

80.10

ARTICLE 7

80.11

VETERANS AND MILITARY AFFAIRS POLICY80.12 Section 1. [10.576] POW AND MIA RECOGNITION DAY.

80.13 The third Friday in September of each year is designated as Prisoners of War (POW)
 80.14 and Missing in Action (MIA) Recognition Day to honor and recognize the courage and
 80.15 sacrifices of individuals from Minnesota who have been prisoners of war or who are missing
 80.16 in action. Each year, the governor shall issue a proclamation honoring this observance.

80.17 Sec. 2. [10.578] VETERANS SUICIDE AWARENESS DAY.

80.18 The first Saturday of every October is designated Veterans Suicide Awareness Day.
 80.19 Each year, the governor shall issue a proclamation honoring this observance.

80.20 Sec. 3. [10.5805] HMONG SPECIAL GUERRILLA UNITS MEMORIAL DAY;
 80.21 STATEMENT OF PURPOSE.

80.22 May 14 of each year is designated as Hmong Special Guerilla Units Memorial Day in
 80.23 honor of Southeast Asians, Americans, and their allies who served, suffered, sacrificed, or
 80.24 died in the Secret War in Laos during the Vietnam War in the years 1961 to 1975 in support
 80.25 of the armed forces of the United States, and in recognition of the significance of May 14,
 80.26 1975, the last day that the overall American-trained Hmong command structure over the
 80.27 Special Guerrilla Units in Laos was operational. At least 35,000 Hmong Special Guerrilla
 80.28 soldiers lost their lives protecting trapped, lost, or captured American soldiers and pilots in
 80.29 Laos and Vietnam. One-half of the Hmong population in Laos perished as a result of the
 80.30 American Secret War in Laos. Ethnic Hmong men, women, and children in Laos faced
 80.31 persecution and forced reeducation in seminar camps after their American support ended.
 81.1 Despite the tremendous cost and sacrifices in the war, the Hmong remain proud to stand by
 81.2 the values of freedom and justice that America symbolizes. Those who survived escaped
 81.3 to western countries to start a new life. Each year, the governor shall issue a proclamation
 81.4 honoring the observance.

199.6

ARTICLE 8

199.7

POLICY199.8 Section 1. [10.578] VETERANS SUICIDE AWARENESS DAY.

199.9 The first Saturday of every October is designated Veterans Suicide Awareness Day.
 199.10 Each year, the governor shall issue a proclamation honoring this observance.

199.11 **EFFECTIVE DATE.** This section is effective January 1, 2020.199.12 Sec. 2. [10.5805] HMONG VETERANS DAY; STATEMENT OF PURPOSE.

199.13 (a) May 14 of each year is designated as Hmong Veterans Memorial Day in honor of
 199.14 Southeast Asians, Lao, Americans, and their allies who served, suffered, sacrificed, or died
 199.15 in the Secret War in Laos during the Vietnam War in the years 1961 to 1975 in support of
 199.16 the armed forces of the United States, and in recognition of the significance of May 14,
 199.17 1975, the last day that the overall American-trained Hmong command structure over the
 199.18 Special Guerilla Units in Laos was operational. At least 35,000 Hmong Special Guerilla
 199.19 soldiers lost their lives protecting trapped, lost, or captured American soldiers and pilots in
 199.20 Laos and Vietnam. One-half of the Hmong population in Laos perished as a result of the
 199.21 American Secret War in Laos. Ethnic Hmong men, women, and children in Laos faced
 199.22 persecution and forced re-education in seminar camps after their American support ended.
 199.23 Despite the tremendous cost and sacrifices in the war, the Hmong remain proud to stand by
 199.24 the values of freedom and justice that America symbolizes. Those who survived escaped
 199.25 to western countries to start a new life. Each year, the governor shall issue a proclamation
 199.26 honoring the observance.

199.27 (b) Schools are encouraged to read a passage about Hmong history or this statute to
 199.28 students in honor of this day on May 14 or, if May 14 falls on a Saturday or Sunday, on the
 199.29 Friday preceding May 14. Businesses may close in honor of this day and an employee may
 199.30 request the day off without pay with two weeks' notice to the employer in observance of
 199.31 this day.

200.1 (c) The governor shall order the American flag and Minnesota flag flown on the grounds
 200.2 of the Capitol area and other state property to be flown at half-staff on May 14. Local
 200.3 governments, private businesses, and public and private schools are encouraged to fly
 200.4 American and Minnesotan flags at half-staff on May 14.

81.5 Sec. 4. [10.597] AMERICAN ALLIES DAY.

81.6 (a) June 30 of each year is designated American Allies Day for the purpose of honoring
81.7 foreign-born persons who fought in conflicts around the world on behalf of and alongside
81.8 the United States armed forces.

