

1.1 moves to amend H.F. No. 2890 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "ARTICLE 1

1.4 PUBLIC SAFETY APPROPRIATIONS

1.5 Section 1. APPROPRIATIONS.

1.6 The sums shown in the columns marked "Appropriations" are appropriated to the agencies
 1.7 and for the purposes specified in this article. The appropriations are from the general fund,
 1.8 or another named fund, and are available for the fiscal years indicated for each purpose.
 1.9 The figures "2024" and "2025" used in this article mean that the appropriations listed under
 1.10 them are available for the fiscal year ending June 30, 2024, or June 30, 2025, respectively.
 1.11 "The first year" is fiscal year 2024. "The second year" is fiscal year 2025. "The biennium"
 1.12 is fiscal years 2024 and 2025. Appropriations for the fiscal year ending June 30, 2023, are
 1.13 effective the day following final enactment.

1.14			<u>APPROPRIATIONS</u>	
1.15			<u>Available for the Year</u>	
1.16			<u>Ending June 30</u>	
1.17	<u>2023</u>		<u>2024</u>	<u>2025</u>
1.18	Sec. 2. <u>SENTENCING GUIDELINES</u>	<u>\$</u>	<u>1,549,000</u>	<u>\$ 1,488,000</u>

1.19 The general fund base is \$1,071,000 in fiscal
 1.20 year 2026 and \$1,071,000 in fiscal year 2027.

1.21 Sec. 3. PUBLIC SAFETY

1.22	<u>Subdivision 1. Total</u>			
1.23	<u>Appropriation</u>	<u>\$</u>	<u>1,000,000</u>	<u>\$ 295,624,000</u>
			<u>\$</u>	<u>279,032,000</u>

1.24 Appropriations by Fund

1.25		<u>2023</u>	<u>2024</u>	<u>2025</u>
1.26	<u>General</u>	<u>1,000,000</u>	<u>199,570,000</u>	<u>189,449,000</u>

2.1	<u>Special Revenue</u>	<u>18,074,000</u>	<u>18,327,000</u>
2.2	<u>State Government</u>		
2.3	<u>Special Revenue</u>	<u>103,000</u>	<u>103,000</u>
2.4	<u>Environmental</u>	<u>119,000</u>	<u>127,000</u>
2.5	<u>Trunk Highway</u>	<u>2,429,000</u>	<u>2,429,000</u>
2.6	<u>911 Fund</u>	<u>75,329,000</u>	<u>68,597,000</u>

2.7 The amounts that may be spent for each
 2.8 purpose are specified in the following
 2.9 subdivisions.

2.10 **Subd. 2. Public Safety**

2.11 **Administration** 1,000,000 2,500,000 2,500,000

2.12 **(a) Public Safety Officer Survivor Benefits**

2.13 \$1,000,000 in fiscal year 2023, \$1,500,000 in
 2.14 fiscal year 2024, and \$1,500,000 in fiscal year
 2.15 2025 are for payment of public safety officer
 2.16 survivor benefits under Minnesota Statutes,
 2.17 section 299A.44. If the appropriation for either
 2.18 year is insufficient, the appropriation for the
 2.19 other year is available.

2.20 **(b) Soft Body Armor Reimbursements**

2.21 \$1,000,000 each year is for soft body armor
 2.22 reimbursements under Minnesota Statutes,
 2.23 section 299A.38.

2.24 **Subd. 3. Emergency Management** 10,195,000 7,281,000

2.25 Appropriations by Fund

2.26	<u>General</u>	<u>10,076,000</u>	<u>7,154,000</u>
2.27	<u>Environmental</u>	<u>119,000</u>	<u>127,000</u>

2.28 **(a) Supplemental Nonprofit Security Grants**

2.29 \$250,000 each year is for supplemental
 2.30 nonprofit security grants under this paragraph.
 2.31 This appropriation is onetime.

2.32 Nonprofit organizations whose applications
 2.33 for funding through the Federal Emergency
 2.34 Management Agency's nonprofit security grant

3.1 program have been approved by the Division
3.2 of Homeland Security and Emergency
3.3 Management are eligible for grants under this
3.4 paragraph. No additional application shall be
3.5 required for grants under this paragraph, and
3.6 an application for a grant from the federal
3.7 program is also an application for funding
3.8 from the state supplemental program.

3.9 Eligible organizations may receive grants of
3.10 up to \$75,000, except that the total received
3.11 by any individual from both the federal
3.12 nonprofit security grant program and the state
3.13 supplemental nonprofit security grant program
3.14 shall not exceed \$75,000. Grants shall be
3.15 awarded in an order consistent with the
3.16 ranking given to applicants for the federal
3.17 nonprofit security grant program. No grants
3.18 under the state supplemental nonprofit security
3.19 grant program shall be awarded until the
3.20 announcement of the recipients and the
3.21 amount of the grants awarded under the federal
3.22 nonprofit security grant program.

3.23 The commissioner may use up to one percent
3.24 of the appropriation received under this
3.25 paragraph to pay costs incurred by the
3.26 department in administering the supplemental
3.27 nonprofit security grant program.

3.28 **(b) School Safety Center**
3.29 \$300,000 each year is to fund two new school
3.30 safety specialists at the Minnesota School
3.31 Safety Center.

3.32 **(c) Local Government Emergency**
3.33 **Management**

4.1 \$2,000,000 each year is to award grants in
4.2 equal amounts to the emergency management
4.3 organization of the 87 counties, 11 federally
4.4 recognized Tribes, and four cities of the first
4.5 class for reimbursement of planning and
4.6 preparedness activities, including capital
4.7 purchases, that are eligible under federal
4.8 emergency management grant guidelines.
4.9 Local emergency management organizations
4.10 must make a request to Homeland Security
4.11 and Emergency Management Division
4.12 (HSEM) for these grants. Current local
4.13 funding for emergency management and
4.14 preparedness activities may not be supplanted
4.15 by these additional state funds. Of this amount,
4.16 up to one percent may be used for the
4.17 administrative costs of the agency. Funds
4.18 appropriated for this purpose do not cancel
4.19 and are available until expended. Unspent
4.20 money may be redistributed to eligible local
4.21 emergency management organizations. This
4.22 appropriation is onetime.

4.23 By March 15, 2024, the commissioner of
4.24 public safety must submit a report on the grant
4.25 awards to the chairs and ranking minority
4.26 members of the legislative committees with
4.27 jurisdiction over emergency management and
4.28 preparedness activities. At a minimum, the
4.29 report must identify grant recipients and give
4.30 detailed information on how the grantees used
4.31 the money received.

4.32 **(d) Statewide Public Safety Radio**
4.33 **Communication System Equipment Grants**

4.34 \$1,000,000 each year is for grants to local
4.35 government units, federally recognized Tribal

5.1 entities, and state agencies participating in the
5.2 statewide Allied Radio Matrix for Emergency
5.3 Response (ARMER) public safety radio
5.4 communication system established under
5.5 Minnesota Statutes, section 403.36,
5.6 subdivision 1e. The grants must be used to
5.7 purchase or upgrade portable radios, mobile
5.8 radios, and related equipment that is
5.9 interoperable with the ARMER system. Each
5.10 local government unit may receive only one
5.11 grant. The grant is contingent upon a match
5.12 of at least five percent from nonstate funds.
5.13 The director of the Department of Public
5.14 Safety Emergency Communication Networks
5.15 division, in consultation with the Statewide
5.16 Emergency Communications Board, must
5.17 administer the grant program. This
5.18 appropriation is available until June 30, 2026.
5.19 This is a onetime appropriation.

5.20 **(e) Lake Superior Chippewa Tribal**
5.21 **Emergency Management Coordinator**
5.22 \$145,000 each year is for a grant to the Grand
5.23 Portage Band of Lake Superior Chippewa to
5.24 establish and maintain a Tribal emergency
5.25 management coordinator under Minnesota
5.26 Statutes, section 12.25.

5.27 **(f) Grand Portage Band of Lake Superior**
5.28 **Chippewa Tribe Coast Guard Services**
5.29 \$3,000,000 in fiscal year 2024 is for a grant
5.30 to the Grand Portage Band of Lake Superior
5.31 Chippewa to purchase equipment and fund a
5.32 position for coast guard services off the north
5.33 shore of Lake Superior. This is a onetime
5.34 appropriation.

6.1 **(g) Fusion Center Report**

6.2 \$115,000 each year is to fund the fusion center
 6.3 report mandated under Minnesota Statutes,
 6.4 section 299C.055. The appropriation is added
 6.5 to the agency's base.

6.6 **Subd. 4. Criminal Apprehension** 99,522,000 96,564,000

6.7 Appropriations by Fund

6.8 General 97,086,000 94,128,000

6.9 State Government

6.10 Special Revenue 7,000 7,000

6.11 Trunk Highway 2,429,000 2,429,000

6.12 The base from the general fund is \$94,152,000
 6.13 in fiscal year 2026 and \$94,157,000 in fiscal
 6.14 year 2027.

6.15 **(a) DWI Lab Analysis; Trunk Highway**6.16 **Fund**

6.17 Notwithstanding Minnesota Statutes, section
 6.18 161.20, subdivision 3, \$2,429,000 the first
 6.19 year and \$2,429,000 the second year are from
 6.20 the trunk highway fund for staff and operating
 6.21 costs for laboratory analysis related to
 6.22 driving-while-impaired cases.

6.23 **(b) State Fraud Unit**

6.24 \$1,300,000 each year is for staff and operating
 6.25 costs to create the State Fraud Unit to
 6.26 centralize the state's response to activities of
 6.27 fraud with an estimated impact of \$100,000
 6.28 or more.

6.29 **(c) FBI Compliance, Critical IT**6.30 **Infrastructure, and Cybersecurity**6.31 **Upgrades**

6.32 \$3,000,000 the first year and \$2,000,000 the
 6.33 second year are for cybersecurity investments,

7.1 critical infrastructure upgrades, and Federal
7.2 Bureau of Investigation audit compliance.

7.3 **(d) Costs of Medical Examinations**

7.4 \$3,967,000 in fiscal year 2024 and \$3,767,000
7.5 in fiscal year 2025 are to reimburse qualified
7.6 health care providers for the expenses
7.7 associated with medical examinations
7.8 administered to victims of criminal sexual
7.9 conduct as required under Minnesota Statutes,
7.10 section 609.35. The base for this program is
7.11 \$3,771,000 in fiscal year 2026 and \$3,776,000
7.12 in fiscal year 2027.

7.13 **(e) Clean Slate**

7.14 \$3,737,000 in fiscal year 2024 and \$190,000
7.15 in fiscal year 2025 are for costs associated
7.16 with automatic expungements and changes to
7.17 expungements by petition.

7.18 **(f) Firearm Eligibility Background Checks**

7.19 \$70,000 in fiscal year 2024 is to purchase and
7.20 integrate information technology hardware
7.21 and software necessary to process additional
7.22 firearms eligibility background checks.

7.23 **(g) Firearm Storage Grants**

7.24 \$ 250,000 in fiscal year 2024 is for grants to
7.25 local or state law enforcement agencies to
7.26 support the safe and secure storage of firearms
7.27 owned by persons subject to extreme risk
7.28 protection orders. The commissioner must
7.29 apply for a grant from the Byrne State Crisis
7.30 Intervention Formula Program to supplement
7.31 the funds appropriated by the legislature for
7.32 implementation of Minnesota Statutes,
7.33 sections 626.7171 to 626.7178 and 626.8481.

8.1 Of the federal funds received, the
 8.2 commissioner must dedicate at least an amount
 8.3 that is equal to this appropriation to fund safe
 8.4 and secure firearms storage grants provided
 8.5 for under this paragraph. This is onetime
 8.6 appropriation.

8.7 **Subd. 5. Fire Marshal** 16,013,000 16,272,000

	<u>Appropriations by Fund</u>	
8.8 <u>General</u>	<u>4,184,000</u>	<u>4,190,000</u>
8.9 <u>Special Revenue</u>	<u>11,829,000</u>	<u>12,082,000</u>

8.11 The special revenue fund appropriation is from
 8.12 the fire safety account in the special revenue
 8.13 fund and is for activities under Minnesota
 8.14 Statutes, section 299F.012. The base
 8.15 appropriation from this account is \$12,182,000
 8.16 in fiscal year 2026 and \$12,082,000 in fiscal
 8.17 year 2027.

8.18 **(a) Hazardous Materials and Emergency**
 8.19 **Response Teams**

8.20 \$453,000 each year from the fire safety
 8.21 account in the special revenue fund for
 8.22 hazardous materials and emergency response
 8.23 teams.

8.24 **(b) Hometown Heroes Assistance Program**

8.25 \$4,000,000 each year from the general fund
 8.26 is for grants to the Minnesota Firefighter
 8.27 Initiative to fund the hometown heroes
 8.28 assistance program established in Minnesota
 8.29 Statutes, section 299A.477.

8.30 **Subd. 6. Firefighter Training and Education**
 8.31 **Board** 6,175,000 6,175,000

	<u>Appropriations by Fund</u>	
8.32 <u>Special Revenue</u>	<u>6,175,000</u>	<u>6,175,000</u>

9.1 The special revenue fund appropriation is from
 9.2 the fire safety account in the special revenue
 9.3 fund and is for activities under Minnesota
 9.4 Statutes, section 299F.012.

9.5 **(a) Firefighter Training and Education**
 9.6 \$4,500,000 each year from the special revenue
 9.7 fund is for firefighter training and education.

9.8 **(b) Task Force 1**
 9.9 \$1,125,000 each year is for the Minnesota
 9.10 Task Force 1.

9.11 **(c) Task Force 2**
 9.12 \$200,000 each year is for Minnesota Task
 9.13 Force 2.

9.14 **(d) Air Rescue**
 9.15 \$350,000 each year is for the Minnesota Air
 9.16 Rescue Team.

9.17 **(e) Unappropriated Revenue**
 9.18 Any additional unappropriated money
 9.19 collected in fiscal year 2023 is appropriated
 9.20 to the commissioner of public safety for the
 9.21 purposes of Minnesota Statutes, section
 9.22 299F.012. The commissioner may transfer
 9.23 appropriations and base amounts between
 9.24 activities in this subdivision.

9.25 **Subd. 7. Alcohol and Gambling**
 9.26 **Enforcement** 3,500,000 3,754,000

9.27 Appropriations by Fund

9.28 <u>General</u>	3,430,000	3,684,000
9.29 <u>Special Revenue</u>	70,000	70,000

9.30 \$70,000 each year is from the lawful gambling
 9.31 regulation account in the special revenue fund.

9.32 **Subd. 8. Office of Justice Programs** 82,390,000 77,889,000

10.1	<u>Appropriations by Fund</u>		
10.2	<u>General</u>	<u>82,294,000</u>	<u>77,793,000</u>
10.3	<u>State Government</u>		
10.4	<u>Special Revenue</u>	<u>96,000</u>	<u>96,000</u>

10.5 **(a) Domestic and Sexual Violence Housing**

10.6 \$1,250,000 each year is to establish a
 10.7 Domestic Violence Housing First grant
 10.8 program to provide resources for survivors of
 10.9 violence to access safe and stable housing and
 10.10 for staff to provide mobile advocacy and
 10.11 expertise in housing resources in their
 10.12 community, and a Minnesota Domestic and
 10.13 Sexual Violence Transitional Housing
 10.14 program to develop and support medium to
 10.15 long term transitional housing for survivors
 10.16 of domestic and sexual violence with
 10.17 supportive services.

10.18 **(b) Office for Missing and Murdered**

10.19 **African American Women**

10.20 \$1,248,000 each year is to establish and
 10.21 maintain the Minnesota Office for Missing
 10.22 and Murdered African American Women.

10.23 **(c) Office of Restorative Practices**

10.24 \$500,000 each year is to establish and
 10.25 maintain the Office of Restorative Practices.

10.26 **(d) Crossover and Dual-Status Youth Model**

10.27 **Grants**

10.28 \$1,000,000 each year is to provide grants to
 10.29 local units of government to initiate or expand
 10.30 crossover youth practices model and
 10.31 dual-status youth programs that provide
 10.32 services for youth who are involved with or
 10.33 at risk of becoming involved with both the
 10.34 child welfare and juvenile justice systems, in

11.1 accordance with the Robert F. Kennedy
11.2 National Resource Center for Juvenile Justice
11.3 model.

11.4 **(e) Restorative Practices Initiatives Grants**

11.5 \$5,000,000 each year is for grants to establish
11.6 and support restorative practices initiatives
11.7 pursuant to Minnesota Statutes, section
11.8 260B.020, subdivision 6. The base for this
11.9 activity is \$2,500,000 beginning in fiscal year
11.10 2026.

11.11 **(f) Ramsey County Youth Treatment**

11.12 **Homes Acquisition and Betterment**

11.13 \$5,000,000 in fiscal year 2024 is for a grant
11.14 to Ramsey County to establish, with input
11.15 from community stakeholders, including
11.16 impacted youth and families, up to seven
11.17 intensive trauma-informed therapeutic
11.18 treatment homes in Ramsey County that are
11.19 licensed by the Department of Human
11.20 Services, culturally specific,
11.21 community-based, and can be secured. These
11.22 residential spaces must provide intensive
11.23 treatment and intentional healing for youth as
11.24 ordered by the court as part of the disposition
11.25 of a case in juvenile court.

11.26 **(g) Ramsey County Violence Prevention**

11.27 \$1,250,000 each year is for a grant to Ramsey
11.28 County to operate intensive trauma-informed
11.29 therapeutic treatment homes in Ramsey
11.30 County that are licensed by the Department
11.31 of Human Services, culturally specific,
11.32 community-based, can be secured, and provide
11.33 intensive treatment and intentional healing for

- 12.1 youth as ordered by the court as part of the
12.2 disposition of a case in juvenile court.
- 12.3 **(h) Youth Intervention Programs**
- 12.4 \$7,500,000 each year is for youth intervention
12.5 programs under Minnesota Statutes, section
12.6 299A.73.
- 12.7 **(i) Community-Co-Responder Grants**
- 12.8 \$3,000,000 each year is for grants to local law
12.9 enforcement agencies and local governments
12.10 to build or maintain partnerships with mental
12.11 health professionals, mental health
12.12 practitioners, peer specialists, or mobile crisis
12.13 teams in order to respond to people
12.14 experiencing or having experienced a mental
12.15 health crisis. The Office of Justice Programs
12.16 must prioritize grants to law enforcement
12.17 agencies and local governments that partner
12.18 with mobile crisis teams providing mobile
12.19 crisis services pursuant to Minnesota Statutes,
12.20 sections 245.469 and 256B.0624. Grant
12.21 proposals should define the types of calls to
12.22 which mental health professionals, mental
12.23 health practitioners, peer specialists, or mobile
12.24 crisis teams will respond; the types of services
12.25 that will be provided; the training that will be
12.26 provided; and the types of records that will be
12.27 kept. The proposal should also address the
12.28 respective roles of the peace officers and
12.29 mental health workers, including but not
12.30 limited to their respective roles in relation to
12.31 transport holds, and data that will be collected
12.32 to demonstrate the impact of the partnership.
12.33 The base for this activity is \$4,500,000
12.34 beginning in fiscal year 2026.

13.1 **(j) Prosecutor Training**

13.2 \$100,000 each year is for a grant to the
13.3 Minnesota County Attorneys Association to
13.4 be used for prosecutorial and law enforcement
13.5 training, including trial school training and
13.6 train-the-trainer courses. All training funded
13.7 with grant proceeds must contain blocks of
13.8 instruction on racial disparities in the criminal
13.9 justice system, collateral consequences to
13.10 criminal convictions, and trauma-informed
13.11 responses to victims. This is a onetime
13.12 appropriation.

13.13 **(k) Violence Prevention Research Center**

13.14 \$250,000 each year is to fund a violence
13.15 prevention project research center that operates
13.16 as a 501(c)(3) nonprofit organization and is a
13.17 nonpartisan research center dedicated to
13.18 reducing violence in society and using data
13.19 and analysis to improve criminal
13.20 justice-related policy and practice in
13.21 Minnesota. The research center must place an
13.22 emphasis on issues related to deaths and
13.23 injuries involving firearms.

13.24 **(l) First Responder Mental Health**

13.25 **Curriculum**

13.26 \$25,000 in fiscal year 2024 is for a grant to a
13.27 nonprofit graduate school that trains mental
13.28 health professionals. The grantee must use the
13.29 grant to develop a curriculum for a 24-week
13.30 certificate to train licensed therapists to
13.31 understand the nuances, culture, and stressors
13.32 of the work environments of first responders
13.33 to allow those therapists to provide effective
13.34 treatment to first responders in distress. The

14.1 grantee must collaborate with first responders
14.2 who are familiar with the psychological,
14.3 cultural, and professional issues of their field
14.4 to develop the curriculum and promote it upon
14.5 completion.

14.6 **(m) First Responder Therapy Grant**

14.7 \$100,000 in fiscal year 2024 is to issue a grant
14.8 to an organization that provides equine
14.9 experiential mental health therapy to first
14.10 responders suffering from job-related trauma
14.11 and post-traumatic stress disorder. This is a
14.12 onetime appropriation.

14.13 For purposes of this section, a "first responder"
14.14 is a peace officer as defined in Minnesota
14.15 Statutes, section 626.84, subdivision 1,
14.16 paragraph (c); a full-time firefighter as defined
14.17 in Minnesota Statutes, section 299N.03,
14.18 subdivision 5; or a volunteer firefighter as
14.19 defined in Minnesota Statutes, section
14.20 299N.03, subdivision 7.

14.21 The grant recipient must report to the
14.22 commissioner of public safety and the chairs
14.23 and ranking minority members of the house
14.24 of representatives and senate committees
14.25 overseeing public safety policy and finance
14.26 on the equine experiential mental health
14.27 therapy provided to first responders under this
14.28 section. The report must include an overview
14.29 of the program's budget, a detailed explanation
14.30 of program expenditures, the number of first
14.31 responders served by the program, and a list
14.32 and explanation of the services provided to
14.33 and benefits received by program participants.
14.34 An initial report is due by January 15, 2024,
14.35 and a final report is due by January 15, 2025.

15.1 **(n) Peer-to-Peer First Responder Mental**
15.2 **Health Treatment Grant**

15.3 \$250,000 in fiscal year 2024 is to provide a
15.4 grant to a nonprofit that provides and
15.5 facilitates peer-to-peer mental health treatment
15.6 for present and former law enforcement
15.7 officers and first responders facing
15.8 employment-related mental health issues,
15.9 utilizing interactive group activity and other
15.10 methods. This is a onetime appropriation.

15.11 **(o) Report on Approaches to Address Illicit**
15.12 **Drug Use in Minnesota**

15.13 \$118,000 each year is to enter into an
15.14 agreement with Rise Research LLC for a study
15.15 on illicit drug use in Minnesota that includes
15.16 reports describing current responses to that
15.17 use, reviewing alternative approaches utilized
15.18 in other jurisdictions, and making policy and
15.19 funding recommendations for a holistic and
15.20 effective response to illicit drug use and the
15.21 illicit drug trade. The agreement must establish
15.22 a budget and schedule with clear deliverables.
15.23 This appropriation is onetime.

15.24 **(p) Legal Representation for Children**

15.25 \$150,000 each year is for a grant to an
15.26 organization that provides legal representation
15.27 for children in need of protection or services
15.28 and children in out-of-home placement. The
15.29 grant is contingent upon a match in an equal
15.30 amount from nonstate funds. The match may
15.31 be in kind, including the value of volunteer
15.32 attorney time, in cash, or a combination of the
15.33 two. These appropriations are in addition to
15.34 any other appropriations for the legal

16.1 representation of children. This appropriation
16.2 is onetime.

16.3 **(q) Mental Health Services for First**
16.4 **Responders Grant Program**

16.5 \$1,000,000 each year is to administer the
16.6 mental health services for first responders
16.7 grant program under section 21.

16.8 **(r) Pretrial Release Study and Report**

16.9 \$250,000 each year are for a grant to the
16.10 Minnesota Justice Research Center to study
16.11 and report on pretrial release practices in
16.12 Minnesota and other jurisdictions, including
16.13 but not limited to the use of bail as a condition
16.14 of pretrial release. This appropriation is
16.15 onetime.

16.16 **(s) Increased Staffing**

16.17 \$667,000 in fiscal year 2024 and \$1,334,000
16.18 in fiscal year 2025 are to increase staffing in
16.19 the Office of Justice Programs for grant
16.20 monitoring and compliance; provide training
16.21 and technical assistance to grantees and
16.22 potential grantees; conduct community
16.23 outreach and engagement to improve the
16.24 experiences and outcomes of applicants, grant
16.25 recipients, and crime victims throughout
16.26 Minnesota; expand the Minnesota Statistical
16.27 Analysis Center; and increase staffing for the
16.28 crime victim reimbursement program.

16.29 **(t) Administration Costs**

16.30 Up to 2.5 percent of the grant funds
16.31 appropriated in this subdivision may be used
16.32 by the commissioner to administer the grant
16.33 program.

- 17.1 **Subd. 9. Emergency Communication Networks** 75,329,000 68,597,000
- 17.2 This appropriation is from the state
- 17.3 government special revenue fund for 911
- 17.4 emergency telecommunications services.
- 17.5 **(a) Public Safety Answering Points**
- 17.6 \$28,011,000 the first year and \$28,011,000
- 17.7 the second year shall be distributed as
- 17.8 provided under Minnesota Statutes, section
- 17.9 403.113, subdivision 2.
- 17.10 **(b) Transition to Next Generation 911**
- 17.11 \$7,000,000 in the first year is to support Public
- 17.12 Safety Answering Points' transition to Next
- 17.13 Generation 911. Funds may be used for
- 17.14 planning, cybersecurity, GIS data collection
- 17.15 and maintenance, 911 call processing
- 17.16 equipment, and new Public Safety Answering
- 17.17 Point technology to improve service delivery.
- 17.18 Funds shall be distributed by October 1, 2023,
- 17.19 as provided in Minnesota Statutes, section
- 17.20 403.113, subdivision 2. Funds are available
- 17.21 until June 30, 2025, and any unspent funds
- 17.22 must be returned to the 911 emergency
- 17.23 telecommunications service account. This is
- 17.24 a onetime appropriation.
- 17.25 Each eligible entity receiving these funds must
- 17.26 provide a detailed report on how the funds
- 17.27 were used to the commissioner of public safety
- 17.28 by August 1, 2025.
- 17.29 **(c) ARMER State Backbone Operating**
- 17.30 **Costs**
- 17.31 \$10,116,000 the first year and \$10,384,000
- 17.32 the second year are transferred to the
- 17.33 commissioner of transportation for costs of

18.1 maintaining and operating the statewide radio
 18.2 system backbone.

18.3 **(d) Statewide Emergency Communications**

18.4 **Board**

18.5 \$1,000,000 each year is to the Statewide
 18.6 Emergency Communications Board. Funds
 18.7 may be used for operating costs, to provide
 18.8 competitive grants to local units of
 18.9 government to fund enhancements to a
 18.10 communication system, technology, or support
 18.11 activity that directly provides the ability to
 18.12 deliver the 911 call between the entry point to
 18.13 the 911 system and the first responder, and to
 18.14 further the strategic goals set forth by the
 18.15 SECB Statewide Communication
 18.16 Interoperability Plan.

18.17 **Sec. 4. PEACE OFFICER STANDARDS AND**
 18.18 **TRAINING (POST) BOARD**

18.19 **Subdivision 1. Total Appropriation** **\$** **13,286,000** **\$** **12,892,000**

18.20 The general fund base is \$6,892,000 beginning
 18.21 in fiscal year 2026. The amounts that may be
 18.22 spent for each purpose are specified in the
 18.23 following subdivisions.

18.24 **Subd. 2. Peace Officer Training Reimbursements**

18.25 \$2,949,000 each year is for reimbursements
 18.26 to local governments for peace officer training
 18.27 costs.

18.28 **Sec. 5. PRIVATE DETECTIVE BOARD** **\$** **758,000** **\$** **688,000**

18.29 **Sec. 6. CORRECTIONS**

18.30 **Subdivision 1. Total**

18.31 **Appropriation** **\$** **12,643,000** **\$** **769,178,000** **\$** **805,996,000**

19.1 The amounts that may be spent for each
 19.2 purpose are specified in the following
 19.3 subdivisions.

19.4 **Subd. 2. Incarceration and**

19.5 **Prerelease Services** \$ **12,643,000** \$ **525,389,000** \$ **557,640,000**

19.6 **(a) Body-worn Camera Program**

19.7 \$1,000,000 each year is to create a body-worn
 19.8 camera program for corrections officers and
 19.9 intensive supervised release agents.

19.10 **(b) Prison Rape Elimination Act**

19.11 \$1,000,000 each year is for Prison Rape
 19.12 Elimination Act (PREA) compliance.

19.13 **(c) ARMER Radio System**

19.14 \$1,500,000 each year is to upgrade and
 19.15 maintain the ARMER radio system within
 19.16 correctional facilities.

19.17 **(d) Special Investigations Office**

19.18 \$999,000 in fiscal year 2024 and \$1,865,000
 19.19 in fiscal year 2025 are to establish and
 19.20 maintain a special investigations office within
 19.21 the fugitive apprehension unit. The base for
 19.22 this purpose in fiscal year 2026 is \$1,461,000.
 19.23 Beginning in fiscal year 2027, the base for this
 19.24 purpose is \$1,462,000.

19.25 **(e) Health Services**

19.26 \$1,072,000 in fiscal year 2024 and \$2,542,000
 19.27 in fiscal year 2025 are for the health services
 19.28 division to provide 24-hour nursing capacity
 19.29 at correctional facilities in Rush City, Moose
 19.30 Lake, St. Cloud, Lino Lakes, and Stillwater.

