIGHER EDUCATION**

<u>\$</u>	<u>-0-</u>	<u>\$</u>	<u>2,500,000</u>
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20.23 \$2,500,000 in fiscal year 2023 is to provide
 20.24 reimbursement grants to postsecondary
 20.25 schools certified to provide programs of
 20.26 professional peace officer education for
 20.27 providing in-service training programs for
 20.28 peace officers on the proper use of force,
 20.29 including deadly force, the duty to intercede,
 20.30 and conflict de-escalation. Of this amount, up
 20.31 to 2.5 percent is for administration and
 20.32 monitoring of the program.

20.33 To be eligible for reimbursement, training
 20.34 offered by a postsecondary school must consist
 20.35 of no less than eight hours of instruction and:

21.1 (1) satisfy the requirements of Minnesota
21.2 Statutes, section 626.8452, and be approved
21.3 by the Board of Peace Officer Standards and
21.4 Training, for use of force training;

21.5 (2) utilize scenario-based training that
21.6 simulates real-world situations and involves
21.7 the use of real firearms that fire nonlethal
21.8 ammunition when appropriate;

21.9 (3) include a block of instruction on the
21.10 physical and psychological effects of stress
21.11 before, during, and after a high risk or
21.12 traumatic incident and the cumulative impact
21.13 of stress on the health of officers;

21.14 (4) include blocks of instruction on
21.15 de-escalation methods and tactics, bias
21.16 motivation, unknown risk training, defensive
21.17 tactics, and force-on-force training; and

21.18 (5) be offered to peace officers at no charge
21.19 to the peace officer or an officer's law
21.20 enforcement agency.

21.21 A postsecondary school that offers training
21.22 consistent with the above requirements may
21.23 apply for reimbursement for the costs of
21.24 offering the training. Reimbursement shall be
21.25 made at a rate of \$450 for each officer who
21.26 participates in the training. The postsecondary
21.27 school must submit the name and peace officer
21.28 license number of the peace officer who
21.29 received the training.

21.30 As used in this section, "law enforcement
21.31 agency" has the meaning given in Minnesota
21.32 Statutes, section 626.84, subdivision 1,
21.33 paragraph (f), and "peace officer" has the

- 22.1 meaning given in Minnesota Statutes, section
 22.2 626.84, subdivision 1, paragraph (c).
- 22.3 Sec. 8. **CLEMENCY REVIEW COMMISSION** \$ -0- \$ 705,000
- 22.4 Sec. 9. **PUBLIC DEFENSE BOARD** \$ -0- \$ 600,000
- 22.5 \$600,000 in fiscal year 2023 is for costs
 22.6 related to petitions for relief for aiding and
 22.7 abetting felony murder. This appropriation is
 22.8 onetime.
- 22.9 Sec. 10. **OFFICE OF THE ATTORNEY**
 22.10 **GENERAL** \$ -0- \$ 1,821,000
- 22.11 \$1,821,000 in fiscal year 2023 is for enhanced
 22.12 criminal enforcement.
- 22.13 Sec. 11. **SENTENCING GUIDELINES**
 22.14 **COMMISSION** \$ -0- \$ 117,000
- 22.15 \$117,000 in fiscal year 2023 is for providing
 22.16 meeting space and administrative assistance
 22.17 for the Task Force on Collection of Charging
 22.18 and Related Data. The base shall be \$121,000
 22.19 in fiscal year 2024 and \$0 in fiscal year 2025.
- 22.20 Sec. 12. **TRANSFERS; MINNCOR.**
- 22.21 \$7,000,000 in fiscal year 2023 is transferred from the MINNCOR fund to the general
 22.22 fund.
- 22.23 Sec. 13. **TRANSFER; OPIATE EPIDEMIC RESPONSE.**
- 22.24 \$10,000,000 in fiscal year 2023 is transferred from the general fund to the opiate epidemic
 22.25 response fund established pursuant to Minnesota Statutes, section 256.043. Grants issued
 22.26 from this amount are for prevention and education as described in Minnesota Statutes,
 22.27 section 256.042, subdivision 1, paragraph (a), clause (1). Grant recipients must be located
 22.28 outside the seven-county metropolitan area.
- 22.29 Sec. 14. **FUND TRANSFER; HOMETOWN HEROES ASSISTANCE PROGRAM.**
- 22.30 The commissioner of public safety shall transfer any amounts remaining in the
 22.31 appropriation under Laws 2021, First Special Session chapter 11, article 1, section 14,

23.1 subdivision 7, paragraph (k), from the Office of Justice Programs to the state fire marshal
23.2 for grants to the Minnesota Firefighter Initiative to fund the hometown heroes assistance
23.3 program under Minnesota Statutes, section 299A.477.

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

23.5 **ARTICLE 2**

23.6 **GENERAL CRIMES AND PUBLIC SAFETY POLICY**

23.7 Section 1. Minnesota Statutes 2020, section 13.825, subdivision 2, is amended to read:

23.8 Subd. 2. **Data classification; court-authorized disclosure.** (a) Data collected by a
23.9 portable recording system are private data on individuals or nonpublic data, subject to the
23.10 following:

23.11 (1) data that document the discharge of a firearm by a peace officer in the course of duty,
23.12 if a notice is required under section 626.553, subdivision 2, or the use of force by a peace
23.13 officer that results in substantial bodily harm, as defined in section 609.02, subdivision 7a,
23.14 are public;

23.15 (2) data are public if a subject of the data requests it be made accessible to the public,
23.16 except that, if practicable, (i) data on a subject who is not a peace officer and who does not
23.17 consent to the release must be redacted, and (ii) data on a peace officer whose identity is
23.18 protected under section 13.82, subdivision 17, clause (a), must be redacted;

23.19 (3) portable recording system data that are active criminal investigative data are governed
23.20 by section 13.82, subdivision 7, and portable recording system data that are inactive criminal
23.21 investigative data are governed by this section;

23.22 (4) portable recording system data that are public personnel data under section 13.43,
23.23 subdivision 2, clause (5), are public; and

23.24 (5) data that are not public data under other provisions of this chapter retain that
23.25 classification.

23.26 (b) Notwithstanding section 13.82, subdivision 7, a deceased individual's next of kin,
23.27 legal representative of the next of kin, or other parent of the deceased individual's children
23.28 is entitled to view any and all recordings from a peace officer's portable recording system,
23.29 redacted no more than what is required by law, of an officer's use of deadly force no later
23.30 than five business days following an incident where deadly force used by a peace officer
23.31 results in the death of an individual, except that a chief law enforcement officer may deny
23.32 a request if the investigating agency requests and can articulate a compelling reason as to

24.1 why allowing the deceased individual's next of kin, legal representatives of next of kin, or
24.2 other parent of the deceased individual's children to review the recordings would interfere
24.3 with a thorough investigation. If the chief law enforcement officer denies a request under
24.4 this paragraph, the involved officer's agency must issue a prompt, written denial and provide
24.5 notice to the deceased individual's next of kin, legal representative of the next of kin, or
24.6 other parent of the deceased individual's children that relief may be sought from the district
24.7 court.

24.8 (c) Notwithstanding section 13.82, subdivision 7, an involved officer's agency shall
24.9 release all body-worn camera recordings of an incident where a peace officer used deadly
24.10 force and an individual dies to the public no later than 14 business days after the incident,
24.11 except that a chief law enforcement officer shall not release the video if the investigating
24.12 agency asserts in writing that allowing the public to view the recordings would interfere
24.13 with the ongoing investigation.

24.14 ~~(b)~~ (d) A law enforcement agency may redact or withhold access to portions of data that
24.15 are public under this subdivision if those portions of data are clearly offensive to common
24.16 sensibilities.

24.17 ~~(e)~~ (e) Section 13.04, subdivision 2, does not apply to collection of data classified by
24.18 this subdivision.

24.19 ~~(d)~~ (f) Any person may bring an action in the district court located in the county where
24.20 portable recording system data are being maintained to authorize disclosure of data that are
24.21 private or nonpublic under this section or to challenge a determination under paragraph (b)
24.22 to redact or withhold access to portions of data because the data are clearly offensive to
24.23 common sensibilities. The person bringing the action must give notice of the action to the
24.24 law enforcement agency and subjects of the data, if known. The law enforcement agency
24.25 must give notice to other subjects of the data, if known, who did not receive the notice from
24.26 the person bringing the action. The court may order that all or part of the data be released
24.27 to the public or to the person bringing the action. In making this determination, the court
24.28 shall consider whether the benefit to the person bringing the action or to the public outweighs
24.29 any harm to the public, to the law enforcement agency, or to a subject of the data and, if
24.30 the action is challenging a determination under paragraph (b), whether the data are clearly
24.31 offensive to common sensibilities. The data in dispute must be examined by the court in
24.32 camera. This paragraph does not affect the right of a defendant in a criminal proceeding to
24.33 obtain access to portable recording system data under the Rules of Criminal Procedure.

25.1 Sec. 2. Minnesota Statutes 2020, section 241.01, subdivision 3a, is amended to read:

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

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

25.6 (b) To determine the place of confinement of committed persons in a correctional facility
25.7 or other facility of the Department of Corrections and to prescribe reasonable conditions
25.8 and rules for their employment, conduct, instruction, and discipline within or outside the
25.9 facility. Inmates shall not exercise custodial functions or have authority over other inmates.

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

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

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

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

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

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

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

26.1 (j) To perform these duties with the goal of promoting public safety. Promoting public
26.2 safety includes the promotion of human rights. "Public safety" means reducing or preventing
26.3 crime while maintaining the basic rights, freedoms, and privileges that belong to every
26.4 person including the right to dignity, fairness, equality, respect, and freedom from
26.5 discrimination, and is achieved by diverting people away from the criminal justice system
26.6 whenever possible, imposing sanctions that are the least restrictive necessary to achieve
26.7 accountability for the offense, preferring the use of community services to imprisonment
26.8 or other confinement unless confinement is necessary to protect the public, and promoting
26.9 the rehabilitation of those convicted through the provision of evidence-based programming
26.10 and services.

26.11 Sec. 3. Minnesota Statutes 2020, section 244.09, subdivision 5, is amended to read:

26.12 Subd. 5. **Promulgation of Sentencing Guidelines.** The commission shall promulgate
26.13 Sentencing Guidelines for the district court. The guidelines shall be based on reasonable
26.14 offense and offender characteristics. The guidelines promulgated by the commission shall
26.15 be advisory to the district court and shall establish:

26.16 (1) the circumstances under which imprisonment of an offender is proper; and

26.17 (2) a presumptive, fixed sentence for offenders for whom imprisonment is proper, based
26.18 on each appropriate combination of reasonable offense and offender characteristics. The
26.19 guidelines shall provide for an increase of 20 percent and a decrease of 15 percent in the
26.20 presumptive, fixed sentence.

26.21 The Sentencing Guidelines promulgated by the commission may also establish appropriate
26.22 sanctions for offenders for whom imprisonment is not proper. Any guidelines promulgated
26.23 by the commission establishing sanctions for offenders for whom imprisonment is not proper
26.24 shall make specific reference to noninstitutional sanctions, including but not limited to the
26.25 following: payment of fines, day fines, restitution, community work orders, work release
26.26 programs in local facilities, community based residential and nonresidential programs,
26.27 incarceration in a local correctional facility, and probation and the conditions thereof.

26.28 Although the Sentencing Guidelines are advisory to the district court, the court shall
26.29 follow the procedures of the guidelines when it pronounces sentence in a proceeding to
26.30 which the guidelines apply by operation of statute. Sentencing pursuant to the Sentencing
26.31 Guidelines is not a right that accrues to a person convicted of a felony; it is a procedure
26.32 based on state public policy to maintain uniformity, proportionality, rationality, and
26.33 predictability in sentencing.

27.1 In establishing and modifying the Sentencing Guidelines, the primary consideration of
27.2 the commission shall be public safety. "Public safety" means reducing or preventing crime
27.3 while maintaining the basic rights, freedoms, and privileges that belong to every person
27.4 including the right to dignity, fairness, equality, respect, and freedom from discrimination,
27.5 and is achieved by diverting people away from the criminal justice system whenever possible,
27.6 imposing sanctions that are the least restrictive necessary to achieve accountability for the
27.7 offense, preferring the use of community services to imprisonment or other confinement
27.8 unless confinement is necessary to protect the public, and promoting the rehabilitation of
27.9 those convicted through the provision of evidence-based programming and services.
27.10 Promoting public safety includes the promotion of human rights. The commission shall also
27.11 consider current sentencing and release practices; correctional resources, including but not
27.12 limited to the capacities of local and state correctional facilities; and the long-term negative
27.13 impact of the crime on the community.

27.14 The provisions of sections 14.001 to 14.69 do not apply to the promulgation of the
27.15 Sentencing Guidelines, and the Sentencing Guidelines, including severity levels and criminal
27.16 history scores, are not subject to review by the legislative commission to review
27.17 administrative rules. However, the commission shall adopt rules pursuant to sections 14.001
27.18 to 14.69 which establish procedures for the promulgation of the Sentencing Guidelines,
27.19 including procedures for the promulgation of severity levels and criminal history scores,
27.20 and these rules shall be subject to review by the Legislative Coordinating Commission.

27.21 Sec. 4. Minnesota Statutes 2021 Supplement, section 253B.18, subdivision 5a, is amended
27.22 to read:

27.23 Subd. 5a. **Victim notification of petition and release; right to submit statement.** (a)
27.24 As used in this subdivision:

27.25 (1) "crime" has the meaning given to "violent crime" in section 609.1095, and includes
27.26 criminal sexual conduct in the fifth degree and offenses within the definition of "crime
27.27 against the person" in section 253B.02, subdivision 4e, and also includes offenses listed in
27.28 section 253D.02, subdivision 8, paragraph (b), regardless of whether they are sexually
27.29 motivated;

27.30 (2) "victim" means a person who has incurred loss or harm as a result of a crime the
27.31 behavior for which forms the basis for a commitment under this section or chapter 253D;
27.32 and

27.33 (3) "convicted" and "conviction" have the meanings given in section 609.02, subdivision
27.34 5, and also include juvenile court adjudications, findings under Minnesota Rules of Criminal

28.1 Procedure, rule 20.02, that the elements of a crime have been proved, and findings in
28.2 commitment cases under this section or chapter 253D that an act or acts constituting a crime
28.3 occurred or were part of their course of harmful sexual conduct.

28.4 (b) A county attorney who files a petition to commit a person under this section or chapter
28.5 253D shall make a reasonable effort to provide prompt notice of filing the petition to any
28.6 victim of a crime for which the person was convicted. In addition, the county attorney shall
28.7 make a reasonable effort to promptly notify the victim of the resolution of the petition and
28.8 the process for requesting notification of an individual's change in status as provided in
28.9 paragraph (c). A notice shall only be provided to a victim who has submitted a written
28.10 request for notification to the prosecutor.

28.11 (c) A victim may request notification of an individual's discharge or release as provided
28.12 in paragraph (d) by submitting a written request for notification to the executive director of
28.13 the facility in which the individual is confined. The Department of Corrections or a county
28.14 attorney who receives a request for notification from a victim under this section shall
28.15 promptly forward the request to the executive director of the treatment facility in which the
28.16 individual is confined.

28.17 (d) Before provisionally discharging, discharging, granting pass-eligible status, approving
28.18 a pass plan, or otherwise permanently or temporarily releasing a person committed under
28.19 this section from a state-operated treatment program or treatment facility, the head of the
28.20 state-operated treatment program or head of the treatment facility shall make a reasonable
28.21 effort to notify any victim of a crime for which the person was convicted that the person
28.22 may be discharged or released and that the victim has a right to submit a written statement
28.23 regarding decisions of the medical director, special review board, or commissioner with
28.24 respect to the person. To the extent possible, the notice must be provided at least 14 days
28.25 before any special review board hearing or before a determination on a pass plan.
28.26 Notwithstanding section 611A.06, subdivision 4, the commissioner shall provide the judicial
28.27 appeal panel with victim information in order to comply with the provisions of this section.
28.28 The judicial appeal panel shall ensure that the data on victims remains private as provided
28.29 for in section 611A.06, subdivision 4. These notices shall only be provided to victims who
28.30 have submitted a written request for notification as provided in paragraph (c).

28.31 (e) The rights under this subdivision are in addition to rights available to a victim under
28.32 chapter 611A. This provision does not give a victim all the rights of a "notified person" or
28.33 a person "entitled to statutory notice" under subdivision 4a, 4b, or 5 or section 253D.14.

29.1 Sec. 5. Minnesota Statutes 2021 Supplement, section 253D.14, subdivision 2, is amended
29.2 to read:

29.3 Subd. 2. **Notice of filing petition.** A county attorney who files a petition to commit a
29.4 person under this chapter shall make a reasonable effort to provide prompt notice of filing
29.5 the petition to any victim of a crime for which the person was convicted or was listed as a
29.6 victim in the petition of commitment. In addition, the county attorney shall make a reasonable
29.7 and good faith effort to promptly notify the victim of the resolution of the process for
29.8 requesting the notification of an individual's change in status as provided in section 253D.14,
29.9 subdivision 3. A notice shall only be provided to a victim who has submitted a written
29.10 request for notification to the prosecutor.

29.11 Sec. 6. Minnesota Statutes 2020, section 256I.04, subdivision 2g, is amended to read:

29.12 Subd. 2g. ~~Crisis shelters~~ **Domestic abuse programs.** ~~Secure crisis shelters for battered~~
29.13 ~~women and their children designated by the Minnesota Department of Corrections~~ Programs
29.14 that provide services to victims of domestic abuse designated by the Office of Justice
29.15 Programs in the Department of Public Safety are not eligible for housing support under this
29.16 chapter.

29.17 Sec. 7. Minnesota Statutes 2020, section 299A.01, is amended by adding a subdivision to
29.18 read:

29.19 Subd. 1d. **Mandated reports; annual audit.** (a) Beginning February 15, 2023, and each
29.20 year thereafter, the commissioner, as part of the department's mission and within the
29.21 department's resources, shall report to the chairs and ranking minority members of the senate
29.22 and house of representatives committees having jurisdiction over public safety policy and
29.23 finance a list of reports that the commissioner is obligated to submit to the legislature. For
29.24 each reporting requirement listed, the commissioner must include a description of the
29.25 applicable program, information required to be included in the report, the frequency that
29.26 the report must be completed, and the statutory authority for the report.

29.27 (b) If the legislature does not repeal or otherwise modify by law a reporting requirement,
29.28 the commissioner must continue to provide each mandated report as required by law.

29.29 Sec. 8. Minnesota Statutes 2020, section 299A.01, subdivision 2, is amended to read:

29.30 Subd. 2. **Duties of commissioner.** (a) The duties of the commissioner shall include the
29.31 following:

30.1 (1) the coordination, development and maintenance of services contracts with existing
 30.2 state departments and agencies assuring the efficient and economic use of advanced business
 30.3 machinery including computers;

30.4 (2) the execution of contracts and agreements with existing state departments for the
 30.5 maintenance and servicing of vehicles and communications equipment, and the use of related
 30.6 buildings and grounds;

30.7 (3) the development of integrated fiscal services for all divisions, and the preparation
 30.8 of an integrated budget for the department;

30.9 (4) the publication and award of grant contracts with state agencies, local units of
 30.10 government, and other entities for programs that will benefit the safety of the public; and

30.11 (5) the establishment of a planning bureau within the department.

30.12 (b) The commissioner shall exercise these duties with the goal of promoting public
 30.13 safety. Promoting public safety includes the promotion of human rights. "Public safety"
 30.14 means reducing or preventing crime by diverting people away from the criminal justice
 30.15 system whenever possible, effecting arrest or detention practices that are the least restrictive
 30.16 necessary to protect the public, and promoting the rehabilitation of those who engage in
 30.17 criminal activity through the provision of evidence-based programming and services, while
 30.18 still maintaining the basic rights, freedoms, and privileges that belong to every person
 30.19 including the right to dignity, fairness, equality, respect, and freedom from discrimination.

30.20 **Sec. 9. [299A.381] PUBLIC SAFETY OFFICER SOFT BODY ARMOR**
 30.21 **REIMBURSEMENT.**

30.22 Subdivision 1. **Definitions.** As used in this section:

30.23 (1) "commissioner" means the commissioner of public safety;

30.24 (2) "firefighter" means a volunteer, paid on-call, part-time, or career firefighter serving
 30.25 a general population within the boundaries of the state;

30.26 (3) "public safety officer" means a firefighter or qualified emergency medical service
 30.27 provider;

30.28 (4) "qualified emergency medical service provider" means a person certified under
 30.29 section 144E.101 who is actively employed by a Minnesota licensed ambulance service;
 30.30 and

30.31 (5) "vest" has the meaning provided in section 299A.38, subdivision 1, clause (c).

31.1 Subd. 2. State and local reimbursement. Public safety officers and heads of agencies
31.2 and entities that buy vests for the use of public safety officer employees may apply to the
31.3 commissioner for reimbursement of funds spent to buy vests. On approving an application
31.4 for reimbursement, the commissioner shall pay the applicant an amount equal to the lesser
31.5 of one-half of the vest's purchase price or the reimbursement amount set by the commissioner
31.6 in section 299A.38, subdivision 2a. The political subdivision or entity that employs a public
31.7 safety officer shall pay at least the lesser of one-half of the vest's purchase price or the
31.8 reimbursement amount set by the commissioner in section 299A.38, subdivision 2a. The
31.9 employer may not deduct or pay its share of the vest's cost from any clothing, maintenance,
31.10 or similar allowance otherwise provided to the public safety officer by the employer.

31.11 Subd. 3. Eligibility requirements. The eligibility requirements in section 299A.38,
31.12 subdivision 3, apply to applications for reimbursement under this section.

31.13 Subd. 4. Rules. The commissioner shall amend the rules adopted pursuant to section
31.14 299A.38, subdivision 4, to administer this section, as needed.

31.15 Subd. 5. Limitation of liability. A state agency, political subdivision of the state, state
31.16 or local government employee, or other entity that provides reimbursement for purchase of
31.17 a vest under this section is not liable to a public safety officer or the public safety officer's
31.18 heirs for negligence in the death of or injury to the public safety officer because the vest
31.19 was defective or deficient.

31.20 Subd. 6. Right to benefits unaffected. A public safety officer who is reimbursed for
31.21 the purchase of a vest under this section and who suffers injury or death because the officer
31.22 failed to wear the vest, or because the officer wore a vest that was defective or deficient,
31.23 may not lose or be denied a benefit or right, including a benefit under section 299A.44, to
31.24 which the officer, or the officer's heirs, is otherwise entitled.

31.25 Sec. 10. Minnesota Statutes 2020, section 299A.49, subdivision 2, is amended to read:

31.26 Subd. 2. ~~Chemical assessment~~ Hazardous materials response team. "~~Chemical~~
31.27 ~~assessment~~ Hazardous materials response team" means a team (1) trained, equipped, and
31.28 authorized to evaluate and, when possible feasible, provide ~~simple~~ mitigation to a hazardous
31.29 materials incident or release and (2) required to recommend to the local incident manager
31.30 the best means of controlling the hazard after consideration of life safety concerns,
31.31 environmental effects, exposure hazards, quantity and type of hazardous material, availability
31.32 of resources, or other relevant factors.

32.1 Sec. 11. Minnesota Statutes 2020, section 299A.50, subdivision 1, is amended to read:

32.2 Subdivision 1. **Elements of plan; rules.** After consultation with the commissioners of
 32.3 natural resources, agriculture, transportation, and the Pollution Control Agency, the ~~state~~
 32.4 ~~fire marshal~~ Department of Public Safety, the Emergency Response Commission, appropriate
 32.5 technical emergency response representatives, and representatives of affected parties, the
 32.6 commissioner shall adopt rules to implement a statewide hazardous materials incident
 32.7 response plan. The plan must include:

32.8 (1) the locations of ~~up to five regional~~ hazardous materials response teams, based on the
 32.9 location of hazardous materials, response time, proximity to large population centers, and
 32.10 other factors;

32.11 (2) the number and qualifications of members on each team;

32.12 (3) the responsibilities of ~~regional~~ hazardous materials response teams;

32.13 (4) equipment needed for ~~regional~~ hazardous materials response teams;

32.14 (5) procedures for selecting and contracting with local governments or nonpublic persons
 32.15 to establish regional hazardous materials response teams;

32.16 (6) procedures for dispatching teams at the request of local governments;

32.17 (7) a fee schedule for reimbursing local governments or nonpublic persons responding
 32.18 to an incident; and

32.19 (8) coordination with other state departments and agencies, local units of government,
 32.20 other states, Indian tribes, the federal government, and other nonpublic persons.

32.21 Sec. 12. Minnesota Statutes 2020, section 299A.51, is amended to read:

32.22 **299A.51 LIABILITY AND WORKERS' COMPENSATION.**

32.23 Subdivision 1. **Liability.** During operations authorized under section 299A.50, members
 32.24 of a ~~regional~~ hazardous materials team operating outside their geographic jurisdiction are
 32.25 "employees of the state" as defined in section 3.736.

32.26 Subd. 2. **Workers' compensation.** During operations authorized under section 299A.50,
 32.27 members of a ~~regional~~ hazardous materials team operating outside their geographic
 32.28 jurisdiction are considered employees of the Department of Public Safety for purposes of
 32.29 chapter 176.

32.30 Subd. 3. **Limitation.** A person who provides personnel and equipment to assist at the
 32.31 scene of a hazardous materials response incident outside the person's geographic jurisdiction

33.1 or property, at the request of the state or a local unit of government, is not liable for any
33.2 civil damages resulting from acts or omissions in providing the assistance, unless the person
33.3 acts in a willful and wanton or reckless manner in providing the assistance.

33.4 **Sec. 13. [299A.625] PUBLIC SAFETY INNOVATION BOARD.**

33.5 **Subdivision 1. Establishment.** The Public Safety Innovation Board is established in the
33.6 Office of Justice Programs within the Department of Public Safety. The board has the powers
33.7 and duties described in this section.

33.8 **Subd. 2. Membership.** (a) The Public Safety Innovation Board is composed of the
33.9 following members:

33.10 (1) three individuals with experience conducting research in the areas of crime, policing,
33.11 or sociology while employed by an academic or nonprofit entity, appointed by the governor;

33.12 (2) five individuals appointed by the governor of whom:

33.13 (i) one shall be a victim of a crime or an advocate for victims of crime;

33.14 (ii) one shall be a person impacted by the criminal justice system or an advocate for
33.15 defendants in criminal cases; and

33.16 (iii) one shall have a background in social work;

33.17 (3) four members representing the community-specific boards established under sections
33.18 3.922 and 15.0145, with one appointment made by each board; and

33.19 (4) three members representing law enforcement, with one appointment by the Minnesota
33.20 Sheriffs' Association, one by the Minnesota Chiefs of Police Association, and one by the
33.21 Minnesota Police and Peace Officers Association.

33.22 (b) The members of the board shall elect one member to serve as chair.

33.23 **Subd. 3. Terms; removal; vacancy.** (a) Members are appointed to serve three-year
33.24 terms following the initial staggered-term lot determination and may be reappointed.

33.25 (b) Initial appointment of members must take place by August 1, 2022. The initial term
33.26 of members appointed under paragraph (a) shall be determined by lot by the secretary of
33.27 state and shall be as follows:

33.28 (1) five members shall serve one-year terms;

33.29 (2) five members shall serve two-year terms; and

33.30 (3) five members shall serve three-year terms.

34.1 (c) A member may be removed by the appointing authority at any time for cause, after
34.2 notice and hearing.

34.3 (d) If a vacancy occurs, the appointing authority shall appoint a new qualifying member
34.4 within 90 days.

34.5 (e) Compensation of board members is governed by section 15.0575.

34.6 Subd. 4. **Powers and duties.** The board shall improve public safety by increasing the
34.7 efficiency, effectiveness, and capacity of public safety providers and has the following
34.8 powers and duties:

34.9 (1) monitoring trends in crime within Minnesota;

34.10 (2) reviewing research on criminal justice and public safety issues;

34.11 (3) providing information on criminal trends and research to the commissioner,
34.12 municipalities, and the legislature;

34.13 (4) communicating with recipients of grant funds to learn from successful and innovative
34.14 programs, develop procedures to simplify application and reporting requirements, and
34.15 identify gaps in programs or services that could be filled to improve public safety;

34.16 (5) working with the commissioner to modify requests for proposals to better meet the
34.17 needs of applicants and the community;

34.18 (6) working with the commissioner, community review panels, the final review panel,
34.19 and Office of Justice Programs staff to establish policies, procedures, and priorities to best
34.20 address public safety, and community needs;

34.21 (7) working with grant recipients, applicants whose proposals were not approved, and
34.22 individuals or entities interested in applying for grants to increase the understanding of the
34.23 grant process and help improve applications that are submitted;

34.24 (8) analyzing the pool of applicants and public application materials to identify:

34.25 (i) barriers to successful applications;

34.26 (ii) eligible geographic, ethnic, or other communities that do not apply for grants;

34.27 (iii) the demographics of populations served by grant applicants, including identification
34.28 of populations that are not receiving services and any disparities in services provided; and

34.29 (iv) the types of programs that receive awards;

34.30 (9) developing policies and procedures to support communities that are underserved by
34.31 grant recipients, address imbalances in the pool of grant applicants or recipients, and expand

35.1 the types of services provided by grant recipients to include effective programs that are
 35.2 underutilized;

35.3 (10) working with the Minnesota Statistical Analysis Center to identify appropriate
 35.4 outcomes to track on an annual basis for both programs receiving grants and local
 35.5 communities for the purpose of monitoring trends in public safety and the impact of specific
 35.6 programmatic models; and

35.7 (11) making recommendations to the legislature for changes in policy and funding to
 35.8 address existing and emerging needs related to public safety.

35.9 Subd. 5. **Meetings.** The board shall meet quarterly or at the call of the chair. At least
 35.10 two meetings in each fiscal year must take place outside of the metropolitan area as defined
 35.11 in section 473.121, subdivision 2. Meetings of the board are subject to chapter 13D.

35.12 Subd. 6. **Report.** By January 15 of each year, the board shall report to the legislative
 35.13 committees and divisions with jurisdiction over public safety on the work of the board; the
 35.14 use and impact of grant programs to address public safety, including emergency community
 35.15 safety grants and local co-responder grants; grants issued by the Department of Public Safety
 35.16 to local law enforcement agencies for portable recording systems; the outcomes tracked on
 35.17 an annual basis by the Minnesota Statistical Analysis Center; and recommendations for
 35.18 changes in policy and funding to improve public safety.

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

35.20 Sec. 14. Minnesota Statutes 2020, section 299A.78, subdivision 1, is amended to read:

35.21 Subdivision 1. **Definitions.** For purposes of sections 299A.78 to 299A.795, the following
 35.22 definitions apply:

35.23 (a) "Commissioner" means the commissioner of the Department of Public Safety.

35.24 (b) "Nongovernmental organizations" means nonprofit, nongovernmental organizations
 35.25 that provide legal, social, or other community services.

35.26 ~~(e) "Blackmail" has the meaning given in section 609.281, subdivision 2.~~

35.27 ~~(d)~~ (c) "Debt bondage" has the meaning given in section 609.281, subdivision 3.

35.28 ~~(e)~~ (d) "Forced labor or services" has the meaning given in section 609.281, subdivision
 35.29 4.

35.30 ~~(f)~~ (e) "Labor trafficking" has the meaning given in section 609.281, subdivision 5.

36.1 ~~(g)~~ (f) "Labor trafficking victim" has the meaning given in section 609.281, subdivision
36.2 6.

36.3 ~~(h)~~ (g) "Sex trafficking" has the meaning given in section 609.321, subdivision 7a.

36.4 ~~(i)~~ (h) "Sex trafficking victim" has the meaning given in section 609.321, subdivision
36.5 7b.

36.6 ~~(j)~~ (i) "Trafficking" includes "labor trafficking" and "sex trafficking."

36.7 ~~(k)~~ (j) "Trafficking victim" includes "labor trafficking victim" and "sex trafficking
36.8 victim."

36.9 **EFFECTIVE DATE.** This section is effective August 1, 2022.

36.10 Sec. 15. Minnesota Statutes 2020, section 299A.79, subdivision 3, is amended to read:

36.11 Subd. 3. **Public awareness initiative.** The public awareness initiative required in
36.12 subdivision 1 must address, at a minimum, the following subjects:

36.13 (1) the risks of becoming a trafficking victim;

36.14 (2) common recruitment techniques; use of debt bondage, ~~blackmail~~, forced labor and
36.15 services, prostitution, and other coercive tactics; and risks of assault, criminal sexual conduct,
36.16 exposure to sexually transmitted diseases, and psychological harm;

36.17 (3) crime victims' rights; and

36.18 (4) reporting recruitment activities involved in trafficking.

36.19 **EFFECTIVE DATE.** This section is effective August 1, 2022.

36.20 Sec. 16. **[299A.86] REWARD FUND FOR INFORMATION ON MISSING AND**
36.21 **MURDERED INDIGENOUS RELATIVES.**

36.22 Subdivision 1. **Fund created.** A reward fund for information on missing and murdered
36.23 Indigenous relatives is created as an account in the state treasury. Money appropriated or
36.24 otherwise deposited into the account is available to pay rewards and for other purposes as
36.25 authorized under this section.

36.26 Subd. 2. **Reward.** The director of the Office for Missing and Murdered Indigenous
36.27 Relatives, in consultation with the reward advisory group, is authorized to pay a reward to
36.28 any person who provides relevant information relating to a missing and murdered Indigenous
36.29 relative investigation.

37.1 Subd. 3. **Reward advisory group.** (a) The director of the Office for Missing and
37.2 Murdered Indigenous Relatives, in consultation with the stakeholder groups described in
37.3 section 299A.85, subdivision 5, shall appoint an advisory group to make recommendations
37.4 on paying rewards under this section. The advisory group shall consist of the following
37.5 individuals:

37.6 (1) a representative from the Office for Missing and Murdered Indigenous Relatives;

37.7 (2) a representative from a Tribal, statewide, or local organization that provides legal
37.8 services to Indigenous women and girls;

37.9 (3) a representative from a Tribal, statewide, or local organization that provides advocacy
37.10 or counseling for Indigenous women and girls who have been victims of violence;

37.11 (4) a representative from a Tribal, statewide, or local organization that provides services
37.12 to Indigenous women and girls;

37.13 (5) a Tribal peace officer who works for or resides on a federally recognized American
37.14 Indian reservation in Minnesota; and

37.15 (6) a representative from the Minnesota Human Trafficking Task Force.

37.16 (b) The advisory group shall meet as necessary but at a minimum twice per year to carry
37.17 out its duties and shall elect a chair from among its members at its first meeting. The director
37.18 shall convene the group's first meeting. The director shall provide necessary office space
37.19 and administrative support to the group. Members of the group serve without compensation
37.20 but shall receive expense reimbursement as provided in section 15.059.

37.21 (c) The representative from the Office for Missing and Murdered Indigenous Relatives
37.22 may fully participate in the advisory group's activities but may not vote on issues before
37.23 the group.

37.24 Subd. 4. **Advertising.** The director of the Office for Missing and Murdered Indigenous
37.25 Relatives, in consultation with the reward advisory group, may spend up to four percent of
37.26 available funds on an advertising or public relations campaign to increase public awareness
37.27 on the availability of rewards under this section.

37.28 Subd. 5. **Grants; donations.** The director of the Office for Missing and Murdered
37.29 Indigenous Relatives, in consultation with the reward advisory group, may apply for and
37.30 accept grants and donations from the public and from public and private entities to implement
37.31 this section.

37.32 Subd. 6. **Reward cap.** A reward paid under this section may not exceed \$1,000,000.

38.1 Subd. 7. **Reward procedures and criteria.** The director of the Office for Missing and
38.2 Murdered Indigenous Relatives, in consultation with the reward advisory group, shall
38.3 determine the eligibility criteria and procedures for granting rewards under this section.

38.4 Subd. 8. **Definition.** As used in this section, "missing and murdered Indigenous relatives"
38.5 means missing and murdered Indigenous people from or descended from one of the United
38.6 States' federally recognized American Indian Tribes.

38.7 Sec. 17. **[299A.90] OFFICE FOR MISSING AND MURDERED BLACK WOMEN**
38.8 **AND GIRLS.**

38.9 Subdivision 1. **Establishment.** The commissioner shall establish and maintain an office
38.10 dedicated to preventing and ending the targeting of Black women and girls within the
38.11 Minnesota Office of Justice Programs.

38.12 Subd. 2. **Director; staff.** (a) The commissioner must appoint a director who is a person
38.13 closely connected to the Black community and who is highly knowledgeable about criminal
38.14 investigations. The commissioner is encouraged to consider candidates for appointment
38.15 who are recommended by members of the Black community.

38.16 (b) The director may select, appoint, and compensate out of available funds assistants
38.17 and employees as necessary to discharge the office's responsibilities.

38.18 (c) The director and full-time staff shall be members of the Minnesota State Retirement
38.19 Association.

38.20 Subd. 3. **Duties.** (a) The office has the following duties:

38.21 (1) advocate in the legislature for legislation that will facilitate the accomplishment of
38.22 mandates identified in the report of the Task Force on Missing and Murdered African
38.23 American Women;

38.24 (2) advocate for state agencies to take actions to facilitate the accomplishment of mandates
38.25 identified in the report of the Task Force on Missing and Murdered African American
38.26 Women;

38.27 (3) develop recommendations for legislative and agency actions to address injustice in
38.28 the criminal justice system's response to cases of missing and murdered Black women and
38.29 girls;

38.30 (4) facilitate research to refine the mandates in the report of the Task Force on Missing
38.31 and Murdered African American Women and to assess the potential efficacy, feasibility,
38.32 and impact of the recommendations;

39.1 (5) facilitate research and collect data on missing person and homicide cases involving
39.2 Black women and girls, including the total number of cases, the rate at which the cases are
39.3 solved, the length of time the cases remain open, and a comparison to similar cases involving
39.4 different demographic groups;

39.5 (6) collect data on Amber Alerts, including the total number of Amber Alerts issued,
39.6 the total number of Amber Alerts that involve Black girls, and the outcome of cases involving
39.7 Amber Alerts disaggregated by the child's race and sex;

39.8 (7) collect data on reports of missing Black girls, including the number classified as
39.9 voluntary runaways, and a comparison to similar cases involving different demographic
39.10 groups;

39.11 (8) facilitate research to assess the intersection between cases involving missing and
39.12 murdered Black women and girls and labor trafficking and sex trafficking;

39.13 (9) develop recommendations for legislative, agency, and community actions to address
39.14 the intersection between cases involving missing and murdered Black women and girls and
39.15 labor trafficking and sex trafficking;

39.16 (10) facilitate research to assess the intersection between cases involving murdered Black
39.17 women and girls and domestic violence, including prior instances of domestic violence
39.18 within the family or relationship, whether an offender had prior convictions for domestic
39.19 assault or related offenses, and whether the offender used a firearm in the murder or any
39.20 prior instances of domestic assault;

39.21 (11) develop recommendations for legislative, agency, and community actions to address
39.22 the intersection between cases involving murdered Black women and girls and domestic
39.23 violence;

39.24 (12) develop tools and processes to evaluate the implementation and impact of the efforts
39.25 of the office;

39.26 (13) track and collect Minnesota data on missing and murdered Black women and girls,
39.27 and provide statistics upon public or legislative inquiry;

39.28 (14) facilitate technical assistance for local and Tribal law enforcement agencies during
39.29 active cases involving missing and murdered Black women and girls;

39.30 (15) conduct case reviews and report on the results of case reviews for the following
39.31 types of cases involving missing and murdered Black women and girls: cold cases for
39.32 missing Black women and girls and death investigation review for cases of Black women
39.33 and girls ruled as suicide or overdose under suspicious circumstances;

40.1 (16) conduct case reviews of the prosecution and sentencing for cases where a perpetrator
40.2 committed a violent or exploitative crime against a Black woman or girl. These case reviews
40.3 must identify those cases where the perpetrator is a repeat offender;

40.4 (17) prepare draft legislation as necessary to allow the office access to the data necessary
40.5 for the office to conduct the reviews required in this section and advocate for passage of
40.6 that legislation;

40.7 (18) review sentencing guidelines for crimes related to missing and murdered Black
40.8 women and girls, recommend changes if needed, and advocate for consistent implementation
40.9 of the guidelines across Minnesota courts;

40.10 (19) develop and maintain communication with relevant divisions in the Department of
40.11 Public Safety regarding any cases involving missing and murdered Black women and girls
40.12 and on procedures for investigating cases involving missing and murdered Black women
40.13 and girls; and

40.14 (20) coordinate, as relevant, with federal efforts, and efforts in neighboring states and
40.15 Canada.

40.16 (b) As used in this subdivision:

40.17 (1) "labor trafficking" has the meaning given in section 609.281, subdivision 5; and

40.18 (2) "sex trafficking" has the meaning given in section 609.321, subdivision 7a.

40.19 Subd. 4. **Coordination with other organizations.** In fulfilling its duties, the office may
40.20 coordinate, as useful, with stakeholder groups that were represented on the Task Force on
40.21 Missing and Murdered African American Women and state agencies that are responsible
40.22 for the systems that play a role in investigating, prosecuting, and adjudicating cases involving
40.23 violence committed against Black women and girls; those who have a role in supporting or
40.24 advocating for missing or murdered Black women and girls and the people who seek justice
40.25 for them; and those who represent the interests of Black people. This includes the following
40.26 entities: Minnesota Chiefs of Police Association; Minnesota Sheriffs' Association; Bureau
40.27 of Criminal Apprehension; Minnesota Police and Peace Officers Association; Tribal law
40.28 enforcement; Minnesota County Attorneys Association; United States Attorney's Office;
40.29 juvenile courts; Minnesota Coroners' and Medical Examiners' Association; United States
40.30 Coast Guard; state agencies, including the Departments of Health, Human Services,
40.31 Education, Corrections, and Public Safety; service providers who offer legal services,
40.32 advocacy, and other services to Black women and girls; Black women and girls who are
40.33 survivors; and organizations and leadership from urban and statewide Black communities.

41.1 Subd. 5. **Reports.** The office must report on measurable outcomes achieved to meet its
41.2 statutory duties, along with specific objectives and outcome measures proposed for the
41.3 following year. The report must include data and statistics on missing and murdered Black
41.4 women and girls in Minnesota, including names, dates of disappearance, and dates of death,
41.5 to the extent the data is publicly available. The office must submit the report by January 15
41.6 each year to the chairs and ranking minority members of the legislative committees with
41.7 primary jurisdiction over public safety.

41.8 Subd. 6. **Grants.** The office may apply for and receive grants from public and private
41.9 entities for purposes of carrying out the office's duties under this section.

41.10 Subd. 7. **Access to data.** Notwithstanding section 13.384 or 13.85, the director has access
41.11 to corrections and detention data and medical data maintained by an agency and classified
41.12 as private data on individuals or confidential data on individuals to the extent the data is
41.13 necessary for the office to perform its duties under this section.

41.14 **Sec. 18. [299C.092] QUESTIONED IDENTITY PROCESS.**

41.15 Subdivision 1. **Definitions.** (a) For the purposes of this section, the terms in this
41.16 subdivision have the meanings given.

41.17 (b) "Questioned identity" means an individual's identity that is associated with another
41.18 person's records when the individual's identity is used by an offender in interactions with
41.19 law enforcement or that the offender has the same name. Questioned identity can lead to
41.20 difficulties differentiating the individual from the offender.

41.21 (c) "Bureau" means the Bureau of Criminal Apprehension.

41.22 Subd. 2. **Process.** (a) When an individual is the subject of questioned identity, the
41.23 individual may request a review by the bureau through its questioned identity process.
41.24 Individuals must contact the bureau and provide the following:

41.25 (1) documentation of the individual's identity through and via a government-issued photo
41.26 identification;

41.27 (2) documents or information that lead the individual to believe that the individual is
41.28 the subject of questioned identity; and

41.29 (3) fingerprints for identification verification purposes.

