

Approved by
Revisor of Statutes



1.1 Lesch from the Judiciary Finance and Civil Law Division to which was referred:

1.2 H. F. No. 6, A bill for an act relating to employment; prohibiting wage theft; modifying
1.3 payment of wages; increasing civil and criminal penalties; allowing for administrative
1.4 review; appropriating money; amending Minnesota Statutes 2018, sections 177.27,
1.5 subdivision 2, by adding a subdivision; 177.30; 177.32, subdivision 1; 181.03, subdivision
1.6 1, by adding subdivisions; 181.032; 181.101.

1.7 Reported the same back with the following amendments:

1.8 Page 1, after line 7, insert:

1.9 "Section 1. Minnesota Statutes 2018, section 16C.285, subdivision 3, is amended to read:

1.10 Subd. 3. **Minimum criteria.** "Responsible contractor" means a contractor that conforms
1.11 to the responsibility requirements in the solicitation document for its portion of the work
1.12 on the project and verifies that it meets the following minimum criteria:

1.13 (1) the contractor:

1.14 (i) is in compliance with workers' compensation and unemployment insurance
1.15 requirements;

1.16 (ii) is in compliance with Department of Revenue and Department of Employment and
1.17 Economic Development registration requirements if it has employees;

1.18 (iii) has a valid federal tax identification number or a valid Social Security number if
1.19 an individual; and

1.20 (iv) has filed a certificate of authority to transact business in Minnesota with the secretary
1.21 of state if a foreign corporation or cooperative;

1.22 (2) the contractor or related entity is in compliance with and, during the three-year period
1.23 before submitting the verification, has not violated section 177.24, 177.25, 177.41 to 177.44,
1.24 181.13, 181.14, or 181.722, and has not violated United States Code, title 29, sections 201

2.1 to 219, or United States Code, title 40, sections 3141 to 3148. For purposes of this clause,
2.2 a violation occurs when a contractor or related entity:

2.3 (i) repeatedly fails to pay statutorily required wages or penalties on one or more separate
2.4 projects for a total underpayment of \$25,000 or more within the three-year period, provided
2.5 that a failure to pay is "repeated" only if it involves two or more separate and distinct
2.6 occurrences of underpayment during the three-year period;

2.7 (ii) has been issued an order to comply by the commissioner of labor and industry that
2.8 has become final;

2.9 (iii) has been issued at least two determination letters within the three-year period by
2.10 the Department of Transportation finding an underpayment by the contractor or related
2.11 entity to its own employees;

2.12 (iv) has been found by the commissioner of labor and industry to have repeatedly or
2.13 willfully violated any of the sections referenced in this clause pursuant to section 177.27;

2.14 (v) has been issued a ruling or findings of underpayment by the administrator of the
2.15 Wage and Hour Division of the United States Department of Labor that have become final
2.16 or have been upheld by an administrative law judge or the Administrative Review Board;
2.17 ~~or~~

2.18 (vi) has been found liable for underpayment of wages or penalties or misrepresenting a
2.19 construction worker as an independent contractor in an action brought in a court having
2.20 jurisdiction; or

2.21 (vii) has been convicted of a violation of section 609.52, subdivision 2, clause (19).

2.22 Provided that, if the contractor or related entity contests a determination of underpayment
2.23 by the Department of Transportation in a contested case proceeding, a violation does not
2.24 occur until the contested case proceeding has concluded with a determination that the
2.25 contractor or related entity underpaid wages or penalties;

2.26 (3) the contractor or related entity is in compliance with and, during the three-year period
2.27 before submitting the verification, has not violated section 181.723 or chapter 326B. For
2.28 purposes of this clause, a violation occurs when a contractor or related entity has been issued
2.29 a final administrative or licensing order;

2.30 (4) the contractor or related entity has not, more than twice during the three-year period
2.31 before submitting the verification, had a certificate of compliance under section 363A.36
2.32 revoked or suspended based on the provisions of section 363A.36, with the revocation or

3.1 suspension becoming final because it was upheld by the Office of Administrative Hearings
3.2 or was not appealed to the office;