19.31 **(f) Educational Programming and Support**
 19.32 **Services**

20.1 \$2,320,000 in fiscal year 2024 and \$3,145,000
 20.2 in fiscal year 2025 are for educational
 20.3 programming and support services. Beginning
 20.4 in fiscal year 2026, the base for this purpose
 20.5 is \$2,901,000.

20.6 **(g) Inmate External Communication Fees**
 20.7 \$2,000,000 each year is to reduce or eliminate
 20.8 the fees for inmates to communicate with
 20.9 non-incarcerated persons.

20.10 **(h) Supportive Arts for Incarcerated**
 20.11 **Persons**
 20.12 \$150,000 in fiscal year 2024 is for supportive
 20.13 arts for incarcerated persons grants. Of this
 20.14 amount, up to ten percent is for administration,
 20.15 including facility space, access, liaison, and
 20.16 monitoring. Any unencumbered balance
 20.17 remaining at the end of the first year does not
 20.18 cancel but is available for the second year.

20.19 **(i) Operating Deficiency**
 20.20 \$12,643,000 in fiscal year 2023 is to meet
 20.21 financial obligations in fiscal year 2023. This
 20.22 is a onetime appropriation.

20.23 **(j) Incarceration and Prerelease Services**
 20.24 **Base Budget**
 20.25 The general fund base for Department of
 20.26 Corrections incarceration and prerelease
 20.27 services is \$552,247,000 in fiscal year 2026
 20.28 and \$552,553,000 in fiscal year 2027.

20.29 **Subd. 3. Community**
 20.30 **Supervision and Postrelease**
 20.31 **Services** 196,375,000 197,455,000

20.32 **(a) Community Corrections Act**

21.1 \$32,054,000 in fiscal year 2024 and
21.2 \$32,050,000 in fiscal year 2025 are added to
21.3 the Community Corrections Act subsidy under
21.4 Minnesota Statutes, section 401.14.

21.5 **(b) County Probation Officer**

21.6 **Reimbursement**

21.7 \$5,790,000 each year is for county probation
21.8 officer reimbursement under Minnesota
21.9 Statutes, section 244.19, subdivision 6.

21.10 **(c) Tribal Nation Supervision**

21.11 \$2,750,000 each year is for grants to Tribal
21.12 Nations to provide supervision in tandem with
21.13 the department.

21.14 **(d) Treatment and Support Grants**

21.15 \$5,000,000 each year is to provide grants to
21.16 counties and local providers to implement
21.17 treatment programs, support programs, and
21.18 innovative supervision practices to reduce the
21.19 risk of recidivism.

21.20 **(e) Alternatives to Incarceration**

21.21 \$160,000 each year is for funding to Mower
21.22 County to facilitate access to community
21.23 treatment options under the alternatives to
21.24 incarceration program.

21.25 **(f) Peer Support Project**

21.26 \$266,000 each year is to create a reentry peer
21.27 support project.

21.28 **(g) Postrelease Sex Offender Program**

21.29 \$2,415,000 each year is for postrelease sex
21.30 offender treatment.

21.31 **(h) Regional and County Jails Study and**
21.32 **Report**

- 22.1 \$150,000 in fiscal year 2024 is to fund the
22.2 commissioner's study and report on the
22.3 consolidation or merger of county jails and
22.4 alternatives to incarceration for persons
22.5 experiencing mental health disorders.
- 22.6 **(i) Work Release Programs**
- 22.7 \$500,000 each year is for work release
22.8 programs.
- 22.9 **(j) County Discharge Plans**
- 22.10 \$1,080,000 each year is for counties to
22.11 establish or maintain jail reentry coordination
22.12 programs. The commissioner shall develop a
22.13 request for proposal for counties to establish
22.14 or maintain reentry programs. The
22.15 commissioner must disburse 50 percent of the
22.16 funding to counties outside the metropolitan
22.17 area, as defined in Minnesota Statutes, section
22.18 473.121, subdivision 2. The commissioner
22.19 may retain up to five percent of the
22.20 appropriation amount to monitor and
22.21 administer the grant under this section.
- 22.22 **(k) Housing Initiatives**
- 22.23 \$2,130,000 each year is for housing initiatives
22.24 to support stable housing of incarcerated
22.25 individuals upon release. The base for this
22.26 purpose in fiscal year 2026 and beyond is
22.27 \$1,685,000. Of this amount:
- 22.28 (1) \$1,000,000 each year is for housing
22.29 stabilization prerelease services and program
22.30 evaluation. The base for this purpose in fiscal
22.31 year 2026 and beyond is \$760,000;
- 22.32 (2) \$500,000 each year is for rental assistance
22.33 for incarcerated individuals approaching

23.1 release, on supervised release, or on probation
 23.2 who are at risk of homelessness;
 23.3 (3) \$405,000 each year is for culturally
 23.4 responsive trauma-informed transitional
 23.5 housing. The base for this purpose in fiscal
 23.6 year 2026 and beyond is \$200,000; and
 23.7 (4) \$225,000 each year is for housing
 23.8 coordination activities.

23.9 **(l) Community Supervision and Postrelease**
 23.10 **Services Base Budget**

23.11 The general fund base for Department of
 23.12 Corrections community supervision and
 23.13 postrelease services is \$196,342,000 in fiscal
 23.14 year 2026 and \$196,242,000 in fiscal year
 23.15 2027.

23.16 <u>Subd. 4. Organizational, Regulatory, and</u>		
23.17 <u>Administrative Services</u>	<u>47,414,000</u>	<u>50,901,000</u>

23.18 **(a) Public Safety Data Infrastructure**
 23.19 \$1,000,000 each year s for the development
 23.20 and management of statewide public safety
 23.21 information sharing infrastructure and
 23.22 foundation technologies. The department shall
 23.23 consult with county correctional supervision
 23.24 providers, the Judicial Branch, the Minnesota
 23.25 Sheriff's Association, the Minnesota Chiefs
 23.26 of Police Association, and the Bureau of
 23.27 Criminal Apprehension, among other public
 23.28 safety stakeholders, in the development,
 23.29 design, and implementation of a statewide
 23.30 public safety information sharing
 23.31 infrastructure.

23.32 **(b) Indeterminate Sentence Release Board**

24.1 \$40,000 each year is to establish an
 24.2 indeterminate sentence release board to review
 24.3 eligible cases and make release decisions for
 24.4 persons serving indeterminate sentences under
 24.5 the authority of the commissioner of
 24.6 corrections.

24.7 **(c) Clemency Review Commission**

24.8 \$986,000 each year is for the Clemency
 24.9 Review Commission established under
 24.10 Minnesota Statutes, section 638.09.

24.11 **(d) Organizational, Regulatory, and**
 24.12 **Administrative Services Base Budget**

24.13 The general fund base for Department of
 24.14 Corrections organizational, regulatory, and
 24.15 administrative services is \$50,831,000 in fiscal
 24.16 year 2026 and \$50,622,000 in fiscal year 2027.

24.17 **Sec. 7. OMBUDSPERSON FOR**
 24.18 **CORRECTIONS**

<u>\$</u>	<u>1,105,000</u>	<u>\$</u>	<u>1,099,000</u>
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24.19 **Sec. 8. BOARD OF PUBLIC DEFENSE**

<u>\$</u>	<u>750,000</u>	<u>\$</u>	<u>-0-</u>
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24.20 \$750,000 in fiscal year 2024 is for costs
 24.21 related to assisting offenders convicted of
 24.22 felony murder with petitions for resentencing.

24.23 **Sec. 9. BOARD OF TRUSTEES OF THE**
 24.24 **MINNESOTA STATE COLLEGES AND**
 24.25 **UNIVERSITIES**

<u>\$</u>	<u>500,000</u>	<u>\$</u>	<u>500,000</u>
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24.26 \$500,000 each year is for transfer to
 24.27 Metropolitan State University. Of this amount,
 24.28 \$280,000 each year is to provide juvenile
 24.29 justice services and resources, including the
 24.30 Juvenile Detention Alternatives Initiative, to
 24.31 Minnesota counties and federally recognized
 24.32 Tribes and \$220,000 each year is for funding
 24.33 to local units of government, federally
 24.34 recognized Tribes, and agencies to support

26.1 Sec. 14. **INTENSIVE COMPREHENSIVE PEACE OFFICER EDUCATION AND**
26.2 **TRAINING ACCOUNT.**

26.3 \$5,000,000 each year is transferred from the general fund to the intensive comprehensive
26.4 peace officer education and training account in the special revenue fund. This transfer is
26.5 onetime.

26.6 Sec. 15. **GAAGIGE-MIKWENDAAGOZIWAG REWARD ACCOUNT.**

26.7 \$250,000 in fiscal year 2024 is transferred from the general fund to the account for
26.8 rewards for information on missing and murdered Indigenous women, girls, and Two-Spirit
26.9 relatives in the special revenue fund.

26.10 Sec. 16. **VIOLENT CRIME REDUCTION AND CLEARANCE SUPPORT; SPECIAL**
26.11 **REVENUE ACCOUNT; APPROPRIATION.**

26.12 (a) The violent crime reduction and clearance support account is created in the special
26.13 revenue fund consisting of money deposited, donated, allotted, transferred, or otherwise
26.14 provided to the account. Of the amount in the account, \$15,000,000 each year is appropriated
26.15 to the Bureau of Criminal Apprehension to support violent crime reduction strategies. This
26.16 includes funding for staff and supplies to enhance forensic, analytical, and investigations
26.17 capacity, and financially support investigative partnerships with other law enforcement
26.18 agencies to conduct forensic and investigatory work to expedite clearance rates.

26.19 (b) Funds allocated shall be used where there is the most acute need for supplemental
26.20 resources based on the rate of violent crime and the need to improve clearance rates for
26.21 violent crime investigations. The superintendent of the Bureau of Criminal Apprehension
26.22 shall prioritize allocating resources to political subdivisions that have recorded at least three
26.23 violent crimes in the previous fiscal year and that rank in the 20 highest per capita crime
26.24 rates among Minnesota political subdivisions in the previous fiscal year based on the Uniform
26.25 Crime Reports or National Incident Based Reporting System. As a condition of receiving
26.26 investigatory assistance from the Bureau of Criminal Apprehension from this account, the
26.27 local unit of government must enter a joint powers agreement with the commissioner of
26.28 Public Safety and the superintendent of the Bureau of Criminal Apprehension.

26.29 (c) By December 15 of each calendar year, the commissioner shall report to the chairs
26.30 and ranking minority members of the legislative committees and divisions with jurisdiction
26.31 over public safety finance and policy on how funds in the violent crime reduction and
26.32 clearance support account were used. Each report must, at a minimum, summarize the
26.33 expenditures made, indicate the purpose of those expenditures, and provide an overview of

27.1 the criminal cases where funds from the account were used, including a summary of the
27.2 cases that identifies each case's disposition or outcome.

27.3 Sec. 17. **COMMUNITY CRIME AND VIOLENCE PREVENTION GRANTS;**
27.4 **SPECIAL REVENUE ACCOUNT; APPROPRIATION.**

27.5 (a) The community crime and violence prevention account is created in the special
27.6 revenue fund consisting of money deposited, donated, allotted, transferred, or otherwise
27.7 provided to the account. Of the amount in the account, up to \$30,000,000 each year is
27.8 appropriated to the commissioner of public safety for grants administered by the Office of
27.9 Justice Programs to be awarded to community violence prevention and intervention programs.

27.10 (b) Grants may be awarded to community-based nonprofit organizations, local
27.11 governments, or the governing bodies of federally recognized Indian Tribes. Applicants
27.12 that are nonprofit organizations must demonstrate the support of the local government or
27.13 Indian Tribe where the nonprofit will be offering services. Support may be demonstrated
27.14 by partnerships with the local government or Indian Tribe, or letters or other affirmations
27.15 of support.

27.16 (c) Grant recipients must operate crime or violence prevention programs with an
27.17 established record of providing direct services to community members. Programs must be
27.18 culturally competent and identify specific outcomes that can be tracked and measured to
27.19 demonstrate the impact the program has on community crime and violence. Crime or violence
27.20 prevention programs may include but are not limited to:

27.21 (1) programs that provide services to victims of crime or violence;

27.22 (2) programs that provide services to individuals and families harmed by gun violence;

27.23 (3) programs that provide support services for victims of crimes where there is a
27.24 reasonable belief that the crimes were committed in whole or in substantial part because of
27.25 the victim's or another's actual or perceived race, color, ethnicity, religion, sex, gender,
27.26 sexual orientation, gender identity, gender expression, age, national origin, or disability as
27.27 defined in Minnesota Statutes, section 363A.03, or because of the victim's actual or perceived
27.28 association with another person or group of a certain actual or perceived race, color, ethnicity,
27.29 religion, sex, gender, sexual orientation, gender identity, gender expression, age, national
27.30 origin, or disability as defined in Minnesota Statutes, section 363A.03;

27.31 (4) homelessness assistance programs;

27.32 (5) programs that intervene in volatile situations to mediate disputes before they become
27.33 violent;

28.1 (6) juvenile diversion programs; and

28.2 (7) programs that support a community response to violence that addresses trauma in
28.3 the community and promotes community leadership development and coalition building.

28.4 (d) As part of the narrative and statistical progress reports provided to the Office of
28.5 Justice Programs, grant recipients must report on the specific outcomes identified pursuant
28.6 to paragraph (c).

28.7 (e) The Office of Justice Programs may use up to 2.5 percent of the annual appropriation
28.8 to administer the grants.

28.9 Sec. 18. Laws 2021, First Special Session chapter 11, article 1, section 15, subdivision 3,
28.10 is amended to read:

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

28.12 **Philando Castile Memorial Training Fund**

28.13 \$6,000,000 each year is to support and
28.14 strengthen law enforcement training and
28.15 implement best practices. This funding shall
28.16 be named the "Philando Castile Memorial
28.17 Training Fund." These funds may only be used
28.18 to reimburse costs related to training courses
28.19 that qualify for reimbursement under
28.20 Minnesota Statutes, sections 626.8469
28.21 (training in crisis response, conflict
28.22 management, and cultural diversity), 626.8452
28.23 (use of force), and 626.8474 (autism training).

28.24 Each sponsor of a training course is required
28.25 to include the following in the sponsor's
28.26 application for approval submitted to the
28.27 board: course goals and objectives; a course
28.28 outline including at a minimum a timeline and
28.29 teaching hours for all courses; instructor
28.30 qualifications, ~~including skills and concepts~~
28.31 ~~such as crisis intervention, de-escalation, and~~
28.32 ~~cultural competency that are relevant to the~~
28.33 ~~course provided~~; and a plan for learning

29.1 assessments of the course and documenting
29.2 the assessments to the board during review.
29.3 Upon completion of each course, instructors
29.4 must submit student evaluations of the
29.5 instructor's teaching to the sponsor.

29.6 The board shall keep records of the
29.7 applications of all approved and denied
29.8 courses. All continuing education courses shall
29.9 be reviewed after the first year. The board
29.10 must set a timetable for recurring review after
29.11 the first year. For each review, the sponsor
29.12 must submit its learning assessments to the
29.13 board to show that the course is teaching the
29.14 learning outcomes that were approved by the
29.15 board.

29.16 A list of licensees who successfully complete
29.17 the course shall be maintained by the sponsor
29.18 and transmitted to the board following the
29.19 presentation of the course and the completed
29.20 student evaluations of the instructors.
29.21 Evaluations are available to chief law
29.22 enforcement officers. The board shall establish
29.23 a data retention schedule for the information
29.24 collected in this section.

29.25 Each year, if funds are available after
29.26 reimbursing all eligible requests for courses
29.27 approved by the board under this subdivision,
29.28 the board may use the funds to reimburse law
29.29 enforcement agencies for other
29.30 board-approved law enforcement training
29.31 courses. The base for this activity is \$0 in
29.32 fiscal year 2026 and thereafter.

30.1 Sec. 19. **PRETRIAL RELEASE STUDY AND REPORT.**

30.2 (a) Pursuant to the terms of a grant, the Minnesota Justice Research Center shall study
30.3 and report on pretrial release practices in Minnesota and other jurisdictions.

30.4 (b) The Minnesota Justice Research Center shall examine pretrial release practices in
30.5 Minnesota and community perspectives about those practices; conduct a robust study of
30.6 pretrial release practices in other jurisdictions to identify effective approaches to pretrial
30.7 release that use identified best practices; provide analysis and recommendations describing
30.8 if, and how, practices in other jurisdictions could be adopted and implemented in Minnesota,
30.9 including but not limited to analysis addressing how changes would impact public safety,
30.10 appearance rates, treatment of defendants with different financial means, disparities in
30.11 pretrial detention, and community perspectives about pretrial release; and make
30.12 recommendations for policy changes for consideration by the legislature.

30.13 (c) By February 15, 2024, the Minnesota Justice Research Center must provide a
30.14 preliminary report to the legislative committees and divisions with jurisdiction over public
30.15 safety finance and policy including a summary of the preliminary findings, any legislative
30.16 proposals to improve the ability of the Minnesota Justice Research Center to complete its
30.17 work, and any proposals for legislation related to pretrial release. The Minnesota Justice
30.18 Research Center shall submit a final report to the legislative committees and divisions with
30.19 jurisdiction over public safety finance and policy by February 15, 2025. The final report
30.20 shall include a description of the Minnesota Justice Research Center's work, findings, and
30.21 any legislative proposals.

30.22 Sec. 20. **REPORT ON APPROACHES TO ADDRESS ILLICIT DRUG USE IN**
30.23 **MINNESOTA.**

30.24 (a) Pursuant to an agreement with the commissioner of public safety, Rise Research
30.25 LLC shall conduct a study on illicit drug use in Minnesota.

30.26 (b) Research and analysis must include an examination of problematic drug use and the
30.27 drug trade in Minnesota; exploration of the policies, practices, and funding currently used
30.28 to address illicit drug use and the drug trade in Minnesota; and a review of policies, practices,
30.29 and funding related to illicit drugs employed in other states and countries. Reports must
30.30 identify successful approaches to addressing illicit drug use and the drug trade that are
30.31 rooted in public health, community safety, data-based evidence, and human rights. Reports
30.32 must offer specific recommendations to update Minnesota's policies, practices, and funding
30.33 to develop an approach to drug policy that reduces and, where possible, prevents harm and
30.34 expands individual and community health and safety. Recommendations must consider

31.1 impacts on public safety, appropriate levels of funding for the prevention and treatment of
31.2 substance use disorders, the interaction between illicit drug use and mental health, and
31.3 appropriate guidelines for implementing policies that are informed by evidence. Reports
31.4 must also analyze the ways in which policies addressing illicit drug use become embedded
31.5 in other policy areas, including the ways in which policies interact and the reasons for that
31.6 interaction. Reports may include other information that is consistent with this paragraph
31.7 and must include specific policy recommendations.

31.8 (c) Rise Research may subcontract and coordinate with other organizations or individuals
31.9 to conduct research, provide analysis, and prepare the reports required by this section.

31.10 (d) Rise Research shall submit reports to the chairs and ranking minority members of
31.11 the house of representatives and senate committees and divisions with jurisdiction over
31.12 public safety finance and policy, human services finance and policy, health finance and
31.13 policy, and judiciary finance and policy. By February 15, 2024, Rise Research shall submit
31.14 an initial report that describes any relevant findings and provides specific policy
31.15 recommendations to address the use of illicit drugs and the drug trade in Minnesota. The
31.16 scope of such recommendations may include the criminalization of controlled substances,
31.17 enforcement of those laws, accessibility of mental health and substance abuse treatment,
31.18 provision of medical care, need for other supportive services, and coordination of services.
31.19 By February 15, 2025, Rise Research shall submit a final report updating its findings, making
31.20 additional policy recommendations, and identifying guiding principles for a policy framework
31.21 to establish a holistic and effective approach to illicit drug use and the drug trade in
31.22 Minnesota.

31.23 **Sec. 21. MENTAL HEALTH SERVICES FOR FIRST RESPONDERS GRANT**
31.24 **PROGRAM.**

31.25 Subdivision 1. **Establishment.** The commissioner of public safety through the Office
31.26 of Justice Programs shall establish and administer a grant program to fund mental health
31.27 services to first responders employed by local units of government.

31.28 Subd. 2. **Eligibility.** Each local unit of government that employs peace officers or
31.29 firefighters may apply for a grant.

31.30 Subd. 3. **Qualifying programs.** To qualify for a grant, an applicant must present a viable
31.31 plan to the commissioner to offer a program that ensures at least one hour of mental health
31.32 services every six months for any peace officers and firefighters employed by the applicant.

32.1 Subd. 4. Selection; grant cap. The commissioner may award grants up to \$..... Grant
32.2 amounts must be based on the total number of peace officers and firefighters employed by
32.3 the applicant.

32.4 Subd. 5. Reports. (a) Each grant recipient must submit a report to the commissioner by
32.5 June 30 of each year that identifies the services provided, total number of employees served,
32.6 total number of hours of services provided, and expenditures of grant money. The report
32.7 must also include an evaluation of the program's impact.

32.8 (b) By September 1 of each year, the commissioner shall report aggregate data received
32.9 from grant recipients under paragraph (a) to the chairs and ranking minority members of
32.10 the senate and house of representatives committees with jurisdiction over public safety
32.11 policy and finance.

32.12 Subd. 6. Definitions. For the purposes of this section, the following terms have the
32.13 meanings given:

32.14 (1) "firefighter" means a firefighter employed full-time by a fire department and licensed
32.15 by the Board of Firefighter Training and Education;

32.16 (2) "local unit of government" means a statutory or home rule charter city that employs
32.17 its own law enforcement agency, or a county; and

32.18 (3) "peace officer" means a full-time peace officer employed by a local unit of
32.19 government's law enforcement agency and licensed by the Minnesota Board of Peace Officer
32.20 Standards and Training.

32.21 EFFECTIVE DATE. This section is effective July 1, 2023, and applies services
32.22 administered on or after that date.

32.23 Sec. 22. LAW ENFORCEMENT MENTAL HEALTH AND WELLNESS TRAINING
32.24 GRANT.

32.25 (a) The commissioner of public safety must award a grant to the Adler Graduate School
32.26 to develop and implement a law enforcement mental health and wellness training program
32.27 to train licensed counselors to understand the nuances, culture, and stressors of the law
32.28 enforcement profession so that the trainees can provide effective and successful treatment
32.29 to peace officers in distress. The grantee must request and incorporate the advice and counsel
32.30 of law enforcement officers and mental health professionals who are familiar with the
32.31 psychological, cultural, and professional issues of law enforcement to develop and implement
32.32 the program.

33.1 (b) The grantee may offer the program online.

33.2 (c) The grantee must seek to recruit licensed counselors providing services outside of
33.3 the 11-county metropolitan area as defined in Minnesota Statutes, section 115A.1314,
33.4 subdivision 2, paragraph (b).

33.5 (d) The grantee must create a resource directory to provide law enforcement agencies
33.6 with the names of counselors who have completed the program and other resources to
33.7 support law enforcement professionals with overall wellness. The grantee must collaborate
33.8 with the commissioner of public safety and law enforcement organizations to promote the
33.9 directory.

33.10 **Sec. 23. USE OF FORCE TRAINING; REIMBURSEMENT.**

33.11 (a) The commissioner of the Office of Higher Education shall issue reimbursement
33.12 grants to postsecondary schools certified to provide programs of professional peace officer
33.13 education for providing in-service training programs on the use of force, including deadly
33.14 force, by peace officers.

33.15 (b) To be eligible for reimbursement, training offered by a postsecondary school must:

33.16 (1) satisfy the requirements of Minnesota Statutes, section 626.8452, and be approved
33.17 by the Board of Peace Officer Standards and Training;

33.18 (2) utilize scenario-based training that simulates real-world situations and involves the
33.19 use of real firearms that fire nonlethal ammunition;

33.20 (3) include a block of instruction on the physical and psychological effects of stress
33.21 before, during, and after a high-risk or traumatic incident and the cumulative impact of
33.22 stress on the health of officers;

33.23 (4) include blocks of instruction on de-escalation methods and tactics, bias motivation,
33.24 unknown risk training, defensive tactics, and force-on-force training; and

33.25 (5) be offered to peace officers at no charge to the peace officer or law enforcement
33.26 agency.

33.27 (c) A postsecondary school that offers training consistent with the requirements of
33.28 paragraph (b) may apply for reimbursement for the costs of offering the training.
33.29 Reimbursement shall be made at a rate of \$450 for each officer who completes the training.
33.30 The postsecondary school must submit the name and peace officer license number of the
33.31 peace officer who received the training to the Office of Higher Education.

33.32 (d) As used in this section:

34.1 (1) "law enforcement agency" has the meaning given in Minnesota Statutes, section
34.2 626.84, subdivision 1, paragraph (f); and

34.3 (2) "peace officer" has the meaning given in Minnesota Statutes, section 626.84,
34.4 subdivision 1, paragraph (c).

34.5 Sec. 24. APPROPRIATIONS GIVEN EFFECT ONCE.

34.6 If an appropriation or transfer in this article is enacted more than once during the 2023
34.7 regular session, the appropriation or transfer must be given effect once.

34.8 **ARTICLE 2**

34.9 **GENERAL CRIMES**

34.10 Section 1. Minnesota Statutes 2022, section 243.166, subdivision 1b, is amended to read:

34.11 Subd. 1b. **Registration required.** (a) A person shall register under this section if:

34.12 (1) the person was charged with or petitioned for a felony violation of or attempt to
34.13 violate, or aiding, abetting, or conspiracy to commit, any of the following, and convicted
34.14 of or adjudicated delinquent for that offense or another offense arising out of the same set
34.15 of circumstances:

34.16 (i) murder under section 609.185, paragraph (a), clause (2);

34.17 (ii) kidnapping under section 609.25;

34.18 (iii) criminal sexual conduct under section 609.342; 609.343; 609.344; 609.345; 609.3451,
34.19 subdivision 3, paragraph (b); or 609.3453;

34.20 (iv) indecent exposure under section 617.23, subdivision 3; or

34.21 (v) surreptitious intrusion under the circumstances described in section 609.746,
34.22 subdivision 1, paragraph ~~(f)~~ (h);

34.23 (2) the person was charged with or petitioned for a violation of, or attempt to violate, or
34.24 aiding, abetting, or conspiring to commit any of the following and convicted of or adjudicated
34.25 delinquent for that offense or another offense arising out of the same set of circumstances:

34.26 (i) criminal abuse in violation of section 609.2325, subdivision 1, paragraph (b);

34.27 (ii) false imprisonment in violation of section 609.255, subdivision 2;

34.28 (iii) solicitation, inducement, or promotion of the prostitution of a minor or engaging in
34.29 the sex trafficking of a minor in violation of section 609.322;

- 35.1 (iv) a prostitution offense in violation of section 609.324, subdivision 1, paragraph (a);
- 35.2 (v) soliciting a minor to engage in sexual conduct in violation of section 609.352,
- 35.3 subdivision 2 or 2a, clause (1);
- 35.4 (vi) using a minor in a sexual performance in violation of section 617.246; or
- 35.5 (vii) possessing pornographic work involving a minor in violation of section 617.247;
- 35.6 (3) the person was sentenced as a patterned sex offender under section 609.3455,
- 35.7 subdivision 3a; or
- 35.8 (4) the person was charged with or petitioned for, including pursuant to a court martial,
- 35.9 violating a law of the United States, including the Uniform Code of Military Justice, similar
- 35.10 to an offense or involving similar circumstances to an offense described in clause (1), (2),
- 35.11 or (3), and convicted of or adjudicated delinquent for that offense or another offense arising
- 35.12 out of the same set of circumstances.
- 35.13 (b) A person also shall register under this section if:
- 35.14 (1) the person was charged with or petitioned for an offense in another state similar to
- 35.15 an offense or involving similar circumstances to an offense described in paragraph (a),
- 35.16 clause (1), (2), or (3), and convicted of or adjudicated delinquent for that offense or another
- 35.17 offense arising out of the same set of circumstances;
- 35.18 (2) the person enters this state to reside, work, or attend school, or enters this state and
- 35.19 remains for 14 days or longer or for an aggregate period of time exceeding 30 days during
- 35.20 any calendar year; and
- 35.21 (3) ten years have not elapsed since the person was released from confinement or, if the
- 35.22 person was not confined, since the person was convicted of or adjudicated delinquent for
- 35.23 the offense that triggers registration, unless the person is subject to a longer registration
- 35.24 period under the laws of another state in which the person has been convicted or adjudicated,
- 35.25 or is subject to lifetime registration.
- 35.26 If a person described in this paragraph is subject to a longer registration period in another
- 35.27 state or is subject to lifetime registration, the person shall register for that time period
- 35.28 regardless of when the person was released from confinement, convicted, or adjudicated
- 35.29 delinquent.
- 35.30 (c) A person also shall register under this section if the person was committed pursuant
- 35.31 to a court commitment order under Minnesota Statutes 2012, section 253B.185, chapter

36.1 253D, Minnesota Statutes 1992, section 526.10, or a similar law of another state or the
 36.2 United States, regardless of whether the person was convicted of any offense.

36.3 (d) A person also shall register under this section if:

36.4 (1) the person was charged with or petitioned for a felony violation or attempt to violate
 36.5 any of the offenses listed in paragraph (a), clause (1), or a similar law of another state or
 36.6 the United States, or the person was charged with or petitioned for a violation of any of the
 36.7 offenses listed in paragraph (a), clause (2), or a similar law of another state or the United
 36.8 States;

36.9 (2) the person was found not guilty by reason of mental illness or mental deficiency
 36.10 after a trial for that offense, or found guilty but mentally ill after a trial for that offense, in
 36.11 states with a guilty but mentally ill verdict; and

36.12 (3) the person was committed pursuant to a court commitment order under section
 36.13 253B.18 or a similar law of another state or the United States.