81.9 (b) Each year the governor shall issue a proclamation honoring this observance.

81.10 (c) Schools are encouraged to offer instruction on the role of America's allies during its
81.11 military conflicts, including but not limited to sharing the stories of those who fought for
81.12 freedom and democracy against tyranny and despotism with special emphasis on those who
81.13 fought on behalf of American allies or alongside American armed forces and later emigrated
81.14 to Minnesota.

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

81.16 Sec. 5. Minnesota Statutes 2018, section 196.05, subdivision 1, is amended to read:

81.17 Subdivision 1. **General duties.** The commissioner shall:

81.18 (1) act as the agent of a resident of the state having a claim against the United States for
81.19 benefits arising out of or by reason of service in the armed forces and prosecute the claim
81.20 without charge;

81.21 (2) act as custodian of veterans' bonus records;

81.22 (3) administer the laws relating to the providing of bronze flag holders at veterans' graves
81.23 for memorial purposes;

81.24 (4) administer the laws relating to recreational or rest camps for veterans so far as
81.25 applicable to state agencies;

200.5 Sec. 3. Minnesota Statutes 2018, section 15.057, is amended to read:

200.6 15.057 PUBLICITY REPRESENTATIVES.

200.7 No state department, bureau, or division, whether the same operates on funds appropriated
200.8 or receipts or fees of any nature whatsoever, except the Department of Veterans Affairs,
200.9 the Department of Transportation, the Department of Employment and Economic
200.10 Development, the Game and Fish Division, State Agricultural Society, and Explore Minnesota
200.11 Tourism shall use any of such funds for the payment of the salary or expenses of a publicity
200.12 representative. The head of any such department, bureau, or division shall be personally
200.13 liable for funds used contrary to this provision. This section shall not be construed, however,
200.14 as preventing any such department, bureau, or division from sending out any bulletins or
200.15 other publicity required by any state law or necessary for the satisfactory conduct of the
200.16 business for which such department, bureau, or division was created.

200.17 Sec. 4. Minnesota Statutes 2018, section 196.05, subdivision 1, is amended to read:

200.18 Subdivision 1. **General duties.** The commissioner shall:

200.19 (1) act as the agent of a resident of the state having a claim against the United States for
200.20 benefits arising out of or by reason of service in the armed forces and prosecute the claim
200.21 without charge;

200.22 (2) act as custodian of veterans' bonus records;

200.23 (3) administer the laws relating to the providing of bronze flag holders at veterans' graves
200.24 for memorial purposes;

200.25 (4) administer the laws relating to recreational or rest camps for veterans so far as
200.26 applicable to state agencies;

81.26 (5) administer the state soldiers' assistance fund and veterans' relief fund and other funds
 81.27 appropriated for the payment of bonuses or other benefits to veterans or for the rehabilitation
 81.28 of veterans;

81.29 (6) cooperate with national, state, county, municipal, and private social agencies in
 81.30 securing to veterans and their dependents the benefits provided by national, state, and county
 81.31 laws, municipal ordinances, or public and private social agencies;

82.1 (7) provide necessary assistance where other adequate aid is not available to the dependent
 82.2 family of a veteran while the veteran is hospitalized and after the veteran is released for as
 82.3 long a period as is necessary as determined by the commissioner;

82.4 (8) cooperate with United States governmental agencies providing compensation,
 82.5 pensions, insurance, or other benefits provided by federal law, by supplementing the benefits
 82.6 prescribed therein, when conditions in an individual case make it necessary;

82.7 (9) assist dependent family members of military personnel who are called from reserve
 82.8 status to extended federal active duty during a time of war or national emergency through
 82.9 the state soldiers' assistance fund provided by section 197.03;

82.10 (10) exercise other powers as may be authorized and necessary to carry out the provisions
 82.11 of this chapter and ~~chapter chapters 197, consistent with that chapter and 198;~~

82.12 (11) provide information, referral, and counseling services to those veterans who may
 82.13 have suffered adverse health conditions as a result of possible exposure to chemical agents;
 82.14 and

82.15 (12) in coordination with the Minnesota Association of County Veterans Service Officers,
 82.16 develop a written disclosure statement for use by private providers of veterans benefits
 82.17 services as required under section 197.6091. At a minimum, the written disclosure statement
 82.18 shall include a signature line, contact information for the department, and a statement that
 82.19 veterans benefits services are offered at no cost by federally chartered veterans service
 82.20 organizations and by county veterans service officers.

