

4.29 **ARTICLE 2** 346.12  
4.30 **COURTS** 346.13

**ARTICLE 21**  
**PUBLIC SAFETY**

4.31 Section 1. Minnesota Statutes 2016, section 257.57, subdivision 1, is amended to read:

5.1 Subdivision 1. **Actions under section 257.55, subdivision 1, paragraph (a), (b), or**  
5.2 **(c).** A child, the child's biological mother, or a man presumed to be the child's father under  
5.3 section 257.55, subdivision 1, paragraph (a), (b), or (c) may bring an action:

5.4 (1) at any time for the purpose of declaring the existence of the father and child  
5.5 relationship presumed under section 257.55, subdivision 1, paragraph (a), (b), or (c); or

5.6 (2) for the purpose of declaring the nonexistence of the father and child relationship  
5.7 presumed under section 257.55, subdivision 1, paragraph (a), (b), or (c), only if the action  
5.8 is brought within ~~two~~ three years after the person bringing the action has reason to believe  
5.9 that the presumed father is not the father of the child, ~~but in no event later than three years~~  
5.10 ~~after the child's birth.~~ However, if the presumed father was divorced from the child's mother  
5.11 and if, on or before the 280th day after the judgment and decree of divorce or dissolution  
5.12 became final, he did not know that the child was born during the marriage or within 280  
5.13 days after the marriage was terminated, the action is not barred until ~~one year after the child~~  
5.14 ~~reaches the age of majority or one year~~ three years after the presumed father knows or  
5.15 reasonably should have known of the birth of the child, ~~whichever is earlier.~~ After the  
5.16 presumption has been rebutted, paternity of the child by another man may be determined  
5.17 in the same action, if he has been made a party.

5.18 Sec. 2. Minnesota Statutes 2016, section 257.57, subdivision 2, is amended to read:

5.19 Subd. 2. **Actions under other paragraphs of section 257.55, subdivision 1.** The child,  
5.20 the mother, or personal representative of the child, the public authority chargeable by law  
5.21 with the support of the child, the personal representative or a parent of the mother if the  
5.22 mother has died or is a minor, a man alleged or alleging himself to be the father, or the  
5.23 personal representative or a parent of the alleged father if the alleged father has died or is  
5.24 a minor may bring an action:

5.25 (1) at any time for the purpose of declaring the existence of the father and child  
5.26 relationship presumed under sections 257.55, subdivision 1, paragraph (d), (e), (g), or (h),  
5.27 and 257.62, subdivision 5, paragraph (b), ~~or the nonexistence of the father and child~~  
5.28 ~~relationship presumed under section 257.55, subdivision 1, clause (d);~~

5.29 (2) for the purpose of declaring the nonexistence of the father and child relationship  
 5.30 presumed under section 257.55, subdivision 1, paragraph (d), only if the action is brought  
 5.31 within three years from when the presumed father began holding the child out as his own;

5.32 (3) for the purpose of declaring the nonexistence of the father and child relationship  
 5.33 presumed under section 257.55, subdivision 1, paragraph (e) or (g), only if the action is  
 6.1 brought within ~~six months~~ three years after the person bringing the action ~~obtains the results~~  
 6.2 ~~of blood or genetic tests that indicate that the presumed father is not the father of the child~~  
 6.3 has reason to believe that the presumed father is not the biological father;

6.4 ~~(3)~~ (4) for the purpose of declaring the nonexistence of the father and child relationship  
 6.5 presumed under section 257.62, subdivision 5, paragraph (b), only if the action is brought  
 6.6 within three years after the party bringing the action, or the party's attorney of record, has  
 6.7 been provided ~~the blood or genetic test results;~~ or

6.8 ~~(4)~~ (5) for the purpose of declaring the nonexistence of the father and child relationship  
 6.9 presumed under section 257.75, subdivision 9, only if the action is brought by the minor  
 6.10 signatory within ~~six months~~ three years after the youngest minor signatory reaches the age  
 6.11 of 18 or three years after the person bringing the action has reason to believe that the father  
 6.12 is not the biological father of the child, whichever is later. ~~In the case of a recognition of~~  
 6.13 ~~parentage executed by two minor signatories, the action to declare the nonexistence of the~~  
 6.14 ~~father and child relationship must be brought within six months after the youngest signatory~~  
 6.15 ~~reaches the age of 18.~~

6.16 Sec. 3. Minnesota Statutes 2016, section 257.57, is amended by adding a subdivision to  
 6.17 read:

6.18 Subd. 7. **Nonexistence of father-child relationship.** (a) An action to declare the  
 6.19 nonexistence of the father-child relationship must be personally served on all parties and  
 6.20 meet the requirements of either subdivision 1 or 2. An action must be brought by a petition,  
 6.21 except that a motion may be filed in an underlying action regarding parentage, custody, or  
 6.22 parenting time.

6.23 (b) An action to declare the nonexistence of the father-child relationship cannot proceed  
 6.24 if the court finds that in a previous proceeding;

6.25 (1) the father-child relationship was contested and a court order determined the existence  
 6.26 of the father-child relationship; or

6.27 (2) the father-child relationship was determined based upon a court order as a result of  
 6.28 a stipulation or joint petition of the parties.

- 6.29 (c) Nothing in this subdivision precludes a party from relief under section 518.145,  
6.30 subdivision 2, clauses (1) to (3), if applicable, or the Minnesota Rules of Civil Procedure.
- 6.31 (d) In evaluating whether or not to declare the nonexistence of the father-child  
6.32 relationship, the court must consider, evaluate, and make written findings on the following  
6.33 factors:
- 7.1 (1) the length of time between the paternity adjudication or presumption of paternity  
7.2 and the time that the moving party knew or should have known that the presumed or  
7.3 adjudicated father might not be the biological father;
- 7.4 (2) the length of time during which the presumed or adjudicated father has assumed the  
7.5 role of father of the child;
- 7.6 (3) the facts surrounding the moving party's discovery of the presumed or adjudicated  
7.7 father's possible nonpaternity;
- 7.8 (4) the nature of the relationship between the child and the presumed or adjudicated  
7.9 father;
- 7.10 (5) the current age of the child;
- 7.11 (6) the harm or benefit that may result to the child if the court ends the father-child  
7.12 relationship of the current presumed or adjudicated father;
- 7.13 (7) the nature of the relationship between the child and any presumed or adjudicated  
7.14 father;
- 7.15 (8) the parties' agreement to the nonexistence of the father-child relationship and  
7.16 adjudication of paternity in the same action;
- 7.17 (9) the extent to which the passage of time reduces the chances of establishing paternity  
7.18 of another man and a child support order for that parent;
- 7.19 (10) the likelihood of adjudication of the biological father if not already joined in this  
7.20 action; and
- 7.21 (11) any additional factors deemed to be relevant by the court.

