

15.21 **ARTICLE 2**
15.22 **COURTS**

15.23 Section 1. Minnesota Statutes 2016, section 243.49, is amended to read:

15.24 **243.49 COMMITMENT PAPERS; DUTY OF COURT ADMINISTRATOR.**

15.25 Upon a plea of guilty or finding of guilty after trial, the court administrator of every
15.26 court which sentences a defendant for a felony or gross misdemeanor to the custody of the
15.27 commissioner of corrections or to the superintendent of the workhouse or work farm, shall
15.28 provide the officer or person having custody of the defendant a certified record for
15.29 commitment, including ~~(+)~~ a copy of the indictment and plea, ~~(2) a transcript of the sentencing~~
15.30 ~~proceedings, with the date thereof, together with the defendant's statement under oath, if~~
15.31 ~~obtained, as to the defendant's true name, residence, if any, the date and place of birth, the~~
16.1 ~~names and addresses of parents and other relatives and of employers and others who know~~
16.2 ~~the defendant well, social and other affiliations, past occupations and employments, former~~
16.3 ~~places of residence and the period of time and the dates the defendant has resided in each,~~
16.4 ~~citizenship, the number, dates, places and causes of any prior convictions, and (3) if the~~
16.5 ~~person pleaded guilty, a transcript of the sentencing proceedings.~~ The record shall also
16.6 include the trial judge's impressions of the defendant's mental and physical condition, general
16.7 character, capacity, disposition, habits and special needs. ~~The court reporter shall provide~~
16.8 ~~the required transcripts.~~ The certified record for commitment may be used as evidence in
16.9 any postconviction proceeding brought by the defendant. The court administrator shall also
16.10 deliver to the sheriff or other officer or person conveying the defendant to the correctional
16.11 facility, workhouse, or work farm designated by the commissioner of corrections or the
16.12 judge a warrant of commitment together with a certified copy of the warrant directing the
16.13 conveyor to deliver the person and the certified record for commitment to the principal
16.14 officer in charge of the correctional facility, workhouse, or work farm. Upon the delivery
16.15 of any person, the principal officer in charge of the correctional facility, workhouse, or work
16.16 farm shall keep the certified copy of the warrant of commitment and endorse the principal
16.17 officer's receipt upon the original, which shall be filed with the sentencing court. The court
16.18 administrator shall retain ~~one copy of the required transcripts, and a tape recording and the~~
16.19 ~~court reporter's notes of all other proceedings.~~

16.20 Sec. 2. Minnesota Statutes 2016, section 260C.163, subdivision 3, is amended to read:

16.21 Subd. 3. **Appointment of counsel.** (a) The child, parent, guardian or custodian has the
16.22 right to effective assistance of counsel in connection with a proceeding in juvenile court as
16.23 provided in this subdivision.

16.24 (b) Except in proceedings where the sole basis for the petition is habitual truancy, if the
16.25 child, ~~parent, guardian, or custodian~~ desires counsel but is unable to employ it, the court

16.26 shall appoint counsel to represent the child who is ten years of age or older under section
16.27 611.14, clause (4), or other counsel at public expense.

16.28 (c) Except in proceedings where the sole basis for the petition is habitual truancy, if the
16.29 parent, guardian, or custodian desires counsel but is unable to employ it, the court shall
16.30 appoint counsel to represent the parent, guardian, or custodian in any case in which it feels
16.31 that such an appointment is appropriate if the person would be financially unable to obtain
16.32 counsel under the guidelines set forth in section 611.17. Court-appointed counsel shall be
16.33 at county expense as outlined in paragraph (h).

17.1 ~~(e)~~ (d) In any proceeding where the subject of a petition for a child in need of protection
17.2 or services is ten years of age or older, the responsible social services agency shall, within
17.3 14 days after filing the petition or at the emergency removal hearing under section 260C.178,
17.4 subdivision 1, if the child is present, fully and effectively inform the child of the child's
17.5 right to be represented by appointed counsel upon request and shall notify the court as to
17.6 whether the child desired counsel. Information provided to the child shall include, at a
17.7 minimum, the fact that counsel will be provided without charge to the child, that the child's
17.8 communications with counsel are confidential, and that the child has the right to participate
17.9 in all proceedings on a petition, including the opportunity to personally attend all hearings.
17.10 The responsible social services agency shall also, within 14 days of the child's tenth birthday,
17.11 fully and effectively inform the child of the child's right to be represented by counsel if the
17.12 child reaches the age of ten years while the child is the subject of a petition for a child in
17.13 need of protection or services or is a child under the guardianship of the commissioner.

17.14 (e) In any proceeding where the sole basis for the petition is habitual truancy, the child,
17.15 parent, guardian, and custodian do not have the right to appointment of a public defender
17.16 or other counsel at public expense. However, before any out-of-home placement, including
17.17 foster care or inpatient treatment, can be ordered, the court must appoint a public defender
17.18 or other counsel at public expense in accordance with this subdivision.