200.27 (5) administer the state soldiers' assistance fund and veterans' relief fund and other funds
 200.28 appropriated for the payment of bonuses or other benefits to veterans or for the rehabilitation
 200.29 of veterans;

201.1 (6) cooperate with national, state, county, municipal, and private social agencies in
 201.2 securing to veterans and their dependents the benefits provided by national, state, and county
 201.3 laws, municipal ordinances, or public and private social agencies;

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 201.5 family of a veteran while the veteran is hospitalized and after the veteran is released for as
 201.6 long a period as is necessary as determined by the commissioner;

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201.13 (10) exercise other powers as may be authorized and necessary to carry out the provisions
 201.14 of this chapter and ~~chapter chapters 197, consistent with that chapter and 198;~~

201.15 (11) provide information, referral, and counseling services to those veterans who may
 201.16 have suffered adverse health conditions as a result of possible exposure to chemical agents;
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201.18 (12) in coordination with the Minnesota Association of County Veterans Service Officers,
 201.19 develop a written disclosure statement for use by private providers of veterans benefits
 201.20 services as required under section 197.6091. At a minimum, the written disclosure statement
 201.21 shall include a signature line, contact information for the department, and a statement that
 201.22 veterans benefits services are offered at no cost by federally chartered veterans service
 201.23 organizations and by county veterans service officers.

201.24 Sec. 5. Minnesota Statutes 2018, section 197.603, subdivision 2, is amended to read:

201.25 Subd. 2. **Records; data privacy.** Pursuant to chapter 13 the county veterans service
 201.26 officer is the responsible authority with respect to all records in the officer's custody. The
 201.27 data on clients' applications for assistance is private data on individuals, as defined in section
 201.28 13.02, subdivision 12. The county veterans service officer may disclose to the county assessor
 201.29 private data necessary to determine a client's eligibility for the disabled veteran's homestead
 201.30 market value exclusion under section 273.13, subdivision 34.

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

202.1 Sec. 6. Minnesota Statutes 2018, section 197.791, subdivision 1, is amended to read:

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

- 202.3 (b) "Commissioner" means the commissioner of veterans affairs, unless otherwise
202.4 specified.
- 202.5 (c) "Cost of attendance" for undergraduate students has the meaning given in section
202.6 136A.121, subdivision 6, multiplied by a factor of 1.2. Cost of attendance for graduate
202.7 students has the meaning given in section 136A.121, subdivision 6, multiplied by a factor
202.8 of 1.2, using the tuition and fee maximum established by law for four-year programs. For
202.9 purposes of calculating the cost of attendance for graduate students, full time is eight credits
202.10 or more per term or the equivalent.
- 202.11 (d) "Child" means a natural or adopted child of a person described in subdivision 4,
202.12 paragraph (a), clause (1), item (i) or (ii).
- 202.13 (e) "Eligible institution" means a postsecondary institution under section 136A.101,
202.14 subdivision 4, or a graduate school licensed or registered with the state of Minnesota serving
202.15 only graduate students.
- 202.16 (f) "Program" means the Minnesota GI Bill program established in this section, unless
202.17 otherwise specified.
- 202.18 (g) ~~"Time of hostilities" means any action by the armed forces of the United States that~~
202.19 ~~is recognized by the issuance of a presidential proclamation or a presidential executive order~~
202.20 ~~in which the armed forces expeditionary medal or other campaign service medals are awarded~~
202.21 ~~according to presidential executive order, and any additional period or place that the~~
202.22 ~~commissioner determines and designates, after consultation with the United States~~
202.23 ~~Department of Defense, to be a period or place where the United States is in a conflict that~~
202.24 ~~places persons at such a risk that service in a foreign country during that period or in that~~
202.25 ~~place should be considered to be included.~~
- 202.26 (h) "Veteran" has the meaning given in section 197.447. ~~Veteran also includes a service~~
202.27 ~~member who has received an honorable discharge after leaving each period of federal active~~
202.28 ~~duty service and has:~~
- 202.29 (1) ~~served 90 days or more of federal active duty in a foreign country during a time of~~
202.30 ~~hostilities in that country; or~~
- 202.31 (2) ~~been awarded any of the following medals:~~
- 202.32 (i) ~~Armed Forces Expeditionary Medal;~~
- 203.1 (ii) ~~Kosovo Campaign Medal;~~
- 203.2 (iii) ~~Afghanistan Campaign Medal;~~
- 203.3 (iv) ~~Iraq Campaign Medal;~~
- 203.4 (v) ~~Global War on Terrorism Expeditionary Medal; or~~