36.14 **EFFECTIVE DATE.** This section is effective August 1, 2023.

36.15 Sec. 2. Minnesota Statutes 2022, section 299A.78, subdivision 1, is amended to read:

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

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

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

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

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

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

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

36.26 ~~(g)~~ (f) "Labor trafficking victim" has the meaning given in section 609.281, subdivision
 36.27 6.

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

36.29 ~~(i)~~ (h) "Sex trafficking victim" has the meaning given in section 609.321, subdivision
 36.30 7b.

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

37.2 ~~(j)~~ (j) "Trafficking victim" includes "labor trafficking victim" and "sex trafficking
37.3 victim."

37.4 **EFFECTIVE DATE.** This section is effective August 1, 2023.

37.5 Sec. 3. Minnesota Statutes 2022, section 299A.79, subdivision 3, is amended to read:

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

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

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

37.12 (3) crime victims' rights; and

37.13 (4) reporting recruitment activities involved in trafficking.

37.14 **EFFECTIVE DATE.** This section is effective August 1, 2023.

37.15 Sec. 4. Minnesota Statutes 2022, section 609.02, subdivision 16, is amended to read:

37.16 Subd. 16. **Qualified domestic violence-related offense.** "Qualified domestic
37.17 violence-related offense" includes a violation of or an attempt to violate sections 518B.01,
37.18 subdivision 14 (violation of domestic abuse order for protection); 609.185 (first-degree
37.19 murder); 609.19 (second-degree murder); 609.195, paragraph (a) (third-degree murder);
37.20 609.20, clauses (1), (2), and (5) (first-degree manslaughter); 609.205, clauses (1) and (5)
37.21 (second-degree manslaughter); 609.221 (first-degree assault); 609.222 (second-degree
37.22 assault); 609.223 (third-degree assault); 609.2231 (fourth-degree assault); 609.224
37.23 (fifth-degree assault); 609.2242 (domestic assault); 609.2245 (female genital mutilation);
37.24 609.2247 (domestic assault by strangulation); 609.25 (kidnapping); 609.255 (false
37.25 imprisonment); 609.342 (first-degree criminal sexual conduct); 609.343 (second-degree
37.26 criminal sexual conduct); 609.344 (third-degree criminal sexual conduct); 609.345
37.27 (fourth-degree criminal sexual conduct); 609.3458 (sexual extortion); 609.377 (malicious
37.28 punishment of a child); 609.587, subdivision 1, clause (c) (burglary in the first degree);
37.29 609.713 (terroristic threats); 609.748, subdivision 6 (violation of harassment restraining
37.30 order); 609.749 (harassment or stalking); 609.78, subdivision 2 (interference with an
37.31 emergency call); 617.261 (nonconsensual dissemination of private sexual images); and

38.1 629.75 (violation of domestic abuse no contact order); and similar laws of other states, the
38.2 United States, the District of Columbia, tribal lands, and United States territories.

38.3 **EFFECTIVE DATE.** This section is effective August 1, 2023.

38.4 Sec. 5. Minnesota Statutes 2022, section 609.05, is amended by adding a subdivision to
38.5 read:

38.6 Subd. 2a. **Exception.** (a) A person may not be held criminally liable for a violation of
38.7 section 609.185, paragraph (a), clause (3), committed by another unless the person
38.8 intentionally aided, advised, hired, counseled, or conspired with or otherwise procured the
38.9 other with the intent to cause the death of a human being.

38.10 (b) A person may not be held criminally liable for a violation of section 609.19,
38.11 subdivision 2, clause (1), committed by another unless the person was a major participant
38.12 in the underlying felony and acted with extreme indifference to human life.

38.13 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
38.14 committed on or after that date.

38.15 Sec. 6. Minnesota Statutes 2022, section 609.2231, subdivision 4, is amended to read:

38.16 Subd. 4. **Assaults motivated by bias.** (a) Whoever assaults another in whole or in
38.17 substantial part because of the victim's or another's actual or perceived race, color, ethnicity,
38.18 religion, sex, gender, sexual orientation, gender identity, gender expression, age, national
38.19 origin, or disability as defined in section 363A.03, ~~age, or national origin~~ or because of the
38.20 victim's actual or perceived association with another person or group of a certain actual or
38.21 perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity,
38.22 gender expression, age, national origin, or disability as defined in section 363A.03, may be
38.23 sentenced to imprisonment for not more than one year or to payment of a fine of not more
38.24 than \$3,000, or both.

38.25 (b) Whoever violates the provisions of paragraph (a) within five years of a previous
38.26 conviction under paragraph (a) is guilty of a felony and may be sentenced to imprisonment
38.27 for not more than one year and a day or to payment of a fine of not more than \$3,000, or
38.28 both.

38.29 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
38.30 committed on or after that date.

39.1 Sec. 7. Minnesota Statutes 2022, section 609.2233, is amended to read:

39.2 **609.2233 FELONY ASSAULT MOTIVATED BY BIAS; INCREASED**
39.3 **STATUTORY MAXIMUM SENTENCE.**

39.4 A person who violates section 609.221, 609.222, or 609.223 in whole or in substantial
39.5 part because of the victim's or another person's actual or perceived race, color, ethnicity,
39.6 religion, sex, gender, sexual orientation, gender identity, gender expression, age, national
39.7 origin, or disability as defined in section 363A.03, ~~age, or national origin~~ or because of the
39.8 victim's actual or perceived association with another person or group of a certain actual or
39.9 perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity,
39.10 gender expression, age, national origin, or disability as defined in section 363A.03, is subject
39.11 to a statutory maximum penalty of 25 percent longer than the maximum penalty otherwise
39.12 applicable.

39.13 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
39.14 committed on or after that date.

39.15 Sec. 8. Minnesota Statutes 2022, section 609.25, subdivision 2, is amended to read:

39.16 Subd. 2. **Sentence.** Whoever violates subdivision 1 may be sentenced as follows:

39.17 (1) if the victim is released in a safe place without great bodily harm, to imprisonment
39.18 for not more than 20 years or to payment of a fine of not more than \$35,000, or both; or

39.19 (2) ~~if the victim is not released in a safe place, or if the victim suffers great bodily harm~~
39.20 ~~during the course of the kidnapping, or if the person kidnapped is under the age of 16,~~ to
39.21 imprisonment for not more than 40 years or to payment of a fine of not more than \$50,000,
39.22 or both if:

39.23 (i) the victim is not released in a safe place;

39.24 (ii) the victim suffers great bodily harm during the course of the kidnapping; or

39.25 (iii) the person kidnapped is under the age of 16.

39.26 **EFFECTIVE DATE.** This section is effective August 1, 2023.

39.27 Sec. 9. Minnesota Statutes 2022, section 609.269, is amended to read:

39.28 **609.269 EXCEPTION.**

39.29 Sections 609.2661 to 609.268 do not apply to ~~any act described in section 145.412.~~ a
39.30 person providing reproductive health care offered, arranged, or furnished:

40.1 (1) for the purpose of terminating a pregnancy; and

40.2 (2) with the consent of the pregnant individual or the pregnant individual's representative,
 40.3 except in a medical emergency in which consent cannot be obtained.

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

40.5 Sec. 10. Minnesota Statutes 2022, section 609.281, subdivision 3, is amended to read:

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

40.12 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
 40.13 committed on or after that date.

40.14 Sec. 11. Minnesota Statutes 2022, section 609.281, subdivision 4, is amended to read:

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

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

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

40.25 (3) physical restraint of a person;

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

40.27 ~~(3)~~ (5) abuse or threatened abuse of the legal process, including the use or threatened
 40.28 use of a law or legal process, whether administrative, civil, or criminal; or

40.29 ~~(4) knowingly destroying, concealing, removing, confiscating, or possessing~~ (6)
 40.30 destruction, concealment, removal, confiscation, withholding, or possession of any actual

41.1 or purported passport or other immigration document, or any other actual or purported
41.2 government identification document, of another person; ~~or~~

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

41.4 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
41.5 committed on or after that date.

41.6 Sec. 12. Minnesota Statutes 2022, section 609.281, subdivision 5, is amended to read:

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

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

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

41.11 (ii) forced or coerced labor or services;

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

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

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

41.16 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
41.17 committed on or after that date.

41.18 Sec. 13. Minnesota Statutes 2022, section 609.282, subdivision 1, is amended to read:

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

41.25 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
41.26 committed on or after that date.

42.1 Sec. 14. Minnesota Statutes 2022, section 609.282, is amended by adding a subdivision
42.2 to read:

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

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

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

42.9 (3) the labor trafficking victim suffers great bodily harm and the great bodily harm arose
42.10 out of and in the course of the labor trafficking or the labor and services related to the labor
42.11 trafficking.

42.12 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
42.13 committed on or after that date.

42.14 Sec. 15. Minnesota Statutes 2022, section 609.321, is amended by adding a subdivision
42.15 to read:

42.16 Subd. 15. **Debt bondage.** "Debt bondage" has the meaning given in section 609.281,
42.17 subdivision 3.

42.18 **EFFECTIVE DATE.** This section is effective August 1, 2023.

42.19 Sec. 16. Minnesota Statutes 2022, section 609.321, is amended by adding a subdivision
42.20 to read:

42.21 Subd. 16. **Forced or coerced labor or services.** "Forced or coerced labor or services"
42.22 has the meaning given in section 609.281, subdivision 4.

42.23 **EFFECTIVE DATE.** This section is effective August 1, 2023.

42.24 Sec. 17. Minnesota Statutes 2022, section 609.321, is amended by adding a subdivision
42.25 to read:

42.26 Subd. 17. **Labor trafficking.** "Labor trafficking" has the meaning given in section
42.27 609.281, subdivision 5.

42.28 **EFFECTIVE DATE.** This section is effective July 1, 2023.

43.1 Sec. 18. Minnesota Statutes 2022, section 609.321, is amended by adding a subdivision
43.2 to read:

43.3 Subd. 18. **Labor trafficking victim.** "Labor trafficking victim" has the meaning given
43.4 in section 609.281, subdivision 6.

43.5 **EFFECTIVE DATE.** This section is effective August 1, 2023.

43.6 Sec. 19. Minnesota Statutes 2022, section 609.321, is amended by adding a subdivision
43.7 to read:

43.8 Subd. 19. **Trafficking.** "Trafficking" includes labor trafficking and sex trafficking.

43.9 **EFFECTIVE DATE.** This section is effective August 1, 2023.

43.10 Sec. 20. Minnesota Statutes 2022, section 609.321, is amended by adding a subdivision
43.11 to read:

43.12 Subd. 20. **Trafficking victim.** "Trafficking victim" includes a labor trafficking victim
43.13 and a sex trafficking victim.

43.14 **EFFECTIVE DATE.** This section is effective August 1, 2023.

43.15 Sec. 21. Minnesota Statutes 2022, section 609.322, subdivision 1, is amended to read:

43.16 Subdivision 1. **Solicitation, inducement, and promotion of prostitution; sex trafficking**
43.17 **in the first degree.** (a) Whoever, while acting other than as a prostitute or patron,
43.18 intentionally does any of the following may be sentenced to imprisonment for not more
43.19 than 25 years or to payment of a fine of not more than \$50,000, or both:

43.20 (1) solicits or induces an individual under the age of 18 years to practice prostitution;

43.21 (2) promotes the prostitution of an individual under the age of 18 years;

43.22 (3) receives profit, knowing or having reason to know that it is derived from the
43.23 prostitution, or the promotion of the prostitution, of an individual under the age of 18 years;

43.24 or

43.25 (4) engages in the sex trafficking of an individual under the age of 18 years.

43.26 (b) Whoever violates paragraph (a) or subdivision 1a may be sentenced to imprisonment
43.27 for not more than 30 years or to payment of a fine of not more than \$60,000, or both, if one
43.28 or more of the following aggravating factors are present:

43.29 (1) the offender has committed a prior qualified human trafficking-related offense;

44.1 (2) the offense involved a sex trafficking victim who suffered bodily harm during the
44.2 commission of the offense;

44.3 (3) the time period that a sex trafficking victim was held in debt bondage or forced or
44.4 coerced labor or services exceeded 180 days; or

44.5 (4) the offense involved more than one sex trafficking victim.

44.6 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
44.7 committed on or after that date.

44.8 Sec. 22. Minnesota Statutes 2022, section 609.52, subdivision 3, is amended to read:

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

44.10 (1) to imprisonment for not more than 20 years or to payment of a fine of not more than
44.11 \$100,000, or both, if the property is a firearm, or the value of the property or services stolen
44.12 is more than \$35,000 and the conviction is for a violation of subdivision 2, clause (3), (4),
44.13 (15), (16), or (19), or section 609.2335, subdivision 1, clause (1) or (2), item (i); or

44.14 (2) to imprisonment for not more than ten years or to payment of a fine of not more than
44.15 \$20,000, or both, if the value of the property or services stolen exceeds \$5,000, or if the
44.16 property stolen was an article representing a trade secret, an explosive or incendiary device,
44.17 or a controlled substance listed in Schedule I or II pursuant to section 152.02 with the
44.18 exception of marijuana; or

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

44.21 (a) the value of the property or services stolen is more than \$1,000 but not more than
44.22 \$5,000; or

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

44.25 (c) the value of the property or services stolen is more than \$500 but not more than
44.26 \$1,000 and the person has been convicted within the preceding five years for an offense
44.27 under this section, section 256.98; 268.182; 609.24; 609.245; 609.522; 609.53; 609.582,
44.28 subdivision 1, 2, or 3; 609.625; 609.63; 609.631; or 609.821, or a statute from another state,
44.29 the United States, or a foreign jurisdiction, in conformity with any of those sections, and
44.30 the person received a felony or gross misdemeanor sentence for the offense, or a sentence
44.31 that was stayed under section 609.135 if the offense to which a plea was entered would
44.32 allow imposition of a felony or gross misdemeanor sentence; or

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

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

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

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

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

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

45.13 (4) to imprisonment for not more than one year or to payment of a fine of not more than
45.14 \$3,000, or both, if the value of the property or services stolen is more than \$500 but not
45.15 more than \$1,000; or

45.16 (5) in all other cases where the value of the property or services stolen is \$500 or less,
45.17 to imprisonment for not more than 90 days or to payment of a fine of not more than \$1,000,
45.18 or both, provided, however, in any prosecution under subdivision 2, clauses (1), (2), (3),
45.19 (4), (13), and (19), the value of the money or property or services received by the defendant
45.20 in violation of any one or more of the above provisions within any six-month period may
45.21 be aggregated and the defendant charged accordingly in applying the provisions of this
45.22 subdivision; provided that when two or more offenses are committed by the same person
45.23 in two or more counties, the accused may be prosecuted in any county in which one of the
45.24 offenses was committed for all of the offenses aggregated under this paragraph.

45.25 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
45.26 committed on or after that date.

45.27 **Sec. 23. [609.522] ORGANIZED RETAIL THEFT.**

45.28 Subdivision 1. **Definitions.** (a) As used in this section, the terms in this subdivision have
45.29 the meanings given.

45.30 (b) "Article surveillance system" means any electronic device or other security device
45.31 that is designed to detect or prevent the unauthorized removal of retail merchandise from
45.32 a retailer.

46.1 (c) "Retailer" means a person or entity that sells retail merchandise.

46.2 (d) "Retail merchandise" means all forms of tangible property, without limitation, held
46.3 out for sale by a retailer.

46.4 (e) "Value" means the retail market value at the time of the theft or, if the retail market
46.5 value cannot be ascertained, the cost of replacement of the property within a reasonable
46.6 time after the theft.

46.7 Subd. 2. **Organized retail theft.** (a) Whoever steals or fraudulently obtains retail
46.8 merchandise from a retailer commits organized retail theft and may be sentenced as provided
46.9 in subdivision 3 if the actor:

46.10 (1) resells or intends to resell the retail merchandise;

46.11 (2) advertises or displays any item of the retail merchandise for sale;

46.12 (3) returns any item of the retail merchandise to a retailer for anything of value; or

46.13 (4) steals retail merchandise within five years of a conviction under this section.

46.14 (b) Whoever receives, purchases, or possesses retail merchandise knowing or having
46.15 reason to know the retail merchandise was stolen from a retailer and with the intent to resell
46.16 that merchandise may be sentenced as provided in subdivision 3.

46.17 (c) Whoever possesses any device, gear, or instrument designed to assist in shoplifting
46.18 or defeating an electronic article surveillance system with intent to use the same to shoplift
46.19 and thereby commit theft may be sentenced pursuant to subdivision 3, clause (3).

46.20 Subd. 3. **Sentence.** Whoever commits organized retail theft may be sentenced as follows:

46.21 (1) to imprisonment for not more than 15 years or to payment of a fine of not more than
46.22 \$35,000, or both, if the value of the property stolen exceeds \$5,000;

46.23 (2) to imprisonment for not more than seven years or to payment of a fine of not more
46.24 than \$14,000, or both, if either of the following circumstances exist:

46.25 (i) the value of the property stolen is more than \$1,000 but not more than \$5,000; or

46.26 (ii) the person commits the offense within ten years of the first of two or more convictions
46.27 under this section;

46.28 (3) to imprisonment for not more than two years or to payment of a fine of not more
46.29 than \$5,000, or both, if either of the following circumstances exist:

46.30 (i) the value of the property stolen is more than \$500 but not more than \$1,000; or

47.1 (ii) the person commits the offense within ten years of a previous conviction under this
47.2 section; or

47.3 (4) to imprisonment of not more than one year or to payment of a fine of not more than
47.4 \$3,000, or both, if the value of the property stolen is \$500 or less.

47.5 Subd. 4. **Aggregation.** The value of the retail merchandise received by the defendant
47.6 in violation of this section within any six-month period may be aggregated and the defendant
47.7 charged accordingly in applying the provisions of this subdivision; provided that when two
47.8 or more offenses are committed by the same person in two or more counties, the accused
47.9 may be prosecuted in any county in which one of the offenses was committed for all of the
47.10 offenses aggregated under this paragraph.

47.11 Subd. 5. **Enhanced penalty.** If a violation of this section creates a reasonably foreseeable
47.12 risk of bodily harm to another, the penalties described in subdivision 3 are enhanced as
47.13 follows:

47.14 (1) if the penalty is a gross misdemeanor, the person is guilty of a felony and may be
47.15 sentenced to imprisonment for not more than three years or to payment of a fine of not more
47.16 than \$5,000, or both; and

47.17 (2) if the penalty is a felony, the statutory maximum sentence for the offense is 50 percent
47.18 longer than for the underlying crime.

47.19 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
47.20 committed on or after that date.

47.21 Sec. 24. Minnesota Statutes 2022, section 609.582, subdivision 3, is amended to read:

47.22 Subd. 3. **Burglary in the third degree.** (a) Except as otherwise provided in this section,
47.23 whoever enters a building without consent and with intent to steal or commit any felony or
47.24 gross misdemeanor while in the building, or enters a building without consent and steals or
47.25 commits a felony or gross misdemeanor while in the building, either directly or as an
47.26 accomplice, commits burglary in the third degree and may be sentenced to imprisonment
47.27 for not more than five years or to payment of a fine of not more than \$10,000, or both.

47.28 (b) Whoever enters a building that is open to the public, other than a building identified
47.29 in subdivision 2, paragraph (b), with intent to steal while in the building, or enters a building
47.30 that is open to the public, other than a building identified in subdivision 2, paragraph (b),
47.31 and steals while in the building, either directly or as an accomplice, commits burglary in
47.32 the third degree and may be sentenced to imprisonment for not more than five years or to
47.33 payment of a fine of not more than \$10,000, or both, if:

48.1 (1) the person enters the building within one year after being told to leave the building
48.2 and not return; and

48.3 (2) the person has been convicted within the preceding five years for an offense under
48.4 this section, section 256.98, 268.182, 609.24, 609.245, 609.52, 609.522, 609.53, 609.625,
48.5 609.63, 609.631, or 609.821, or a statute from another state, the United States, or a foreign
48.6 jurisdiction, in conformity with any of those sections, and the person received a felony
48.7 sentence for the offense or a sentence that was stayed under section 609.135 if the offense
48.8 to which a plea was entered would allow imposition of a felony sentence.

48.9 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
48.10 committed on or after that date.

48.11 Sec. 25. Minnesota Statutes 2022, section 609.582, subdivision 4, is amended to read:

48.12 Subd. 4. **Burglary in the fourth degree.** (a) Whoever enters a building without consent
48.13 and with intent to commit a misdemeanor other than to steal, or enters a building without
48.14 consent and commits a misdemeanor other than to steal while in the building, either directly
48.15 or as an accomplice, commits burglary in the fourth degree and may be sentenced to
48.16 imprisonment for not more than one year or to payment of a fine of not more than \$3,000,
48.17 or both.

48.18 (b) Whoever enters a building that is open to the public, other than a building identified
48.19 in subdivision 2, paragraph (b), with intent to steal while in the building, or enters a building
48.20 that is open to the public, other than a building identified in subdivision 2, paragraph (b),
48.21 and steals while in the building, either directly or as an accomplice, commits burglary in
48.22 the fourth degree and may be sentenced to imprisonment for not more than one year or to
48.23 payment of a fine of not more than \$3,000, or both, if the person enters the building within
48.24 one year after being told to leave the building and not return.

48.25 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
48.26 committed on or after that date.

48.27 Sec. 26. Minnesota Statutes 2022, section 609.595, subdivision 1a, is amended to read:

48.28 Subd. 1a. **Criminal damage to property in the second degree.** (a) Whoever intentionally
48.29 causes damage described in subdivision 2, paragraph (a), ~~because of the property owner's~~
48.30 ~~or another's actual or perceived race, color, religion, sex, sexual orientation, disability as~~
48.31 ~~defined in section 363A.03, age, or national origin~~ is guilty of a felony and may be sentenced

49.1 to imprisonment for not more than one year and a day or to payment of a fine of not more
49.2 than \$3,000, or both, if the damage:

49.3 (1) was committed in whole or in substantial part because of the property owner's or
49.4 another's actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation,
49.5 gender identity, gender expression, age, national origin, or disability as defined in section
49.6 363A.03;

49.7 (2) was committed in whole or in substantial part because of the victim's actual or
49.8 perceived association with another person or group of a certain actual or perceived race,
49.9 color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression,
49.10 age, national origin, or disability as defined in section 363A.03; or

49.11 (3) was motivated in whole or in substantial part by an intent to intimidate or harm an
49.12 individual or group of individuals because of actual or perceived race, color, ethnicity,
49.13 religion, sex, gender, sexual orientation, gender identity, gender expression, age, national
49.14 origin, or disability as defined in section 363A.03.

49.15 (b) In any prosecution under paragraph (a), the value of property damaged by the
49.16 defendant in violation of that paragraph within any six-month period may be aggregated
49.17 and the defendant charged accordingly in applying this section. When two or more offenses
49.18 are committed by the same person in two or more counties, the accused may be prosecuted
49.19 in any county in which one of the offenses was committed for all of the offenses aggregated
49.20 under this paragraph.

49.21 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
49.22 committed on or after that date.

49.23 Sec. 27. Minnesota Statutes 2022, section 609.595, subdivision 2, is amended to read:

49.24 **Subd. 2. Criminal damage to property in the third degree.** (a) Except as otherwise
49.25 provided in subdivision 1a, whoever intentionally causes damage to another person's physical
49.26 property without the other person's consent may be sentenced to imprisonment for not more
49.27 than one year or to payment of a fine of not more than \$3,000, or both, if: (1) the damage
49.28 reduces the value of the property by more than \$500 but not more than \$1,000 as measured
49.29 by the cost of repair and replacement; or (2) the damage was to a public safety motor vehicle
49.30 and the defendant knew the vehicle was a public safety motor vehicle.

49.31 (b) Whoever intentionally causes damage to another person's physical property without
49.32 the other person's consent ~~because of the property owner's or another's actual or perceived~~
49.33 ~~race, color, religion, sex, sexual orientation, disability as defined in section 363A.03, age,~~

50.1 ~~or national origin~~ may be sentenced to imprisonment for not more than one year or to
50.2 payment of a fine of not more than \$3,000, or both, if the damage reduces the value of the
50.3 property by not more than \$500; and:

50.4 (1) was committed in whole or in substantial part because of the property owner's or
50.5 another's actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation,
50.6 gender identity, gender expression, age, national origin, or disability as defined in section
50.7 363A.03;

50.8 (2) was committed in whole or in substantial part because of the victim's actual or
50.9 perceived association with another person or group of a certain actual or perceived race,
50.10 color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression,
50.11 age, national origin, or disability as defined in section 363A.03; or

50.12 (3) was motivated in whole or in substantial part by an intent to intimidate or harm an
50.13 individual or group of individuals because of actual or perceived race, color, ethnicity,
50.14 religion, sex, gender, sexual orientation, gender identity, gender expression, age, national
50.15 origin, or disability as defined in section 363A.03.

50.16 (c) In any prosecution under paragraph (a), clause (1), the value of property damaged
50.17 by the defendant in violation of that paragraph within any six-month period may be
50.18 aggregated and the defendant charged accordingly in applying this section. When two or
50.19 more offenses are committed by the same person in two or more counties, the accused may
50.20 be prosecuted in any county in which one of the offenses was committed for all of the
50.21 offenses aggregated under this paragraph.

50.22 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
50.23 committed on or after that date.

50.24 Sec. 28. Minnesota Statutes 2022, section 609.67, subdivision 1, is amended to read:

50.25 Subdivision 1. **Definitions.** (a) "Machine gun" means any firearm designed to discharge,
50.26 or capable of discharging automatically more than once by a single function of the trigger.

50.27 (b) "Shotgun" means a weapon designed, redesigned, made or remade which is intended
50.28 to be fired from the shoulder and uses the energy of the explosive in a fixed shotgun shell
50.29 to fire through a smooth bore either a number of ball shot or a single projectile for each
50.30 single pull of the trigger.

50.31 (c) "Short-barreled shotgun" means a shotgun having one or more barrels less than 18
50.32 inches in length and any weapon made from a shotgun if such weapon as modified has an
50.33 overall length less than 26 inches.

51.1 (d) "Trigger activator" means:

51.2 (1) a removable manual or power driven trigger activating device constructed and
51.3 designed so that, when attached to a firearm, the rate at which the trigger may be pulled
51.4 increases and the rate of fire of the firearm increases to that of a machine gun; or

51.5 (2) a device that allows a semiautomatic firearm to shoot more than one shot with a
51.6 single pull of the trigger or by harnessing the recoil of energy of the semiautomatic firearm
51.7 to which it is affixed so that the trigger resets and continues firing without additional physical
51.8 manipulation of the trigger.

51.9 (e) "Machine gun conversion kit" means any part or combination of parts designed and
51.10 intended for use in converting a weapon into a machine gun, and any combination of parts
51.11 from which a machine gun can be assembled, but does not include a spare or replacement
51.12 part for a machine gun that is possessed lawfully under section 609.67, subdivision 3.

51.13 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to offenses
51.14 that occur on or after that date.

51.15 Sec. 29. Minnesota Statutes 2022, section 609.67, subdivision 2, is amended to read:

51.16 Subd. 2. **Acts prohibited.** (a) Except as otherwise provided herein, whoever owns,
51.17 possesses, or operates a machine gun, or any trigger activator or machine gun conversion
51.18 kit, or a short-barreled shotgun may be sentenced to imprisonment for not more than ~~five~~
51.19 20 years or to payment of a fine of not more than ~~\$10,000~~ \$35,000, or both.

51.20 (b) Except as otherwise provided herein, whoever owns, possesses, or operates a
51.21 short-barreled shotgun may be sentenced to imprisonment for not more than five years or
51.22 to payment of a fine of not more than \$10,000, or both.

51.23 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to offenses
51.24 that occur on or after that date.

51.25 Sec. 30. Minnesota Statutes 2022, section 609.746, subdivision 1, is amended to read:

51.26 Subdivision 1. **Surreptitious intrusion; observation device.** (a) A person is guilty of
51.27 a gross misdemeanor who:

51.28 (1) enters upon another's property;

51.29 (2) surreptitiously gazes, stares, or peeps in the window or any other aperture of a house
51.30 or place of dwelling of another; and

52.1 (3) does so with intent to intrude upon or interfere with the privacy of a member of the
52.2 household.

52.3 (b) A person is guilty of a gross misdemeanor who:

52.4 (1) enters upon another's property;

52.5 (2) surreptitiously installs or uses any device for observing, photographing, recording,
52.6 amplifying, or broadcasting sounds or events through the window or any other aperture of
52.7 a house or place of dwelling of another; and

52.8 (3) does so with intent to intrude upon or interfere with the privacy of a member of the
52.9 household.

52.10 (c) A person is guilty of a gross misdemeanor who:

52.11 (1) surreptitiously gazes, stares, or peeps in the window or other aperture of a sleeping
52.12 room in a hotel, as defined in section 327.70, subdivision 3, a tanning booth, or other place
52.13 where a reasonable person would have an expectation of privacy and has exposed or is
52.14 likely to expose their intimate parts, as defined in section 609.341, subdivision 5, or the
52.15 clothing covering the immediate area of the intimate parts; and

52.16 (2) does so with intent to intrude upon or interfere with the privacy of the occupant.