41.30 (b) If the bureau is able to confirm that the individual is the subject of questioned identity,
41.31 the bureau shall provide documentation to the individual indicating that the individual has
41.32 been through the bureau's questioned identity process.

42.1 (c) The bureau shall denote any aliases determined to be questioned identities in the
42.2 Criminal History System under section 299C.09 and shall work with other state and local
42.3 agencies to denote aliases in arrest warrants.

42.4 (d) The bureau shall attach a photo of the offender to arrest warrants in the bureau's
42.5 warrant file if a photo is available.

42.6 (e) The bureau, in consultation with reporting criminal justice agencies, may remove an
42.7 alias from a criminal history record when it determines doing so will not negatively impact
42.8 a criminal justice agency's ability to identify the offender in the future. Some considerations
42.9 in making the determination include but are not limited to time elapsed since the alias name
42.10 was last used, frequency with which the alias was used, current incarceration status of the
42.11 offender, whether it is or was the offender's name, and whether the offender is living or
42.12 deceased.

42.13 (f) Law enforcement must take into account the presence of documentation from the
42.14 bureau or another law enforcement agency confirming a questioned identity when considering
42.15 whether an individual has a warrant under section 299C.115 and may contact the bureau or
42.16 the issuing law enforcement agency to confirm authenticity of the documentation provided
42.17 by an individual.

42.18 Sec. 19. Minnesota Statutes 2020, section 299C.46, subdivision 1, is amended to read:

42.19 Subdivision 1. **Establishment.** The commissioner of public safety shall establish a
42.20 criminal justice data communications network that will provide secure access to systems
42.21 and services available from or through the Bureau of Criminal Apprehension. The Bureau
42.22 of Criminal Apprehension may approve additional criminal justice uses by authorized
42.23 agencies to access necessary systems or services not from or through the bureau. The
42.24 commissioner of public safety is authorized to lease or purchase facilities and equipment
42.25 as may be necessary to establish and maintain the data communications network.

42.26 Sec. 20. Minnesota Statutes 2020, section 299C.65, subdivision 1a, is amended to read:

42.27 Subd. 1a. **Membership; duties.** (a) The Criminal and Juvenile Justice Information and
42.28 Bureau of Criminal Apprehension Advisory Group consists of the following members:

- 42.29 (1) the commissioner of corrections or designee;
42.30 (2) the commissioner of public safety or designee;
42.31 (3) the state chief information officer or designee;

- 43.1 (4) three members of the judicial branch appointed by the chief justice of the supreme
43.2 court;
- 43.3 (5) the commissioner of administration or designee;
- 43.4 (6) the state court administrator or designee;
- 43.5 (7) two members appointed by the Minnesota Sheriffs Association, at least one of whom
43.6 must be a sheriff;
- 43.7 (8) two members appointed by the Minnesota Chiefs of Police Association, at least one
43.8 of whom must be a chief of police;
- 43.9 (9) two members appointed by the Minnesota County Attorneys Association, at least
43.10 one of whom must be a county attorney;
- 43.11 (10) two members appointed by the League of Minnesota Cities representing the interests
43.12 of city attorneys, at least one of whom must be a city attorney;
- 43.13 (11) two members appointed by the Board of Public Defense, at least one of whom must
43.14 be a public defender;
- 43.15 (12) two corrections administrators appointed by the Association of Minnesota Counties
43.16 representing the interests of local corrections, at least one of whom represents a Community
43.17 Corrections Act county;
- 43.18 (13) two probation officers appointed by the commissioner of corrections in consultation
43.19 with the president of the Minnesota Association of Community Corrections Act Counties
43.20 and the president of the Minnesota Association of County Probation Officers;
- 43.21 (14) four public members appointed by the governor representing both metropolitan and
43.22 greater Minnesota for a term of four years using the process described in section 15.059,
43.23 one of whom represents the interests of victims, and one of whom represents the private
43.24 business community who has expertise in integrated information systems and who, for the
43.25 purposes of meetings of the advisory group, may be compensated pursuant to section 15.059;
- 43.26 (15) two members appointed by the Minnesota Association for Court Management, at
43.27 least one of whom must be a court administrator;
- 43.28 (16) one member of the house of representatives appointed by the speaker of the house,
43.29 or an alternate who is also a member of the house of representatives, appointed by the
43.30 speaker of the house;
- 43.31 (17) one member of the senate appointed by the majority leader, or an alternate who is
43.32 also a member of the senate, appointed by the majority leader of the senate;

44.1 (18) one member appointed by the attorney general;

44.2 (19) two members appointed by the League of Minnesota Cities, one of whom works
44.3 or resides in greater Minnesota and one of whom works or resides in the seven-county
44.4 metropolitan area, and at least one of whom is an elected official;

44.5 (20) two members appointed by the Association of Minnesota Counties, one of whom
44.6 works or resides in greater Minnesota and one of whom works or resides in the seven-county
44.7 metropolitan area, and at least one of whom is an elected official; and

44.8 (21) the director of the Sentencing Guidelines Commission or a designee.

44.9 (b) The chair, first vice-chair, and second vice-chair shall be elected by the advisory
44.10 group.

44.11 (c) The advisory group shall serve as the state advisory group on statewide criminal
44.12 justice information policy and funding issues. The advisory group shall study and make
44.13 recommendations to the governor, the supreme court, and the legislature on criminal justice
44.14 information funding and policy issues such as related data practices, individual privacy
44.15 rights, and data on race and ethnicity; information-sharing at the local, state, and federal
44.16 levels; technology education and innovation; the impact of proposed legislation on the
44.17 criminal justice system related to information systems and business processes; and data and
44.18 identification standards.

44.19 (d) The advisory group shall have the additional duties of reviewing and advising the
44.20 bureau superintendent on:

44.21 (1) audits, accreditation reports, and internal reviews of bureau operations;

44.22 (2) emerging technologies in the law enforcement and forensic science fields;

44.23 (3) policies and practices that impact individual privacy interests; and

44.24 (4) other programmatic and operational initiatives of the bureau at the request of the
44.25 superintendent.

44.26 Sec. 21. Minnesota Statutes 2020, section 299C.65, subdivision 3a, is amended to read:

44.27 Subd. 3a. **Report.** The advisory group shall file a biennial report with the governor,
44.28 supreme court, and chairs and ranking minority members of the senate and house of
44.29 representatives committees and divisions with jurisdiction over criminal justice funding
44.30 and policy by January 15 in each odd-numbered year. The report must provide the following:

44.31 (1) status and review of current statewide criminal justice information systems;

45.1 (2) recommendations concerning any legislative changes or appropriations that are
45.2 needed to ensure that the criminal justice information systems operate accurately and
45.3 efficiently; ~~and~~

45.4 (3) summary of the activities of the advisory group, including any funding and grant
45.5 requests; and

45.6 (4) summary of any reviews conducted by the advisory group of bureau audits, reports,
45.7 policies, programs, and procedures along with any recommendations provided to the bureau
45.8 related to the reviews.

45.9 Sec. 22. Minnesota Statutes 2020, section 299F.362, is amended to read:

45.10 **299F.362 SMOKE ~~DETECTOR~~ ALARM; INSTALLATION; RULES; PENALTY.**

45.11 Subdivision 1. **Definitions.** For the purposes of this section, the following definitions
45.12 shall apply:

45.13 (a) "Apartment house" is any building, or portion thereof, which is designed, built,
45.14 rented, leased, let, or hired out to be occupied, or which is occupied as the home or residence
45.15 of three or more families living independently of each other and doing their own cooking
45.16 in the building, and shall include buildings containing three or more flats or apartments.

45.17 (b) "Dwelling" is any building, or any portion thereof, which is not an apartment house,
45.18 lodging house, or a hotel and which contains one or two "dwelling units" which are, or are
45.19 intended or designed to be, occupied for living purposes.

45.20 (c) "Dwelling unit" is a single unit providing complete, independent living facilities for
45.21 one or more persons including permanent provisions for living, sleeping, eating, cooking,
45.22 and sanitation, or a single unit used by one or more persons for sleeping and sanitation
45.23 pursuant to a work practice or labor agreement.

45.24 (d) "Hotel" is any building, or portion thereof, containing six or more guest rooms
45.25 intended or designed to be used, or which are used, rented, or hired out to be occupied, or
45.26 which are occupied for sleeping purposes by guests.

45.27 (e) "Lodging house" is any building, or portion thereof, containing not more than five
45.28 guest rooms which are used or are intended to be used for sleeping purposes by guests and
45.29 where rent is paid in money, goods, labor, or otherwise.

45.30 Subd. 2. **Rules, smoke ~~detector~~ alarm location.** The commissioner of public safety
45.31 shall promulgate rules concerning the placement of smoke ~~detectors~~ alarms in dwellings,

46.1 apartment houses, hotels, and lodging houses. The rules shall take into account designs of
46.2 the guest rooms or dwelling units.

46.3 Subd. 3. **Smoke ~~detector~~ alarm for any dwelling.** Every dwelling unit within a dwelling
46.4 must be provided with a smoke ~~detector~~ alarm meeting the requirements of the State Fire
46.5 Code. The ~~detector~~ alarm must be mounted in accordance with the rules regarding smoke
46.6 ~~detector~~ alarm location adopted under subdivision 2. When actuated, the ~~detector~~ alarm
46.7 must provide an alarm in the dwelling unit.

46.8 Subd. 3a. **Smoke ~~detector~~ alarm for new dwelling.** In construction of a new dwelling,
46.9 each smoke ~~detector~~ alarm must be attached to a centralized power source.

46.10 Subd. 4. **Smoke ~~detector~~ alarm for apartment, lodging house, or hotel.** Every dwelling
46.11 unit within an apartment house and every guest room in a lodging house or hotel used for
46.12 sleeping purposes must be provided with a smoke ~~detector~~ alarm conforming to the
46.13 requirements of the State Fire Code. In dwelling units, ~~detectors~~ alarms must be mounted
46.14 in accordance with the rules regarding smoke ~~detector~~ alarm location adopted under
46.15 subdivision 2. When actuated, the ~~detector~~ alarm must provide an alarm in the dwelling
46.16 unit or guest room.

46.17 Subd. 5. **Maintenance responsibilities.** For all occupancies covered by this section
46.18 where the occupant is not the owner of the dwelling unit or the guest room, the owner is
46.19 responsible for maintenance of the smoke ~~detectors~~ alarms. An owner may file inspection
46.20 and maintenance reports with the local fire marshal for establishing evidence of inspection
46.21 and maintenance of smoke ~~detectors~~ alarms.

46.22 Subd. 5a. **Inform owner; no added liability.** The occupant of a dwelling unit must
46.23 inform the owner of the dwelling unit of a nonfunctioning smoke ~~detector~~ alarm within 24
46.24 hours of discovering that the smoke ~~detector~~ alarm in the dwelling unit is not functioning.
46.25 If the occupant fails to inform the owner under this subdivision, the occupant's liability for
46.26 damages is not greater than it otherwise would be.

46.27 Subd. 6. **Penalties.** (a) Any person who violates any provision of this section ~~shall be~~
46.28 is subject to the same penalty and the enforcement mechanism that is provided for violation
46.29 of the State Fire Code, as specified in section 299F.011, subdivision 6.

46.30 (b) An occupant who willfully disables a smoke ~~detector~~ alarm or causes it to be
46.31 nonfunctioning, resulting in damage or injury to persons or property, is guilty of a
46.32 misdemeanor.

47.1 Subd. 7. **Local government preempted.** This section prohibits a local unit of government
47.2 from adopting standards different from those provided in this section.

47.3 Subd. 9. **Local government ordinance; installation in single-family**
47.4 **residence.** Notwithstanding subdivision 7, or other law, a local governing body may adopt,
47.5 by ordinance, rules for the installation of a smoke ~~detector~~ alarm in single-family homes in
47.6 the city that are more restrictive than the standards provided by this section. Rules adopted
47.7 pursuant to this subdivision may be enforced through a truth-in-housing inspection.

47.8 Subd. 10. **Public fire safety educator.** The position of Minnesota public fire safety
47.9 educator is established in the Department of Public Safety.

47.10 Subd. 11. **Insurance claim.** No insurer shall deny a claim for loss or damage by fire for
47.11 failure of a person to comply with this section.

47.12 Sec. 23. Minnesota Statutes 2020, section 326.3361, subdivision 2, is amended to read:

47.13 Subd. 2. **Required contents.** The rules adopted by the board must require:

47.14 (1) 12 hours of preassignment or on-the-job certified training within the first 21 days of
47.15 employment, or evidence that the employee has successfully completed equivalent training
47.16 before the start of employment. Notwithstanding any statute or rule to the contrary, this
47.17 clause is satisfied if the employee provides a prospective employer with a certificate or a
47.18 copy of a certificate demonstrating that the employee successfully completed this training
47.19 prior to employment with a different Minnesota licensee and completed this training within
47.20 three previous calendar years, or successfully completed this training with a Minnesota
47.21 licensee while previously employed with a Minnesota licensee. The certificate or a copy of
47.22 the certificate is the property of the employee who completed the training, regardless of
47.23 who paid for the training or how training was provided. A current or former licensed
47.24 employer must provide a copy of a certificate demonstrating the employee's successful
47.25 completion of training to a current or former employee upon the current or former employee's
47.26 request. For purposes of sections 181.960 to 181.966, the person who completed the training
47.27 is entitled to access a copy of the certificate and a current or former employer is obligated
47.28 to comply with the provisions thereunder;

47.29 (2) certification by the board of completion of certified training for a license holder,
47.30 qualified representative, Minnesota manager, partner, and employee to carry or use a firearm,
47.31 a weapon other than a firearm, or an immobilizing or restraint technique; and

47.32 (3) six hours a year of certified continuing training for all license holders, qualified
47.33 representatives, Minnesota managers, partners, and employees, and an additional six hours

48.1 a year for individuals who are armed with firearms or armed with weapons, which must
48.2 include annual certification of the individual.

48.3 An individual may not carry or use a weapon while undergoing on-the-job training under
48.4 this subdivision.

48.5 Sec. 24. Minnesota Statutes 2021 Supplement, section 609.02, subdivision 16, is amended
48.6 to read:

48.7 Subd. 16. **Qualified domestic violence-related offense.** "Qualified domestic
48.8 violence-related offense" includes a violation of or an attempt to violate sections 518B.01,
48.9 subdivision 14 (violation of domestic abuse order for protection); 609.185 (first-degree
48.10 murder); 609.19 (second-degree murder); 609.195 (third-degree murder); 609.20 (first-degree
48.11 manslaughter); 609.205 (second-degree manslaughter); 609.221 (first-degree assault);
48.12 609.222 (second-degree assault); 609.223 (third-degree assault); 609.2231 (fourth-degree
48.13 assault); 609.224 (fifth-degree assault); 609.2242 (domestic assault); 609.2245 (female
48.14 genital mutilation); 609.2247 (domestic assault by strangulation); 609.25 (kidnapping);
48.15 609.255 (false imprisonment); 609.342 (first-degree criminal sexual conduct); 609.343
48.16 (second-degree criminal sexual conduct); 609.344 (third-degree criminal sexual conduct);
48.17 609.345 (fourth-degree criminal sexual conduct); 609.3458 (sexual extortion); 609.377
48.18 (malicious punishment of a child); 609.713 (terroristic threats); 609.748, subdivision 6
48.19 (violation of harassment restraining order); 609.749 (harassment or stalking); 609.78,
48.20 subdivision 2 (interference with an emergency call); 617.261 (nonconsensual dissemination
48.21 of private sexual images); and 629.75 (violation of domestic abuse no contact order); and
48.22 similar laws of other states, the United States, the District of Columbia, tribal lands, and
48.23 United States territories.

48.24 **EFFECTIVE DATE.** This section is effective August 1, 2022.

48.25 Sec. 25. Minnesota Statutes 2020, section 609.281, subdivision 3, is amended to read:

48.26 Subd. 3. **Debt bondage.** "~~Debt bondage" means the status or condition of a debtor arising~~
48.27 ~~from a pledge by the debtor of the debtor's personal~~ occurs when a person provides labor
48.28 or services or those of any kind to pay a real or alleged debt of a the person under the debtor's
48.29 ~~control as a security for debt~~ or another, if the value of those the labor or services as
48.30 reasonably assessed is not applied toward the liquidation of the debt or the length and nature
48.31 of those the labor or services are not respectively limited and defined.

48.32 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
48.33 committed on or after that date.

49.1 Sec. 26. Minnesota Statutes 2020, section 609.281, subdivision 4, is amended to read:

49.2 Subd. 4. **Forced or coerced labor or services.** "Forced or coerced labor or services"
49.3 means labor or services of any kind that are performed or provided by another person and
49.4 are obtained or maintained through an actor's:

49.5 (1) threat, either implicit or explicit, scheme, plan, ~~or~~ pattern, or other action or statement
49.6 intended to cause a person to believe that, if the person did not perform or provide the labor
49.7 or services, that person or another ~~person~~ would suffer ~~bodily harm or~~ physical restraint;
49.8 sexual contact, as defined in section 609.341, subdivision 11, paragraph (b); or bodily,
49.9 psychological, economic, or reputational harm;

49.10 (2) ~~physically restraining or threatening to physically restrain~~ sexual contact, as defined
49.11 in section 609.341, subdivision 11, paragraph (b), with a person;

49.12 (3) physical restraint of a person;

49.13 (4) infliction of bodily, psychological, economic, or reputational harm;

49.14 ~~(3)~~ (5) abuse or threatened abuse of the legal process, including the use or threatened
49.15 use of a law or legal process, whether administrative, civil, or criminal; or

49.16 ~~(4) knowingly destroying, concealing, removing, confiscating, or possessing~~ (6)
49.17 destruction, concealment, removal, confiscation, withholding, or possession of any actual
49.18 or purported passport or other immigration document, or any other actual or purported
49.19 government identification document, of another person; ~~or~~

49.20 ~~(5) use of blackmail.~~

49.21 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
49.22 committed on or after that date.

49.23 Sec. 27. Minnesota Statutes 2020, section 609.281, subdivision 5, is amended to read:

49.24 Subd. 5. **Labor trafficking.** "Labor trafficking" means:

49.25 (1) the recruitment, transportation, transfer, harboring, enticement, provision, obtaining,
49.26 or receipt of a person by any means, ~~for the purpose~~ in furtherance of:

49.27 (i) debt bondage ~~or~~;

49.28 (ii) forced labor or services;

49.29 ~~(ii)~~ (iii) slavery or practices similar to slavery; or

49.30 ~~(iii)~~ (iv) the removal of organs through the use of coercion or intimidation; or

50.1 (2) receiving profit or anything of value, knowing or having reason to know it is derived
50.2 from an act described in clause (1).

50.3 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
50.4 committed on or after that date.

50.5 Sec. 28. Minnesota Statutes 2020, section 609.282, subdivision 1, is amended to read:

50.6 Subdivision 1. ~~Individuals under age 18~~ **Labor trafficking resulting in death.** Whoever
50.7 knowingly engages in the labor trafficking of an individual ~~who is under the age of 18~~ is
50.8 guilty of a crime and may be sentenced to imprisonment for not more than ~~20~~ 25 years or
50.9 to payment of a fine of not more than \$40,000, or both if the labor trafficking victim dies
50.10 and the death arose out of and in the course of the labor trafficking or the labor and services
50.11 related to the labor trafficking.

50.12 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
50.13 committed on or after that date.

50.14 Sec. 29. Minnesota Statutes 2020, section 609.282, is amended by adding a subdivision
50.15 to read:

50.16 Subd. 1a. **Individuals under age 18; extended period of time; great bodily**
50.17 **harm.** Whoever knowingly engages in the labor trafficking of an individual is guilty of a
50.18 crime and may be sentenced to imprisonment for not more than 20 years or to a payment
50.19 of a fine of not more than \$40,000, or both if any of the following circumstances exist:

50.20 (1) the labor trafficking victim is under the age of 18;

50.21 (2) the labor trafficking occurs over an extended period of time; or

50.22 (3) the labor trafficking victim suffers great bodily harm and the great bodily harm arose
50.23 out of and in the course of the labor trafficking or the labor and services related to the labor
50.24 trafficking.

50.25 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
50.26 committed on or after that date.

50.27 Sec. 30. Minnesota Statutes 2020, section 609.87, is amended by adding a subdivision to
50.28 read:

50.29 Subd. 17. **Data.** "Data" means records or information in digital form on a computer or
50.30 in software that can be stored, transmitted, or processed.

51.1 Sec. 31. Minnesota Statutes 2020, section 609.89, subdivision 1, is amended to read:

51.2 Subdivision 1. **Acts.** Whoever does any of the following is guilty of computer theft and
51.3 may be sentenced as provided in subdivision 2:

51.4 (a) intentionally and without authorization or claim of right accesses or causes to be
51.5 accessed any computer, computer system, computer network or any part thereof for the
51.6 purpose of obtaining services or property; ~~or~~

51.7 (b) intentionally and without claim of right, and with intent to deprive the owner of use
51.8 or possession, takes, transfers, conceals or retains possession of any computer, computer
51.9 system, or any computer software or data contained in a computer, computer system, or
51.10 computer network;

51.11 (c) intentionally and without authorization accesses or copies any computer software or
51.12 data and uses, alters, transfers, retains, or publishes the software or data; or

51.13 (d) intentionally retains copies of any computer software or data beyond the individual's
51.14 authority.

51.15 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
51.16 committed on or after that date.

51.17 Sec. 32. Minnesota Statutes 2020, section 626.843, subdivision 1, is amended to read:

51.18 Subdivision 1. **Rules required.** (a) The board shall adopt rules with respect to:

51.19 (1) the certification of postsecondary schools to provide programs of professional peace
51.20 officer education;

51.21 (2) minimum courses of study and equipment and facilities to be required at each certified
51.22 school within the state;

51.23 (3) minimum qualifications for coordinators and instructors at certified schools offering
51.24 a program of professional peace officer education located within this state;

51.25 (4) minimum standards of physical, mental, and educational fitness which shall govern
51.26 the admission to professional peace officer education programs and the licensing of peace
51.27 officers within the state, by any state, county, municipality, or joint or contractual
51.28 combination thereof, including members of the Minnesota State Patrol;

51.29 (5) board-approved continuing education courses that ensure professional competence
51.30 of peace officers and part-time peace officers;

52.1 (6) minimum standards of conduct which would affect the individual's performance of
52.2 duties as a peace officer. These standards shall be established and published. The board
52.3 shall review the minimum standards of conduct described in this clause for possible
52.4 modification in 1998 and every three years after that time;

52.5 (7) a set of educational learning objectives that must be met within a certified school's
52.6 professional peace officer education program. These learning objectives must concentrate
52.7 on the knowledge, skills, and abilities deemed essential for a peace officer. Education in
52.8 these learning objectives shall be deemed satisfactory for the completion of the minimum
52.9 basic training requirement;

52.10 (8) the establishment and use by any political subdivision or state law enforcement
52.11 agency that employs persons licensed by the board of procedures for investigation and
52.12 resolution of allegations of misconduct by persons licensed by the board. The procedures
52.13 shall be in writing and shall be established on or before October 1, 1984;

52.14 (9) the issues that must be considered by each political subdivision and state law
52.15 enforcement agency that employs persons licensed by the board in establishing procedures
52.16 under section 626.5532 to govern the conduct of peace officers who are in pursuit of a
52.17 vehicle being operated in violation of section 609.487, and requirements for the training of
52.18 peace officers in conducting pursuits. The adoption of specific procedures and requirements
52.19 is within the authority of the political subdivision or agency;

52.20 (10) supervision of part-time peace officers and requirements for documentation of hours
52.21 worked by a part-time peace officer who is on active duty. These rules shall be adopted by
52.22 December 31, 1993;

52.23 (11) citizenship requirements for peace officers and part-time peace officers;

52.24 (12) driver's license requirements for peace officers and part-time peace officers; and

52.25 (13) such other matters as may be necessary consistent with sections 626.84 to 626.863.
52.26 Rules promulgated by the attorney general with respect to these matters may be continued
52.27 in force by resolution of the board if the board finds the rules to be consistent with sections
52.28 626.84 to 626.863.

52.29 (b) In adopting and enforcing the rules described under paragraph (a), the board shall
52.30 prioritize the goal of promoting public safety. Promoting public safety includes the promotion
52.31 of human rights. "Public safety" means reducing or preventing crime by diverting people
52.32 away from the criminal justice system whenever possible, effecting arrest or detention
52.33 practices that are the least restrictive necessary to protect the public, and promoting the

53.1 rehabilitation of those who engage in criminal activity through the provision of
53.2 evidence-based programming and services, while still maintaining the basic rights, freedoms,
53.3 and privileges that belong to every person including the right to dignity, fairness, equality,
53.4 respect, and freedom from discrimination.

53.5 Sec. 33. Minnesota Statutes 2020, section 626A.35, is amended by adding a subdivision
53.6 to read:

53.7 Subd. 2b. **Exception; stolen motor vehicles.** (a) The prohibition of subdivision 1 does
53.8 not apply to the use of a mobile tracking device on a stolen motor vehicle when:

53.9 (1) the consent of the owner of the vehicle has been obtained; or

53.10 (2) the owner of the motor vehicle has reported to law enforcement that the vehicle is
53.11 stolen.

53.12 (b) Within 24 hours of a tracking device being attached to a vehicle pursuant to the
53.13 authority granted in paragraph (a), clause (2), an officer employed by the agency that attached
53.14 the tracking device to the vehicle must remove the device, disable the device, or obtain a
53.15 search warrant granting approval to continue to use the device in the investigation.

53.16 (c) A peace officer employed by the agency that attached a tracking device to a stolen
53.17 motor vehicle must remove the tracking device if the vehicle is recovered and returned to
53.18 the owner.

53.19 (d) Any tracking device evidence collected after the motor vehicle is returned to the
53.20 owner is inadmissible.

53.21 Sec. 34. Minnesota Statutes 2021 Supplement, section 628.26, is amended to read:

53.22 **628.26 LIMITATIONS.**

53.23 (a) Indictments or complaints for any crime resulting in the death of the victim may be
53.24 found or made at any time after the death of the person killed.

53.25 (b) Indictments or complaints for a violation of section 609.25 may be found or made
53.26 at any time after the commission of the offense.

53.27 (c) Indictments or complaints for violation of section 609.282 may be found or made at
53.28 any time after the commission of the offense if the victim was under the age of 18 at the
53.29 time of the offense.

53.30 (d) Indictments or complaints for violation of section 609.282 where the victim was 18
53.31 years of age or older at the time of the offense, or 609.42, subdivision 1, clause (1) or (2),

54.1 shall be found or made and filed in the proper court within six years after the commission
54.2 of the offense.

54.3 (e) Indictments or complaints for violation of sections 609.322, 609.342 to 609.345, and
54.4 609.3458 may be found or made at any time after the commission of the offense.

54.5 (f) Indictments or complaints for violation of sections 609.466 and 609.52, subdivision
54.6 2, paragraph (a), clause (3), item (iii), shall be found or made and filed in the proper court
54.7 within six years after the commission of the offense.

54.8 (g) Indictments or complaints for violation of section 609.2335, 609.52, subdivision 2,
54.9 paragraph (a), clause (3), items (i) and (ii), (4), (15), or (16), 609.631, or 609.821, where
54.10 the value of the property or services stolen is more than \$35,000, or for violation of section
54.11 609.527 where the offense involves eight or more direct victims or the total combined loss
54.12 to the direct and indirect victims is more than \$35,000, shall be found or made and filed in
54.13 the proper court within five years after the commission of the offense.

54.14 (h) Except for violations relating to false material statements, representations or
54.15 omissions, indictments or complaints for violations of section 609.671 shall be found or
54.16 made and filed in the proper court within five years after the commission of the offense.

54.17 (i) Indictments or complaints for violation of sections 609.561 to 609.563, shall be found
54.18 or made and filed in the proper court within five years after the commission of the offense.

54.19 (j) Indictments or complaints for violation of section 609.746 shall be found or made
54.20 and filed in the proper court within the later of three years after the commission of the
54.21 offense or three years after the offense was reported to law enforcement authorities.

54.22 ~~(k)~~ (k) In all other cases, indictments or complaints shall be found or made and filed in
54.23 the proper court within three years after the commission of the offense.

54.24 ~~(l)~~ (l) The limitations periods contained in this section shall exclude any period of time
54.25 during which the defendant was not an inhabitant of or usually resident within this state.

54.26 ~~(m)~~ (m) The limitations periods contained in this section for an offense shall not include
54.27 any period during which the alleged offender participated under a written agreement in a
54.28 pretrial diversion program relating to that offense.

54.29 ~~(n)~~ (n) The limitations periods contained in this section shall not include any period of
54.30 time during which physical evidence relating to the offense was undergoing DNA analysis,
54.31 as defined in section 299C.155, unless the defendant demonstrates that the prosecuting or
54.32 law enforcement agency purposefully delayed the DNA analysis process in order to gain
54.33 an unfair advantage.

55.1 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
55.2 committed on or after that date.

55.3 Sec. 35. Minnesota Statutes 2020, section 629.341, subdivision 3, is amended to read:

55.4 Subd. 3. **Notice of rights.** The peace officer shall tell the victim whether a shelter or
55.5 other services are available in the community and give the victim immediate notice of the
55.6 legal rights and remedies available. The notice must include furnishing the victim a copy
55.7 of the following statement:

55.8 "IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the city or
55.9 county attorney to file a criminal complaint. You also have the right to go to court and file
55.10 a petition requesting an order for protection from domestic abuse. The order could include
55.11 the following:

55.12 (1) an order restraining the abuser from further acts of abuse;

55.13 (2) an order directing the abuser to leave your household;

55.14 (3) an order preventing the abuser from entering your residence, school, business, or
55.15 place of employment;

55.16 (4) an order awarding you or the other parent custody of or parenting time with your
55.17 minor child or children; or

55.18 (5) an order directing the abuser to pay support to you and the minor children if the
55.19 abuser has a legal obligation to do so."

55.20 The notice must include the resource listing, including telephone number, for the area
55.21 battered women's shelter, to be designated by the Office of Justice Programs in the
55.22 Department of Corrections Public Safety.

55.23 Sec. 36. Minnesota Statutes 2020, section 629.341, subdivision 4, is amended to read:

55.24 Subd. 4. **Report required.** Whenever a peace officer investigates an allegation that an
55.25 incident described in subdivision 1 has occurred, whether or not an arrest is made, the officer
55.26 shall make a written police report of the alleged incident. The report must contain at least
55.27 the following information: the name, address and telephone number of the victim, if provided
55.28 by the victim, a statement as to whether an arrest occurred, the name of the arrested person,
55.29 and a brief summary of the incident. Data that identify a victim who has made a request
55.30 under section 13.82, subdivision 17, paragraph (d), and that are private data under that
55.31 subdivision, shall be private in the report required by this section. A copy of this report must

56.1 be provided upon request, at no cost, to the victim of domestic abuse, the victim's attorney,
56.2 or organizations designated by the Office of Justice Programs in the Department of Public
56.3 Safety ~~or the commissioner of corrections~~ that are providing services to victims of domestic
56.4 abuse. The officer shall submit the report to the officer's supervisor or other person to whom
56.5 the employer's rules or policies require reports of similar allegations of criminal activity to
56.6 be made.

56.7 Sec. 37. Minnesota Statutes 2020, section 629.72, subdivision 6, is amended to read:

56.8 Subd. 6. **Notice; release of arrested person.** (a) Immediately after issuance of a citation
56.9 in lieu of continued detention under subdivision 1, or the entry of an order for release under
56.10 subdivision 2, but before the arrested person is released, the agency having custody of the
56.11 arrested person or its designee must make a reasonable and good faith effort to inform orally
56.12 the alleged victim, local law enforcement agencies known to be involved in the case, if
56.13 different from the agency having custody, and, at the victim's request any local battered
56.14 women's and domestic abuse programs established under section 611A.32 or sexual assault
56.15 programs of:

56.16 (1) the conditions of release, if any;

56.17 (2) the time of release;

56.18 (3) the time, date, and place of the next scheduled court appearance of the arrested person
56.19 and the victim's right to be present at the court appearance; and

56.20 (4) if the arrested person is charged with domestic abuse, the location and telephone
56.21 number of ~~the area battered women's shelter as~~ programs that provide services to victims
56.22 of domestic abuse designated by the Office of Justice Programs in the Department of Public
56.23 Safety.

56.24 (b) As soon as practicable after an order for conditional release is entered, the agency
56.25 having custody of the arrested person or its designee must personally deliver or mail to the
56.26 alleged victim a copy of the written order and written notice of the information in paragraph
56.27 (a), clauses (2) and (3).

56.28 (c) Data on the victim and the notice provided by the custodial authority are private data
56.29 on individuals as defined in section 13.02, subdivision 12, and are accessible only to the
56.30 victim.

57.1 Sec. 38. Laws 2021, First Special Session chapter 11, article 2, section 12, is amended to
57.2 read:

57.3 Sec. 12. **299A.477 HOMETOWN HEROES ASSISTANCE PROGRAM.**

57.4 Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this section.

57.5 (b) "Critical illness" means cardiac disease and cancer as well as other illnesses covered
57.6 by a policy of insurance issued by an insurer in compliance with chapter 60A.

57.7 ~~(b)~~ (c) "Firefighter" means a volunteer, paid on-call, part-time, or career firefighter
57.8 serving a general population within the boundaries of the state.

57.9 ~~(e)~~ (d) "Minnesota Firefighter Initiative" means a collaborative that is established by
57.10 major fire service organizations in Minnesota, is a nonprofit organization, and is tax exempt
57.11 under section 501(c)(3) of the Internal Revenue Code.

57.12 Subd. 2. **Program established.** The commissioner of public safety shall award a grant
57.13 to the Minnesota Firefighter Initiative to administer a hometown heroes assistance program
57.14 for Minnesota firefighters. The Minnesota Firefighter Initiative shall use the grant funds:

57.15 (1) to ~~provide a onetime~~ establish and fund critical illness coverage that provides monetary
57.16 support ~~payment~~ payments to each firefighter who is diagnosed with ~~cancer or heart disease~~
57.17 a critical illness on or after August 1, 2021, and who applies for the payment. Monetary
57.18 support shall be provided according to the requirements in subdivision 3;

57.19 (2) to develop a psychotherapy program customized to address emotional trauma
57.20 experienced by firefighters and to offer all firefighters in the state up to five psychotherapy
57.21 sessions per year under the customized program, provided by mental health professionals;

57.22 (3) to ~~offer~~ coordinate additional psychotherapy sessions to firefighters who need them;

57.23 (4) to develop, annually update, and annually provide to all firefighters in the state at
57.24 least two hours of training on critical illnesses, such as cancer, and heart disease, and
57.25 emotional trauma as causes of illness and death for firefighters; steps and best practices for
57.26 firefighters to limit the occupational risks of cancer, heart disease, and emotional trauma;
57.27 provide evidence-based suicide prevention strategies; and ways for firefighters to address
57.28 occupation-related emotional trauma and promote emotional wellness. The training shall
57.29 be presented by firefighters who attend an additional course to prepare them to serve as
57.30 trainers; and

57.31 (5) for administrative and overhead costs of the Minnesota Firefighter Initiative associated
57.32 with conducting the activities in clauses (1) to (4).

58.1 Subd. 3. **Critical illness monetary support program.** (a) The Minnesota Firefighter
 58.2 Initiative shall establish and administer a critical illness monetary support program which
 58.3 shall provide ~~a onetime support payment~~ payments of up to \$20,000 to each eligible
 58.4 ~~firefighter diagnosed with cancer or heart disease. A firefighter may apply for monetary~~
 58.5 ~~support from the program, in a form specified by the Minnesota Firefighter Initiative, if the~~
 58.6 ~~firefighter has a current diagnosis of cancer or heart disease or was diagnosed with cancer~~
 58.7 ~~or heart disease in the year preceding the firefighter's application. A firefighter who is~~
 58.8 diagnosed with a critical illness on or after August 1, 2021, is eligible to apply for benefits
 58.9 under the monetary support program and has 12 months from the diagnosis to submit an
 58.10 application. A firefighter's application for monetary support must include a certification
 58.11 from the firefighter's health care provider of the firefighter's diagnosis ~~with cancer or heart~~
 58.12 ~~disease~~ of an eligible critical illness. The Minnesota Firefighter Initiative shall establish
 58.13 criteria to guide disbursement of monetary support payments under this program, and shall
 58.14 scale the amount of monetary support provided to each firefighter according to the severity
 58.15 of the firefighter's diagnosis.

58.16 (b) The commissioner of public safety may access the accounts of the critical illness
 58.17 monetary support program ~~and may~~ to conduct periodic audits of the program to ensure that
 58.18 payments are being made in compliance with this section and disbursement criteria
 58.19 established by the Minnesota Firefighter Initiative.

58.20 Subd. 4. **Money from nonstate sources.** The commissioner may accept contributions
 58.21 from nonstate sources to supplement state appropriations for the hometown heroes assistance
 58.22 program. Contributions received under this subdivision are appropriated to the commissioner
 58.23 for the grant to the Minnesota Firefighter Initiative for purposes of this section.

58.24 Sec. 39. **TASK FORCE ON A COORDINATED APPROACH TO JUVENILE**
 58.25 **WELLNESS AND JUSTICE.**

58.26 Subdivision 1. Establishment. The Task Force on a Coordinated Approach to Juvenile
 58.27 Wellness and Justice is established to review the juvenile justice system in Minnesota,
 58.28 examine approaches taken in other jurisdictions, and make policy and funding
 58.29 recommendations to the legislature.

58.30 Subd. 2. **Membership.** (a) The task force consists of the following members:

58.31 (1) a district court judge serving as the presiding judge in a district juvenile court
 58.32 appointed by the governor;

58.33 (2) the state public defender or a designee;

- 59.1 (3) a county attorney appointed by the Minnesota County Attorneys Association;
- 59.2 (4) the warden of the Minnesota correctional facility for juveniles in Red Wing or a
- 59.3 designee;
- 59.4 (5) a representative from a Tribal social services agency or a Tribal Council appointed
- 59.5 by the Indian Affairs Council;
- 59.6 (6) a representative from an Ojibwe Indian Tribe and a representative from a Dakota
- 59.7 Indian Tribe appointed by the Indian Affairs Council;
- 59.8 (7) a probation agent who supervises juveniles appointed by the Minnesota Association
- 59.9 of Community Correction Act Counties;
- 59.10 (8) a peace officer, as defined in Minnesota Statutes, section 626.84, subdivision 1,
- 59.11 paragraph (c), appointed by the governor from a list of three candidates submitted jointly
- 59.12 by the Minnesota Chiefs of Police Association, the Minnesota Sheriffs' Association, and
- 59.13 the Minnesota Police and Peace Officers Association;
- 59.14 (9) a high school principal appointed by the governor from a list of two candidates
- 59.15 submitted jointly by the commissioner of education and the executive director of Education
- 59.16 Minnesota;
- 59.17 (10) a representative from a county social services agency that has responsibility for
- 59.18 public child welfare and child protection services, appointed by the governor;
- 59.19 (11) an individual who was the victim of an offense committed by a juvenile, appointed
- 59.20 by the governor;
- 59.21 (12) a representative from a community-driven nonprofit law firm that represents juveniles
- 59.22 in delinquency matters, appointed by the governor;
- 59.23 (13) an individual who is the family member of youth impacted by the juvenile justice
- 59.24 system; and
- 59.25 (14) ten youths under age 25 with interest or experience in the juvenile justice, juvenile
- 59.26 protection, and foster systems.
- 59.27 (b) To the extent possible, the demographics of the public members identified in
- 59.28 paragraph (a), clause (14), must be inclusive and represent the ethnic and racial diversity
- 59.29 of the state, including gender and sexual orientation, immigrant status, and religious and
- 59.30 linguistic background. At least two of those public members must be from outside the
- 59.31 metropolitan area as defined in Minnesota Statutes, section 473.121, subdivision 2.
- 59.32 (c) Appointments must be made no later than September 15, 2022.

60.1 (d) Public members identified in paragraph (a), clause (14), are eligible for compensation
60.2 and expense reimbursement consistent with Minnesota Statutes, section 15.059, subdivision
60.3 3. All other members shall serve without compensation.

60.4 (e) Members of the task force serve at the pleasure of the appointing authority or until
60.5 the task force expires. Vacancies shall be filled by the appointing authority consistent with
60.6 the qualifications of the vacating member required by this subdivision.

60.7 Subd. 3. **Officers; meetings.** (a) At its first meeting, the members of the task force shall
60.8 elect cochairs of the task force, at least one of whom must be a public member identified
60.9 in paragraph (a), clause (14). The task force may elect other officers as necessary.

60.10 (b) The executive director of the Office of Justice Programs shall convene the first
60.11 meeting of the task force no later than October 15, 2022, and shall provide meeting space
60.12 and administrative assistance through the Office of Justice Programs as necessary for the
60.13 task force to conduct its work.

60.14 (c) The task force shall meet at least monthly or upon the call of a cochair. The task
60.15 force shall meet sufficiently enough to accomplish the tasks identified in this section.
60.16 Meetings of the task force are subject to Minnesota Statutes, chapter 13D.

60.17 Subd. 4. **Duties.** (a) The task force shall, at a minimum:

60.18 (1) review Minnesota's juvenile justice system;

60.19 (2) identify areas of overlap and conflict between Minnesota's juvenile justice and child
60.20 protection systems, including areas of collaboration and coordination, provision of duplicated
60.21 services, and any inconsistent expectations placed on juveniles;

60.22 (3) review alternative approaches to juvenile justice in Minnesota counties, Tribal
60.23 communities, and other states or jurisdictions;

60.24 (4) identify social, emotional, and developmental factors that contribute to delinquent
60.25 acts by juveniles;

60.26 (5) identify approaches to juvenile justice that involve the affected juvenile and address
60.27 any underlying factors that contribute to delinquent acts by juveniles;

60.28 (6) identify approaches to juvenile justice that hold juvenile offenders accountable to
60.29 victims and the community in ways that seek to strengthen the juvenile's connection to the
60.30 community; and

60.31 (7) make recommendations for community and legislative action to address juvenile
60.32 justice in Minnesota.

61.1 (b) At its discretion, the task force may examine other related issues consistent with this
61.2 section.

61.3 Subd. 5. **Report.** By January 15, 2024, the task force shall submit a report to the chairs
61.4 and ranking minority members of the house of representatives and senate committees and
61.5 divisions with jurisdiction over public safety finance and policy, judiciary finance and
61.6 policy, human services finance and policy, and education finance and policy.

61.7 Subd. 6. **Expiration.** The task force expires the day after submitting its final report under
61.8 subdivision 5.

61.9 Sec. 40. **EMERGENCY COMMUNITY SAFETY GRANTS.**

61.10 Subdivision 1. **Expedited disbursement; distribution.** (a) Application materials for
61.11 grants issued under this section must be prepared and made available to the public by July
61.12 15, 2022.

61.13 (b) Applications must be reviewed and considered by the commissioner as they are
61.14 received, and the commissioner shall approve applications when they are determined to
61.15 meet eligibility requirements and all applicable grant standards.

61.16 (c) Half of the total amount awarded must be provided to programs that do not involve
61.17 law enforcement agencies and are for the purposes identified in subdivision 3, paragraph
61.18 (c), clauses (1) to (8).

61.19 Subd. 2. **Eligible recipients.** (a) A county; city; town; local law enforcement agency,
61.20 including a law enforcement agency of a federally recognized Tribe, as defined in United
61.21 States Code, title 25, section 450b(e); or a federally recognized Indian Tribe may apply for
61.22 emergency community safety grants to support crime prevention programs.

61.23 (b) A county, city, town, or a federally recognized Indian Tribe may apply as part of a
61.24 multijurisdictional collaboration with other counties, cities, towns, or federally recognized
61.25 Indian Tribes.