- 7.22 (e) The burden of proof shall be on the petitioner to show by clear and convincing  
7.23 evidence that, after consideration of the factors in paragraph (d), declaring the nonexistence  
7.24 of the father-child relationship is in the child's best interests.
- 7.25 (f) The court may grant the relief in the petition or motion upon finding that:
- 7.26 (1) the moving party has met the requirements of this section;
- 7.27 (2) the genetic testing results were properly conducted in accordance with section 257.62;
- 7.28 (3) the presumed or adjudicated father has not adopted the child;
- 7.29 (4) the child was not conceived by artificial insemination that meets the requirements  
7.30 under section 257.56 or that the presumed or adjudicated father voluntarily agreed to the  
7.31 artificial insemination; and
- 8.1 (5) the presumed or adjudicated father did not act to prevent the biological father of the  
8.2 child from asserting his parental rights with respect to the child.
- 8.3 (g) Upon granting the relief sought in the petition or motion, the court shall order the  
8.4 following:
- 8.5 (1) the father-child relationship has ended and the presumed or adjudicated father's  
8.6 parental rights and responsibilities end upon the granting of the petition;
- 8.7 (2) the presumed or adjudicated father's name shall be removed from the minor child's  
8.8 birth record and a new birth certificate shall be issued upon the payment of any fees;
- 8.9 (3) the presumed or adjudicated father's obligation to pay ongoing child support shall  
8.10 be terminated, effective on the first of the month after the petition or motion was served;
- 8.11 (4) any unpaid child support due prior to service of the petition or motion remains due  
8.12 and owing absent an agreement of all parties including the public authority, or the court  
8.13 determines other relief is appropriate under the Rules of Civil Procedure; and
- 8.14 (5) the presumed or adjudicated father has no right to reimbursement of past child support  
8.15 paid to the mother, the public authority, or any other assignee of child support.
- 8.16 The order must include the provisions of section 257.66 if another party to the action is  
8.17 adjudicated as the father of the child.

8.18 Sec. 4. Minnesota Statutes 2016, section 257.75, subdivision 4, is amended to read:

8.19 Subd. 4. **Action to vacate recognition.** (a) An action to vacate a recognition of paternity  
8.20 may be brought by the mother, father, husband or former husband who executed a joinder,  
8.21 or the child. An action to vacate a recognition of parentage may be brought by the public  
8.22 authority. A mother, father, or husband or former husband who executed a joinder must  
8.23 bring the action within ~~one year of the execution of the recognition or within six months~~  
8.24 ~~after the person bringing the action obtains the results of blood or genetic tests that indicate~~  
8.25 ~~that the man who executed the recognition is not the father of the child three years after the~~  
8.26 ~~person bringing the action has reason to believe that the father is not the biological father~~  
8.27 ~~of the child. A child must bring an action to vacate within six months three years after the~~  
8.28 ~~child obtains the result of blood or genetic tests that indicate that has reason to believe the~~  
8.29 ~~man who executed the recognition is not the biological father of the child, or within one~~  
8.30 ~~year of reaching the age of majority, whichever is later. If the court finds a prima facie basis~~  
8.31 ~~for vacating the recognition, the court shall order the child, mother, father, and husband or~~  
8.32 ~~former husband who executed a joinder to submit to blood genetic tests. If the court issues~~  
8.33 ~~an order for the taking of blood genetic tests, the court shall require the party seeking to~~  
9.1 ~~vacate the recognition to make advance payment for the costs of the blood genetic tests,~~  
9.2 ~~unless the parties agree and the court finds that the previous genetic test results exclude the~~  
9.3 ~~man who executed the recognition as the biological father of the child. If the party fails to~~  
9.4 ~~pay for the costs of the blood genetic tests, the court shall dismiss the action to vacate with~~  
9.5 ~~prejudice. The court may also order the party seeking to vacate the recognition to pay the~~  
9.6 ~~other party's reasonable attorney fees, costs, and disbursements. If the results of the blood~~  
9.7 ~~genetic tests establish that the man who executed the recognition is not the father, the court~~  
9.8 ~~shall vacate the recognition. Notwithstanding the vacation of the recognition, the court may~~  
9.9 ~~adjudicate the man who executed the recognition under any other applicable paternity~~  
9.10 ~~presumption under section 257.55. If a recognition is vacated, any joinder in the recognition~~  
9.11 ~~under subdivision 1a is also vacated. The court shall terminate the obligation of a party to~~  
9.12 ~~pay ongoing child support based on the recognition. A modification of child support based~~  
9.13 ~~on a recognition may be made retroactive with respect to any period during which the~~  
9.14 ~~moving party has pending a motion to vacate the recognition but only from the date of~~  
9.15 ~~service of notice of the motion on the responding party.~~

9.16 (b) The burden of proof in an action to vacate the recognition is on the moving party.  
9.17 The moving party must request the vacation on the basis of fraud, duress, or material mistake  
9.18 of fact. The legal responsibilities in existence at the time of an action to vacate, including  
9.19 child support obligations, may not be suspended during the proceeding, except for good  
9.20 cause shown.

9.21 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to recognition  
9.22 of parentage signed on or after that date.