3.3 (5) the contractor or related entity has not received a final determination assessing a
3.4 monetary sanction from the Department of Administration or Transportation for failure to
3.5 meet targeted group business, disadvantaged business enterprise, or veteran-owned business
3.6 goals, due to a lack of good faith effort, more than once during the three-year period before
3.7 submitting the verification;

3.8 (6) the contractor or related entity is not currently suspended or debarred by the federal
3.9 government or the state of Minnesota or any of its departments, commissions, agencies, or
3.10 political subdivisions that have authority to debar a contractor; and

3.11 (7) all subcontractors and motor carriers that the contractor intends to use to perform
3.12 project work have verified to the contractor through a signed statement under oath by an
3.13 owner or officer that they meet the minimum criteria listed in clauses (1) to (6).

3.14 Any violations, suspensions, revocations, or sanctions, as defined in clauses (2) to (5),
3.15 occurring prior to July 1, 2014, shall not be considered in determining whether a contractor
3.16 or related entity meets the minimum criteria."

3.17 Page 1, line 20, reinstate the stricken language and delete "\$10,000"

3.18 Page 1, line 21, before the period, insert ", and up to \$10,000 for each repeated failure"

3.19 Page 2, delete section 2 and insert:

3.20 "Sec. 3. Minnesota Statutes 2018, section 177.27, is amended by adding a subdivision to
3.21 read:

3.22 Subd. 11. Subpoenas. In order to carry out the purposes of this chapter and chapter 181,
3.23 181A, or 184, the commissioner may issue subpoenas to compel persons to appear before
3.24 the commissioner to give testimony and produce and permit inspection, copying, testing,
3.25 or sampling of documents, electronically stored information, tangible items, or other items
3.26 in the possession, custody, or control of that person that are deemed necessary or appropriate
3.27 by the commissioner. A subpoena may specify the form or format in which electronically
3.28 stored information is to be produced. Upon the application of the commissioner, a district
3.29 court shall treat the failure of any person to obey a subpoena lawfully issued by the
3.30 commissioner under this subdivision as a contempt of court."

3.31 Page 3, line 8, reinstate the stricken language and delete "\$10,000"

3.32 Page 3, line 9, before the period, insert ", and up to \$10,000 for each repeated failure"

4.1 Page 3, after line 12, insert:

4.2 "(d) If the records maintained by the employer do not provide sufficient information to
4.3 determine the exact amount of back wages due an employee, the commissioner may make
4.4 a determination of wages due based on available evidence."

4.5 Page 3, line 17, before the semicolon, insert ", or chapter 181"

4.6 Page 3, line 27, before the semicolon, insert ", or described and provided by an employer
4.7 to its employees under section 181.032"

4.8 Page 3, line 29, before the period, insert ", or commits wage theft as described in section
4.9 181.03, subdivision 1"

4.10 Page 4, delete lines 1 to 3 and insert:

4.11 "Intent is not an element of a misdemeanor under this paragraph.

4.12 (b) An employer is guilty of a gross misdemeanor if the employer is found to have
4.13 intentionally retaliated against an employee for asserting rights or remedies under sections
4.14 177.21 to 177.44 or section 181.03."

4.15 Page 4, before line 4, insert:

4.16 "Sec. 6. **[177.45] ENFORCEMENT; REMEDIES.**

4.17 Subdivision 1. **Violation as unlawful practice in business, commerce, or trade.** A
4.18 violation of any provision of this chapter is an unlawful practice in business, commerce, or
4.19 trade under section 8.31, subdivision 1.

4.20 Subd. 2. **Public enforcement.** In addition to the public enforcement of this chapter by
4.21 the department, the attorney general shall enforce this chapter under section 8.31.

4.22 Subd. 3. **Remedies cumulative.** The remedies provided in this chapter are cumulative
4.23 and do not restrict any remedy that is otherwise available, including remedies provided
4.24 under section 8.31. The provisions of this section are not exclusive and are in addition to
4.25 any other requirements, rights, remedies, and penalties provided by law."