61.26 (c) As used in this section "crime prevention programs" includes but is not limited to:

61.27 (1) re-entry programs;

61.28 (2) victim services programs;

61.29 (3) homelessness assistance programs;

61.30 (4) mobile crisis teams and embedded social worker programs;

61.31 (5) restorative justice programs;

- 62.1 (6) co-responder programs;
- 62.2 (7) juvenile diversion programs;
- 62.3 (8) community violence interruption programs;
- 62.4 (9) increasing the recruitment of officers by utilizing advertisements, or bonuses or
62.5 scholarships for peace officers who remain continuously employed as peace officers for at
62.6 least 12 months and have not been subject to disciplinary action in the previous 12 months;
- 62.7 (10) increasing patrols outside of squad cars, on foot or in transportation options that
62.8 provide more interaction between police and community members;
- 62.9 (11) increasing, establishing, maintaining, or expanding crisis response teams in which
62.10 social workers or mental health providers are sent as first responders when calls for service
62.11 indicate that an individual is having a mental health crisis;
- 62.12 (12) establishing, maintaining, or expanding co-responder teams;
- 62.13 (13) purchasing equipment to perform patrols outside of squad cars on foot or in
62.14 transportation options that provide more interaction between police and community members;
- 62.15 (14) hiring additional non-law-enforcement personnel to conduct functions typically
62.16 performed by law enforcement with the intent of freeing up additional law enforcement to
62.17 perform patrols or respond to service calls;
- 62.18 (15) increasing recruitment of additional detectives, investigators, or other individuals
62.19 with a comparable rank or designation to investigate homicides, nonfatal shootings, or motor
62.20 vehicle theft, including hiring, on a temporary or permanent basis, retired officers utilizing
62.21 advertisement, or bonuses or scholarships for peace officers who remain continuously
62.22 employed as peace officers for at least 12 months and have not been subject to disciplinary
62.23 action in the previous 12 months;
- 62.24 (16) increasing recruitment of additional peace officers to replace officers transferred
62.25 or promoted to detective, investigator, or a comparable rank and assigned to investigate
62.26 homicides, nonfatal shootings, or motor vehicle theft;
- 62.27 (17) ensuring retention of peace officers identified as a detective, investigator, or a
62.28 comparable rank and assigned to investigate homicides and nonfatal shootings;
- 62.29 (18) acquiring, upgrading, or replacing investigative or evidence-processing technology
62.30 or equipment;
- 62.31 (19) hiring additional evidence-processing personnel;

63.1 (20) ensuring that personnel responsible for evidence processing have sufficient resources
63.2 and training;

63.3 (21) hiring and training personnel to analyze violent crime, specifically with regards to
63.4 the use of intelligence information of criminal networks and the potential for retaliation
63.5 among gangs or groups, and the geographic trends among homicides, nonfatal shootings,
63.6 and carjackings;

63.7 (22) ensuring that victim services and personnel are sufficiently funded, staffed, and
63.8 trained;

63.9 (23) ensuring that victims and family members of homicides and nonfatal shootings
63.10 have access to resources, including:

63.11 (i) convenient mental health treatment and grief counseling;

63.12 (ii) funeral and burial expenses;

63.13 (iii) relocation expenses;

63.14 (iv) emergency shelter;

63.15 (v) emergency transportation; and

63.16 (vi) lost wage assistance;

63.17 (24) developing competitive and evidence-based programs to improve homicide and
63.18 nonfatal shooting clearance rates; or

63.19 (25) developing best practices for improving access to, and acceptance of, victim services,
63.20 including those that promote medical and psychological wellness, ongoing counseling, legal
63.21 advice, and financial compensation.

63.22 Subd. 3. **Application for grants.** (a) A crime prevention program may apply to the
63.23 commissioner of public safety for a grant for any of the purposes described in subdivision
63.24 3. The application must be on forms and pursuant to procedures developed by the
63.25 commissioner. The application must describe the type or types of intended emergency
63.26 assistance, estimate the amount of money required, and include any other information
63.27 deemed necessary by the commissioner.

63.28 (b) An applicant may not spend in any fiscal year more than ten percent of the grant
63.29 awarded for administrative costs.

63.30 (c) Grant recipients may use funds to partner with or support other programs.

64.1 Subd. 4. **Reporting by crime prevention programs required.** The recipient of a grant
64.2 under this section shall file a report with the commissioner of public safety by December
64.3 15 of each calendar year in which funds were received or used. Reports must itemize the
64.4 expenditures made, indicate the purpose of those expenditures, and describe the ultimate
64.5 disposition, if any, of each case. The report must be on forms and pursuant to procedures
64.6 developed by the commissioner.

64.7 Sec. 41. **LOCAL CO-RESPONDER GRANTS.**

64.8 Subdivision 1. **Expedited disbursement; distribution.** (a) Application materials for
64.9 grants issued under this section must be prepared and made available to the public by August
64.10 15.

64.11 (b) Applications must be reviewed and considered by the commissioner as they are
64.12 received, and the commissioner shall approve applications when they are determined to
64.13 meet eligibility requirements and all applicable grant standards.

64.14 (c) Half of the total amount awarded must be provided to programs that do not involve
64.15 law enforcement agencies and are for the purposes identified in subdivision 3, paragraph
64.16 (c), clauses (1) to (8).

64.17 Subd. 2. **Eligible recipients.** (a) A county; city; town; local law enforcement agency,
64.18 including a law enforcement agency of a federally recognized Tribe, as defined in United
64.19 States Code, title 25, section 450b(e); or a federally recognized Indian Tribe may apply for
64.20 local co-responder grants for the purposes identified in this subdivision.

64.21 (b) A county, city, town, or a federally recognized Indian Tribe may apply as part of a
64.22 multijurisdictional collaboration with other counties, cities, towns, or federally recognized
64.23 Indian Tribes.

64.24 (c) Qualifying programs must partner with local law enforcement organizations and
64.25 must include:

64.26 (1) embedded social workers;

64.27 (2) mobile crisis teams; or

64.28 (3) violence interrupters who work with law enforcement agencies.

64.29 Subd. 3. **Application for grants.** (a) A co-responder program may apply to the
64.30 commissioner of public safety for a grant for any of the purposes described in subdivision
64.31 3. The application must be on forms and pursuant to procedures developed by the
64.32 commissioner.

65.1 (b) An applicant may not spend in any fiscal year more than ten percent of the grant
65.2 awarded for administrative costs.

65.3 (c) Grant recipients may use funds to partner with or support other programs.

65.4 Subd. 4. **Reporting by co-responder programs required.** The recipient of a grant
65.5 under this section shall file a report with the commissioner of public safety by December
65.6 15 of each calendar year in which funds were received or used. Reports must itemize the
65.7 expenditures made, indicate the purpose of those expenditures, and describe the ultimate
65.8 disposition, if any, of each case. The report must be on forms and pursuant to procedures
65.9 developed by the commissioner.

65.10 Sec. 42. **LOCAL COMMUNITY INNOVATION GRANTS.**

65.11 Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the
65.12 meanings given.

65.13 (b) "Community violence interruption" means a program that works with other
65.14 organizations and persons in the community to develop community-based responses to
65.15 violence that use and adapt critical incident response methods, provide targeted interventions
65.16 to prevent the escalation of violence after the occurrence of serious incidents, and de-escalate
65.17 violence with the use of community-based interventions. The programs may work with
65.18 local prosecutorial offices to provide an alternative to adjudication through a restorative
65.19 justice model.

65.20 (c) "Co-responder teams" means a partnership between a group or organization that
65.21 provides mental health or crisis-intervention services and local units of government or Tribal
65.22 governments that:

65.23 (1) provides crisis-response teams to de-escalate volatile situations;

65.24 (2) responds to situations involving a mental health crisis;

65.25 (3) promotes community-based efforts designed to enhance community safety and
65.26 wellness; or

65.27 (4) supports community-based strategies to interrupt, intervene in, or respond to violence.

65.28 (d) "Qualified local government entity" means a city or town, or a federally recognized
65.29 Indian Tribe with a law enforcement agency that reports statistics on crime rates.

65.30 (e) "Restorative justice program" has the meaning given in Minnesota Statutes, section
65.31 611A.775, and includes Native American sentencing circles.

66.1 Subd. 2. Expedited disbursement. (a) Application materials for grants issued under
66.2 this section must be prepared and made available to the public by September 1.

66.3 (b) Applications must be received and reviewed, and successful applicants must be
66.4 notified of approval, within six months of an appropriation being made to fund the grants.

66.5 Subd. 3. Final review panel. (a) The Office of Justice Programs shall establish a final
66.6 review panel of office staff to make final decisions on grants awarded under this section.

66.7 (b) Staff serving on the final review panel must represent the office's responsibility for
66.8 community outreach, research and analysis, crime victim reparations, crime victim justice,
66.9 financial compliance, or grant management. At a minimum, the final review panel shall
66.10 include:

66.11 (1) three individuals with specialized knowledge of, or an advanced degree in,
66.12 criminology, sociology, urban studies, or social work;

66.13 (2) an individual with professional duties that include research and analysis; and

66.14 (3) an individual with professional duties that include grant compliance or grant
66.15 management.

66.16 (c) If the commissioner rejects or otherwise does not follow the final review panel's
66.17 decisions or recommendations regarding awarding or not awarding a grant, the commissioner
66.18 shall notify the chair and ranking minority members of the legislative committees with
66.19 jurisdiction over public safety within three business days and must identify the reasons for
66.20 the commissioner's decision.

66.21 Subd. 4. Eligible applicants; identification and notice. (a) The commissioner of public
66.22 safety shall publish the following lists by August 1 of each year to determine eligibility for
66.23 the formula grant:

66.24 (1) the qualified local government entities with at least three recorded violent crimes in
66.25 the previous fiscal year and the 20 highest per capita crime rates in the previous fiscal year
66.26 based on the Uniform Crime Reports or National Incident Based Reporting System;

66.27 (2) the counties with the 20 highest per capita crime rates in the previous fiscal year
66.28 based on the Uniform Crime Reports or National Incident Based Reporting System;

66.29 (3) the qualified local government entities that are not included in the list generated
66.30 pursuant to clause (1) and have experienced at least three recorded violent crimes in the
66.31 previous fiscal year and the 20 fastest increases in the per capita rate of crime in the previous

67.1 fiscal year based on the Uniform Crime Reports or National Incident Based Reporting
67.2 System; and

67.3 (4) the counties that are not included in the list generated pursuant to clause (2) and have
67.4 experienced the 20 fastest increases in the per capita rate of crime in the previous fiscal year
67.5 based on the Uniform Crime Reports or National Incident Based Reporting System.

67.6 (b) A county or qualified local government entity identified in any list produced pursuant
67.7 to paragraph (a), clauses (1) to (4), may apply for a grant under this section. A listed county
67.8 or qualified local government entity that reports statistics on crime rates may apply as part
67.9 of a multijurisdictional collaboration with counties or local government entities that are not
67.10 listed provided the portion of programs or services provided through the grant funding that
67.11 are performed in the listed county or qualified local government entity is at least equal to
67.12 its proportion of the membership of the multijurisdictional collaboration.

67.13 (c) The commissioner of public safety shall post the lists described in paragraph (a),
67.14 clauses (1) to (4), on a publicly facing website and shall work with the League of Minnesota
67.15 Cities, Association of Minnesota Counties, the three ethnic councils established under
67.16 section 15.0145, and the Indian Affairs Council established under section 3.922 to notify
67.17 entities that are eligible to apply for grants under this section.

67.18 Subd. 5. **Grant distribution.** (a) Half of the total amount appropriated under this section
67.19 must be awarded to counties or qualified local government entities identified in subdivision
67.20 4, paragraph (a), clause (1) or (2).

67.21 (b) Half the total amount appropriated under this section must be awarded to counties
67.22 or qualified local government entities identified in subdivision 4, paragraph (a), clause (3)
67.23 or (4).

67.24 Subd. 6. **Application materials.** (a) Applicants must submit an application in the form
67.25 and manner established by the commissioner of public safety.

67.26 (b) Applicants must describe the ways in which grant funds will be used to reduce crime
67.27 in a specific subsection of the county or qualified local government entity through the
67.28 creation or expansion of programs including, but not limited to the following:

67.29 (1) re-entry programs;

67.30 (2) victim services programs;

67.31 (3) homelessness assistance programs;

67.32 (4) mobile crisis teams and embedded social worker programs;

- 68.1 (5) restorative justice programs;
68.2 (6) co-responder programs;
68.3 (7) juvenile diversion programs;
68.4 (8) community violence interruption programs;
68.5 (9) blight elimination programs; or
68.6 (10) programs that provide technical assistance to service providers who are doing work
68.7 that would promote public safety.

68.8 Subd. 7. **Awards.** (a) Preference in awarding grants should be given to applicants whose
68.9 proposals are based on evidence-based practices, provide resources to geographic areas that
68.10 have been historically underinvested, and incorporate input from community stakeholders.

68.11 (b) Grant recipients may use funds to partner with or support other programs.

68.12 (c) Grant funds may not be used to fund the activities of law enforcement agencies or
68.13 offset the costs of counties or qualified local government entities.

68.14 (d) Any funds that are not encumbered or spent six years after being awarded must be
68.15 returned to the commissioner of public safety and awarded as part of a local community
68.16 innovation grant.

68.17 Subd. 8. **Evaluation.** Each grant recipient shall complete a standardized evaluation
68.18 established by the Minnesota Statistical Analysis Center every two years.

68.19 **Sec. 43. LOCAL COMMUNITY POLICING GRANTS.**

68.20 Subdivision 1. **Definition.** As used in this section, "qualified local government entity"
68.21 means a federally recognized Indian Tribe with a law enforcement agency that reports
68.22 statistics on crime rates, or a city or town that has a local law enforcement agency.

68.23 Subd. 2. **Expedited disbursement.** (a) Application materials for grants issued under
68.24 this section must be prepared and made available to the public by September 1.

68.25 (b) Applications must be received and reviewed, and successful applicants must be
68.26 notified of approval, within six months of an appropriation being made to fund the grants.

68.27 Subd. 3. **Final review panel.** (a) The Office of Justice Programs shall establish a final
68.28 review panel of office staff to make final decisions on grants awarded under this section.

68.29 (b) Staff serving on the final review panel must represent the office's responsibility for
68.30 community outreach, research and analysis, crime victim reparations, crime victim justice,

69.1 financial compliance, or grant management. At a minimum, the final review panel shall
69.2 include:

69.3 (1) three individuals with specialized knowledge of, or an advanced degree in,
69.4 criminology, sociology, urban studies, or social work;

69.5 (2) an individual with professional duties that include research and analysis; and

69.6 (3) an individual with professional duties that include grant compliance or grant
69.7 management.

69.8 (c) If the commissioner rejects or otherwise does not follow the final review panel's
69.9 decisions or recommendations regarding awarding or not awarding a grant, the commissioner
69.10 shall notify the chair and ranking minority members of the legislative committees with
69.11 jurisdiction over public safety within three business days and must identify the reasons for
69.12 the commissioner's decision.

69.13 Subd. 4. **Eligible applicants; identification and notice.** (a) The commissioner of public
69.14 safety shall publish the following lists by August 1 of each year:

69.15 (1) the qualified local government entities that have recorded at least three violent crimes
69.16 in the previous fiscal year and have the 20 highest per capita crime rates in the previous
69.17 fiscal year based on the Uniform Crime Reports or National Incident Based Reporting
69.18 System;

69.19 (2) the counties with the 20 highest per capita crime rates in the previous fiscal year
69.20 based on the Uniform Crime Reports or National Incident Based Reporting System;

69.21 (3) the qualified local government entities that are not included in the list generated
69.22 pursuant to clause (1), have recorded at least three violent crimes in the previous fiscal year,
69.23 and have experienced the 20 fastest increases in the per capita rate of crime in the previous
69.24 fiscal year based on the Uniform Crime Reports or National Incident Based Reporting
69.25 System; and

69.26 (4) the counties that are not included in the list generated pursuant to clause (2) and have
69.27 experienced the 20 fastest increases in the per capita rate of crime in the previous fiscal year
69.28 based on the Uniform Crime Reports or National Incident Based Reporting System.

69.29 (b) A county or qualified local government entity identified in any list produced pursuant
69.30 to paragraph (a), clauses (1) to (4), may apply for a grant under this section. A listed county
69.31 or qualified local government entity may apply as part of a multijurisdictional collaboration
69.32 with counties and local government entities that are not listed provided the portion of
69.33 programs or services provided through the grant funding that are performed in the listed

70.1 county or qualified local government entity is at least equal to its proportion of the
70.2 membership of the multijurisdictional collaboration.

70.3 (c) The commissioner of public safety shall post the lists described in paragraph (a),
70.4 clauses (1) to (4), on a publicly facing website and shall work with the League of Minnesota
70.5 Cities, Association of Minnesota Counties, the three ethnic councils established under
70.6 section 15.0145, and the Indian Affairs Council established under section 3.922 to notify
70.7 entities that are eligible to apply for grants under this section.

70.8 Subd. 5. **Grant distribution.** (a) Half of the total amount appropriated under this section
70.9 must be awarded to counties or qualified local government entities identified in subdivision
70.10 4, paragraph (a), clause (1) or (2).

70.11 (b) Half the total amount appropriated under this section must be awarded to counties
70.12 or qualified local government entities identified in subdivision 4, paragraph (a), clause (3)
70.13 or (4).

70.14 Subd. 6. **Application materials.** (a) Applicants must submit an application in the form
70.15 and manner established by the commissioner.

70.16 (b) Applicants must describe the ways in which grant funds will be used to reduce crime
70.17 by increasing the capacity, efficiency, and effectiveness of law enforcement community
70.18 policing efforts through approaches including, but not limited to the following:

70.19 (1) increasing the recruitment of officers by utilizing advertisements, or bonuses or
70.20 scholarships for peace officers who remain continuously employed as a peace officer for
70.21 at least 12 months and have not been subject to disciplinary action in the previous 12 months;

70.22 (2) increasing patrols outside of squad cars on foot or in transportation options that
70.23 provide more interaction between police and community members;

70.24 (3) increasing, establishing, maintaining, or expanding crisis response teams in which
70.25 social workers or mental health providers are sent as first responders when calls for service
70.26 indicate that an individual is having a mental health crisis;

70.27 (4) establishing, maintaining, or expanding co-responder teams;

70.28 (5) purchasing equipment to perform patrols outside of squad cars on foot or in
70.29 transportation options that provide more interaction between police and community members;
70.30 or

71.1 (6) hiring additional non-law-enforcement personnel to conduct functions typically
71.2 performed by law enforcement with the intent of freeing up additional law enforcement to
71.3 perform patrols or respond to service calls.

71.4 Subd. 7. **Awards.** (a) Preference in awarding grants should be given to applicants whose
71.5 proposals:

71.6 (1) involve community policing strategies;

71.7 (2) include collaboration with non-law-enforcement entities such as community-based
71.8 violence prevention programs, social worker programs, or mental health specialists;

71.9 (3) are based on academic studies or based on evidence-based policing research or
71.10 findings; or

71.11 (4) involve increased law enforcement accountability or transparency.

71.12 (b) Grant recipients may use funds to partner with or support other programs.

71.13 (c) Grant funds may not be used to offset the costs of law enforcement agencies, counties,
71.14 or qualified local government entities.

71.15 (d) Any funds that are not encumbered or spent six years after being awarded must be
71.16 returned to the commissioner of public safety and awarded as part of a local community
71.17 innovation grant.

71.18 Subd. 8. **Evaluation.** Each grant recipient shall complete a standardized evaluation
71.19 established by the Minnesota Statistical Analysis Center every two years.

71.20 Sec. 44. **LOCAL INVESTIGATION GRANTS.**

71.21 Subdivision 1. **Definition.** As used in this section, "qualified local government entity"
71.22 means a federally recognized Indian Tribe with a law enforcement agency that reports
71.23 statistics on crime rates, or a city or town that has a local law enforcement agency.

71.24 Subd. 2. **Expedited disbursement.** (a) Application materials for grants issued under
71.25 this section must be prepared and made available to the public by September 1.

71.26 (b) Applications must be received and reviewed, and successful applicants must be
71.27 notified of approval, within six months of an appropriation being made to fund the grants.

71.28 Subd. 3. **Final review panel.** (a) The Office of Justice Programs shall establish a final
71.29 review panel of office staff to make final decisions on grants awarded under this section.

71.30 (b) Staff serving on the final review panel must represent the office's responsibility for
71.31 community outreach, research and analysis, crime victim reparations, crime victim justice,

72.1 financial compliance, or grant management. At a minimum, the final review panel shall
72.2 include:

72.3 (1) three individuals with specialized knowledge of, or an advanced degree in,
72.4 criminology, sociology, urban studies, or social work;

72.5 (2) an individual with professional duties that include research and analysis; and

72.6 (3) an individual with professional duties that include grant compliance or grant
72.7 management.

72.8 (c) If the commissioner rejects or otherwise does not follow the final review panel's
72.9 decisions or recommendations regarding awarding or not awarding a grant, the commissioner
72.10 shall notify the chair and ranking minority members of the legislative committees with
72.11 jurisdiction over public safety within three business days and must identify the reasons for
72.12 the commissioner's decision.

72.13 Subd. 4. **Eligible applicants; identification and notice.** (a) The commissioner of public
72.14 safety shall publish the following lists by August 1 of each year:

72.15 (1) the qualified local government entities that have recorded at least three violent crimes
72.16 in the previous fiscal year and have the 20 highest per capita crime rates in the previous
72.17 fiscal year based on the Uniform Crime Reports or National Incident Based Reporting
72.18 System;

72.19 (2) the counties with the 20 highest per capita crime rates in the previous fiscal year
72.20 based on the Uniform Crime Reports or National Incident Based Reporting System;

72.21 (3) the qualified local government entities that are not included in the list generated
72.22 pursuant to clause (1), have recorded at least three violent crimes in the previous fiscal year,
72.23 and have experienced the 20 fastest increases in the per capita rate of crime in the previous
72.24 fiscal year based on the Uniform Crime Reports or National Incident Based Reporting
72.25 System; and

72.26 (4) the counties that are not included in the list generated pursuant to clause (2) and have
72.27 experienced the 20 fastest increases in the per capita rate of crime in the previous fiscal year
72.28 based on the Uniform Crime Reports or National Incident Based Reporting System.

72.29 (b) A county or qualified local government entity identified in any list produced pursuant
72.30 to paragraph (a), clauses (1) to (4), may apply for a grant under this section. A listed county
72.31 or qualified local government entity may apply as part of a multijurisdictional collaboration
72.32 with counties and local government entities that are not listed provided the portion of
72.33 programs or services provided through the grant funding that are performed in the listed

73.1 county or qualified local government entity is at least equal to its proportion of the
73.2 membership of the multijurisdictional collaboration.

73.3 (c) The commissioner of public safety shall post the lists described in paragraph (a),
73.4 clauses (1) to (4), on a publicly facing website and shall work with the League of Minnesota
73.5 Cities, Association of Minnesota Counties, the three ethnic councils established under
73.6 section 15.0145, and the Indian Affairs Council established under section 3.922 to notify
73.7 entities that are eligible to apply for grants under this section.

73.8 Subd. 5. **Grant distribution.** (a) Half of the total amount appropriated under this section
73.9 must be awarded to counties or qualified local government entities identified in subdivision
73.10 4, paragraph (a), clause (1) or (2).

73.11 (b) Half the total amount appropriated under this section must be awarded to counties
73.12 or qualified local government entities identified in subdivision 4, paragraph (a), clause (3)
73.13 or (4).

73.14 Subd. 6. **Application materials.** (a) Applicants must submit an application in the form
73.15 and manner established by the commissioner of public safety.

73.16 (b) Applicants must describe the ways in which grant funds will be used to reduce crime
73.17 by increasing the capacity, efficiency, and effectiveness of law enforcement investigations
73.18 through approaches including, but not limited to the following:

73.19 (1) increasing recruitment of additional detectives, investigators, or other individuals
73.20 with a comparable rank or designation to investigate homicides, nonfatal shootings, or motor
73.21 vehicle theft, including hiring, on a temporary or permanent basis, retired officers by utilizing
73.22 advertisements, or bonuses or scholarships for peace officers who remain continuously
73.23 employed as a peace officer for at least 12 months and have not been subject to disciplinary
73.24 action in the previous 12 months;

73.25 (2) increasing recruitment of additional peace officers to replace officers transferred or
73.26 promoted to detective, investigator, or a comparable rank and assigned to investigate
73.27 homicides, nonfatal shootings, or motor vehicle theft;

73.28 (3) ensuring retention of peace officers identified as a detective, investigator, or a
73.29 comparable rank and assigned to investigate homicides and nonfatal shootings;

73.30 (4) acquiring, upgrading, or replacing investigative or evidence-processing technology
73.31 or equipment;

73.32 (5) hiring additional evidence-processing personnel;

74.1 (6) ensuring that personnel responsible for evidence processing have sufficient resources
74.2 and training;

74.3 (7) hiring and training personnel to analyze violent crime, specifically with regards to
74.4 the use of intelligence information of criminal networks and the potential for retaliation
74.5 among gangs or groups, and the geographic trends among homicides, nonfatal shootings,
74.6 and carjackings;

74.7 (8) ensuring that victim services and personnel are sufficiently funded, staffed, and
74.8 trained;

74.9 (9) ensuring that victims and family members of homicides and nonfatal shootings have
74.10 access to resources, including:

74.11 (i) convenient mental health treatment and grief counseling;

74.12 (ii) assistance for funeral and burial expenses;

74.13 (iii) assistance for relocation expenses;

74.14 (iv) emergency shelter;

74.15 (v) emergency transportation; and

74.16 (vi) lost wage assistance;

74.17 (10) developing competitive and evidence-based programs to improve homicide and
74.18 nonfatal shooting clearance rates; or

74.19 (11) developing best practices for improving access to, and acceptance of, victim services,
74.20 including those that promote medical and psychological wellness, ongoing counseling, legal
74.21 advice, and financial compensation.

74.22 Subd. 7. **Awards.** (a) Grant recipients may use funds to partner with or support other
74.23 programs.

74.24 (b) Grant funds may not be used to fund undercover peace officer work or offset the
74.25 costs of law enforcement agencies, counties, or qualified local government entities.

74.26 (c) Any funds that are not encumbered or spent six years after being awarded must be
74.27 returned to the commissioner of public safety and awarded as part of a local community
74.28 innovation grant.

74.29 Subd. 8. **Evaluation.** Each grant recipient shall complete a standardized evaluation
74.30 established by the Minnesota Statistical Analysis Center every two years.

75.1 Sec. 45. **REPEALER.**

75.2 (a) Minnesota Statutes 2020, sections 609.293, subdivisions 1 and 5; 609.34; and 609.36,
75.3 are repealed.

75.4 (b) Minnesota Statutes 2020, section 609.281, subdivision 2, is repealed.

75.5 (c) Minnesota Statutes 2020, section 299A.49, subdivision 7, is repealed.

75.6 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
75.7 committed on or after that date.

75.8 **ARTICLE 3**

75.9 **LAW ENFORCEMENT POLICY**

75.10 Section 1. Minnesota Statutes 2020, section 214.10, subdivision 10, is amended to read:

75.11 Subd. 10. **Board of Peace Officers Standards and Training; receipt of**
75.12 **complaint.** Notwithstanding the provisions of subdivision 1 to the contrary, when the
75.13 executive director or any member of the Board of Peace Officer Standards and Training
75.14 produces or receives a written statement or complaint that alleges a violation of a statute or
75.15 rule that the board is empowered to enforce, the executive director shall designate the
75.16 appropriate law enforcement agency to investigate the complaint and ~~shall~~ may order it to
75.17 conduct an inquiry into the complaint's allegations. The investigating agency must complete
75.18 the inquiry and submit a written summary of it to the executive director within 30 days of
75.19 the order for inquiry.

75.20 Sec. 2. Minnesota Statutes 2020, section 541.073, subdivision 2, is amended to read:

75.21 Subd. 2. **Limitations period.** (a) Except as provided in paragraph (b), an action for
75.22 damages based on sexual abuse: (1) must be commenced within six years of the alleged
75.23 sexual abuse in the case of alleged sexual abuse of an individual 18 years or older; (2) may
75.24 be commenced at any time in the case of alleged sexual abuse of an individual under the
75.25 age of 18, except as provided for in subdivision 4; and (3) must be commenced before the
75.26 plaintiff is 24 years of age in a claim against a natural person alleged to have sexually abused
75.27 a minor when that natural person was under 14 years of age.

75.28 (b) An action for damages based on sexual abuse may be commenced at any time in the
75.29 case of alleged sexual abuse by a peace officer, as defined in section 626.84, subdivision
75.30 1, paragraph (c).

76.1 ~~(b)~~ (c) The plaintiff need not establish which act in a continuous series of sexual abuse
76.2 acts by the defendant caused the injury.

76.3 ~~(e)~~ (d) This section does not affect the suspension of the statute of limitations during a
76.4 period of disability under section 541.15.

76.5 **EFFECTIVE DATE.** (a) This section is effective the day following final enactment.
76.6 Except as provided in paragraph (b), this section applies to actions that were not time-barred
76.7 before the effective date.

76.8 (b) Notwithstanding any other provision of law, in the case of alleged sexual abuse of
76.9 an individual by a peace officer, as defined in Minnesota Statutes, section 626.84, subdivision
76.10 1, paragraph (c), if the action would otherwise be time-barred under a previous version of
76.11 Minnesota Statutes, section 541.073, or other time limit, an action for damages against a
76.12 peace officer may be commenced no later than five years following the effective date of
76.13 this section.

76.14 Sec. 3. Minnesota Statutes 2020, section 573.02, subdivision 1, is amended to read:

76.15 Subdivision 1. **Death action.** (a) When death is caused by the wrongful act or omission
76.16 of any person or corporation, the trustee appointed as provided in subdivision 3 may maintain
76.17 an action therefor if the decedent might have maintained an action, had the decedent lived,
76.18 for an injury caused by the wrongful act or omission. An action to recover damages for a
76.19 death caused by the alleged professional negligence of a physician, surgeon, dentist, hospital
76.20 or sanitarium, or an employee of a physician, surgeon, dentist, hospital or sanitarium shall
76.21 be commenced within three years of the date of death, but in no event shall be commenced
76.22 beyond the time set forth in section 541.076. An action to recover damages for a death
76.23 caused by an intentional act constituting murder may be commenced at any time after the
76.24 death of the decedent. An action to recover damages for a death caused by a peace officer,
76.25 as defined in section 626.84, subdivision 1, paragraph (c), must be commenced within six
76.26 years after the Bureau of Criminal Apprehension or effected agency receives notice of
76.27 declination of charges or at the completion of criminal proceedings. Any other action under
76.28 this section may be commenced within three years after the date of death provided that the
76.29 action must be commenced within six years after the act or omission. The recovery in the
76.30 action is the amount the jury deems fair and just in reference to the pecuniary loss resulting
76.31 from the death, and shall be for the exclusive benefit of the surviving spouse and next of
76.32 kin, proportionate to the pecuniary loss severally suffered by the death. The court then
76.33 determines the proportionate pecuniary loss of the persons entitled to the recovery and
76.34 orders distribution accordingly. Funeral expenses and any demand for the support of the

77.1 decedent allowed by the court having jurisdiction of the action, are first deducted and paid.
77.2 Punitive damages may be awarded as provided in section 549.20.

77.3 (b) If an action for the injury was commenced by the decedent and not finally determined
77.4 while living, it may be continued by the trustee for recovery of damages for the exclusive
77.5 benefit of the surviving spouse and next of kin, proportionate to the pecuniary loss severally
77.6 suffered by the death. The court on motion shall make an order allowing the continuance
77.7 and directing pleadings to be made and issues framed as in actions begun under this section.

77.8 **EFFECTIVE DATE.** (a) This section is effective the day following final enactment.
77.9 Except as provided in paragraph (b), this section applies to actions that were not time-barred
77.10 before the effective date.

77.11 (b) Notwithstanding any other provision of law, in the case of a death caused by a peace
77.12 officer, as defined in Minnesota Statutes, section 626.84, subdivision 1, paragraph (c), if
77.13 the action would otherwise be time-barred under a previous version of Minnesota Statutes,
77.14 section 573.02, or other time limit, an action for damages against a peace officer may be
77.15 commenced no later than five years following the effective date of this section.

77.16 Sec. 4. Minnesota Statutes 2020, section 626.843, is amended by adding a subdivision to
77.17 read:

77.18 Subd. 1c. **Physical strength and agility examinations.** (a) Beginning on December 1,
77.19 2022, physical strength and agility screening examinations required by law enforcement
77.20 agencies for applicants must be scientifically content-validated and job-related. This
77.21 requirement does not apply to tests of an applicant's cardiovascular health or general physical
77.22 fitness to serve as a peace officer.

77.23 (b) The board must enact rules establishing standards for physical strength and agility
77.24 examinations required by law enforcement agencies that comply with the requirements set
77.25 forth in this subdivision.

77.26 Sec. 5. Minnesota Statutes 2020, section 626.843, is amended by adding a subdivision to
77.27 read:

77.28 Subd. 1d. **Rules governing certain misconduct.** No later than January 1, 2024, the
77.29 board must adopt rules under chapter 14 that permit the board to take disciplinary action
77.30 on a licensee for a violation of a standard of conduct in Minnesota Rules, chapter 6700,
77.31 whether or not criminal charges have been filed and in accordance with the evidentiary
77.32 standards and civil processes for boards under chapter 214.

78.1 Sec. 6. Minnesota Statutes 2020, section 626.8473, subdivision 3, is amended to read:

78.2 Subd. 3. **Written policies and procedures required.** (a) The chief officer of every state
78.3 and local law enforcement agency that uses or proposes to use a portable recording system
78.4 must establish and enforce a written policy governing its use. In developing and adopting
78.5 the policy, the law enforcement agency must provide for public comment and input as
78.6 provided in subdivision 2. Use of a portable recording system without adoption of a written
78.7 policy meeting the requirements of this section is prohibited. The written policy must be
78.8 posted on the agency's website, if the agency has a website.

78.9 (b) At a minimum, the written policy must incorporate and require compliance with the
78.10 following:

78.11 (1) the requirements of section 13.825 and other data classifications, access procedures,
78.12 retention policies, and data security safeguards that, at a minimum, meet the requirements
78.13 of chapter 13 and other applicable law. The policy must prohibit altering, erasing, or
78.14 destroying any recording made with a peace officer's portable recording system or data and
78.15 metadata related to the recording prior to the expiration of the applicable retention period
78.16 under section 13.825, subdivision 3, except that the full, unedited, and unredacted recording
78.17 of a peace officer using deadly force must be maintained indefinitely;

78.18 (2) mandate that a portable recording system be:

78.19 (i) worn where it affords an unobstructed view, and above the mid-line of the waist;

78.20 (ii) activated during all contacts with citizens in the performance of official duties other
78.21 than community engagement, to the extent practical without compromising officer safety;
78.22 and

78.23 (iii) activated when the officer arrives on scene of an incident and remain active until
78.24 the conclusion of the officer's duties at the scene of the incident;

78.25 (3) mandate that officers assigned a portable recording system wear and operate the
78.26 system in compliance with the agency's policy adopted under this section while performing
78.27 law enforcement activities under the command and control of another chief law enforcement
78.28 officer or federal law enforcement official;

78.29 (4) mandate that, notwithstanding any law to the contrary, a deceased individual's next
78.30 of kin, legal representative of the next of kin, or other parent of the deceased individual's
78.31 children be entitled to view any and all recordings from a peace officer's portable recording
78.32 system, redacted no more than what is required by law, of an officer's use of deadly force
78.33 no later than five business days following an incident where deadly force used by a peace

79.1 officer results in the death of an individual, except that a chief law enforcement officer may
79.2 deny a request if the investigating agency requests and can articulate a compelling reason
79.3 as to why allowing the deceased individual's next of kin, legal representative of the next of
79.4 kin, or other parent of the deceased individual's children to review the recordings would
79.5 interfere with a thorough investigation. If the chief law enforcement officer denies a request
79.6 under this paragraph, the involved officer's agency must issue a prompt, written denial and
79.7 provide notice to the deceased individual's next of kin, legal representative of the next of
79.8 kin, or other parent of the deceased individual's children that relief may be sought from the
79.9 district court;

79.10 (5) mandate that, notwithstanding any law to the contrary, an involved officer's agency
79.11 shall release all body-worn camera recordings of an incident where a peace officer used
79.12 deadly force and an individual dies to the public no later than 14 business days after the
79.13 incident, except that a chief law enforcement officer shall not release the video if the
79.14 investigating agency asserts in writing that allowing the public to view the recordings would
79.15 interfere with the ongoing investigation;

79.16 (6) procedures for testing the portable recording system to ensure adequate functioning;

79.17 ~~(3)~~ (7) procedures to address a system malfunction or failure, including requirements
79.18 for documentation by the officer using the system at the time of a malfunction or failure;

79.19 ~~(4)~~ (8) circumstances under which recording is mandatory, prohibited, or at the discretion
79.20 of the officer using the system;

79.21 ~~(5)~~ (9) circumstances under which a data subject must be given notice of a recording;

79.22 ~~(6)~~ (10) circumstances under which a recording may be ended while an investigation,
79.23 response, or incident is ongoing;

79.24 ~~(7)~~ (11) procedures for the secure storage of portable recording system data and the
79.25 creation of backup copies of the data; and

79.26 ~~(8)~~ (12) procedures to ensure compliance and address violations of the policy, which
79.27 must include, at a minimum, supervisory or internal audits and reviews, and the employee
79.28 discipline standards for unauthorized access to data contained in section 13.09.

79.29 (c) The board has authority to inspect state and local law enforcement agency policies
79.30 to ensure compliance with this section. The board may conduct this inspection based upon
79.31 a complaint it receives about a particular agency or through a random selection process.
79.32 The board may impose licensing sanctions and seek injunctive relief under section 214.11
79.33 for an agency's or licensee's failure to comply with this section.

80.1 Sec. 7. Minnesota Statutes 2020, section 626.89, subdivision 17, is amended to read:

80.2 Subd. 17. **Civilian review.** (a) As used in this subdivision, the following terms have the
80.3 meanings given:

80.4 (1) "civilian oversight council" means a civilian review board, commission, or other
80.5 oversight body established by a local unit of government to provide civilian oversight of a
80.6 law enforcement agency and officers employed by the agency; and

80.7 (2) "misconduct" means a violation of law, standards promulgated by the Peace Officer
80.8 Standards and Training Board, or agency policy.

80.9 (b) A local unit of government may establish a civilian review board, commission, or
80.10 other oversight body shall not have council and grant the council the authority to make a
80.11 finding of fact or determination regarding a complaint against an officer or impose discipline
80.12 on an officer. A civilian review board, commission, or other oversight body may make a
80.13 recommendation regarding the merits of a complaint, however, the recommendation shall
80.14 be advisory only and shall not be binding on nor limit the authority of the chief law
80.15 enforcement officer of any unit of government.

80.16 (c) At the conclusion of any criminal investigation or prosecution, if any, a civilian
80.17 oversight council may conduct an investigation into allegations of peace officer misconduct
80.18 and retain an investigator to facilitate an investigation. Subject to other applicable law, a
80.19 council may subpoena or compel testimony and documents in an investigation. Upon
80.20 completion of an investigation, a council may make a finding of misconduct and recommend
80.21 appropriate discipline against peace officers employed by the agency. If the governing body
80.22 grants a council the authority, the council may impose discipline on peace officers employed
80.23 by the agency. A council may submit investigation reports that contain findings of peace
80.24 officer misconduct to the chief law enforcement officer and the Peace Officer Standards
80.25 and Training Board's complaint committee. A council may also make policy
80.26 recommendations to the chief law enforcement officer and the Peace Officer Standards and
80.27 Training Board.

80.28 (d) The chief law enforcement officer of a law enforcement agency under the jurisdiction
80.29 of a civilian oversight council shall cooperate with the council and facilitate the council's
80.30 achievement of its goals. However, the officer is under no obligation to agree with individual
80.31 recommendations of the council and may oppose a recommendation. If the officer fails to
80.32 implement a recommendation that is within the officer's authority, the officer shall inform
80.33 the council of the failure along with the officer's underlying reasons.

81.1 (e) Peace officer discipline decisions imposed pursuant to the authority granted under
81.2 this subdivision shall be subject to the applicable grievance procedure established or agreed
81.3 to under chapter 179A.

81.4 (f) Data collected, created, received, maintained, or disseminated by a civilian oversight
81.5 council related to an investigation of a peace officer are personnel data as defined by section
81.6 13.43, subdivision 1, and are governed by that section.

81.7 Sec. 8. Minnesota Statutes 2020, section 626.93, is amended by adding a subdivision to
81.8 read:

81.9 Subd. 8. **Exception; Leech Lake Band of Ojibwe.** Notwithstanding any contrary
81.10 provision in subdivision 3 or 4, the Leech Lake Band of Ojibwe has concurrent jurisdictional
81.11 authority under this section with the local county sheriff within the geographical boundaries
81.12 of the band's reservation to enforce state criminal law if the requirements of subdivision 2
81.13 are met, regardless of whether a cooperative agreement pursuant to subdivision 4 is entered
81.14 into.

81.15 Sec. 9. Laws 2021, First Special Session chapter 11, article 1, section 15, subdivision 3,
81.16 is amended to read:

81.17 **Subd. 3. Peace Officer Training Assistance**

81.18 **Philando Castile Memorial Training Fund**

81.19 \$6,000,000 each year is to support and
81.20 strengthen law enforcement training and
81.21 implement best practices. This funding shall
81.22 be named the "Philando Castile Memorial
81.23 Training Fund." These funds may only be used
81.24 to reimburse costs related to training courses
81.25 that qualify for reimbursement under
81.26 Minnesota Statutes, sections 626.8469
81.27 (training in crisis response, conflict
81.28 management, and cultural diversity) and
81.29 626.8474 (autism training).

81.30 Each sponsor of a training course is required
81.31 to include the following in the sponsor's
81.32 application for approval submitted to the
81.33 board: course goals and objectives; a course

82.1 outline including at a minimum a timeline and
82.2 teaching hours for all courses; instructor
82.3 qualifications, ~~including skills and concepts~~
82.4 ~~such as crisis intervention, de-escalation, and~~
82.5 ~~cultural competency that are relevant to the~~
82.6 ~~course provided~~; and a plan for learning
82.7 assessments of the course and documenting
82.8 the assessments to the board during review.
82.9 Upon completion of each course, instructors
82.10 must submit student evaluations of the
82.11 instructor's teaching to the sponsor.

82.12 The board shall keep records of the
82.13 applications of all approved and denied
82.14 courses. All continuing education courses shall
82.15 be reviewed after the first year. The board
82.16 must set a timetable for recurring review after
82.17 the first year. For each review, the sponsor
82.18 must submit its learning assessments to the
82.19 board to show that the course is teaching the
82.20 learning outcomes that were approved by the
82.21 board.

82.22 A list of licensees who successfully complete
82.23 the course shall be maintained by the sponsor
82.24 and transmitted to the board following the
82.25 presentation of the course and the completed
82.26 student evaluations of the instructors.
82.27 Evaluations are available to chief law
82.28 enforcement officers. The board shall establish
82.29 a data retention schedule for the information
82.30 collected in this section.

82.31 Each year, if funds are available after
82.32 reimbursing all eligible requests for courses
82.33 approved by the board under this subdivision,
82.34 the board may use the funds to reimburse law
82.35 enforcement agencies for other

83.1 board-approved law enforcement training
83.2 courses. The base for this activity is \$0 in
83.3 fiscal year 2026 and thereafter.