52.17 (d) A person is guilty of a gross misdemeanor who:

52.18 (1) surreptitiously installs or uses any device for observing, photographing, recording,
52.19 amplifying, or broadcasting sounds or events through the window or other aperture of a
52.20 sleeping room in a hotel, as defined in section 327.70, subdivision 3, a tanning booth, or
52.21 other place where a reasonable person would have an expectation of privacy and has exposed
52.22 or is likely to expose their intimate parts, as defined in section 609.341, subdivision 5, or
52.23 the clothing covering the immediate area of the intimate parts; and

52.24 (2) does so with intent to intrude upon or interfere with the privacy of the occupant.

52.25 (e) A person is guilty of a gross misdemeanor who:

52.26 (1) uses any device for photographing, recording, or broadcasting an image of an
52.27 individual in a house or place of dwelling, a sleeping room of a hotel as defined in section
52.28 327.70, subdivision 3, a tanning booth, a bathroom, a locker room, a changing room, an
52.29 indoor shower facility, or any place where a reasonable person would have an expectation
52.30 of privacy; and

53.1 (2) does so with the intent to photograph, record, or broadcast an image of the individual's
 53.2 intimate parts, as defined in section 609.341, subdivision 5, without the consent of the
 53.3 individual.

53.4 (f) A person is guilty of a misdemeanor who:

53.5 (1) surreptitiously installs or uses any device for observing, photographing, recording,
 53.6 or broadcasting an image of an individual's intimate parts, as defined in section 609.341,
 53.7 subdivision 5, or the clothing covering the immediate area of the intimate parts;

53.8 (2) observes, photographs, or records the image under or around the individual's clothing;
 53.9 and

53.10 (3) does so with intent to intrude upon or interfere with the privacy of the individual.

53.11 ~~(e)~~ (g) A person is guilty of a felony and may be sentenced to imprisonment for not more
 53.12 than two years or to payment of a fine of not more than \$5,000, or both, if the person:

53.13 (1) violates ~~this subdivision~~ paragraph (a), (b), (c), (d), or (e) after a previous conviction
 53.14 under this subdivision or section 609.749; or

53.15 (2) violates ~~this subdivision~~ paragraph (a), (b), (c), (d), or (e) against a minor under the
 53.16 age of 18, knowing or having reason to know that the minor is present.

53.17 ~~(f)~~ (h) A person is guilty of a felony and may be sentenced to imprisonment for not more
 53.18 than four years or to payment of a fine of not more than \$5,000, or both, if: (1) the person
 53.19 violates paragraph (b) ~~or~~, (d), or (e) against a minor victim under the age of 18; (2) the
 53.20 person is more than 36 months older than the minor victim; (3) the person knows or has
 53.21 reason to know that the minor victim is present; and (4) the violation is committed with
 53.22 sexual intent.

53.23 (i) A person is guilty of a gross misdemeanor if the person:

53.24 (1) violates paragraph (f) after a previous conviction under this subdivision or section
 53.25 609.749; or

53.26 (2) violates paragraph (f) against a minor under the age of 18, knowing or having reason
 53.27 to know that the victim is a minor.

53.28 (j) A person is guilty of a felony if the person violates paragraph (f) after two or more
 53.29 convictions under this subdivision or section 609.749.

53.30 ~~(g)~~ Paragraphs (k) Paragraph (b) and, (d) do, or (e) does not apply to law enforcement
 53.31 officers or corrections investigators, or to those acting under their direction, while engaged
 53.32 in the performance of their lawful duties. Paragraphs (c) and, (d), and (e) do not apply to

54.1 conduct in: (1) a medical facility; or (2) a commercial establishment if the owner of the
54.2 establishment has posted conspicuous signs warning that the premises are under surveillance
54.3 by the owner or the owner's employees.

54.4 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
54.5 committed on or after that date.

54.6 Sec. 31. Minnesota Statutes 2022, section 609.749, subdivision 3, is amended to read:

54.7 Subd. 3. **Aggravated violations.** (a) A person who commits any of the following acts
54.8 is guilty of a felony and may be sentenced to imprisonment for not more than five years or
54.9 to payment of a fine of not more than \$10,000, or both:

54.10 (1) commits any offense described in subdivision 2 in whole or in substantial part because
54.11 of the victim's or another's actual or perceived race, color, ethnicity, religion, sex, gender,
54.12 sexual orientation, gender identity, gender expression, age, national origin, or disability as
54.13 defined in section 363A.03, ~~age, or national origin~~ or because of the victim's actual or
54.14 perceived association with another person or group of a certain actual or perceived race,
54.15 color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression,
54.16 age, national origin, or disability as defined in section 363A.03;

54.17 (2) commits any offense described in subdivision 2 by falsely impersonating another;

54.18 (3) commits any offense described in subdivision 2 and a dangerous weapon was used
54.19 in any way in the commission of the offense;

54.20 (4) commits any offense described in subdivision 2 with intent to influence or otherwise
54.21 tamper with a juror or a judicial proceeding or with intent to retaliate against a judicial
54.22 officer, as defined in section 609.415, or a prosecutor, defense attorney, or officer of the
54.23 court, because of that person's performance of official duties in connection with a judicial
54.24 proceeding; or

54.25 (5) commits any offense described in subdivision 2 against a victim under the age of
54.26 18, if the actor is more than 36 months older than the victim.

54.27 (b) A person who commits any offense described in subdivision 2 against a victim under
54.28 the age of 18, if the actor is more than 36 months older than the victim, and the act is
54.29 committed with sexual or aggressive intent, is guilty of a felony and may be sentenced to
54.30 imprisonment for not more than ten years or to payment of a fine of not more than \$20,000,
54.31 or both.

55.1 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
55.2 committed on or after that date.

55.3 Sec. 32. **[609.771] USE OF DEEP FAKE TECHNOLOGY TO INFLUENCE AN**
55.4 **ELECTION.**

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

55.7 (b) "Candidate" means an individual who seeks nomination or election to a federal,
55.8 statewide, legislative, judicial, or local office including special districts, school districts,
55.9 towns, home rule charter and statutory cities, and counties.

55.10 (c) "Deep fake" means any video recording, motion-picture film, sound recording,
55.11 electronic image, or photograph, or any technological representation of speech or conduct
55.12 substantially derivative thereof:

55.13 (1) which appears to authentically depict any speech or conduct of an individual who
55.14 did not in fact engage in such speech or conduct; and

55.15 (2) the production of which was substantially dependent upon technical means, rather
55.16 than the ability of another individual to physically or verbally impersonate such individual.

55.17 (d) "Depicted individual" means an individual in a deep fake who appears to be engaging
55.18 in speech or conduct in which the individual did not engage.

55.19 Subd. 2. **Use of deep fake to influence an election; violation.** A person who disseminates
55.20 a deep fake or enters into a contract or other agreement to disseminate a deep fake is guilty
55.21 of a crime and may be sentenced as provided in subdivision 3 if the person knows or
55.22 reasonably should know that the item being disseminated is a deep fake and dissemination:

55.23 (1) takes place within 90 days before an election;

55.24 (2) is made without the consent of the depicted individual; and

55.25 (3) is made with the intent to injure a candidate or influence the result of an election.

55.26 Subd. 3. **Use of deep fake to influence an election; penalty.** A person convicted of
55.27 violating subdivision 2 may be sentenced as follows:

55.28 (1) if the person commits the violation within five years of one or more prior convictions
55.29 under this section, to imprisonment for not more than five years or to payment of a fine of
55.30 not more than \$10,000, or both;

56.1 (2) if the person commits the violation with the intent to cause violence or bodily harm,
56.2 to imprisonment for not more than one year or to payment of a fine of not more than \$3,000,
56.3 or both; or

56.4 (3) in other cases, to imprisonment for not more than 90 days or to payment of a fine of
56.5 not more than \$1,000, or both.

56.6 Subd. 4. **Injunctive relief.** A cause of action for injunctive relief may be maintained
56.7 against any person who is reasonably believed to be about to violate or who is in the course
56.8 of violating this section by:

56.9 (1) the attorney general;

56.10 (2) a county attorney or city attorney;

56.11 (3) the depicted individual; or

56.12 (4) a candidate for nomination or election to a public office who is injured or likely to
56.13 be injured by dissemination.

56.14 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
56.15 committed on or after that date.

56.16 Sec. 33. **[617.262] NONCONSENSUAL DISSEMINATION OF A DEEP FAKE**
56.17 **DEPICTING INTIMATE PARTS OR SEXUAL ACTS.**

56.18 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have
56.19 the meanings given.

56.20 (b) "Deep fake" means any video recording, motion-picture film, sound recording,
56.21 electronic image, or photograph, or any technological representation of speech or conduct
56.22 substantially derivative thereof:

56.23 (1) which appears to authentically depict any speech or conduct of an individual who
56.24 did not in fact engage in such speech or conduct; and

56.25 (2) the production of which was substantially dependent upon technical means, rather
56.26 than the ability of another individual to physically or verbally impersonate such individual.

56.27 (c) "Depicted individual" means an individual in a deep fake who appears to be engaging
56.28 in speech or conduct in which the individual did not engage.

56.29 (d) "Dissemination" means distribution to one or more persons, other than the person
56.30 depicted in the deep fake, or publication by any publicly available medium.

57.1 (e) "Harass" means an act that would cause a substantial adverse effect on the safety,
57.2 security, or privacy of a reasonable person.

57.3 (f) "Intimate parts" means the genitals, pubic area, or anus of an individual, or if the
57.4 individual is female, a partially or fully exposed nipple.

57.5 (g) "Personal information" means any identifier that permits communication or in-person
57.6 contact with a person, including:

57.7 (1) a person's first and last name, first initial and last name, first name and last initial,
57.8 or nickname;

57.9 (2) a person's home, school, or work address;

57.10 (3) a person's telephone number, email address, or social media account information; or

57.11 (4) a person's geolocation data.

57.12 (h) "Sexual act" means either sexual contact or sexual penetration.

57.13 (i) "Sexual contact" means the intentional touching of intimate parts or intentional
57.14 touching with seminal fluid or sperm onto another person's body.

57.15 (j) "Sexual penetration" means any of the following acts:

57.16 (1) sexual intercourse, cunnilingus, fellatio, or anal intercourse; or

57.17 (2) any intrusion, however slight, into the genital or anal openings of an individual by
57.18 another's body part or an object used by another for this purpose.

57.19 (k) "Social media" means any electronic medium, including an interactive computer
57.20 service, telephone network, or data network, that allows users to create, share, and view
57.21 user-generated content.

57.22 Subd. 2. **Crime.** It is a crime to intentionally disseminate a deep fake when:

57.23 (1) the actor knows or reasonably should know that the depicted individual does not
57.24 consent to the dissemination;

57.25 (2) the deep fake realistically depicts any of the following:

57.26 (i) the intimate parts of another individual presented as the intimate parts of the depicted
57.27 individual;

57.28 (ii) artificially generated intimate parts presented as the intimate parts of the depicted
57.29 individual; or

57.30 (iii) the depicted individual engaging in a sexual act; and

58.1 (3) the depicted individual is identifiable:

58.2 (i) from the deep fake itself, by the depicted individual or by another person; or

58.3 (ii) from the personal information displayed in connection with the deep fake.

58.4 Subd. 3. **Penalties.** (a) Except as provided in paragraph (b), whoever violates subdivision
58.5 2 is guilty of a gross misdemeanor.

58.6 (b) Whoever violates subdivision 2 may be sentenced to imprisonment for not more than
58.7 three years or to payment of a fine of \$5,000, or both, if one of the following factors is
58.8 present:

58.9 (1) the depicted person suffers financial loss due to the dissemination of the deep fake;

58.10 (2) the actor disseminates the deep fake with intent to profit from the dissemination;

58.11 (3) the actor maintains an Internet website, online service, online application, or mobile
58.12 application for the purpose of disseminating the deep fake;

58.13 (4) the actor posts the deep fake on a website;

58.14 (5) the actor disseminates the deep fake with intent to harass the depicted person;

58.15 (6) the actor obtained the deep fake by committing a violation of section 609.52, 609.746,
58.16 609.89, or 609.891; or

58.17 (7) the actor has previously been convicted under this chapter.

58.18 Subd. 4. **No defense.** It is not a defense to a prosecution under this section that the person
58.19 consented to the creation or possession of the deep fake.

58.20 Subd. 5. **Venue.** Notwithstanding anything to the contrary in section 627.01, an offense
58.21 committed under this section may be prosecuted in:

58.22 (1) the county where the offense occurred;

58.23 (2) the county of residence of the actor or victim or in the jurisdiction of the victim's
58.24 designated address if the victim participates in the address confidentiality program established
58.25 by chapter 5B; or

58.26 (3) only if venue cannot be located in the counties specified under clause (1) or (2), the
58.27 county where any deep fake is produced, reproduced, found, stored, received, or possessed
58.28 in violation of this section.

58.29 Subd. 6. **Exemptions.** Subdivision 2 does not apply when:

59.1 (1) the dissemination is made for the purpose of a criminal investigation or prosecution
59.2 that is otherwise lawful;

59.3 (2) the dissemination is for the purpose of, or in connection with, the reporting of unlawful
59.4 conduct;

59.5 (3) the dissemination is made in the course of seeking or receiving medical or mental
59.6 health treatment, and the image is protected from further dissemination;

59.7 (4) the deep fake was obtained in a commercial setting for the purpose of the legal sale
59.8 of goods or services, including the creation of artistic products for sale or display, and the
59.9 depicted individual knew, or should have known, that a deep fake would be created and
59.10 disseminated;

59.11 (5) the deep fake relates to a matter of public interest and dissemination serves a lawful
59.12 public purpose;

59.13 (6) the dissemination is for legitimate scientific research or educational purposes; or

59.14 (7) the dissemination is made for legal proceedings and is consistent with common
59.15 practice in civil proceedings necessary for the proper functioning of the criminal justice
59.16 system, or protected by court order which prohibits any further dissemination.

59.17 Subd. 7. **Immunity.** Nothing in this section shall be construed to impose liability upon
59.18 the following entities solely as a result of content or information provided by another person:

59.19 (1) an interactive computer service as defined in United States Code, title 47, section
59.20 230, paragraph (f), clause (2);

59.21 (2) a provider of public mobile services or private radio services; or

59.22 (3) a telecommunications network or broadband provider.

59.23 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
59.24 committed on or after that date.

59.25 Sec. 34. Minnesota Statutes 2022, section 628.26, is amended to read:

59.26 **628.26 LIMITATIONS.**

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

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

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

60.4 (d) Indictments or complaints for violation of section 609.282 where the victim was 18
60.5 years of age or older at the time of the offense, or 609.42, subdivision 1, clause (1) or (2),
60.6 shall be found or made and filed in the proper court within six years after the commission
60.7 of the offense.

60.8 (e) Indictments or complaints for violation of sections 609.322, 609.342 to 609.345, and
60.9 609.3458 may be found or made at any time after the commission of the offense.

60.10 (f) Indictments or complaints for violation of sections 609.466 and 609.52, subdivision
60.11 2, paragraph (a), clause (3), item (iii), shall be found or made and filed in the proper court
60.12 within six years after the commission of the offense.

60.13 (g) Indictments or complaints for violation of section 609.2335, 609.52, subdivision 2,
60.14 paragraph (a), clause (3), items (i) and (ii), (4), (15), or (16), 609.631, or 609.821, where
60.15 the value of the property or services stolen is more than \$35,000, or for violation of section
60.16 609.527 where the offense involves eight or more direct victims or the total combined loss
60.17 to the direct and indirect victims is more than \$35,000, shall be found or made and filed in
60.18 the proper court within five years after the commission of the offense.

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

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

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

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

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

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

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

61.6 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
61.7 committed on or after that date and to crimes committed before that date if the limitations
61.8 period for the crime did not expire before August 1, 2023.

61.9 Sec. 35. **REPEALER.**

61.10 (a) Minnesota Statutes 2022, section 609.281, subdivision 2, is repealed.

61.11 (b) Minnesota Statutes 2022, sections 609.293, subdivisions 1 and 5; 609.34; and 609.36,
61.12 are repealed.

61.13 **EFFECTIVE DATE.** This section is effective August 1, 2023.

61.14 **ARTICLE 3**

61.15 **PUBLIC SAFETY AND CRIME VICTIMS**

61.16 Section 1. Minnesota Statutes 2022, section 144.6586, subdivision 2, is amended to read:

61.17 Subd. 2. **Contents of notice.** The commissioners of health and public safety, in
61.18 consultation with sexual assault victim advocates and health care professionals, shall develop
61.19 the notice required by subdivision 1. The notice must inform the victim, at a minimum, of:

61.20 (1) the obligation under section 609.35 of the ~~county where the criminal sexual conduct~~
61.21 ~~occurred~~ state to pay for the examination performed for the purpose of gathering evidence,
61.22 that payment is not contingent on the victim reporting the criminal sexual conduct to law
61.23 enforcement, and that the victim may incur expenses for treatment of injuries;

61.24 (2) the victim's rights if the crime is reported to law enforcement, including the victim's
61.25 right to apply for reparations under sections 611A.51 to 611A.68, information on how to
61.26 apply for reparations, and information on how to obtain an order for protection or a
61.27 harassment restraining order; and

61.28 (3) the opportunity under section 611A.27 to obtain status information about an
61.29 unrestricted sexual assault examination kit, as defined in section 299C.106, subdivision 1,
61.30 paragraph (h).

62.1 Sec. 2. Minnesota Statutes 2022, section 145.4712, is amended to read:

62.2 **145.4712 EMERGENCY CARE TO SEXUAL ASSAULT VICTIMS.**

62.3 Subdivision 1. **Emergency care to female sexual assault victims.** (a) It shall be the
62.4 standard of care for all hospitals and other health care providers that provide emergency
62.5 care to, at a minimum:

62.6 (1) provide each female sexual assault victim with medically and factually accurate and
62.7 unbiased written and oral information about emergency contraception from the American
62.8 College of Obstetricians and Gynecologists and distributed to all hospitals by the Department
62.9 of Health;

62.10 (2) orally inform each female sexual assault victim of the option of being provided with
62.11 emergency contraception at the hospital or other health care facility; and

62.12 (3) immediately provide emergency contraception to each sexual assault victim who
62.13 requests it provided it is not medically contraindicated and is ordered by a legal prescriber.
62.14 Emergency contraception shall be administered in accordance with current medical protocols
62.15 regarding timing and dosage necessary to complete the treatment.

62.16 (b) A hospital or health care provider may administer a pregnancy test. If the pregnancy
62.17 test is positive, the hospital or health care provider does not have to comply with the
62.18 provisions in paragraph (a).

62.19 Subd. 2. **Emergency care to male and female sexual assault victims.** It shall be the
62.20 standard of care for all hospitals and health care providers that provide emergency care to,
62.21 at a minimum:

62.22 (1) provide each sexual assault victim with factually accurate and unbiased written and
62.23 oral medical information about prophylactic antibiotics for treatment of sexually transmitted
62.24 ~~diseases~~ infections;

62.25 (2) orally inform each sexual assault victim of the option of being provided prophylactic
62.26 antibiotics for treatment of sexually transmitted ~~diseases~~ infections at the hospital or other
62.27 health care facility; and

62.28 (3) immediately provide prophylactic antibiotics for treatment of sexually transmitted
62.29 ~~diseases~~ infections to each sexual assault victim who requests it, provided it is not medically
62.30 contraindicated and is ordered by a legal prescriber.

63.1 **Sec. 3. [260B.020] OFFICE OF RESTORATIVE PRACTICES.**

63.2 **Subdivision 1. Definition.** As used in this section, "restorative practices" means programs,
63.3 practices, and policies that incorporate core principles including but not limited to
63.4 voluntariness, prioritization of agreement by the people closest to the harm on what is needed
63.5 to repair the harm, reintegration into the community, honesty, and respect. Further, restorative
63.6 practices are rooted in community values and create meaningful outcomes that may include,
63.7 but are not limited to:

63.8 (1) establishing and meeting goals related to increasing connection to community,
63.9 restoring relationships, and increasing empathy, perspective taking, and taking responsibility
63.10 for impact of actions by all parties involved;

63.11 (2) addressing the needs of those who have been harmed;

63.12 (3) recognizing and addressing the underlying issues of behavior;

63.13 (4) engaging with those most directly affected by an incident and including community
63.14 members that reflect the diversity of the child's environment;

63.15 (5) having broad authority to determine the complete and appropriate responses to
63.16 specific incidents through the use of a collaborative process;

63.17 (6) providing solutions and approaches that affirm and are tailored to specific cultures;
63.18 and

63.19 (7) implementing policies and procedures that are informed by the science of the social,
63.20 emotional, and cognitive development of children.

63.21 **Subd. 2. Establishment.** The Office of Restorative Practices is established within the
63.22 Department of Public Safety. The Office of Restorative Practices shall have the powers and
63.23 duties described in this section.

63.24 **Subd. 3. Department of Children, Youth, and Family; automatic transfer.** In the
63.25 event that a Department of Children, Youth, and Family is created as an independent agency,
63.26 the Office of Restorative Practices shall be transferred to that department pursuant to section
63.27 15.039 effective six months following the effective date for legislation creating that
63.28 department.

63.29 **Subd. 4. Director; other staff.** (a) The commissioner of public safety shall appoint a
63.30 director of the Office of Restorative Practices. The director should have qualifications that
63.31 include or are similar to the following:

64.1 (1) experience in the many facets of restorative justice and practices such as peacemaking
64.2 circles, sentencing circles, community conferencing, community panels, and family group
64.3 decision making;

64.4 (2) experience in victim-centered and trauma informed practices;

64.5 (3) knowledge of the range of social problems that bring children and families to points
64.6 of crisis such as poverty, racism, unemployment, and unequal opportunity;

64.7 (4) knowledge of the many ways youth become involved in other systems such as truancy,
64.8 juvenile delinquency, child protection; and

64.9 (5) understanding of educational barriers.

64.10 (b) The director shall hire additional staff to perform the duties of the Office of
64.11 Restorative Practices. The staff shall be in the classified service of the state and their
64.12 compensation shall be established pursuant to chapter 43A.

64.13 Subd. 5. Duties. (a) The Office of Restorative Practices shall promote the use of
64.14 restorative practices across multiple disciplines including, but not limited to:

64.15 (1) pretrial diversion programs established pursuant to section 388.24;

64.16 (2) delinquency, criminal justice, child welfare, and education systems; and

64.17 (3) community violence prevention practices.

64.18 (b) The Office of Restorative Practices shall collaborate with Tribal communities,
64.19 counties, multicounty agencies, other state agencies, nonprofit agencies, and other
64.20 jurisdictions, and with existing restorative practices initiatives in those jurisdictions to
64.21 establish new restorative practices initiatives, support existing restorative practices initiatives,
64.22 and identify effective restorative practices initiatives.

64.23 (c) The Office of Restorative Practices shall encourage collaboration between jurisdictions
64.24 by creating a statewide network, led by restorative practitioners, to share effective methods
64.25 and practices.

64.26 (d) The Office of Restorative Practices shall create a statewide directory of restorative
64.27 practices initiatives. The office shall make this directory available to all restorative practices
64.28 initiatives, counties, multicounty agencies, nonprofit agencies, and Tribes in order to facilitate
64.29 referrals to restorative practices initiatives and programs.

64.30 (e) The Office of Restorative Practices shall work throughout the state to build capacity
64.31 for the use of restorative practices in all jurisdictions and shall encourage every county to
64.32 have at least one available restorative practices initiative.

65.1 (f) The Office of Restorative Practices will engage restorative practitioners in discerning
65.2 ways to measure the effectiveness of restorative efforts throughout the state.

65.3 (g) The Office of Restorative Practices shall oversee the coordination and establishment
65.4 of local restorative practices advisory committees. The office shall oversee compliance with
65.5 the conditions of this funding program. If a complaint or concern about a local advisory
65.6 committee or a grant recipient is received, the Office of Restorative Practices shall exercise
65.7 oversight as provided in this section.

65.8 (h) The Office of Restorative Practices shall provide information to local restorative
65.9 practices advisory committees, or restorative practices initiatives in Tribal communities and
65.10 governments, counties, multicounty agencies, other state agencies, and other jurisdictions
65.11 about best practices that are developmentally tailored to youth, trauma-informed, and
65.12 healing-centered, and provide technical support. Providing information includes, but is not
65.13 limited to, sharing data on successful practices in other jurisdictions, sending notification
65.14 about available training opportunities, and sharing known resources for financial support.
65.15 The Office of Restorative Practices shall also provide training and technical support to local
65.16 restorative practices advisory committees. Training includes, but is not limited to the use
65.17 and scope of restorative practices, victim-centered restorative practices, and trauma-informed
65.18 care.

65.19 (i) The Office of Restorative Practices shall annually establish minimum requirements
65.20 for the grant application process.

65.21 (j) The Office of Restorative Practices shall work with Tribes, counties, multicounty
65.22 agencies, and nonprofit agencies throughout the state to educate those entities about the
65.23 application process for grants and encourage applications.

65.24 Subd. 6. **Grants.** (a) Within available appropriations, the director shall award grants to
65.25 establish and support restorative practices initiatives. An approved applicant must receive
65.26 a grant of up to \$500,000 each year.

65.27 (b) On an annual basis, the Office of Restorative Practices shall establish a minimum
65.28 number of applications that must be received during the application process. If the minimum
65.29 number of applications is not received, the office must reopen the application process.

65.30 (c) Grants may be awarded to private and public nonprofit agencies; local units of
65.31 government, including cities, counties, and townships; local educational agencies; and Tribal
65.32 governments. A restorative practices advisory committee may support multiple entities
65.33 applying for grants based on community needs, the number of youth and families in the

66.1 jurisdiction, and the number of restorative practices available to the community. Budgets
66.2 supported by grant funds can include contracts with partner agencies.

66.3 (d) Applications must include the following:

66.4 (1) a list of willing restorative practices advisory committee members;

66.5 (2) letters of support from potential restorative practices advisory committee members;

66.6 (3) a description of the planning process that includes:

66.7 (i) a description of the origins of the initiative, including how the community provided
66.8 input; and

66.9 (ii) an estimated number of participants to be served; and

66.10 (4) a formal document containing a project description that outlines the proposed goals,
66.11 activities, and outcomes of the initiative including, at a minimum:

66.12 (i) a description of how the initiative meets the minimum eligibility requirements of the
66.13 grant;

66.14 (ii) the roles and responsibilities of key staff assigned to the initiative;

66.15 (iii) identification of any key partners, including a summary of the roles and
66.16 responsibilities of those partners;

66.17 (iv) a description of how volunteers and other community members are engaged in the
66.18 initiative; and

66.19 (v) a plan for evaluation and data collection.

66.20 (e) In determining the appropriate amount of each grant, the Office of Restorative
66.21 Practices shall consider the number of individuals likely to be served by the local restorative
66.22 practices initiative.

66.23 **Subd. 7. Restorative practices advisory committees; membership and duties. (a)**

66.24 Restorative practices advisory committees must include:

66.25 (1) a judge of the judicial district that will be served by the restorative practices initiative;

66.26 (2) the county attorney of a county that will be served by the restorative practices initiative
66.27 or a designee;

66.28 (3) the chief district public defender in the district that will be served by the local
66.29 restorative justice program or a designee;

67.1 (4) a representative from the children's unit of a county social services agency assigned
67.2 to the area that will be served by the restorative practices initiative;

67.3 (5) a representative from the local probation department or community corrections
67.4 agency that works with youth in the area that will be served by the restorative practices
67.5 initiative;

67.6 (6) a representative from a local law enforcement agency that operates in the area that
67.7 will be served by the restorative practices initiative;

67.8 (7) a school administrator or designee from a school or schools that operate in the area
67.9 that will be served by the restorative practices initiative;

67.10 (8) multiple community members that reflect the racial, socioeconomic, and other
67.11 diversity of the population of a county that will be served by the local restorative justice
67.12 program and the individuals most frequently involved in the truancy, juvenile offender, and
67.13 juvenile safety and placement systems;

67.14 (9) restorative practitioners, including restorative practitioners from within the community
67.15 if available and, if not, from nearby communities;

67.16 (10) parents, youth, and justice-impacted participants; and

67.17 (11) at least one representative from a victims advocacy group.

67.18 (b) Community members described in paragraph (a), clause (8), must make up at least
67.19 one-third of the restorative practices advisory committee.

67.20 (c) Community members, parents, youth, and justice-impacted participants participating
67.21 in the advisory committee may receive a per diem from grant funds in the amount determined
67.22 by the General Services Administration.

67.23 (d) The restorative practices advisory committees must utilize restorative practices in
67.24 their decision-making process and come to consensus when developing, expanding, and
67.25 maintaining restorative practices criteria and referral processes for their communities.

67.26 (e) Restorative practices advisory committees shall be responsible for establishing
67.27 eligibility requirements for referrals to the local restorative practices initiative. Once
67.28 restorative practices criteria and referral processes are developed, children, families, and
67.29 cases, depending upon the point of prevention or intervention, must be referred to the local
67.30 restorative practices initiatives or programs that serve the county, local community, or Tribal
67.31 community where the child and family reside.

67.32 (f) Referrals may be made under circumstances including, but not limited to:

- 68.1 (1) as an alternative to arrest as outlined in section 260B.1755;
- 68.2 (2) for a juvenile petty offense;
- 68.3 (3) for a juvenile traffic offense;
- 68.4 (4) for a juvenile delinquency offense, including before and after a delinquency petition
68.5 has been filed;
- 68.6 (5) for a child protection case, including before and after adjudication;
- 68.7 (6) for a children's mental health case;
- 68.8 (7) for a juvenile status offense, including but not limited to truancy or running away;
- 68.9 (8) for substance use issues;
- 68.10 (9) for situations involving transition to or from the community; and
- 68.11 (10) through self-referral.