- 203.5 ~~(vi) any other campaign medal authorized for service after September 11, 2001; or~~
 203.6 ~~(3) received a service-related medical discharge from any period of service in a foreign~~
 203.7 ~~country during a time of hostilities in that country.~~
- 203.8 A service member who has fulfilled the requirements for being a veteran ~~under this paragraph~~
 203.9 but is still serving actively in the United States armed forces is also a veteran for the purposes
 203.10 of this section.
- 203.11 Sec. 7. Minnesota Statutes 2018, section 273.1245, subdivision 2, is amended to read:
- 203.12 Subd. 2. **Disclosure.** The assessor shall disclose the data described in subdivision 1 to
 203.13 the commissioner of revenue as provided by law. The assessor shall also disclose all or
 203.14 portions of the data described in subdivision 1 to:
- 203.15 (1) the county treasurer solely for the purpose of proceeding under the Revenue Recapture
 203.16 Act to recover personal property taxes owing; and
- 203.17 (2) the county veterans service officer for the purpose of determining a person's eligibility
 203.18 for the disabled veteran's homestead market value exclusion under section 273.13, subdivision
 203.19 34.
- 203.20 **EFFECTIVE DATE.** This section is effective the day following final enactment.
- 203.21 Sec. 8. Minnesota Statutes 2018, section 471.975, is amended to read:
 203.22 471.975 ~~MAY~~ PAY DIFFERENTIAL OF RESERVE ON ACTIVE DUTY.
- 203.23 (a) Except as provided in ~~paragraph~~ paragraphs (b) and (c), a statutory or home rule
 203.24 charter city, county, town, or other political subdivision may pay to each eligible member
 203.25 of the National Guard or other reserve component of the armed forces of the United States
 203.26 an amount equal to the difference between the member's base active duty military salary
 203.27 and the salary the member would be paid as an active political subdivision employee,
 203.28 including any adjustments the member would have received if not on leave of absence. This
 203.29 payment may be made only to a person whose base active duty military salary is less than
 203.30 the salary the person would be paid as an active political subdivision employee. Back pay
 204.1 authorized by this section may be paid in a lump sum. Payment under this section must not
 204.2 extend beyond four years from the date the employee reported for active service, plus any
 204.3 additional time the employee may be legally required to serve.
- 204.4 (b) Each school district shall pay to each eligible member of the National Guard or other
 204.5 reserve component of the armed forces of the United States an amount equal to the difference
 204.6 between the member's base active duty military salary and the salary the member would be
 204.7 paid as an active school district employee, including any adjustments the member would
 204.8 have received if not on leave of absence. The pay differential must be based on a comparison
 204.9 between the member's daily base rate of active duty pay, calculated by dividing the member's
 204.10 base military monthly salary by the number of paid days in the month, and the member's
 204.11 daily rate of pay for the member's school district salary, calculated by dividing the member's
 204.12 total school district salary by the number of contract days. The member's salary as a school

204.13 district employee must include the member's basic salary and any additional salary the
 204.14 member earns from the school district for cocurricular and extracurricular activities. The
 204.15 differential payment under this paragraph must be the difference between the daily base
 204.16 rates of military pay times the number of school district contract days the member misses
 204.17 because of military active duty. This payment may be made only to a person whose daily
 204.18 base rate of active duty pay is less than the person's daily rate of pay as an active school
 204.19 district employee. Payments may be made at the intervals at which the member received
 204.20 pay as a school district employee. Payment under this section must not extend beyond four
 204.21 years from the date the employee reported for active service, plus any additional time the
 204.22 employee may be legally required to serve.

204.23 (c) A county shall pay to each eligible member of the National Guard or other reserve
 204.24 component of the armed forces of the United States an amount equal to the difference
 204.25 between the member's base active duty military salary and the salary the member would be
 204.26 paid as an active county employee, including any adjustments the member would have
 204.27 received if not on leave of absence. This payment shall be made only to a person whose
 204.28 base active duty military salary is less than the salary the person would be paid as an active
 204.29 county employee. Back pay authorized by this section may be paid in a lump sum. Payment
 204.30 under this section must not extend beyond four years from the date the employee reported
 204.31 for active service, plus any additional time the employee may be legally required to serve.

204.32 (d) An eligible member of the reserve components of the armed forces of the United
 204.33 States is a reservist or National Guard member who was an employee of a political
 204.34 subdivision at the time the member reported for active service on or after May 29, 2003, or
 204.35 who is on active service on May 29, 2003.

205.1 ~~(e)~~ (e) Except as provided in paragraph ~~(e)~~ (f) and elsewhere in Minnesota Statutes, a
 205.2 statutory or home rule charter city, county, town, or other political subdivision has total
 205.3 discretion regarding employee benefit continuation for a member who reports for active
 205.4 service and the terms and conditions of any benefit.