83.4 **Sec. 10. TASK FORCE ON ALTERNATIVE COURSES TO PEACE OFFICER**
83.5 **LICENSURE.**

83.6 **Subdivision 1. Establishment.** The Task Force on Alternative Courses to Peace Officer
83.7 Licensure is established to increase recruitment of new peace officers, increase the diversity
83.8 of the racial makeup and professional background of licensed peace officers, promote
83.9 education and training in community policing models, maintain the high standards of
83.10 education and training required for licensure, and make policy and funding recommendations
83.11 to the legislature.

83.12 **Subd. 2. Membership.** (a) The task force consists of the following members:

83.13 (1) the chair of the Peace Officer Standards and Training Board, or a designee;

83.14 (2) a member of the Peace Officer Standards and Training Board representing the general
83.15 public appointed by the chair of the Peace Officer Standards and Training Board;

83.16 (3) the chief of the State Patrol, or a designee;

83.17 (4) the superintendent of the Bureau of Criminal Apprehension, or a designee;

83.18 (5) the attorney general, or a designee;

83.19 (6) the president of the Minnesota Chiefs of Police Association, or a designee;

83.20 (7) the president of the Minnesota Sheriffs' Association, or a designee;

83.21 (8) a peace officer who is employed by a law enforcement agency of a federally
83.22 recognized Tribe, as defined in United States Code, title 25, section 450b(e), appointed by
83.23 the Indian Affairs Council;

83.24 (9) the executive director of the Minnesota Police and Peace Officers Association, or a
83.25 designee;

83.26 (10) a peace officer appointed by the executive director of the Minnesota Police and
83.27 Peace Officers Association;

83.28 (11) a member of a civilian review board appointed by the governor;

83.29 (12) an attorney who provides legal advice to victims of police brutality or who advocates
83.30 for civil liberties appointed by the governor;

84.1 (13) a representative from an organization that provides direct services to families or
84.2 communities impacted by police violence appointed by the governor; and

84.3 (14) two representatives from postsecondary schools certified to provide programs of
84.4 professional peace officer education appointed by the governor.

84.5 (b) Appointments must be made no later than August 30, 2022.

84.6 (c) Members shall serve without compensation.

84.7 (d) Members of the task force serve at the pleasure of the appointing authority or until
84.8 the task force expires. Vacancies shall be filled by the appointing authority consistent with
84.9 the qualifications of the vacating member required by this subdivision.

84.10 Subd. 3. **Officers; meetings.** (a) The task force shall elect a chair and vice-chair from
84.11 among its members. The task force may elect other officers as necessary.

84.12 (b) The chair of the Peace Officer Standards and Training Board shall convene the first
84.13 meeting of the task force no later than September 15, 2022, and shall provide meeting space
84.14 and administrative assistance as necessary for the task force to conduct its work.

84.15 (c) The task force shall meet at least monthly or upon the call of the chair. The task force
84.16 shall meet sufficiently enough to accomplish the tasks identified in this section. Meetings
84.17 of the task force are subject to Minnesota Statutes, chapter 13D.

84.18 Subd. 4. **Duties.** (a) The task force shall, at a minimum:

84.19 (1) identify barriers to recruiting peace officers;

84.20 (2) develop strategies for recruiting new peace officers;

84.21 (3) develop policies and procedures to increase the diversity of the racial makeup and
84.22 professional background of licensed peace officers;

84.23 (4) identify or develop curriculum that utilizes community policing models;

84.24 (5) provide recommendations on how to create and support an expedited pathway for
84.25 individuals to become peace officers; and

84.26 (6) assure that any alternative courses to licensure maintain the high standards of
84.27 education and training required for licensure as a peace officer in Minnesota.

84.28 (b) At its discretion, the task force may examine, as necessary, other related issues
84.29 consistent with this section.

84.30 Subd. 5. **Report.** By January 15, 2024, the task force must submit a report on its findings
84.31 and recommendations to the chairs and ranking minority members of the house of

85.1 representatives and senate committees and divisions with jurisdiction over public safety
 85.2 finance and policy and the Minnesota Sentencing Guidelines Commission.

85.3 Subd. 6. **Expiration.** The task force expires the day after submitting its report under
 85.4 subdivision 5.

85.5 Sec. 11. **TITLE.**

85.6 Sections 2 and 3 may be known as "Justin Teigen's Law."

85.7 **ARTICLE 4**
 85.8 **CONTROLLED SUBSTANCE POLICY**

85.9 Section 1. Minnesota Statutes 2020, section 152.01, subdivision 9a, is amended to read:

85.10 Subd. 9a. **Mixture.** "Mixture" means a preparation, compound, mixture, or substance
 85.11 containing a controlled substance, regardless of purity except as provided in ~~subdivision~~
 85.12 ~~16~~; sections 152.021, subdivision 2, paragraph (b); 152.022, subdivision 2, paragraph (b);
 85.13 and 152.023, subdivision 2, paragraph (b).

85.14 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
 85.15 committed on or after that date.

85.16 Sec. 2. Minnesota Statutes 2020, section 152.01, is amended by adding a subdivision to
 85.17 read:

85.18 Subd. 9b. **Marijuana flower.** "Marijuana flower" means the flower, leaves, stems, seeds,
 85.19 or plant form of marijuana.

85.20 **EFFECTIVE DATE.** This section is effective August 1, 2022.

85.21 Sec. 3. Minnesota Statutes 2020, section 152.01, is amended by adding a subdivision to
 85.22 read:

85.23 Subd. 9c. **Nonflower marijuana.** "Nonflower marijuana" means the resinous form of
 85.24 marijuana.

85.25 **EFFECTIVE DATE.** This section is effective August 1, 2022.

85.26 Sec. 4. Minnesota Statutes 2020, section 152.01, subdivision 16, is amended to read:

85.27 Subd. 16. **Small amount.** "Small amount" as applied to marijuana means: (1) 42.5 grams
 85.28 or less. ~~This provision shall not apply to the resinous form of marijuana flowers; or (2) eight~~

86.1 grams or less of any nonflower marijuana mixture. Nonflower marijuana mixtures weighing
86.2 eight grams or less may not be considered in determining the 42.5 gram limit in clause (1).
86.3 The weight of fluid used in a water pipe may not be considered in determining a small
86.4 amount ~~except in cases where the marijuana is mixed with four or more fluid ounces of~~
86.5 ~~fluid.~~

86.6 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
86.7 committed on or after that date.

86.8 Sec. 5. Minnesota Statutes 2021 Supplement, section 152.01, subdivision 18, is amended
86.9 to read:

86.10 Subd. 18. **Drug paraphernalia.** (a) Except as otherwise provided in paragraph (b), "drug
86.11 paraphernalia" means all equipment, products, and materials of any kind, except those items
86.12 used in conjunction with permitted uses of controlled substances under this chapter or the
86.13 Uniform Controlled Substances Act, which are knowingly or intentionally used primarily
86.14 in (1) manufacturing a controlled substance, (2) injecting, ingesting, inhaling, or otherwise
86.15 introducing into the human body a controlled substance, ~~(3) testing the strength, effectiveness,~~
86.16 ~~or purity of a controlled substance,~~ or ~~(4)~~ (3) enhancing the effect of a controlled substance.

86.17 (b) "Drug paraphernalia" does not include the possession, manufacture, delivery, or sale
86.18 of: ~~(1) hypodermic needles or syringes in accordance with section 151.40, subdivision 2;~~
86.19 ~~or (2) products that detect the presence of fentanyl or a fentanyl analog in a controlled~~
86.20 ~~substance.~~

86.21 Sec. 6. Minnesota Statutes 2021 Supplement, section 152.01, subdivision 18, is amended
86.22 to read:

86.23 Subd. 18. **Drug paraphernalia.** (a) Except as otherwise provided in paragraph (b), "drug
86.24 paraphernalia" means all equipment, products, and materials of any kind, except those items
86.25 used in conjunction with permitted uses of controlled substances, including but not limited
86.26 to the permitted uses of marijuana, under this chapter or the Uniform Controlled Substances
86.27 Act, which are knowingly or intentionally used primarily in (1) manufacturing a controlled
86.28 substance, (2) injecting, ingesting, inhaling, or otherwise introducing into the human body
86.29 a controlled substance, (3) testing the strength, effectiveness, or purity of a controlled
86.30 substance, or (4) enhancing the effect of a controlled substance.

86.31 (b) "Drug paraphernalia" does not include the possession, manufacture, delivery, or sale
86.32 of: (1) hypodermic needles or syringes in accordance with section 151.40, subdivision 2;

87.1 or (2) products that detect the presence of fentanyl or a fentanyl analog in a controlled
87.2 substance.

87.3 Sec. 7. Minnesota Statutes 2020, section 152.021, subdivision 2, is amended to read:

87.4 Subd. 2. **Possession crimes.** (a) A person is guilty of a controlled substance crime in
87.5 the first degree if:

87.6 (1) the person unlawfully possesses one or more mixtures of a total weight of 50 grams
87.7 or more containing cocaine or methamphetamine;

87.8 (2) the person unlawfully possesses one or more mixtures of a total weight of 25 grams
87.9 or more containing cocaine or methamphetamine and:

87.10 (i) the person or an accomplice possesses on their person or within immediate reach, or
87.11 uses, whether by brandishing, displaying, threatening with, or otherwise employing, a
87.12 firearm; or

87.13 (ii) the offense involves two aggravating factors;

87.14 (3) the person unlawfully possesses one or more mixtures of a total weight of 25 grams
87.15 or more containing heroin;

87.16 (4) the person unlawfully possesses one or more mixtures of a total weight of 500 grams
87.17 or more containing a narcotic drug other than cocaine, heroin, or methamphetamine;

87.18 (5) the person unlawfully possesses one or more mixtures of a total weight of 500 grams
87.19 or more containing amphetamine, phencyclidine, or hallucinogen or, if the controlled
87.20 substance is packaged in dosage units, equaling 500 or more dosage units; or

87.21 (6) the person unlawfully possesses one or more mixtures of a total weight of 50
87.22 kilograms or more containing marijuana or Tetrahydrocannabinols, or possesses 500 or
87.23 more marijuana plants.

87.24 (b) For the purposes of this subdivision, the weight of fluid used in a water pipe may
87.25 not be considered in measuring the weight of a marijuana mixture. For other mixtures, the
87.26 weight of fluid may not be considered except in cases where the mixture contains four or
87.27 more fluid ounces of fluid.

87.28 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
87.29 committed on or after that date.

88.1 Sec. 8. Minnesota Statutes 2020, section 152.022, subdivision 2, is amended to read:

88.2 Subd. 2. **Possession crimes.** (a) A person is guilty of controlled substance crime in the
88.3 second degree if:

88.4 (1) the person unlawfully possesses one or more mixtures of a total weight of 25 grams
88.5 or more containing cocaine or methamphetamine;

88.6 (2) the person unlawfully possesses one or more mixtures of a total weight of ten grams
88.7 or more containing cocaine or methamphetamine and:

88.8 (i) the person or an accomplice possesses on their person or within immediate reach, or
88.9 uses, whether by brandishing, displaying, threatening with, or otherwise employing, a
88.10 firearm; or

88.11 (ii) the offense involves three aggravating factors;

88.12 (3) the person unlawfully possesses one or more mixtures of a total weight of six grams
88.13 or more containing heroin;

88.14 (4) the person unlawfully possesses one or more mixtures of a total weight of 50 grams
88.15 or more containing a narcotic drug other than cocaine, heroin, or methamphetamine;

88.16 (5) the person unlawfully possesses one or more mixtures of a total weight of 50 grams
88.17 or more containing amphetamine, phencyclidine, or hallucinogen or, if the controlled
88.18 substance is packaged in dosage units, equaling 100 or more dosage units; or

88.19 (6) the person unlawfully possesses one or more mixtures of a total weight of 25
88.20 kilograms or more containing marijuana or Tetrahydrocannabinols, or possesses 100 or
88.21 more marijuana plants.

88.22 (b) For the purposes of this subdivision, the weight of fluid used in a water pipe may
88.23 not be considered in measuring the weight of a marijuana mixture. For other mixtures, the
88.24 weight of fluid may not be considered except in cases where the mixture contains four or
88.25 more fluid ounces of fluid.

88.26 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
88.27 committed on or after that date.

88.28 Sec. 9. Minnesota Statutes 2020, section 152.023, subdivision 2, is amended to read:

88.29 Subd. 2. **Possession crimes.** (a) A person is guilty of controlled substance crime in the
88.30 third degree if:

89.1 (1) on one or more occasions within a 90-day period the person unlawfully possesses
89.2 one or more mixtures of a total weight of ten grams or more containing a narcotic drug other
89.3 than heroin;

89.4 (2) on one or more occasions within a 90-day period the person unlawfully possesses
89.5 one or more mixtures of a total weight of three grams or more containing heroin;

89.6 (3) on one or more occasions within a 90-day period the person unlawfully possesses
89.7 one or more mixtures containing a narcotic drug, it is packaged in dosage units, and equals
89.8 50 or more dosage units;

89.9 (4) on one or more occasions within a 90-day period the person unlawfully possesses
89.10 any amount of a schedule I or II narcotic drug or five or more dosage units of lysergic acid
89.11 diethylamide (LSD), 3,4-methylenedioxy amphetamine, or
89.12 3,4-methylenedioxymethamphetamine in a school zone, a park zone, a public housing zone,
89.13 or a drug treatment facility;

89.14 (5) on one or more occasions within a 90-day period the person unlawfully possesses
89.15 one or more mixtures of a total weight of ten kilograms or more containing marijuana or
89.16 Tetrahydrocannabinols; or

89.17 (6) the person unlawfully possesses one or more mixtures containing methamphetamine
89.18 or amphetamine in a school zone, a park zone, a public housing zone, or a drug treatment
89.19 facility.

89.20 (b) For the purposes of this subdivision, the weight of fluid used in a water pipe may
89.21 not be considered in measuring the weight of a marijuana mixture. For other mixtures, the
89.22 weight of fluid may not be considered except in cases where the mixture contains four or
89.23 more fluid ounces of fluid.

89.24 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
89.25 committed on or after that date.

89.26 Sec. 10. Minnesota Statutes 2020, section 152.025, subdivision 4, is amended to read:

89.27 Subd. 4. **Penalty.** (a) A person convicted under the provisions of subdivision 2, clause
89.28 (1), who has not been previously convicted of a violation of this chapter or a similar offense
89.29 in another jurisdiction, is guilty of a gross misdemeanor if:

89.30 (1) the amount of the controlled substance possessed, other than heroin or a small amount
89.31 of marijuana, is less than 0.25 grams or one dosage unit or less if the controlled substance
89.32 was possessed in dosage units; ~~or~~

90.1 (2) the controlled substance possessed is heroin and the amount possessed is less than
90.2 0.05 grams; or

90.3 (3) the controlled substance possessed is marijuana and the amount possessed is:

90.4 (i) more than 42.5 grams but not more than 85 grams of marijuana flowers; or

90.5 (ii) more than eight grams but not more than 16 grams of any nonflower marijuana
90.6 mixture.

90.7 (b) A person convicted under the provisions of subdivision 1; subdivision 2, clause (1),
90.8 unless the conduct is described in paragraph (a); or subdivision 2, clause (2), may be
90.9 sentenced to imprisonment for not more than five years or to payment of a fine of not more
90.10 than \$10,000, or both.

90.11 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
90.12 committed on or after that date.

90.13 Sec. 11. Minnesota Statutes 2020, section 152.027, subdivision 4, is amended to read:

90.14 Subd. 4. **Possession or sale of small amounts of marijuana.** ~~(a) A person who~~
90.15 ~~unlawfully sells a small amount of marijuana for no remuneration, or who unlawfully~~
90.16 ~~possesses a small amount of marijuana is guilty of a petty misdemeanor and shall be required~~
90.17 ~~to participate in a drug education program unless the court enters a written finding that a~~
90.18 ~~drug education program is inappropriate. The program must be approved by an area mental~~
90.19 ~~health board with a curriculum approved by the state alcohol and drug abuse authority.~~

90.20 ~~(b) A person convicted of an unlawful sale under paragraph (a) who is subsequently~~
90.21 ~~convicted of an unlawful sale under paragraph (a) within two years is guilty of a misdemeanor~~
90.22 ~~and shall be required to participate in a chemical dependency evaluation and treatment if~~
90.23 ~~so indicated by the evaluation.~~

90.24 ~~(c) A person who is convicted of a petty misdemeanor under paragraph (a) who willfully~~
90.25 ~~and intentionally fails to comply with the sentence imposed, is guilty of a misdemeanor.~~
90.26 ~~Compliance with the terms of the sentence imposed before conviction under this paragraph~~
90.27 ~~is an absolute defense.~~

90.28 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to acts
90.29 committed on or after that date.

91.1 Sec. 12. Minnesota Statutes 2020, section 152.0271, is amended to read:

91.2 **152.0271 NOTICE OF DRUG CONVICTIONS; DRIVER'S LICENSE**
91.3 **REVOCATION.**

91.4 When a person is convicted of violating a provision of sections 152.021 to 152.0262 or
91.5 section 152.027 and 152.0262, subdivision 1, 2, 3, 5, 6, or 7, the sentencing court shall
91.6 determine whether the person unlawfully sold or possessed the controlled substance while
91.7 driving a motor vehicle. If so, the court shall notify the commissioner of public safety of
91.8 its determination and order the commissioner to revoke the person's driver's license for 30
91.9 days. If the person does not have a driver's license or if the person's driver's license is
91.10 suspended or revoked at the time of the conviction, the commissioner shall delay the issuance
91.11 or reinstatement of the person's driver's license for 30 days after the person applies for the
91.12 issuance or reinstatement of the license. Upon receipt of the court's order, the commissioner
91.13 is authorized to take the licensing action without a hearing.

91.14 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to convictions
91.15 that take place on or after that date.

91.16 Sec. 13. Minnesota Statutes 2020, section 152.096, subdivision 1, is amended to read:

91.17 Subdivision 1. **Prohibited acts; penalties.** Any person who conspires to commit any
91.18 felony act prohibited by this chapter, except possession or distribution for no remuneration
91.19 of a small amount of marijuana as defined in section 152.01, subdivision 16, is guilty of a
91.20 felony and upon conviction may be imprisoned, fined, or both, up to the maximum amount
91.21 authorized by law for the act the person conspired to commit.

91.22 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
91.23 committed on or after that date.

91.24 Sec. 14. Minnesota Statutes 2020, section 152.18, subdivision 3, is amended to read:

91.25 Subd. 3. **Expungement of certain marijuana offenses.** Any person who has been found
91.26 guilty of: (1) a violation of section 152.09 with respect to a small amount of marijuana
91.27 which violation occurred prior to April 11, 1976, and whose conviction would have been
91.28 a petty misdemeanor under the provisions of section 152.15, subdivision 2, clause (5) in
91.29 effect on April 11, 1978, but whose conviction was for an offense more serious than a petty
91.30 misdemeanor under laws in effect prior to April 11, 1976; or (2) a violation of section
91.31 152.025 that occurred before August 1, 2022, where the violation would have been a petty
91.32 misdemeanor under section 152.027, subdivision 4, in effect on August 1, 2022, may petition

92.1 the court in which the person was convicted to expunge from all official records, other than
92.2 the nonpublic record retained by the Department of Public Safety pursuant to section 152.15,
92.3 subdivision 2, clause (5), all recordation relating to the person's arrest, indictment or
92.4 information, trial and conviction of an offense more serious than a petty misdemeanor. The
92.5 court, upon being satisfied that a small amount was involved in the conviction, shall order
92.6 all the recordation expunged. This shall restore the person's ability to possess, receive, ship,
92.7 or transport firearms and handle firearms and ammunition. No person as to whom an order
92.8 has been entered pursuant to this subdivision shall be held thereafter under any provision
92.9 of any law to be guilty of perjury or otherwise giving a false statement by reason of the
92.10 person's failure to recite or acknowledge conviction of an offense greater than a petty
92.11 misdemeanor, unless possession of marijuana is material to a proceeding.

92.12 **EFFECTIVE DATE.** This section is effective August 1, 2022.

92.13 Sec. 15. **[152.325] CRIMINAL AFFIRMATIVE DEFENSE.**

92.14 It is an affirmative defense to a charge of possession of marijuana that the defendant
92.15 was enrolled in the registry program under sections 152.22 to 152.37 and possessed the
92.16 marijuana to use for a qualifying medical condition or was a visiting patient and possessed
92.17 the marijuana for medical use as authorized under the laws or regulations of the visiting
92.18 patient's jurisdiction of residence. This affirmative defense applies to a charge of violating:

92.19 (1) section 152.025, subdivision 2, involving possession of the amount of marijuana
92.20 identified in section 152.025, subdivision 4, paragraph (a), clause (3); or

92.21 (2) section 152.027, subdivision 3 or 4.

92.22 Sec. 16. Minnesota Statutes 2020, section 260B.198, subdivision 1, is amended to read:

92.23 Subdivision 1. **Court order, findings, remedies, treatment.** (a) If the court finds that
92.24 the child is delinquent, it shall enter an order making any of the following dispositions of
92.25 the case which are deemed necessary to the rehabilitation of the child:

92.26 (1) counsel the child or the parents, guardian, or custodian;

92.27 (2) place the child under the supervision of a probation officer or other suitable person
92.28 in the child's own home under conditions prescribed by the court including reasonable rules
92.29 for the child's conduct and the conduct of the child's parents, guardian, or custodian, designed
92.30 for the physical, mental, and moral well-being and behavior of the child, or with the consent
92.31 of the commissioner of corrections, in a group foster care facility which is under the
92.32 management and supervision of said commissioner;

- 93.1 (3) if the court determines that the child is a danger to self or others, subject to the
93.2 supervision of the court, transfer legal custody of the child to one of the following:
- 93.3 (i) a child-placing agency;
- 93.4 (ii) the local social services agency;
- 93.5 (iii) a reputable individual of good moral character. No person may receive custody of
93.6 two or more unrelated children unless licensed as a residential facility pursuant to sections
93.7 245A.01 to 245A.16;
- 93.8 (iv) a county home school, if the county maintains a home school or enters into an
93.9 agreement with a county home school; or
- 93.10 (v) a county probation officer for placement in a group foster home established under
93.11 the direction of the juvenile court and licensed pursuant to section 241.021;
- 93.12 (4) transfer legal custody by commitment to the commissioner of corrections;
- 93.13 (5) if the child is found to have violated a state or local law or ordinance which has
93.14 resulted in damage to the person or property of another, the court may order the child to
93.15 make reasonable restitution for such damage;
- 93.16 (6) require the child to pay a fine of up to \$1,000. The court shall order payment of the
93.17 fine in accordance with a time payment schedule which shall not impose an undue financial
93.18 hardship on the child;
- 93.19 (7) if the child is in need of special treatment and care for reasons of physical or mental
93.20 health, the court may order the child's parent, guardian, or custodian to provide it. If the
93.21 parent, guardian, or custodian fails to provide this treatment or care, the court may order it
93.22 provided;
- 93.23 (8) if the court believes that it is in the best interests of the child and of public safety
93.24 that the driver's license of the child be canceled until the child's 18th birthday, the court
93.25 may recommend to the commissioner of public safety the cancellation of the child's license
93.26 for any period up to the child's 18th birthday, and the commissioner is hereby authorized
93.27 to cancel such license without a hearing. At any time before the termination of the period
93.28 of cancellation, the court may, for good cause, recommend to the commissioner of public
93.29 safety that the child be authorized to apply for a new license, and the commissioner may so
93.30 authorize;
- 93.31 (9) if the court believes that it is in the best interest of the child and of public safety that
93.32 the child is enrolled in school, the court may require the child to remain enrolled in a public

94.1 school until the child reaches the age of 18 or completes all requirements needed to graduate
94.2 from high school. Any child enrolled in a public school under this clause is subject to the
94.3 provisions of the Pupil Fair Dismissal Act in chapter 127;

94.4 (10) if the child is petitioned and found by the court to have committed a controlled
94.5 substance offense under sections 152.021 to 152.0262 or section 152.027, subdivision 1, 2,
94.6 3, 5, 6, or 7, the court shall determine whether the child unlawfully possessed or sold the
94.7 controlled substance while driving a motor vehicle. If so, the court shall notify the
94.8 commissioner of public safety of its determination and order the commissioner to revoke
94.9 the child's driver's license for the applicable time period specified in section 152.0271. If
94.10 the child does not have a driver's license or if the child's driver's license is suspended or
94.11 revoked at the time of the delinquency finding, the commissioner shall, upon the child's
94.12 application for driver's license issuance or reinstatement, delay the issuance or reinstatement
94.13 of the child's driver's license for the applicable time period specified in section 152.0271.
94.14 Upon receipt of the court's order, the commissioner is authorized to take the licensing action
94.15 without a hearing;

94.16 (11) if the child is petitioned and found by the court to have committed or attempted to
94.17 commit an act in violation of section 609.342; 609.343; 609.344; 609.345; 609.3451;
94.18 609.746, subdivision 1; 609.79; or 617.23, or another offense arising out of a delinquency
94.19 petition based on one or more of those sections, the court shall order an independent
94.20 professional assessment of the child's need for sex offender treatment. An assessor providing
94.21 an assessment for the court must be experienced in the evaluation and treatment of juvenile
94.22 sex offenders. If the assessment indicates that the child is in need of and amenable to sex
94.23 offender treatment, the court shall include in its disposition order a requirement that the
94.24 child undergo treatment. Notwithstanding section 13.384, 13.85, 144.291 to 144.298, or
94.25 260B.171, or chapter 260E, the assessor has access to the following private or confidential
94.26 data on the child if access is relevant and necessary for the assessment:

94.27 (i) medical data under section 13.384;

94.28 (ii) corrections and detention data under section 13.85;

94.29 (iii) health records under sections 144.291 to 144.298;

94.30 (iv) juvenile court records under section 260B.171; and

94.31 (v) local welfare agency records under chapter 260E.

94.32 Data disclosed under this clause may be used only for purposes of the assessment and
94.33 may not be further disclosed to any other person, except as authorized by law; or

95.1 (12) if the child is found delinquent due to the commission of an offense that would be
95.2 a felony if committed by an adult, the court shall make a specific finding on the record
95.3 regarding the juvenile's mental health and chemical dependency treatment needs.

95.4 (b) Any order for a disposition authorized under this section shall contain written findings
95.5 of fact to support the disposition ordered and shall also set forth in writing the following
95.6 information:

95.7 (1) why the best interests of the child are served by the disposition ordered; and

95.8 (2) what alternative dispositions were considered by the court and why such dispositions
95.9 were not appropriate in the instant case. Clause (1) does not apply to a disposition under
95.10 subdivision 1a.

95.11 **EFFECTIVE DATE.** This section is effective August 1, 2022 and applies to findings
95.12 by the court made on or after that date.

95.13 Sec. 17. Minnesota Statutes 2020, section 609.165, subdivision 1a, is amended to read:

95.14 Subd. 1a. **Certain convicted felons ineligible to possess firearms or ammunition.** The
95.15 order of discharge must provide that a person who has been convicted of a crime of violence,
95.16 as defined in section 624.712, subdivision 5, is not entitled to ship, transport, possess, or
95.17 receive a firearm or ammunition for the remainder of the person's lifetime. Any person who
95.18 has received such a discharge and who thereafter has received a relief of disability under
95.19 United States Code, title 18, section 925, or whose ability to possess firearms and ammunition
95.20 has been restored under subdivision 1d or section 152.18, subdivision 3, shall not be subject
95.21 to the restrictions of this subdivision.

95.22 **EFFECTIVE DATE.** This section is effective August 1, 2022.

95.23 Sec. 18. Minnesota Statutes 2020, section 609.165, subdivision 1b, is amended to read:

95.24 Subd. 1b. **Violation and penalty.** (a) Any person who has been convicted of a crime of
95.25 violence, as defined in section 624.712, subdivision 5, and who ships, transports, possesses,
95.26 or receives a firearm or ammunition, commits a felony and may be sentenced to imprisonment
95.27 for not more than 15 years or to payment of a fine of not more than \$30,000, or both.

95.28 (b) A conviction and sentencing under this section shall be construed to bar a conviction
95.29 and sentencing for a violation of section 624.713, subdivision 2.

95.30 (c) The criminal penalty in paragraph (a) does not apply to any person who has received
95.31 a relief of disability under United States Code, title 18, section 925, or whose ability to

96.1 possess firearms and ammunition has been restored under subdivision 1d or section 152.18,
96.2 subdivision 3.

96.3 **EFFECTIVE DATE.** This section is effective August 1, 2022.

96.4 Sec. 19. Minnesota Statutes 2020, section 609A.02, is amended by adding a subdivision
96.5 to read:

96.6 **Subd. 1a. Certain petty misdemeanor controlled substance offenses.** Records related
96.7 to petty misdemeanor violations of section 152.027, subdivision 4, or 152.092 involving
96.8 marijuana-related drug paraphernalia shall be sealed without the filing of a petition as
96.9 provided in section 609A.027.

96.10 **EFFECTIVE DATE.** This section is effective August 1, 2022.

96.11 Sec. 20. **[609A.027] NO PETITION REQUIRED FOR CERTAIN PETTY**
96.12 **MISDEMEANOR CONTROLLED SUBSTANCE VIOLATIONS AFTER ONE-YEAR**
96.13 **WAITING PERIOD.**

96.14 (a) At the conclusion of one year following conviction for a petty misdemeanor violation
96.15 of section 152.027, subdivision 4, or 152.092 involving marijuana-related drug paraphernalia,
96.16 and the payment of any fines, fees, and surcharges and, if applicable, the successful
96.17 completion of any required drug education program, or following the dismissal of a petty
96.18 misdemeanor charge for violating section 152.027, subdivision 4, or 152.092 involving
96.19 marijuana-related drug paraphernalia, the court shall order, without the filing of a petition,
96.20 the sealing of all records relating to the arrest, charge, trial, dismissal, and conviction.

96.21 (b) A record sealed under paragraph (a) may be opened only as provided in section
96.22 609A.03, subdivision 7a.

96.23 **EFFECTIVE DATE.** This section is effective August 1, 2022.

96.24 Sec. 21. **TASK FORCE ON ABUSE OF CONTROLLED SUBSTANCES.**

96.25 **Subdivision 1. Establishment.** The Task Force on Abuse of Controlled Substances is
96.26 established to review the ways in which the state's justice, social service, and health systems
96.27 currently respond to individuals who abuse controlled substances or commit controlled
96.28 substance offenses, to examine approaches taken in other jurisdictions, and to make policy
96.29 and funding recommendations to the legislature.

96.30 **Subd. 2. Membership.** (a) The task force consists of the following members:

96.31 (1) the commissioner of public safety;

- 97.1 (2) the commissioner of human services;
- 97.2 (3) the commissioner of corrections, or a designee;
- 97.3 (4) the commissioner of health, or a designee;
- 97.4 (5) the chief justice, or a designee;
- 97.5 (6) the state public defender, or a designee;
- 97.6 (7) a county attorney appointed by the Minnesota County Attorneys Association;
- 97.7 (8) a representative from Indian health services or a Tribal council appointed by the
97.8 Indian Affairs Council;
- 97.9 (9) a representative of the Community Corrections Act counties appointed by the
97.10 Minnesota Association of Community Correction Act Counties;
- 97.11 (10) a peace officer, as defined in Minnesota Statutes, section 626.84, subdivision 1,
97.12 paragraph (c), who is a member of a multijurisdictional drug task force appointed by the
97.13 Minnesota Chiefs of Police Association;
- 97.14 (11) a peace officer, as defined in Minnesota Statutes, section 626.84, subdivision 1,
97.15 paragraph (c), appointed by the Minnesota Sheriffs' Association;
- 97.16 (12) a member of the Minnesota State Board of Pharmacy appointed by the board's
97.17 president;
- 97.18 (13) a member of the Opiate Epidemic Response Advisory Council appointed by the
97.19 council's chair;
- 97.20 (14) a representative from a community health board appointed by the commissioner of
97.21 health;
- 97.22 (15) a member representing sober living programs or substance use disorder programs
97.23 licensed under Minnesota Statutes, chapter 245G, appointed by the commissioner of human
97.24 services;
- 97.25 (16) a member of the Minnesota Association of County Social Service Administrators
97.26 appointed by the association's president;
- 97.27 (17) a public member with a substance use disorder who has experience in the criminal
97.28 justice system appointed by the governor; and
- 97.29 (18) a public member who has been the victim of a crime relating to substance abuse
97.30 appointed by the governor.

98.1 (b) Appointments must be made no later than August 30, 2022.

98.2 (c) Public members identified in paragraph (a), clauses (17) and (18), are eligible for
98.3 compensation and expense reimbursement consistent with Minnesota Statutes, section
98.4 15.059, subdivision 3. All other members shall serve without compensation.

98.5 (d) Members of the task force serve at the pleasure of the appointing authority or until
98.6 the task force expires. Vacancies shall be filled by the appointing authority consistent with
98.7 the qualifications of the vacating member required by this subdivision.

98.8 Subd. 3. **Officers; meetings.** (a) The commissioner of public safety and the commissioner
98.9 of human services shall cochair the task force. The task force may elect other officers as
98.10 necessary.

98.11 (b) The commissioner of public safety shall convene the first meeting of the task force
98.12 no later than September 15, 2022, and shall provide meeting space and administrative
98.13 assistance through the Office of Justice Programs as necessary for the task force to conduct
98.14 its work.

98.15 (c) The task force shall meet at least monthly or upon the call of a cochair. The task
98.16 force shall meet sufficiently enough to accomplish the tasks identified in this section.
98.17 Meetings of the task force are subject to Minnesota Statutes, chapter 13D.

98.18 Subd. 4. **Duties.** (a) The task force shall, at a minimum:

98.19 (1) collect and analyze data on controlled substance offenses, deaths and hospitalizations
98.20 from controlled substance overdoses, and other societal impacts related to controlled
98.21 substance use disorders;

98.22 (2) analyze the law enforcement response to controlled substance abuse in Minnesota
98.23 and other jurisdictions;

98.24 (3) analyze the judicial system response to controlled substance abuse in Minnesota and
98.25 other jurisdictions, including a review of treatment courts and diversion programs;

98.26 (4) analyze the prosecutorial response to controlled substance abuse in Minnesota and
98.27 other jurisdictions, including charging decisions, plea bargains, and the use of pretrial and
98.28 precharge diversion programs;

98.29 (5) analyze the correctional response to controlled substance abuse in Minnesota and
98.30 other jurisdictions, including the use of mandatory drug testing, required participation in
98.31 substance abuse treatment programs as a condition of probation, the effectiveness of

99.1 substance abuse treatment programs offered to incarcerated individuals, and the effectiveness
99.2 of the challenge incarceration program;

99.3 (6) analyze the human services and health response to controlled substance abuse in
99.4 Minnesota and other jurisdictions, including the effectiveness of prevention programs,
99.5 availability of inpatient and outpatient treatment programs, funding for participation in those
99.6 programs, and the outcomes for participants in those programs;

99.7 (7) receive input from members of communities that have been affected by criminal
99.8 activity and other social costs associated with controlled substance abuse;

99.9 (8) receive input from members of communities that have been affected by the
99.10 criminalization of controlled substance abuse; and

99.11 (9) make recommendations for coordination of services, adoption of prevention models,
99.12 expansion of effective treatment services, levels of funding, statutory changes, and other
99.13 community and legislative action to address controlled substance abuse in Minnesota.

99.14 (b) At its discretion, the task force may examine other related issues consistent with this
99.15 section.

99.16 Subd. 5. **Reports.** (a) The task force shall submit annual reports to the chairs and ranking
99.17 minority members of the house of representatives and senate committees and divisions with
99.18 jurisdiction over public safety finance and policy, human services finance and policy, health
99.19 finance and policy, and judiciary finance and policy.

99.20 (b) The task force shall submit a preliminary report on or before March 1, 2023.

99.21 (c) The task force shall submit a supplemental report on or before February 1, 2024.

99.22 (d) The task force shall submit a final report on or before January 15, 2025.

99.23 Subd. 6. **Expiration.** The task force expires the day after submitting its final report under
99.24 subdivision 5.

99.25 **ARTICLE 5**

99.26 **CORRECTIONS AND SENTENCING**

99.27 Section 1. Minnesota Statutes 2020, section 13.871, subdivision 14, is amended to read:

99.28 Subd. 14. **Expungement petitions.** (a) Provisions regarding the classification and sharing
99.29 of data contained in a petition for expungement of a criminal record are included in section
99.30 609A.03.

100.1 (b) Provisions regarding the classification and sharing of data related to automatic
100.2 expungements are included in sections 299C.097 and 609A.015.

100.3 **EFFECTIVE DATE.** This section is effective January 1, 2024.

100.4 Sec. 2. Minnesota Statutes 2020, section 152.18, subdivision 1, is amended to read:

100.5 Subdivision 1. **Deferring prosecution for certain first time drug offenders.** (a) A
100.6 court may defer prosecution as provided in paragraph (c) for any person found guilty, after
100.7 trial or upon a plea of guilty, of a violation of section 152.023, subdivision 2, 152.024,
100.8 subdivision 2, 152.025, subdivision 2, or 152.027, subdivision 2, 3, 4, or 6, paragraph (d),
100.9 for possession of a controlled substance, who:

100.10 (1) has not previously participated in or completed a diversion program authorized under
100.11 section 401.065;

100.12 (2) has not previously been placed on probation without a judgment of guilty and
100.13 thereafter been discharged from probation under this section; and

100.14 (3) has not been convicted of a felony violation of this chapter, including a felony-level
100.15 attempt or conspiracy, or been convicted by the United States or another state of a similar
100.16 offense that would have been a felony under this chapter if committed in Minnesota, unless
100.17 ten years have elapsed since discharge from sentence.

100.18 (b) The court must defer prosecution as provided in paragraph (c) for any person found
100.19 guilty of a violation of section 152.025, subdivision 2, who:

100.20 (1) meets the criteria listed in paragraph (a), clauses (1) to (3); and

100.21 (2) has not previously been convicted of a felony offense under any state or federal law
100.22 or of a gross misdemeanor under section 152.025.

100.23 (c) In granting relief under this section, the court shall, without entering a judgment of
100.24 guilty and with the consent of the person, defer further proceedings and place the person
100.25 on probation upon such reasonable conditions as it may require and for a period, not to
100.26 exceed the maximum sentence provided for the violation. The court may give the person
100.27 the opportunity to attend and participate in an appropriate program of education regarding
100.28 the nature and effects of alcohol and drug abuse as a stipulation of probation. Upon violation
100.29 of a condition of the probation, the court may enter an adjudication of guilt and proceed as
100.30 otherwise provided. The court may, in its discretion, dismiss the proceedings against the
100.31 person and discharge the person from probation before the expiration of the maximum
100.32 period prescribed for the person's probation. If during the period of probation the person

101.1 does not violate any of the conditions of the probation, then upon expiration of the period
101.2 the court shall discharge the person and dismiss the proceedings against that person.
101.3 Discharge and dismissal under this subdivision shall be without court adjudication of guilt,
101.4 but a not public record of it shall be retained by the Bureau of Criminal Apprehension for
101.5 the purpose of use by the courts in determining the merits of subsequent proceedings against
101.6 the person. The not public record may also be opened only upon court order for purposes
101.7 of a criminal investigation, prosecution, or sentencing. Upon receipt of notice that the
101.8 proceedings were dismissed, the Bureau of Criminal Apprehension shall notify the arresting
101.9 or citing law enforcement agency and direct that agency to seal its records related to the
101.10 charge. Upon request by law enforcement, prosecution, or corrections authorities, the bureau
101.11 shall notify the requesting party of the existence of the not public record and the right to
101.12 seek a court order to open it pursuant to this section. The court shall forward a record of
101.13 any discharge and dismissal under this subdivision to the bureau which shall make and
101.14 maintain the not public record of it as provided under this subdivision. The discharge or
101.15 dismissal shall not be deemed a conviction for purposes of disqualifications or disabilities
101.16 imposed by law upon conviction of a crime or for any other purpose.

101.17 For purposes of this subdivision, "not public" has the meaning given in section 13.02,
101.18 subdivision 8a.

101.19 **EFFECTIVE DATE.** This section is effective January 1, 2024.

101.20 Sec. 3. Minnesota Statutes 2020, section 241.021, subdivision 2a, is amended to read:

101.21 Subd. 2a. **Affected municipality; notice.** The commissioner must not ~~issue~~ grant a
101.22 license without giving 30 calendar days' written notice to any affected municipality or other
101.23 political subdivision unless the facility has a licensed capacity of six or fewer persons and
101.24 is occupied by either the licensee or the group foster home parents. The notification must
101.25 be given before the license is first issuance of a license granted and annually after that time
101.26 if annual notification is requested in writing by any affected municipality or other political
101.27 subdivision. State funds must not be made available to or be spent by an agency or department
101.28 of state, county, or municipal government for payment to a foster care facility licensed under
101.29 subdivision 2 until the provisions of this subdivision have been complied with in full.

101.30 Sec. 4. Minnesota Statutes 2020, section 241.021, subdivision 2b, is amended to read:

101.31 Subd. 2b. **Licensing; facilities; juveniles from outside state.** The commissioner may
101.32 not:

102.1 (1) ~~issue~~ grant a license under this section to operate a correctional facility for the
102.2 detention or confinement of juvenile offenders if the facility accepts juveniles who reside
102.3 outside of Minnesota without an agreement with the entity placing the juvenile at the facility
102.4 that obligates the entity to pay the educational expenses of the juvenile; or

102.5 (2) renew a license under this section to operate a correctional facility for the detention
102.6 or confinement of juvenile offenders if the facility accepts juveniles who reside outside of
102.7 Minnesota without an agreement with the entity placing the juvenile at the facility that
102.8 obligates the entity to pay the educational expenses of the juvenile.

102.9 Sec. 5. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to
102.10 read:

102.11 Subd. 2c. **Searches.** The commissioner shall not grant a license to any county,
102.12 municipality, or agency to operate a facility for the detention, care, and training of delinquent
102.13 children and youth unless the county, municipality, or agency institutes a policy strictly
102.14 prohibiting the visual inspection of breasts, buttocks, or genitalia of children and youth
102.15 received by the facility except during a health care procedure conducted by a medically
102.16 licensed person.

102.17 Sec. 6. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to
102.18 read:

102.19 Subd. 2d. **Disciplinary room time.** The commissioner shall not grant a license to any
102.20 county, municipality, or agency to operate a facility for the detention, care, and training of
102.21 delinquent children and youth unless the county, municipality, or agency institutes a policy
102.22 strictly prohibiting the use of disciplinary room time for children and youth received by the
102.23 facility.

102.24 Sec. 7. Minnesota Statutes 2020, section 241.90, is amended to read:

102.25 **241.90 OFFICE OF OMBUDSPERSON; CREATION; QUALIFICATIONS;**
102.26 **FUNCTION.**

102.27 The Office of Ombudsperson for the Department of Corrections is hereby created. The
102.28 ombudsperson shall ~~serve at the pleasure of~~ be appointed by the governor in the unclassified
102.29 service, and may be removed only for just cause. The ombudsperson shall be selected without
102.30 regard to political affiliation, and shall be a person highly competent and qualified to analyze
102.31 questions of law, administration, and public policy. No person may serve as ombudsperson
102.32 while holding any other public office. The ombudsperson for corrections shall be accountable

103.1 to the governor and shall have the authority to investigate decisions, acts, and other matters
 103.2 of the Department of Corrections so as to promote the highest attainable standards of
 103.3 competence, efficiency, and justice in the administration of corrections.

103.4 Sec. 8. Minnesota Statutes 2020, section 242.192, is amended to read:

103.5 **242.192 CHARGES TO COUNTIES.**

103.6 (a) The commissioner shall charge counties or other appropriate jurisdictions 65 percent
 103.7 of the per diem cost of confinement, excluding educational costs and nonbillable service,
 103.8 of juveniles at the Minnesota Correctional Facility-Red Wing and of juvenile females
 103.9 committed to the commissioner of corrections. This charge applies to juveniles committed
 103.10 to the commissioner of corrections and juveniles admitted to the Minnesota Correctional
 103.11 Facility-Red Wing under established admissions criteria. This charge applies to both counties
 103.12 that participate in the Community Corrections Act and those that do not. The commissioner
 103.13 shall determine the per diem cost of confinement based on projected population, pricing
 103.14 incentives, and market conditions. All money received under this section must be deposited
 103.15 in the state treasury and credited to the general fund.