68.12 Subd. 8. **Oversight of restorative practices advisory committees.** (a) Complaints by
68.13 restorative practices advisory committee members, community members, restorative practices
68.14 initiatives, or restorative practices practitioners regarding concerns about grant recipients
68.15 may be made to the Office of Restorative Practices.

68.16 (b) The Office of Restorative Practices may prescribe the methods by which complaints
68.17 to the office are to be made, reviewed, and acted upon.

68.18 (c) The Office of Restorative Practices shall establish and use a restorative process to
68.19 respond to complaints so that grant recipients are being held to their agreed upon
68.20 responsibilities and continue to meet the minimum eligibility requirements for grants to
68.21 local restorative practices initiatives for the duration of the grant.

68.22 Subd. 9. **Report.** By February 15 of each year, the director shall report to the chairs and
68.23 ranking minority members of the legislative committees and divisions with jurisdiction over
68.24 public safety, human services, and education, on the work of the Office of Restorative
68.25 Practices, any grants issued pursuant to this section, and the status of local restorative
68.26 practices initiatives in the state that were reviewed in the previous year.

68.27 Sec. 4. Minnesota Statutes 2022, section 297I.06, subdivision 1, is amended to read:

68.28 Subdivision 1. **Insurance policies surcharge.** (a) Except as otherwise provided in
68.29 subdivision 2, each licensed insurer engaged in writing policies of homeowner's insurance
68.30 authorized in section 60A.06, subdivision 1, clause (1)(c), or commercial fire policies or
68.31 commercial nonliability policies shall collect a surcharge as provided in this paragraph.

69.1 ~~Through June 30, 2013,~~ The surcharge is equal to 0.65 percent of the gross premiums and
69.2 assessments, less return premiums, on direct business received by the company, or by its
69.3 agents for it, for homeowner's insurance policies, commercial fire policies, and commercial
69.4 nonliability insurance policies in this state. ~~Beginning July 1, 2013, the surcharge is 0.5~~
69.5 ~~percent.~~

69.6 (b) The surcharge amount collected under paragraph (a) or subdivision 2, paragraph (b),
69.7 may not be considered premium for any other purpose. The surcharge amount under
69.8 paragraph (a) must be separately stated on either a billing or policy declaration or document
69.9 containing similar information sent to an insured.

69.10 (c) Amounts collected by the commissioner under this section must be deposited in the
69.11 fire safety account established pursuant to subdivision 3.

69.12 Sec. 5. Minnesota Statutes 2022, section 299A.38, is amended to read:

69.13 **299A.38 SOFT BODY ARMOR REIMBURSEMENT.**

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

69.15 ~~(a)~~ (1) "commissioner" means the commissioner of public safety;

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

69.18 ~~(b)~~ (3) "peace officer" means a person who is licensed under section 626.84, subdivision
69.19 1, paragraph (c);

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

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

69.25 ~~(e)~~ (5) "vest" means bullet-resistant soft body armor that is flexible, concealable, and
69.26 custom fitted to the peace officer to provide ballistic and trauma protection.

69.27 Subd. 2. **State and local reimbursement.** Peace officers and heads of local law
69.28 enforcement agencies and public safety officers and heads of agencies and entities who buy
69.29 vests for the use of peace officer employees, public safety officer employees, or both may
69.30 apply to the commissioner for reimbursement of funds spent to buy vests. On approving an
69.31 application for reimbursement, the commissioner shall pay the applicant an amount equal
69.32 to the lesser of one-half of the vest's purchase price or \$600, as adjusted according to

70.1 subdivision 2a. The political subdivision, agency, or entity that employs the peace officer
70.2 or public safety officer shall pay at least the lesser of one-half of the vest's purchase price
70.3 or \$600, as adjusted according to subdivision 2a. The political subdivision, agency, or entity
70.4 may not deduct or pay its share of the vest's cost from any clothing, maintenance, or similar
70.5 allowance otherwise provided to the peace officer by the law enforcement agency or public
70.6 safety officer by the employing agency or entity.

70.7 Subd. 2a. **Adjustment of reimbursement amount.** On October 1, 2006, the
70.8 commissioner of public safety shall adjust the \$600 reimbursement amounts specified in
70.9 subdivision 2, and in each subsequent year, on October 1, the commissioner shall adjust the
70.10 reimbursement amount applicable immediately preceding that October 1 date. The adjusted
70.11 rate must reflect the annual percentage change in the Consumer Price Index for all urban
70.12 consumers, published by the federal Bureau of Labor Statistics, occurring in the one-year
70.13 period ending on the preceding June 1.

70.14 Subd. 3. **Eligibility requirements.** (a) Only vests that either meet or exceed the
70.15 requirements of standard 0101.03 of the National Institute of Justice or that meet or exceed
70.16 the requirements of that standard, except wet armor conditioning, are eligible for
70.17 reimbursement.

70.18 (b) Eligibility for reimbursement is limited to vests bought after December 31, 1986, by
70.19 or for peace officers (1) who did not own a vest meeting the requirements of paragraph (a)
70.20 before the purchase, or (2) who owned a vest that was at least five years old.

70.21 (c) The requirement set forth in paragraph (b), clauses (1) and (2), shall not apply to any
70.22 peace officer who purchases a vest constructed from a zylon-based material, provided that
70.23 the peace officer provides proof of purchase or possession of the vest prior to July 1, 2005.

70.24 Subd. 4. **Rules.** The commissioner may adopt rules under chapter 14 to administer this
70.25 section.

70.26 Subd. 5. **Limitation of liability.** A state agency, political subdivision of the state, ~~or~~
70.27 state or local government employee, or other entity that provides reimbursement for purchase
70.28 of a vest under this section is not liable to a peace officer or the peace officer's heirs or a
70.29 public safety officer or the public safety officer's heirs for negligence in the death of or
70.30 injury to the ~~peace~~ officer because the vest was defective or deficient.

70.31 Subd. 6. **Right to benefits unaffected.** A peace officer or public safety officer who is
70.32 reimbursed for the purchase of a vest under this section and who suffers injury or death
70.33 because the officer failed to wear the vest, or because the officer wore a vest that was

71.1 defective or deficient, may not lose or be denied a benefit or right, including a benefit under
71.2 section 299A.44, to which the officer, or the officer's heirs, is otherwise entitled.

71.3 Sec. 6. Minnesota Statutes 2022, section 299A.41, subdivision 3, is amended to read:

71.4 Subd. 3. **Killed in the line of duty.** "Killed in the line of duty" does not include deaths
71.5 from natural causes, except as provided in this subdivision. In the case of a public safety
71.6 officer, killed in the line of duty includes the death of a public safety officer caused by
71.7 accidental means while the public safety officer is acting in the course and scope of duties
71.8 as a public safety officer. Killed in the line of duty also means if a public safety officer dies
71.9 as the direct and proximate result of a heart attack, stroke, or vascular rupture, that officer
71.10 shall be presumed to have died as the direct and proximate result of a personal injury
71.11 sustained in the line of duty if:

71.12 (1) that officer, while on duty:

71.13 (i) engaged in a situation, and that engagement involved nonroutine stressful or strenuous
71.14 physical law enforcement, fire suppression, rescue, hazardous material response, emergency
71.15 medical services, prison security, disaster relief, or other emergency response activity; or

71.16 (ii) participated in a training exercise, and that participation involved nonroutine stressful
71.17 or strenuous physical activity;

71.18 (2) that officer died as a result of a heart attack, stroke, or vascular rupture suffered:

71.19 (i) while engaging or participating under clause (1);

71.20 (ii) while still on duty after engaging or participating under clause (1); or

71.21 (iii) not later than 24 hours after engaging or participating under clause (1); ~~and~~

71.22 (3) that officer died as a result of a disabling cancer of a type caused by exposure to
71.23 heat, radiation, or a known or suspected carcinogen, as defined by the International Agency
71.24 for Research on Cancer, and the carcinogen is reasonably linked to the disabling cancer;

71.25 (4) that officer died due to suicide secondary to a diagnosis of post-traumatic stress
71.26 disorder as described in the most recent edition of the Diagnostic and Statistical Manual of
71.27 Mental Disorders published by the American Psychiatric Association;

71.28 (5) within 45 days of the end of exposure, while on duty, to a traumatic event. As used
71.29 in this section, "traumatic event" means an officer exposed to an event that is:

72.1 (i) a homicide, suicide, or the violent or gruesome death of another individual, including
 72.2 but not limited to a death resulting from a mass casualty event, mass fatality event, or mass
 72.3 shooting;

72.4 (ii) a harrowing circumstance posing an extraordinary and significant danger or threat
 72.5 to the life of or of serious bodily harm to any individual, including but not limited to a death
 72.6 resulting from a mass casualty event, mass fatality event, or mass shooting; or

72.7 (iii) an act of criminal sexual violence committed against any individual; and

72.8 ~~(3)~~ (6) the presumption is not overcome by competent medical evidence to the contrary.

72.9 Sec. 7. Minnesota Statutes 2022, section 299A.85, subdivision 6, is amended to read:

72.10 Subd. 6. **Reports.** The office must report on measurable outcomes achieved to meet its
 72.11 statutory duties, along with specific objectives and outcome measures proposed for the
 72.12 following year. The report must include data and statistics on missing and murdered
 72.13 Indigenous women, children, and Two-Spirit relatives in Minnesota, including names, dates
 72.14 of disappearance, and dates of death, to the extent the data is publicly available. The report
 72.15 must also identify and describe the work of any reward advisory group and itemize the
 72.16 expenditures of the Gaagige-Mikwendaagoziwag reward account, if any. The office must
 72.17 submit the report by January 15 each year to the chairs and ranking minority members of
 72.18 the legislative committees with primary jurisdiction over public safety.

72.19 Sec. 8. **[299A.90] OFFICE FOR MISSING AND MURDERED BLACK WOMEN**
 72.20 **AND GIRLS.**

72.21 Subdivision 1. Establishment. The commissioner shall establish and maintain an office
 72.22 dedicated to preventing and ending the targeting of Black women and girls within the
 72.23 Minnesota Office of Justice Programs.

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

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

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

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

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

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

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

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

73.14 (5) collect data on missing person and homicide cases involving Black women and girls,
73.15 including the total number of cases, the rate at which the cases are solved, the length of time
73.16 the cases remain open, and a comparison to similar cases involving different demographic
73.17 groups;

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

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

73.24 (8) analyze and assess the intersection between cases involving missing and murdered
73.25 Black women and girls and labor trafficking and sex trafficking;

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

73.29 (10) analyze and assess the intersection between cases involving murdered Black women
73.30 and girls and domestic violence, including prior instances of domestic violence within the
73.31 family or relationship, whether an offender had prior convictions for domestic assault or
73.32 related offenses, and whether the offender used a firearm in the murder or any prior instances
73.33 of domestic assault;

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

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

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

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

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

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

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

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

74.23 (19) develop and maintain communication with relevant divisions in the Department of
74.24 Public Safety, including but not limited to the Bureau of Criminal Apprehension, regarding
74.25 any cases involving missing and murdered Black women and girls and on procedures for
74.26 investigating cases involving missing and murdered Black women and girls;

74.27 (20) consult with the Council for Minnesotans of African Heritage established in section
74.28 15.0145; and

74.29 (21) coordinate, as relevant, with federal efforts, and efforts in neighboring states and
74.30 Canada.

74.31 (b) As used in this subdivision:

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

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

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

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

75.24 Subd. 6. **Acceptance of gifts and receipt of grants.** (a) A missing and murdered Black
75.25 women and girls account is established in the special revenue fund. Money in the account,
75.26 including interest earned, is appropriated to the office for the purposes of carrying out the
75.27 office's duties, including but not limited to issuing grants to community-based organizations.

75.28 (b) Notwithstanding sections 16A.013 to 16A.016, the office may accept funds
75.29 contributed by individuals and may apply for and receive grants from public and private
75.30 entities. The funds accepted or received under this subdivision must be deposited in the
75.31 missing and murdered Black women and girls account created under paragraph (a).

75.32 Subd. 7. **Grants to organizations.** (a) The office shall issue grants to community-based
75.33 organizations that provide services designed to prevent or end the targeting of Black women
75.34 or girls, or to provide assistance to victims of offenses that targeted Black women or girls.

76.1 (b) Grant recipients must use money to:

76.2 (1) provide services designed to reduce or prevent crimes or other negative behaviors
76.3 that target Black women or girls;

76.4 (2) provide training to the community about how to handle situations and crimes involving
76.5 the targeting of Black women and girls, including but not limited to training for law
76.6 enforcement officers, county attorneys, city attorneys, judges, and other criminal justice
76.7 partners; or

76.8 (3) provide services to Black women and girls who are victims of crimes or other offenses,
76.9 or to the family members of missing and murdered Black women and girls.

76.10 (c) Applicants must apply in a form and manner established by the office.

76.11 (d) Grant recipients must provide an annual report to the office that includes:

76.12 (1) the services provided by the grant recipient;

76.13 (2) the number of individuals served in the previous year; and

76.14 (3) any other information required by the office.

76.15 (e) On or before February 1 of each year, the office shall report to the legislative
76.16 committees and divisions with jurisdiction over public safety on the work of grant recipients,
76.17 including a description of the number of entities awarded grants, the amount of those grants,
76.18 and the number of individuals served by the grantees.

76.19 (f) The office may enter into agreements with the Office of Justice Programs for the
76.20 administration of grants issued under this subdivision.

76.21 Subd. 8. **Access to data.** Notwithstanding section 13.384 or 13.85, the director has access
76.22 to corrections and detention data and medical data maintained by an agency and classified
76.23 as private data on individuals or confidential data on individuals to the extent the data is
76.24 necessary for the office to perform its duties under this section.

76.25 **Sec. 9. [299C.055] LEGISLATIVE REPORT ON FUSION CENTER ACTIVITIES.**

76.26 (a) The superintendent must prepare an annual report for the public and the legislature
76.27 on the Minnesota Fusion Center (MNFC) that includes general information about the MNFC;
76.28 the types of activities it monitors; the scale of information it collects; the local, state, and
76.29 federal agencies with which it shares information; and the quantifiable benefits it produces.
76.30 None of the reporting requirements in this section supersede chapter 13 or any other state
76.31 or federal law. The superintendent must report on activities for the preceding calendar year

77.1 unless another time period is specified. The report must include the following information,
77.2 to the extent allowed by other law:

77.3 (1) the MNFC's operating budget for the current biennium, number of staff, and staff
77.4 duties;

77.5 (2) the number of publications generated and an overview of the type of information
77.6 provided in the publications, including products such as law enforcement briefs, partner
77.7 briefs, risk assessments, threat assessments, and operational reports;

77.8 (3) a summary of audit findings for the MNFC and what corrective actions were taken
77.9 pursuant to audits;

77.10 (4) the number of data requests received by the MNFC and a general description of those
77.11 requests;

77.12 (5) the types of surveillance and data analysis technologies utilized by the MNFC, such
77.13 as artificial intelligence or social media analysis tools;

77.14 (6) a description of the commercial and governmental databases utilized by the MNFC
77.15 to the extent permitted by law;

77.16 (7) the number of suspicious activity reports (SARs) received and processed by the
77.17 MNFC;

77.18 (8) the number of SARs received and processed by the MNFC that were converted into
77.19 Bureau of Criminal Apprehension case files, that were referred to the Federal Bureau of
77.20 Investigation, or that were referred to local law enforcement agencies;

77.21 (9) the number of SARs received and processed by the MNFC that involve an individual
77.22 on the Terrorist Screening Center watchlist;

77.23 (10) the number of requests for information (RFIs) that the MNFC received from law
77.24 enforcement agencies and the number of responses to federal requests for RFIs;

77.25 (11) the names of the federal agencies the MNFC received data from or shared data
77.26 with;

77.27 (12) the names of the agencies that submitted SARs;

77.28 (13) a summary description of the MNFC's activities with the Joint Terrorism Task
77.29 Force; and

77.30 (14) the number of investigations aided by the MNFC's use of SARs and RFIs.

78.1 (b) The agency must use existing appropriations to fund preparation of reports required
78.2 under this section.

78.3 (c) The report shall be provided to the chairs and ranking minority members of the
78.4 committees of the house of representatives and senate with jurisdiction over data practices
78.5 and public safety issues, and shall be posted on the MNFC website by February 15 each
78.6 year beginning on February 15, 2024.

78.7 **Sec. 10. [299C.061] STATE FRAUD UNIT.**

78.8 Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the
78.9 meanings provided.

78.10 (1) "Fraud" includes any violation of sections 609.466, 609.611, 609.651, 609.7475, or
78.11 609.821.

78.12 (2) "Peace officer" has the meaning given in section 626.84, subdivision 1, paragraph
78.13 (c).

78.14 (3) "State agency" has the meaning given in section 13.02, subdivision 17.

78.15 (4) "Superintendent" means the superintendent of the Bureau of Criminal Apprehension.

78.16 (5) "Unit" means the State Fraud Unit housed at the Bureau of Criminal Apprehension.

78.17 Subd. 2. **State Fraud Unit.** The superintendent shall form a State Fraud Unit within the
78.18 Bureau of Criminal Apprehension to conduct investigations into fraud involving state-funded
78.19 programs or services subject to availability of funds.

78.20 Subd. 3. **Mandatory referral; duty to investigate.** A state agency shall refer all
78.21 suspected fraudulent activity under the provisions noted within subdivision 1, clause (1),
78.22 equaling \$100,000 or more, to the unit for evaluation and investigation or appropriate
78.23 referral. Upon receipt of this referral, the unit shall review and, where appropriate, conduct
78.24 criminal investigations into such allegations. The unit has sole discretion as to which
78.25 allegations are investigated further, referred back to the reporting agency for appropriate
78.26 regulatory investigation, or referred to another law enforcement agency with appropriate
78.27 jurisdiction.

78.28 Subd. 4. **Discretionary referral.** (a) A state agency may refer suspected fraudulent
78.29 activity related to any state-funded programs or services equaling less than \$100,000 to the
78.30 unit for investigation. Upon referral, the unit shall:

78.31 (1) accept the referral and, where appropriate, conduct criminal investigations into the
78.32 allegations and make appropriate referrals for criminal prosecution; or

79.1 (2) redirect the referral to another appropriate law enforcement agency or civil
79.2 investigative authority, offering assistance where appropriate.

79.3 Subd. 5. **State agency reporting.** By January 15 of each year, each state agency must
79.4 report all suspected fraudulent activities equaling \$10,000 or more to the unit to be
79.5 summarized in the report under subdivision 6.

79.6 Subd. 6. **State Fraud Unit annual report.** By February 1 of each odd-numbered year,
79.7 the superintendent shall report to the commissioner, the governor, and the chairs and ranking
79.8 minority members of the legislative committees with jurisdiction over public safety finance
79.9 and policy the following information about the unit:

79.10 (1) the number of investigations initiated;

79.11 (2) the number of allegations investigated;

79.12 (3) the outcomes or current status of each investigation;

79.13 (4) the charging decisions made by the prosecuting authority of incidents investigated
79.14 by the unit;

79.15 (5) the number of plea agreements reached in incidents investigated by the unit;

79.16 (6) the number of reports received under subdivision 5; and

79.17 (7) any other information relevant to the unit's mission.

79.18 **EFFECTIVE DATE.** Subdivisions 1, 3, 5, and 6 are effective July 1, 2023. Subdivisions
79.19 3 and 4 are effective January 1, 2024.

79.20 Sec. 11. Minnesota Statutes 2022, section 299C.106, subdivision 3, is amended to read:

79.21 Subd. 3. **Submission and storage of sexual assault examination kits.** (a) Within 60
79.22 days of receiving an unrestricted sexual assault examination kit, a law enforcement agency
79.23 shall submit the kit for testing to a forensic laboratory. The testing laboratory shall return
79.24 unrestricted sexual assault examination kits to the submitting agency for storage after testing
79.25 is complete. The submitting agency must store unrestricted sexual assault examination kits
79.26 indefinitely.

79.27 (b) Within 60 days of a hospital preparing a restricted sexual assault examination kit or
79.28 a law enforcement agency receiving a restricted sexual assault examination kit from a
79.29 hospital, the hospital or the agency shall submit the kit to ~~the Bureau of Criminal~~
79.30 ~~Apprehension~~ a forensic laboratory. The ~~bureau~~ laboratory shall store all restricted sexual
79.31 assault examination kits collected by hospitals or law enforcement agencies in the state.

80.1 The ~~bureau~~ laboratory shall retain a restricted sexual assault examination kit for at least 30
80.2 months from the date the ~~bureau~~ laboratory receives the kit.

80.3 (c) The receiving forensic laboratory must test the sexual assault examination kit within
80.4 90 days of receipt from a hospital or law enforcement agency. Upon completion of testing,
80.5 the forensic laboratory will update the kit-tracking database to indicate that testing is
80.6 complete. The forensic laboratory must notify the submitting agency when any kit testing
80.7 does not meet the 90-day deadline and provide an estimated time frame for testing
80.8 completion.

80.9 Sec. 12. Minnesota Statutes 2022, section 299C.53, subdivision 3, is amended to read:

80.10 Subd. 3. **Missing and endangered persons.** The Bureau of Criminal Apprehension
80.11 must operate a missing person alert program. If the Bureau of Criminal Apprehension
80.12 receives a report from a law enforcement agency indicating that a person is missing and
80.13 endangered, the superintendent must originate an alert. The superintendent may assist the
80.14 law enforcement agency in conducting the preliminary investigation, offer resources, and
80.15 assist the agency in helping implement the investigation policy with particular attention to
80.16 the need for immediate action. The law enforcement agency shall promptly notify all
80.17 appropriate law enforcement agencies in the state and is required to issue a missing person
80.18 alert utilizing the Crime Alert Network as prescribed in section 299A.61 and, if deemed
80.19 appropriate, law enforcement agencies in adjacent states or jurisdictions of any information
80.20 that may aid in the prompt location and safe return of a missing and endangered person.
80.21 The superintendent shall provide guidance on issuing alerts using this system and provide
80.22 the system for law enforcement agencies to issue these alerts. The Bureau of Criminal
80.23 Apprehension may provide assistance to agencies in issuing missing person alerts as required
80.24 by this section.

80.25 Sec. 13. Minnesota Statutes 2022, section 299F.46, subdivision 1, is amended to read:

80.26 Subdivision 1. **Hotel inspection.** (a) It shall be the duty of the commissioner of public
80.27 safety to inspect, or cause to be inspected, at least once every three years, every hotel in
80.28 this state; and, for that purpose, the commissioner, or the commissioner's deputies or
80.29 designated alternates or agents, shall have the right to enter or have access thereto at any
80.30 reasonable hour; and, when, upon such inspection, it shall be found that the hotel so inspected
80.31 does not conform to or is not being operated in accordance with the provisions of sections
80.32 157.011 and 157.15 to 157.22, in so far as the same relate to fire prevention or fire protection
80.33 of hotels, or the rules promulgated thereunder, or is being maintained or operated in such

81.1 manner as to violate the Minnesota State Fire Code promulgated pursuant to section 326B.02,
81.2 subdivision 6, 299F.51, or any other law of this state relating to fire prevention and fire
81.3 protection of hotels, the commissioner and the deputies or designated alternates or agents
81.4 shall report such a situation to the hotel inspector who shall proceed as provided for in
81.5 chapter 157.

81.6 (b) The word "hotel", as used in this subdivision, has the meaning given in section
81.7 299F.391.

81.8 Sec. 14. Minnesota Statutes 2022, section 299F.50, is amended by adding a subdivision
81.9 to read:

81.10 Subd. 11. **Hotel.** "Hotel" means any building, or portion thereof, containing six or more
81.11 guest rooms intended or designed to be used, or which are used, rented, or hired out to be
81.12 occupied, or which are occupied for sleeping purposes by guests.

81.13 Sec. 15. Minnesota Statutes 2022, section 299F.50, is amended by adding a subdivision
81.14 to read:

81.15 Subd. 12. **Lodging house.** "Lodging house" means any building, or portion thereof,
81.16 containing not more than five guest rooms which are used or are intended to be used for
81.17 sleeping purposes by guests and where rent is paid in money, goods, labor, or otherwise.

81.18 Sec. 16. Minnesota Statutes 2022, section 299F.51, subdivision 1, is amended to read:

81.19 Subdivision 1. **Generally.** (a) Every ~~single-family~~ single-family dwelling and every
81.20 dwelling unit in a multifamily dwelling must have an approved and operational carbon
81.21 monoxide alarm installed within ten feet of each room lawfully used for sleeping purposes.

81.22 (b) Every guest room in a hotel or lodging house must have an approved and operational
81.23 carbon monoxide alarm installed in each room lawfully used for sleeping purposes.

81.24 Sec. 17. Minnesota Statutes 2022, section 299F.51, subdivision 2, is amended to read:

81.25 Subd. 2. **Owner's duties.** (a) The owner of a multifamily dwelling unit which is required
81.26 to be equipped with one or more approved carbon monoxide alarms must:

81.27 (1) provide and install one approved and operational carbon monoxide alarm within ten
81.28 feet of each room lawfully used for sleeping; and

81.29 (2) replace any required carbon monoxide alarm that has been stolen, removed, found
81.30 missing, or rendered inoperable during a prior occupancy of the dwelling unit and which

82.1 has not been replaced by the prior occupant prior to the commencement of a new occupancy
82.2 of a dwelling unit.

82.3 (b) The owner of a hotel or lodging house which is required to be equipped with one or
82.4 more approved carbon monoxide alarms must:

82.5 (1) provide and install one approved and operational carbon monoxide alarm in each
82.6 room lawfully used for sleeping; and

82.7 (2) replace any required carbon monoxide alarm that has been stolen, removed, found
82.8 missing, or rendered inoperable during a prior occupancy and which has not been replaced
82.9 by the prior occupant prior to the commencement of a new occupancy of a hotel guest room
82.10 or lodging house.

82.11 Sec. 18. Minnesota Statutes 2022, section 299F.51, subdivision 5, is amended to read:

82.12 Subd. 5. **Exceptions; certain multifamily dwellings and state-operated facilities.** (a)
82.13 In lieu of requirements of subdivision 1, multifamily dwellings may have approved and
82.14 operational carbon monoxide ~~alarms~~ detectors installed between 15 and 25 feet of carbon
82.15 monoxide-producing central fixtures and equipment, provided there is a centralized alarm
82.16 system or other mechanism for responsible parties to hear the alarm at all times.

82.17 (b) An owner of a multifamily dwelling that contains minimal or no sources of carbon
82.18 monoxide may be exempted from the requirements of subdivision 1, provided that such
82.19 owner certifies to the commissioner of public safety that such multifamily dwelling poses
82.20 no foreseeable carbon monoxide risk to the health and safety of the dwelling units.

82.21 (c) The requirements of this section do not apply to facilities owned or operated by the
82.22 state of Minnesota.

82.23 Sec. 19. Minnesota Statutes 2022, section 299F.51, is amended by adding a subdivision
82.24 to read:

82.25 Subd. 6. **Safety warning.** A first violation of this section shall not result in a penalty,
82.26 but is punishable by a safety warning. A second or subsequent violation is a petty
82.27 misdemeanor.

82.28 Sec. 20. Minnesota Statutes 2022, section 299M.10, is amended to read:

82.29 **299M.10 MONEY CREDITED TO GENERAL FUND.**

82.30 The fees and penalties collected under this chapter, ~~except as provided in section~~
82.31 ~~299M.07,~~ must be deposited in the state treasury and credited to the ~~general fund.~~ Money

83.1 ~~received by the State Fire Marshal Division in the form of gifts, grants, reimbursements, or~~
83.2 ~~appropriation from any source for the administration of this chapter must also be deposited~~
83.3 ~~in the state treasury and credited to the general fund.~~ state fire marshal account, which is
83.4 established in the special revenue fund. Money in the state fire marshal account is annually
83.5 appropriated to the commissioner of public safety to administer the programs under this
83.6 chapter.

83.7 Sec. 21. Minnesota Statutes 2022, section 326.32, subdivision 10, is amended to read:

83.8 Subd. 10. **License holder.** "License holder" means any individual, partnership as defined
83.9 in section 323A.0101, clause (8), or corporation licensed to perform the duties of a private
83.10 detective or a protective agent.

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

83.12 Sec. 22. **[604.32] CAUSE OF ACTION FOR NONCONSENSUAL DISSEMINATION**
83.13 **OF A DEEP FAKE DEPICTING INTIMATE PARTS OR SEXUAL ACTS.**

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

83.16 (b) "Deep fake" means any video recording, motion-picture film, sound recording,
83.17 electronic image, or photograph, or any technological representation of speech or conduct
83.18 substantially derivative thereof:

83.19 (1) which appears to authentically depict any speech or conduct of an individual who
83.20 did not in fact engage in such speech or conduct; and

83.21 (2) the production of which was substantially dependent upon technical means, rather
83.22 than the ability of another individual to physically or verbally impersonate such individual.

83.23 (c) "Depicted individual" means an individual in a deep fake who appears to be engaging
83.24 in speech or conduct in which the individual did not engage.

83.25 (d) "Intimate parts" means the genitals, pubic area, partially or fully exposed nipple, or
83.26 anus of an individual.