17.19 ~~(f)~~ (f) Counsel for the child shall not also act as the child's guardian ad litem.

17.20 ~~(g)~~ (g) In any proceeding where the subject of a petition for a child in need of protection
17.21 or services is not represented by an attorney, the court shall determine the child's preferences
17.22 regarding the proceedings, including informing the child of the right to appointed counsel
17.23 and asking whether the child desires counsel, if the child is of suitable age to express a
17.24 preference.

17.25 ~~(h)~~ (h) Court-appointed counsel for the parent, guardian, or custodian under this
17.26 subdivision is at county expense. If the county has contracted with counsel meeting
17.27 qualifications under paragraph ~~(g)~~ (i), the court shall appoint the counsel retained by the
17.28 county, unless a conflict of interest exists. If a conflict exists, after consulting with the chief

17.29 judge of the judicial district or the judge's designee, the county shall contract with competent
17.30 counsel to provide the necessary representation. The court may appoint only one counsel
17.31 at public expense for the first court hearing to represent the interests of the parents, guardians,
17.32 and custodians, unless, at any time during the proceedings upon petition of a party, the court
17.33 determines and makes written findings on the record that extraordinary circumstances exist
17.34 that require counsel to be appointed to represent a separate interest of other parents, guardians,
17.35 or custodians subject to the jurisdiction of the juvenile court.

18.1 ~~(g)~~ (i) Counsel retained by the county under paragraph ~~(f)~~ (h) must meet the qualifications
18.2 established by the Judicial Council in at least one of the following: (1) has a minimum of
18.3 two years' experience handling child protection cases; (2) has training in handling child
18.4 protection cases from a course or courses approved by the Judicial Council; or (3) is
18.5 supervised by an attorney who meets the minimum qualifications under clause (1) or (2).

18.6 Sec. 3. Minnesota Statutes 2016, section 260C.163, subdivision 10, is amended to read:

18.7 Subd. 10. **Waiver.** (a) Waiver of any right which a child has under this chapter must be
18.8 an express waiver made voluntarily and, intelligently made, and in writing by the child after
18.9 the child has been fully and effectively informed of the right ~~being waived~~ to counsel.

18.10 (b) Waiver of a child's right to be represented by counsel provided under the juvenile
18.11 court rules must be an express waiver made voluntarily and, intelligently made, and in
18.12 writing by the child after the child has been fully and effectively informed of the right being
18.13 waived by the responsible social services agency. In determining whether a child has
18.14 voluntarily and intelligently waived the right to counsel, the court shall look to the totality
18.15 of the circumstances which includes but is not limited to the child's age, maturity, intelligence,
18.16 education, experience, and ability to comprehend, and the presence and competence of the
18.17 child's parents, guardian, or guardian ad litem. The court shall not permit the child's parent,
18.18 other person legally responsible for the child's care, or the child's guardian ad litem to waive
18.19 the child's right to be represented by counsel. If the court accepts the child's waiver, it shall
18.20 state on the record the findings and conclusions that form the basis for its decision to accept
18.21 the waiver.

18.22 Sec. 4. Minnesota Statutes 2016, section 260C.607, subdivision 2, is amended to read:

18.23 Subd. 2. **Notice.** Notice of review hearings shall be given by the court to:

18.24 (1) the responsible social services agency;

18.25 (2) the child, if the child is age ten and older;

18.26 (3) the child's guardian ad litem;

18.27 (4) counsel appointed for the child pursuant to section 260C.163, subdivision 3;

18.28 (5) relatives of the child who have kept the court informed of their whereabouts as
18.29 required in section 260C.221 and who have responded to the agency's notice under section
18.30 260C.221, indicating a willingness to provide an adoptive home for the child unless the
18.31 relative has been previously ruled out by the court as a suitable foster parent or permanency
18.32 resource for the child;

19.1 ~~(5)~~ (6) the current foster or adopting parent of the child;

19.2 ~~(6)~~ (7) any foster or adopting parents of siblings of the child; and

19.3 ~~(7)~~ (8) the Indian child's tribe.

19.20 Sec. 6. Minnesota Statutes 2016, section 299A.707, subdivision 2, is amended to read:

19.21 Subd. 2. **Account purpose, grants.** Money in this account shall be allocated by a grant
19.22 program administered by the commissioner of public safety through the Office of Justice
19.23 Programs. Local units of government and nonprofit organizations are eligible for grants to
19.24 establish or operate chemical dependency and mental health treatment programs, programs
19.25 that improve supervision, including pretrial and precharge supervision, and programs to
19.26 reduce recidivism of controlled substances offenders on probation or supervised release or
19.27 participating in drug treatment courts or to fund local participation in drug treatment court
19.28 initiatives approved by the Judicial Council.

19.29 Sec. 7. Minnesota Statutes 2016, section 357.42, is amended to read:

19.30 **357.42 DRUG TREATMENT COURT FEES.**

20.1 (a) When a court establishes a drug treatment court process, the court may establish one
20.2 or more fees for services provided to defendants participating in the process.