205.5 ~~(e)~~ (f) A school district or county must continue the employee's enrollment in health and
 205.6 dental coverage, and the employer contribution toward that coverage, until the employee
 205.7 is covered by health and dental coverage provided by the armed forces. If the employee had
 205.8 elected dependent coverage for health or dental coverage as of the time that the employee
 205.9 reported for active service, a school district or county must offer the employee the option
 205.10 to continue the dependent coverage at the employee's own expense. A school district or
 205.11 county must permit the employee to continue participating in any pretax account in which
 205.12 the employee participated when the employee reported for active service, to the extent of
 205.13 employee pay available for that purpose.

205.14 ~~(f)~~ (g) For purposes of this section, "active service" has the meaning given in section
 205.15 190.05, subdivision 5, but excludes service performed exclusively for purposes of:

205.16 (1) basic combat training, advanced individual training, annual training, and periodic
 205.17 inactive duty training;

205.18 (2) special training periodically made available to reserve members; and

205.19 (3) service performed in accordance with section 190.08, subdivision 3.

205.20 ~~(g)~~ (h) When an employee of a school district or county who, as a member of the National
 205.21 Guard or any other reserve unit of the United States armed forces, reports for active service
 205.22 as defined in section 190.05, subdivision 5, the district or county must place into a special
 205.23 service members' aggregate salary savings account the amount of salary the district or county
 205.24 would have paid to the employee during the employee's leave for military service. The
 205.25 district or county must use the combined proceeds in the account only to fully pay the salary
 205.26 differentials of all eligible deployed employees ~~in~~ who are employed by the district or
 205.27 county, as determined under paragraph (b) or (c). Funds remaining in the account at the end
 205.28 of the fiscal year after all obligations to employees under this statute have been satisfied
 205.29 may be used to pay for replacements or substitutes for the deployed employees, and then
 205.30 for any other purpose.

205.31 **EFFECTIVE DATE.** This section is effective the day following final enactment and
 205.32 applies retroactively to the date an employee was ordered to active service on or after January
 205.33 1, 2018.

206.1 Sec. 9. [609.1056] MILITARY VETERAN OFFENDERS RESTORATIVE JUSTICE
 206.2 SENTENCE.

206.3 Subdivision 1. Offenses as a result of military service; presentence supervision
 206.4 procedures. (a) In the case of a person charged with a criminal offense that is either Severity
 206.5 Level 7, D7, or lower in the Minnesota Sentencing Guidelines, who could otherwise be
 206.6 sentenced to county jail or state prison and who alleges that the offense was committed as
 206.7 a result of sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance
 206.8 abuse, or mental health conditions stemming from service in the United States military, the
 206.9 court shall, prior to entering a plea of guilty, make a determination as to whether the
 206.10 defendant was, or currently is, a member of the United States military and whether the
 206.11 defendant may be suffering from sexual trauma, traumatic brain injury, post-traumatic stress
 206.12 disorder, substance abuse, or mental health conditions as a result of that person's service.
 206.13 The court may request, through existing resources, an assessment to aid in that determination.

206.14 (b) A defendant who requests to be sentenced under this section shall release or authorize
 206.15 access to military service reports and records relating to the alleged conditions stemming
 206.16 from service in the United States military. The records shall be filed as confidential and
 206.17 remain sealed, except as provided for in this paragraph. The defendant, through existing
 206.18 records or licensed professional evaluation, shall establish the diagnosis of the condition
 206.19 and its connection to military service. The court, on the prosecutor's motion with notice to
 206.20 defense counsel, may order the defendant to furnish to the court for in camera review or to
 206.21 the prosecutor copies of all medical and military service reports and records previously or
 206.22 subsequently made concerning the defendant's condition and its connection to service. Based
 206.23 on the record, the court shall make findings on whether, by clear and convincing evidence,
 206.24 the defendant suffers from a diagnosable condition and whether that condition stems from

206.25 service in the United States military. Within 15 days of the court's findings, either party
206.26 may file a challenge to the findings and demand a hearing on the defendant's eligibility
206.27 under this section.

206.28 (c) If the court concludes that a defendant who entered a plea of guilty to a criminal
206.29 offense is a person described in this subdivision or the parties stipulate to eligibility, and if
206.30 the defendant is otherwise eligible for probation, the court shall, upon the defendant entering
206.31 a plea of guilty, without entering a judgment of guilty and with the consent of the defendant,
206.32 defer further proceedings and place the defendant on probation upon such reasonable
206.33 conditions as it may require and for a period not to exceed the maximum sentence provided
206.34 for the violation.

207.1 (d) Upon violation of a condition of the probation, the court may enter an adjudication
207.2 of guilt and proceed as otherwise provided by law, including sentencing pursuant to the
207.3 guidelines, application or waiver of statutory mandatory minimums, or a departure under
207.4 subdivision 2, paragraph (d).