83.27 (e) "Personal information" means any identifier that permits communication or in-person
83.28 contact with a person, including:

83.29 (1) a person's first and last name, first initial and last name, first name and last initial,
83.30 or nickname;

83.31 (2) a person's home, school, or work address;

- 84.1 (3) a person's telephone number, email address, or social media account information; or
- 84.2 (4) a person's geolocation data.
- 84.3 (f) "Sexual act" means either sexual contact or sexual penetration.
- 84.4 (g) "Sexual contact" means the intentional touching of intimate parts or intentional
- 84.5 touching with seminal fluid or sperm onto another person's body.
- 84.6 (h) "Sexual penetration" means any of the following acts:
- 84.7 (1) sexual intercourse, cunnilingus, fellatio, or anal intercourse; or
- 84.8 (2) any intrusion, however slight, into the genital or anal openings of an individual by
- 84.9 another's body part or an object used by another for this purpose.
- 84.10 Subd. 2. **Nonconsensual dissemination of a deep fake.** (a) A cause of action against a
- 84.11 person for the nonconsensual dissemination of a deep fake exists when:
- 84.12 (1) a person disseminated a deep fake without the consent of the depicted individual;
- 84.13 (2) the deep fake realistically depicts any of the following:
- 84.14 (i) the intimate parts of another individual presented as the intimate parts of the depicted
- 84.15 individual;
- 84.16 (ii) artificially generated intimate parts presented as the intimate parts of the depicted
- 84.17 individual; or
- 84.18 (iii) the depicted individual engaging in a sexual act; and
- 84.19 (3) the depicted individual is identifiable:
- 84.20 (i) from the deep fake itself, by the depicted individual or by another person; or
- 84.21 (ii) from the personal information displayed in connection with the deep fake.
- 84.22 (b) The fact that the depicted individual consented to the creation of the deep fake or to
- 84.23 the voluntary private transmission of the deep fake is not a defense to liability for a person
- 84.24 who has disseminated the deep fake without consent.
- 84.25 Subd. 3. **Damages.** The court may award the following damages to a prevailing plaintiff
- 84.26 from a person found liable under subdivision 2:
- 84.27 (1) general and special damages, including all finance losses due to the dissemination
- 84.28 of the deep fake and damages for mental anguish;
- 84.29 (2) an amount equal to any profit made from the dissemination of the deep fake by the
- 84.30 person who intentionally disclosed the deep fake;

85.1 (3) a civil penalty awarded to the plaintiff of an amount up to \$10,000; and

85.2 (4) court costs, fees, and reasonable attorney fees.

85.3 Subd. 4. **Injunction; temporary relief.** (a) A court may issue a temporary or permanent
85.4 injunction or restraining order to prevent further harm to the plaintiff.

85.5 (b) The court may issue a civil fine for the violation of a court order in an amount up to
85.6 \$1,000 per day for failure to comply with an order granted under this section.

85.7 Subd. 5. **Confidentiality.** The court shall allow confidential filings to protect the privacy
85.8 of the plaintiff in cases filed under this section.

85.9 Subd. 6. **Liability; exceptions.** (a) No person shall be found liable under this section
85.10 when:

85.11 (1) the dissemination is made for the purpose of a criminal investigation or prosecution
85.12 that is otherwise lawful;

85.13 (2) the dissemination is for the purpose of, or in connection with, the reporting of unlawful
85.14 conduct;

85.15 (3) the dissemination is made in the course of seeking or receiving medical or mental
85.16 health treatment, and the image is protected from further dissemination;

85.17 (4) the deep fake was obtained in a commercial setting for the purpose of the legal sale
85.18 of goods or services, including the creation of artistic products for sale or display, and the
85.19 depicted individual knew that a deep fake would be created and disseminated in a commercial
85.20 setting;

85.21 (5) the deep fake relates to a matter of public interest and dissemination serves a lawful
85.22 public purpose and the person disseminating the deep fake as a matter of public interest
85.23 clearly identifies that the video recording, motion-picture film, sound recording, electronic
85.24 image, or photograph, or other item is a deep fake, and acts in good faith to prevent further
85.25 dissemination of the deep fake;

85.26 (6) the dissemination is for legitimate scientific research or educational purposes and
85.27 the deep fake is clearly identified as such, and the person acts in good faith to minimize the
85.28 risk that the deep fake will be further disseminated; or

85.29 (7) the dissemination is made for legal proceedings and is consistent with common
85.30 practice in civil proceedings necessary for the proper functioning of the criminal justice
85.31 system, or protected by court order which prohibits any further dissemination.

86.1 (b) This section does not alter or amend the liabilities and protections granted by United
86.2 States Code, title 47, section 230, and shall be construed in a manner consistent with federal
86.3 law.

86.4 (c) A cause of action arising under this section does not prevent the use of any other
86.5 cause of action or remedy available under the law.

86.6 Subd. 7. **Jurisdiction.** A court has jurisdiction over a cause of action filed pursuant to
86.7 this section if the plaintiff or defendant resides in this state.

86.8 Subd. 8. **Venue.** A cause of action arising under this section may be filed in either:

86.9 (1) the county of residence of the defendant or plaintiff or in the jurisdiction of the
86.10 plaintiff's designated address if the plaintiff participates in the address confidentiality program
86.11 established by chapter 5B; or

86.12 (2) the county where any deep fake is produced, reproduced, or stored in violation of
86.13 this section.

86.14 Subd. 9. **Discovery of dissemination.** In a civil action brought under subdivision 2, the
86.15 statute of limitations is tolled until the plaintiff discovers the deep fake has been disseminated.

86.16 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to
86.17 dissemination of a deep fake that takes place on or after that date.

86.18 Sec. 23. Minnesota Statutes 2022, section 609.35, is amended to read:

86.19 **609.35 COSTS OF MEDICAL EXAMINATION.**

86.20 (a) Costs incurred by a ~~county, city, or private~~ hospital or other emergency medical
86.21 facility or by a ~~private~~ physician, sexual assault nurse examiner, forensic nurse, or other
86.22 licensed health care provider for the examination of a victim of criminal sexual conduct
86.23 ~~when the examination is performed for the purpose of gathering evidence that occurred in~~
86.24 the state shall be paid by the ~~county in which the criminal sexual conduct occurred~~ state.
86.25 These costs include, but are not limited to, the full cost of the ~~rape kit~~ medical forensic
86.26 examination, associated tests and treatments relating to the complainant's sexually transmitted
86.27 disease status infection, and pregnancy status, including emergency contraception. A hospital,
86.28 emergency medical facility, or health care provider shall submit the costs for examination
86.29 and any associated tests and treatment to the Office of Justice Programs for payment. Upon
86.30 receipt of the costs, the commissioner shall provide payment to the facility or health care
86.31 provider. The cost of the examination and any associated test and treatments shall not exceed

87.1 the amount of \$1,400. Beginning on January 1, 2024, the maximum amount of an award
 87.2 shall be adjusted annually by the inflation rate.

87.3 (b) Nothing in this section shall be construed to limit the duties, responsibilities, or
 87.4 liabilities of any insurer, whether public or private. ~~However, a county~~ The hospital or other
 87.5 licensed health care provider performing the examination may seek insurance reimbursement
 87.6 from the victim's insurer only if authorized by the victim. This authorization may only be
 87.7 sought after the examination is performed. When seeking this authorization, the ~~county~~
 87.8 hospital or other licensed health care provider shall inform the victim that if the victim does
 87.9 not authorize this, the ~~county~~ state is required by law to pay for the examination and that
 87.10 the victim is in no way liable for these costs or obligated to authorize the reimbursement.

87.11 (c) The applicability of this section does not depend upon whether the victim reports
 87.12 the offense to law enforcement or the existence or status of any investigation or prosecution.

87.13 **EFFECTIVE DATE.** This section is effective July 1, 2023, and applies to any
 87.14 examination that occurs on or after that date.

87.15 Sec. 24. Minnesota Statutes 2022, section 611A.211, subdivision 1, is amended to read:

87.16 Subdivision 1. **Grants.** The commissioner of public safety shall award grants to programs
 87.17 which provide support services or emergency shelter and housing supports as defined by
 87.18 section 611A.31 to victims of sexual assault. The commissioner shall also award grants for
 87.19 training, technical assistance, and the development and implementation of education programs
 87.20 to increase public awareness of the causes of sexual assault, the solutions to preventing and
 87.21 ending sexual assault, and the problems faced by sexual assault victims.

87.22 Sec. 25. Minnesota Statutes 2022, section 611A.31, subdivision 2, is amended to read:

87.23 Subd. 2. ~~**Battered woman Domestic abuse victim.**~~ ~~"Battered woman"~~ "Domestic abuse
 87.24 victim" means a ~~woman~~ person who is being or has been victimized by domestic abuse as
 87.25 defined in section 518B.01, subdivision 2.

87.26 Sec. 26. Minnesota Statutes 2022, section 611A.31, subdivision 3, is amended to read:

87.27 Subd. 3. **Emergency shelter services.** "Emergency shelter services" include, but are
 87.28 not limited to, secure crisis shelters for ~~battered women~~ domestic abuse victims and housing
 87.29 networks for ~~battered women~~ domestic abuse victims.

88.1 Sec. 27. Minnesota Statutes 2022, section 611A.31, is amended by adding a subdivision
88.2 to read:

88.3 Subd. 3a. **Housing supports.** "Housing supports" means services and supports used to
88.4 enable victims to secure and maintain transitional and permanent housing placement. Housing
88.5 supports include but are not limited to rental assistance and financial assistance to maintain
88.6 housing stability. Transitional housing placements may take place in communal living,
88.7 clustered site or scattered site programs, or other transitional housing models.

88.8 Sec. 28. Minnesota Statutes 2022, section 611A.32, is amended to read:

88.9 **611A.32 BATTERED WOMEN DOMESTIC ABUSE PROGRAMS.**

88.10 Subdivision 1. **Grants awarded.** The commissioner shall award grants to programs
88.11 which provide emergency shelter services ~~to battered women,~~ housing supports, and support
88.12 services to ~~battered women~~ and domestic abuse victims and their children. The commissioner
88.13 shall also award grants for training, technical assistance, and for the development and
88.14 implementation of education programs to increase public awareness of the causes of ~~battering~~
88.15 domestic abuse, the solutions to preventing and ending domestic violence, and the problems
88.16 faced by ~~battered women~~ and domestic abuse victims. Grants shall be awarded in a manner
88.17 that ensures that they are equitably distributed to programs serving metropolitan and
88.18 nonmetropolitan populations. ~~By July 1, 1995, community-based domestic abuse advocacy~~
88.19 ~~and support services programs must be established in every judicial assignment district.~~

88.20 Subd. 1a. **Program for American Indian ~~women~~ domestic abuse victims.** The
88.21 commissioner shall establish at least one program under this section to provide emergency
88.22 shelter services and support services to ~~battered American Indian women~~ domestic abuse
88.23 victims and their children. The commissioner shall grant continuing operating expenses to
88.24 the program established under this subdivision in the same manner as operating expenses
88.25 are granted to programs established under subdivision 1.

88.26 Subd. 2. **Applications.** Any public or private nonprofit agency may apply to the
88.27 commissioner for a grant to provide emergency shelter services ~~to battered women,~~ housing
88.28 supports, support services, and one or more of these services and supports to domestic abuse
88.29 victims, ~~or both, to battered women~~ and their children. The application shall be submitted
88.30 in a form approved by the commissioner by rule adopted under chapter 14 and shall include:

88.31 (1) a proposal for the provision of emergency shelter services ~~for battered women,~~
88.32 housing supports, support services, and one or more of these services and supports for
88.33 domestic abuse victims, ~~or both, for battered women~~ and their children;

89.1 (2) a proposed budget;

89.2 (3) the agency's overall operating budget, including documentation on the retention of
89.3 financial reserves and availability of additional funding sources;

89.4 (4) evidence of an ability to integrate into the proposed program the uniform method of
89.5 data collection and program evaluation established under section 611A.33;

89.6 (5) evidence of an ability to represent the interests of ~~battered women and~~ domestic
89.7 abuse victims and their children to local law enforcement agencies and courts, county welfare
89.8 agencies, and local boards or departments of health;

89.9 (6) evidence of an ability to do outreach to unserved and underserved populations and
89.10 to provide culturally and linguistically appropriate services; and

89.11 (7) any other content the commissioner may require by rule adopted under chapter 14,
89.12 ~~after considering the recommendations of the advisory council.~~

89.13 Programs which have been approved for grants in prior years may submit materials
89.14 which indicate changes in items listed in clauses (1) to (7), in order to qualify for renewal
89.15 funding. Nothing in this subdivision may be construed to require programs to submit
89.16 complete applications for each year of renewal funding.

89.17 Subd. 3. **Duties of grantees.** Every public or private nonprofit agency which receives
89.18 a grant to provide emergency shelter services to ~~battered women and~~, housing supports, or
89.19 support services to ~~battered women and~~ domestic abuse victims shall comply with all rules
89.20 of the commissioner related to the administration of the ~~pilot~~ programs.

89.21 Subd. 5. **Classification of data collected by grantees.** Personal history information and
89.22 other information collected, used or maintained by a grantee from which the identity or
89.23 location of any victim of domestic abuse may be determined is private data on individuals,
89.24 as defined in section 13.02, subdivision 12, and the grantee shall maintain the data in
89.25 accordance with the provisions of chapter 13.

89.26 Sec. 29. **RULES; SOFT BODY ARMOR REIMBURSEMENT.**

89.27 The commissioner of public safety shall amend rules adopted under Minnesota Statutes,
89.28 section 299A.38, subdivision 4, to reflect the soft body armor reimbursement for public
89.29 safety officers under that section.

90.1 **Sec. 30. GAAGIGE-MIKWENDAAGOZIWAG REWARD ACCOUNT FOR**
90.2 **INFORMATION ON MISSING AND MURDERED INDIGENOUS RELATIVES.**

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

90.4 (1) "Gaagige-Mikwendaagoziwag" means "they will be remembered forever";

90.5 (2) "missing and murdered Indigenous relatives" means missing and murdered Indigenous
90.6 people from or descended from a federally recognized Indian Tribe; and

90.7 (3) "Two-Spirit" means cultural, spiritual, sexual, and gender identity as reflected in
90.8 complex Indigenous understandings of gender roles, spirituality, and the long history of
90.9 gender diversity in Indigenous cultures.

90.10 **Subd. 2. Account created.** An account for rewards for information on missing and
90.11 murdered Indigenous women, girls, and Two-Spirit relatives is created in the special revenue
90.12 fund. Money deposited into the account is appropriated to the commissioner of public safety
90.13 to pay rewards and for the purposes provided under this section.

90.14 **Subd. 3. Reward.** The director of the Office for Missing and Murdered Indigenous
90.15 Relatives, in consultation with the Gaagige-Mikwendaagoziwag reward advisory group:

90.16 (1) shall determine the eligibility criteria and procedures for granting rewards under this
90.17 section; and

90.18 (2) is authorized to pay a reward to any person who provides relevant information relating
90.19 to a missing and murdered Indigenous woman, girl, and Two-Spirit relative investigation.

90.20 **Subd. 4. Reward advisory group.** (a) The director of the Office for Missing and
90.21 Murdered Indigenous Relatives, in consultation with the stakeholder groups described in
90.22 Minnesota Statutes, section 299A.85, subdivision 5, shall appoint an advisory group to make
90.23 recommendations on:

90.24 (1) paying rewards under this section;

90.25 (2) supporting community-based efforts through funding community-led searches and
90.26 search kits, including but not limited to global position system devices and vests;
90.27 community-led communications, including but not limited to flyers, staples, and duct tape;
90.28 and other justice-related expenses;

90.29 (3) funding for community-led communications and outreach, including but not limited
90.30 to billboards and other media-related expenses;

91.1 (4) funding activities and programs to gather information on missing and murdered
91.2 Indigenous women, girls, and Two-Spirit relatives, and to partner with and support
91.3 community-led efforts;

91.4 (5) developing, implementing, and coordinating prevention and awareness programming
91.5 based on best practices and data-driven research; and

91.6 (6) any other funding activities and needs.

91.7 (b) The advisory group shall consist of the following individuals:

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

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

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

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

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

91.17 (6) a representative from the Minnesota Human Trafficking Task Force; and

91.18 (7) a survivor or family member of a missing and murdered Indigenous woman, girl, or
91.19 Two-Spirit relative.

91.20 (c) Each member shall serve as long as the member occupies the position which made
91.21 the member eligible for the appointment. Vacancies shall be filled by the appointing authority.

91.22 (d) The advisory group shall meet as necessary but at a minimum twice per year to carry
91.23 out its duties and shall elect a chair from among its members at its first meeting. The director
91.24 shall convene the group's first meeting. The director shall provide necessary office space
91.25 and administrative support to the group. Members of the group serve without compensation
91.26 but shall receive expense reimbursement as provided in Minnesota Statutes, section 15.059.

91.27 (e) The representative from the Office for Missing and Murdered Indigenous Relatives
91.28 may fully participate in the advisory group's activities but may not vote on issues before
91.29 the group.

91.30 Subd. 5. **Advertising.** The director of the Office for Missing and Murdered Indigenous
91.31 Relatives, in consultation with the reward advisory group, may spend up to four percent of

92.1 available funds on an advertising or public relations campaign to increase public awareness
 92.2 on the availability of rewards under this section.

92.3 Subd. 6. **Grants; donations.** The director of the Office for Missing and Murdered
 92.4 Indigenous Relatives, in consultation with the reward advisory group, may apply for and
 92.5 accept grants and donations from the public and from public and private entities to implement
 92.6 this section. The commissioner of public safety shall deposit any grants or donations received
 92.7 under this subdivision into the account established under subdivision 1.

92.8 Subd. 7. **Expiration.** This section expires on June 30, 2025.

92.9 Sec. 31. **REPEALER.**

92.10 Minnesota Statutes 2022, section 299C.80, subdivision 7, is repealed.

92.11 **ARTICLE 4**
 92.12 **SENTENCING**

92.13 Section 1. Minnesota Statutes 2022, section 244.09, subdivision 2, is amended to read:

92.14 Subd. 2. **Members.** The Sentencing Guidelines Commission shall consist of the
 92.15 following:

92.16 (1) the chief justice of the supreme court or a designee;

92.17 (2) one judge of the court of appeals, appointed by the chief ~~justice of the supreme court~~
 92.18 judge of the appellate court;

92.19 (3) one district court judge appointed by the ~~chief justice of the supreme court~~ Judicial
 92.20 Council upon recommendation of the Minnesota District Judges Association;

92.21 (4) one public defender appointed by the governor upon recommendation of the state
 92.22 public defender;

92.23 (5) one county attorney appointed by the governor upon recommendation of the board
 92.24 of directors of the Minnesota County Attorneys Association;

92.25 (6) the commissioner of corrections or a designee;

92.26 (7) one peace officer as defined in section 626.84 appointed by the governor;

92.27 (8) one probation officer or ~~parole~~ supervised release officer appointed by the governor;
 92.28 ~~and~~

92.29 (9) one person who works for an organization that provides treatment or rehabilitative
 92.30 services for individuals convicted of felony offenses appointed by the governor;

93.1 (10) one person who is an academic with a background in criminal justice or corrections
93.2 appointed by the governor; and

93.3 (11) three public members appointed by the governor, one of whom shall be a person
93.4 who has been the victim of a crime defined as a felony or a victims' advocate, and one of
93.5 whom shall be a person who has been formerly convicted of and discharged from a
93.6 felony-level sentence.

93.7 When an appointing authority selects individuals for membership on the commission,
93.8 the authority shall make reasonable efforts to appoint qualified members of protected groups,
93.9 as defined in section 43A.02, subdivision 33.

93.10 One of the members shall be designated by the governor as chair of the commission.

93.11 Sec. 2. Minnesota Statutes 2022, section 244.09, subdivision 3, is amended to read:

93.12 **Subd. 3. Appointment terms.** (a) Except as provided in paragraph (b), each appointed
93.13 member shall be appointed for four years and shall continue to serve during that time as
93.14 long as the member occupies the position which made the member eligible for the
93.15 appointment. Each member shall continue in office until a successor is duly appointed.
93.16 Members shall be eligible for reappointment, and appointment may be made to fill an
93.17 unexpired term.

93.18 (b) The term of any member appointed or reappointed by the governor before the first
93.19 Monday in January 1991 2027 expires on that date. ~~The term of any member appointed or~~
93.20 ~~reappointed by the governor after the first Monday in January 1991 is coterminous with the~~
93.21 ~~governor. The terms of members appointed or reappointed by the governor to fill the~~
93.22 ~~vacancies that occur on the first Monday in January 2027 shall be staggered so that five~~
93.23 ~~members shall be appointed for initial terms of four years and four members shall be~~
93.24 ~~appointed for initial terms of two years.~~

93.25 (c) The members of the commission shall elect any additional officers necessary for the
93.26 efficient discharge of their duties.

93.27 Sec. 3. Minnesota Statutes 2022, section 244.09, is amended by adding a subdivision to
93.28 read:

93.29 **Subd. 15. Report on sentencing adjustments.** The Sentencing Guidelines Commission
93.30 shall include in its annual report to the legislature a summary and analysis of sentence
93.31 adjustments issued under section 609.133. At a minimum, the summary and analysis must

94.1 include information on the counties where a sentencing adjustment was granted and on the
94.2 race, sex, and age of individuals who received a sentence adjustment.

94.3 Sec. 4. Minnesota Statutes 2022, section 609.02, subdivision 2, is amended to read:

94.4 Subd. 2. **Felony.** "Felony" means a crime for which a sentence of imprisonment for
94.5 ~~more than~~ one year or more may be imposed.

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

94.7 Sec. 5. Minnesota Statutes 2022, section 609.03, is amended to read:

94.8 **609.03 PUNISHMENT WHEN NOT OTHERWISE FIXED.**

94.9 If a person is convicted of a crime for which no punishment is otherwise provided the
94.10 person may be sentenced as follows:

94.11 (1) If the crime is a felony, to imprisonment for not more than five years or to payment
94.12 of a fine of not more than \$10,000, or both; or

94.13 (2) If the crime is a gross misdemeanor, to imprisonment for not more than ~~one year~~
94.14 364 days or to payment of a fine of not more than \$3,000, or both; or

94.15 (3) If the crime is a misdemeanor, to imprisonment for not more than 90 days or to
94.16 payment of a fine of not more than \$1,000, or both; or

94.17 (4) If the crime is other than a misdemeanor and a fine is imposed but the amount is not
94.18 specified, to payment of a fine of not more than \$1,000, or to imprisonment for a specified
94.19 term of not more than six months if the fine is not paid.

94.20 **EFFECTIVE DATE.** This section is effective the day following final enactment and
94.21 applies to offenders receiving a gross misdemeanor sentence on or after that date and
94.22 retroactively to offenders who received a gross misdemeanor sentence before that date.

94.23 Sec. 6. **[609.0342] MAXIMUM PUNISHMENT FOR GROSS MISDEMEANORS.**

94.24 (a) Any law of this state that provides for a maximum sentence of imprisonment of one
94.25 year or is defined as a gross misdemeanor shall be deemed to provide for a maximum fine
94.26 of \$3,000 and a maximum sentence of imprisonment of 364 days.

94.27 (b) Any sentence of imprisonment for one year or 365 days imposed or executed before
94.28 July 1, 2023, shall be deemed to be a sentence of imprisonment for 364 days. A court may
94.29 at any time correct or reduce such a sentence pursuant to rule 27.03, subdivision 9, of the

95.1 Rules of Criminal Procedure and shall issue a corrected sentencing order upon motion of
95.2 any eligible defendant.

95.3 **EFFECTIVE DATE.** This section is effective the day following final enactment and
95.4 applies to offenders receiving a gross misdemeanor sentence on or after that date and
95.5 retroactively to offenders who received a gross misdemeanor sentence before that date.

95.6 Sec. 7. Minnesota Statutes 2022, section 609.105, subdivision 1, is amended to read:

95.7 Subdivision 1. **Sentence to ~~more than~~ one year or more.** A felony sentence to
95.8 imprisonment for ~~more than~~ one year or more shall commit the defendant to the custody of
95.9 the commissioner of corrections.

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

95.11 Sec. 8. Minnesota Statutes 2022, section 609.105, subdivision 3, is amended to read:

95.12 Subd. 3. **Sentence to less than one year ~~or less~~.** A sentence to imprisonment for a period
95.13 of less than one year ~~or any lesser period~~ shall be to a workhouse, work farm, county jail,
95.14 or other place authorized by law.

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

95.16 Sec. 9. Minnesota Statutes 2022, section 609.1055, is amended to read:

95.17 **609.1055 OFFENDERS WITH SERIOUS AND PERSISTENT MENTAL ILLNESS;**
95.18 **ALTERNATIVE PLACEMENT.**

95.19 When a court intends to commit an offender with a serious and persistent mental illness,
95.20 as defined in section 245.462, subdivision 20, paragraph (c), to the custody of the
95.21 commissioner of corrections for imprisonment at a state correctional facility, either when
95.22 initially pronouncing a sentence or when revoking an offender's probation, the court, when
95.23 consistent with public safety, may instead place the offender on probation or continue the
95.24 offender's probation and require as a condition of the probation that the offender successfully
95.25 complete an appropriate supervised alternative living program having a mental health
95.26 treatment component. This section applies only to offenders who would have a remaining
95.27 term of imprisonment after adjusting for credit for prior imprisonment, if any, of ~~more than~~
95.28 one year or more.

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

96.1 Sec. 10. **[609.133] SENTENCE ADJUSTMENT.**

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

96.3 (1) "prosecutor" means the attorney general, county attorney, or city attorney responsible
96.4 for the prosecution of individuals charged with a crime; and

96.5 (2) "victim" has the meaning given in section 611A.01.

96.6 **Subd. 2. Prosecutor-initiated sentence adjustment.** The prosecutor responsible for
96.7 the prosecution of an individual convicted of a crime may commence a proceeding to adjust
96.8 the sentence of that individual at any time after the initial sentencing provided the prosecutor
96.9 does not seek to increase the period of confinement or, if the individual is serving a stayed
96.10 sentence, increase the period of supervision.

96.11 **Subd. 3. Review by prosecutor.** (a) A prosecutor may review individual cases at the
96.12 prosecutor's discretion.

96.13 (b) Prior to filing a petition under this section, a prosecutor shall make a reasonable and
96.14 good faith effort to seek input from any identifiable victim and shall consider the impact
96.15 an adjusted sentence would have on the victim.

96.16 (c) The commissioner of corrections, a supervising agent, or an offender may request
96.17 that a prosecutor review an individual case. A prosecutor is not required to respond to a
96.18 request. Inaction by a prosecutor shall not be considered by any court as grounds for an
96.19 offender, a supervising agent, or the commissioner of corrections to petition for a sentence
96.20 adjustment under this section or for a court to adjust a sentence without a petition.

96.21 **Subd. 4. Petition; contents; fee.** (a) A prosecutor's petition for sentence adjustment
96.22 shall be filed in the district court where the individual was convicted and include the
96.23 following:

96.24 (1) the full name of the individual on whose behalf the petition is being brought and, to
96.25 the extent possible, all other legal names or aliases by which the individual has been known
96.26 at any time;

96.27 (2) the individual's date of birth;

96.28 (3) the individual's address;

96.29 (4) a brief statement of the reason the prosecutor is seeking a sentence adjustment for
96.30 the individual;

96.31 (5) the details of the offense for which an adjustment is sought, including:

- 97.1 (i) the date and jurisdiction of the occurrence;
- 97.2 (ii) either the names of any victims or that there were no identifiable victims;
- 97.3 (iii) whether there is a current order for protection, restraining order, or other no contact
- 97.4 order prohibiting the individual from contacting the victims or whether there has ever been
- 97.5 a prior order for protection or restraining order prohibiting the individual from contacting
- 97.6 the victims;
- 97.7 (iv) the court file number; and
- 97.8 (v) the date of conviction;
- 97.9 (6) what steps the individual has taken since the time of the offense toward personal
- 97.10 rehabilitation, including treatment, work, good conduct within correctional facilities, or
- 97.11 other personal history that demonstrates rehabilitation;
- 97.12 (7) the individual's criminal conviction record indicating all convictions for
- 97.13 misdemeanors, gross misdemeanors, or felonies in this state, and for all comparable
- 97.14 convictions in any other state, federal court, or foreign country, whether the convictions
- 97.15 occurred before or after the conviction for which an adjustment is sought;
- 97.16 (8) the individual's criminal charges record indicating all prior and pending criminal
- 97.17 charges against the individual in this state or another jurisdiction, including all criminal
- 97.18 charges that have been continued for dismissal, stayed for adjudication, or were the subject
- 97.19 of pretrial diversion; and
- 97.20 (9) to the extent known, all prior requests by the individual, whether for the present
- 97.21 offense or for any other offenses in this state or any other state or federal court, for pardon,
- 97.22 return of arrest records, or expungement or sealing of a criminal record, whether granted
- 97.23 or not, and all stays of adjudication or imposition of sentence involving the petitioner.
- 97.24 (b) The filing fee for a petition brought under this section shall be waived.
- 97.25 Subd. 5. **Service of petition.** (a) The prosecutor shall serve the petition for sentence
- 97.26 adjustment on the individual on whose behalf the petition is being brought.
- 97.27 (b) The prosecutor shall make a good faith and reasonable effort to notify any person
- 97.28 determined to be a victim of the offense for which adjustment is sought of the existence of
- 97.29 a petition. Notification under this paragraph does not constitute a violation of an existing
- 97.30 order for protection, restraining order, or other no contact order.
- 97.31 (c) Notice to victims of the offense under this subdivision must:

98.1 (1) specifically inform the victim of the right to object, orally or in writing, to the
98.2 proposed adjustment of sentence; and

98.3 (2) inform the victims of the right to be present and to submit an oral or written statement
98.4 at the hearing described in subdivision 6.

98.5 (d) If a victim notifies the prosecutor of an objection to the proposed adjustment of
98.6 sentence and is not present when the court considers the sentence adjustment, the prosecutor
98.7 shall make these objections known to the court.