4.26 Page 4, line 8, after "wages" insert ", salary, gratuities, earnings, or commissions"

4.27 Page 4, line 9, after "entitled" insert ", including all wages that are required to be described
4.28 and provided by an employer to its employees under section 181.032 or as required under
4.29 sections 177.41 to 177.44"

4.30 Page 4, line 14, reinstate the stricken language

- 5.1 Page 4, line 17, reinstate the stricken language and delete "; or"
- 5.2 Page 4, delete lines 18 to 20
- 5.3 Page 4, line 23, delete "The commissioner may enforce this section."
- 5.4 Page 4, line 28, after "commissioner" insert "of labor and industry"
- 5.5 Page 4, line 29, after "\$1,000" insert "for any individual employee within any single pay
5.6 period"
- 5.7 Page 5, line 12, delete "(a)" and after "commissioner" insert "of labor and industry"
- 5.8 Page 5, delete lines 31 to 34
- 5.9 Page 6, after line 4, insert:
- 5.10 "Sec. 12. Minnesota Statutes 2018, section 181.03, is amended by adding a subdivision
5.11 to read:
- 5.12 Subd. 8. Retaliation. An employer must not retaliate against an employee for asserting
5.13 rights or remedies under this section, including but not limited to filing a complaint with
5.14 the Department of Labor and Industry or telling the employer of intention to file a complaint.
5.15 A rebuttable presumption of unlawful retaliation under this section exists whenever an
5.16 employer takes adverse action against an employee within 90 days of the employee asserting
5.17 rights or remedies under this section."
- 5.18 Page 7, line 8, after "method" insert ", and the specific application of any additional
5.19 rates"
- 5.20 Page 8, lines 3 to 6, delete the new language and insert "An employer's pay period must
5.21 be no longer than 16 days. All wages earned in a pay period must be paid to an employee
5.22 within ten days of the end of that pay period."
- 5.23 Page 8, line 9, after "of" insert "double"
- 5.24 Page 8, line 10, strike "agreed upon in the contract of employment" and insert "or rates
5.25 required to be described and provided by an employer to its employees under section 181.032,
5.26 or as required under sections 177.41 to 177.44"
- 5.27 Page 8, after line 25, insert:

6.1 "Sec. 15. [181.1721] ENFORCEMENT; REMEDIES.

6.2 Subdivision 1. Violation as unlawful practice in business, commerce, or trade. A
6.3 violation of any of the provisions of sections 181.01 to 181.172 is an unlawful practice in
6.4 business, commerce, or trade under section 8.31, subdivision 1.

6.5 Subd. 2. Public enforcement. In addition to any enforcement of provisions of this
6.6 chapter by the Department of Labor and Industry, the attorney general shall enforce sections
6.7 181.01 to 181.172 under section 8.31.

6.8 Subd. 3. Remedies cumulative. The remedies provided in sections 181.01 to 181.172
6.9 are cumulative and do not restrict any remedy that is otherwise available, including remedies
6.10 provided under section 8.31. The provisions of this section are not exclusive and are in
6.11 addition to any other requirements, rights, remedies, and penalties provided by law.

6.12 Sec. 16. Minnesota Statutes 2018, section 609.52, subdivision 1, is amended to read:

6.13 Subdivision 1. **Definitions.** In this section:

6.14 (1) "Property" means all forms of tangible property, whether real or personal, without
6.15 limitation including documents of value, electricity, gas, water, corpses, domestic animals,
6.16 dogs, pets, fowl, and heat supplied by pipe or conduit by municipalities or public utility
6.17 companies and articles, as defined in clause (4), representing trade secrets, which articles
6.18 shall be deemed for the purposes of Extra Session Laws 1967, chapter 15 to include any
6.19 trade secret represented by the article.

6.20 (2) "Movable property" is property whose physical location can be changed, including
6.21 without limitation things growing on, affixed to, or found in land.

6.22 (3) "Value" means the retail market value at the time of the theft, or if the retail market
6.23 value cannot be ascertained, the cost of replacement of the property within a reasonable
6.24 time after the theft, or in the case of a theft or the making of a copy of an article representing
6.25 a trade secret, where the retail market value or replacement cost cannot be ascertained, any
6.26 reasonable value representing the damage to the owner which the owner has suffered by
6.27 reason of losing an advantage over those who do not know of or use the trade secret. For a
6.28 check, draft, or other order for the payment of money, "value" means the amount of money
6.29 promised or ordered to be paid under the terms of the check, draft, or other order. For a
6.30 theft committed within the meaning of subdivision 2, clause (5), items (i) and (ii), if the
6.31 property has been restored to the owner, "value" means the value of the use of the property
6.32 or the damage which it sustained, whichever is greater, while the owner was deprived of
6.33 its possession, but not exceeding the value otherwise provided herein. For a theft committed