103.16 (b) The first 65 percent of all money received under paragraph (a) must be deposited in
 103.17 the state treasury and credited to the general fund. The next 35 percent of all money received
 103.18 under paragraph (a) must be credited to the prevention services account, which is hereby
 103.19 established in the special revenue fund. Interest earned in the account accrues to the account.
 103.20 Funds in the prevention services account are annually appropriated to the commissioner of
 103.21 public safety to provide grants for prevention services and dual status youth programs.
 103.22 Recipients must use funds to prevent juveniles from entering the criminal or juvenile justice
 103.23 system or provide services for youth who are in both the child welfare and juvenile justice
 103.24 systems.

103.25 Sec. 9. **[244.049] INDETERMINATE SENTENCE RELEASE BOARD.**

103.26 Subdivision 1. Establishment; membership. (a) The Indeterminate Sentence Release
 103.27 Board is established to review eligible cases and make release decisions for inmates serving
 103.28 indeterminate sentences under the authority of the commissioner.

103.29 (b) The board shall consist of five members as follows:

103.30 (1) four persons appointed by the governor from two recommendations of each of the
 103.31 majority leaders and minority leaders of the house of representatives and the senate; and

103.32 (2) the commissioner of corrections who shall serve as chair.

104.1 (c) The members appointed from the legislative recommendations must meet the
104.2 following qualifications at a minimum:

104.3 (1) a bachelor's degree in criminology, corrections, or a related social science, or a law
104.4 degree;

104.5 (2) five years of experience in corrections, a criminal justice or community corrections
104.6 field, rehabilitation programming, behavioral health, or criminal law; and

104.7 (3) demonstrated knowledge of victim issues and correctional processes.

104.8 Subd. 2. **Terms; compensation.** (a) Members of the board shall serve four-year staggered
104.9 terms except that the terms of the initial members of the board must be as follows:

104.10 (1) two members must be appointed for terms that expire January 1, 2024; and

104.11 (2) two members must be appointed for terms that expire January 1, 2026.

104.12 (b) A member is eligible for reappointment.

104.13 (c) Vacancies on the board shall be filled in the same manner as the initial appointments
104.14 under subdivision 1.

104.15 (d) Member compensation and removal of members on the board shall be as provided
104.16 in section 15.0575.

104.17 Subd. 3. **Quorum; administrative duties.** (a) The majority of members constitutes a
104.18 quorum.

104.19 (b) The commissioner of corrections shall provide the board with personnel, supplies,
104.20 equipment, office space, and other administrative services necessary and incident to the
104.21 discharge of the functions of the board.

104.22 Subd. 4. **Limitation.** Nothing in this section supersedes the commissioner's authority
104.23 to revoke an inmate's release for a violation of the inmate's terms of release or impairs the
104.24 power of the Board of Pardons to grant a pardon or commutation in any case.

104.25 Subd. 5. **Report.** On or before February 15 each year, the board shall submit to the
104.26 legislative committees with jurisdiction over criminal justice policy a written report detailing
104.27 the number of inmates reviewed and identifying persons granted release in the preceding
104.28 year. The report shall also include the board's recommendations for policy modifications
104.29 that influence the board's duties.

105.1 Sec. 10. Minnesota Statutes 2020, section 244.05, subdivision 5, is amended to read:

105.2 Subd. 5. **Supervised release, life sentence.** (a) The ~~commissioner of corrections~~ board
105.3 may, under rules ~~promulgated~~ adopted by the commissioner and upon majority vote of the
105.4 board members, give supervised release to an inmate serving a mandatory life sentence
105.5 under section 609.185, paragraph (a), clause (3), (5), or (6); 609.3455, subdivision 3 or 4;
105.6 609.385; or Minnesota Statutes 2004, section 609.109, subdivision 3, after the inmate has
105.7 served the minimum term of imprisonment specified in subdivision 4.

105.8 (b) The ~~commissioner~~ board shall require the preparation of a community investigation
105.9 report and shall consider the findings of the report when making a supervised release decision
105.10 under this subdivision. The report shall reflect the sentiment of the various elements of the
105.11 community toward the inmate, both at the time of the offense and at the present time. The
105.12 report shall include the views of the sentencing judge, the prosecutor, any law enforcement
105.13 personnel who may have been involved in the case, and any successors to these individuals
105.14 who may have information relevant to the supervised release decision. The report shall also
105.15 include the views of the victim and the victim's family unless the victim or the victim's
105.16 family chooses not to participate.

105.17 (c) The commissioner shall make reasonable efforts to notify the victim, in advance, of
105.18 the time and place of the inmate's supervised release review hearing. The victim has a right
105.19 to submit an oral or written statement at the review hearing. The statement may summarize
105.20 the harm suffered by the victim as a result of the crime and give the victim's recommendation
105.21 on whether the inmate should be given supervised release at this time. The ~~commissioner~~
105.22 board must consider the victim's statement when making the supervised release decision.

105.23 (d) When considering whether to give supervised release to an inmate serving a life
105.24 sentence under section 609.3455, subdivision 3 or 4, the ~~commissioner~~ board shall consider,
105.25 at a minimum, the following: the risk the inmate poses to the community if released, the
105.26 inmate's progress in treatment, the inmate's behavior while incarcerated, psychological or
105.27 other diagnostic evaluations of the inmate, the inmate's criminal history, and any other
105.28 relevant conduct of the inmate while incarcerated or before incarceration. The ~~commissioner~~
105.29 board may not give supervised release to the inmate unless:

105.30 (1) while in prison:

105.31 (i) the inmate has successfully completed appropriate sex offender treatment;

105.32 (ii) the inmate has been assessed for chemical dependency needs and, if appropriate, has
105.33 successfully completed chemical dependency treatment; and

106.1 (iii) the inmate has been assessed for mental health needs and, if appropriate, has
106.2 successfully completed mental health treatment; and

106.3 (2) a comprehensive individual release plan is in place for the inmate that ensures that,
106.4 after release, the inmate will have suitable housing and receive appropriate aftercare and
106.5 community-based treatment. The comprehensive plan also must include a postprison
106.6 employment or education plan for the inmate.

106.7 (e) As used in this subdivision:

106.8 (1) "board" means the Indeterminate Sentence Release Board under section 244.049;
106.9 and

106.10 (2) "victim" means the individual who suffered harm as a result of the inmate's crime
106.11 or, if the individual is deceased, the deceased's surviving spouse or next of kin.

106.12 Sec. 11. Minnesota Statutes 2020, section 244.09, subdivision 10, is amended to read:

106.13 Subd. 10. **Research director.** The commission may select and employ a research director
106.14 who shall perform the duties the commission directs, including the hiring of any clerical
106.15 help and other employees as the commission shall approve. The research director ~~and other~~
106.16 ~~staff~~ shall be in the unclassified service of the state ~~and their~~. The compensation of the
106.17 research director and other staff shall be established pursuant to chapter 43A. They shall
106.18 be reimbursed for the expenses necessarily incurred in the performance of their official
106.19 duties in the same manner as other state employees.

106.20 Sec. 12. Minnesota Statutes 2020, section 260B.163, subdivision 1, is amended to read:

106.21 Subdivision 1. **General.** (a) Except for hearings arising under section 260B.425, hearings
106.22 on any matter shall be without a jury and may be conducted in an informal manner, except
106.23 that a child who is prosecuted as an extended jurisdiction juvenile has the right to a jury
106.24 trial on the issue of guilt. The rules of evidence promulgated pursuant to section 480.0591
106.25 and the law of evidence shall apply in adjudicatory proceedings involving a child alleged
106.26 to be delinquent, an extended jurisdiction juvenile, or a juvenile petty offender, and hearings
106.27 conducted pursuant to section 260B.125 except to the extent that the rules themselves provide
106.28 that they do not apply.

106.29 (b) When a continuance or adjournment is ordered in any proceeding, the court may
106.30 make any interim orders as it deems in the best interests of the minor in accordance with
106.31 the provisions of sections 260B.001 to 260B.421.

107.1 (c) Except as otherwise provided in this paragraph, the court shall exclude the general
107.2 public from hearings under this chapter and shall admit only those persons who, in the
107.3 discretion of the court, have a direct interest in the case or in the work of the court. The
107.4 court shall permit the victim of a child's delinquent act to attend any related delinquency
107.5 proceeding, except that the court may exclude the victim:

107.6 (1) as a witness under the Rules of Criminal Procedure; and

107.7 (2) from portions of a certification hearing to discuss psychological material or other
107.8 evidence that would not be accessible to the public.

107.9 The court shall open the hearings to the public in ~~delinquency or~~ extended jurisdiction
107.10 juvenile proceedings where the child is alleged to have committed an offense or has been
107.11 proven to have committed an offense that would be a felony if committed by an adult and
107.12 the child was at least 16 years of age at the time of the offense, except that the court may
107.13 exclude the public from portions of a certification hearing to discuss psychological material
107.14 or other evidence that would not be accessible to the public in an adult proceeding.

107.15 (d) In all delinquency cases a person named in the charging clause of the petition as a
107.16 person directly damaged in person or property shall be entitled, upon request, to be notified
107.17 by the court administrator in writing, at the named person's last known address, of (1) the
107.18 date of the certification or adjudicatory hearings, and (2) the disposition of the case.

107.19 Sec. 13. Minnesota Statutes 2020, section 260B.176, is amended by adding a subdivision
107.20 to read:

107.21 Subd. 1a. Risk assessment instrument. If a peace officer or probation or parole officer
107.22 who took a child into custody does not release the child as provided in subdivision 1, the
107.23 peace officer or probation or parole officer shall communicate with or deliver the child to
107.24 a juvenile secure detention facility to determine whether the child should be released or
107.25 detained. Before detaining a child, the supervisor of the facility shall use an objective and
107.26 racially, ethnically, and gender-responsive juvenile detention risk assessment instrument
107.27 developed by the commissioner of corrections, county, group of counties, or judicial district,
107.28 in consultation with the state coordinator or coordinators of the Minnesota Juvenile Detention
107.29 Alternatives Initiative. The risk assessment instrument must assess the likelihood that a
107.30 child released from preadjudication detention under this section or section 260B.178 would
107.31 endanger others or not return for a court hearing. The instrument must identify the appropriate
107.32 setting for a child who might endanger others or not return for a court hearing pending
107.33 adjudication, with either continued detention or placement in a noncustodial
107.34 community-based supervision setting. The instrument must also identify the type of

108.1 noncustodial community-based supervision setting necessary to minimize the risk that a
108.2 child who is released from custody will endanger others or not return for a court hearing.
108.3 If, after using the instrument, a determination is made that the child should be released, the
108.4 person taking the child into custody or the supervisor of the facility shall release the child
108.5 as provided in subdivision 1.

108.6 **EFFECTIVE DATE.** This section is effective August 15, 2022.

108.7 Sec. 14. Minnesota Statutes 2020, section 260B.176, subdivision 2, is amended to read:

108.8 Subd. 2. **Reasons for detention.** (a) If the child is not released as provided in subdivision
108.9 1, the person taking the child into custody shall notify the court as soon as possible of the
108.10 detention of the child and the reasons for detention.

108.11 (b) No child may be detained in a secure detention facility after being taken into custody
108.12 for a delinquent act as defined in section 260B.007, subdivision 6, unless the child is over
108.13 the age of 12.

108.14 ~~(b)~~ (c) No child may be detained in a juvenile secure detention facility or shelter care
108.15 facility longer than 36 hours, excluding Saturdays, Sundays, and holidays, after being taken
108.16 into custody for a delinquent act as defined in section 260B.007, subdivision 6, unless a
108.17 petition has been filed and the judge or referee determines pursuant to section 260B.178
108.18 that the child shall remain in detention.

108.19 ~~(c)~~ (d) No child may be detained in an adult jail or municipal lockup longer than 24
108.20 hours, excluding Saturdays, Sundays, and holidays, or longer than six hours in an adult jail
108.21 or municipal lockup in a standard metropolitan statistical area, after being taken into custody
108.22 for a delinquent act as defined in section 260B.007, subdivision 6, unless:

108.23 (1) a petition has been filed under section 260B.141; and

108.24 (2) a judge or referee has determined under section 260B.178 that the child shall remain
108.25 in detention.

108.26 After August 1, 1991, no child described in this paragraph may be detained in an adult
108.27 jail or municipal lockup longer than 24 hours, excluding Saturdays, Sundays, and holidays,
108.28 or longer than six hours in an adult jail or municipal lockup in a standard metropolitan
108.29 statistical area, unless the requirements of this paragraph have been met and, in addition, a
108.30 motion to refer the child for adult prosecution has been made under section 260B.125.

108.31 Notwithstanding this paragraph, continued detention of a child in an adult detention facility
108.32 outside of a standard metropolitan statistical area county is permissible if:

109.1 (i) the facility in which the child is detained is located where conditions of distance to
109.2 be traveled or other ground transportation do not allow for court appearances within 24
109.3 hours. A delay not to exceed 48 hours may be made under this clause; or

109.4 (ii) the facility is located where conditions of safety exist. Time for an appearance may
109.5 be delayed until 24 hours after the time that conditions allow for reasonably safe travel.
109.6 "Conditions of safety" include adverse life-threatening weather conditions that do not allow
109.7 for reasonably safe travel.

109.8 The continued detention of a child under clause (i) or (ii) must be reported to the
109.9 commissioner of corrections.

109.10 ~~(d)~~ (e) If a child described in paragraph ~~(e)~~ (d) is to be detained in a jail beyond 24 hours,
109.11 excluding Saturdays, Sundays, and holidays, the judge or referee, in accordance with rules
109.12 and procedures established by the commissioner of corrections, shall notify the commissioner
109.13 of the place of the detention and the reasons therefor. The commissioner shall thereupon
109.14 assist the court in the relocation of the child in an appropriate juvenile secure detention
109.15 facility or approved jail within the county or elsewhere in the state, or in determining suitable
109.16 alternatives. The commissioner shall direct that a child detained in a jail be detained after
109.17 eight days from and including the date of the original detention order in an approved juvenile
109.18 secure detention facility with the approval of the administrative authority of the facility. If
109.19 the court refers the matter to the prosecuting authority pursuant to section 260B.125, notice
109.20 to the commissioner shall not be required.

109.21 ~~(e)~~ (f) When a child is detained for an alleged delinquent act in a state licensed juvenile
109.22 facility or program, or when a child is detained in an adult jail or municipal lockup as
109.23 provided in paragraph ~~(e)~~ (d), the supervisor of the facility shall, if the child's parent or legal
109.24 guardian consents, have a children's mental health screening conducted with a screening
109.25 instrument approved by the commissioner of human services, unless a screening has been
109.26 performed within the previous 180 days or the child is currently under the care of a mental
109.27 health professional. The screening shall be conducted by a mental health practitioner as
109.28 defined in section 245.4871, subdivision 26, or a probation officer who is trained in the use
109.29 of the screening instrument. The screening shall be conducted after the initial detention
109.30 hearing has been held and the court has ordered the child continued in detention. The results
109.31 of the screening may only be presented to the court at the dispositional phase of the court
109.32 proceedings on the matter unless the parent or legal guardian consents to presentation at a
109.33 different time. If the screening indicates a need for assessment, the local social services
109.34 agency or probation officer, with the approval of the child's parent or legal guardian, shall

110.1 have a diagnostic assessment conducted, including a functional assessment, as defined in
110.2 section 245.4871.

110.3 Sec. 15. Minnesota Statutes 2020, section 260C.007, subdivision 6, is amended to read:

110.4 Subd. 6. **Child in need of protection or services.** "Child in need of protection or
110.5 services" means a child who is in need of protection or services because the child:

110.6 (1) is abandoned or without parent, guardian, or custodian;

110.7 (2)(i) has been a victim of physical or sexual abuse as defined in section 260E.03,
110.8 subdivision 18 or 20, (ii) resides with or has resided with a victim of child abuse as defined
110.9 in subdivision 5 or domestic child abuse as defined in subdivision 13, (iii) resides with or
110.10 would reside with a perpetrator of domestic child abuse as defined in subdivision 13 or child
110.11 abuse as defined in subdivision 5 or 13, or (iv) is a victim of emotional maltreatment as
110.12 defined in subdivision 15;

110.13 (3) is without necessary food, clothing, shelter, education, or other required care for the
110.14 child's physical or mental health or morals because the child's parent, guardian, or custodian
110.15 is unable or unwilling to provide that care;

110.16 (4) is without the special care made necessary by a physical, mental, or emotional
110.17 condition because the child's parent, guardian, or custodian is unable or unwilling to provide
110.18 that care;

110.19 (5) is medically neglected, which includes, but is not limited to, the withholding of
110.20 medically indicated treatment from an infant with a disability with a life-threatening
110.21 condition. The term "withholding of medically indicated treatment" means the failure to
110.22 respond to the infant's life-threatening conditions by providing treatment, including
110.23 appropriate nutrition, hydration, and medication which, in the treating physician's or advanced
110.24 practice registered nurse's reasonable medical judgment, will be most likely to be effective
110.25 in ameliorating or correcting all conditions, except that the term does not include the failure
110.26 to provide treatment other than appropriate nutrition, hydration, or medication to an infant
110.27 when, in the treating physician's or advanced practice registered nurse's reasonable medical
110.28 judgment:

110.29 (i) the infant is chronically and irreversibly comatose;

110.30 (ii) the provision of the treatment would merely prolong dying, not be effective in
110.31 ameliorating or correcting all of the infant's life-threatening conditions, or otherwise be
110.32 futile in terms of the survival of the infant; or

- 111.1 (iii) the provision of the treatment would be virtually futile in terms of the survival of
111.2 the infant and the treatment itself under the circumstances would be inhumane;
- 111.3 (6) is one whose parent, guardian, or other custodian for good cause desires to be relieved
111.4 of the child's care and custody, including a child who entered foster care under a voluntary
111.5 placement agreement between the parent and the responsible social services agency under
111.6 section 260C.227;
- 111.7 (7) has been placed for adoption or care in violation of law;
- 111.8 (8) is without proper parental care because of the emotional, mental, or physical disability,
111.9 or state of immaturity of the child's parent, guardian, or other custodian;
- 111.10 (9) is one whose behavior, condition, or environment is such as to be injurious or
111.11 dangerous to the child or others. An injurious or dangerous environment may include, but
111.12 is not limited to, the exposure of a child to criminal activity in the child's home;
- 111.13 (10) is experiencing growth delays, which may be referred to as failure to thrive, that
111.14 have been diagnosed by a physician and are due to parental neglect;
- 111.15 (11) is a sexually exploited youth;
- 111.16 (12) has committed a delinquent act or a juvenile petty offense before becoming ~~ten~~ 13
111.17 years old;
- 111.18 (13) is a runaway;
- 111.19 (14) is a habitual truant;
- 111.20 (15) has been found incompetent to proceed or has been found not guilty by reason of
111.21 mental illness or mental deficiency in connection with a delinquency proceeding, a
111.22 certification under section 260B.125, an extended jurisdiction juvenile prosecution, or a
111.23 proceeding involving a juvenile petty offense; or
- 111.24 (16) has a parent whose parental rights to one or more other children were involuntarily
111.25 terminated or whose custodial rights to another child have been involuntarily transferred to
111.26 a relative and there is a case plan prepared by the responsible social services agency
111.27 documenting a compelling reason why filing the termination of parental rights petition under
111.28 section 260C.503, subdivision 2, is not in the best interests of the child.

112.1 Sec. 16. [299C.097] DATABASE FOR IDENTIFYING INDIVIDUALS ELIGIBLE
112.2 FOR EXPUNGEMENT.

112.3 (a) The superintendent of the Bureau of Criminal Apprehension shall maintain a
112.4 computerized data system relating to petty misdemeanor and misdemeanor offenses that
112.5 may become eligible for expungement pursuant to section 609A.015 and which do not
112.6 require fingerprinting pursuant to section 299C.10 and are not linked to an arrest record in
112.7 the criminal history system.

112.8 (b) This data is private data on individuals under section 13.02, subdivision 12.

112.9 EFFECTIVE DATE. This section is effective January 1, 2024.

112.10 Sec. 17. Minnesota Statutes 2020, section 299C.10, subdivision 1, is amended to read:

112.11 Subdivision 1. **Required fingerprinting.** (a) Sheriffs, peace officers, and community
112.12 corrections agencies operating secure juvenile detention facilities shall take or cause to be
112.13 taken immediately finger and thumb prints, photographs, distinctive physical mark
112.14 identification data, information on any known aliases or street names, and other identification
112.15 data requested or required by the superintendent of the bureau, of the following:

112.16 (1) persons arrested for, appearing in court on a charge of, or convicted of a felony, gross
112.17 misdemeanor, or targeted misdemeanor;

112.18 (2) juveniles arrested for, appearing in court on a charge of, adjudicated delinquent for,
112.19 or alleged to have committed felonies or gross misdemeanors as distinguished from those
112.20 committed by adult offenders;

112.21 (3) adults and juveniles admitted to jails or detention facilities;

112.22 (4) persons reasonably believed by the arresting officer to be fugitives from justice;

112.23 (5) persons in whose possession, when arrested, are found concealed firearms or other
112.24 dangerous weapons, burglar tools or outfits, high-power explosives, or articles, machines,
112.25 or appliances usable for an unlawful purpose and reasonably believed by the arresting officer
112.26 to be intended for such purposes;

112.27 (6) juveniles referred by a law enforcement agency to a diversion program for a felony
112.28 or gross misdemeanor offense; and

112.29 (7) persons currently involved in the criminal justice process, on probation, on parole,
112.30 or in custody for any offense whom the superintendent of the bureau identifies as being the
112.31 subject of a court disposition record which cannot be linked to an arrest record, and whose
112.32 fingerprints are necessary to reduce the number of suspense files, or to comply with the

113.1 mandates of section 299C.111, relating to the reduction of the number of suspense files.
113.2 This duty to obtain fingerprints for the offenses in suspense at the request of the bureau
113.3 shall include the requirement that fingerprints be taken in post-arrest interviews, while
113.4 making court appearances, while in custody, or while on any form of probation, diversion,
113.5 or supervised release.

113.6 (b) Unless the superintendent of the bureau requires a shorter period, within 24 hours
113.7 of taking the fingerprints and data, the fingerprint records and other identification data
113.8 specified under paragraph (a) must be electronically entered into a bureau-managed
113.9 searchable database in a manner as may be prescribed by the superintendent.

113.10 (c) Prosecutors, courts, and probation officers and their agents, employees, and
113.11 subordinates shall attempt to ensure that the required identification data is taken on a person
113.12 described in paragraph (a). Law enforcement may take fingerprints of an individual who is
113.13 presently on probation.

113.14 (d) Finger and thumb prints must be obtained no later than:

113.15 (1) release from booking; or

113.16 (2) if not booked prior to acceptance of a plea of guilty or not guilty.

113.17 Prior to acceptance of a plea of guilty or not guilty, an individual's finger and thumb
113.18 prints must be submitted to the Bureau of Criminal Apprehension for the offense. If finger
113.19 and thumb prints have not been successfully received by the bureau, an individual may,
113.20 upon order of the court, be taken into custody for no more than eight hours so that the taking
113.21 of prints can be completed. Upon notice and motion of the prosecuting attorney, this time
113.22 period may be extended upon a showing that additional time in custody is essential for the
113.23 successful taking of prints.

113.24 (e) For purposes of this section, a targeted misdemeanor is a misdemeanor violation of
113.25 section 169A.20 (driving while impaired), 518B.01 (order for protection violation), 609.224
113.26 (fifth-degree assault), 609.2242 (domestic assault), 609.746 (interference with privacy),
113.27 609.748 (harassment or restraining order violation), 609.749 (obscene or harassing telephone
113.28 calls), 617.23 (indecent exposure), or 629.75 (domestic abuse no contact order).

113.29 **EFFECTIVE DATE.** This section is effective August 15, 2022, and applies to
113.30 individuals arrested, appearing in court, or convicted on or after that date.

114.1 Sec. 18. Minnesota Statutes 2020, section 299C.111, is amended to read:

114.2 **299C.111 SUSPENSE FILE REPORTING.**

114.3 The superintendent shall immediately notify the appropriate entity or individual when
114.4 a disposition record for a felony, gross misdemeanor, or targeted misdemeanor is received
114.5 that cannot be linked to an arrest record.

114.6 **EFFECTIVE DATE.** This section is effective January 1, 2024.

114.7 Sec. 19. Minnesota Statutes 2020, section 299C.17, is amended to read:

114.8 **299C.17 REPORT BY COURT ADMINISTRATOR.**

114.9 The superintendent shall require the court administrator of every court which sentences
114.10 a defendant for a felony, gross misdemeanor, ~~or targeted~~ misdemeanor, or petty misdemeanor
114.11 to electronically transmit within 24 hours of the disposition of the case a report, in a form
114.12 prescribed by the superintendent providing information required by the superintendent with
114.13 regard to the prosecution and disposition of criminal cases. A copy of the report shall be
114.14 kept on file in the office of the court administrator.

114.15 **EFFECTIVE DATE.** This section is effective January 1, 2024.

114.16 Sec. 20. Minnesota Statutes 2020, section 609.05, is amended by adding a subdivision to
114.17 read:

114.18 **Subd. 2a. Exception.** (a) A person may not be held criminally liable for a violation of
114.19 section 609.185, paragraph (a), clause (3), committed by another unless the person
114.20 intentionally aided, advised, hired, counseled, or conspired with or otherwise procured the
114.21 other with the intent to cause the death of a human being.

114.22 (b) A person may not be held criminally liable for a violation of section 609.19,
114.23 subdivision 2, clause (1), committed by another unless the person was a major participant
114.24 in the underlying felony and acted with extreme indifference to human life.

114.25 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
114.26 committed on or after that date.

114.27 Sec. 21. Minnesota Statutes 2020, section 609A.01, is amended to read:

114.28 **609A.01 EXPUNGEMENT OF CRIMINAL RECORDS.**

114.29 This chapter provides the grounds and procedures for expungement of criminal records
114.30 under section 13.82; 152.18, subdivision 1; 299C.11, where expungement is automatic under

115.1 section 609A.015, or a petition is authorized under section 609A.02, subdivision 3; or other
115.2 applicable law. The remedy available is limited to a court order sealing the records and
115.3 prohibiting the disclosure of their existence or their opening except under court order or
115.4 statutory authority. Nothing in this chapter authorizes the destruction of records or their
115.5 return to the subject of the records.

115.6 **EFFECTIVE DATE.** This section is effective January 1, 2024.

115.7 Sec. 22. **[609A.015] AUTOMATIC EXPUNGEMENT OF RECORDS.**

115.8 Subdivision 1. **Eligibility; dismissal; exoneration.** A person who is the subject of a
115.9 criminal record or delinquency record is eligible for a grant of expungement relief without
115.10 the filing of a petition:

115.11 (1) if the person was arrested and all charges were dismissed after a case was filed unless
115.12 dismissal was based on a finding that the defendant was incompetent to proceed; or

115.13 (2) if all pending actions or proceedings were resolved in favor of the person.

115.14 For purposes of this chapter, a verdict of not guilty by reason of mental illness is not a
115.15 resolution in favor of the person. For purposes of this chapter, an action or proceeding is
115.16 resolved in favor of the person if the petitioner received an order under section 590.11
115.17 determining that the person is eligible for compensation based on exoneration.

115.18 Subd. 2. **Eligibility; diversion and stay of adjudication.** A person is eligible for a grant
115.19 of expungement relief if the person has successfully completed the terms of a diversion
115.20 program or stay of adjudication for an offense that is not a felony or a gross misdemeanor
115.21 violation of section 609.3451, subdivision 1a, and has not been petitioned or charged with
115.22 a new offense, other than an offense that would be a petty misdemeanor, for one year
115.23 immediately following completion of the diversion program or stay of adjudication.

115.24 Subd. 3. **Eligibility; certain criminal and delinquency proceedings.** (a) A person is
115.25 eligible for a grant of expungement relief if the person:

115.26 (1) was adjudicated delinquent for, convicted of, or received a stayed sentence for a
115.27 qualifying offense;

115.28 (2) has not been convicted of a new offense, other than an offense that would be a petty
115.29 misdemeanor, in Minnesota during the applicable waiting period immediately following
115.30 discharge of the disposition or sentence for the crime; and

115.31 (3) is not charged with an offense in Minnesota at the time the person reaches the end
115.32 of the applicable waiting period.

- 116.1 (b) As used in this subdivision, "qualifying offense" means an adjudication, conviction,
116.2 or stayed sentence for:
- 116.3 (1) any petty misdemeanor offense other than a violation of a traffic regulation relating
116.4 to the operation or parking of motor vehicles;
- 116.5 (2) any misdemeanor offense other than:
- 116.6 (i) section 169A.20 under the terms described in section 169A.27 (fourth-degree driving
116.7 while impaired);
- 116.8 (ii) section 518B.01, subdivision 14 (violation of an order for protection);
- 116.9 (iii) section 609.224 (assault in the fifth degree);
- 116.10 (iv) section 609.2242 (domestic assault);
- 116.11 (v) section 609.748 (violation of a harassment restraining order);
- 116.12 (vi) section 609.78 (interference with emergency call);
- 116.13 (vii) section 609.79 (obscene or harassing phone calls);
- 116.14 (viii) section 617.23 (indecent exposure);
- 116.15 (ix) section 609.746 (interference with privacy); or
- 116.16 (x) section 629.75 (violation of domestic abuse no contact order); or
- 116.17 (3) any gross misdemeanor offense other than:
- 116.18 (i) section 169A.25 (second-degree driving while impaired);
- 116.19 (ii) section 169A.26 (third-degree driving while impaired);
- 116.20 (iii) section 518B.01, subdivision 14 (violation of an order for protection);
- 116.21 (iv) section 609.2231 (assault in the fourth degree);
- 116.22 (v) section 609.224 (assault in the fifth degree);
- 116.23 (vi) section 609.2242 (domestic assault);
- 116.24 (vii) section 609.233 (criminal neglect);
- 116.25 (viii) section 609.3451 (criminal sexual conduct in the fifth degree);
- 116.26 (ix) section 609.377 (malicious punishment of child);
- 116.27 (x) section 609.485 (escape from custody);
- 116.28 (xi) section 609.498 (tampering with witness);

- 117.1 (xii) section 609.582, subdivision 4 (burglary in the fourth degree);
- 117.2 (xiii) section 609.746 (interference with privacy);
- 117.3 (xiv) section 609.748 (violation of a harassment restraining order);
- 117.4 (xv) section 609.749 (harassment; stalking);
- 117.5 (xvi) section 609.78 (interference with emergency call);
- 117.6 (xvii) section 617.23 (indecent exposure);
- 117.7 (xviii) section 617.261 (nonconsensual dissemination of private sexual images); or
- 117.8 (xix) section 629.75 (violation of domestic abuse no contact order).
- 117.9 (c) As used in this subdivision, "applicable waiting period" means:
- 117.10 (1) if the offense was a petty misdemeanor or a misdemeanor, two years; and
- 117.11 (2) if the offense was a gross misdemeanor, four years.
- 117.12 (d) Felony offenses deemed to be a gross misdemeanor or misdemeanor pursuant to
- 117.13 section 609.13, subdivision 1, remain ineligible for expungement under this section. Gross
- 117.14 misdemeanor offenses ineligible for a grant of expungement under this section remain
- 117.15 ineligible if deemed to be for a misdemeanor pursuant to section 609.13, subdivision 2.
- 117.16 Subd. 4. **Notice.** (a) The court shall notify a person who may become eligible for an
- 117.17 automatic expungement under this section of that eligibility at any hearing where the court
- 117.18 dismisses and discharges proceedings against a person under section 152.18, subdivision
- 117.19 1, for violation of section 152.024, 152.025, or 152.027 for possession of a controlled
- 117.20 substance; concludes that all pending actions or proceedings were resolved in favor of the
- 117.21 person; grants a person's placement into a diversion program; or sentences a person or
- 117.22 otherwise imposes a consequence for a qualifying offense.
- 117.23 (b) To the extent possible, prosecutors, defense counsel, supervising agents, and
- 117.24 coordinators or supervisors of a diversion program shall notify a person who may become
- 117.25 eligible for an automatic expungement under this section of that eligibility.
- 117.26 (c) If any party gives notification under this subdivision, the notification shall inform
- 117.27 the person that:
- 117.28 (1) an expunged record of a conviction may be opened for purposes of a background
- 117.29 study by the Department of Human Services under section 245C.08 and for purposes of a
- 117.30 background check by the Professional Educator Licensing and Standards Board as required
- 117.31 under section 122A.18, subdivision 8;

118.1 (2) an expunged record of conviction does not restore the right to ship, transport, possess,
118.2 or receive a firearm, but the person may seek a relief of disability under United States Code,
118.3 title 18, section 925, or restoration of the ability to possess firearms under section 609.165,
118.4 subdivision 1d; and

118.5 (3) the person can file a petition pursuant to section 609A.03 to expunge the record and
118.6 request that it be directed to the commissioner of human services and the Professional
118.7 Educator Licensing and Standards Board.

118.8 **Subd. 5. Bureau of Criminal Apprehension to identify eligible persons and grant**
118.9 **expungement relief.** (a) The Bureau of Criminal Apprehension shall identify adjudications
118.10 and convictions that qualify for a grant of expungement relief pursuant to this subdivision
118.11 or subdivision 1, 2, or 3.

118.12 (b) In making the determination under paragraph (a), the Bureau of Criminal
118.13 Apprehension shall identify individuals who are the subject of relevant records through the
118.14 use of finger and thumb prints where finger and thumb prints are available. Where finger
118.15 and thumb prints are not available, the Bureau of Criminal Apprehension shall identify
118.16 individuals through the use of the person's name and date of birth. Records containing the
118.17 same name and date of birth shall be presumed to refer to the same individual unless other
118.18 evidence establishes, by a preponderance of the evidence, that they do not refer to the same
118.19 individual. The Bureau of Criminal Apprehension is not required to review any other
118.20 evidence in making its determination.

118.21 (c) The Bureau of Criminal Apprehension shall grant expungement relief to qualifying
118.22 persons and seal its own records without requiring an application, petition, or motion.
118.23 Records shall be sealed 60 days after notice is sent to the judicial branch pursuant to
118.24 paragraph (e) unless an order of the judicial branch prohibits sealing the records or additional
118.25 information establishes that the records are not eligible for expungement.

118.26 (d) Nonpublic criminal records maintained by the Bureau of Criminal Apprehension
118.27 and subject to a grant of expungement relief shall display a notation stating "expungement
118.28 relief granted pursuant to section 609A.015."

118.29 (e) The Bureau of Criminal Apprehension shall inform the judicial branch of all cases
118.30 for which expungement relief was granted pursuant to this section. Notification may be
118.31 through electronic means and may be made in real time or in the form of a monthly report.
118.32 Upon receipt of notice, the judicial branch shall seal all records relating to an arrest,
118.33 indictment or information, trial, verdict, or dismissal and discharge for any case in which

119.1 expungement relief was granted and shall issue any order deemed necessary to achieve this
119.2 purpose.

119.3 (f) Unless an order issued under paragraph (e) notifies the law enforcement agency that
119.4 made the arrest or issued the citation, the Bureau of Criminal Apprehension shall inform
119.5 each arresting or citing law enforcement agency whose records are affected by the grant of
119.6 expungement relief that expungement has been granted. Notification shall be made at the
119.7 time and under the conditions described in paragraph (c), except that notice may be sent in
119.8 real time or in the form of a monthly report sent no more than 30 days after the expiration
119.9 of the deadline established in paragraph (c). Notification may be through electronic means.
119.10 Each notified law enforcement agency shall seal all records relating to an arrest, indictment
119.11 or information, trial, verdict, or dismissal and discharge for any case in which expungement
119.12 relief was granted.

119.13 (g) Data on the person whose offense has been expunged under this subdivision, including
119.14 any notice sent pursuant to paragraph (f), are private data on individuals as defined in section
119.15 13.02, subdivision 12.

119.16 (h) The prosecuting attorney shall notify the victim that an offense qualifies for automatic
119.17 expungement under this section in the manner provided in section 611A.03, subdivisions
119.18 1 and 2.

119.19 (i) In any subsequent prosecution of a person granted expungement relief, the expunged
119.20 criminal record may be pleaded and has the same effect as if the relief had not been granted.

119.21 (j) The Bureau of Criminal Apprehension is directed to develop, modify, or update a
119.22 system to provide criminal justice agencies with uniform statewide access to criminal records
119.23 sealed by expungement.

119.24 (k) A grant of expungement under this section does not entitle a person to ship, transport,
119.25 possess, or receive a firearm. A person whose conviction is expunged under this section
119.26 may seek a relief of disability under United States Code, title 18, section 925, or restoration
119.27 of the ability to possess firearms under section 609.165, subdivision 1d.

119.28 Subd. 6. **Immunity from civil liability.** Employees of the Bureau of Criminal
119.29 Apprehension shall not be held civilly liable for the exercise or the failure to exercise, or
119.30 the decision to exercise or the decision to decline to exercise, the powers granted by this
119.31 section or for any act or omission occurring within the scope of the performance of their
119.32 duties under this section.

120.1 **EFFECTIVE DATE.** This section is effective January 1, 2024, and applies to offenses
120.2 that meet the eligibility criteria on or after that date and retroactively to offenses that met
120.3 those qualifications before January 1, 2024, and are stored in the Bureau of Criminal
120.4 Apprehension's criminal history system as of January 1, 2024.

120.5 Sec. 23. Minnesota Statutes 2020, section 609A.03, subdivision 5, is amended to read:

120.6 Subd. 5. **Nature of remedy; standard.** (a) Except as otherwise provided by paragraph
120.7 (b), expungement of a criminal record under this section is an extraordinary remedy to be
120.8 granted only upon clear and convincing evidence that it would yield a benefit to the petitioner
120.9 commensurate with the disadvantages to the public and public safety of:

120.10 (1) sealing the record; and

120.11 (2) burdening the court and public authorities to issue, enforce, and monitor an
120.12 expungement order.

120.13 (b) Except as otherwise provided by this paragraph, if the petitioner is petitioning for
120.14 the sealing of a criminal record under section 609A.02, subdivision 3, paragraph (a), clause
120.15 (1) or (2), the court shall grant the petition to seal the record unless the agency or jurisdiction
120.16 whose records would be affected establishes by clear and convincing evidence that the
120.17 interests of the public and public safety outweigh the disadvantages to the petitioner of not
120.18 sealing the record.

120.19 (c) In making a determination under this subdivision, the court shall consider:

120.20 (1) the nature and severity of the underlying crime, the record of which would be sealed;

120.21 (2) the risk, if any, the petitioner poses to individuals or society;

120.22 (3) the length of time since the crime occurred;

120.23 (4) the steps taken by the petitioner toward rehabilitation following the crime;

120.24 (5) aggravating or mitigating factors relating to the underlying crime, including the
120.25 petitioner's level of participation and context and circumstances of the underlying crime;

120.26 (6) the reasons for the expungement, including the petitioner's attempts to obtain
120.27 employment, housing, or other necessities;

120.28 (7) the petitioner's criminal record;

120.29 (8) the petitioner's record of employment and community involvement;

120.30 (9) the recommendations of interested law enforcement, prosecutorial, and corrections
120.31 officials;

121.1 (10) the recommendations of victims or whether victims of the underlying crime were
121.2 minors;

121.3 (11) the amount, if any, of restitution outstanding, past efforts made by the petitioner
121.4 toward payment, and the measures in place to help ensure completion of restitution payment
121.5 after expungement of the record if granted; and

121.6 (12) other factors deemed relevant by the court.

121.7 (d) Notwithstanding section 13.82, 13.87, or any other law to the contrary, if the court
121.8 issues an expungement order it may require that the criminal record be sealed, the existence
121.9 of the record not be revealed, and the record not be opened except as required under
121.10 subdivision 7. Records must not be destroyed or returned to the subject of the record.

121.11 (e) Information relating to a criminal history record of an employee, former employee,
121.12 or tenant that has been expunged before the occurrence of the act giving rise to the civil
121.13 action may not be introduced as evidence in a civil action against a private employer or
121.14 landlord or its employees or agents that is based on the conduct of the employee, former
121.15 employee, or tenant.

121.16 **EFFECTIVE DATE.** This section is effective January 1, 2024.

121.17 Sec. 24. Minnesota Statutes 2021 Supplement, section 609A.03, subdivision 7a, is amended
121.18 to read:

121.19 Subd. 7a. **Limitations of order effective January 1, 2015, and later.** (a) Upon issuance
121.20 of an expungement order related to a charge supported by probable cause, the DNA samples
121.21 and DNA records held by the Bureau of Criminal Apprehension and collected under authority
121.22 other than section 299C.105 shall not be sealed, returned to the subject of the record, or
121.23 destroyed.

121.24 (b) Notwithstanding the issuance of an expungement order:

121.25 (1) except as provided in clause (2), an expunged record may be opened, used, or
121.26 exchanged between criminal justice agencies without a court order for the purposes of
121.27 initiating, furthering, or completing a criminal investigation or prosecution or for sentencing
121.28 purposes or providing probation or other correctional services;

121.29 (2) when a criminal justice agency seeks access to a record that was sealed under section
121.30 609A.02, subdivision 3, paragraph (a), clause (1), after an acquittal or a court order dismissing
121.31 for lack of probable cause, for purposes of a criminal investigation, prosecution, or

122.1 sentencing, the requesting agency must obtain an ex parte court order after stating a
122.2 good-faith basis to believe that opening the record may lead to relevant information;

122.3 (3) an expunged record of a conviction may be opened for purposes of evaluating a
122.4 prospective employee in a criminal justice agency without a court order;

122.5 (4) an expunged record of a conviction may be opened for purposes of a background
122.6 study under section 245C.08 unless the commissioner had been properly served with notice
122.7 of the petition for expungement and the court order for expungement is directed specifically
122.8 to the commissioner of human services;

122.9 (5) an expunged record of a conviction may be opened for purposes of a background
122.10 check required under section 122A.18, subdivision 8, unless the court order for expungement
122.11 is directed specifically to the Professional Educator Licensing and Standards Board; ~~and~~

122.12 (6) the court may order an expunged record opened upon request by the victim of the
122.13 underlying offense if the court determines that the record is substantially related to a matter
122.14 for which the victim is before the court;

122.15 (7) a prosecutor may request, and the district court shall provide, certified records of
122.16 conviction for a record expunged pursuant to sections 609A.015, 609A.02, and 609A.025,
122.17 and the certified records of conviction may be disclosed and introduced in criminal court
122.18 proceedings as provided by the rules of court and applicable law; and

122.19 (8) the subject of an expunged record may request, and the court shall provide, certified
122.20 or uncertified records of conviction for a record expunged pursuant to sections 609A.015,
122.21 609A.02, and 609A.025.

122.22 (c) An agency or jurisdiction subject to an expungement order shall maintain the record
122.23 in a manner that provides access to the record by a criminal justice agency under paragraph
122.24 (b), clause (1) or (2), but notifies the recipient that the record has been sealed. The Bureau
122.25 of Criminal Apprehension shall notify the commissioner of human services or the
122.26 Professional Educator Licensing and Standards Board of the existence of a sealed record
122.27 and of the right to obtain access under paragraph (b), clause (4) or (5). Upon request, the
122.28 agency or jurisdiction subject to the expungement order shall provide access to the record
122.29 to the commissioner of human services or the Professional Educator Licensing and Standards
122.30 Board under paragraph (b), clause (4) or (5).

122.31 (d) An expunged record that is opened or exchanged under this subdivision remains
122.32 subject to the expungement order in the hands of the person receiving the record.