98.8 Subd. 6. **Hearing.** (a) The court shall hold a hearing on the petition no sooner than 60
98.9 days after service of the petition. The hearing shall be scheduled so that the parties have
98.10 adequate time to prepare and present arguments regarding the issue of sentence adjustment.
98.11 The parties may submit written arguments to the court prior to the date of the hearing and
98.12 may make oral arguments before the court at the hearing. The individual on whose behalf
98.13 the petition has been brought must be present at the hearing, unless excused under Minnesota
98.14 Rules of Criminal Procedure, rule 26.03, subdivision 1, clause (3).

98.15 (b) A victim of the offense for which sentence adjustment is sought has a right to submit
98.16 an oral or written statement to the court at the time of the hearing describing the harm
98.17 suffered by the victim as a result of the crime and the victim's recommendation on whether
98.18 adjustment should be granted or denied. The judge shall consider the victim's statement
98.19 when making a decision.

98.20 (c) Representatives of the Department of Corrections, supervising agents, community
98.21 treatment providers, and any other individual with relevant information may submit an oral
98.22 or written statement to the court at the time of the hearing.

98.23 Subd. 7. **Nature of remedy; standard.** (a) The court shall determine whether there are
98.24 substantial and compelling reasons to adjust the individual's sentence. In making this
98.25 determination, the court shall consider what impact, if any, a sentence adjustment would
98.26 have on public safety, including whether an adjustment would promote the rehabilitation
98.27 of the individual, properly reflect the severity of the underlying offense, or reduce sentencing
98.28 disparities. In making this determination, the court may consider factors relating to both the
98.29 offender and the offense, including but not limited to:

98.30 (1) the presentence investigation report used at sentencing, if available;

98.31 (2) the individual's performance on probation or supervision;

98.32 (3) the individual's disciplinary record during any period of incarceration;

99.1 (4) records of any rehabilitation efforts made by the individual since the date of offense
99.2 and any plan to continue those efforts in the community;

99.3 (5) evidence that remorse, age, diminished physical condition, or any other factor has
99.4 significantly reduced the likelihood that the individual will commit a future offense;

99.5 (6) the amount of time the individual has served in custody or under supervision; and

99.6 (7) significant changes in law or sentencing practice since the date of offense.

99.7 (b) Notwithstanding any law to the contrary, if the court determines by a preponderance
99.8 of the evidence that there are substantial and compelling reasons to adjust the individual's
99.9 sentence, the court may modify the sentence in any way provided the adjustment does not:

99.10 (1) increase the period of confinement or, if the individual is serving a stayed sentence,
99.11 increase the period of supervision;

99.12 (2) reduce or eliminate the amount of court-ordered restitution; or

99.13 (3) reduce or eliminate a term of conditional release required by law when a court
99.14 commits an offender to the custody of the commissioner of corrections.

99.15 The court may stay imposition or execution of sentence pursuant to section 609.135.

99.16 (c) A sentence adjustment is not a valid basis to vacate the judgment of conviction, enter
99.17 a judgment of conviction for a different offense, or impose sentence for any other offense.

99.18 (d) The court shall state in writing or on the record the reasons for its decision on the
99.19 petition. If the court grants a sentence adjustment, the court shall provide the information
99.20 in section 244.09, subdivision 15, to the Sentencing Guidelines Commission.

99.21 Subd. 8. **Appeals.** An order issued under this section shall not be considered a final
99.22 judgment, but shall be treated as an order imposing or staying a sentence.

99.23 **EFFECTIVE DATE.** This section is effective August 1, 2023.

99.24 Sec. 11. Minnesota Statutes 2022, section 609.135, subdivision 1a, is amended to read:

99.25 Subd. 1a. **Failure to pay restitution.** If the court orders payment of restitution as a
99.26 condition of probation and if the defendant fails to pay the restitution in accordance with
99.27 the payment schedule or structure established by the court or the probation officer, the
99.28 prosecutor or the defendant's probation officer may, on the prosecutor's or the officer's own
99.29 motion or at the request of the victim, ask the court to hold a hearing to determine whether
99.30 or not the conditions of probation should be changed or probation should be revoked. The
99.31 defendant's probation officer shall ask for the hearing if the restitution ordered has not been

100.1 paid prior to 60 days before the term of probation expires. The court shall schedule and hold
100.2 this hearing and take appropriate action, including action under subdivision 2, paragraph
100.3 ~~(g)~~ (h), before the defendant's term of probation expires.

100.4 Nothing in this subdivision limits the court's ability to refer the case to collections under
100.5 section 609.104 when a defendant fails to pay court-ordered restitution.

100.6 **EFFECTIVE DATE.** This section is effective August 1, 2023.

100.7 Sec. 12. Minnesota Statutes 2022, section 609.135, subdivision 1c, is amended to read:

100.8 Subd. 1c. **Failure to complete court-ordered treatment.** If the court orders a defendant
100.9 to undergo treatment as a condition of probation and if the defendant fails to successfully
100.10 complete treatment at least 60 days before the term of probation expires, the prosecutor or
100.11 the defendant's probation officer may ask the court to hold a hearing to determine whether
100.12 the conditions of probation should be changed or probation should be revoked. The court
100.13 shall schedule and hold this hearing and take appropriate action, including action under
100.14 subdivision 2, paragraph ~~(h)~~ (i), before the defendant's term of probation expires.

100.15 **EFFECTIVE DATE.** This section is effective August 1, 2023.

100.16 Sec. 13. Minnesota Statutes 2022, section 609.135, subdivision 2, is amended to read:

100.17 Subd. 2. **Stay of sentence maximum periods.** (a) Except as provided in paragraph (b),
100.18 if the conviction is for a felony ~~other than section 609.2113, subdivision 1 or 2, 609.2114,~~
100.19 ~~subdivision 2, or section 609.3451, subdivision 1 or 1a, or Minnesota Statutes 2012, section~~
100.20 ~~609.21, subdivision 1a, paragraph (b) or (c),~~ the stay shall be for not more than ~~four~~ five
100.21 years or the maximum period for which the sentence of imprisonment might have been
100.22 imposed, whichever is ~~longer~~ less.

100.23 (b) If the conviction is for a felony described in section 609.19, 609.195, 609.20,
100.24 609.2112, 609.2662, 609.2663, 609.2664, 609.268, 609.342, 609.343, 609.344, 609.345,
100.25 609.3451, 609.3458, or 609.749, the stay shall be for not more than the maximum period
100.26 for which the sentence of imprisonment might have been imposed.

100.27 ~~(b)~~ (c) If the conviction is for a gross misdemeanor violation of section 169A.20,
100.28 609.2113, subdivision 3, or 609.3451, ~~or for a felony described in section 609.2113,~~
100.29 ~~subdivision 1 or 2, 609.2114, subdivision 2, or 609.3451, subdivision 1 or 1a,~~ the stay shall
100.30 be for not more than ~~six~~ five years. The court shall provide for unsupervised probation for
100.31 the last year of the stay unless the court finds that the defendant needs supervised probation
100.32 for all or part of the last year.

101.1 ~~(e)~~ (d) If the conviction is for a gross misdemeanor not specified in paragraph ~~(b)~~ (c),
101.2 the stay shall be for not more than two years.

101.3 ~~(d)~~ (e) If the conviction is for any misdemeanor under section 169A.20; 609.746,
101.4 subdivision 1; 609.79; or 617.23; or for a misdemeanor under section 609.2242 or 609.224,
101.5 subdivision 1, in which the victim of the crime was a family or household member as defined
101.6 in section 518B.01, the stay shall be for not more than two years. The court shall provide
101.7 for unsupervised probation for the second year of the stay unless the court finds that the
101.8 defendant needs supervised probation for all or part of the second year.

101.9 ~~(e)~~ (f) If the conviction is for a misdemeanor not specified in paragraph ~~(d)~~ (e), the stay
101.10 shall be for not more than one year.

101.11 ~~(f)~~ (g) The defendant shall be discharged six months after the term of the stay expires,
101.12 unless the stay has been revoked or extended under paragraph ~~(g)~~ (h), or the defendant has
101.13 already been discharged.

101.14 ~~(g)~~ (h) Notwithstanding the maximum periods specified for stays of sentences under
101.15 paragraphs (a) to ~~(f)~~ (g), a court may extend a defendant's term of probation for up to one
101.16 year if it finds, at a hearing conducted under subdivision 1a, that:

101.17 (1) the defendant has not paid court-ordered restitution in accordance with the payment
101.18 schedule or structure; and

101.19 (2) the defendant is likely to not pay the restitution the defendant owes before the term
101.20 of probation expires.

101.21 This one-year extension of probation for failure to pay restitution may be extended by the
101.22 court for up to one additional year if the court finds, at another hearing conducted under
101.23 subdivision 1a, that the defendant still has not paid the court-ordered restitution that the
101.24 defendant owes.

101.25 Nothing in this subdivision limits the court's ability to refer the case to collections under
101.26 section 609.104.

101.27 ~~(h)~~ (i) Notwithstanding the maximum periods specified for stays of sentences under
101.28 paragraphs (a) to ~~(f)~~ (g), a court may extend a defendant's term of probation for up to three
101.29 years if it finds, at a hearing conducted under subdivision 1c, that:

101.30 (1) the defendant has failed to complete court-ordered treatment successfully; and

101.31 (2) the defendant is likely not to complete court-ordered treatment before the term of
101.32 probation expires.

102.1 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to sentences
102.2 announced on or after that date.

102.3 Sec. 14. **LIABILITY FOR MURDER COMMITTED BY ANOTHER;**
102.4 **RETROACTIVE APPLICATION.**

102.5 Subdivision 1. **Purpose.** Any person convicted of a violation of Minnesota Statutes,
102.6 section 609.185, paragraph (a), clause (3), or 609.19, subdivision 2, clause (1), and in the
102.7 custody of the commissioner of corrections or under court supervision is entitled to petition
102.8 to have the person's conviction vacated pursuant to this section.

102.9 Subd. 2. **Notification.** (a) By October 1, 2023, the commissioner of corrections shall
102.10 notify individuals convicted for a violation of Minnesota Statutes, section 609.185, paragraph
102.11 (a), clause (3), or 609.19, subdivision 2, clause (1), of the right to file a preliminary
102.12 application for relief if:

102.13 (1) the person was convicted for a violation of Minnesota Statutes, section 609.185,
102.14 paragraph (a), clause (3), and did not actually cause the death of a human being or
102.15 intentionally aid, advise, hire, counsel, or conspire with or otherwise procure another with
102.16 the intent to cause the death of a human being; or

102.17 (2) the person was convicted for a violation of Minnesota Statutes, section 609.19,
102.18 subdivision 2, clause (1), and did not actually cause the death of a human being or was not
102.19 a major participant in the underlying felony who acted with extreme indifference to human
102.20 life.

102.21 (b) The notice shall include the address of the Ramsey County District Court court
102.22 administration.

102.23 (c) The commissioner of corrections may coordinate with the judicial branch to establish
102.24 a standardized notification form.

102.25 Subd. 3. **Preliminary application.** (a) An applicant shall submit a preliminary application
102.26 to the Ramsey County District Court. The preliminary application must contain:

102.27 (1) the applicant's name and, if different, the name under which the person was convicted;

102.28 (2) the applicant's date of birth;

102.29 (3) the district court case number of the case for which the person is seeking relief;

102.30 (4) a statement as to whether the applicant was convicted following a trial or pursuant
102.31 to a plea;

103.1 (5) a statement as to whether the person filed a direct appeal from the conviction, a
103.2 petition for postconviction relief, or both;

103.3 (6) a brief statement, not to exceed 2,000 words, explaining why the applicant is entitled
103.4 to relief from a conviction for the death of a human being caused by another; and

103.5 (7) the name and address of any attorney representing the applicant.

103.6 (b) The preliminary application may contain:

103.7 (1) the name, date of birth, and district court case number of any other person charged
103.8 with, or convicted of, a crime arising from the same set of circumstances for which the
103.9 applicant was convicted; and

103.10 (2) a copy of a criminal complaint or indictment, or the relevant portions of a presentence
103.11 investigation or life imprisonment report, describing the facts of the case for which the
103.12 applicant was convicted.

103.13 (c) The judicial branch may establish a standardized preliminary application form, but
103.14 shall not reject a preliminary application for failure to use a standardized form.

103.15 (d) Any person seeking relief under this section must submit a preliminary application
103.16 no later than October 1, 2024. Submission is complete upon mailing.

103.17 (e) Submission of a preliminary application shall be without costs or any fees charged
103.18 to the applicant.

103.19 **Subd. 4. Review of preliminary application.** (a) Upon receipt of a preliminary
103.20 application, the court administrator of the Ramsey County District Court shall immediately
103.21 direct attention of the filing thereof to the chief judge or judge acting on the chief judge's
103.22 behalf who shall promptly assign the matter to a judge in said district.

103.23 (b) The judicial branch may appoint a special master to review preliminary applications
103.24 and may assign additional staff as needed to assist in the review of preliminary applications.

103.25 (c) The reviewing judge shall determine whether, in the discretion of that judge, there
103.26 is a reasonable probability that the applicant is entitled to relief under this section.

103.27 (d) In making the determination under paragraph (c), the reviewing judge shall consider
103.28 the preliminary application and any materials submitted with the preliminary application
103.29 and may consider relevant records in the possession of the judicial branch.

103.30 (e) The court may summarily deny an application when the applicant is not in the custody
103.31 of the commissioner of corrections or under court supervision; the applicant was not
103.32 convicted of a violation of Minnesota Statutes, section 609.185, paragraph (a), clause (3),

104.1 or 609.19, subdivision 2, clause (1), before August 1, 2023; the issues raised in the application
104.2 are not relevant to the relief available under this section or have previously been decided
104.3 by the court of appeals or the supreme court in the same case; or the applicant has filed a
104.4 second or successive preliminary application.

104.5 (f) If the reviewing judge determines that there is a reasonable probability that the
104.6 applicant is entitled to relief, the judge shall send notice to the applicant and the applicant's
104.7 attorney, if any, and the prosecutorial office responsible for prosecuting the applicant. In
104.8 the event the applicant is without counsel, the reviewing judge shall send notice to the state
104.9 public defender and shall advise the applicant of such referral.

104.10 (g) If the reviewing judge determines that there is not a reasonable probability that the
104.11 applicant is entitled to relief, the judge shall send notice to the applicant and the applicant's
104.12 attorney, if any.

104.13 Subd. 5. **Petition for relief; hearing.** (a) Within 60 days of receipt of the notice sent
104.14 pursuant to subdivision 4, paragraph (f), the individual seeking relief shall file and serve a
104.15 petition to vacate the conviction. The petition shall contain the information identified in
104.16 subdivision 3, paragraph (a), and a statement of why the petitioner is entitled to relief. The
104.17 petition may contain any other relevant information including police reports, trial transcripts,
104.18 and plea transcripts involving the petitioner or any other person investigated for, charged
104.19 with, or convicted of a crime arising out of the same set of circumstances for which the
104.20 petitioner was convicted. The filing of the petition and any document subsequent thereto
104.21 and all proceedings thereon shall be without costs or any fees charged to the petitioner.

104.22 (b) A county attorney representing the prosecutorial office shall respond to the petition
104.23 by answer or motion within 30 days after the filing of the petition pursuant to paragraph
104.24 (a), unless extended for good cause. The response shall be filed with the court administrator
104.25 of the district court and served on the petitioner if unrepresented or on the petitioner's
104.26 attorney. The response may serve notice of the intent to support the petition or include a
104.27 statement explaining why the petitioner is not entitled to relief along with any supporting
104.28 documents. The filing of the response and any document subsequent thereto and all
104.29 proceedings thereon shall be without costs or any fees charged to the county attorney.

104.30 (c) Within 30 days of receipt of the response from the county attorney, the court shall:

104.31 (1) issue an order pursuant to subdivision 6 and schedule the matter for sentencing or
104.32 resentencing pursuant to subdivision 6, paragraph (e), if the county attorney indicates an
104.33 intent to support the petition;

105.1 (2) issue an order denying the petition if additional information or submissions establish
105.2 that there is not a reasonable probability that the applicant is entitled to relief under this
105.3 section; or

105.4 (3) schedule the matter for a hearing and issue any appropriate order regarding submission
105.5 of evidence or identification of witnesses.

105.6 (d) The hearing shall be held in open court and conducted pursuant to Minnesota Statutes,
105.7 section 590.04, except that the petitioner must be present at the hearing, unless excused
105.8 under Rules of Criminal Procedure, rule 26.03, subdivision 1, clause (3).

105.9 Subd. 6. **Determination; order; resentencing.** (a) A petitioner who was convicted of
105.10 a violation of Minnesota Statutes, section 609.185, paragraph (a), clause (3), is entitled to
105.11 relief if the petitioner:

105.12 (1) did not cause the death of a human being; and

105.13 (2) did not intentionally aid, advise, hire, counsel, or conspire with or otherwise procure
105.14 another with the intent to cause the death of a human being.

105.15 (b) A petitioner who was convicted of a violation of Minnesota Statutes, section 609.19,
105.16 subdivision 2, clause (1), is entitled to relief if the petitioner:

105.17 (1) did not cause the death of a human being; and

105.18 (2) was not a major participant in the underlying felony and did not act with extreme
105.19 indifference to human life.

105.20 (c) If the court determines that the petitioner does not qualify for relief, the court shall
105.21 issue an order denying the petition. If the court determines that the petitioner is entitled to
105.22 relief, the court shall issue an order vacating the conviction for a violation of Minnesota
105.23 Statutes, section 609.185, paragraph (a), clause (3), or 609.19, subdivision 2, clause (1),
105.24 and either:

105.25 (1) resentence the petitioner for any other offense for which the petitioner was convicted;
105.26 or

105.27 (2) enter a conviction and impose a sentence for any other predicate felony arising out
105.28 of the course of conduct that served as the factual basis for the conviction vacated by the
105.29 court.

105.30 (d) The court shall state in writing or on the record the reasons for its decision on the
105.31 petition.

106.1 (e) If the court intends to resentence a petitioner or impose a sentence on a petitioner,
106.2 the court must hold the hearing at a time that allows any victim an opportunity to submit a
106.3 statement consistent with Minnesota Statutes, section 611A.038. The prosecutor shall make
106.4 a good faith and reasonable effort to notify any person determined to be a victim of the
106.5 hearing and the right to submit or make a statement. A sentence imposed under this
106.6 subdivision shall not increase the petitioner's period of confinement or, if the petitioner was
106.7 serving a stayed sentence, increase the period of supervision. A person resentenced under
106.8 this paragraph is entitled to credit for time served in connection with the vacated offense.

106.9 (f) Relief granted under this section shall not be treated as an exoneration for purposes
106.10 of the Incarceration and Exoneration Remedies Act.

106.11 **EFFECTIVE DATE.** This section is effective August 1, 2023.

106.12 **Sec. 15. PROBATION LIMITS; RETROACTIVE APPLICATION.**

106.13 (a) Any person placed on probation before August 1, 2023, is eligible for resentencing
106.14 if:

106.15 (1) the person was placed on probation for a felony violation;

106.16 (2) the court placed the person on probation for a length of time that exceeded five years;

106.17 (3) under Minnesota Statutes, section 609.135, subdivision 2, the maximum length of
106.18 probation the court could have ordered the person to serve on or after August 1, 2023, is
106.19 five years; and

106.20 (4) the sentence of imprisonment has not been executed.

106.21 (b) Eligibility for resentencing within the maximum length of probation the court could
106.22 have ordered the person to serve on or after August 1, 2023, applies to each period of
106.23 probation ordered by the court. Upon resentencing, periods of probation must be served
106.24 consecutively if a court previously imposed consecutive periods of probation on the person.
106.25 The court may not increase a previously ordered period of probation under this section or
106.26 order that periods of probation be served consecutively unless the court previously imposed
106.27 consecutive periods of probation.

106.28 (c) Resentencing may take place without a hearing.

106.29 (d) The term of the stay of probation for any person who is eligible for resentencing
106.30 under paragraph (a) and who has served five or more years of probation as of August 1,
106.31 2023, shall be considered to have expired on October 1, 2023, unless:

107.1 (1) the term of the stay of probation would have expired before that date under the
107.2 original sentence; or

107.3 (2) the length of probation is extended pursuant to Minnesota Statutes, section 609.135,
107.4 subdivision 2, paragraph (h) or (i).

107.5 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to sentences
107.6 announced before that date.

107.7 Sec. 16. **SENTENCING GUIDELINES COMMISSION; MODIFICATION.**

107.8 The Sentencing Guidelines Commission shall modify the Sentencing Guidelines to be
107.9 consistent with changes to Minnesota Statutes, section 609.135, subdivision 2, governing
107.10 the maximum length of probation a court may order.

107.11 Sec. 17. **REVISOR INSTRUCTION.**

107.12 In Minnesota Statutes, the revisor of statutes shall substitute "364 days" for "one year"
107.13 consistent with the change in this act. The revisor shall also make other technical changes
107.14 resulting from the change of term to the statutory language if necessary to preserve the
107.15 meaning of the text.

107.16 **ARTICLE 5**

107.17 **EXPUNGEMENT**

107.18 Section 1. Minnesota Statutes 2022, section 13.871, subdivision 14, is amended to read:

107.19 Subd. 14. **Expungement petitions.** (a) Provisions regarding the classification and sharing
107.20 of data contained in a petition for expungement of a criminal record are included in section
107.21 609A.03.

107.22 (b) Provisions regarding the classification and sharing of data related to automatic
107.23 expungements are included in sections 299C.097 and 609A.015.

107.24 **EFFECTIVE DATE.** This section is effective August 1, 2023.

107.25 Sec. 2. Minnesota Statutes 2022, section 152.18, subdivision 1, is amended to read:

107.26 Subdivision 1. **Deferring prosecution for certain first time drug offenders.** (a) A
107.27 court may defer prosecution as provided in paragraph (c) for any person found guilty, after
107.28 trial or upon a plea of guilty, of a violation of section 152.023, subdivision 2, 152.024,
107.29 subdivision 2, 152.025, subdivision 2, or 152.027, subdivision 2, 3, 4, or 6, paragraph (d),
107.30 for possession of a controlled substance, who:

108.1 (1) has not previously participated in or completed a diversion program authorized under
108.2 section 401.065;

108.3 (2) has not previously been placed on probation without a judgment of guilty and
108.4 thereafter been discharged from probation under this section; and

108.5 (3) has not been convicted of a felony violation of this chapter, including a felony-level
108.6 attempt or conspiracy, or been convicted by the United States or another state of a similar
108.7 offense that would have been a felony under this chapter if committed in Minnesota, unless
108.8 ten years have elapsed since discharge from sentence.

108.9 (b) The court must defer prosecution as provided in paragraph (c) for any person found
108.10 guilty of a violation of section 152.025, subdivision 2, who:

108.11 (1) meets the criteria listed in paragraph (a), clauses (1) to (3); and

108.12 (2) has not previously been convicted of a felony offense under any state or federal law
108.13 or of a gross misdemeanor under section 152.025.

108.14 (c) In granting relief under this section, the court shall, without entering a judgment of
108.15 guilty and with the consent of the person, defer further proceedings and place the person
108.16 on probation upon such reasonable conditions as it may require and for a period, not to
108.17 exceed the maximum sentence provided for the violation. The court may give the person
108.18 the opportunity to attend and participate in an appropriate program of education regarding
108.19 the nature and effects of alcohol and drug abuse as a stipulation of probation. Upon violation
108.20 of a condition of the probation, the court may enter an adjudication of guilt and proceed as
108.21 otherwise provided. The court may, in its discretion, dismiss the proceedings against the
108.22 person and discharge the person from probation before the expiration of the maximum
108.23 period prescribed for the person's probation. If during the period of probation the person
108.24 does not violate any of the conditions of the probation, then upon expiration of the period
108.25 the court shall discharge the person and dismiss the proceedings against that person.

108.26 Discharge and dismissal under this subdivision shall be without court adjudication of guilt,
108.27 but a not public record of it shall be retained by the Bureau of Criminal Apprehension for
108.28 the purpose of use by the courts in determining the merits of subsequent proceedings against
108.29 the person. The not public record may also be opened only upon court order for purposes
108.30 of a criminal investigation, prosecution, or sentencing. Upon receipt of notice that the
108.31 proceedings were dismissed, the Bureau of Criminal Apprehension shall notify the arresting
108.32 or citing law enforcement agency and direct that agency to seal its records related to the
108.33 charge. Upon request by law enforcement, prosecution, or corrections authorities, the bureau
108.34 shall notify the requesting party of the existence of the not public record and the right to

109.1 seek a court order to open it pursuant to this section. The court shall forward a record of
109.2 any discharge and dismissal under this subdivision to the bureau which shall make and
109.3 maintain the not public record of it as provided under this subdivision. The discharge or
109.4 dismissal shall not be deemed a conviction for purposes of disqualifications or disabilities
109.5 imposed by law upon conviction of a crime or for any other purpose.

109.6 For purposes of this subdivision, "not public" has the meaning given in section 13.02,
109.7 subdivision 8a.

109.8 **EFFECTIVE DATE.** This section is effective August 1, 2023.

109.9 Sec. 3. Minnesota Statutes 2022, section 181.981, subdivision 1, is amended to read:

109.10 Subdivision 1. **Limitation on admissibility of criminal history.** Information regarding
109.11 a criminal history record of an employee or former employee may not be introduced as
109.12 evidence in a civil action against a private employer or its employees or agents that is based
109.13 on the conduct of the employee or former employee, if:

109.14 (1) the duties of the position of employment did not expose others to a greater degree
109.15 of risk than that created by the employee or former employee interacting with the public
109.16 outside of the duties of the position or that might be created by being employed in general;

109.17 (2) before the occurrence of the act giving rise to the civil action;

109.18 (i) a court order sealed any record of the criminal case;

109.19 (ii) any record of the criminal case was sealed as the result of an automatic expungement,
109.20 including but not limited to a grant of expungement made pursuant to section 609A.015;

109.21 or

109.22 (iii) the employee or former employee received a pardon;

109.23 (3) the record is of an arrest or charge that did not result in a criminal conviction; or

109.24 (4) the action is based solely upon the employer's compliance with section 364.021.

109.25 **EFFECTIVE DATE.** This section is effective August 1, 2023.

109.26 Sec. 4. Minnesota Statutes 2022, section 245C.08, subdivision 1, is amended to read:

109.27 Subdivision 1. **Background studies conducted by Department of Human Services.** (a)
109.28 For a background study conducted by the Department of Human Services, the commissioner
109.29 shall review:

110.1 (1) information related to names of substantiated perpetrators of maltreatment of
110.2 vulnerable adults that has been received by the commissioner as required under section
110.3 626.557, subdivision 9c, paragraph (j);

110.4 (2) the commissioner's records relating to the maltreatment of minors in licensed
110.5 programs, and from findings of maltreatment of minors as indicated through the social
110.6 service information system;

110.7 (3) information from juvenile courts as required in subdivision 4 for individuals listed
110.8 in section 245C.03, subdivision 1, paragraph (a), when there is reasonable cause;

110.9 (4) information from the Bureau of Criminal Apprehension, including information
110.10 regarding a background study subject's registration in Minnesota as a predatory offender
110.11 under section 243.166;

110.12 (5) except as provided in clause (6), information received as a result of submission of
110.13 fingerprints for a national criminal history record check, as defined in section 245C.02,
110.14 subdivision 13c, when the commissioner has reasonable cause for a national criminal history
110.15 record check as defined under section 245C.02, subdivision 15a, or as required under section
110.16 144.057, subdivision 1, clause (2);

110.17 (6) for a background study related to a child foster family setting application for licensure,
110.18 foster residence settings, children's residential facilities, a transfer of permanent legal and
110.19 physical custody of a child under sections 260C.503 to 260C.515, or adoptions, and for a
110.20 background study required for family child care, certified license-exempt child care, child
110.21 care centers, and legal nonlicensed child care authorized under chapter 119B, the
110.22 commissioner shall also review:

110.23 (i) information from the child abuse and neglect registry for any state in which the
110.24 background study subject has resided for the past five years;

110.25 (ii) when the background study subject is 18 years of age or older, or a minor under
110.26 section 245C.05, subdivision 5a, paragraph (c), information received following submission
110.27 of fingerprints for a national criminal history record check; and

110.28 (iii) when the background study subject is 18 years of age or older or a minor under
110.29 section 245C.05, subdivision 5a, paragraph (d), for licensed family child care, certified
110.30 license-exempt child care, licensed child care centers, and legal nonlicensed child care
110.31 authorized under chapter 119B, information obtained using non-fingerprint-based data
110.32 including information from the criminal and sex offender registries for any state in which

111.1 the background study subject resided for the past five years and information from the national
111.2 crime information database and the national sex offender registry; and

111.3 (7) for a background study required for family child care, certified license-exempt child
111.4 care centers, licensed child care centers, and legal nonlicensed child care authorized under
111.5 chapter 119B, the background study shall also include, to the extent practicable, a name
111.6 and date-of-birth search of the National Sex Offender Public website.

111.7 (b) Notwithstanding expungement by a court, the commissioner may consider information
111.8 obtained under paragraph (a), clauses (3) and (4), unless:

111.9 (1) the commissioner received notice of the petition for expungement and the court order
111.10 for expungement is directed specifically to the commissioner; or

111.11 (2) the commissioner received notice of the expungement order issued pursuant to section
111.12 609A.017, 609A.025, or 609A.035, and the order for expungement is directed specifically
111.13 to the commissioner.