9.23 Sec. 5. Minnesota Statutes 2017 Supplement, section 260C.163, subdivision 3, is amended  
9.24 to read:

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

9.28 (b) Except in proceedings where the sole basis for the petition is habitual truancy, if the  
9.29 child desires counsel but is unable to employ it, the court shall appoint counsel to represent  
9.30 the child who is ten years of age or older under section 611.14, clause (4), or other counsel  
9.31 at public expense.

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

10.4 (d) In any proceeding where the subject of a petition for a child in need of protection or  
10.5 services is ten years of age or older, the responsible social services agency shall, ~~within 14~~  
10.6 ~~days after filing the petition or at the emergency removal hearing under section 260C.178,~~  
10.7 ~~subdivision 1, if the child is present, fully and effectively or no later than the admit-deny~~  
10.8 ~~hearing pursuant to Rule 34 of the Minnesota Rules of Juvenile Protection Procedure,~~  
10.9 ~~inform the child of the child's right to be represented by appointed counsel upon request~~  
10.10 ~~and shall notify the court as to whether the child desired does or does not desire counsel.~~  
10.11 ~~The agency is not required to inform the child of the right to be represented by appointed~~  
10.12 ~~counsel if the court has already appointed counsel to represent the child. Information provided~~  
10.13 ~~to the child shall include, at a minimum, the fact that counsel will be provided without~~  
10.14 ~~charge to the child, that the child's communications with counsel are confidential, and that~~  
10.15 ~~the child has the right to participate in all proceedings on a petition, including the opportunity~~  
10.16 ~~to personally attend all hearings. The responsible social services agency shall also, within~~  
10.17 ~~14 days of the child's tenth birthday, fully and effectively inform the child of the child's~~  
10.18 ~~right to be represented by counsel no later than the first court hearing after the child's tenth~~  
10.19 ~~birthday, if the child reaches the age of ten years while the child is the subject of a petition~~  
10.20 ~~for a child in need of protection or services or is a child under the guardianship of the~~  
10.21 ~~commissioner.~~

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

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

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

10.33 (h) Court-appointed counsel for the parent, guardian, or custodian under this subdivision  
10.34 is at county expense. If the county has contracted with counsel meeting qualifications under  
11.1 paragraph (i), the court shall appoint the counsel retained by the county, unless a conflict  
11.2 of interest exists. If a conflict exists, after consulting with the chief judge of the judicial  
11.3 district or the judge's designee, the county shall contract with competent counsel to provide  
11.4 the necessary representation. The court may appoint only one counsel at public expense for  
11.5 the first court hearing to represent the interests of the parents, guardians, and custodians,  
11.6 unless, at any time during the proceedings upon petition of a party, the court determines  
11.7 and makes written findings on the record that extraordinary circumstances exist that require  
11.8 counsel to be appointed to represent a separate interest of other parents, guardians, or  
11.9 custodians subject to the jurisdiction of the juvenile court.

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

11.15 Sec. 6. Minnesota Statutes 2017 Supplement, section 260C.163, subdivision 10, is amended  
11.16 to read:

11.17 Subd. 10. **Waiver.** (a) Waiver of any right which a child has under this chapter must be  
11.18 an express waiver made voluntarily, intelligently, and in writing by the child after the child  
11.19 has been fully and effectively informed of the right to counsel and after consulting with an  
11.20 appointed attorney.

11.21 (b) Waiver of a child's right to be represented by counsel provided under the juvenile  
11.22 court rules in subdivision 3, paragraph (b), must be an express waiver made voluntarily,  
11.23 intelligently, and on the record or in writing by the child after the child has been fully and  
11.24 effectively informed of the right being waived by the responsible social services agency  
11.25 and in accordance with subdivision 3, paragraph (d), or after consultation with an appointed  
11.26 attorney. In determining whether a child has voluntarily and intelligently waived the right  
11.27 to counsel, the court shall look to the totality of the circumstances which includes but is not  
11.28 limited to the child's age, maturity, intelligence, education, experience, and ability to  
11.29 comprehend, and the presence and competence of the child's parents, guardian, or guardian

11.30 ad litem. The court shall not permit the child's parent, other person legally responsible for  
11.31 the child's care, or the child's guardian ad litem to waive the child's right to be represented  
11.32 by counsel. If the court accepts the child's waiver, it shall state on the record the findings  
11.33 and conclusions that form the basis for its decision to accept the waiver.

12.1 (c) A child may revoke a waiver under this section at any time in any juvenile protection  
12.2 proceeding listed in section 260C.001, subdivision 1, paragraph (b).

356.27 Sec. 6. Minnesota Statutes 2016, section 357.021, subdivision 2b, is amended to read:

356.28 Subd. 2b. **Court technology fund.** (a) In addition to any other filing fee under this  
356.29 chapter, the court administrator shall collect a \$2 technology fee on filings made under  
356.30 subdivision 2, clauses (1) to (13). The court administrator shall transmit the fee monthly to  
356.31 the commissioner of management and budget for deposit in the court technology account  
356.32 in the special revenue fund.

357.1 (b) A court technology account is established as a special account in the state treasury  
357.2 and funds deposited in the account are appropriated to the Supreme Court for distribution  
357.3 of technology funds as provided in paragraph (d). Technology funds may be used for the  
357.4 following purposes: acquisition, development, support, maintenance, and upgrades to  
357.5 computer systems, equipment and devices, network systems, electronic records, filings and  
357.6 payment systems, interactive video teleconferencing, and online services, to be used by the  
357.7 state courts and their justice partners.

357.8 (c) The Judicial Council may establish a board consisting of members from the judicial  
357.9 branch, prosecutors, public defenders, corrections, and civil legal services to distribute funds  
357.10 collected under paragraph (a). The Judicial Council may adopt policies and procedures for  
357.11 the operation of the board, including but not limited to policies and procedures governing  
357.12 membership terms, removal of members, and the filling of membership vacancies.

357.13 (d) Applications for the expenditure of technology funds shall be accepted from the  
357.14 judicial branch, county and city attorney offices, the Board of Public Defense, qualified  
357.15 legal services programs as defined under section 480.24, corrections agencies, and part-time  
357.16 public defender offices. The applications shall be reviewed by the Judicial Council and, if  
357.17 established, the board. In accordance with any recommendations from the board, the Judicial  
357.18 Council shall distribute the funds available for this expenditure to selected recipients.