20.3 (b) In each fiscal year, the court shall deposit the drug treatment court participation fees
20.4 in the special revenue fund and credit the fees to a separate account for the trial courts. The
20.5 balance in this account is appropriated to the trial courts and does not cancel but is available
20.6 until expended. Expenditures from this account must be made for drug treatment court
20.7 purposes.

20.8 Sec. 8. Minnesota Statutes 2016, section 358.116, is amended to read:

20.9 **358.116 COURT DOCUMENTS.**

20.10 Unless specifically required by court rule, a pleading, motion, affidavit, or other document
20.11 filed with a court of the Minnesota judicial branch, or presented to a judge or judicial officer
20.12 in support of a request for a court order, warrant, or other relief, is not required to be
20.13 notarized. Signing a document filed with the court or presented to a judge or judicial officer
20.14 constitutes "verification upon oath or affirmation" as defined in section 358.41, clause (3),
20.15 without administration of an oath under section 358.07, provided that the signature, as
20.16 defined by court rules, is affixed immediately below a declaration using substantially the
20.17 following language: "I declare under penalty of perjury that everything I have stated in this
20.18 document is true and correct." In addition to the signature, the date of signing and the county
20.19 and state where the document was signed shall be noted on the document. A person who
20.20 signs knowing that the document is false in any material respect is guilty of perjury under
20.21 section 609.48, even if the date, county, and state of signing are omitted from the document.

20.22 Sec. 9. Minnesota Statutes 2016, section 480.242, subdivision 2, is amended to read:

20.23 Subd. 2. **Review of applications; selection of recipients.** At times and in accordance
20.24 with any procedures as the Supreme Court adopts in the form of court rules, applications
20.25 for the expenditure of civil legal services funds shall be accepted from qualified legal services
20.26 programs or from local government agencies and nonprofit organizations seeking to establish
20.27 qualified alternative dispute resolution programs. The applications shall be reviewed by the
20.28 advisory committee, and the advisory committee, subject to review by the Supreme Court,
20.29 shall distribute the funds available for this expenditure to qualified legal services programs
20.30 or to qualified alternative dispute resolution programs submitting applications. The funds
20.31 shall be distributed in accordance with the following formula:

20.32 (a) Eighty-five percent of the funds distributed shall be distributed to qualified legal
20.33 services programs that have demonstrated an ability as of July 1, 1982, to provide legal
21.1 services to persons unable to afford private counsel with funds provided by the federal Legal
21.2 Services Corporation. The allocation of funds among the programs selected shall be based
21.3 upon the number of persons with incomes below the poverty level established by the United
21.4 States Census Bureau who reside in the geographical area served by each program, as
21.5 determined by the Supreme Court on the basis of the most recent national census. All funds
21.6 distributed pursuant to this clause shall be used for the provision of legal services in civil
21.7 and farm legal assistance matters as prioritized by program boards of directors to eligible
21.8 clients.

21.9 (b) Fifteen percent of the funds distributed may be distributed (1) to other qualified legal
21.10 services programs for the provision of legal services in civil matters to eligible clients,
21.11 including programs which organize members of the private bar to perform services and
21.12 programs for qualified alternative dispute resolution, (2) to programs for training mediators
21.13 operated by nonprofit alternative dispute resolution corporations, or (3) to qualified legal
21.14 services programs to provide family farm legal assistance for financially distressed state
21.15 farmers. The family farm legal assistance must be directed at farm financial problems

21.16 including, but not limited to, liquidation of farm property including bankruptcy, farm
21.17 foreclosure, repossession of farm assets, restructuring or discharge of farm debt, farm credit
21.18 and general debtor-creditor relations, and tax considerations. If all the funds to be distributed
21.19 pursuant to this clause cannot be distributed because of insufficient acceptable applications,
21.20 the remaining funds shall be distributed pursuant to clause (a).

21.21 A person is eligible for legal assistance under this section if the person is an eligible
21.22 client as defined in section 480.24, subdivision 2, or:

21.23 (1) is a state resident;

21.24 (2) is or has been a farmer or a family shareholder of a family farm corporation within
21.25 the preceding 24 months;

21.26 (3) has a debt-to-asset ratio greater than 50 percent; and

21.27 ~~(4) has a reportable federal adjusted gross income of \$15,000 or less in the previous~~
21.28 ~~year; and~~

21.29 ~~(5) is financially unable to retain legal representation~~ (4) satisfies the income eligibility
21.30 guidelines established under section 480.243, subdivision 1.

21.31 Qualifying farmers and small business operators whose bank loans are held by the Federal
21.32 Deposit Insurance Corporation are eligible for legal assistance under this section.

22.1 Sec. 10. Minnesota Statutes 2016, section 484.70, subdivision 7, is amended to read:

22.2 Subd. 7. **Referee duties.** The duties and powers of referees shall be as follows:

22.3 (a) Hear and report all matters assigned by the chief judge.