123.1 (e) A criminal justice agency that receives an expunged record under paragraph (b),
123.2 clause (1) or (2), must maintain and store the record in a manner that restricts the use of the
123.3 record to the investigation, prosecution, or sentencing for which it was obtained.

123.4 (f) For purposes of this section, a "criminal justice agency" means a court or government
123.5 agency that performs the administration of criminal justice under statutory authority.

123.6 (g) This subdivision applies to expungement orders subject to its limitations and effective
123.7 on or after January 1, 2015, and grants of expungement relief issued on or after January 1,
123.8 2024.

123.9 **EFFECTIVE DATE.** This section is effective January 1, 2024.

123.10 Sec. 25. Minnesota Statutes 2020, section 609A.03, subdivision 9, is amended to read:

123.11 Subd. 9. **Stay of order; appeal.** An expungement order issued under this section shall
123.12 be stayed automatically for 60 days after the order is filed and, if the order is appealed,
123.13 during the appeal period. A person or an agency or jurisdiction whose records would be
123.14 affected by the order may appeal the order within 60 days of service of notice of filing of
123.15 the order. An agency or jurisdiction or its officials or employees need not file a cost bond
123.16 or supersedeas bond in order to further stay the proceedings or file an appeal.

123.17 **EFFECTIVE DATE.** This section is effective January 1, 2024.

123.18 Sec. 26. Minnesota Statutes 2020, section 611A.03, subdivision 1, is amended to read:

123.19 Subdivision 1. **Plea agreements; notification of victim.** Prior to the entry of the factual
123.20 basis for a plea pursuant to a plea agreement recommendation, a prosecuting attorney shall
123.21 make a reasonable and good faith effort to inform the victim of:

123.22 (1) the contents of the plea agreement recommendation, including the amount of time
123.23 recommended for the defendant to serve in jail or prison if the court accepts the agreement;
123.24 ~~and~~

123.25 (2) the right to be present at the sentencing hearing and at the hearing during which the
123.26 plea is presented to the court and to express orally or in writing, at the victim's option, any
123.27 objection to the agreement or to the proposed disposition. If the victim is not present when
123.28 the court considers the recommendation, but has communicated objections to the prosecuting
123.29 attorney, the prosecuting attorney shall make these objections known to the court; and

123.30 (3) the eligibility of the offense for automatic expungement pursuant to section 609A.015.

124.1 **EFFECTIVE DATE.** This section is effective January 1, 2024, and applies to plea
124.2 agreements entered into on or after that date.

124.3 Sec. 27. Minnesota Statutes 2020, section 638.01, is amended to read:

124.4 **638.01 BOARD OF PARDONS; ~~HOW CONSTITUTED; POWERS.~~**

124.5 The Board of Pardons shall consist of the governor, the chief justice of the supreme
124.6 court, and the attorney general. The governor, in conjunction with the board, may grant
124.7 pardons ~~and reprieves~~ and commute the sentence of any person convicted of any offense
124.8 ~~against~~ under the laws of the this state, in the manner and under the conditions and rules
124.9 ~~hereinafter~~ prescribed, but not otherwise in this chapter. A majority vote of the board is
124.10 required for pardons and commutations with the governor in that majority.

124.11 Sec. 28. **[638.09] CLEMENCY REVIEW COMMISSION.**

124.12 (a) Notwithstanding the provisions of chapter 15, the Clemency Review Commission
124.13 is established to review applications for pardons or commutations before they are considered
124.14 by the Board of Pardons. By majority vote, the commission shall make a recommendation
124.15 on each eligible application as to whether it should be granted or denied. The commission
124.16 shall provide its recommendations to the board with the vote of each commission member
124.17 reported in writing.

124.18 (b) The commission shall consist of nine members, each serving a four-year term. The
124.19 governor, the attorney general, and the chief justice of the supreme court shall each appoint
124.20 three members and replace members upon expiration of the members' terms. In the event
124.21 of a vacancy, the board member who selected the previous incumbent shall make an interim
124.22 appointment to expire at the end of the prior incumbent's four-year term. A person may
124.23 serve no more than two terms on the commission, excluding interim appointments.

124.24 (c) The commission shall biennially elect one of its members as chair and one as
124.25 vice-chair. The chair of the commission shall serve as secretary of the board.

124.26 (d) Each member of the commission shall be compensated at the rate of \$55 for each
124.27 day or part thereof spent on commission activities. Each member shall be reimbursed for
124.28 all reasonable expenses actually paid or incurred by that member in the performance of
124.29 official duties.

124.30 (e) The commission may obtain office space and supplies and hire administrative staff
124.31 to carry out its official functions.

125.1 (f) At least six members of the commission shall constitute a quorum for official
125.2 administrative business.

125.3 Sec. 29. **[638.10] PARDONS AND COMMUTATIONS.**

125.4 Subdivision 1. **Pardons and commutations.** (a) The Board of Pardons may pardon a
125.5 criminal conviction imposed under the laws of this state or commute a criminal sentence
125.6 imposed by a court of this state to time served or a lesser sentence. Every pardon or
125.7 commutation shall be in writing and shall have no force or effect unless granted by a majority
125.8 vote of the board with the governor in that majority. Every conditional pardon shall state
125.9 the terms and conditions upon which it was granted and every commutation shall specify
125.10 the terms of the commuted sentence.

125.11 (b) When granted, a pardon has the effect of setting aside the conviction and purging
125.12 the conviction from the person's record. The person then is not required to disclose the
125.13 conviction at any time or place other than in a judicial proceeding or as part of the licensing
125.14 process for peace officers.

125.15 Subd. 2. **Eligibility for a pardon.** (a) Any person convicted of a crime in any court of
125.16 this state may apply for a pardon of the person's conviction on or after five years from the
125.17 date of the expiration of the person's sentence or the date of the person's discharge. Upon
125.18 a showing of unusual circumstances and special need, the board may waive the required
125.19 waiting period by a majority vote with the governor in that majority.

125.20 (b) The Clemency Review Commission shall review all requests for a waiver of the
125.21 waiting period and make recommendations by majority vote to the board. Consideration of
125.22 requests to waive the waiting period are exempt from the meeting requirements of this
125.23 chapter.

125.24 Subd. 3. **Eligibility for a commutation.** (a) Any person may apply for a commutation
125.25 of an unexpired criminal sentence imposed by a court of this state, including those confined
125.26 in a correctional facility or on probation, parole, supervised release, or conditional release.
125.27 An application for commutation may not be filed until the date that the person has served
125.28 at least one-half of the sentence imposed or on or after five years from the date of the
125.29 conviction, whichever is less. Upon a showing of unusual circumstances and special need,
125.30 the board may waive the required waiting period by a majority vote with the governor in
125.31 that majority.

126.1 (b) The commission shall review all requests for a waiver of the waiting period and
126.2 make recommendations by majority vote to the board. Consideration of requests to waive
126.3 the waiting period are exempt from the meeting requirements of this chapter.

126.4 Subd. 4. **Filing of a pardon or commutation.** After granting a pardon or commutation,
126.5 the board shall file a copy of the pardon or commutation with the district court of the county
126.6 in which the conviction and sentence were imposed. In the case of a pardon, the court shall
126.7 order the conviction set aside, include a copy of the pardon in the court file, and send copies
126.8 of the order and the pardon to the Bureau of Criminal Apprehension. In the case of a
126.9 commutation, the court shall amend the sentence to reflect the specific relief granted by the
126.10 board, include a copy of the commutation in the court file, and send copies of the amended
126.11 sentencing order and commutation to the commissioner of corrections and the Bureau of
126.12 Criminal Apprehension.

126.13 Subd. 5. **Reapplication.** (a) Once an application for a pardon or commutation has been
126.14 considered and denied on the merits, no subsequent application may be filed for five years
126.15 after the date of the most recent denial unless permission is granted from at least two board
126.16 members. A person may request permission to reapply prior to the expiration of the five-year
126.17 period based only on new and substantial information that was not and could not have been
126.18 previously considered by the board or the commission. If a request to reapply contains new
126.19 and substantial information, the commission shall review the request and make a
126.20 recommendation by majority vote to the board. Consideration of requests to reapply are
126.21 exempt from the meeting requirements under this chapter.

126.22 (b) The denial or grant of an application for a commutation of sentence does not preclude
126.23 a person from later seeking a pardon of the criminal conviction once the eligibility
126.24 requirements of subdivision 2 have been satisfied.

126.25 Sec. 30. **[638.11] APPLICATIONS.**

126.26 (a) Each application for a pardon or commutation shall be in writing, signed under oath
126.27 by the applicant, and contain a brief statement of the relief sought and the reasons why it
126.28 should be granted. The application shall also contain the following information and any
126.29 additional information that the commission or board requires:

126.30 (1) the applicant's name, address, date of birth, place of birth, and every alias by which
126.31 the applicant is or has been known;

126.32 (2) the name of the offense for which relief is requested, the date and county of
126.33 conviction, the sentence imposed, and the expiration or discharge date of the sentence;

127.1 (3) the names of the sentencing judge, prosecuting attorney, and any victims of the
127.2 offense;

127.3 (4) a brief description of the offense;

127.4 (5) the date and outcome of any prior applications for a pardon or commutation;

127.5 (6) a statement of other felony or gross misdemeanor convictions and any pending
127.6 criminal charges or investigations; and

127.7 (7) a statement by the applicant consenting to the disclosure to the commission and the
127.8 board of any private data concerning the applicant contained in the application or in any
127.9 other record relating to the grounds on which the relief is sought, including conviction and
127.10 arrest records.

127.11 (b) Applications shall be made on forms approved by the commission or the board and
127.12 shall be filed with the commission by the deadlines set by the commission or the board. The
127.13 commission shall review applications for completeness. Any application that is considered
127.14 incomplete shall be returned to the applicant who may then provide the missing information
127.15 and resubmit the application within a time period prescribed by the commission.

127.16 **Sec. 31. [638.12] NOTIFICATIONS.**

127.17 Subdivision 1. **Notice to victim.** After receiving an application for a pardon or
127.18 commutation, the Clemency Review Commission shall make all reasonable efforts to locate
127.19 any victim of the applicant's crime. At least 30 days before the date of the commission
127.20 meeting at which the application shall be heard, the commission shall notify any located
127.21 victim of the application, the time and place of the meeting, and the victim's right to attend
127.22 the meeting and submit an oral or written statement to the commission.

127.23 Subd. 2. **Notice to sentencing judge and prosecuting attorney.** At least 30 days before
127.24 the date of the commission meeting at which the application shall be heard, the commission
127.25 shall notify the sentencing judge and prosecuting attorney or their successors of the
127.26 application and solicit the judge's and attorney's views on whether clemency should be
127.27 granted.

127.28 Subd. 3. **Notice to applicant.** Following its initial investigation of an application for a
127.29 pardon or commutation, the commission shall notify the applicant of the scheduled date,
127.30 time, and location that the applicant shall appear before the commission for consideration.

128.1 Sec. 32. **[638.13] MEETINGS.**

128.2 Subdivision 1. **Commission meetings.** (a) The Clemency Review Commission shall
128.3 meet at least four times each year for one or more days each meeting to hear eligible
128.4 applications of pardons or commutations and make recommendations to the board on each
128.5 application. One or more of the meetings may be held at facilities operated by the Department
128.6 of Corrections. All commission meetings shall be open to the public as provided in chapter
128.7 13D.

128.8 (b) Applicants for pardons or commutations must appear before the commission either
128.9 in person or through any available form of telecommunication. The victim of an applicant's
128.10 crime may appear and speak at the commission's meeting or submit a written statement to
128.11 the commission. The commission may treat a victim's statement as confidential and not
128.12 disclose the statement to the applicant or the public if there is or has been a recent order for
128.13 protection, restraining order, or other no contact order prohibiting the applicant from
128.14 contacting the victim. In addition, any law enforcement agency may appear and speak at
128.15 the meeting or submit a written statement to the commission, giving the agency's
128.16 recommendation on whether clemency should be granted or denied.

128.17 (c) The commission must consider any statement provided by a victim or law enforcement
128.18 agency when making its recommendation on an application. Whenever possible, the
128.19 commission shall record its meetings by audio or audiovisual means. Any recordings and
128.20 statements from victims or law enforcement agencies shall be provided to the board along
128.21 with the commission's recommendations.

128.22 (d) Not later than ten working days after the date of its decision, the commission shall
128.23 notify the applicant in writing of its decision to recommend a grant or denial of clemency
128.24 to the board.

128.25 Subd. 2. **Board meetings.** (a) The board shall meet at least two times each year to
128.26 consider applications for pardons or commutations that have received a favorable
128.27 recommendation from the commission and any other applications that have received further
128.28 consideration from at least one board member. Whenever the commission recommends
128.29 denial of an application and the board does not disapprove or take other action with respect
128.30 to that recommendation, it shall be presumed that the board concurs with the adverse
128.31 recommendation and that the application has been considered and denied on the merits. All
128.32 board meetings shall be open to the public as provided in chapter 13D.

128.33 (b) Applicants, victims, and law enforcement agencies may not submit oral or written
128.34 statements at a board meeting, unless the board requests additional testimony. The board

129.1 shall consider any statements provided to the commission when making a decision on an
129.2 application for a pardon or commutation.

129.3 (c) The commission shall notify the applicant in writing of the board's decision to grant
129.4 or deny clemency not later than ten working days from the date of the board's decision.

129.5 **Sec. 33. [638.14] GROUNDS FOR RECOMMENDING CLEMENCY.**

129.6 Subdivision 1. **Factors.** When making recommendations on applications for pardons or
129.7 commutations, the Clemency Review Commission shall consider any factors the commission
129.8 deems appropriate, including but not limited to:

129.9 (1) the nature, seriousness, circumstances, and age of the applicant's offense;

129.10 (2) the successful completion or revocation of previous probation, parole, supervised
129.11 release, or conditional release;

129.12 (3) the number, nature, and circumstances of the applicant's other criminal convictions;

129.13 (4) the extent to which the applicant has demonstrated rehabilitation through
129.14 postconviction conduct, character, and reputation;

129.15 (5) the extent to which the applicant has accepted responsibility, demonstrated remorse,
129.16 and made restitution to victims;

129.17 (6) whether the sentence is clearly excessive in light of the applicant's offense, criminal
129.18 history, and any sentence received by an accomplice, with due regard given to any plea
129.19 agreement, the sentencing judge's views, and the sentencing ranges established by law;

129.20 (7) whether the applicant's age or medical status indicates that it is in the best interest
129.21 of society that the applicant receive clemency;

129.22 (8) recommendations from victims, sentencing judges, and prosecuting attorneys;

129.23 (9) the applicant's asserted need for a pardon or commutation, including family needs
129.24 and barriers to housing or employment created by the conviction; and

129.25 (10) the amount of time already served by the applicant and the availability of other
129.26 forms of judicial or administrative relief.

129.27 Subd. 2. **Denial recommendation.** The commission may recommend denial without a
129.28 hearing of an application for a commutation when the applicant is presently challenging the
129.29 conviction or sentence through court proceedings, has failed to exhaust all available state
129.30 court remedies for challenging the sentence, or the matter should first be considered by the
129.31 parole authority.

130.1 Sec. 34. **[638.15] ACCESS TO RECORDS; ISSUANCE OF PROCESS.**

130.2 Subdivision 1. Access to records. Upon receipt of an application for a pardon or
130.3 commutation, the Board of Pardons or Clemency Review Commission may request and
130.4 obtain any relevant reports, data, and other information from a district court, law enforcement
130.5 agency, or state agency. The commission and board shall have access to sealed court records,
130.6 presentence investigation reports, police reports, criminal history reports, prison records,
130.7 and any other relevant information. District courts, law enforcement agencies, and state
130.8 agencies shall promptly respond to record requests from the commission and the board.

130.9 Subd. 2. Legal process. The commission and the board may issue process requiring the
130.10 presence of any person before the commission or board and the production of papers, records,
130.11 and exhibits in any pending matter. When any person is summoned before the commission
130.12 or the board, the person may be allowed compensation for travel and attendance as the
130.13 commission or the board may deem reasonable.

130.14 Sec. 35. **[638.16] RULES.**

130.15 The Board of Pardons and the Clemency Review Commission may adopt rules under
130.16 chapter 14 for the effective enforcement of their powers and duties.

130.17 Sec. 36. **[638.17] RECORDS.**

130.18 The Clemency Review Commission shall keep a record of every application received,
130.19 its recommendation on each application, and the final disposition of each application by
130.20 the Board of Pardons. The records and files shall be kept by the commission and shall be
130.21 open to public inspection at all reasonable times, except for sealed court records, presentence
130.22 investigation reports, Social Security numbers, financial account numbers, driver's license
130.23 information, medical records, confidential Bureau of Criminal Apprehension records, and
130.24 confidential victim statements as provided in section 638.12.

130.25 Sec. 37. **[638.18] REPORT TO LEGISLATURE.**

130.26 By February 15 of each year, the Clemency Review Commission shall submit a written
130.27 report to the chairs and ranking minority members of the house of representatives and senate
130.28 committees with jurisdiction over public safety, corrections, and judiciary containing at a
130.29 minimum the following information:

130.30 (1) the number of applications for pardons and commutations received by the commission
130.31 during the preceding calendar year;

131.1 (2) the number of favorable and adverse recommendations made by the commission for
131.2 each category;

131.3 (3) the number of applications granted and denied by the Board of Pardons for each
131.4 category; and

131.5 (4) the crimes for which the applications were granted by the board, the year of each
131.6 conviction, and the age of the offender at the time of the offense.

131.7 Sec. 38. Minnesota Statutes 2020, section 641.15, subdivision 2, is amended to read:

131.8 Subd. 2. **Medical aid.** Except as provided in section 466.101, the county board shall
131.9 pay the costs of medical services provided to prisoners pursuant to this section. The amount
131.10 paid by the county board for a medical service shall not exceed the maximum allowed
131.11 medical assistance payment rate for the service, as determined by the commissioner of
131.12 human services. In the absence of a health or medical insurance or health plan that has a
131.13 contractual obligation with the provider or the prisoner, medical providers shall charge no
131.14 higher than the rate negotiated between the county and the provider. In the absence of an
131.15 agreement between the county and the provider, the provider may not charge an amount
131.16 that exceeds the maximum allowed medical assistance payment rate for the service, as
131.17 determined by the commissioner of human services. The county is entitled to reimbursement
131.18 from the prisoner for payment of medical bills to the extent that the prisoner to whom the
131.19 medical aid was provided has the ability to pay the bills. The prisoner shall, at a minimum,
131.20 incur co-payment obligations for health care services provided by a county correctional
131.21 facility. The county board shall determine the co-payment amount. Notwithstanding any
131.22 law to the contrary, the co-payment shall be deducted from any of the prisoner's funds held
131.23 by the county, to the extent possible. If there is a disagreement between the county and a
131.24 prisoner concerning the prisoner's ability to pay, the court with jurisdiction over the defendant
131.25 shall determine the extent, if any, of the prisoner's ability to pay for the medical services.
131.26 If a prisoner is covered by health or medical insurance or other health plan when medical
131.27 services are provided, the medical provider shall bill that health or medical insurance or
131.28 other plan. If the county providing the medical services for a prisoner that has coverage
131.29 under health or medical insurance or other plan, that county has a right of subrogation to
131.30 be reimbursed by the insurance carrier for all sums spent by it for medical services to the
131.31 prisoner that are covered by the policy of insurance or health plan, in accordance with the
131.32 benefits, limitations, exclusions, provider restrictions, and other provisions of the policy or
131.33 health plan. The county may maintain an action to enforce this subrogation right. The county
131.34 does not have a right of subrogation against the medical assistance program. The county

132.1 shall not charge prisoners for phone calls to MNsure navigators, the Minnesota Warmline,
132.2 or a current mental health provider or calls for the purpose of providing case management
132.3 or mental health services as defined in section 245.462 to prisoners.

132.4 **Sec. 39. TASK FORCE ON THE COLLECTION OF CHARGING AND RELATED**
132.5 **DATA.**

132.6 **Subdivision 1. Establishment.** The Task Force on the Collection of Charging and Related
132.7 Data is established to identify data that should be collected and analyzed to determine the
132.8 ways in which individuals are charged and prosecuted in Minnesota.

132.9 **Subd. 2. Membership.** (a) The task force consists of the following members:

132.10 (1) the attorney general or a designee;

132.11 (2) the chief justice of the supreme court or a designee;

132.12 (3) the commissioner of corrections or a designee;

132.13 (4) the state public defender or a designee;

132.14 (5) the executive director of the Minnesota Sentencing Guidelines Commission;

132.15 (6) one private criminal defense attorney appointed by the governor;

132.16 (7) one probation, supervised release, or parole officer appointed by the governor;

132.17 (8) one county attorney from within the metropolitan area as defined in Minnesota

132.18 Statutes, section 473.121, subdivision 2, appointed by the board of directors of the Minnesota
132.19 County Attorneys Association;

132.20 (9) one county attorney from outside the metropolitan area as defined in Minnesota

132.21 Statutes, section 473.121, subdivision 2, appointed by the board of directors of the Minnesota
132.22 County Attorneys Association;

132.23 (10) one assistant county attorney appointed by the board of directors of the Minnesota
132.24 County Attorneys Association;

132.25 (11) one city attorney appointed by the governor;

132.26 (12) one peace officer as defined in Minnesota Statutes, section 626.84, subdivision 1,
132.27 paragraph (c), appointed by the governor; and

132.28 (13) three public members appointed by the governor, one of whom shall be a victim of
132.29 a crime defined as a felony.

132.30 (b) Members of the task force serve without compensation.

133.1 (c) Members of the task force serve at the pleasure of the appointing authority or until
133.2 the task force expires. Vacancies shall be filled by the appointing authority consistent with
133.3 the qualifications of the vacating member required by this subdivision.

133.4 Subd. 3. **Officers; meetings.** (a) The task force shall elect a chair and vice-chair and
133.5 may elect other officers as necessary.

133.6 (b) The executive director of the Minnesota Sentencing Guidelines Commission shall
133.7 convene the first meeting of the task force no later than September 1, 2022.

133.8 (c) The task force shall meet at least quarterly or upon the call of its chair. The task force
133.9 shall meet sufficiently enough to accomplish the tasks identified in this section. Meetings
133.10 of the task force are subject to Minnesota Statutes, chapter 13D.

133.11 Subd. 4. **Staff.** The Minnesota Sentencing Guidelines Commission shall provide meeting
133.12 space and administrative assistance as necessary for the task force to conduct its work.

133.13 Subd. 5. **Duties.** (a) The duties of the task force shall, at a minimum, include:

133.14 (1) determining what data are generated when prosecutors make decisions on initial
133.15 criminal charges and amended criminal charges;

133.16 (2) assessing what factors prosecutorial offices use to make decisions about what criminal
133.17 charges to bring, dismiss, or amend;

133.18 (3) assessing what factors prosecutorial offices use to recommend or support referring
133.19 a defendant for pretrial services;

133.20 (4) determining what additional information should be collected to accurately track and
133.21 inform decisions made by prosecutorial offices regarding bringing and amending criminal
133.22 charges and offering pretrial diversion;

133.23 (5) determining what incident data is needed to increase consistency in charging decisions,
133.24 how that data should be collected, and what components a uniform data collection process
133.25 would contain;

133.26 (6) reviewing the current practices of data collection and storage by law enforcement
133.27 agencies, what data should be collected and reported from law enforcement agencies, and
133.28 whether data from law enforcement agencies should be consistent with data collected from
133.29 prosecutorial offices;

133.30 (7) examining how data could be best collected and reported, including whether the data
133.31 should be reported to a central location and, if so, what location;

134.1 (8) assessing whether data should be collected regarding the specific reason for dismissing
134.2 cases, in cases where the highest charge is a gross misdemeanor or misdemeanor, and in
134.3 cases involving delinquency petitions;

134.4 (9) estimating the costs associated with additional data collection and reporting, and
134.5 making recommendations about appropriate funding levels to support that collection; and

134.6 (10) recommending methods of collecting and storing data that does not promote or
134.7 reward filing charges in cases that do not meet the appropriate standards.

134.8 (b) At its discretion, the task force may examine other related issues consistent with this
134.9 section.

134.10 Subd. 6. **Report.** By January 15, 2024, the task force shall report to the chairs and ranking
134.11 minority members of the legislative committees and divisions with jurisdiction over public
134.12 safety finance and policy on the work of the task force. The report shall include
134.13 recommendations for legislative action, if needed.

134.14 Subd. 7. **Expiration.** The task force expires upon submission of the report required by
134.15 subdivision 6.

134.16 **Sec. 40. LIABILITY FOR MURDER COMMITTED BY ANOTHER;**
134.17 **RETROACTIVE APPLICATION.**

134.18 Subdivision 1. **Purpose.** Any person convicted of a violation of Minnesota Statutes,
134.19 section 609.185, paragraph (a), clause (3), or 609.19, subdivision 2, clause (1), committed
134.20 by another and who is in the custody of the commissioner of corrections or under court
134.21 supervision is entitled to petition to have the person's conviction vacated pursuant to this
134.22 section. Any such person who is not in the custody of the commissioner of corrections or
134.23 under court supervision may petition the Board of Pardons for the granting of a pardon
134.24 extraordinary.

134.25 Subd. 2. **Notification.** (a) By December 1, 2022, the commissioner of corrections shall
134.26 notify individuals convicted for a violation of section 609.185, paragraph (a), clause (3), or
134.27 609.19, subdivision 2, clause (1), of the right to file a preliminary application for relief if:

134.28 (1) the person was convicted for a violation of Minnesota Statutes, section 609.185,
134.29 paragraph (a), clause (3), and did not actually cause the death of a human being or
134.30 intentionally aid, advise, hire, counsel, or conspire with or otherwise procure another with
134.31 the intent to cause the death of a human being; or

135.1 (2) the person was convicted for a violation of Minnesota Statutes, section 609.19,
135.2 subdivision 2, clause (1), and did not actually cause the death of a human being or was not
135.3 a major participant in the underlying felony who acted with extreme indifference to human
135.4 life.

135.5 (b) The notice shall include the address of Ramsey County District Court court
135.6 administration.

135.7 (c) The commissioner of corrections may coordinate with the judicial branch to establish
135.8 a standardized notification form.

135.9 Subd. 3. Preliminary application. (a) An applicant shall submit a preliminary application
135.10 to the Ramsey County District Court. The preliminary application must contain:

135.11 (1) the applicant's name and, if different, the name under which the person was convicted;

135.12 (2) the applicant's date of birth;

135.13 (3) the district court case number of the case for which the person is seeking relief;

135.14 (4) a statement as to whether the applicant was convicted following a trial or pursuant
135.15 to a plea;

135.16 (5) a statement as to whether the person filed a direct appeal from the conviction, a
135.17 petition for postconviction relief, or both;

135.18 (6) a brief statement, not to exceed 3,000 words, explaining why the applicant is entitled
135.19 to relief under this section from a conviction for the death of a human being caused by
135.20 another; and

135.21 (7) the name and address of any attorney representing the applicant.

135.22 (b)The preliminary application may contain:

135.23 (1) the name, date of birth, and district court case number of any other person charged
135.24 with, or convicted of, a crime arising from the same set of circumstances for which the
135.25 applicant was convicted; and

135.26 (2) a copy of a criminal complaint or indictment, or the relevant portions of a presentence
135.27 investigation or life imprisonment report, describing the facts of the case for which the
135.28 applicant was convicted.

135.29 (c) The judicial branch may establish a standardized preliminary application form, but
135.30 shall not reject a preliminary application for failure to use a standardized form.

136.1 (d) Any person seeking relief under this section must submit a preliminary application
136.2 no later than January 31, 2024. Submission is complete upon mailing.

136.3 (e) Submission of a preliminary application shall be without costs or any fees charged
136.4 to the applicant.

136.5 **Subd. 4. Review of preliminary application.** (a) Upon receipt of a preliminary
136.6 application, the court administrator of the Ramsey County District Court shall immediately
136.7 direct attention of the filing thereof to the chief judge or judge acting in the chief judge's
136.8 behalf who shall promptly assign the matter to a judge in said district.

136.9 (b) The judicial branch may appoint a special master to review preliminary applications,
136.10 and may assign additional staff as needed to assist in the review of preliminary applications.

136.11 (c) The reviewing judge shall determine whether, in the discretion of that judge, there
136.12 is a reasonable probability that the applicant is entitled to relief under this section.

136.13 (d) In making the determination under paragraph (c), the reviewing judge shall consider
136.14 the preliminary application and any materials submitted with the preliminary application,
136.15 and may consider relevant records in the possession of the judicial branch.

136.16 (e) The court may summarily deny an application when the applicant is not in the custody
136.17 of the commissioner of corrections or under court supervision; was not convicted of a
136.18 violation of Minnesota Statutes, section 609.185, paragraph (a), clause (3), or 609.19,
136.19 subdivision 2, clause (1), before August 1, 2022; the only issues raised in the application
136.20 are not relevant to the relief available under this section; or the applicant previously filed a
136.21 petition for relief under this section and the petition was denied pursuant to subdivision 5.

136.22 (f) If the reviewing judge determines that there is a reasonable probability that the
136.23 applicant is entitled to relief, the judge shall send notice to the applicant and the applicant's
136.24 attorney, if any, and the prosecutorial office responsible for prosecuting the applicant. In
136.25 the event the applicant is without counsel, the reviewing judge shall send notice to the state
136.26 public defender and shall advise the applicant of such referral.

136.27 (g) If the reviewing judge determines that there is not a reasonable probability that the
136.28 applicant is entitled to relief, the judge shall send notice to the applicant and the applicant's
136.29 attorney, if any. The notice must contain a brief statement explaining the reasons the
136.30 reviewing judge concluded that there is not a reasonable probability that the applicant is
136.31 entitled to relief.

136.32 **Subd. 5. Petition for relief; hearing.** (a) Unless extended for good cause, within 60
136.33 days of receipt of the notice sent pursuant to subdivision 4, paragraph (f), the individual

137.1 seeking relief shall file and serve a petition to vacate the conviction. The petition must be
137.2 filed in the district court of the judicial district in the county where the conviction took place
137.3 and must contain the information identified in subdivision 3, paragraph (a), and a statement
137.4 of why the petitioner is entitled to relief under this section. The petition may contain any
137.5 other relevant information including police reports, trial transcripts, and plea transcripts
137.6 involving the petitioner or any other person investigated for, charged with, or convicted of
137.7 a crime arising out of the same set of circumstances for which the petitioner was convicted.
137.8 The filing of the petition and any document subsequent thereto and all proceedings thereon
137.9 shall be without costs or any fees charged to the petitioner.

137.10 (b) Upon receipt of the petition, the prosecutor shall make a good faith and reasonable
137.11 effort to notify any person determined to be a victim of the underlying offense that a petition
137.12 has been filed.

137.13 (c) A county attorney representing the prosecutorial office shall respond to the petition
137.14 by answer or motion within 45 days after the filing of the petition pursuant to paragraph
137.15 (a), unless extended for good cause. The response shall be filed with the court administrator
137.16 of district court and served on the petitioner if unrepresented or on the petitioner's attorney.
137.17 The response may serve notice of the intent to support the petition, or include a statement
137.18 explaining why the petitioner is not entitled to relief along with any supporting documents.
137.19 The filing of the response and any document subsequent thereto and all proceedings thereon
137.20 shall be without costs or any fees charged to the county attorney.

137.21 (d) The petitioner may file a reply to the response filed by the county attorney within
137.22 15 days after the filing of the response, unless extended for good cause.

137.23 (e) Within 30 days of receipt of the reply from the petitioner or, if no reply is filed,
137.24 within 30 days of receipt of the response from the county attorney, the court shall:

137.25 (1) issue an order pursuant to subdivision 6 and schedule the matter for sentencing or
137.26 resentencing pursuant to subdivision 6, paragraph (e), if the county attorney indicates an
137.27 intent to support the petition;

137.28 (2) issue an order denying the petition if additional information or submissions establish
137.29 that there is not a reasonable probability that the applicant is entitled to relief under this
137.30 section and a memorandum identifying the additional information or submissions and
137.31 explaining the reasons why the court concluded that there is not a reasonable probability
137.32 that the applicant is entitled to relief; or

137.33 (3) schedule the matter for a hearing and issue any appropriate order regarding submission
137.34 of evidence or identification of witnesses.

138.1 (f) The hearing shall be held in open court and conducted pursuant to Minnesota Statutes,
138.2 section 590.04, except that the petitioner must be present at the hearing, unless excused
138.3 under Rules of Criminal Procedure, rule 26.03, subdivision 1, clause (3). The prosecutor
138.4 shall make a good faith and reasonable effort to notify any person determined to be a victim
138.5 of the hearing.

138.6 Subd. 6. **Determination; order; resentencing.** (a) A petitioner who was convicted of
138.7 a violation of Minnesota Statutes, section 609.185, paragraph (a), clause (3), is entitled to
138.8 relief if the petitioner shows by a preponderance of the evidence that the petitioner:

138.9 (1) did not cause the death of a human being; and

138.10 (2) did not intentionally aid, advise, hire, counsel, or conspire with or otherwise procure
138.11 another with the intent to cause the death of a human being.

138.12 (b) A petitioner who was convicted of a violation of Minnesota Statutes, section 609.19,
138.13 subdivision 2, clause (1), is entitled to relief if the petitioner:

138.14 (1) did not cause the death of a human being; and

138.15 (2) was not a major participant in the underlying felony or did not act with extreme
138.16 indifference to human life.

138.17 (c) If the court determines that the petitioner does not qualify for relief, the court shall
138.18 issue an order denying the petition. If the court determines that the petitioner is entitled to
138.19 relief, the court shall issue an order vacating the conviction for a violation of Minnesota
138.20 Statutes, section 609.185, paragraph (a), clause (3), or 609.19, subdivision 2, clause (1),
138.21 and either:

138.22 (1) resentence the petitioner for the most serious remaining offense for which the
138.23 petitioner was convicted; or

138.24 (2) enter a conviction and impose a sentence for the most serious predicate felony arising
138.25 out of the course of conduct that served as the factual basis for the conviction vacated by
138.26 the court.

138.27 (d) The new sentence announced by the court under this section must be for the most
138.28 serious predicate felony unless the most serious remaining offense for which the petitioner
138.29 was convicted is that offense or a more serious offense.

138.30 (e) The court shall state in writing or on the record the reasons for its decision on the
138.31 petition.

139.1 (f) If the court intends to resentence a petitioner or impose a sentence on a petitioner,
139.2 the court must hold the hearing at a time that allows any victim an opportunity to submit a
139.3 statement consistent with Minnesota Statutes, section 611A.038. The prosecutor shall make
139.4 a good faith and reasonable effort to notify any person determined to be a victim of the
139.5 hearing and the right to submit or make a statement. A sentence imposed under this
139.6 subdivision shall not increase the petitioner's period of confinement or, if the petitioner was
139.7 serving a stayed sentence, increase the period of supervision. A person resentenced under
139.8 this paragraph is entitled to credit for time served in connection with the vacated offense.

139.9 (g) Relief granted under this section shall not be treated as an exoneration for purposes
139.10 of the Incarceration and Exoneration Remedies Act.

139.11 (h) Appeals from an order of the court issued under this subdivision may be made
139.12 pursuant to Minnesota Statutes, section 590.06.

139.13 Subd. 7. **Application for pardon.** (a) Notwithstanding Minnesota Statutes, section
139.14 638.02, subdivision 2, any person convicted of a violation of Minnesota Statutes, section
139.15 609.185, paragraph (a), clause (3), or 609.19, subdivision 2, clause (1), committed by another
139.16 and who is not in the custody of the commissioner of corrections or under court supervision
139.17 may petition the Board of Pardons for the granting of a pardon extraordinary at any time
139.18 after the sentence was discharged.

139.19 (b) A petition for a pardon extraordinary filed under this section must show the following:

139.20 (1) if the petitioner was convicted of a violation of Minnesota Statutes, section 609.185,
139.21 paragraph (a), clause (3), the petitioner:

139.22 (i) did not cause the death of a human being; and

139.23 (ii) did not intentionally aid, advise, hire, counsel, or conspire with or otherwise procure
139.24 another with the intent to cause the death of a human being; or

139.25 (2) if the petitioner was convicted of a violation of Minnesota Statutes, section 609.19,
139.26 subdivision 2, clause (1), the petitioner:

139.27 (i) did not cause the death of a human being; and

139.28 (ii) was not a major participant in the underlying felony or did not act with extreme
139.29 indifference to human life.

139.30 (c) The Board of Pardons shall determine if a petitioner seeking relief under this section
139.31 meets the requirements of paragraph (b). The Board of Pardons may consider any relevant
139.32 evidence in making this determination.

140.1 (d) The petition for a pardon extraordinary filed under this section is otherwise subject
140.2 to the requirements of Minnesota Statutes, chapter 638.

140.3 **EFFECTIVE DATE.** This section is effective August 1, 2022.

140.4 Sec. 41. **TASK FORCE ON AIDING AND ABETTING FELONY MURDER.**

140.5 (a) Laws 2021, First Special Session chapter 11, article 2, section 53, subdivisions 2, 3,
140.6 4, and 5, are revived and reenacted on the effective date of this section to expand the focus
140.7 of the task force's duties and work beyond the intersection of felony murder and aiding and
140.8 abetting liability for felony murder to more generally apply to the broader issues regarding
140.9 the state's felony murder doctrine and aiding and abetting liability schemes discussed in
140.10 "Task Force on Aiding and Abetting Felony Murder," Report to the Minnesota Legislature,
140.11 dated February 1, 2022, "The Task Force's recommendations," number 4.

140.12 (b) On or before January 15, 2023, the task force shall submit a report to the chairs and
140.13 ranking minority members of the house of representatives and senate committees and
140.14 divisions with jurisdiction over crime and sentencing on the findings and recommendations
140.15 of the task force.

140.16 (c) The task force expires January 16, 2023, or the day after submitting its report under
140.17 paragraph (b), whichever is earlier.

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

140.19 Sec. 42. **STAFF TRANSITION TO CLASSIFIED SERVICE.**

140.20 On and after the effective date of this section, all positions of employment with the
140.21 Minnesota Sentencing Guidelines Commission in the unclassified service of the state, except
140.22 for the research director, shall be placed in the classified service without loss of compensation
140.23 or seniority. A person employed as of the effective date of this section in a position placed
140.24 in the classified service under this section shall not be required to complete a probationary
140.25 period if the employee was employed in the same position on January 1, 2022.

140.26 Sec. 43. **REPEALER.**

140.27 Minnesota Statutes 2020, sections 638.02; 638.03; 638.04; 638.05; 638.06; 638.07;
140.28 638.075; and 638.08, are repealed.

141.1

ARTICLE 6

141.2

INTERSTATE COMPACTS

141.3 Section 1. Minnesota Statutes 2020, section 243.1606, is amended to read:

141.4 **243.1606 ADVISORY COUNCIL ON INTERSTATE ADULT OFFENDER**

141.5 **SUPERVISION.**

141.6 Subdivision 1. **Membership.** The Advisory Council on Interstate Adult Offender

141.7 Supervision ~~consists~~ shall be combined with the State Advisory Council for the Interstate

141.8 Compact for Juveniles established by section 260.515 and consist of the following individuals

141.9 or their designees:

141.10 (1) the governor;

141.11 (2) the chief justice of the supreme court;

141.12 (3) two senators, one from the majority and the other from the minority party, selected

141.13 by the Subcommittee on Committees of the senate Committee on Rules and Administration;

141.14 (4) two representatives, one from the majority and the other from the minority party,

141.15 selected by the house speaker;

141.16 (5) the compact administrator, selected as provided in section 243.1607;

141.17 (6) a representative from the Department of Human Services regarding the Interstate

141.18 Compact for the Placement of Children;

141.19 ~~(6)~~ (7) the executive director of the Office of Justice Programs in the Department of

141.20 Public Safety; ~~and~~

141.21 (8) the deputy compact administrator as defined in section 260.515;

141.22 (9) a representative from the State Public Defender's Office;

141.23 (10) a representative from the Minnesota County Attorney's Association;

141.24 (11) a representative from the Minnesota Sheriff's Association;

141.25 (12) a representative from the Minnesota Association of County Probation Officers;

141.26 (13) a representative from the Minnesota Association of Community Corrections Act

141.27 Counties;

141.28 (14) a representative from the community at large;

141.29 (15) a representative from a community organization working with victims of crimes;

141.30 and

142.1 ~~(7)~~ (16) other members as appointed by the commissioner of corrections.

142.2 The council may elect a chair from among its members.

142.3 Subd. 2. **Duties.** The council shall oversee and administer the state's participation in ~~the~~
142.4 ~~compact~~ both compacts described in ~~section~~ sections 243.1605 and 260.515. The council
142.5 shall appoint the compact administrator as the state's commissioner. In addition to these
142.6 duties, the council shall develop a model policy concerning the operations and procedures
142.7 of the compact within the state.

142.8 Subd. 3. **Annual report.** By March 1 of each year, the council shall report to the governor
142.9 and the chairs and ranking minority members of the senate and house of representatives
142.10 committees having jurisdiction over criminal justice policy on its activities along with
142.11 providing a copy of the annual report published by the national commission that includes
142.12 the activities of the interstate commission and executive committee as described in section
142.13 243.1605 for the preceding year. The council's annual report will also include information
142.14 required of the State Advisory Council for the Interstate Compact for Juveniles as described
142.15 in Article IV in section 260.515.

142.16 Subd. 4. **Expiration; expenses.** The provisions of section 15.059 apply to the council.

142.17 Sec. 2. Minnesota Statutes 2020, section 260.515, is amended to read:

142.18 **260.515 INTERSTATE COMPACT FOR JUVENILES.**

142.19 The Interstate Compact for Juveniles is enacted into law and entered into with all other
142.20 states legally joining in it in substantially the following form:

142.21 ARTICLE I

142.22 PURPOSE

142.23 The compacting states to this Interstate Compact recognize that each state is responsible
142.24 for the proper supervision or return of juveniles, delinquents, and status offenders who are
142.25 on probation or parole and who have absconded, escaped, or run away from supervision
142.26 and control and in so doing have endangered their own safety and the safety of others. The
142.27 compacting states also recognize that each state is responsible for the safe return of juveniles
142.28 who have run away from home and in doing so have left their state of residence. The
142.29 compacting states also recognize that Congress, by enacting the Crime Control Act, United
142.30 States Code, title 4, section 112 (1965), has authorized and encouraged compacts for
142.31 cooperative efforts and mutual assistance in the prevention of crime.

143.1 It is the purpose of this compact, through means of joint and cooperative action among
143.2 the compacting states to:

143.3 (A) ensure that the adjudicated juveniles and status offenders subject to this compact
143.4 are provided adequate supervision and services in the receiving state as ordered by the
143.5 adjudicating judge or parole authority in the sending state;

143.6 (B) ensure that the public safety interests of the citizens, including the victims of juvenile
143.7 offenders, in both the sending and receiving states are adequately protected;

143.8 (C) return juveniles who have run away, absconded, or escaped from supervision or
143.9 control or have been accused of an offense to the state requesting their return;

143.10 (D) make contracts for the cooperative institutionalization in public facilities in member
143.11 states for delinquent youth needing special services;

143.12 (E) provide for the effective tracking and supervision of juveniles;

143.13 (F) equitably allocate the costs, benefits, and obligations of the compact states;

143.14 (G) establish procedures to manage the movement between states of juvenile offenders
143.15 released to the community under the jurisdiction of courts, juvenile departments, or any
143.16 other criminal or juvenile justice agency which has jurisdiction over juvenile offenders;

143.17 (H) insure immediate notice to jurisdictions where defined juvenile offenders are
143.18 authorized to travel or to relocate across state lines;

143.19 (I) establish procedures to resolve pending charges (detainers) against juvenile offenders
143.20 prior to transfer or release to the community under the terms of this compact;

143.21 (J) establish a system of uniform data collection on information pertaining to juveniles
143.22 subject to this compact that allows access by authorized juvenile justice and criminal justice
143.23 officials, and regular reporting of compact activities to heads of state; executive, judicial,
143.24 and legislative branches; and juvenile criminal justice administrators;

143.25 (K) monitor compliance with rules governing interstate movement of juveniles and
143.26 initiate interventions to address and correct noncompliance;

143.27 (L) coordinate training and education regarding the regulation of interstate movement
143.28 of juveniles for officials involved in such activity; and

143.29 (M) coordinate the implementation and operation of the compact with the Interstate
143.30 Compact for the Placement of Children, the Interstate Compact for Adult Offender
143.31 Supervision, and other compacts affecting juveniles particularly in those cases where
143.32 concurrent or overlapping supervision issues arise.