357.19 (e) By January 15, ~~2015~~ 2019, January 15, 2021, January 15, 2023, and by January 15,  
357.20 ~~2017~~ 2024, the Judicial Council shall submit a report to the chairs and ranking minority  
357.21 members of the house of representatives and senate committees with jurisdiction over  
357.22 judiciary finance providing an accounting on the amounts collected and expended in the



357.23 previous biennium, including a list of fund recipients, the amounts awarded to each recipient,  
357.24 and the technology purpose funded.

357.25 (f) This subdivision expires June 30, ~~2018~~ 2023.

357.26 **EFFECTIVE DATE.** This section is effective July 1, 2018.

12.3 Sec. 7. Minnesota Statutes 2016, section 363A.03, subdivision 43, is amended to read:

12.4 Subd. 43. **Sexual harassment.** (a) "Sexual harassment" includes unwelcome sexual  
12.5 advances, requests for sexual favors, sexually motivated physical contact or other verbal or  
12.6 physical conduct or communication of a sexual nature when:

12.7 (1) submission to that conduct or communication is made a term or condition, either  
12.8 explicitly or implicitly, of obtaining employment, public accommodations or public services,  
12.9 education, or housing;

12.10 (2) submission to or rejection of that conduct or communication by an individual is used  
12.11 as a factor in decisions affecting that individual's employment, public accommodations or  
12.12 public services, education, or housing; or

12.13 (3) that conduct or communication has the purpose or effect of substantially interfering  
12.14 with an individual's employment, public accommodations or public services, education, or  
12.15 housing, or creating an intimidating, hostile, or offensive employment, public  
12.16 accommodations, public services, educational, or housing environment.

12.17 (b) An intimidating, hostile, or offensive environment under paragraph (a), clause (3),  
12.18 does not require the harassing conduct or communication to be severe or pervasive.

12.19 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to causes  
12.20 of action arising on or after that date.

12.21 Sec. 8. Minnesota Statutes 2016, section 518.145, subdivision 2, is amended to read:

12.22 Subd. 2. **Reopening.** On motion and upon terms as are just, the court may relieve a party  
12.23 from a judgment and decree, order, or proceeding under this chapter, except for provisions  
12.24 dissolving the bonds of marriage, annulling the marriage, or directing that the parties are  
12.25 legally separated, and may order a new trial or grant other relief as may be just for the  
12.26 following reasons:

12.27 (1) mistake, inadvertence, surprise, or excusable neglect;

12.28 (2) newly discovered evidence which by due diligence could not have been discovered  
12.29 in time to move for a new trial under the Rules of Civil Procedure, rule 59.03;

12.30 (3) fraud, whether denominated intrinsic or extrinsic, misrepresentation, or other  
12.31 misconduct of an adverse party;

13.1 (4) the judgment and decree or order is void; or

13.2 (5) the judgment has been satisfied, released, or discharged, or a prior judgment and  
13.3 decree or order upon which it is based has been reversed or otherwise vacated, or it is no  
13.4 longer equitable that the judgment and decree or order should have prospective application.

13.5 The motion must be made within a reasonable time, and for a reason under clause (1),  
13.6 (2), or (3), other than a motion to declare the nonexistence of the father-child relationship,  
13.7 not more than one year after the judgment and decree, order, or proceeding was entered or  
13.8 taken. An action to declare the nonexistence of the father-child relationship must be made  
13.9 within a reasonable time under clause (1), (2), or (3), and not more than three years after  
13.10 the person bringing the action has reason to believe that the father is not the father of the  
13.11 child. A motion under this subdivision does not affect the finality of a judgment and decree  
13.12 or order or suspend its operation. This subdivision does not limit the power of a court to  
13.13 entertain an independent action to relieve a party from a judgment and decree, order, or  
13.14 proceeding or to grant relief to a party not actually personally notified as provided in the  
13.15 Rules of Civil Procedure, or to set aside a judgment for fraud upon the court.

13.16 Sec. 9. Minnesota Statutes 2016, section 549.09, subdivision 1, is amended to read:

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

13.22 (b) Except as otherwise provided by contract or allowed by law, preverdict, preaward,  
13.23 or prereport interest on pecuniary damages shall be computed as provided in paragraph (c),  
13.24 clause (1), regardless of the amount from the time of the commencement of the action or a  
13.25 demand for arbitration, or the time of a written notice of claim, whichever occurs first,  
13.26 except as provided herein. The action must be commenced within two years of a written  
13.27 notice of claim for interest to begin to accrue from the time of the notice of claim. If either  
13.28 party serves a written offer of settlement, the other party may serve a written acceptance or  
13.29 a written counteroffer within 30 days. After that time, interest on the judgment or award  
13.30 shall be calculated by the judge or arbitrator in the following manner. The prevailing party  
13.31 shall receive interest on any judgment or award from the time of commencement of the

13.32 action or a demand for arbitration, or the time of a written notice of claim, or as to special  
13.33 damages from the time when special damages were incurred, if later, until the time of verdict,  
13.34 award, or report only if the amount of its offer is closer to the judgment or award than the  
14.1 amount of the opposing party's offer. If the amount of the losing party's offer was closer to  
14.2 the judgment or award than the prevailing party's offer, the prevailing party shall receive  
14.3 interest only on the amount of the settlement offer or the judgment or award, whichever is  
14.4 less, and only from the time of commencement of the action or a demand for arbitration, or  
14.5 the time of a written notice of claim, or as to special damages from when the special damages  
14.6 were incurred, if later, until the time the settlement offer was made. Subsequent offers and  
14.7 counteroffers supersede the legal effect of earlier offers and counteroffers. For the purposes  
14.8 of clause (2), the amount of settlement offer must be allocated between past and future  
14.9 damages in the same proportion as determined by the trier of fact. Except as otherwise  
14.10 provided by contract or allowed by law, preverdict, preaward, or prereport interest shall not  
14.11 be awarded on the following:

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

14.14 (2) judgments or awards for future damages;

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

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

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

14.19 (c)(1)(i) For interest that accrues before a judgment is final, a judgment or award of  
14.20 \$50,000 or less, or a judgment or award for or against the state or a political subdivision of  
14.21 the state, regardless of the amount, or a judgment or award in a family court action, regardless  
14.22 of the amount, the interest shall be computed as simple interest per annum. The rate of  
14.23 interest shall be based on the secondary market yield of one year United States Treasury  
14.24 bills, calculated on a bank discount basis as provided in this section.