22.4 (b) Recommend findings of fact, conclusions of law, temporary and interim orders, and
22.5 final orders for judgment.

22.6 All recommended orders and findings of a referee shall be subject to confirmation by a
22.7 judge.

22.8 (c) Upon the conclusion of the hearing in each case, the referee shall transmit to a judge
22.9 the court file together with recommended findings and orders in writing. The recommended
22.10 findings and orders of a referee become the findings and orders of the court when confirmed

22.11 by a judge. The order of the court shall be proof of such confirmation, and also of the fact
22.12 that the matter was duly referred to the referees.

22.13 (d) Review of any recommended order or finding of a referee by a judge may be by
22.14 notice served and filed within ten days of effective notice of the recommended order or
22.15 finding. The notice of review shall specify the grounds for review and the specific provisions
22.16 of the recommended findings or orders disputed, and the court, upon receipt of a notice of
22.17 review, shall set a time and place for a review hearing.

22.18 (e) All orders and findings recommended by a referee become an effective order when
22.19 countersigned by a judge and remain effective during the pendency of a review, including
22.20 a remand to the referee, unless a judge:

22.21 (1) expressly stays the effect of the order;

22.22 (2) changes the order during the pendency of the review; or

22.23 (3) changes or vacates the order upon completion of the review.

22.24 (f) Notwithstanding paragraphs (d) and (e), referee orders and decrees in probate or civil
22.25 commitment court proceedings, if appealed, must be appealed directly to the Court of
22.26 Appeals, in the same manner as judicial orders and decrees.

22.27 Sec. 11. Minnesota Statutes 2016, section 484.702, is amended by adding a subdivision
22.28 to read:

22.29 Subd. 6. **Expedited child support process.** Hearings and proceedings conducted in the
22.30 expedited child support process under this section may be reported by use of electronic
22.31 recording equipment provided that the equipment meets the minimum standards established
23.1 by the state court administrator. Electronic recording equipment must be operated and
23.2 monitored by a person who meets the minimum qualifications established by the state court
23.3 administrator.

23.4 Sec. 12. Minnesota Statutes 2016, section 486.05, subdivision 1, is amended to read:

23.5 Subdivision 1. **Salaries.** The salary for each court reporter shall be set ~~annually by the~~
23.6 ~~district administrator~~ as provided in judicial branch personnel policies and collective
23.7 bargaining agreements within the range established under section 480.181 as provided in
23.8 the judicial branch personnel rules.

23.9 Sec. 13. Minnesota Statutes 2016, section 486.06, is amended to read:

23.10 **486.06 CHARGE FOR TRANSCRIPT.**

23.11 In addition to the salary set in section 486.05, the court reporter may charge for a
23.12 transcript of a record ordered by any person other than the judge ~~50 cents per original folio~~
23.13 ~~thereof and ten cents per folio for each manifold or other copy thereof when so ordered that~~
23.14 ~~it can be made with the original transcript. The chief judge of the judicial district may by~~
23.15 ~~order establish new transcript fee ceilings annually~~ a rate set by the chief justice.

23.16 A court reporter may impose a fee authorized under this section only if the transcript is
23.17 delivered to the person who ordered it within a reasonable time after it was ordered.

23.18 Sec. 14. Minnesota Statutes 2016, section 513.41, is amended to read:

23.19 **513.41 DEFINITIONS.**

23.20 As used in sections 513.41 to 513.51:

23.21 (1) "Affiliate" means:

23.22 (i) a person that directly or indirectly owns, controls, or holds with power to vote, 20
23.23 percent or more of the outstanding voting securities of the debtor, other than a person that
23.24 holds the securities,

23.25 (A) as a fiduciary or agent without sole discretionary power to vote the securities; or

23.26 (B) solely to secure a debt, if the person has not in fact exercised the power to vote;

23.27 (ii) a corporation 20 percent or more of whose outstanding voting securities are directly
23.28 or indirectly owned, controlled, or held with power to vote, by the debtor or a person that
23.29 directly or indirectly owns, controls, or holds with power to vote, 20 percent or more of the
23.30 outstanding voting securities of the debtor, other than a person that holds the securities,

24.1 (A) as a fiduciary or agent without sole discretionary power to vote the securities; or

24.2 (B) solely to secure a debt, if the person has not in fact exercised the power to vote;

24.3 (iii) a person whose business is operated by the debtor under a lease or other agreement,
24.4 or a person substantially all of whose assets are controlled by the debtor; or

24.5 (iv) a person that operates the debtor's business under a lease or other agreement or
24.6 controls substantially all of the debtor's assets.