7.1 within the meaning of subdivision 2, clause (9), if the property has been restored to the
7.2 owner, "value" means the rental value of the property, determined at the rental rate contracted
7.3 by the defendant or, if no rental rate was contracted, the rental rate customarily charged by
7.4 the owner for use of the property, plus any damage that occurred to the property while the
7.5 owner was deprived of its possession, but not exceeding the total retail value of the property
7.6 at the time of rental. For a theft committed within the meaning of subdivision 2, clause (19),
7.7 "value" means the difference between wages legally required to be reported or paid to an
7.8 employee and the amount actually reported or paid to the employee.

7.9 (4) "Article" means any object, material, device or substance, including any writing,
7.10 record, recording, drawing, sample specimen, prototype, model, photograph, microorganism,
7.11 blueprint or map, or any copy of any of the foregoing.

7.12 (5) "Representing" means describing, depicting, containing, constituting, reflecting or
7.13 recording.

7.14 (6) "Trade secret" means information, including a formula, pattern, compilation, program,
7.15 device, method, technique, or process, that:

7.16 (i) derives independent economic value, actual or potential, from not being generally
7.17 known to, and not being readily ascertainable by proper means by, other persons who can
7.18 obtain economic value from its disclosure or use, and

7.19 (ii) is the subject of efforts that are reasonable under the circumstances to maintain its
7.20 secrecy.

7.21 (7) "Copy" means any facsimile, replica, photograph or other reproduction of an article,
7.22 and any note, drawing, or sketch made of or from an article while in the presence of the
7.23 article.

7.24 (8) "Property of another" includes property in which the actor is co-owner or has a lien,
7.25 pledge, bailment, or lease or other subordinate interest, property transferred by the actor in
7.26 circumstances which are known to the actor and which make the transfer fraudulent as
7.27 defined in section 513.44, property possessed pursuant to a short-term rental contract, and
7.28 property of a partnership of which the actor is a member, unless the actor and the victim
7.29 are husband and wife. It does not include property in which the actor asserts in good faith
7.30 a claim as a collection fee or commission out of property or funds recovered, or by virtue
7.31 of a lien, setoff, or counterclaim.

7.32 (9) "Services" include but are not limited to labor, professional services, transportation
7.33 services, electronic computer services, the supplying of hotel accommodations, restaurant

8.1 services, entertainment services, advertising services, telecommunication services, and the
8.2 supplying of equipment for use including rental of personal property or equipment.

8.3 (10) "Motor vehicle" means a self-propelled device for moving persons or property or
8.4 pulling implements from one place to another, whether the device is operated on land, rails,
8.5 water, or in the air.

8.6 (11) "Motor fuel" has the meaning given in section 604.15, subdivision 1.

8.7 (12) "Retailer" has the meaning given in section 604.15, subdivision 1.

8.8 Sec. 17. Minnesota Statutes 2018, section 609.52, subdivision 2, is amended to read:

8.9 Subd. 2. **Acts constituting theft.** (a) Whoever does any of the following commits theft
8.10 and may be sentenced as provided in subdivision 3:

8.11 (1) intentionally and without claim of right takes, uses, transfers, conceals or retains
8.12 possession of movable property of another without the other's consent and with intent to
8.13 deprive the owner permanently of possession of the property; or

8.14 (2) with or without having a legal interest in movable property, intentionally and without
8.15 consent, takes the property out of the possession of a pledgee or other person having a
8.16 superior right of possession, with intent thereby to deprive the pledgee or other person
8.17 permanently of the possession of the property; or

8.18 (3) obtains for the actor or another the possession, custody, or title to property of or
8.19 performance of services by a third person by intentionally deceiving the third person with
8.20 a false representation which is known to be false, made with intent to defraud, and which
8.21 does defraud the person to whom it is made. "False representation" includes without
8.22 limitation:

8.23 (i) the issuance of a check, draft, or order for the payment of money, except a forged
8.24 check as defined in section 609.631, or the delivery of property knowing that the actor is
8.25 not entitled to draw upon the drawee therefor or to order the payment or delivery thereof;
8.26 or

8.27 (ii) a promise made with intent not to perform. Failure to perform is not evidence of
8.28 intent not to perform unless corroborated by other substantial evidence; or

8.29 (iii) the preparation or filing of a claim for reimbursement, a rate application, or a cost
8.30 report used to establish a rate or claim for payment for medical care provided to a recipient
8.31 of medical assistance under chapter 256B, which intentionally and falsely states the costs
8.32 of or actual services provided by a vendor of medical care; or

9.1 (iv) the preparation or filing of a claim for reimbursement for providing treatment or
9.2 supplies required to be furnished to an employee under section 176.135 which intentionally
9.3 and falsely states the costs of or actual treatment or supplies provided; or

9.4 (v) the preparation or filing of a claim for reimbursement for providing treatment or
9.5 supplies required to be furnished to an employee under section 176.135 for treatment or
9.6 supplies that the provider knew were medically unnecessary, inappropriate, or excessive;
9.7 or

9.8 (4) by swindling, whether by artifice, trick, device, or any other means, obtains property
9.9 or services from another person; or

9.10 (5) intentionally commits any of the acts listed in this subdivision but with intent to
9.11 exercise temporary control only and:

9.12 (i) the control exercised manifests an indifference to the rights of the owner or the
9.13 restoration of the property to the owner; or

9.14 (ii) the actor pledges or otherwise attempts to subject the property to an adverse claim;
9.15 or

9.16 (iii) the actor intends to restore the property only on condition that the owner pay a
9.17 reward or buy back or make other compensation; or

9.18 (6) finds lost property and, knowing or having reasonable means of ascertaining the true
9.19 owner, appropriates it to the finder's own use or to that of another not entitled thereto without
9.20 first having made reasonable effort to find the owner and offer and surrender the property
9.21 to the owner; or

9.22 (7) intentionally obtains property or services, offered upon the deposit of a sum of money
9.23 or tokens in a coin or token operated machine or other receptacle, without making the
9.24 required deposit or otherwise obtaining the consent of the owner; or

9.25 (8) intentionally and without claim of right converts any article representing a trade
9.26 secret, knowing it to be such, to the actor's own use or that of another person or makes a
9.27 copy of an article representing a trade secret, knowing it to be such, and intentionally and
9.28 without claim of right converts the same to the actor's own use or that of another person. It
9.29 shall be a complete defense to any prosecution under this clause for the defendant to show
9.30 that information comprising the trade secret was rightfully known or available to the
9.31 defendant from a source other than the owner of the trade secret; or

9.32 (9) leases or rents personal property under a written instrument and who:

10.1 (i) with intent to place the property beyond the control of the lessor conceals or aids or
10.2 abets the concealment of the property or any part thereof; or

10.3 (ii) sells, conveys, or encumbers the property or any part thereof without the written
10.4 consent of the lessor, without informing the person to whom the lessee sells, conveys, or
10.5 encumbers that the same is subject to such lease or rental contract with intent to deprive the
10.6 lessor of possession thereof; or

10.7 (iii) does not return the property to the lessor at the end of the lease or rental term, plus
10.8 agreed-upon extensions, with intent to wrongfully deprive the lessor of possession of the
10.9 property; or

10.10 (iv) returns the property to the lessor at the end of the lease or rental term, plus
10.11 agreed-upon extensions, but does not pay the lease or rental charges agreed upon in the
10.12 written instrument, with intent to wrongfully deprive the lessor of the agreed-upon charges.