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

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

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

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

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

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

15.25 (e) For purposes of this subdivision:

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

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

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

15.32 EFFECTIVE DATE. This section is effective August 1, 2018, and applies to judgments  
15.33 and awards entered on or after that date.

16.1 Sec. 10. Minnesota Statutes 2016, section 590.11, subdivision 1, is amended to read:

16.2 Subdivision 1. ~~Definition~~ **Definitions.** (a) For purposes of this section, the following  
16.3 terms have the meanings given.

16.4 (b) "Exonerated" means that:

16.5 (1) a court ~~of this state~~:

16.6 (i) ~~vacated or reversed, or set aside a judgment of conviction on grounds consistent with~~  
16.7 ~~innocence and there are no remaining felony charges in effect against the petitioner from~~  
16.8 ~~the same behavioral incident, or if there are remaining felony charges against the petitioner~~  
16.9 ~~from the same behavioral incident, the prosecutor dismissed the~~ dismisses those remaining  
16.10 felony charges; or

16.11 (ii) ordered a new trial on grounds consistent with innocence and the prosecutor dismissed  
16.12 the charges or the petitioner was found not guilty at the new trial all felony charges against  
16.13 the petitioner arising from the same behavioral incident or the petitioner was found not  
16.14 guilty of all felony charges arising from the same behavioral incident at the new trial; ~~and~~

16.15 (2) the time for appeal of the order resulting in exoneration has expired or the order has  
16.16 been affirmed and is final; and

16.17 (3) 60 days has passed since the judgment of conviction was reversed or vacated, and  
16.18 the prosecutor has not filed any felony charges against the petitioner from the same behavioral  
16.19 incident, or if the prosecutor did file felony charges against the petitioner from the same  
16.20 behavioral incident, those felony charges were dismissed or the defendant was found not  
16.21 guilty of those charges at the new trial.

16.22 (c) "On grounds consistent with innocence" means either:

16.23 (1) exonerated, through a pardon or sentence commutation, based on factual innocence;  
16.24 or

**S2778-2**

1.6 Section 1. Minnesota Statutes 2016, section 590.11, subdivision 1, is amended to read:

1.7 Subdivision 1. ~~Definition~~ **Definitions.** (a) For purposes of this section, the following  
1.8 terms have the meanings given ~~to them~~.

1.9 (b) "Exonerated" means that:

1.10 (1) a court ~~of this state~~:

1.11 (i) ~~vacated or reversed, or set aside a judgment of conviction on grounds consistent with~~  
1.12 ~~innocence and there are no remaining felony charges in effect against the petitioner from~~  
1.13 ~~the same behavioral incident, or if there are remaining felony charges against the petitioner~~  
1.14 ~~from the same behavioral incident, the prosecutor dismissed the~~ dismisses those remaining  
1.15 felony charges; or

1.16 (ii) ordered a new trial on grounds consistent with innocence and the prosecutor dismissed  
1.17 the charges or the petitioner was found not guilty at the new trial all felony charges against  
1.18 the petitioner arising from the same behavioral incident or the petitioner was found not  
1.19 guilty of all felony charges arising from the same behavioral incident at the new trial; ~~and~~

1.20 (2) the time for appeal of the order resulting in exoneration has expired or the order has  
1.21 been affirmed and is final; and

2.1 (3) 60 days has passed since the judgment of conviction was reversed or vacated, and  
2.2 the prosecutor has not filed any felony charges against the petitioner from the same behavioral  
2.3 incident, or if the prosecutor did file felony charges against the petitioner from the same  
2.4 behavioral incident, those felony charges were dismissed or the defendant was found not  
2.5 guilty of those charges at the new trial.

2.6 (c) "On grounds consistent with innocence" means either:

2.7 (1) exonerated, through a pardon or sentence commutation, based on factual innocence;  
2.8 or

16.25 (2) exonerated because the judgment of conviction was vacated or reversed, or a new  
 16.26 trial was ordered, and there is any evidence of factual innocence whether it was available  
 16.27 at the time of investigation or trial or is newly discovered evidence.

16.28 **EFFECTIVE DATE.** This section is effective July 1, 2018.

16.29 Sec. 11. Minnesota Statutes 2016, section 590.11, subdivision 2, is amended to read:

16.30 Subd. 2. **Procedure.** A petition for an order declaring eligibility for compensation based  
 16.31 on exonerated under sections 611.362 to 611.368 must be brought before the district court  
 17.1 where the original conviction was obtained. The state must be represented by the office of  
 17.2 the prosecutor that obtained the conviction or the prosecutor's successor. Within 60 days  
 17.3 after the filing of the petition, the prosecutor must respond to the petition. A petition must  
 17.4 be brought within two years, but no less than 60 days after the petitioner is exonerated.  
 17.5 ~~Persons released from custody after being exonerated before July 1, 2014, must commence~~  
 17.6 ~~an action under this section within two years of July 1, 2014. If, before July 1, 2018, a person~~  
 17.7 ~~did not meet both requirements of Minnesota Statutes 2016, section 590.11, subdivision 1,~~  
 17.8 ~~paragraph (b), clause (1), item (i), and did not file a petition or the petition was denied, that~~  
 17.9 ~~person may commence an action meeting the requirements under section 10, subdivision~~  
 17.10 ~~1, paragraph (b), clause (1), item (i), on or after July 1, 2018, and before July 1, 2020.~~

17.11 **EFFECTIVE DATE.** This section is effective July 1, 2018.