24.7 (2) "Asset" means property of a debtor, but the term does not include:

- 24.8 (i) property to the extent it is encumbered by a valid lien;
- 24.9 (ii) property to the extent it is generally exempt under nonbankruptcy law; or
- 24.10 (iii) an interest in property held in tenancy by the entireties to the extent it is not subject
24.11 to process by a creditor holding a claim against only one tenant.
- 24.12 (3) "Claim" means a right to payment, whether or not the right is reduced to judgment,
24.13 liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal,
24.14 equitable, secured, or unsecured.
- 24.15 (4) "Creditor" means a person that has a claim.
- 24.16 (5) "Debt" means liability on a claim.
- 24.17 (6) "Debtor" means a person that is liable on a claim.
- 24.18 (7) "Electronic" means relating to technology having electrical, digital, magnetic, wireless,
24.19 optical, electromagnetic, or similar capabilities.
- 24.20 (8) "Insider" includes:
- 24.21 (i) if the debtor is an individual,
- 24.22 (A) a relative of the debtor or of a general partner of the debtor;
- 24.23 (B) a partnership in which the debtor is a general partner;
- 24.24 (C) a general partner in a partnership described in subitem (B); or
- 24.25 (D) a corporation of which the debtor is a director, officer, or a person in control;
- 24.26 (ii) if the debtor is a corporation,
- 24.27 (A) a director of the debtor;
- 24.28 (B) an officer of the debtor;
- 24.29 (C) a person in control of the debtor;
- 25.1 (D) a partnership in which the debtor is a general partner;

- 25.2 (E) a general partner in a partnership described in subitem (D); or
- 25.3 (F) a relative of a general partner, director, officer, or person in control of the debtor;
- 25.4 (iii) if the debtor is a partnership,
- 25.5 (A) a general partner in the debtor;
- 25.6 (B) a relative of a general partner in, or a general partner of, or a person in control of
25.7 the debtor;
- 25.8 (C) another partnership in which the debtor is a general partner;
- 25.9 (D) a general partner in a partnership described in subitem (C); or
- 25.10 (E) a person in control of the debtor;
- 25.11 (iv) an affiliate, or an insider of an affiliate as if the affiliate were the debtor; and
- 25.12 (v) a managing agent of the debtor.
- 25.13 (9) "Lien" means a charge against or an interest in property to secure payment of a debt
25.14 or performance of an obligation, and includes a security interest created by agreement, a
25.15 judicial lien obtained by legal or equitable process or proceedings, a common-law lien, or
25.16 a statutory lien.
- 25.17 (10) "Organization" means a person other than an individual.
- 25.18 (11) "Person" means an individual, estate, business or nonprofit entity, public corporation,
25.19 government or governmental subdivision, agency, or instrumentality, or other legal entity.
- 25.20 (12) "Property" means anything that may be subject of ownership.
- 25.21 (13) "Record" means information that is inscribed on a tangible medium or that is stored
25.22 in an electronic or other medium and is retrievable in perceivable form.
- 25.23 (14) "Relative" means an individual related by consanguinity within the third degree as
25.24 determined by the common law, a spouse, or an individual related to a spouse within the
25.25 third degree as so determined, and includes an individual in an adoptive relationship within
25.26 the third degree.

25.27 (15) "Sign" means, with present intent to authenticate or adopt a record:

25.28 (i) to execute or adopt a tangible symbol; or

25.29 (ii) to attach to or logically associate with the record an electronic symbol, sound, or
25.30 process.

26.1 (16) "Transfer" means every mode, direct or indirect, absolute or conditional, voluntary
26.2 or involuntary, of disposing of or parting with an asset or an interest in an asset, and includes
26.3 payment of money, release, lease, license, and creation of a lien or other encumbrance.
26.4 Transfer does not include a donation or contribution of money or an asset made to a qualified
26.5 charitable or religious organization or entity, whether made by a debtor or by any other
26.6 person and whether or not the donation or contribution requires or results in a payment
26.7 being made by a debtor to the charitable or religious organization pursuant to a promissory
26.8 note, stock, bond, debenture, or by any other method, unless the donation or contribution
26.9 was made within two years of commencement of an action under sections 513.41 to 513.51
26.10 against the qualified charitable or religious organization or entity, was made by the debtor,
26.11 and:

26.12 (i) the debtor made the donation or charitable contribution with actual intent to hinder,
26.13 delay, or defraud any creditor of the debtor; or

26.14 (ii) the debtor made the donation or charitable contribution and:

26.15 (A) was insolvent at the time of the contribution or would be rendered insolvent by
26.16 reason of the contribution;

26.17 (B) was engaged or was about to engage in a business or a transaction for which the
26.18 remaining assets of the debtor were unreasonably small in relation to the business or
26.19 transaction; or

26.20 (C) intended to incur, or the charitable or religious organization or entity believed or
26.21 had reason to believe that the debtor would incur, debts beyond the debtor's ability to pay
26.22 as the debts become due.

26.23 A transfer of a charitable contribution to a qualified charitable or religious organization
26.24 or entity is not considered a transfer covered under item (ii) if the amount of that contribution
26.25 did not exceed 15 percent of the gross annual income of the debtor for the year in which
26.26 the transfer of the contribution was made; or the contribution exceeded that amount but the
26.27 transfer was consistent with practices of the debtor in making charitable contributions.