207.5 (e) As a condition of probation, the court may order the defendant to attend a local, state,
207.6 federal, or private nonprofit treatment program for a period not to exceed that period which
207.7 the defendant would have served in state prison or county jail, provided the defendant agrees
207.8 to participate in the program and the court determines that an appropriate treatment program
207.9 exists.

207.10 (f) A defendant granted probation under this section and ordered to attend a residential
207.11 treatment program shall earn sentence credits for the actual time the defendant serves in
207.12 residential treatment.

207.13 (g) The court, in making an order under this section to order a defendant to attend an
207.14 established treatment program, shall give preference to a treatment program that has a history
207.15 of successfully treating veterans who suffer from sexual trauma, traumatic brain injury,
207.16 post-traumatic stress disorder, substance abuse, or mental health problems as a result of that
207.17 service, including but not limited to programs operated by the United States Departments
207.18 of Defense or Veterans Affairs.

207.19 (h) The court and the assigned treatment program shall, when available, collaborate with
207.20 a county veterans service officer and the United States Department of Veterans Affairs to
207.21 maximize benefits and services provided to the veteran.

207.22 (i) If available in the county or judicial district having jurisdiction over the case, the
207.23 defendant may be supervised by the veterans treatment court program under subdivision 3.
207.24 If there is a veterans treatment court that meets the requirements of subdivision 3 in the
207.25 county in which the defendant resides or works, supervision of the defendant may be
207.26 transferred to that county or judicial district veterans treatment court program. If the defendant
207.27 successfully completes the veterans treatment court program in the supervising jurisdiction,
207.28 that jurisdiction shall sentence the defendant under this section. If the defendant is

207.29 unsuccessful in the veterans treatment court program, the defendant's supervision shall be
207.30 returned to the jurisdiction that initiated the transfer for standard sentencing.

207.31 **Subd. 2. Restorative justice for military veterans; dismissal of charges.** (a) It is in
207.32 the interests of justice to restore a defendant who acquired a criminal record due to a mental
207.33 health condition stemming from service in the United States military to the community of
207.34 law-abiding citizens. The restorative provisions of this subdivision apply to cases in which
208.1 a court monitoring the defendant's performance of probation under this section finds at a
208.2 public hearing, held after not less than 15 days' notice to the prosecution, the defense, and
208.3 any victim of the offense, that all of the following describe the defendant:

208.4 (1) the defendant was granted probation and was at the time that probation was granted
208.5 a person eligible under subdivision 1;

208.6 (2) the defendant is in substantial compliance with the conditions of that probation;

208.7 (3) the defendant has successfully participated in court-ordered treatment and services
208.8 to address the sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance
208.9 abuse, or mental health problems stemming from military service;

208.10 (4) the defendant does not represent a danger to the health and safety of others; and

208.11 (5) the defendant has demonstrated significant benefit from court-ordered education,
208.12 treatment, or rehabilitation to clearly show that granting restorative relief pursuant to this
208.13 subdivision would be in the interests of justice.

208.14 (b) When determining whether granting restorative relief under this subdivision is in
208.15 the interests of justice, the court may consider, among other factors, all of the following:

208.16 (1) the defendant's completion and degree of participation in education, treatment, and
208.17 rehabilitation as ordered by the court;

208.18 (2) the defendant's progress in formal education;

208.19 (3) the defendant's development of career potential;

208.20 (4) the defendant's leadership and personal responsibility efforts;

208.21 (5) the defendant's contribution of service in support of the community; and

208.22 (6) the level of harm to the community or victim from the offense.

208.23 (c) If the court finds that a case satisfies each of the requirements described in paragraph
208.24 (a), then upon expiration of the period of probation the court shall discharge the defendant
208.25 and dismiss the proceedings against that defendant. Discharge and dismissal under this
208.26 subdivision shall be without court adjudication of guilt, but a not public record of it shall
208.27 be retained by the Bureau of Criminal Apprehension for the purpose of use by the courts
208.28 in determining the merits of subsequent proceedings against the defendant. The not public
208.29 record may also be opened only upon court order for purposes of a criminal investigation,

208.30 prosecution, or sentencing. Upon request by law enforcement, prosecution, or corrections
 208.31 authorities, the bureau shall notify the requesting party of the existence of the not public
 208.32 record and the right to seek a court order to open it under this section. The court shall forward
 209.1 a record of any discharge and dismissal under this subdivision to the bureau, which shall
 209.2 make and maintain the not public record of it as provided under this subdivision. The
 209.3 discharge or dismissal shall not be deemed a conviction for purposes of disqualifications
 209.4 or disabilities imposed by law upon conviction of a crime or for any other purpose. For
 209.5 purposes of this subdivision, "not public" has the meaning given in section 13.02, subdivision
 209.6 8a.