17.12 Sec. 12. Minnesota Statutes 2016, section 590.11, subdivision 5, is amended to read:

17.13 Subd. 5. **Elements.** (a) A claim for compensation arises if a person is eligible for  
 17.14 compensation under subdivision 3 and:

17.15 (1) the person was convicted of a felony and served any part of the imposed sentence  
 17.16 ~~in prison;~~

17.17 (2) in cases where the person was convicted of multiple charges arising out of the same  
 17.18 behavioral incident, the person was exonerated for all of those charges;

17.19 (3) the person did not commit or induce another person to commit perjury or fabricate  
 17.20 evidence to cause or bring about the conviction; and

17.21 (4) the person was not serving a term of ~~imprisonment~~ incarceration for another crime  
 17.22 at the same time, ~~provided that~~ except:

2.9 (2) exonerated because the judgment of conviction was vacated or reversed, or a new  
 2.10 trial was ordered, and there is any evidence of factual innocence whether it was available  
 2.11 at the time of investigation or trial or is newly discovered evidence.

2.12 **EFFECTIVE DATE.** This section is effective July 1, 2018.

2.13 Sec. 2. Minnesota Statutes 2016, section 590.11, subdivision 2, is amended to read:

2.14 Subd. 2. **Procedure.** A petition for an order declaring eligibility for compensation based  
 2.15 on exonerated under sections 611.362 to 611.368 must be brought before the district court  
 2.16 where the original conviction was obtained. The state must be represented by the office of  
 2.17 the prosecutor that obtained the conviction or the prosecutor's successor. Within 60 days  
 2.18 after the filing of the petition, the prosecutor must respond to the petition. A petition must  
 2.19 be brought within two years, but no less than 60 days after the petitioner is exonerated.  
 2.20 ~~Persons released from custody after being exonerated before July 1, 2014, must commence~~  
 2.21 ~~an action under this section within two years of July 1, 2014. If before July 1, 2018, a person~~  
 2.22 ~~did not meet both requirements of Minnesota Statutes 2016, section 590.11, subdivision 1,~~  
 2.23 ~~clause (1), item (i), and did not file a petition or the petition was denied, that person may~~  
 2.24 ~~commence an action meeting the requirements under section 1, subdivision 1, paragraph~~  
 2.25 ~~(b), clause (1), item (i), of this act on or after July 1, 2018, and before July 1, 2020.~~

2.26 **EFFECTIVE DATE.** This section is effective July 1, 2018.

2.27 Sec. 3. Minnesota Statutes 2016, section 590.11, subdivision 5, is amended to read:

2.28 Subd. 5. **Elements.** (a) A claim for compensation arises if a person is eligible for  
 2.29 compensation under subdivision 3 and:

2.30 (1) the person was convicted of a felony and served any part of the imposed sentence  
 2.31 ~~in prison;~~

3.1 (2) in cases where the person was convicted of multiple charges arising out of the same  
 3.2 behavioral incident, the person was exonerated for all of those charges;

3.3 (3) the person did not commit or induce another person to commit perjury or fabricate  
 3.4 evidence to cause or bring about the conviction; and

3.5 (4) the person was not serving a term of ~~imprisonment~~ incarceration for another crime  
 3.6 at the same time, ~~provided that~~ except:

17.23 (i) if the person served additional time in prison due to the conviction that is the basis  
17.24 of the claim, the person may make a claim for that portion of time served in prison during  
17.25 which the person was serving no other sentence; or

17.26 (ii) if the person served additional executed sentences that had been previously stayed,  
17.27 and the reason the additional stayed sentences were executed was due to the conviction that  
17.28 is the basis for the claim.

17.29 (b) A claimant may make a claim only for that portion of time served in prison during  
17.30 which the claimant was serving no other sentence unless the other sentence arose from the  
17.31 circumstances described in paragraph (a), clause (4), item (ii).

18.1 (c) A confession or admission later found to be false or a guilty plea to a crime the  
18.2 claimant did not commit does not constitute bringing about the claimant's conviction for  
18.3 purposes of paragraph (a), clause (3).

18.4 **EFFECTIVE DATE.** This section is effective July 1, 2018.

18.5 Sec. 13. Minnesota Statutes 2016, section 590.11, subdivision 7, is amended to read:

18.6 Subd. 7. **Order.** If, after considering all the files and records admitted and any evidence  
18.7 admitted at a hearing held pursuant to subdivision 4, the court determines that the petitioner  
18.8 is eligible for compensation, the court shall issue an order containing its findings and, if  
18.9 applicable, indicate the portion of the term of ~~imprisonment~~ incarceration for which the  
18.10 petitioner is entitled to make a claim. The court shall notify the petitioner of the right to file  
18.11 a claim for compensation under sections 611.362 to 611.368 and provide the petitioner with  
18.12 a copy of those sections. The petitioner must acknowledge receipt of the notice and a copy  
18.13 of those sections in writing or on the record before the court.

18.14 **EFFECTIVE DATE.** This section is effective July 1, 2018.

18.15 Sec. 14. Minnesota Statutes 2016, section 609.015, subdivision 1, is amended to read:

18.16 Subdivision 1. **Common law crimes abolished.** Common law crimes are abolished and  
18.17 no act or omission is a crime unless made so by this chapter or by other applicable statute;  
18.18 ~~but~~ This does not prevent the use of common law rules in the construction or interpretation  
18.19 of the provisions of this chapter or other statute except that a law reducing a sentence does  
18.20 not apply to crimes committed prior to the date on which the change takes effect unless the  
18.21 statute specifically states otherwise. Crimes committed prior to September 1, 1963, are not  
18.22 affected thereby.

3.7 (i) if the person served additional time in prison or jail due to the conviction that is the  
3.8 basis of the claim, the person may make a claim for that portion of time served in prison or  
3.9 jail during which the person was serving no other sentence; or

3.10 (ii) if the person served additional executed sentences that had been previously stayed,  
3.11 and the reason the additional stayed sentences were executed was due to the conviction that  
3.12 is the basis for the claim.