144.1 It is the policy of the compacting states that the activities conducted by the Interstate
144.2 Commission created herein are the information of public policies and therefore are public
144.3 business. Furthermore, the compacting states shall cooperate and observe their individual
144.4 and collective duties and responsibilities for the prompt return and acceptance of juveniles
144.5 subject to the provisions of this compact. The provisions of this compact shall be reasonably
144.6 and liberally construed to accomplish the purpose and policies of the compact.

144.7 ARTICLE II

144.8 DEFINITIONS

144.9 As used in this compact, unless the context clearly requires a different construction:

144.10 A. "Bylaws" means those bylaws established by the commission for its governance, or
144.11 for directing or controlling its actions or conduct.

144.12 B. "Compact administrator" means the individual in each compacting state appointed
144.13 pursuant to the terms of this compact responsible for the administration and management
144.14 of the state's supervision and transfer of juveniles subject to the terms of this compact, the
144.15 rules adopted by the Interstate Commission, and policies adopted by the state council under
144.16 this compact.

144.17 C. "Compacting state" means any state which has enacted the enabling legislation for
144.18 this compact.

144.19 D. "Commissioner" means the voting representative of each compacting state appointed
144.20 pursuant to Article III of this compact.

144.21 E. "Court" means any court having jurisdiction over delinquent, neglected, or dependent
144.22 children.

144.23 F. "Deputy compact administrator" means the individual, if any, in each compacting
144.24 state appointed to act on behalf of a compact administrator pursuant to the terms of this
144.25 compact responsible for the administration and management of the state's supervision and
144.26 transfer of juveniles subject to the terms of this compact, the rules adopted by the Interstate
144.27 Commission, and policies adopted by the state council under this compact.

144.28 G. "Interstate Commission" means the Interstate Commission for Juveniles created by
144.29 Article III of this compact.

144.30 H. "Juvenile" means any person defined as a juvenile in any member state or by the rules
144.31 of the Interstate Commission, including:

145.1 (1) accused delinquent - a person charged with an offense that, if committed by an adult,
145.2 would be a criminal offense;

145.3 (2) adjudicated delinquent - a person found to have committed an offense that, if
145.4 committed by an adult, would be a criminal offense;

145.5 (3) accused status offender - a person charged with an offense that would not be a criminal
145.6 offense if committed by an adult;

145.7 (4) adjudicated status offender - a person found to have committed an offense that would
145.8 not be a criminal offense if committed by an adult; and

145.9 (5) nonoffender - a person in need of supervision who has not been accused or adjudicated
145.10 a status offender or delinquent.

145.11 I. "Noncompacting state" means any state which has not enacted the enabling legislation
145.12 for this compact.

145.13 J. "Probation" or "parole" means any kind of supervision or conditional release of
145.14 juveniles authorized under the laws of the compacting states.

145.15 K. "Rule" means a written statement by the Interstate Commission promulgated pursuant
145.16 to Article VI of this compact that is of general applicability, implements, interprets, or
145.17 prescribes a policy or provision of the compact, or an organizational, procedural, or practice
145.18 requirement of the commission, and has the force and effect of statutory law in a compacting
145.19 state, and includes the amendment, repeal, or suspension of an existing rule.

145.20 L. "State" means a state of the United States, the District of Columbia (or its designee),
145.21 the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American
145.22 Samoa, and the Northern Marianas.

145.23 ARTICLE III

145.24 INTERSTATE COMMISSION FOR JUVENILES

145.25 A. The compacting states hereby create the "Interstate Commission for Juveniles." The
145.26 commission shall be a body corporate and joint agency of the compacting states. The
145.27 commission shall have all the responsibilities, powers, and duties set forth herein, and such
145.28 additional powers as may be conferred upon it by subsequent action of the respective
145.29 legislatures of the compacting states in accordance with the terms of this compact.

145.30 B. The Interstate Commission shall consist of commissioners appointed by the appropriate
145.31 appointing authority in each state pursuant to the rules and requirements of each compacting
145.32 state and in consultation with the State Advisory Council for Interstate Supervision of

146.1 Juvenile Offenders and Runaways created hereunder. The commissioner shall be the compact
146.2 administrator. The commissioner of corrections or the commissioner's designee shall serve
146.3 as the compact administrator, who shall serve on the Interstate Commission in such capacity
146.4 under or pursuant to the applicable law of the compacting state.

146.5 C. In addition to the commissioners who are the voting representatives of each state, the
146.6 Interstate Commission shall include individuals who are not commissioners but who are
146.7 members of interested organizations. Such noncommissioner members must include a
146.8 member of the national organizations of governors, legislators, state chief justices, attorneys
146.9 general, Interstate Compact for Adult Offender Supervision, Interstate Compact on the
146.10 Placement of Children, juvenile justice and juvenile corrections officials, and crime victims.
146.11 All noncommissioner members of the Interstate Commission shall be ex-officio (nonvoting)
146.12 members. The Interstate Commission may provide in its bylaws for such additional ex-officio
146.13 (nonvoting) members, including members of other national organizations, in such numbers
146.14 as shall be determined by the commission.

146.15 D. Each compacting state represented at any meeting of the commission is entitled to
146.16 one vote. A majority of the compacting states shall constitute a quorum for the transaction
146.17 of business, unless a larger quorum is required by the bylaws of the Interstate Commission.

146.18 E. The commission shall meet at least once each calendar year. The chair may call
146.19 additional meetings and, upon the request of a simple majority of the compacting states,
146.20 shall call additional meetings. Public notice shall be given of all meetings and meetings
146.21 shall be open to the public.

146.22 F. The Interstate Commission shall establish an executive committee, which shall include
146.23 commission officers, members, and others as determined by the bylaws. The executive
146.24 committee shall have the power to act on behalf of the Interstate Commission during periods
146.25 when the Interstate Commission is not in session, with the exception of rulemaking and/or
146.26 amendment to the compact. The executive committee shall oversee the day-to-day activities
146.27 of the administration of the compact managed by an executive director and Interstate
146.28 Commission staff; administer enforcement and compliance with the provisions of the
146.29 compact, its bylaws, and rules; and perform such other duties as directed by the Interstate
146.30 Commission or set forth in the bylaws.

146.31 G. Each member of the Interstate Commission shall have the right and power to cast a
146.32 vote to which that compacting state is entitled and to participate in the business and affairs
146.33 of the Interstate Commission. A member shall vote in person and shall not delegate a vote
146.34 to another compacting state. However, a commissioner, in consultation with the state council,

147.1 shall appoint another authorized representative, in the absence of the commissioner from
147.2 that state, to cast a vote on behalf of the compacting state at a specified meeting. The bylaws
147.3 may provide for members' participation in meetings by telephone or other means of
147.4 telecommunication or electronic communication.

147.5 H. The Interstate Commission's bylaws shall establish conditions and procedures under
147.6 which the Interstate Commission shall make its information and official records available
147.7 to the public for inspection or copying. The Interstate Commission may exempt from
147.8 disclosure any information or official records to the extent they would adversely affect
147.9 personal privacy rights or proprietary interests.

147.10 I. Public notice shall be given of all meetings and all meetings shall be open to the public,
147.11 except as set forth in the rules or as otherwise provided in the compact. The Interstate
147.12 Commission and any of its committees may close a meeting to the public where it determines
147.13 by two-thirds vote that an open meeting would be likely to:

147.14 1. relate solely to the Interstate Commission's internal personnel practices and procedures;

147.15 2. disclose matters specifically exempted from disclosure by statute;

147.16 3. disclose trade secrets or commercial or financial information which is privileged or
147.17 confidential;

147.18 4. involve accusing any person of a crime or formally censuring any person;

147.19 5. disclose information of a personal nature where disclosure would constitute a clearly
147.20 unwarranted invasion of personal privacy;

147.21 6. disclose investigative records compiled for law enforcement purposes;

147.22 7. disclose information contained in or related to examination, operating or condition
147.23 reports prepared by, or on behalf of or for the use of, the Interstate Commission with respect
147.24 to a regulated person or entity for the purpose of regulation or supervision of such person
147.25 or entity;

147.26 8. disclose information, the premature disclosure of which would significantly endanger
147.27 the stability of a regulated person or entity;

147.28 9. specifically relate to the Interstate Commission's issuance of a subpoena or its
147.29 participation in a civil action or other legal proceeding.

147.30 J. For every meeting closed pursuant to this provision, the Interstate Commission's legal
147.31 counsel shall publicly certify that, in the legal counsel's opinion, the meeting may be closed
147.32 to the public, and shall reference each relevant exemptive provision. The Interstate

148.1 Commission shall keep minutes which shall fully and clearly describe all matters discussed
148.2 in any meeting and shall provide a full and accurate summary of any actions taken, and the
148.3 reasons therefore, including a description of each of the views expressed on any item and
148.4 the record of any roll call vote (reflected in the vote of each member on the question). All
148.5 documents considered in connection with any action shall be identified in such minutes.

148.6 K. The Interstate Commission shall collect standardized data concerning the interstate
148.7 movement of juveniles as directed through its rules which shall specify the data to be
148.8 collected, the means of collection, and data exchange and reporting requirements. Such
148.9 methods of data collection, exchange, and reporting shall insofar as is reasonably possible
148.10 conform to up-to-date technology and coordinate its information functions with the
148.11 appropriate repository of records.

148.12 ARTICLE IV

148.13 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

148.14 The commission shall have the following powers and duties:

148.15 1. To provide for dispute resolution among compacting states.

148.16 2. To promulgate rules to affect the purposes and obligations as enumerated in this
148.17 compact, which shall have the force and effect of statutory law and shall be binding in the
148.18 compact states to the extent and in the manner provided in this compact.

148.19 3. To oversee, supervise, and coordinate the interstate movement of juveniles subject to
148.20 the terms of this compact and any bylaws adopted and rules promulgated by the Interstate
148.21 Commission.

148.22 4. To enforce compliance with the compact provisions, the rules promulgated by the
148.23 Interstate Commission, and the bylaws, using all necessary and proper means, including
148.24 but not limited to the use of judicial process.

148.25 5. To establish and maintain offices which shall be located within one or more of the
148.26 compacting states.

148.27 6. To purchase and maintain insurance and bonds.

148.28 7. To borrow, accept, hire, or contract for services of personnel.

148.29 8. To establish and appoint committees and hire staff which it deems necessary for the
148.30 carrying out of its functions including, but not limited to, an executive committee as required
148.31 by Article III, which shall have the power to act on behalf of the Interstate Commission in
148.32 carrying out its powers and duties hereunder.

149.1 9. To elect or appoint such officers, attorneys, employees, agents, or consultants, and to
149.2 fix their compensation, define their duties, and determine their qualifications; and to establish
149.3 the Interstate Commission's personnel policies and programs relating to, inter alia, conflicts
149.4 of interest, rates of compensation, and qualifications of personnel.

149.5 10. To accept any and all donations and grants of money, equipment, supplies, materials,
149.6 and services, and to receive, utilize, and dispose of it.

149.7 11. To lease, purchase, accept contributions or donations of, or otherwise to own, hold,
149.8 improve, or use any property, real, personal, or mixed.

149.9 12. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose
149.10 of any property, real, personal, or mixed.

149.11 13. To establish a budget, make expenditures, and levy dues as provided in Article VIII
149.12 of this compact.

149.13 14. To sue and be sued.

149.14 15. To adopt a seal and bylaws governing the management and operation of the Interstate
149.15 Commission.

149.16 16. To perform such functions as may be necessary or appropriate to achieve the purposes
149.17 of this compact.

149.18 17. To report annually to the legislatures, governors, judiciary, and state councils of the
149.19 compacting states concerning the activities of the Interstate Commission during the preceding
149.20 year. Such reports shall also include any recommendations that may have been adopted by
149.21 the Interstate Commission.

149.22 18. To coordinate education, training, and public awareness regarding the interstate
149.23 movement of juveniles for officials involved in such activity.

149.24 19. To establish uniform standards of the reporting, collecting, and exchanging of data.

149.25 20. The Interstate Commission shall maintain its corporate books and records in
149.26 accordance with the bylaws.

149.27

ARTICLE V

149.28

ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

149.29

149.30 Section A. Bylaws.

149.31 1. The Interstate Commission shall, by a majority of the members present and voting,
149.32 within 12 months after the first Interstate Commission meeting, adopt bylaws to govern its

150.1 conduct as may be necessary or appropriate to carry out the purposes of the compact,
150.2 including, but not limited to:

150.3 a. establishing the fiscal year of the Interstate Commission;

150.4 b. establishing an executive committee and such other committees as may be necessary;

150.5 c. provide: (i) for the establishment of committees, and (ii) governing any general or
150.6 specific delegation of any authority or function of the Interstate Commission;

150.7 d. providing reasonable procedures for calling and conducting meetings of the Interstate
150.8 Commission and ensuring reasonable notice of each such meeting;

150.9 e. establishing the titles and responsibilities of the officers of the Interstate Commission;

150.10 f. providing a mechanism for concluding the operations of the Interstate Commission

150.11 and the return of any surplus funds that may exist upon the termination of the compact after
150.12 the payment and/or reserving of all of its debts and obligations;

150.13 g. providing "start-up" rules for initial administration of the compact;

150.14 h. establishing standards and procedures for compliance and technical assistance in
150.15 carrying out the compact.

150.16 Section B. Officers and staff.

150.17 1. The Interstate Commission shall, by a majority of the members, elect annually from
150.18 among its members a chair and a vice-chair, each of whom shall have such authority and
150.19 duties as may be specified in the bylaws. The chair or, in the chair's absence or disability,
150.20 the vice-chair shall preside at all meetings of the Interstate Commission. The officers so
150.21 elected shall serve without compensation or remuneration from the Interstate Commission;
150.22 provided that, subject to the availability of budget funds, the officers shall be reimbursed
150.23 for any ordinary and necessary costs and expenses incurred by them in the performance of
150.24 their responsibilities as officers of the Interstate Commission.

150.25 2. The Interstate Commission shall, through its executive committee, appoint or retain
150.26 an executive director for such period, upon such terms and conditions, and for such
150.27 compensation as the Interstate Commission may deem appropriate. The executive director
150.28 shall serve as secretary to the Interstate Commission, but shall not be a member and shall
150.29 hire and supervise such other staff as may be authorized by the Interstate Commission.

150.30 Section C. Qualified immunity, defense, and indemnification.

150.31 1. The commission's executive director and employees shall be immune from suit and
150.32 liability, either personally or in their official capacity, for any claim for damage to or loss

151.1 of property or personal injury or other civil liability caused or arising out of or relating to
151.2 any actual or alleged act, error, or omission that occurred, or that such person had a
151.3 reasonable basis for believing occurred within the scope of commission employment, duties,
151.4 or responsibilities; provided, that any such person shall not be protected from suit or liability
151.5 for any damage, loss, injury, or liability caused by the intentional or willful and wanton
151.6 misconduct of any such person.

151.7 2. The liability of any commissioner, or the employee or agent of a commissioner, acting
151.8 within the scope of such person's employment or duties for acts, errors, or omissions
151.9 occurring within such person's state may not exceed the limits of liability set forth under
151.10 the Constitution and laws of that state for state officials, employees, and agents. Nothing
151.11 in this subsection shall be construed to protect any such person from suit or liability for any
151.12 damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct
151.13 of any such person.

151.14 3. The Interstate Commission shall defend the executive director or the employees or
151.15 representatives of the Interstate Commission and, subject to the approval of the attorney
151.16 general of the state represented by any commissioner of a compacting state, shall defend
151.17 such commissioner or the commissioner's representatives or employees in any civil action
151.18 seeking to impose liability arising out of any actual or alleged act, error, or omission that
151.19 occurred within the scope of Interstate Commission employment, duties, or responsibilities,
151.20 or that the defendant has a reasonable basis for believing occurred within the scope of
151.21 Interstate Commission employment, duties, or responsibilities, provided that the actual or
151.22 alleged act, error, or omission did not result from intentional or willful and wanton
151.23 misconduct on the part of such person.

151.24 4. The Interstate Commission shall indemnify and hold the commissioner of a compacting
151.25 state, or the commissioner's representatives or employees, or the Interstate Commission's
151.26 representatives or employees, harmless in the amount of any settlement or judgment obtained
151.27 against such persons arising out of any actual or alleged act, error, or omission that occurred
151.28 within the scope of Interstate Commission employment, duties, or responsibilities, or that
151.29 such persons had a reasonable basis for believing occurred within the scope of Interstate
151.30 Commission employment, duties, or responsibilities, provided that the actual or alleged act,
151.31 error, or omission did not result from intentional or willful and wanton misconduct on the
151.32 part of such persons.

151.33

ARTICLE VI

151.34

RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

152.1 1. The Interstate Commission shall promulgate and publish rules in order to effectively
152.2 and efficiently achieve the purposes of the compact.

152.3 2. Rulemaking shall occur pursuant to the criteria set forth in this article and the bylaws
152.4 and rules adopted pursuant thereto. Such rulemaking shall substantially conform to the
152.5 principles of the "Model State Administrative Procedures Act," 1981 Act, Uniform Laws
152.6 Annotated, Vol. 15, page 1 (2000), or such other administrative procedures act, as the
152.7 Interstate Commission deems appropriate consistent with due process requirements under
152.8 the United States Constitution as now or hereafter interpreted by the United States Supreme
152.9 Court. All rules and amendments shall become binding as of the date specified, as published
152.10 with the final version of the rule as approved by the commission.

152.11 3. When promulgating a rule, the Interstate Commission shall, at a minimum:

152.12 a. publish the proposed rule's entire text stating the reasons for that proposed rule;

152.13 b. allow and invite any and all persons to submit written data, facts, opinions, and
152.14 arguments, which information shall be added to the record, and be made publicly available;

152.15 c. provide an opportunity for an informal hearing if petitioned by ten or more persons;
152.16 and

152.17 d. promulgate a final rule and its effective date, if appropriate, based on input from state
152.18 or local officials, or interested parties.

152.19 4. The Interstate Commission shall allow, not later than 60 days after a rule is
152.20 promulgated, any interested person to file a petition in the United States District Court for
152.21 the District of Columbia or in the federal District Court where the Interstate Commission's
152.22 principal office is located for judicial review of such rule. If the court finds that the Interstate
152.23 Commission's action is not supported by substantial evidence in the rulemaking record, the
152.24 court shall hold the rule unlawful and set it aside. For purposes of this subsection, evidence
152.25 is substantial if it would be considered substantial evidence under the Model (State)
152.26 Administrative Procedures Act.

152.27 5. If a majority of the legislatures of the compacting states rejects a rule, those states
152.28 may, by enactment of a statute or resolution in the same manner used to adopt the compact,
152.29 cause that such rule shall have no further force and effect in any compacting state.

152.30 6. The existing rules governing the operation of the Interstate Compact on Juveniles
152.31 superceded by this act shall be null and void 12 months after the first meeting of the Interstate
152.32 Commission created hereunder.

153.1 7. Upon determination by the Interstate Commission that a state of emergency exists, it
153.2 may promulgate an emergency rule which shall become effective immediately upon adoption,
153.3 provided that the usual rulemaking procedures provided hereunder shall be retroactively
153.4 applied to said rule as soon as reasonably possible, but no later than 90 days after the effective
153.5 date of the emergency rule.

153.6 ARTICLE VII

153.7 OVERSIGHT, ENFORCEMENT, AND DISPUTE 153.8 RESOLUTION BY THE INTERSTATE COMMISSION

153.9 Section A. Oversight.

153.10 1. The Interstate Commission shall oversee the administration and operations of the
153.11 interstate movement of juveniles subject to this compact in the compacting states and shall
153.12 monitor such activities being administered in noncompacting states which may significantly
153.13 affect compacting states.

153.14 2. The courts and executive agencies in each compacting state shall enforce this compact
153.15 and shall take all actions necessary and appropriate to effectuate the compact's purposes
153.16 and intent. The provisions of this compact and the rules promulgated hereunder shall be
153.17 received by all the judges, public officers, commissions, and departments of the state
153.18 government as evidence of the authorized statute and administrative rules. All courts shall
153.19 take judicial notice of the compact and the rules. In any judicial or administrative proceeding
153.20 in a compacting state pertaining to the subject matter of this compact which may affect the
153.21 powers, responsibilities, or actions of the Interstate Commission, it shall be entitled to
153.22 receive all service of process in any such proceeding, and shall have standing to intervene
153.23 in the proceeding for all purposes.

153.24 3. The compact administrator shall assess and collect fines, fees, and costs from any
153.25 state or local entity deemed responsible by the compact administrator for a default as
153.26 determined by the Interstate Commission under Article XI.

153.27 Section B. Dispute resolution.

153.28 1. The compacting states shall report to the Interstate Commission on all issues and
153.29 activities necessary for the administration of the compact as well as issues and activities
153.30 pertaining to compliance with the provisions of the compact and its bylaws and rules.

153.31 2. The Interstate Commission shall attempt, upon the request of a compacting state, to
153.32 resolve any disputes or other issues which are subject to the compact and which may arise
153.33 among compacting states and between compacting and noncompacting states. The

154.1 commission shall promulgate a rule providing for both mediation and binding dispute
154.2 resolution for disputes among the compacting states.

154.3 3. The Interstate Commission, in the reasonable exercise of its discretion, shall enforce
154.4 the provisions and rules of this compact using any or all means set forth in Article XI of
154.5 this compact.

154.6 ARTICLE VIII

154.7 FINANCE

154.8 1. The Interstate Commission shall pay or provide for the payment of the reasonable
154.9 expenses of its establishment, organization, and ongoing activities.

154.10 2. The Interstate Commission shall levy on and collect an annual assessment from each
154.11 compacting state to cover the cost of the internal operations and activities of the Interstate
154.12 Commission and its staff which must be in a total amount sufficient to cover the Interstate
154.13 Commission's annual budget as approved each year. The aggregate annual assessment
154.14 amount shall be allocated based upon a formula to be determined by the Interstate
154.15 Commission, taking into consideration the population of each compacting state and the
154.16 volume of interstate movement of juveniles in each compacting state, and shall promulgate
154.17 a rule binding upon all compacting states which governs said assessment.

154.18 3. The Interstate Commission shall not incur any obligations of any kind prior to securing
154.19 the funds adequate to meet the same; nor shall the Interstate Commission pledge the credit
154.20 of any of the compacting states, except by and with the authority of the compacting state.

154.21 4. The Interstate Commission shall keep accurate accounts of all receipts and
154.22 disbursements. The receipts and disbursements of the Interstate Commission shall be subject
154.23 to the audit and accounting procedures established under its bylaws. However, all receipts
154.24 and disbursements of funds handled by the Interstate Commission shall be audited yearly
154.25 by a certified or licensed public accountant and the report of the audit shall be included in
154.26 and become part of the annual report of the Interstate Commission.

154.27 5. Minnesota's annual assessment shall not exceed \$30,000. The Interstate Compact for
154.28 Juveniles fund is established as a special fund in the Department of Corrections. The fund
154.29 consists of money appropriated for the purpose of meeting financial obligations imposed
154.30 on the state as a result of Minnesota's participation in this compact. An assessment levied
154.31 or any other financial obligation imposed under this compact is effective against the state
154.32 only to the extent that money to pay the assessment or meet the financial obligation has
154.33 been appropriated and deposited in the fund established in this paragraph.

155.1 ARTICLE IX

155.2 THE STATE ADVISORY COUNCIL

155.3 Each member state shall create a State Advisory Council for the Interstate Compact for
155.4 Juveniles. The Advisory Council on the Interstate Compact for Juveniles ~~consists~~ shall be
155.5 combined with the Advisory Council on Interstate Adult Offender Supervision established
155.6 by section 243.1606 and consist of the following individuals or their designees:

155.7 (1) the governor;

155.8 (2) the chief justice of the Supreme Court;

155.9 (3) two senators, one from the majority and the other from the minority party, selected
155.10 by the Subcommittee on Committees of the senate Committee on Rules and Administration;

155.11 (4) two representatives, one from the majority and the other from the minority party,
155.12 selected by the house speaker;

155.13 (5) a representative from the Department of Human Services regarding the Interstate
155.14 Compact for the Placement of Children;

155.15 (6) the compact administrator, selected as provided in Article III;

155.16 (7) the executive director of the Office of Justice Programs or designee;

155.17 (8) the deputy compact administrator; ~~and~~

155.18 (9) a representative from the State Public Defender's Office;

155.19 (10) a representative from the Minnesota County Attorney's Association;

155.20 (11) a representative from the Minnesota Sheriff's Association;

155.21 (12) a representative from the Minnesota Association of County Probation Officers;

155.22 (13) a representative from the Minnesota Association of Community Corrections Act
155.23 Counties;

155.24 (14) a representative from the community at large;

155.25 (15) a representative from a community organization working with victims of crimes;

155.26 and

155.27 ~~(9)~~ (16) other members as appointed by the commissioner of corrections.

155.28 The council may elect a chair from among its members.

156.1 The council shall oversee and administer the state's participation in the compact as
156.2 described in Article III. The council shall appoint the compact administrator as the state's
156.3 commissioner.

156.4 The state advisory council will advise and exercise advocacy concerning that state's
156.5 participation in Interstate Commission activities and other duties as may be determined by
156.6 that state, including, but not limited to, development of policy concerning operations and
156.7 procedures of the compact within that state.

156.8 Expiration; expenses. The provisions of section 15.059 apply to the council except that
156.9 it does not expire.

156.10 ARTICLE X

156.11 COMPACTING STATES, EFFECTIVE DATE, 156.12 AND AMENDMENT

156.13 1. Any state, the District of Columbia (or its designee), the Commonwealth of Puerto
156.14 Rico, the United States Virgin Islands, Guam, American Samoa, and the Northern Marianas
156.15 Islands as defined in Article II of this compact is eligible to become a compacting state.

156.16 2. The compact shall become effective and binding upon legislative enactment of the
156.17 compact into law by no less than 35 of the states. The initial effective date shall be the later
156.18 of July 1, 2004, or upon enactment into law by the 35th jurisdiction. Thereafter, it shall
156.19 become effective and binding as to any other compacting state upon enactment of the
156.20 compact into law by that state. The governors of nonmember states or their designees shall
156.21 be invited to participate in the activities of the Interstate Commission on a nonvoting basis
156.22 prior to adoption of the compact by all states and territories of the United States.

156.23 3. The Interstate Commission may propose amendments to the compact for enactment
156.24 by the compacting states. No amendment shall become effective and binding upon the
156.25 Interstate Commission and the compacting states unless and until it is enacted into law by
156.26 unanimous consent of the compacting states.

156.27 ARTICLE XI

156.28 WITHDRAWAL, DEFAULT, TERMINATION, 156.29 AND JUDICIAL ENFORCEMENT

156.30 Section A. Withdrawal.

156.31 1. Once effective, the compact shall continue in force and remain binding upon each
156.32 and every compacting state; provided that a compacting state may withdraw from the
156.33 compact specifically repealing the statute, which enacted the compact into law.

156.34 2. The effective date of withdrawal is the effective date of the repeal.

157.1 3. The withdrawing state shall immediately notify the chair of the Interstate Commission
157.2 in writing upon the introduction of legislation repealing this compact in the withdrawing
157.3 state. The Interstate Commission shall notify the other compacting states of the withdrawing
157.4 state's intent to withdraw within 60 days of its receipt thereof.

157.5 4. The withdrawing state is responsible for all assessments, obligations, and liabilities
157.6 incurred through the effective date of withdrawal, including any obligations, the performance
157.7 of which extend beyond the effective date of withdrawal.

157.8 5. Reinstatement following withdrawal of any compacting state shall occur upon the
157.9 withdrawing state reenacting the compact or upon such later date as determined by the
157.10 Interstate Commission.

157.11 Section B. Technical assistance, fines, suspension, termination, and default.

157.12 1. If the Interstate Commission determines that any compacting state has at any time
157.13 defaulted in the performance of any of its obligations or responsibilities under this compact,
157.14 or the bylaws or duly promulgated rules, the Interstate Commission may impose any or all
157.15 of the following penalties:

157.16 a. remedial training and technical assistance as directed by the Interstate Commission;

157.17 b. alternative dispute resolution;

157.18 c. fines, fees, and costs in such amounts as are deemed to be reasonable as fixed by the
157.19 Interstate Commission;

157.20 d. suspension or termination of membership in the compact, which shall be imposed
157.21 only after all other reasonable means of securing compliance under the bylaws and rules
157.22 have been exhausted and the Interstate Commission has therefore determined that the
157.23 offending state is in default. Immediate notice of suspension shall be given by the Interstate
157.24 Commission to the governor, the chief justice, or the chief judicial officer of the state; the
157.25 majority and minority leaders of the defaulting state's legislature; and the state council. The
157.26 grounds for default include, but are not limited to, failure of a compacting state to perform
157.27 such obligations or responsibilities imposed upon it by this compact, the bylaws, or duly
157.28 promulgated rules and any other grounds designated in commission bylaws and rules. The
157.29 Interstate Commission shall immediately notify the defaulting state in writing of the penalty
157.30 imposed by the Interstate Commission and of the default pending a cure of the default. The
157.31 commission shall stipulate the conditions and the time period within which the defaulting
157.32 state must cure its default. If the defaulting state fails to cure the default within the time
157.33 period specified by the commission, the defaulting state shall be terminated from the compact

158.1 upon an affirmative vote of a majority of the compacting states and all rights, privileges,
158.2 and benefits conferred by this compact shall be terminated from the effective date of
158.3 termination.

158.4 2. Within 60 days of the effective date of termination of a defaulting state, the commission
158.5 shall notify the governor, the chief justice or chief judicial officer, the majority and minority
158.6 leaders of the defaulting state's legislature, and the state council of such termination.

158.7 3. The defaulting state is responsible for all assessments, obligations, and liabilities
158.8 incurred through the effective date of termination including any obligations, the performance
158.9 of which extends beyond the effective date of termination.

158.10 4. The Interstate Commission shall not bear any costs relating to the defaulting state
158.11 unless otherwise mutually agreed upon in writing between the Interstate Commission and
158.12 the defaulting state.

158.13 5. Reinstatement following termination of any compacting state requires both a
158.14 reenactment of the compact by the defaulting state and the approval of the Interstate
158.15 Commission pursuant to the rules.

158.16 Section C. Judicial enforcement.

158.17 The Interstate Commission may, by majority vote of the members, initiate legal action
158.18 in the United States District Court for the District of Columbia or, at the discretion of the
158.19 Interstate Commission, in the federal district where the Interstate Commission has its offices,
158.20 to enforce compliance with the provisions of the compact, its duly promulgated rules and
158.21 bylaws, against any compacting state in default. In the event judicial enforcement is
158.22 necessary, the prevailing party shall be awarded all costs of such litigation, including
158.23 reasonable attorney fees.

158.24 Section D. Dissolution of compact.

158.25 1. The compact dissolves effective upon the date of the withdrawal or default of the
158.26 compacting state, which reduces membership in the compact to one compacting state.

158.27 2. Upon the dissolution of this compact, the compact becomes null and void and shall
158.28 be of no further force or effect, and the business and affairs of the Interstate Commission
158.29 shall be concluded and any surplus funds shall be distributed in accordance with the bylaws.

158.30 ARTICLE XII

158.31 SEVERABILITY AND CONSTRUCTION

159.1 1. The provisions of this compact shall be severable, and if any phrase, clause, sentence,
159.2 or provision is deemed unenforceable, the remaining provisions of this compact shall be
159.3 enforceable.

159.4 2. The provisions of this compact shall be liberally constructed to effectuate its purposes.

159.5 **ARTICLE XIII**

159.6 **BINDING EFFECT OF COMPACT AND OTHER LAWS**

159.7 **Section A. Other laws.**

159.8 1. Nothing herein prevents the enforcement of any other law of a compacting state that
159.9 is not inconsistent with this compact.

159.10 2. All compacting states' laws other than state constitutions and other interstate compacts
159.11 conflicting with this compact are superseded to the extent of the conflict.

159.12 **Section B. Binding effect of the compact.**

159.13 1. All lawful actions of the Interstate Commission, including all rules and bylaws
159.14 promulgated by the Interstate Commission, are binding upon the compacting state.

159.15 2. All agreements between the Interstate Commission and the compacting states are
159.16 binding in accordance with their terms.

159.17 3. Upon the request of a party to a conflict over meaning or interpretation of Interstate
159.18 Commission actions, and upon a majority vote of the compacting states, the Interstate
159.19 Commission may issue advisory opinions regarding such meaning of interpretation.

159.20 4. In the event any provision of this compact exceeds the constitutional limits imposed
159.21 on the legislature of any compacting state, the obligations, duties, powers, or jurisdiction
159.22 sought to be conferred by such provision upon the Interstate Commission shall be ineffective
159.23 and such obligations, duties, powers, or jurisdiction shall remain in the compacting state
159.24 and shall be exercised by the agency thereof to which such obligations, duties, powers, or
159.25 jurisdiction are delegated by law in effect at the time this compact becomes effective.

159.26 **ARTICLE 7**

159.27 **COMMUNITY SUPERVISION REFORM**

159.28 **Section 1.** Minnesota Statutes 2020, section 243.05, subdivision 1, is amended to read:

159.29 **Subdivision 1. Conditional release.** (a) The commissioner of corrections may parole
159.30 any person sentenced to confinement in any state correctional facility for adults under the
159.31 control of the commissioner of corrections, provided that:

160.1 (1) no inmate serving a life sentence for committing murder before May 1, 1980, other
160.2 than murder committed in violation of clause (1) of section 609.185 who has not been
160.3 previously convicted of a felony shall be paroled without having served 20 years, less the
160.4 diminution that would have been allowed for good conduct had the sentence been for 20
160.5 years;

160.6 (2) no inmate serving a life sentence for committing murder before May 1, 1980, who
160.7 has been previously convicted of a felony or though not previously convicted of a felony
160.8 is serving a life sentence for murder in the first degree committed in violation of clause (1)
160.9 of section 609.185 shall be paroled without having served 25 years, less the diminution
160.10 which would have been allowed for good conduct had the sentence been for 25 years;

160.11 (3) any inmate sentenced prior to September 1, 1963, who would be eligible for parole
160.12 had the inmate been sentenced after September 1, 1963, shall be eligible for parole; and

160.13 (4) any new rule or policy or change of rule or policy adopted by the commissioner of
160.14 corrections which has the effect of postponing eligibility for parole has prospective effect
160.15 only and applies only with respect to persons committing offenses after the effective date
160.16 of the new rule or policy or change.

160.17 (b) Upon being paroled and released, an inmate is and remains in the legal custody and
160.18 under the control of the commissioner, subject at any time to be returned to a facility of the
160.19 Department of Corrections established by law for the confinement or treatment of convicted
160.20 persons and the parole rescinded by the commissioner.

160.21 (c) The written order of the commissioner of corrections, is sufficient authority for any
160.22 peace officer, state correctional investigator, or state parole and probation agent to retake
160.23 and place in actual custody any person on parole or supervised release. In addition, when
160.24 it appears necessary in order to prevent escape or enforce discipline, any state parole and
160.25 probation agent or state correctional investigator may, without order of warrant, take and
160.26 detain a parolee or person on supervised release or work release and bring the person to the
160.27 commissioner for action.

160.28 (d) The written order of the commissioner of corrections is sufficient authority for any
160.29 peace officer, state correctional investigator, or state parole and probation agent to retake
160.30 and place in actual custody any person on probation under the supervision of the
160.31 commissioner pursuant to section 609.135. Additionally, when it appears necessary in order
160.32 to prevent escape or enforce discipline, any state parole and probation agent or state
160.33 correctional investigator may, without an order, retake and detain a probationer and bring
160.34 the probationer before the court for further proceedings under section 609.14.

161.1 (e) The written order of the commissioner of corrections is sufficient authority for any
161.2 peace officer, state correctional investigator, or state parole and probation agent to detain
161.3 any person on pretrial release who absconds from pretrial release or fails to abide by the
161.4 conditions of pretrial release.

161.5 (f) Persons conditionally released, and those on probation under the supervision of the
161.6 commissioner of corrections pursuant to section 609.135 may be placed within or outside
161.7 the boundaries of the state at the discretion of the commissioner of corrections or the court,
161.8 and the limits fixed for these persons may be enlarged or reduced according to their conduct.

161.9 (g) Except as otherwise provided in subdivision 1b, in considering applications for
161.10 conditional release or discharge, the commissioner is not required to hear oral argument
161.11 from any attorney or other person not connected with an adult correctional facility of the
161.12 Department of Corrections in favor of or against the parole or release of any inmates. The
161.13 commissioner may institute inquiries by correspondence, taking testimony, or otherwise,
161.14 as to the previous history, physical or mental condition, and character of the inmate and, to
161.15 that end, has the authority to require the attendance of the chief executive officer of any
161.16 state adult correctional facility and the production of the records of these facilities, and to
161.17 compel the attendance of witnesses. The commissioner is authorized to administer oaths to
161.18 witnesses for these purposes.

161.19 ~~(h) Unless the district court directs otherwise, state parole and probation agents may~~
161.20 ~~require a person who is under the supervision of the commissioner of corrections to perform~~
161.21 ~~community work service for violating a condition of probation imposed by the court.~~
161.22 ~~Community work service may be imposed for the purpose of protecting the public, to aid~~
161.23 ~~the offender's rehabilitation, or both. Agents may impose up to eight hours of community~~
161.24 ~~work service for each violation and up to a total of 24 hours per offender per 12-month~~
161.25 ~~period, beginning with the date on which community work service is first imposed. The~~
161.26 ~~commissioner may authorize an additional 40 hours of community work services, for a total~~
161.27 ~~of 64 hours per offender per 12-month period, beginning with the date on which community~~
161.28 ~~work service is first imposed. At the time community work service is imposed, parole and~~
161.29 ~~probation agents are required to provide written notice to the offender that states:~~

161.30 ~~(1) the condition of probation that has been violated;~~

161.31 ~~(2) the number of hours of community work service imposed for the violation; and~~

161.32 ~~(3) the total number of hours of community work service imposed to date in the 12-month~~
161.33 ~~period.~~

162.1 ~~An offender may challenge the imposition of community work service by filing a petition~~
162.2 ~~in district court. An offender must file the petition within five days of receiving written~~
162.3 ~~notice that community work service is being imposed. If the offender challenges the~~
162.4 ~~imposition of community work service, the state bears the burden of showing, by a~~
162.5 ~~preponderance of the evidence, that the imposition of community work service is reasonable~~
162.6 ~~under the circumstances.~~

162.7 ~~Community work service includes sentencing to service.~~

162.8 ~~(i) Prior to revoking a nonviolent controlled substance offender's parole or probation~~
162.9 ~~based on a technical violation, when the offender does not present a risk to the public and~~
162.10 ~~the offender is amenable to continued supervision in the community, a parole or probation~~
162.11 ~~agent must identify community options to address and correct the violation including, but~~
162.12 ~~not limited to, inpatient chemical dependency treatment. If a probation or parole agent~~
162.13 ~~determines that community options are appropriate, the agent shall seek to restructure the~~
162.14 ~~offender's terms of release to incorporate those options. If an offender on probation stipulates~~
162.15 ~~in writing to restructure the terms of release, a probation agent must forward a report to the~~
162.16 ~~district court containing:~~

162.17 ~~(1) the specific nature of the technical violation of probation;~~

162.18 ~~(2) the recommended restructure to the terms of probation; and~~

162.19 ~~(3) a copy of the offender's signed stipulation indicating that the offender consents to~~
162.20 ~~the restructuring of probation.~~

162.21 ~~The recommended restructuring of probation becomes effective when confirmed by a~~
162.22 ~~judge. The order of the court shall be proof of such confirmation and amend the terms of~~
162.23 ~~the sentence imposed by the court under section 609.135. If a nonviolent controlled substance~~
162.24 ~~offender's parole or probation is revoked, the offender's agent must first attempt to place~~
162.25 ~~the offender in a local jail. For purposes of this paragraph, "nonviolent controlled substance~~
162.26 ~~offender" is a person who meets the criteria described under section 244.0513, subdivision~~
162.27 ~~2, clauses (1), (2), and (5), and "technical violation" means any violation of a court order~~
162.28 ~~of probation or a condition of parole, except an allegation of a subsequent criminal act that~~
162.29 ~~is alleged in a formal complaint, citation, or petition.~~

162.30 Sec. 2. Minnesota Statutes 2020, section 244.05, subdivision 3, is amended to read:

162.31 Subd. 3. **Sanctions for violation.** If an inmate violates the conditions of the inmate's
162.32 supervised release imposed by the commissioner, the commissioner may:

163.1 (1) continue the inmate's supervised release term, with or without modifying or enlarging
163.2 the conditions imposed on the inmate, or transferring the inmate's case to a specialized
163.3 caseload; or

163.4 (2) revoke the inmate's supervised release and reimprison the inmate for the appropriate
163.5 period of time.

163.6 Prior to revoking a ~~nonviolent controlled substance~~ an offender's supervised release
163.7 based on a technical violation, when the offender does not present a risk to the public ~~and~~
163.8 ~~the offender is amenable to continued supervision in the community~~, the commissioner
163.9 must identify community options to address and correct the violation ~~including, but not~~
163.10 ~~limited to, inpatient chemical dependency treatment~~. If the commissioner determines that
163.11 community options are appropriate, the commissioner shall restructure the inmate's terms
163.12 of release to incorporate those options. ~~If a nonviolent controlled substance offender's~~
163.13 ~~supervised release is revoked, the offender's agent must first attempt to place the offender~~
163.14 ~~in a local jail~~. For purposes of this subdivision, "~~nonviolent controlled substance offender~~"
163.15 ~~is a person who meets the criteria described under section 244.0513, subdivision 2, clauses~~
163.16 ~~(1), (2), and (5), and~~ "technical violation" means a violation of a condition of supervised
163.17 release, except an allegation of a subsequent criminal act that is alleged in a formal complaint,
163.18 citation, or petition.

163.19 The period of time for which a supervised release may be revoked may not exceed the
163.20 period of time remaining in the inmate's sentence, except that if a sex offender is sentenced
163.21 and conditionally released under Minnesota Statutes 2004, section 609.108, subdivision 5,
163.22 the period of time for which conditional release may be revoked may not exceed the balance
163.23 of the conditional release term.