209.7 (d) If the charge to which the defendant entered a plea of guilty is listed under subdivision
 209.8 1, paragraph (a), and is for an offense that is a presumptive commitment to state
 209.9 imprisonment, the court may use the factors of paragraph (a) to justify a dispositional
 209.10 departure, or any sentence appropriate including the application or waiver of statutory
 209.11 mandatory minimums. If the court finds paragraph (a), clauses (1) to (5), factors, the
 209.12 defendant is presumed amenable to probation.

209.13 (e) A dismissal under this subdivision does not apply to an offense for which registration
 209.14 is required under section 243.166, subdivision 1b.

209.15 **Subd. 3. Optional veterans treatment court program; procedures for eligible**
 209.16 **defendants.** (a) A county or judicial district may supervise probation under this section
 209.17 through a veterans treatment court, using county veterans service officers appointed under
 209.18 sections 197.60 to 197.606, United States Department of Veterans Affairs veterans justice
 209.19 outreach specialists, probation agents, and any other rehabilitative resources available to
 209.20 the court.

209.21 (b) "Veterans treatment court program" means a program that has the following essential
 209.22 characteristics:

209.23 (1) the integration of services in the processing of cases in the judicial system;

209.24 (2) the use of a nonadversarial approach involving prosecutors and defense attorneys to
 209.25 promote public safety and to protect the due process rights of program participants;

209.26 (3) early identification and prompt placement of eligible participants in the program;

209.27 (4) access to a continuum of alcohol, controlled substance, mental health, and other
 209.28 related treatment and rehabilitative services;

209.29 (5) careful monitoring of treatment and services provided to program participants;

209.30 (6) a coordinated strategy to govern program responses to participants' compliance;

209.31 (7) ongoing judicial interaction with program participants;

209.32 (8) monitoring and evaluation of program goals and effectiveness;

82.21 Sec. 6. Laws 2016, chapter 189, article 13, section 64, is amended to read:

82.22 Sec. 64. **MEMORIAL COMMEMORATING RECIPIENTS OF THE MEDAL OF**
82.23 **HONOR.**

82.24 Subdivision 1. **Medal of Honor Memorial on the State Capitol grounds.** Subject to
82.25 approval by the Capitol Area Architectural and Planning Board, the commissioner of
82.26 administration shall place a memorial on the State Capitol grounds to honor Minnesotans
82.27 awarded the Medal of Honor.

82.28 Subd. 2. **Gifts and grants.** The commissioner of veterans affairs may solicit gifts, grants,
82.29 or donations of any kind from any private or public source to carry out the purposes of this
82.30 section. A Medal of Honor Memorial account is created in the special revenue fund. The
82.31 account consists of money transferred by law to the account and any other money donated,
82.32 gifted, granted, allotted, or otherwise provided to the account. All gifts, grants, or donations
83.1 received by the commissioner shall be deposited in a Medal of Honor Memorial account in
83.2 the special revenue fund. Money in the account is annually appropriated to the commissioner
83.3 of administration for predesign, design, construction, and ongoing maintenance of the
83.4 memorial.

83.5 ~~Subd. 3. **Restrictions.** Money deposited in the Medal of Honor Memorial account is not~~
83.6 ~~available until the commissioner of management and budget has determined an amount~~
83.7 ~~sufficient to complete predesign of the memorial has been committed to the project from~~
83.8 ~~nonstate sources. The commissioner of administration shall not begin construction on this~~
83.9 ~~project until money in the account is sufficient to pay for all costs related to construction~~
83.10 ~~and ongoing maintenance of the memorial.~~

210.1 (9) continuing interdisciplinary education to promote effective program planning,
210.2 implementation, and operations;

210.3 (10) development of partnerships with public agencies and community organizations,
210.4 including the United States Department of Veterans Affairs; and

210.5 (11) inclusion of a participant's family members who agree to be involved in the treatment
210.6 and services provided to the participant under the program.

210.7 Subd. 4. **Creation of county and city diversion programs; authorization.** Any county
210.8 or city may establish and operate a veterans pretrial diversion program for offenders eligible
210.9 under subdivision 1 without penalty under section 477A.0175. "Pretrial diversion" means
210.10 the decision of a prosecutor to refer an offender to a diversion program on condition that
210.11 the criminal charges against the offender shall be dismissed after a specified period of time,
210.12 or the case shall not be charged, if the offender successfully completes the program of
210.13 treatment recommended by the United States Department of Veterans Affairs or a local,
210.14 state, federal, or private nonprofit treatment program.