3.13 (b) A claimant may make a claim only for that portion of time served in prison or jail  
3.14 during which the claimant was serving no other sentence, unless the other sentence arose  
3.15 from the circumstances described in paragraph (a), clause (4), item (ii).

3.16 (c) A confession or admission later found to be false or a guilty plea to a crime the  
3.17 claimant did not commit does not constitute bringing about the claimant's conviction for  
3.18 purposes of paragraph (a), clause (3).

3.19 **EFFECTIVE DATE.** This section is effective July 1, 2018.

3.20 Sec. 4. Minnesota Statutes 2016, section 590.11, subdivision 7, is amended to read:

3.21 Subd. 7. **Order.** If, after considering all the files and records admitted and any evidence  
3.22 admitted at a hearing held pursuant to subdivision 4, the court determines that the petitioner  
3.23 is eligible for compensation, the court shall issue an order containing its findings and, if  
3.24 applicable, indicate the portion of the term of ~~imprisonment~~ incarceration for which the  
3.25 petitioner is entitled to make a claim. The court shall notify the petitioner of the right to file  
3.26 a claim for compensation under sections 611.362 to 611.368 and provide the petitioner with  
3.27 a copy of those sections. The petitioner must acknowledge receipt of the notice and a copy  
3.28 of those sections in writing or on the record before the court.

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

18.24 Sec. 15. **611.065 LIMITATIONS ON RECORDING OR BROADCASTING**  
18.25 **CRIMINAL PROCEEDINGS.**

18.26 Except as otherwise provided in this section, no person may record or broadcast any  
18.27 criminal matter, including a trial, hearing, motion, or argument, absent the express consent  
18.28 of the defendant and the victim. This prohibition applies to the use of television, radio,  
18.29 audio, photographic, or other recording equipment. This prohibition does not apply to the  
18.30 use of electronic, photographic, or other recording equipment approved by the court for  
18.31 purposes of making the court record, including closed-circuit interactive television.

19.1 Sec. 16. Minnesota Statutes 2016, section 611.365, subdivision 2, is amended to read:

19.2 Subd. 2. **Reimbursement; monetary damages; attorney fees.** (a) The claimant is  
19.3 entitled to reimbursement for all restitution, assessments, fees, court costs, and other sums  
19.4 paid by the claimant as required by the judgment and sentence. In addition, the claimant is  
19.5 entitled to monetary damages of not less than \$50,000 for each year of ~~imprisonment~~  
19.6 incarceration, and not less than \$25,000 for each year served on supervised release or as a  
19.7 registered predatory offender, to be prorated for partial years served. In calculating additional  
19.8 monetary damages, the panel shall consider:

19.9 (1) economic damages, including reasonable attorney fees, lost wages, reimbursement  
19.10 for costs associated with the claimant's criminal defense;

19.11 (2) reimbursement for medical and dental expenses that the claimant already incurred  
19.12 and future unpaid expenses expected to be incurred as a result of the claimant's ~~imprisonment~~  
19.13 incarceration;

19.14 (3) noneconomic damages for personal physical injuries or sickness and any nonphysical  
19.15 injuries or sickness incurred as a result of ~~imprisonment~~ incarceration;

19.16 (4) reimbursement for any tuition and fees paid for each semester successfully completed  
19.17 by the claimant in an educational program or for employment skills and development training,  
19.18 up to the equivalent value of a four-year degree at a public university, and reasonable  
19.19 payment for future unpaid costs for education and training, not to exceed the anticipated  
19.20 cost of a four-year degree at a public university;

19.21 (5) reimbursement for paid or unpaid child support payments owed by the claimant that  
19.22 became due, and interest on child support arrearages that accrued, during the time served  
19.23 in prison provided that there shall be no reimbursement for any child support payments  
19.24 already owed before the claimant's incarceration; and

3.29 Sec. 5. Minnesota Statutes 2016, section 611.365, subdivision 2, is amended to read:

3.30 Subd. 2. **Reimbursement; monetary damages; attorney fees.** (a) The claimant is  
3.31 entitled to reimbursement for all restitution, assessments, fees, court costs, and other sums  
4.1 paid by the claimant as required by the judgment and sentence. In addition, the claimant is  
4.2 entitled to monetary damages of not less than \$50,000 for each year of ~~imprisonment~~  
4.3 incarceration, and not less than \$25,000 for each year served on supervised release or  
4.4 probation or as a registered predatory offender, to be prorated for partial years served. In  
4.5 calculating additional monetary damages, the panel shall consider:

4.6 (1) economic damages, including reasonable attorney fees, lost wages, reimbursement  
4.7 for costs associated with the claimant's criminal defense;

4.8 (2) reimbursement for medical and dental expenses that the claimant already incurred  
4.9 and future unpaid expenses expected to be incurred as a result of the claimant's ~~imprisonment~~  
4.10 incarceration;

4.11 (3) noneconomic damages for personal physical injuries or sickness and any nonphysical  
4.12 injuries or sickness incurred as a result of ~~imprisonment~~ incarceration;

4.13 (4) reimbursement for any tuition and fees paid for each semester successfully completed  
4.14 by the claimant in an educational program or for employment skills and development training,  
4.15 up to the equivalent value of a four-year degree at a public university, and reasonable  
4.16 payment for future unpaid costs for education and training, not to exceed the anticipated  
4.17 cost of a four-year degree at a public university;

4.18 (5) reimbursement for paid or unpaid child support payments owed by the claimant that  
4.19 became due, and interest on child support arrearages that accrued, during the time served  
4.20 in prison provided that there shall be no reimbursement for any child support payments  
4.21 already owed before the claimant's incarceration; and



19.25 (6) reimbursement for reasonable costs of paid or unpaid reintegrative expenses for  
19.26 immediate services secured by the claimant upon exoneration and release, including housing,  
19.27 transportation and subsistence, reintegrative services, and medical and dental health care  
19.28 costs.