163.24 Sec. 3. Minnesota Statutes 2020, section 244.19, subdivision 1, is amended to read:

163.25 Subdivision 1. **Appointment; joint services; state services.** (a) If a county or group of
163.26 counties has established a human services board pursuant to chapter 402, the district court
163.27 may appoint one or more county probation officers as necessary to perform court services,
163.28 and the human services board shall appoint persons as necessary to provide correctional
163.29 services within the authority granted in chapter 402. In all counties of more than 200,000
163.30 population, which have not organized pursuant to chapter 402, the district court shall appoint
163.31 one or more persons of good character to serve as county probation officers during the
163.32 pleasure of the court. All other counties shall provide adult misdemeanor and juvenile
163.33 probation services to district courts in one of the following ways:

164.1 (1) the court, with the approval of the county boards, may appoint one or more salaried
164.2 county probation officers to serve during the pleasure of the court;

164.3 (2) when two or more counties offer probation services the district court through the
164.4 county boards may appoint common salaried county probation officers to serve in the several
164.5 counties;

164.6 (3) a county or a district court may request the commissioner of corrections to furnish
164.7 probation services in accordance with the provisions of this section, and the commissioner
164.8 of corrections shall furnish such services to any county or court that fails to provide its own
164.9 probation officer by one of the two procedures listed above;

164.10 (4) if a county or district court providing probation services under clause (1) or (2) asks
164.11 the commissioner of corrections or the legislative body for the state of Minnesota mandates
164.12 the commissioner of corrections to furnish probation services to the district court, the
164.13 probation officers and other employees displaced by the changeover shall be employed by
164.14 the commissioner of corrections. Years of service in the county probation department are
164.15 to be given full credit for future sick leave and vacation accrual purposes;

164.16 (5) ~~all probation officers serving the juvenile courts on July 1, 1972, shall continue to~~
164.17 ~~serve in the county or counties they are now serving~~ if a county receiving probation services
164.18 under clause (3) decides to provide those services under clause (1) or (2), the probation
164.19 officers and other employees displaced by the changeover shall be employed by the county.
164.20 Years of service in the state are to be given full credit for future sick leave and vacation
164.21 accrual purposes.

164.22 (b) A county or counties providing probation services under paragraph (a), clause (1)
164.23 or (2), is designated a "CPO county" for purposes of receiving a grant under chapter 401.
164.24 A county or counties receiving probation services under paragraph (a), clause (3), is not
164.25 eligible for a grant under chapter 401, and the commissioner of corrections is appropriated
164.26 the county's share of funding for the purpose of providing probation services, and authority
164.27 to seek reimbursement from the county under subdivision 5.

164.28 (c) A county that requests the commissioner of corrections to provide probation services
164.29 under paragraph (a), clause (3), shall collaborate with the commissioner to develop a
164.30 comprehensive plan as described in section 401.06.

164.31 ~~(b)~~ (d) The commissioner of management and budget shall place employees transferred
164.32 to state service under paragraph (a), clause (4), in the proper classifications in the classified
164.33 service. Each employee is appointed without examination at no loss in salary or accrued
164.34 vacation or sick leave benefits, but no additional accrual of vacation or sick leave benefits

165.1 may occur until the employee's total accrued vacation or sick leave benefits fall below the
165.2 maximum permitted by the state for the employee's position. An employee appointed under
165.3 paragraph (a), clause (4), shall serve a probationary period of six months. After exhausting
165.4 labor contract remedies, a noncertified employee may appeal for a hearing within ten days
165.5 to the commissioner of management and budget, who may uphold the decision, extend the
165.6 probation period, or certify the employee. The decision of the commissioner of management
165.7 and budget is final. The state shall negotiate with the exclusive representative for the
165.8 bargaining unit to which the employees are transferred regarding their seniority. For purposes
165.9 of computing seniority among those employees transferring from one county unit only, a
165.10 transferred employee retains the same seniority position as the employee had within that
165.11 county's probation office.

165.12 Sec. 4. Minnesota Statutes 2020, section 244.19, subdivision 5, is amended to read:

165.13 Subd. 5. **Compensation.** ~~In counties of more than 200,000 population, a majority of the~~
165.14 ~~judges of the district court may direct the payment of such salary to probation officers as~~
165.15 ~~may be approved by the county board, and in addition thereto shall be reimbursed for all~~
165.16 ~~necessary expenses incurred in the performance of their official duties.~~ In all counties which
165.17 obtain probation services from the commissioner of corrections the commissioner shall, out
165.18 of appropriations provided therefor, pay probation officers the salary and all benefits fixed
165.19 by the state law or applicable bargaining unit and all necessary expenses, including secretarial
165.20 service, office equipment and supplies, postage, telephone and telegraph services, and travel
165.21 and subsistence. Each county receiving probation services from the commissioner of
165.22 corrections shall reimburse the department of corrections for the total cost and expenses of
165.23 such services as incurred by the commissioner of corrections, excluding the cost and expense
165.24 of services provided under the state's obligation in section 244.20. ~~Total annual costs for~~
165.25 ~~each county shall be that portion of the total costs and expenses for the services of one~~
165.26 ~~probation officer represented by the ratio which the county's population bears to the total~~
165.27 ~~population served by one officer. For the purposes of this section, the population of any~~
165.28 ~~county shall be the most recent estimate made by the Department of Health.~~ At least every
165.29 six months the commissioner of corrections shall bill for the total cost and expenses incurred
165.30 by the commissioner on behalf of each county which has received probation services. The
165.31 commissioner of corrections shall notify each county of the cost and expenses and the county
165.32 shall pay to the commissioner the amount due for reimbursement. All such reimbursements
165.33 shall be deposited in the general fund used to provide services for each county according
165.34 to their reimbursement amount. Objections by a county to all allocation of such cost and
165.35 expenses shall be presented to and determined by the commissioner of corrections. Each

166.1 county providing probation services under this section is hereby authorized to use unexpended
166.2 funds and to levy additional taxes for this purpose.

166.3 The county commissioners of any county of not more than 200,000 population shall,
166.4 when requested to do so by the juvenile judge, provide probation officers with suitable
166.5 offices, and may provide equipment, and secretarial help needed to render the required
166.6 services.

166.7 Sec. 5. Minnesota Statutes 2020, section 244.195, subdivision 1, is amended to read:

166.8 Subdivision 1. **Definitions.** (a) As used in this subdivision and sections 244.196 to
166.9 244.1995, the following terms have the meanings given them.

166.10 (b) "Commissioner" means the commissioner of corrections.

166.11 (c) "Conditional release" means parole, supervised release, conditional release as
166.12 authorized by section 609.3455, subdivision 6, 7, or 8; Minnesota Statutes 2004, section
166.13 609.108, subdivision 6; or Minnesota Statutes 2004, section 609.109, subdivision 7, work
166.14 release as authorized by sections 241.26, 244.065, and 631.425, probation, furlough, and
166.15 any other authorized temporary release from a correctional facility.

166.16 (d) "Court services director" means the director or designee of a county probation agency
166.17 that is not organized under section 244.19 or an agency organized under chapter 401.

166.18 (e) "Detain" means to take into actual custody, including custody within a local
166.19 correctional facility.

166.20 (f) "Local correctional facility" has the meaning given in section 241.021, subdivision
166.21 1.

166.22 (g) "Probation agency" means the Department of Corrections field office or a probation
166.23 agency organized under section 244.19 or chapter 401.

166.24 (h) "Probation officer" means a court services director, county probation officer, or any
166.25 other community supervision officer employed by the commissioner or by a probation
166.26 agency organized under section 244.19 or chapter 401.

166.27 ~~(g)~~ (i) "Release" means to release from actual custody.

166.28 Sec. 6. Minnesota Statutes 2020, section 244.195, is amended by adding a subdivision to
166.29 read:

166.30 Subd. 6. **Intermediate sanctions.** (a) Unless the district court directs otherwise, a
166.31 probation officer may require a person committed to the officer's care by the court to perform

167.1 community work service for violating a condition of probation imposed by the court.
167.2 Community work service may be imposed for the purpose of protecting the public, to aid
167.3 the person's rehabilitation, or both. A probation officer may impose up to eight hours of
167.4 community work service for each violation and up to a total of 24 hours per person per
167.5 12-month period, beginning on the date on which community work service is first imposed.
167.6 The court services director or probation agency may authorize an additional 40 hours of
167.7 community work service, for a total of 64 hours per person per 12-month period, beginning
167.8 with the date on which community work service is first imposed. At the time community
167.9 work service is imposed, probation officers are required to provide written notice to the
167.10 person that states:

167.11 (1) the condition of probation that has been violated;
167.12 (2) the number of hours of community work service imposed for the violation; and
167.13 (3) the total number of hours of community work service imposed to date in the 12-month
167.14 period.

167.15 (b) A person on supervision may challenge the imposition of community work service
167.16 by filing a petition in district court within five days of receiving written notice that
167.17 community work service is being imposed. If the person challenges the imposition of
167.18 community work service, the state bears the burden of showing, by a preponderance of the
167.19 evidence, that the imposition of community work service is reasonable under the
167.20 circumstances.

167.21 (c) Community work service includes sentencing to service.

167.22 Sec. 7. Minnesota Statutes 2020, section 244.195, is amended by adding a subdivision to
167.23 read:

167.24 Subd. 7. **Contacts.** Supervision contacts may be conducted over video conference
167.25 technology at the discretion of the probation agent.

167.26 Sec. 8. Minnesota Statutes 2020, section 244.20, is amended to read:

167.27 **244.20 PROBATION SUPERVISION.**

167.28 Notwithstanding sections 244.19, subdivision 1, and 609.135, subdivision 1, the
167.29 Department of Corrections shall have exclusive responsibility for providing probation
167.30 services for adult felons in counties that do not take part in the Community Corrections Act.
167.31 ~~In counties that do not take part in the Community Corrections Act, the responsibility for~~

168.1 ~~providing probation services for individuals convicted of gross misdemeanor offenses shall~~
168.2 ~~be discharged according to local judicial policy.~~

168.3 Sec. 9. Minnesota Statutes 2020, section 244.21, is amended to read:

168.4 **244.21 INFORMATION ON OFFENDERS UNDER SUPERVISION; REPORTS.**

168.5 Subdivision 1. **Collection of information by probation service providers; report**
168.6 **required.** By January 1, 1998, probation service providers shall begin collecting and
168.7 maintaining information on offenders under supervision. The commissioner of corrections
168.8 shall specify the nature and extent of the information to be collected. By April 1 of every
168.9 year, each probation service provider shall report a summary of the information collected
168.10 to the commissioner as a condition of state grant funding under chapter 401.

168.11 Subd. 2. **Commissioner of corrections report.** By January 15, ~~1998~~ 2023, the
168.12 commissioner of corrections shall report to the chairs of the ~~senate crime prevention and~~
168.13 ~~house of representatives judiciary~~ legislative committees with jurisdiction over public safety
168.14 and finance on recommended methods of coordinating the exchange of information collected
168.15 on offenders under subdivision 1: (1) between probation service providers; and (2) between
168.16 probation service providers and the Department of Corrections, ~~without requiring service~~
168.17 ~~providers to acquire uniform computer software.~~

168.18 Sec. 10. Minnesota Statutes 2020, section 401.01, is amended to read:

168.19 **401.01 PURPOSE AND DEFINITION; ASSISTANCE GRANTS.**

168.20 Subdivision 1. **Grants.** For the purpose of more effectively protecting society and to
168.21 promote efficiency and economy in the delivery of correctional services, the commissioner
168.22 is authorized to make grants to assist counties in the development, implementation, and
168.23 operation of community-based corrections programs including preventive or diversionary
168.24 correctional programs, conditional release programs, community corrections centers, and
168.25 facilities for the detention or confinement, care and treatment of persons convicted of crime
168.26 or adjudicated delinquent. ~~The commissioner may authorize the use of a percentage of a~~
168.27 ~~grant for the operation of an emergency shelter or make a separate grant for the rehabilitation~~
168.28 ~~of a facility owned by the grantee and used as a shelter to bring the facility into compliance~~
168.29 ~~with state and local laws pertaining to health, fire, and safety, and to provide security.~~

168.30 Subd. 2. **Definitions.** (a) For the purposes of sections 401.01 to 401.16, the following
168.31 terms have the meanings given them.

168.32 (b) "CCA county" means a county that participates in the Community Corrections Act.

169.1 (c) "Commissioner" means the commissioner of corrections or a designee.

169.2 (d) "Conditional release" means parole, supervised release, conditional release as
169.3 authorized by section 609.3455, subdivision 6, 7, or 8; Minnesota Statutes 2004, section
169.4 609.108, subdivision 6; or Minnesota Statutes 2004, section 609.109, subdivision 7, work
169.5 release as authorized by sections 241.26, 244.065, and 631.425, probation, furlough, and
169.6 any other authorized temporary release from a correctional facility.

169.7 (e) "County probation officer" means a probation officer appointed under section 244.19.

169.8 (f) "CPO county" means a county that participates in funding under this act by providing
169.9 local corrections service for all juveniles and individuals on probation for misdemeanors,
169.10 pursuant to section 244.19, subdivision 1, paragraph (a), clause (1) or (2).

169.11 (g) "Detain" means to take into actual custody, including custody within a local
169.12 correctional facility.

169.13 ~~(g)~~ (h) "Joint board" means the board provided in section 471.59.

169.14 ~~(h)~~ (i) "Local correctional facility" has the meaning given in section 241.021, subdivision
169.15 1.

169.16 ~~(i)~~ (j) "Local correctional service" means those services authorized by and employees,
169.17 officers, and agents appointed under section 244.19, subdivision 1.

169.18 ~~(j)~~ (k) "Release" means to release from actual custody.

169.19 (l) "Tribal government" means one of the federally recognized Tribes described in section
169.20 3.922.

169.21 Sec. 11. Minnesota Statutes 2020, section 401.02, is amended to read:

169.22 **401.02 COUNTIES OR REGIONS; SERVICES INCLUDABLE.**

169.23 Subdivision 1. **Qualification of counties or Tribal governments.** (a) One or more
169.24 counties, ~~having an aggregate population of 30,000 or more persons,~~ or Tribal governments
169.25 ~~may qualify for a grant as provided in section 401.01 by the enactment of appropriate~~
169.26 ~~resolutions creating and establishing a corrections advisory board,~~ designating the officer
169.27 or agency to be responsible for administering grant funds, and providing for the preparation
169.28 of a comprehensive plan for the development, implementation and operation of the
169.29 correctional services described in ~~section~~ sections 401.01 and 401.11, including the
169.30 assumption of those correctional services, other than the operation of state facilities, presently
169.31 provided in such counties by the Department of Corrections, and providing for centralized
169.32 administration and control of those correctional services described in section 401.01. Counties

170.1 participating as a CCA county must also enact the appropriate resolutions creating and
170.2 establishing a corrections advisory board.

170.3 Where counties or Tribal governments combine as authorized in this section, they shall
170.4 comply with the provisions of section 471.59.

170.5 (b) A county that has participated in the Community Corrections Act for five or more
170.6 years is eligible to continue to participate in the Community Corrections Act.

170.7 (c) If a county or Tribal government withdraws from the grant program as outlined in
170.8 subdivision 1 of this section and asks the commissioner of corrections, or the legislative
170.9 body or the state of Minnesota mandates the commissioner of corrections to furnish probation
170.10 services to the county, the probation officers and other employees displaced by the
170.11 changeover shall be employed by the commissioner of corrections. Years of service in the
170.12 county probation department are to be given full credit for future sick leave and vacation
170.13 accrual purposes.

170.14 Subd. 2. **Planning counties; advisory board members expenses.** To assist counties
170.15 which have complied with the provisions of subdivision 1 and require financial aid to defray
170.16 all or a part of the expenses incurred by corrections advisory board members in discharging
170.17 their official duties pursuant to section 401.08, the commissioner may designate counties
170.18 as "planning counties", and, upon receipt of resolutions by the governing boards of the
170.19 counties certifying the need for and inability to pay the expenses described in this subdivision,
170.20 advance to the counties an amount not to exceed five percent of the maximum quarterly
170.21 ~~subsidy grant~~ for which the counties are eligible. The expenses described in this subdivision
170.22 shall be paid in the same manner and amount as for state employees.

170.23 Subd. 3. **Establishment and reorganization of administrative structure.** Any county
170.24 or group of counties which have qualified for participation in the ~~community corrections~~
170.25 ~~subsidy grant~~ program provided by this chapter may establish, organize, and reorganize an
170.26 administrative structure and provide for the budgeting, staffing, and operation of court
170.27 services and probation, construction or improvement to juvenile detention and juvenile
170.28 correctional facilities and adult detention and correctional facilities, and other activities
170.29 required to conform to the purposes of this chapter. No contrary general or special statute
170.30 divests any county or group of counties of the authority granted by this subdivision.

170.31 ~~Subd. 5. **Intermediate sanctions.** Unless the district court directs otherwise, county~~
170.32 ~~probation officers may require a person committed to the officer's care by the court to~~
170.33 ~~perform community work service for violating a condition of probation imposed by the~~
170.34 ~~court. Community work service may be imposed for the purpose of protecting the public,~~

171.1 ~~to aid the offender's rehabilitation, or both. Probation officers may impose up to eight hours~~
171.2 ~~of community work service for each violation and up to a total of 24 hours per offender per~~
171.3 ~~12-month period, beginning on the date on which community work service is first imposed.~~
171.4 ~~The chief executive officer of a community corrections agency may authorize an additional~~
171.5 ~~40 hours of community work service, for a total of 64 hours per offender per 12-month~~
171.6 ~~period, beginning with the date on which community work service is first imposed. At the~~
171.7 ~~time community work service is imposed, probation officers are required to provide written~~
171.8 ~~notice to the offender that states:~~

171.9 ~~(1) the condition of probation that has been violated;~~

171.10 ~~(2) the number of hours of community work service imposed for the violation; and~~

171.11 ~~(3) the total number of hours of community work service imposed to date in the 12-month~~
171.12 ~~period.~~

171.13 ~~An offender may challenge the imposition of community work service by filing a petition~~
171.14 ~~in district court. An offender must file the petition within five days of receiving written~~
171.15 ~~notice that community work service is being imposed. If the offender challenges the~~
171.16 ~~imposition of community work service, the state bears the burden of showing, by a~~
171.17 ~~preponderance of the evidence, that the imposition of community work service is reasonable~~
171.18 ~~under the circumstances.~~

171.19 ~~Community work service includes sentencing to service.~~

171.20 Sec. 12. Minnesota Statutes 2020, section 401.04, is amended to read:

171.21 **401.04 ACQUISITION OF PROPERTY; SELECTION OF ADMINISTRATIVE**
171.22 **STRUCTURE; EMPLOYEES.**

171.23 Any county or group of counties electing to come within the provisions of sections
171.24 401.01 to 401.16 may (a) acquire by any lawful means, including purchase, lease or transfer
171.25 of custodial control, the lands, buildings and equipment necessary and incident to the
171.26 accomplishment of the purposes of sections 401.01 to 401.16, (b) determine and establish
171.27 the administrative structure best suited to the efficient administration and delivery of the
171.28 correctional services described in section 401.01, and (c) employ a director and other officers,
171.29 employees and agents as deemed necessary to carry out the provisions of sections 401.01
171.30 to 401.16. To the extent that participating counties shall assume and take over state and
171.31 local correctional services presently provided in counties, employment shall be given to
171.32 those state and local officers, employees and agents thus displaced; if hired by a county,
171.33 employment shall, to the extent possible and notwithstanding the provisions of any other

172.1 law or ordinance to the contrary, be deemed a transfer in grade with all of the benefits
172.2 enjoyed by such officer, employee or agent while in the service of the state or local
172.3 correctional service.

172.4 State or local employees displaced by county participation in the subsidy grant program
172.5 provided by this chapter are on layoff status and, if not hired by a participating county as
172.6 provided herein, may exercise their rights under layoff procedures established by law or
172.7 union agreement whichever is applicable.

172.8 State or local officers and employees displaced by a county's participation in the
172.9 Community Corrections Act and hired by the participating county shall retain all fringe
172.10 benefits and recall from layoff benefits accrued by seniority and enjoyed by them while in
172.11 the service of the state.

172.12 Sec. 13. Minnesota Statutes 2021 Supplement, section 401.06, is amended to read:

172.13 **401.06 COMPREHENSIVE PLAN; STANDARDS OF ELIGIBILITY;**
172.14 **COMPLIANCE.**

172.15 No county or group of counties or Tribal government or group of Tribal governments
172.16 electing to provide correctional services pursuant to sections 401.01 to 401.16 shall be
172.17 eligible for the subsidy grant herein provided unless and until its comprehensive plan shall
172.18 have been approved by the commissioner. The commissioner shall, pursuant to the
172.19 Administrative Procedure Act, promulgate rules establishing standards of eligibility for
172.20 CCA and CPO counties and Tribal governments to receive ~~funds~~ grants under sections
172.21 401.01 to 401.16. To remain eligible for subsidy grants counties and Tribal governments
172.22 shall maintain substantial compliance with the minimum standards established pursuant to
172.23 sections 401.01 to 401.16 and the policies and procedures governing the services described
172.24 in section 401.025 as prescribed by the commissioner. Counties shall also be in substantial
172.25 compliance with other correctional operating standards permitted by law and established
172.26 by the commissioner and shall report statistics required by the commissioner including but
172.27 not limited to information on individuals convicted as an extended jurisdiction juvenile
172.28 identified in section 241.016, subdivision 1, paragraph (c). The commissioner shall review
172.29 annually the comprehensive plans submitted by participating counties and Tribal
172.30 governments, including the facilities and programs operated under the plans. The
172.31 commissioner is hereby authorized to enter upon any facility operated under the plan, and
172.32 inspect books and records, for purposes of recommending needed changes or improvements.
172.33 When the commissioner provides supervision to a county that elects not to provide the
172.34 supervision, the commissioner shall prepare a comprehensive plan for the county and shall

173.1 present it to the local county board of commissioners. The Department of Corrections shall
 173.2 be subject to all the standards and requirements established in sections 401.01 to 401.16
 173.3 and promulgated rules.

173.4 When the commissioner shall determine that there are reasonable grounds to believe
 173.5 that a county or group of counties or Tribal government or group of Tribal governments is
 173.6 not in substantial compliance with minimum standards, at least 30 days' notice shall be
 173.7 given the county or counties or Tribal government or group of Tribal governments and a
 173.8 hearing conducted by the commissioner to ascertain whether there is substantial compliance
 173.9 or satisfactory progress being made toward compliance. The commissioner may suspend
 173.10 all or a portion of any subsidy grant until the required standard of operation has been met.

173.11 Sec. 14. Minnesota Statutes 2020, section 401.09, is amended to read:

173.12 **401.09 OTHER SUBSIDY PROGRAMS; PURCHASE OF STATE SERVICES.**

173.13 Failure of a county or group of counties to elect to come within the provisions of sections
 173.14 401.01 to 401.16 shall not affect their eligibility for any other state grant or subsidy for
 173.15 correctional purposes otherwise provided by law. Any comprehensive plan submitted
 173.16 pursuant to sections 401.01 to 401.16 may include the purchase of selected correctional
 173.17 services from the state by contract, including the temporary detention and confinement of
 173.18 persons convicted of crime or adjudicated delinquent; confinement to be in an appropriate
 173.19 state facility as otherwise provided by law. The commissioner shall annually determine the
 173.20 costs of the purchase of services under this section and deduct them from the subsidy grant
 173.21 due and payable to the county or counties concerned; provided that no contract shall exceed
 173.22 in cost the amount of subsidy grant to which the participating county or counties are eligible.

173.23 Sec. 15. Minnesota Statutes 2020, section 401.10, is amended to read:

173.24 **401.10 COMMUNITY CORRECTIONS AID.**

173.25 Subdivision 1. ~~Aid calculations~~ **Funding formula.** ~~To determine the community~~
 173.26 ~~corrections aid amount to be paid to each participating county, the commissioner of~~
 173.27 ~~corrections must apply the following formula:~~

173.28 ~~(1) For each of the 87 counties in the state, a percent score must be calculated for each~~
 173.29 ~~of the following five factors:~~

173.30 ~~(i) percent of the total state population aged ten to 24 residing within the county according~~
 173.31 ~~to the most recent federal census, and, in the intervening years between the taking of the~~
 173.32 ~~federal census, according to the most recent estimate of the state demographer;~~

174.1 ~~(ii) percent of the statewide total number of felony case filings occurring within the~~
174.2 ~~county, as determined by the state court administrator;~~

174.3 ~~(iii) percent of the statewide total number of juvenile case filings occurring within the~~
174.4 ~~county, as determined by the state court administrator;~~

174.5 ~~(iv) percent of the statewide total number of gross misdemeanor case filings occurring~~
174.6 ~~within the county, as determined by the state court administrator; and~~

174.7 ~~(v) percent of the total statewide number of convicted felony offenders who did not~~
174.8 ~~receive an executed prison sentence, as monitored and reported by the Sentencing Guidelines~~
174.9 ~~Commission.~~

174.10 ~~The percents in items (ii) to (v) must be calculated by combining the most recent~~
174.11 ~~three-year period of available data. The percents in items (i) to (v) each must sum to 100~~
174.12 ~~percent across the 87 counties.~~

174.13 ~~(2) For each of the 87 counties, the county's percents in clause (1), items (i) to (v), must~~
174.14 ~~be weighted, summed, and divided by the sum of the weights to yield an average percent~~
174.15 ~~for each county, referred to as the county's "composite need percent." When performing~~
174.16 ~~this calculation, the weight for each of the percents in clause (1), items (i) to (v), is 1.0. The~~
174.17 ~~composite need percent must sum to 100 percent across the 87 counties.~~

174.18 ~~(3) For each of the 87 counties, the county's "adjusted net tax capacity percent" is the~~
174.19 ~~county's adjusted net tax capacity amount, defined in the same manner as it is defined for~~
174.20 ~~cities in section 477A.011, subdivision 20, divided by the statewide total adjusted net tax~~
174.21 ~~capacity amount. The adjusted net tax capacity percent must sum to 100 percent across the~~
174.22 ~~87 counties.~~

174.23 ~~(4) For each of the 87 counties, the county's composite need percent must be divided by~~
174.24 ~~the county's adjusted net tax capacity percent to produce a ratio that, when multiplied by~~
174.25 ~~the county's composite need percent, results in the county's "tax base adjusted need percent."~~

174.26 ~~(5) For each of the 87 counties, the county's tax base adjusted need percent must be~~
174.27 ~~added to twice the composite need percent, and the sum must be divided by 3, to yield the~~
174.28 ~~county's "weighted need percent."~~

174.29 ~~(6) Each participating county's weighted need percent must be added to the weighted~~
174.30 ~~need percent of each other participating county to yield the "total weighted need percent~~
174.31 ~~for participating counties."~~

175.1 ~~(7) Each participating county's weighted need percent must be divided by the total~~
175.2 ~~weighted need percent for participating counties to yield the county's "share percent." The~~
175.3 ~~share percents for participating counties must sum to 100 percent.~~

175.4 ~~(8) Each participating county's "base funding amount" is the aid amount that the county~~
175.5 ~~received under this section for fiscal year 1995 plus the amount received in caseload or~~
175.6 ~~workload reduction, felony caseload reduction, and sex offender supervision grants in fiscal~~
175.7 ~~year 2015, as reported by the commissioner of corrections. In fiscal year 1997 and thereafter,~~
175.8 ~~no county's aid amount under this section may be less than its base funding amount, provided~~
175.9 ~~that the total amount appropriated for this purpose is at least as much as the aggregate base~~
175.10 ~~funding amount defined in clause (9).~~

175.11 ~~(9) The "aggregate base funding amount" is equal to the sum of the base funding amounts~~
175.12 ~~for all participating counties. If a county that participated under this section chooses not to~~
175.13 ~~participate in any given year, then the aggregate base funding amount must be reduced by~~
175.14 ~~that county's base funding amount. If a county that did not participate under this section in~~
175.15 ~~fiscal year 1995 chooses to participate on or after July 1, 2015, then the aggregate base~~
175.16 ~~funding amount must be increased by the amount of aid that the county would have received~~
175.17 ~~had it participated in fiscal year 1995 plus the estimated amount it would have received in~~
175.18 ~~caseload or workload reduction, felony caseload reduction, and sex offender supervision~~
175.19 ~~grants in fiscal year 2015, as reported by the commissioner of corrections, and the amount~~
175.20 ~~of increase shall be that county's base funding amount.~~

175.21 ~~(10) In any given year, the total amount appropriated for this purpose first must be~~
175.22 ~~allocated to participating counties in accordance with each county's base funding amount.~~
175.23 ~~Then, any remaining amount in excess of the aggregate base funding amount must be~~
175.24 ~~allocated to participating counties in proportion to each county's share percent, and is referred~~
175.25 ~~to as the county's "formula amount."~~

175.26 ~~Each participating county's "community corrections aid amount" equals the sum of (i)~~
175.27 ~~the county's base funding amount, and (ii) the county's formula amount.~~

175.28 ~~(11) However, if in any year the total amount appropriated for the purpose of this section~~
175.29 ~~is less than the aggregate base funding amount, then each participating county's community~~
175.30 ~~corrections aid amount is the product of (i) the county's base funding amount multiplied by~~
175.31 ~~(ii) the ratio of the total amount appropriated to the aggregate base funding amount.~~

175.32 ~~For each participating county, the county's community corrections aid amount calculated~~
175.33 ~~in this subdivision is the total amount of subsidy to which the county is entitled under~~
175.34 ~~sections 401.01 to 401.16.~~

176.1 (a) The state shall institute one funding formula for supervising people in the community.
176.2 For fiscal year 2023, the commissioner shall use the following formula to determine each
176.3 county and Tribal government grant and the department's funding for supervision in counties
176.4 or Tribal jurisdictions served by the department. Funding and allocations for intensive
176.5 supervised release are not included in the formula and regardless of the results of the formula,
176.6 in fiscal year 2023, the commissioner shall provide full 50 percent funding to CPO counties
176.7 as previously required in section 244.19, subdivision 6. The following amounts shall be
176.8 summed to arrive at the total for a county, Tribal government, or the department:

176.9 (1) \$250,000;

176.10 (2) ten percent of the total appropriation for community supervision and postrelease
176.11 services to the department for community supervision in fiscal year 2022 multiplied by the
176.12 county's or Tribe's percentage of the state's total population;

176.13 (3) ten percent of the total appropriation to the department for community supervision
176.14 in fiscal year 2022 multiplied by the county's or Tribe's percentage of the state's total
176.15 geographic area;

176.16 (4) the result of the following methodology:

176.17 (i) use the county's felony supervision population as reflected in the most recent probation
176.18 survey by the department and analysis conducted in 2021 by an independent contractor;

176.19 (ii) use the hours required to supervise the felony population based on 2,080 hours of
176.20 officer FTE time in one year;

176.21 (iv) assume a \$100,000 cost for each officer FTE and multiply that amount by the average
176.22 FTE time for the county for one year; and

176.23 (5) the department may prorate the total amount distributed in clauses (2), (3), and (4),
176.24 as necessary, so as to not exceed the total appropriation for fiscal year 2023.

176.25 (b) For use in fiscal year 2024 and beyond, to replace the methodology in paragraph (a),
176.26 clause (4), the state shall implement a workload methodology developed by the Supervision
176.27 Standards Committee to calculate the average per diem costs of supervising people in
176.28 communities and accounting for people of different risk and need levels who are: juveniles;
176.29 on probation for a misdemeanor; on probation for a gross misdemeanor; on probation for
176.30 a felony; on supervised or conditional release; or on intensive supervised release. The
176.31 Department of Corrections and the Supervision Standards Committee shall report the
176.32 methodology and the calculated fiscal impacts of the formula described in this paragraph
176.33 estimated for each of fiscal years 2024, 2025, 2026, and 2027 to the chairs and ranking

177.1 minority members of the legislative committees with jurisdiction over public safety finance
177.2 and policy, to the governor, and to the Department of Management and Budget by October
177.3 15, 2022, for consideration in biennial budget development under section 16A.10, subdivision
177.4 2. The department may prorate the total amount distributed in fiscal year 2024 and subsequent
177.5 years as necessary, so as to not exceed the total appropriation for that fiscal year.

177.6 Subd. 2. **Transfer of funds.** Notwithstanding any law to the contrary, the commissioner
177.7 of corrections, after notifying the committees on finance of the senate and ways and means
177.8 of the house of representatives, may, at the end of any fiscal year, transfer any unobligated
177.9 funds, including funds available due the withdrawal of a county under section 401.16, in
177.10 any appropriation to the Department of Corrections to the appropriation under sections
177.11 401.01 to 401.16, which appropriation shall not cancel but is reappropriated for the purposes
177.12 of sections 401.01 to 401.16.

177.13 Subd. 3. **Formula review.** ~~Prior to January 16, 2002, the committees with jurisdiction~~
177.14 ~~over community corrections funding decisions in the house of representatives and the senate,~~
177.15 ~~in consultation with the Department of Corrections and any interested county organizations,~~
177.16 ~~must review the formula in subdivision 1 and make recommendations to the legislature for~~
177.17 ~~its continuation, modification, replacement, or discontinuation. (a) For fiscal year 2024 and~~
177.18 subsequent fiscal years, the commissioner shall make a funding recommendation based
177.19 upon the following two components:

177.20 (1) for the first component the following amounts shall be summed to arrive at the total
177.21 for a county, Tribal government, or the department:

177.22 (i) \$250,000;

177.23 (ii) ten percent of the total appropriation to the department for community supervision
177.24 in the previous fiscal year multiplied by the county's percentage of the state's total population
177.25 according to 2020 census data; and

177.26 (iii) ten percent of the total appropriation to the department for community supervision
177.27 in the previous fiscal year multiplied by the county's percentage of the state's total geographic
177.28 area as reflected in square miles; and

177.29 (2) for the second component funding shall reflect the results of the workload study in
177.30 subdivision, paragraph (b).

177.31 (b) Every six years the workload study shall be repeated and updated by the Department
177.32 of Corrections in consultation with the Community Supervision Advisory Board if
177.33 established.

178.1 (c) For the purposes of the recommendations required under this section, every six years
178.2 the \$250,000 base amount shall be adjusted to reflect the statewide average cost of 2.5
178.3 probation officer full-time equivalent employees.

178.4 Sec. 16. Minnesota Statutes 2020, section 401.11, is amended to read:

178.5 **401.11 COMPREHENSIVE PLAN ITEMS; GRANT REVIEW.**

178.6 Subdivision 1. Items. The comprehensive plan submitted to the commissioner for
178.7 approval shall include those items prescribed by rule of the commissioner, which may
178.8 require the inclusion of the following: (a) the manner in which presentence and postsentence
178.9 investigations and reports for the district courts and social history reports for the juvenile
178.10 courts will be made; (b) the manner in which conditional release services to the courts and
178.11 persons under jurisdiction of the commissioner of corrections will be provided; (c) a program
178.12 for the detention, supervision, and treatment of persons under pretrial detention or under
178.13 commitment; (d) delivery of other correctional services defined in section 401.01; (e)
178.14 proposals for new programs, which proposals must demonstrate a need for the program, its
178.15 purpose, objective, administrative structure, staffing pattern, staff training, financing,
178.16 evaluation process, degree of community involvement, client participation, and duration of
178.17 program.

178.18 Subd. 2. Review. In addition to the foregoing requirements made by this section, each
178.19 participating CCA county or group of counties shall develop and implement a procedure
178.20 for the review of grant applications made to the corrections advisory board and for the
178.21 manner in which corrections advisory board action will be taken on them. A description of
178.22 this procedure must be made available to members of the public upon request.

178.23 Sec. 17. Minnesota Statutes 2020, section 401.12, is amended to read:

178.24 **401.12 CONTINUATION OF CURRENT SPENDING LEVEL BY COUNTIES.**

178.25 Participating counties shall not diminish their current level of spending for correctional
178.26 expenses as defined in section 401.01, to the extent of any subsidy grant received pursuant
178.27 to sections 401.01 to 401.16; rather the subsidy grant herein provided is for the expenditure
178.28 for correctional purposes in excess of those funds currently being expended. Should a
178.29 participating county be unable to expend the full amount of the subsidy grant to which it
178.30 would be entitled in any one year under the provisions of sections 401.01 to 401.16, the
178.31 commissioner shall retain the surplus, subject to disbursement in the following year wherein
178.32 such county can demonstrate a need for and ability to expend same for the purposes provided
178.33 in section 401.01. If in any biennium the subsidy grant is increased by an inflationary

179.1 adjustment which results in the county receiving more actual subsidy grant than it did in
179.2 the previous calendar year, the county shall be eligible for that increase only if the current
179.3 level of spending is increased by a percentage equal to that increase within the same
179.4 biennium.

179.5 Sec. 18. Minnesota Statutes 2020, section 401.14, subdivision 1, is amended to read:

179.6 Subdivision 1. **Payment.** Upon compliance by a county or group of counties with the
179.7 prerequisites for participation in the subsidy grant prescribed by sections 401.01 to 401.16,
179.8 and approval of the comprehensive plan by the commissioner, the commissioner shall
179.9 determine whether funds exist for the payment of the subsidy grant and proceed to pay same
179.10 in accordance with applicable rules.

179.11 Sec. 19. Minnesota Statutes 2020, section 401.14, subdivision 3, is amended to read:

179.12 Subd. 3. **Installment payments.** The commissioner of corrections shall make payments
179.13 for community corrections services to each county in 12 installments per year. The
179.14 commissioner shall ensure that the pertinent payment of the allotment for each month is
179.15 made to each county on the first working day after the end of each month of the calendar
179.16 year, except for the last month of the calendar year. The commissioner shall ensure that
179.17 each county receives its payment of the allotment for that month no later than the last
179.18 working day of that month. ~~The payment described in this subdivision for services rendered~~
179.19 ~~during June 1985 shall be made on the first working day of July 1985.~~

179.20 Sec. 20. Minnesota Statutes 2020, section 401.15, subdivision 2, is amended to read:

179.21 Subd. 2. **Ranking review.** The commissioner shall biennially review the ranking accorded
179.22 each county by the equalization formula provided in section 401.10 and compute the subsidy
179.23 grant rate accordingly.

179.24 Sec. 21. Minnesota Statutes 2020, section 401.16, is amended to read:

179.25 **401.16 WITHDRAWAL FROM PROGRAM.**

179.26 Any participating county or Tribal government may, at the beginning of any calendar
179.27 quarter, by resolution of its board of commissioners or Tribal government leaders, notify
179.28 the commissioner of its intention to withdraw from the subsidy grant program established
179.29 by sections 401.01 to 401.16, and the withdrawal shall be effective the last day of the last
179.30 ~~month~~ of the third quarter in after which the notice was given. ~~Upon withdrawal, the~~
179.31 ~~unexpended balance of moneys allocated to the county, or that amount necessary to reinstate~~

180.1 ~~state correctional services displaced by that county's participation, including complement~~
180.2 ~~positions, may, upon approval of the legislative advisory commission, be transferred to the~~
180.3 ~~commissioner for the reinstatement of the displaced services and the payment of any other~~
180.4 ~~correctional subsidies for which the withdrawing county had previously been eligible.~~

180.5 Sec. 22. SUPERVISION STANDARDS COMMITTEE.

180.6 Subdivision 1. Establishment; members. (a) The commissioner of corrections shall
180.7 establish a supervision standards committee to develop standards for probation, supervised
180.8 release, and community supervision. The committee consists of 13 members as follows:

180.9 (1) two directors appointed by the Minnesota Association of Community Corrections
180.10 Act Counties;

180.11 (2) two probation directors appointed by the Minnesota Association of County Probation
180.12 Officers;

180.13 (3) two county commissioner representatives appointed by the Association of Minnesota
180.14 Counties;

180.15 (4) two behavioral health, treatment, or programming providers who work directly with
180.16 individuals on correctional supervision, one appointed by the Department of Human Services
180.17 and one appointed by the Minnesota Association of County Social Service Administrators;

180.18 (5) two representatives appointed by the Minnesota Indian Affairs Council;

180.19 (6) the commissioner of corrections or designee and one additional representative of the
180.20 department appointed by the commissioner; and

180.21 (7) the chair of the statewide evidence-based practice advisory committee.

180.22 (b) When an appointing authority selects an individual for membership on the committee,
180.23 the authority shall make reasonable efforts to reflect geographic diversity and to appoint
180.24 qualified members of protected groups, as defined in section 43A.02, subdivision 33.

180.25 (c) The commissioner shall convene the first meeting of the committee on or before July
180.26 15, 2022.

180.27 Subd. 2. Terms; removal; reimbursement. (a) In the case of a vacancy on the
180.28 committee, the appointing authority shall appoint a person to fill the vacancy. The members
180.29 of the committee shall elect any officers and create any subcommittees necessary for the
180.30 efficient discharge of committee duties.

181.1 (b) A member may be removed by the appointing authority at any time at the pleasure
181.2 of the appointing authority.

181.3 (c) A member of the committee shall be reimbursed for all reasonable expenses actually
181.4 paid or incurred by that member in the performance of official duties in the same manner
181.5 as other employees of the state. The public members of the committee shall be compensated
181.6 at the rate of \$55 for each day or part thereof spent on committee activities.

181.7 Subd. 3. **Duties.** (a) The committee shall comply with the requirements of section 401.10.

181.8 (b) By June 30, 2023, the committee shall provide written advice and recommendations
181.9 to the commissioner of corrections for creation of administrative rules and policy with
181.10 regards to the following:

181.11 (1) developing statewide supervision standards and definitions to be applied to community
181.12 supervision provided by CPO counties, CCA counties, and the Department of Corrections;

181.13 (2) requiring community supervision agencies to use the same agreed-upon risk screener
181.14 and risk and needs assessment tools, as the main supervision assessment methods, or a
181.15 universal five-level matrix allowing for consistent supervision levels and that all tools in
181.16 use be validated on Minnesota's community supervision population and revalidated every
181.17 five years;

181.18 (3) requiring the use of assessment-driven, formalized collaborative case planning to
181.19 focus case planning goals on identified criminogenic and behavioral health need areas for
181.20 moderate- and high-risk individuals;

181.21 (4) limiting standard conditions required for all people on supervision across all
181.22 supervision systems and judicial districts, ensure that conditions of supervision are directly
181.23 related to the offense of the person on supervision, and tailor special conditions to people
181.24 on supervision identified as high risk and need;

181.25 (5) providing gender-responsive, culturally appropriate services and trauma-informed
181.26 approaches;

181.27 (6) developing a statewide incentives and sanctions grid to guide responses to client
181.28 behavior while under supervision to be reviewed and updated every five years to maintain
181.29 alignment with national best practices; and

181.30 (7) developing performance indicators for supervision success as well as recidivism.

181.31 (c) The committee shall also explore the role of a permanent state Community Supervision
181.32 Advisory Board for the purposes of the required report in subdivision 6 of this section.

182.1 Subd. 4. **Response.** Within 45 days of receiving the committee's recommendations, the
182.2 commissioner must respond in writing to the committee's advice and recommendations.
182.3 The commissioner's response must explain whether the agency will promulgate rules based
182.4 on the recommendations, the timeline for rulemaking, and an explanation of why the
182.5 commissioner will not or cannot include any individual recommendations of the committee
182.6 in the agency's promulgation of rules. The commissioner must also submit the advice and
182.7 recommendations of the committee and the commissioner's written response, to the
182.8 Governor's Council on Justice Reinvestment and to the chairs and ranking minority members
182.9 of the legislative committees with jurisdiction over public safety and finance at the same
182.10 time.

182.11 Subd. 5. **Staff; meeting room; office equipment.** The commissioner shall provide the
182.12 committee with staff support, a meeting room, and access to office equipment and services.

182.13 Subd. 6. **Report.** (a) On January 15, 2023, and January 15, 2024, the committee shall
182.14 submit a report to the chairs and ranking minority members of the legislative committees
182.15 with jurisdiction over public safety and finance and the Governor's Council on Justice
182.16 Reinvestment on progress regarding the development of standards and recommendations
182.17 under subdivision 3.

182.18 (b) On January 15, 2025, the committee shall submit a final report to the chairs and
182.19 ranking minority members of the legislative committees with jurisdiction over public safety
182.20 and finance and the Governor's Council on Justice Reinvestment on the standards and
182.21 recommendations developed according to subdivision 3. The recommendations must include
182.22 at a minimum a proposed state-level Community Supervision Advisory Board with a
182.23 governance structure and duties for the board.

182.24 Subd. 7. **Expiration.** The committee expires the earlier of January 25, 2025, or the day
182.25 after the final report is submitted to the legislature and the Governor's Council on Justice
182.26 Reinvestment.

182.27 Sec. 23. **REPEALER.**

182.28 Minnesota Statutes 2020, sections 244.19, subdivisions 6, 7, and 8; 244.22; 244.24;
182.29 244.30; and 401.025, are repealed."

182.30 Amend the title accordingly