10.13 For the purposes of items (iii) and (iv), the value of the property must be at least \$100.

10.14 Evidence that a lessee used a false, fictitious, or not current name, address, or place of
10.15 employment in obtaining the property or fails or refuses to return the property or pay the
10.16 rental contract charges to lessor within five days after written demand for the return has
10.17 been served personally in the manner provided for service of process of a civil action or
10.18 sent by certified mail to the last known address of the lessee, whichever shall occur later,
10.19 shall be evidence of intent to violate this clause. Service by certified mail shall be deemed
10.20 to be complete upon deposit in the United States mail of such demand, postpaid and addressed
10.21 to the person at the address for the person set forth in the lease or rental agreement, or, in
10.22 the absence of the address, to the person's last known place of residence; or

10.23 (10) alters, removes, or obliterates numbers or symbols placed on movable property for
10.24 purpose of identification by the owner or person who has legal custody or right to possession
10.25 thereof with the intent to prevent identification, if the person who alters, removes, or
10.26 obliterates the numbers or symbols is not the owner and does not have the permission of
10.27 the owner to make the alteration, removal, or obliteration; or

10.28 (11) with the intent to prevent the identification of property involved, so as to deprive
10.29 the rightful owner of possession thereof, alters or removes any permanent serial number,
10.30 permanent distinguishing number or manufacturer's identification number on personal
10.31 property or possesses, sells or buys any personal property knowing or having reason to
10.32 know that the permanent serial number, permanent distinguishing number or manufacturer's
10.33 identification number has been removed or altered; or

11.1 (12) intentionally deprives another of a lawful charge for cable television service by:

11.2 (i) making or using or attempting to make or use an unauthorized external connection
11.3 outside the individual dwelling unit whether physical, electrical, acoustical, inductive, or
11.4 other connection; or by

11.5 (ii) attaching any unauthorized device to any cable, wire, microwave, or other component
11.6 of a licensed cable communications system as defined in chapter 238. Nothing herein shall
11.7 be construed to prohibit the electronic video rerecording of program material transmitted
11.8 on the cable communications system by a subscriber for fair use as defined by Public Law
11.9 94-553, section 107; or

11.10 (13) except as provided in clauses (12) and (14), obtains the services of another with
11.11 the intention of receiving those services without making the agreed or reasonably expected
11.12 payment of money or other consideration; or

11.13 (14) intentionally deprives another of a lawful charge for telecommunications service
11.14 by:

11.15 (i) making, using, or attempting to make or use an unauthorized connection whether
11.16 physical, electrical, by wire, microwave, radio, or other means to a component of a local
11.17 telecommunication system as provided in chapter 237; or

11.18 (ii) attaching an unauthorized device to a cable, wire, microwave, radio, or other
11.19 component of a local telecommunication system as provided in chapter 237.

11.20 The existence of an unauthorized connection is prima facie evidence that the occupier
11.21 of the premises:

11.22 (A) made or was aware of the connection; and

11.23 (B) was aware that the connection was unauthorized;

11.24 (15) with intent to defraud, diverts corporate property other than in accordance with
11.25 general business purposes or for purposes other than those specified in the corporation's
11.26 articles of incorporation; or

11.27 (16) with intent to defraud, authorizes or causes a corporation to make a distribution in
11.28 violation of section 302A.551, or any other state law in conformity with it; or

11.29 (17) takes or drives a motor vehicle without the consent of the owner or an authorized
11.30 agent of the owner, knowing or having reason to know that the owner or an authorized agent
11.31 of the owner did not give consent; or

12.1 (18) intentionally, and without claim of right, takes motor fuel from a retailer without
12.2 the retailer's consent and with intent to deprive the retailer permanently of possession of
12.3 the fuel by driving a motor vehicle from the premises of the retailer without having paid
12.4 for the fuel dispensed into the vehicle; or

12.5 (19) intentionally engages in or authorizes a prohibited practice of wage theft as described
12.6 in section 181.03, subdivision 1.

12.7 (b) Proof that the driver of a motor vehicle into which motor fuel was dispensed drove
12.8 the vehicle from the premises of the retailer without having paid for the fuel permits the
12.9 factfinder to infer that the driver acted intentionally and without claim of right, and that the
12.10 driver intended to deprive the retailer permanently of possession of the fuel. This paragraph
12.11 does not apply if: (1) payment has been made to the retailer within 30 days of the receipt
12.12 of notice of nonpayment under section 604.15; or (2) a written notice as described in section
12.13 604.15, subdivision 4, disputing the retailer's claim, has been sent. This paragraph does not
12.14 apply to the owner of a motor vehicle if the vehicle or the vehicle's license plate has been
12.15 reported stolen before the theft of the fuel.