19.29 (b) The panel shall award the claimant reasonable attorney fees incurred in bringing a  
19.30 claim under sections 611.362 to 611.368 and in obtaining an order of eligibility for  
19.31 compensation based on exoneration under chapter 590.

19.32 **EFFECTIVE DATE.** This section is effective July 1, 2018.

20.1 Sec. 17. Minnesota Statutes 2016, section 611.365, subdivision 3, is amended to read:

20.2 Subd. 3. **Limits on damages.** There is no limit on the aggregate amount of damages  
20.3 that may be awarded under this section. Damages that may be awarded under subdivision  
20.4 2, paragraph (a), clauses (1) and (4) to (6), are limited to \$100,000 per year of ~~imprisonment~~  
20.5 incarceration and \$50,000 per year served on supervised release or as a registered predatory  
20.6 offender.

20.7 **EFFECTIVE DATE.** This section is effective July 1, 2018.

20.8 Sec. 18. Minnesota Statutes 2016, section 611.367, is amended to read:

20.9 **611.367 COMPENSATING EXONERATED PERSONS; APPROPRIATIONS**  
20.10 **PROCESS.**

20.11 The compensation panel established in section 611.363 shall forward an award of damages  
20.12 under section 611.365 to the commissioner of management and budget. The commissioner  
20.13 shall submit the amount of the award to the legislature for consideration as an appropriation  
20.14 ~~during the next session of the legislature.~~

20.15 **EFFECTIVE DATE.** This section is effective July 1, 2018.

20.16 Sec. 19. Minnesota Statutes 2016, section 611.368, is amended to read:

20.17 **611.368 SHORT TITLE.**

20.18 Sections 611.362 to 611.368 shall be cited as the "~~Imprisonment~~ Incarceration and  
20.19 Exoneration Remedies Act."

20.20 **EFFECTIVE DATE.** This section is effective July 1, 2018.

4.22 (6) reimbursement for reasonable costs of paid or unpaid reintegrative expenses for  
4.23 immediate services secured by the claimant upon exoneration and release, including housing,  
4.24 transportation and subsistence, reintegrative services, and medical and dental health care  
4.25 costs.

4.26 (b) The panel shall award the claimant reasonable attorney fees incurred in bringing a  
4.27 claim under sections 611.362 to 611.368 and in obtaining an order of eligibility for  
4.28 compensation based on exoneration under chapter 590.

4.29 **EFFECTIVE DATE.** This section is effective July 1, 2018.

4.30 Sec. 6. Minnesota Statutes 2016, section 611.365, subdivision 3, is amended to read:

4.31 Subd. 3. **Limits on damages.** There is no limit on the aggregate amount of damages  
4.32 that may be awarded under this section. Damages that may be awarded under subdivision  
5.1 2, paragraph (a), clauses (1) and (4) to (6), are limited to \$100,000 per year of ~~imprisonment~~  
5.2 incarceration and \$50,000 per year served on supervised release or probation or as a registered  
5.3 predatory offender.

5.4 **EFFECTIVE DATE.** This section is effective July 1, 2018.

5.5 Sec. 7. Minnesota Statutes 2016, section 611.367, is amended to read:

5.6 **611.367 COMPENSATING EXONERATED PERSONS; APPROPRIATIONS**  
5.7 **PROCESS.**

5.8 The compensation panel established in section 611.363 shall forward an award of damages  
5.9 under section 611.365 to the commissioner of management and budget. The commissioner  
5.10 shall submit the amount of the award to the legislature for consideration as an appropriation  
5.11 ~~during the next session of the legislature.~~

5.12 **EFFECTIVE DATE.** This section is effective July 1, 2018.

5.13 Sec. 8. Minnesota Statutes 2016, section 611.368, is amended to read:

5.14 **611.368 SHORT TITLE.**

5.15 Sections 611.362 to 611.368 shall be cited as the "~~Imprisonment~~ Incarceration and  
5.16 Exoneration Remedies Act."

5.17 **EFFECTIVE DATE.** This section is effective July 1, 2018.

20.21 Sec. 20. Minnesota Statutes 2016, section 626A.08, subdivision 2, is amended to read:

20.22 Subd. 2. **Application and orders.** (a) Applications made and warrants issued under this  
20.23 chapter shall be sealed by the judge. Custody of the applications and orders shall be wherever  
20.24 the judge directs. Such applications and orders shall be disclosed only upon a showing of  
20.25 good cause before a judge of the district court and shall not be destroyed except on order  
20.26 of the issuing or denying judge, and in any event shall be kept for ten years.

20.27 (b) Notwithstanding paragraph (a), the filing, sealing, and reporting requirements for  
20.28 applications made and warrants issued under this chapter that involve location information  
20.29 of electronic devices, as defined in section 626A.42, are governed by section 626A.42,  
20.30 subdivision 4. However, applications and warrants, or portions of applications and warrants,  
21.1 that do not involve location information of electronic devices continue to be governed by  
21.2 paragraph (a).

21.3 Sec. 21. Minnesota Statutes 2016, section 626A.37, subdivision 4, is amended to read:

21.4 Subd. 4. **Nondisclosure of existence of pen register, trap and trace device, or mobile**  
21.5 **tracking device.** (a) An order authorizing or approving the installation and use of a pen  
21.6 register, trap and trace device, or a mobile tracking device must direct that:

21.7 (1) the order be sealed until otherwise ordered by the court; and

21.8 (2) the person owning or leasing the line to which the pen register or a trap and trace  
21.9 device is attached, or who has been ordered by the court to provide assistance to the applicant,  
21.10 not disclose the existence of the pen register, trap and trace device, mobile tracking device,  
21.11 or the existence of the investigation to the listed subscriber, or to any other person, unless  
21.12 or until otherwise ordered by the court.

21.13 (b) Paragraph (a) does not apply to an order that involves location information of  
21.14 electronic devices, as defined in section 626A.42. Instead, the filing, sealing, and reporting  
21.15 requirements for those orders are governed by section 626A.42, subdivision 4. However,  
21.16 any portion of an order that does not involve location information of electronic devices  
21.17 continues to be governed by paragraph (a).