26.28 Transfer does include a return on investment made directly by a qualified charitable or
26.29 religious organization or entity. A charitable or religious organization shall not be deemed
26.30 to have made an investment by reason of accepting the donation or contribution of a
26.31 promissory note, stock, bond, debenture, or other nonmonetary asset nor by extending or
26.32 modifying the terms of repayment of the promissory note, stock, bond, debenture, or other
26.33 similar nonmonetary asset. "Qualified charitable or religious organization or entity" means
27.1 an organization or entity described in United States Code, title 26, section 170(c)(1), (2),
27.2 or (3).

27.3 (17) "Valid lien" means a lien that is effective against the holder of a judicial lien
27.4 subsequently obtained by legal or equitable process or proceedings.

27.5 **EFFECTIVE DATE.** This section is effective the day following final enactment, and
27.6 applies to all pending cases and to causes of action arising before, on, or after that date.

27.7 Sec. 15. Minnesota Statutes 2016, section 518.179, subdivision 2, is amended to read:

27.8 Subd. 2. **Applicable crimes.** This section applies to the following crimes or similar
27.9 crimes under the laws of the United States, or any other state:

27.10 (1) murder in the first, second, or third degree under section 609.185, 609.19, or 609.195;

27.11 (2) manslaughter in the first degree under section 609.20;

27.12 (3) assault in the first, second, or third degree under section 609.221, 609.222, or 609.223;

27.13 (4) kidnapping under section 609.25;

27.14 (5) depriving another of custodial or parental rights under section 609.26;

27.15 (6) soliciting, inducing, promoting, or receiving profit derived from prostitution involving
27.16 a minor under section 609.322;

27.17 (7) criminal sexual conduct in the first degree under section 609.342;

27.18 (8) criminal sexual conduct in the second degree under section 609.343;

27.19 (9) criminal sexual conduct in the third degree under section 609.344, subdivision 1,
27.20 paragraph (c), (f), or (g);

27.21 (10) solicitation of a child to engage in sexual conduct under section 609.352;

27.22 (11) incest under section 609.365;

27.23 (12) malicious punishment of a child under section 609.377;

27.24 (13) neglect of a child under section 609.378;

27.25 (14) terroristic threats under section 609.713; ~~or~~

27.26 (15) felony stalking under section 609.749, subdivision 4; or

27.27 (16) domestic assault by strangulation under section 609.2247.

28.1 Sec. 16. Minnesota Statutes 2016, section 549.09, subdivision 1, is amended to read:

28.2 Subdivision 1. **When owed; rate.** (a) When a judgment or award is for the recovery of
28.3 money, including a judgment for the recovery of taxes, interest from the time of the verdict,
28.4 award, or report until judgment is finally entered shall be computed by the court administrator
28.5 or arbitrator as provided in paragraph (c), clause (1), regardless of the amount and added
28.6 to the judgment or award.

28.7 (b) Except as otherwise provided by contract or allowed by law, preverdict, preaward,
28.8 or prereport interest on pecuniary damages shall be computed as provided in paragraph (c),
28.9 clause (1), regardless of the amount from the time of the commencement of the action or a
28.10 demand for arbitration, or the time of a written notice of claim, whichever occurs first,
28.11 except as provided herein. The action must be commenced within two years of a written
28.12 notice of claim for interest to begin to accrue from the time of the notice of claim. If either
28.13 party serves a written offer of settlement, the other party may serve a written acceptance or
28.14 a written counteroffer within 30 days. After that time, interest on the judgment or award
28.15 shall be calculated by the judge or arbitrator in the following manner. The prevailing party
28.16 shall receive interest on any judgment or award from the time of commencement of the
28.17 action or a demand for arbitration, or the time of a written notice of claim, or as to special
28.18 damages from the time when special damages were incurred, if later, until the time of verdict,
28.19 award, or report only if the amount of its offer is closer to the judgment or award than the
28.20 amount of the opposing party's offer. If the amount of the losing party's offer was closer to
28.21 the judgment or award than the prevailing party's offer, the prevailing party shall receive
28.22 interest only on the amount of the settlement offer or the judgment or award, whichever is
28.23 less, and only from the time of commencement of the action or a demand for arbitration, or
28.24 the time of a written notice of claim, or as to special damages from when the special damages
28.25 were incurred, if later, until the time the settlement offer was made. Subsequent offers and
28.26 counteroffers supersede the legal effect of earlier offers and counteroffers. For the purposes
28.27 of clause (2), the amount of settlement offer must be allocated between past and future
28.28 damages in the same proportion as determined by the trier of fact. Except as otherwise

28.29 provided by contract or allowed by law, preverdict, preaward, or prereport interest shall not
28.30 be awarded on the following:

28.31 (1) judgments, awards, or benefits in workers' compensation cases, but not including
28.32 third-party actions;

28.33 (2) judgments or awards for future damages;

28.34 (3) punitive damages, fines, or other damages that are noncompensatory in nature;

29.1 (4) judgments or awards not in excess of the amount specified in section 491A.01; and

29.2 (5) that portion of any verdict, award, or report which is founded upon interest, or costs,
29.3 disbursements, attorney fees, or other similar items added by the court or arbitrator.