12.16 Sec. 18. Minnesota Statutes 2018, section 609.52, subdivision 3, is amended to read:

12.17 Subd. 3. **Sentence.** Whoever commits theft may be sentenced as follows:

12.18 (1) to imprisonment for not more than 20 years or to payment of a fine of not more than
12.19 \$100,000, or both, if the property is a firearm, or the value of the property or services stolen
12.20 is more than \$35,000 and the conviction is for a violation of subdivision 2, clause (3), (4),
12.21 (15), ~~or (16)~~, or (19), or section 609.2335, subdivision 1, clause (1) or (2), item (i); or

12.22 (2) to imprisonment for not more than ten years or to payment of a fine of not more than
12.23 \$20,000, or both, if the value of the property or services stolen exceeds \$5,000, or if the
12.24 property stolen was an article representing a trade secret, an explosive or incendiary device,
12.25 or a controlled substance listed in Schedule I or II pursuant to section 152.02 with the
12.26 exception of marijuana; or

12.27 (3) to imprisonment for not more than five years or to payment of a fine of not more
12.28 than \$10,000, or both, if any of the following circumstances exist:

12.29 (a) the value of the property or services stolen is more than \$1,000 but not more than
12.30 \$5,000; or

12.31 (b) the property stolen was a controlled substance listed in Schedule III, IV, or V pursuant
12.32 to section 152.02; or

13.1 (c) the value of the property or services stolen is more than \$500 but not more than
13.2 \$1,000 and the person has been convicted within the preceding five years for an offense
13.3 under this section, section 256.98; 268.182; 609.24; 609.245; 609.53; 609.582, subdivision
13.4 1, 2, or 3; 609.625; 609.63; 609.631; or 609.821, or a statute from another state, the United
13.5 States, or a foreign jurisdiction, in conformity with any of those sections, and the person
13.6 received a felony or gross misdemeanor sentence for the offense, or a sentence that was
13.7 stayed under section 609.135 if the offense to which a plea was entered would allow
13.8 imposition of a felony or gross misdemeanor sentence; or

13.9 (d) the value of the property or services stolen is not more than \$1,000, and any of the
13.10 following circumstances exist:

13.11 (i) the property is taken from the person of another or from a corpse, or grave or coffin
13.12 containing a corpse; or

13.13 (ii) the property is a record of a court or officer, or a writing, instrument or record kept,
13.14 filed or deposited according to law with or in the keeping of any public officer or office; or

13.15 (iii) the property is taken from a burning, abandoned, or vacant building or upon its
13.16 removal therefrom, or from an area of destruction caused by civil disaster, riot, bombing,
13.17 or the proximity of battle; or

13.18 (iv) the property consists of public funds belonging to the state or to any political
13.19 subdivision or agency thereof; or

13.20 (v) the property stolen is a motor vehicle; or

13.21 (4) to imprisonment for not more than one year or to payment of a fine of not more than
13.22 \$3,000, or both, if the value of the property or services stolen is more than \$500 but not
13.23 more than \$1,000; or

13.24 (5) in all other cases where the value of the property or services stolen is \$500 or less,
13.25 to imprisonment for not more than 90 days or to payment of a fine of not more than \$1,000,
13.26 or both, provided, however, in any prosecution under subdivision 2, clauses (1), (2), (3),
13.27 (4), and (13), the value of the money or property or services received by the defendant in
13.28 violation of any one or more of the above provisions within any six-month period may be
13.29 aggregated and the defendant charged accordingly in applying the provisions of this
13.30 subdivision; provided that when two or more offenses are committed by the same person
13.31 in two or more counties, the accused may be prosecuted in any county in which one of the
13.32 offenses was committed for all of the offenses aggregated under this paragraph."

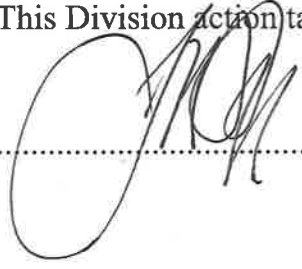
13.33 Renumber the sections in sequence

14.1 Correct the title numbers accordingly

14.2 With the recommendation that when so amended the bill be returned to the Committee

14.3 on Ways and Means.

14.4 This Division action taken March 5, 2019

14.5 ....., Chair