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

198.10 Sec. 4. Laws 2016, chapter 189, article 13, section 64, is amended to read:

198.11 Sec. 64. **MEMORIAL COMMEMORATING RECIPIENTS OF THE MEDAL OF**
198.12 **HONOR.**

198.13 Subdivision 1. **Medal of Honor Memorial on the State Capitol grounds.** Subject to
198.14 approval by the Capitol Area Architectural and Planning Board, the commissioner of
198.15 administration shall place a memorial on the State Capitol grounds to honor Minnesotans
198.16 awarded the Medal of Honor.

198.17 Subd. 2. **Gifts and grants.** The commissioner of veterans affairs may solicit gifts, grants,
198.18 or donations of any kind from any private or public source to carry out the purposes of this
198.19 section. A Medal of Honor Memorial account is created in the special revenue fund. The
198.20 account consists of money transferred by law to the account and any other money donated,
198.21 gifted, granted, allotted, or otherwise provided to the account. All gifts, grants, or donations
198.22 received by the commissioner shall be deposited in a Medal of Honor Memorial account in
198.23 the special revenue fund. Money in the account is annually appropriated to the commissioner
198.24 of administration for predesign, design, construction, and ongoing maintenance of the
198.25 memorial.

198.26 ~~Subd. 3. **Restrictions.** Money deposited in the Medal of Honor Memorial account is not~~
198.27 ~~available until the commissioner of management and budget has determined an amount~~
198.28 ~~sufficient to complete predesign of the memorial has been committed to the project from~~
198.29 ~~nonstate sources. The commissioner of administration shall not begin construction on this~~
198.30 ~~project until money in the account is sufficient to pay for all costs related to construction~~
198.31 ~~and ongoing maintenance of the memorial.~~

83.11 Sec. 7. **PLAQUE.**

83.12 Subdivision 1. **Purpose.** The state wishes to honor all Minnesota veterans who have
 83.13 honorably and bravely served in the United States armed forces, both at home and abroad,
 83.14 during World War I.

83.15 Subd. 2. **Plaque authorized.** The commissioner of administration shall place a memorial
 83.16 plaque in the court of honor on the Capitol grounds to recognize the valiant service of
 83.17 Minnesota veterans who have honorably and bravely served in the United States armed
 83.18 forces, both at home and abroad, during World War I. This plaque will replace the current
 83.19 plaque honoring veterans who served abroad during World War I. The Capitol Area
 83.20 Architectural and Planning Board shall solicit design submissions from the public. Each
 83.21 design submission must include a commitment to furnish the plaque at no cost to the state.
 83.22 The Capitol Area Architectural and Planning Board shall select a design from those submitted
 83.23 to use as a basis for final production. The selected design must be approved by the
 83.24 commissioner of veterans affairs and must be furnished by the person or group who submitted
 83.25 the design at no cost to the state.

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

83.27 Sec. 8. **USS MINNEAPOLIS-ST. PAUL ACCOUNT.**

83.28 Subdivision 1. **Account established.** The USS Minneapolis-St. Paul account is established
 83.29 in the special revenue fund. Money in the account is appropriated to the commissioner of
 83.30 military affairs for the commissioning and preservation of the USS Minneapolis-St. Paul.

83.31 Subd. 2. **Gifts and grants.** The commissioner of military affairs may solicit gifts, grants,
 83.32 or donations of any kind from any private or public source for the commissioning and
 84.1 preservation of the USS Minneapolis-St. Paul. All gifts, grants, or donations received by
 84.2 the commissioner shall be deposited in the USS Minneapolis-St. Paul account under
 84.3 subdivision 1.

86.12 Sec. 85. **WORLD WAR I PLAQUE.**

86.13 Subdivision 1. **Purpose.** The state wishes to honor all Minnesota veterans who have
 86.14 honorably and bravely served in the United States armed forces, both at home and abroad,
 86.15 during World War I.

86.16 Subd. 2. **Replacement plaque authorized.** The commissioner of administration shall
 86.17 place a memorial plaque in the court of honor on the Capitol grounds to recognize the valiant
 86.18 service of Minnesota veterans who have honorably and bravely served in the United States
 86.19 armed forces, both at home and abroad, during World War I. This plaque will replace the
 86.20 current plaque honoring veterans who served abroad during World War I. The Capitol Area
 86.21 Architectural and Planning Board shall solicit design submissions from the public. Each
 86.22 design submission must include a commitment to furnish the plaque at no cost to the state.
 86.23 The Capitol Area Architectural and Planning Board shall select a design from those submitted
 86.24 to use as a basis for final production. The selected design must be approved by the
 86.25 commissioner of veterans affairs and must be furnished by the person or group who submitted
 86.26 the design at no cost to the state.

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