29.4 (c)(1)(i) For interest that accrues before a judgment is final, a judgment or award of
29.5 \$50,000 or less, or a judgment or award for or against the state or a political subdivision of
29.6 the state, regardless of the amount, or a judgment or award in a family court action, regardless
29.7 of the amount, the interest shall be computed as simple interest per annum. The rate of
29.8 interest shall be based on the secondary market yield of one year United States Treasury
29.9 bills, calculated on a bank discount basis as provided in this section.

29.10 On or before the 20th day of December of each year the state court administrator shall
29.11 determine the rate from the one-year constant maturity treasury yield for the most recent
29.12 calendar month, reported on a monthly basis in the latest statistical release of the board of
29.13 governors of the Federal Reserve System. This yield, rounded to the nearest one percent,
29.14 or four percent, whichever is greater, shall be the annual interest rate during the succeeding
29.15 calendar year. The state court administrator shall communicate the interest rates to the court
29.16 administrators and sheriffs for use in computing the interest on verdicts and shall make the
29.17 interest rates available to arbitrators.

29.18 This item applies to any section that references section 549.09 by citation for the purposes
29.19 of computing an interest rate on any amount owed to or by the state or a political subdivision
29.20 of the state, regardless of the amount.

29.21 (ii) The court, in a family court action, may order a lower interest rate or no interest rate
29.22 if the parties agree or if the court makes findings explaining why application of a lower
29.23 interest rate or no interest rate is necessary to avoid causing an unfair hardship to the debtor.
29.24 This item does not apply to child support or spousal maintenance judgments subject to
29.25 section 548.091.

29.26 (2) For a judgment or award over \$50,000, other than a judgment or award for or against
29.27 the state or a political subdivision of the state or a judgment or award in a family court
29.28 action, the interest rate shall be ten percent per year until paid.

29.29 (3) When a judgment creditor, or the judgment creditor's attorney or agent, has received
29.30 a payment after entry of judgment, whether the payment is made voluntarily by or on behalf
29.31 of the judgment debtor, or is collected by legal process other than execution levy where a
29.32 proper return has been filed with the court administrator, the judgment creditor, or the
29.33 judgment creditor's attorney, before applying to the court administrator for an execution
29.34 shall file with the court administrator an affidavit of partial satisfaction. The affidavit must
30.1 state the dates and amounts of payments made upon the judgment after the most recent
30.2 affidavit of partial satisfaction filed, if any; the part of each payment that is applied to taxable
30.3 disbursements and to accrued interest and to the unpaid principal balance of the judgment;
30.4 and the accrued, but the unpaid interest owing, if any, after application of each payment.

30.5 (d) This section does not apply to arbitrations between employers and employees under
30.6 chapter 179 or 179A. An arbitrator is neither required to nor prohibited from awarding
30.7 interest under chapter 179 or under section 179A.16 for essential employees.

30.8 (e) For purposes of this subdivision:

30.9 (1) "state" includes a department, board, agency, commission, court, or other entity in
30.10 the executive, legislative, or judicial branch of the state; and

30.11 (2) "political subdivision" includes a town, statutory or home rule charter city, county,
30.12 school district, or any other political subdivision of the state.

30.13 (f) This section does not apply to a judgment or award upon which interest is entitled
30.14 to be recovered under section 60A.0811.

30.15 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to judgments
30.16 and awards entered on or after that date.

30.17 Sec. 17. Minnesota Statutes 2016, section 609.48, is amended by adding a subdivision to
30.18 read:

30.19 Subd. 5. **Venue.** A violation of subdivision 1, clause (4), may be prosecuted in the county
30.20 where the statement, under penalty of perjury, was signed, or the county of the district court
30.21 in which the statement was filed.

30.22 Sec. 18. Minnesota Statutes 2016, section 609.748, subdivision 4, is amended to read:

30.23 Subd. 4. **Temporary restraining order; relief by court.** (a) The court may issue a
30.24 temporary restraining order that provides any or all of the following:

30.25 (1) orders the respondent to cease or avoid the harassment of another person; or

30.26 (2) orders the respondent to have no contact with another person.

30.27 (b) The court may issue an order under paragraph (a) if the petitioner files a petition in
30.28 compliance with subdivision 3 and if the court finds reasonable grounds to believe that the
30.29 respondent has engaged in harassment. When a petition alleges harassment as defined by
30.30 subdivision 1, paragraph (a), clause (1), the petition must further allege an immediate and
30.31 present danger of harassment before the court may issue a temporary restraining order under
31.1 this section. When signed by a referee, the temporary order becomes effective upon the
31.2 referee's signature.

31.3 (c) Notice need not be given to the respondent before the court issues a temporary
31.4 restraining order under this subdivision. A copy of the restraining order must be served on
31.5 the respondent along with the order for hearing and petition, as provided in subdivision 3.
31.6 If the respondent is a juvenile, whenever possible, a copy of the restraining order, along
31.7 with notice of the pendency of the case and the time and place of the hearing, shall also be
31.8 served by mail at the last known address upon any parent or guardian of the juvenile
31.9 respondent who is not the petitioner. A temporary restraining order may be entered only
31.10 against the respondent named in the petition.

31.11 (d) The temporary restraining order is in effect until a hearing is held on the issuance of
31.12 a restraining order under subdivision 5. The court shall hold the hearing on the issuance of
31.13 a restraining order if the petitioner requests a hearing. The hearing may be continued by the
31.14 court upon a showing that the respondent has not been served with a copy of the temporary
31.15 restraining order despite the exercise of due diligence or if service is made by published
31.16 notice under subdivision 3 and the petitioner files the affidavit required under that
31.17 subdivision.

31.18 (e) If the temporary restraining order has been issued and the respondent requests a
31.19 hearing, the hearing shall be scheduled by the court upon receipt of the respondent's request.
31.20 Service of the notice of hearing must be made upon the petitioner not less than five days
31.21 prior to the hearing. The court shall serve the notice of the hearing upon the petitioner by
31.22 mail in the manner provided in the Rules of Civil Procedure for pleadings subsequent to a
31.23 complaint and motions and shall also mail notice of the date and time of the hearing to the
31.24 respondent. In the event that service cannot be completed in time to give the respondent or
31.25 petitioner the minimum notice required under this subdivision, the court may set a new
31.26 hearing date.

- 31.27 (f) A request for a hearing under this subdivision must be made within ~~45~~ 20 days ~~after~~
31.28 ~~the temporary restraining order is issued~~ of the date of completed service of the petition.
- 31.29 Sec. 19. Minnesota Statutes 2016, section 631.52, subdivision 2, is amended to read:
- 31.30 Subd. 2. **Application.** Subdivision 1 applies to the following crimes or similar crimes
31.31 under the laws of the United States or any other state:
- 31.32 (1) murder in the first, second, or third degree under section 609.185, 609.19, or 609.195;
- 31.33 (2) manslaughter in the first degree under section 609.20;
- 32.1 (3) assault in the first, second, or third degree under section 609.221, 609.222, or 609.223;
- 32.2 (4) kidnapping under section 609.25;
- 32.3 (5) depriving another of custodial or parental rights under section 609.26;
- 32.4 (6) soliciting, inducing, promoting, or receiving profit derived from prostitution involving
32.5 a minor under section 609.322;
- 32.6 (7) criminal sexual conduct in the first degree under section 609.342;
- 32.7 (8) criminal sexual conduct in the second degree under section 609.343;
- 32.8 (9) criminal sexual conduct in the third degree under section 609.344, subdivision 1,
32.9 paragraph (c), (f), or (g);
- 32.10 (10) solicitation of a child to engage in sexual conduct under section 609.352;
- 32.11 (11) incest under section 609.365;
- 32.12 (12) malicious punishment of a child under section 609.377;
- 32.13 (13) neglect of a child under section 609.378;
- 32.14 (14) terroristic threats under section 609.713; ~~or~~
- 32.15 (15) felony stalking under section 609.749; or
- 32.16 (16) domestic assault by strangulation under section 609.2247.

32.17 Sec. 20. Minnesota Statutes 2016, section 634.36, is amended to read:

32.18 **634.36 EVIDENCE OF VIDEOTAPES, AUDIOTAPES, OR OTHER**
32.19 **RECORDINGS.**

32.20 In any hearing or trial of a criminal offense or petty misdemeanor or proceeding pursuant
32.21 to section 169A.53, subdivision 3, evidence of a videotape, audiotape, or electronic or digital
32.22 recording prepared by a peace officer, using recording equipment in a law enforcement
32.23 vehicle or on the officer's person, while in the performance of official duties shall not be
32.24 excluded on the ground that a written transcript of the recording was not prepared and
32.25 available at or prior to trial. As used in this section, "peace officer" has the meaning given
32.26 in section 169A.03, subdivision 18.

32.27 **EFFECTIVE DATE.** This section is effective July 1, 2017, and applies to trials and
32.28 **hearings beginning on or after that date.**

33.1 Sec. 21. Laws 2014, chapter 263, section 2, the effective date, is amended to read:

33.2 **EFFECTIVE DATE; SUNSET.** (a) This section is effective retroactively from January
33.3 15, 2014.

33.4 (b) The amendments to this section expire on August 1, ~~2017~~ 2021.

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

33.6 Sec. 22. **REPEALER.**

33.7 Minnesota Statutes 2016, sections 169.685, subdivision 4; 486.05, subdivision 1a; and
33.8 525.112, are repealed.