111.14 (c) The commissioner shall also review criminal case information received according
111.15 to section 245C.04, subdivision 4a, from the Minnesota court information system that relates
111.16 to individuals who have already been studied under this chapter and who remain affiliated
111.17 with the agency that initiated the background study.

111.18 (d) When the commissioner has reasonable cause to believe that the identity of a
111.19 background study subject is uncertain, the commissioner may require the subject to provide
111.20 a set of classifiable fingerprints for purposes of completing a fingerprint-based record check
111.21 with the Bureau of Criminal Apprehension. Fingerprints collected under this paragraph
111.22 shall not be saved by the commissioner after they have been used to verify the identity of
111.23 the background study subject against the particular criminal record in question.

111.24 (e) The commissioner may inform the entity that initiated a background study under
111.25 NETStudy 2.0 of the status of processing of the subject's fingerprints.

111.26 **EFFECTIVE DATE.** This section is effective August 1, 2023.

111.27 Sec. 5. Minnesota Statutes 2022, section 245C.08, subdivision 2, is amended to read:

111.28 Subd. 2. **Background studies conducted by a county agency for family child care.** (a)
111.29 Before the implementation of NETStudy 2.0, for a background study conducted by a county
111.30 agency for family child care services, the commissioner shall review:

111.31 (1) information from the county agency's record of substantiated maltreatment of adults
111.32 and the maltreatment of minors;

112.1 (2) information from juvenile courts as required in subdivision 4 for:

112.2 (i) individuals listed in section 245C.03, subdivision 1, paragraph (a), who are ages 13
112.3 through 23 living in the household where the licensed services will be provided; and

112.4 (ii) any other individual listed under section 245C.03, subdivision 1, when there is
112.5 reasonable cause; and

112.6 (3) information from the Bureau of Criminal Apprehension.

112.7 (b) If the individual has resided in the county for less than five years, the study shall
112.8 include the records specified under paragraph (a) for the previous county or counties of
112.9 residence for the past five years.

112.10 (c) Notwithstanding expungement by a court, the county agency may consider information
112.11 obtained under paragraph (a), clause (3), unless:

112.12 (1) the commissioner received notice of the petition for expungement and the court order
112.13 for expungement is directed specifically to the commissioner; or

112.14 (2) the commissioner received notice of the expungement order issued pursuant to section
112.15 609A.017, 609A.025, or 609A.035, and the order for expungement is directed specifically
112.16 to the commissioner.

112.17 **EFFECTIVE DATE.** This section is effective August 1, 2023.

112.18 Sec. 6. **[299C.097] DATABASE FOR IDENTIFYING INDIVIDUALS ELIGIBLE**
112.19 **FOR EXPUNGEMENT.**

112.20 (a) The superintendent of the Bureau of Criminal Apprehension shall maintain a
112.21 computerized data system relating to petty misdemeanor and misdemeanor offenses that
112.22 may become eligible for expungement pursuant to section 609A.015 and which do not
112.23 require fingerprinting pursuant to section 299C.10 and are not linked to an arrest record in
112.24 the criminal history system.

112.25 (b) This data is private data on individuals under section 13.02, subdivision 12.

112.26 **EFFECTIVE DATE.** This section is effective January 1, 2024.

112.27 Sec. 7. Minnesota Statutes 2022, section 299C.10, subdivision 1, is amended to read:

112.28 Subdivision 1. **Required fingerprinting.** (a) Sheriffs, peace officers, and community
112.29 corrections agencies operating secure juvenile detention facilities shall take or cause to be
112.30 taken immediately finger and thumb prints, photographs, distinctive physical mark

113.1 identification data, information on any known aliases or street names, and other identification
113.2 data requested or required by the superintendent of the bureau, of the following:

113.3 (1) persons arrested for, appearing in court on a charge of, or convicted of a felony, gross
113.4 misdemeanor, or targeted misdemeanor;

113.5 (2) juveniles arrested for, appearing in court on a charge of, adjudicated delinquent for,
113.6 or alleged to have committed felonies or gross misdemeanors as distinguished from those
113.7 committed by adult offenders;

113.8 (3) adults and juveniles admitted to jails or detention facilities;

113.9 (4) persons reasonably believed by the arresting officer to be fugitives from justice;

113.10 (5) persons in whose possession, when arrested, are found concealed firearms or other
113.11 dangerous weapons, burglar tools or outfits, high-power explosives, or articles, machines,
113.12 or appliances usable for an unlawful purpose and reasonably believed by the arresting officer
113.13 to be intended for such purposes;

113.14 (6) juveniles referred by a law enforcement agency to a diversion program for a felony
113.15 or gross misdemeanor offense; and

113.16 (7) persons currently involved in the criminal justice process, on probation, on parole,
113.17 or in custody for any offense whom the superintendent of the bureau identifies as being the
113.18 subject of a court disposition record which cannot be linked to an arrest record, and whose
113.19 fingerprints are necessary to reduce the number of suspense files, or to comply with the
113.20 mandates of section 299C.111, relating to the reduction of the number of suspense files.
113.21 This duty to obtain fingerprints for the offenses in suspense at the request of the bureau
113.22 shall include the requirement that fingerprints be taken in post-arrest interviews, while
113.23 making court appearances, while in custody, or while on any form of probation, diversion,
113.24 or supervised release.

113.25 (b) Unless the superintendent of the bureau requires a shorter period, within 24 hours
113.26 of taking the fingerprints and data, the fingerprint records and other identification data
113.27 specified under paragraph (a) must be electronically entered into a bureau-managed
113.28 searchable database in a manner as may be prescribed by the superintendent.

113.29 (c) Prosecutors, courts, and probation officers and their agents, employees, and
113.30 subordinates shall attempt to ensure that the required identification data is taken on a person
113.31 described in paragraph (a). Law enforcement may take fingerprints of an individual who is
113.32 presently on probation.

113.33 (d) Finger and thumb prints must be obtained no later than:

114.1 (1) release from booking; or

114.2 (2) if not booked prior to acceptance of a plea of guilty or not guilty.

114.3 Prior to acceptance of a plea of guilty or not guilty, an individual's finger and thumb
114.4 prints must be submitted to the Bureau of Criminal Apprehension for the offense. If finger
114.5 and thumb prints have not been successfully received by the bureau, an individual may,
114.6 upon order of the court, be taken into custody for no more than eight hours so that the taking
114.7 of prints can be completed. Upon notice and motion of the prosecuting attorney, this time
114.8 period may be extended upon a showing that additional time in custody is essential for the
114.9 successful taking of prints.

114.10 (e) For purposes of this section, a targeted misdemeanor is a misdemeanor violation of
114.11 section 169A.20 (driving while impaired), 518B.01 (order for protection violation), 609.224
114.12 (fifth-degree assault), 609.2242 (domestic assault), 609.746 (interference with privacy),
114.13 609.748 (harassment or restraining order violation), 609.749 (obscene or harassing telephone
114.14 calls), 617.23 (indecent exposure), or 629.75 (domestic abuse no contact order).

114.15 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to violations
114.16 that occur on or after that date.

114.17 Sec. 8. Minnesota Statutes 2022, section 299C.11, subdivision 1, is amended to read:

114.18 Subdivision 1. **Identification data other than DNA.** (a) Each sheriff and chief of police
114.19 shall furnish the bureau, upon such form as the superintendent shall prescribe, with such
114.20 ~~finger and thumb prints~~ fingerprints and thumbprints, photographs, distinctive physical
114.21 mark identification data, information on known aliases and street names, and other
114.22 identification data as may be requested or required by the superintendent of the bureau,
114.23 which must be taken under the provisions of section 299C.10. In addition, sheriffs and chiefs
114.24 of police shall furnish this identification data to the bureau for individuals found to have
114.25 been convicted of a felony, gross misdemeanor, or targeted misdemeanor, within the ten
114.26 years immediately preceding their arrest. When the bureau learns that an individual who is
114.27 the subject of a background check has used, or is using, identifying information, including,
114.28 but not limited to, name and date of birth, other than those listed on the criminal history,
114.29 the bureau shall convert into an electronic format, if necessary, and enter into a
114.30 bureau-managed searchable database the new identifying information when supported by
114.31 fingerprints within three business days of learning the information if the information is not
114.32 entered by a law enforcement agency.

115.1 (b) No petition under chapter 609A is required if the person has not been convicted of
115.2 any felony or gross misdemeanor, either within or without the state, within the period of
115.3 ten years immediately preceding the determination of all pending criminal actions or
115.4 proceedings in favor of the arrested person, and either of the following occurred:

115.5 (1) all charges were dismissed prior to a determination of probable cause; or

115.6 (2) the prosecuting authority declined to file any charges and a grand jury did not return
115.7 an indictment.

115.8 Where these conditions are met, the bureau or agency shall, upon demand, destroy the
115.9 arrested person's ~~finger and thumb prints~~ fingerprints and thumbprints, photographs,
115.10 distinctive physical mark identification data, information on known aliases and street names,
115.11 and other identification data, and all copies and duplicates of them.

115.12 (c) The bureau or agency shall destroy an arrested person's fingerprints and thumbprints,
115.13 photographs, distinctive physical mark identification data, information on known aliases
115.14 and street names, and other identification data and all copies and duplicates of them without
115.15 the demand of any person or the granting of a petition under chapter 609A if:

115.16 (1) the sheriff, chief of police, bureau, or other arresting agency determines that the
115.17 person was arrested or identified as the result of mistaken identity before presenting
115.18 information to the prosecuting authority for a charging decision; or

115.19 (2) the prosecuting authority declines to file any charges or a grand jury does not return
115.20 an indictment based on a determination that the person was identified or arrested as the
115.21 result of mistaken identity.

115.22 (d) A prosecuting authority that determines a person was arrested or identified as the
115.23 result of mistaken identity and either declines to file any charges or receives notice that a
115.24 grand jury did not return an indictment shall notify the bureau and the applicable sheriff,
115.25 chief of police, or other arresting agency of the determination.

115.26 ~~(e)~~ (e) Except as otherwise provided in paragraph (b) or (c), upon the determination of
115.27 all pending criminal actions or proceedings in favor of the arrested person, and the granting
115.28 of the petition of the arrested person under chapter 609A, the bureau shall seal ~~finger and~~
115.29 ~~thumb prints~~ fingerprints and thumbprints, photographs, distinctive physical mark
115.30 identification data, information on known aliases and street names, and other identification
115.31 data, and all copies and duplicates of them if the arrested person has not been convicted of
115.32 any felony or gross misdemeanor, either within or without the state, within the period of
115.33 ten years immediately preceding such determination.

116.1 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to
116.2 determinations that a person was identified as the result of mistaken identity made on or
116.3 after that date.

116.4 Sec. 9. Minnesota Statutes 2022, section 299C.11, subdivision 3, is amended to read:

116.5 Subd. 3. **Definitions.** For purposes of this section:

116.6 (1) "determination of all pending criminal actions or proceedings in favor of the arrested
116.7 person" does not include:

116.8 (i) the sealing of a criminal record pursuant to section 152.18, subdivision 1, 242.31, or
116.9 chapter 609A;

116.10 (ii) the arrested person's successful completion of a diversion program;

116.11 (iii) an order of discharge under section 609.165; or

116.12 (iv) a pardon granted under section 638.02; ~~and~~

116.13 (2) "mistaken identity" means the person was incorrectly identified as being a different
116.14 person:

116.15 (i) because the person's identity had been transferred, used, or possessed in violation of
116.16 section 609.527; or

116.17 (ii) as a result of misidentification by a witness or law enforcement, confusion on the
116.18 part of a witness or law enforcement as to the identity of the person who committed the
116.19 crime, misinformation provided to law enforcement as to the identity of the person who
116.20 committed the crime, or some other mistake on the part of a witness or law enforcement as
116.21 to the identity of the person who committed the crime; and

116.22 ~~(2)~~ (3) "targeted misdemeanor" has the meaning given in section 299C.10, subdivision
116.23 1.

116.24 **EFFECTIVE DATE.** This section is effective August 1, 2023.

116.25 Sec. 10. Minnesota Statutes 2022, section 299C.111, is amended to read:

116.26 **299C.111 SUSPENSE FILE REPORTING.**

116.27 The superintendent shall immediately notify the appropriate entity or individual when
116.28 a disposition record for a felony, gross misdemeanor, or targeted misdemeanor is received
116.29 that cannot be linked to an arrest record.

116.30 **EFFECTIVE DATE.** This section is effective January 1, 2025.

117.1 Sec. 11. Minnesota Statutes 2022, section 299C.17, is amended to read:

117.2 **299C.17 REPORT BY COURT ADMINISTRATOR.**

117.3 The superintendent shall require the court administrator of every court which sentences
117.4 a defendant for a felony, gross misdemeanor, ~~or targeted misdemeanor,~~ or petty misdemeanor
117.5 to electronically transmit within 24 hours of the disposition of the case a report, in a form
117.6 prescribed by the superintendent providing information required by the superintendent with
117.7 regard to the prosecution and disposition of criminal cases. A copy of the report shall be
117.8 kept on file in the office of the court administrator.

117.9 **EFFECTIVE DATE.** This section is effective January 1, 2025.

117.10 Sec. 12. Minnesota Statutes 2022, section 609A.01, is amended to read:

117.11 **609A.01 EXPUNGEMENT OF CRIMINAL RECORDS.**

117.12 This chapter provides the grounds and procedures for expungement of criminal records
117.13 under section 13.82; 152.18, subdivision 1; 299C.11, where expungement is automatic under
117.14 sections 609A.015, 609A.017, or 609A.035, or a petition is authorized under section 609A.02,
117.15 subdivision 3; or other applicable law. The remedy available is limited to a court order or
117.16 grant of expungement under section 609A.015 sealing the records and prohibiting the
117.17 disclosure of their existence or their opening except under court order or statutory authority.
117.18 Nothing in this chapter authorizes the destruction of records or their return to the subject
117.19 of the records.

117.20 **EFFECTIVE DATE.** This section is effective January 1, 2025.

117.21 Sec. 13. **[609A.015] AUTOMATIC EXPUNGEMENT OF RECORDS.**

117.22 **Subdivision 1. Eligibility; dismissal; exoneration.** (a) A person who is the subject of
117.23 a criminal record or delinquency record is eligible for a grant of expungement relief without
117.24 the filing of a petition:

117.25 (1) if the person was arrested and all charges were dismissed after a case was filed unless
117.26 dismissal was based on a finding that the defendant was incompetent to proceed;

117.27 (2) upon the dismissal and discharge of proceedings against a person under section
117.28 152.18, subdivision 1, for violation of section 152.024, 152.025, or 152.027 for possession
117.29 of a controlled substance; or

117.30 (3) if all pending actions or proceedings were resolved in favor of the person.

118.1 (b) For purposes of this chapter, a verdict of not guilty by reason of mental illness is not
118.2 a resolution in favor of the person. For purposes of this chapter, an action or proceeding is
118.3 resolved in favor of the person if the petitioner received an order under section 590.11
118.4 determining that the person is eligible for compensation based on exoneration.

118.5 Subd. 2. **Eligibility; diversion and stay of adjudication.** A person is eligible for a grant
118.6 of expungement relief if the person has successfully completed the terms of a diversion
118.7 program or stay of adjudication for a qualifying offense that is not a felony and has not been
118.8 petitioned or charged with a new offense, other than an offense that would be a petty
118.9 misdemeanor, in Minnesota:

118.10 (1) for one year immediately following completion of the diversion program or stay of
118.11 adjudication; or

118.12 (2) for one year immediately preceding a subsequent review performed pursuant to
118.13 subdivision 5, paragraph (a).

118.14 Subd. 3. **Eligibility; certain criminal proceedings.** (a) A person is eligible for a grant
118.15 of expungement relief if the person:

118.16 (1) was convicted of a qualifying offense;

118.17 (2) has not been convicted of a new offense, other than an offense that would be a petty
118.18 misdemeanor, in Minnesota:

118.19 (i) during the applicable waiting period immediately following discharge of the disposition
118.20 or sentence for the crime; or

118.21 (ii) during the applicable waiting period immediately preceding a subsequent review
118.22 performed pursuant to subdivision 5, paragraph (a); and

118.23 (3) is not charged with an offense, other than an offense that would be a petty
118.24 misdemeanor, in Minnesota at the time the person reaches the end of the applicable waiting
118.25 period or at the time of a subsequent review.

118.26 (b) As used in this subdivision, "qualifying offense" means a conviction for:

118.27 (1) any petty misdemeanor offense other than a violation of a traffic regulation relating
118.28 to the operation or parking of motor vehicles;

118.29 (2) any misdemeanor offense other than:

118.30 (i) section 169A.20 under the terms described in section 169A.27 (fourth-degree driving
118.31 while impaired);

- 119.1 (ii) section 518B.01, subdivision 14 (violation of an order for protection);
- 119.2 (iii) section 609.224 (assault in the fifth degree);
- 119.3 (iv) section 609.2242 (domestic assault);
- 119.4 (v) section 609.748 (violation of a harassment restraining order);
- 119.5 (vi) section 609.78 (interference with emergency call);
- 119.6 (vii) section 609.79 (obscene or harassing phone calls);
- 119.7 (viii) section 617.23 (indecent exposure);
- 119.8 (ix) section 609.746 (interference with privacy); or
- 119.9 (x) section 629.75 (violation of domestic abuse no contact order);
- 119.10 (3) any gross misdemeanor offense other than:
- 119.11 (i) section 169A.25 (second-degree driving while impaired);
- 119.12 (ii) section 169A.26 (third-degree driving while impaired);
- 119.13 (iii) section 518B.01, subdivision 14 (violation of an order for protection);
- 119.14 (iv) section 609.2113, subdivision 3 (criminal vehicular operation);
- 119.15 (v) section 609.2231 (assault in the fourth degree);
- 119.16 (vi) section 609.224 (assault in the fifth degree);
- 119.17 (vii) section 609.2242 (domestic assault);
- 119.18 (viii) section 609.233 (criminal neglect);
- 119.19 (ix) section 609.3451 (criminal sexual conduct in the fifth degree);
- 119.20 (x) section 609.377 (malicious punishment of child);
- 119.21 (xi) section 609.485 (escape from custody);
- 119.22 (xii) section 609.498 (tampering with witness);
- 119.23 (xiii) section 609.582, subdivision 4 (burglary in the fourth degree);
- 119.24 (xiv) section 609.746 (interference with privacy);
- 119.25 (xv) section 609.748 (violation of a harassment restraining order);
- 119.26 (xvi) section 609.749 (harassment; stalking);
- 119.27 (xvii) section 609.78 (interference with emergency call);

- 120.1 (xviii) section 617.23 (indecent exposure);
- 120.2 (xix) section 617.261 (nonconsensual dissemination of private sexual images); or
- 120.3 (xx) section 629.75 (violation of domestic abuse no contact order); or
- 120.4 (4) any felony offense listed in section 609A.02, subdivision 3, paragraph (b), other
- 120.5 than:
- 120.6 (i) section 152.023, subdivision 2 (possession of a controlled substance in the third
- 120.7 degree);
- 120.8 (ii) 152.024, subdivision 2 (possession of a controlled substance in the fourth degree);
- 120.9 (iii) section 609.485, subdivision 4, paragraph (a), clause (2) or (4) (escape from civil
- 120.10 commitment for mental illness); or
- 120.11 (iv) section 609.746, subdivision 1, paragraph (e) (interference with privacy; subsequent
- 120.12 violation or minor victim).
- 120.13 (c) As used in this subdivision, "applicable waiting period" means:
- 120.14 (1) if the offense was a petty misdemeanor, two years since discharge of the sentence;
- 120.15 (2) if the offense was a misdemeanor, two years since discharge of the sentence for the
- 120.16 crime;
- 120.17 (3) if the offense was a gross misdemeanor, three years since discharge of the sentence
- 120.18 for the crime;
- 120.19 (4) if the offense was a felony violation of section 152.025, four years since the discharge
- 120.20 of the sentence for the crime; and
- 120.21 (5) if the offense was any other felony, five years since discharge of the sentence for the
- 120.22 crime.
- 120.23 (d) Felony offenses deemed to be a gross misdemeanor or misdemeanor pursuant to
- 120.24 section 609.13, subdivision 1, remain ineligible for expungement under this section. Gross
- 120.25 misdemeanor offenses ineligible for a grant of expungement under this section remain
- 120.26 ineligible if deemed to be for a misdemeanor pursuant to section 609.13, subdivision 2.
- 120.27 Subd. 4. **Notice.** (a) The court shall notify a person who may become eligible for an
- 120.28 automatic expungement under this section of that eligibility at any hearing where the court
- 120.29 dismisses and discharges proceedings against a person under section 152.18, subdivision
- 120.30 1, for violation of section 152.024, 152.025, or 152.027 for possession of a controlled
- 120.31 substance; concludes that all pending actions or proceedings were resolved in favor of the

121.1 person; grants a person's placement into a diversion program; or sentences a person or
121.2 otherwise imposes a consequence for a qualifying offense.

121.3 (b) To the extent possible, prosecutors, defense counsel, supervising agents, and
121.4 coordinators or supervisors of a diversion program shall notify a person who may become
121.5 eligible for an automatic expungement under this section of that eligibility.

121.6 (c) If any party gives notification under this subdivision, the notification shall inform
121.7 the person that:

121.8 (1) a record expunged under this section may be opened for purposes of a background
121.9 study by the Department of Human Services under section 245C.08 and for purposes of a
121.10 background check by the Professional Educator Licensing and Standards Board as required
121.11 under section 122A.18, subdivision 8; and

121.12 (2) the person can file a petition to expunge the record and request that the petition be
121.13 directed to the commissioner of human services and the Professional Educator Licensing
121.14 and Standards Board.

121.15 **Subd. 5. Bureau of Criminal Apprehension to identify eligible persons and grant**
121.16 **expungement relief.** (a) The Bureau of Criminal Apprehension shall identify any records
121.17 that qualify for a grant of expungement relief pursuant to this subdivision or subdivision 1,
121.18 2, or 3. The Bureau of Criminal Apprehension shall make an initial determination of
121.19 eligibility within 30 days of the end of the applicable waiting period. If a record is not
121.20 eligible for a grant of expungement at the time of the initial determination, the Bureau of
121.21 Criminal Apprehension shall make subsequent eligibility determinations annually until the
121.22 record is eligible for a grant of expungement.

121.23 (b) In making the determination under paragraph (a), the Bureau of Criminal
121.24 Apprehension shall identify individuals who are the subject of relevant records through the
121.25 use of finger and thumb prints where finger and thumb prints are available. Where finger
121.26 and thumb prints are not available, the Bureau of Criminal Apprehension shall identify
121.27 individuals through the use of the person's name and date of birth. Records containing the
121.28 same name and date of birth shall be presumed to refer to the same individual unless other
121.29 evidence establishes, by a preponderance of the evidence, that they do not refer to the same
121.30 individual. The Bureau of Criminal Apprehension is not required to review any other
121.31 evidence in making a determination.

121.32 (c) The Bureau of Criminal Apprehension shall grant expungement relief to qualifying
121.33 persons and seal its own records without requiring an application, petition, or motion.
121.34 Records shall be sealed 60 days after notice is sent to the judicial branch pursuant to

122.1 paragraph (e) unless an order of the judicial branch prohibits sealing the records or additional
122.2 information establishes that the records are not eligible for expungement.

122.3 (d) Nonpublic criminal records maintained by the Bureau of Criminal Apprehension
122.4 and subject to a grant of expungement relief shall display a notation stating "expungement
122.5 relief granted pursuant to section 609A.015."

122.6 (e) The Bureau of Criminal Apprehension shall inform the judicial branch of all cases
122.7 for which expungement relief was granted pursuant to this section. Notification may be
122.8 through electronic means and may be made in real time or in the form of a monthly report.
122.9 Upon receipt of notice, the judicial branch shall seal all records relating to an arrest,
122.10 indictment or information, trial, verdict, or dismissal and discharge for any case in which
122.11 expungement relief was granted and shall issue any order deemed necessary to achieve this
122.12 purpose.

122.13 (f) The Bureau of Criminal Apprehension shall inform each law enforcement agency
122.14 that its records may be affected by a grant of expungement relief. Notification may be
122.15 through electronic means. Each notified law enforcement agency that receives a request to
122.16 produce records shall first contact the Bureau of Criminal Apprehension to determine if the
122.17 records were subject to a grant of expungement under this section. The law enforcement
122.18 agency must not disclose records relating to an arrest, indictment or information, trial,
122.19 verdict, or dismissal and discharge for any case in which expungement relief was granted
122.20 and must maintain the data consistent with the classification in paragraph (g). This paragraph
122.21 does not apply to requests from a criminal justice agency as defined in section 609A.03,
122.22 subdivision 7a, paragraph (f), for the purposes of:

122.23 (1) initiating, furthering, or completing a criminal investigation or prosecution or for
122.24 sentencing purposes or providing probation or other correctional services; or

122.25 (2) evaluating a prospective employee in a criminal justice agency without a court order.

122.26 (g) Data on the person whose offense has been expunged under this subdivision, including
122.27 any notice sent pursuant to paragraph (f), are private data on individuals as defined in section
122.28 13.02, subdivision 12.

122.29 (h) The prosecuting attorney shall notify the victim that an offense qualifies for automatic
122.30 expungement under this section in the manner provided in section 611A.03, subdivisions
122.31 1 and 2.

122.32 (i) In any subsequent prosecution of a person granted expungement relief, the expunged
122.33 criminal record may be pleaded and has the same effect as if the relief had not been granted.

123.1 (j) The Bureau of Criminal Apprehension is directed to develop, modify, or update a
123.2 system to provide criminal justice agencies with uniform statewide access to criminal records
123.3 sealed by expungement.

123.4 Subd. 6. **Immunity from civil liability.** Employees of the Bureau of Criminal
123.5 Apprehension shall not be held civilly liable for the exercise or the failure to exercise, or
123.6 the decision to exercise or the decision to decline to exercise, the powers granted by this
123.7 section or for any act or omission occurring within the scope of the performance of their
123.8 duties under this section.

123.9 **EFFECTIVE DATE.** This section is effective January 1, 2025, and applies to offenses
123.10 that meet the eligibility criteria on or after that date and retroactively to offenses that met
123.11 those qualifications before January 1, 2025, and are stored in the Bureau of Criminal
123.12 Apprehension's criminal history system as of January 1, 2025.

123.13 **Sec. 14. [609A.017] MISTAKEN IDENTITY; AUTOMATIC EXPUNGEMENT.**

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

123.16 (b) "Conviction" means a plea of guilty, a verdict of guilty by a jury, or a finding of
123.17 guilty by a court.

123.18 (c) "Mistaken identity" means a person was incorrectly identified as being a different
123.19 person:

123.20 (1) because the person's identity had been transferred, used, or possessed in violation of
123.21 section 609.527; or

123.22 (2) as a result of misidentification by a witness or law enforcement, confusion on the
123.23 part of a witness or law enforcement as to the identity of the person who committed the
123.24 crime, misinformation provided to law enforcement as to the identity of the person who
123.25 committed the crime, or some other mistake on the part of a witness or law enforcement as
123.26 to the identity of the person who committed the crime.

123.27 Subd. 2. **Determination by prosecutor; notification.** If, before a conviction, a prosecutor
123.28 determines that a defendant was issued a citation, charged, indicted, or otherwise prosecuted
123.29 as the result of mistaken identity, the prosecutor must dismiss or move to dismiss the action
123.30 or proceeding and must state in writing or on the record that mistaken identity is the reason
123.31 for the dismissal.

124.1 Subd. 3. **Order of expungement.** (a) The court shall issue an order of expungement
124.2 without the filing of a petition when an action or proceeding is dismissed based on a
124.3 determination that a defendant was issued a citation, charged, indicted, or otherwise
124.4 prosecuted as the result of mistaken identity. The order shall cite this section as the basis
124.5 for the order.

124.6 (b) An order issued under this section is not subject to the considerations or standards
124.7 identified in section 609A.025 or 609A.03, subdivision 5, paragraph (a), (b), or (c).

124.8 Subd. 4. **Effect of order.** (a) An order issued under this section is not subject to the
124.9 limitations in section 609A.03, subdivision 7a or 9. The effect of the court order to seal the
124.10 record of the proceedings shall be to restore the person, in the contemplation of the law, to
124.11 the status the person occupied before the arrest, indictment, or information. The person shall
124.12 not be guilty of perjury or otherwise of giving a false statement if the person fails to
124.13 acknowledge the arrest, indictment, information, or trial in response to any inquiry made
124.14 for any purpose.

124.15 (b) A criminal justice agency may seek access to a record that was sealed under this
124.16 section for purposes of determining whether the subject of the order was identified in any
124.17 other action or proceeding as the result of mistaken identity or for a criminal investigation,
124.18 prosecution, or sentencing involving any other person. The requesting agency must obtain
124.19 an ex parte court order after stating a good-faith basis to believe that opening the record
124.20 may lead to relevant information.

124.21 (c) The court administrator must distribute and confirm receipt of an order issued under
124.22 this section pursuant to section 609A.03, subdivision 8.

124.23 (d) Data on the person whose offense has been expunged contained in a letter or other
124.24 notification sent under this subdivision are private data on individuals as defined in section
124.25 13.02.

124.26 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to
124.27 determinations that a person was identified as the result of mistaken identity on or after that
124.28 date.

124.29 Sec. 15. Minnesota Statutes 2022, section 609A.02, subdivision 3, is amended to read:

124.30 Subd. 3. **Certain criminal proceedings.** (a) A petition may be filed under section
124.31 609A.03 to seal all records relating to an arrest, indictment or information, trial, or verdict
124.32 if the records are not subject to section 299C.11, subdivision 1, paragraph (b), and if:

125.1 (1) all pending actions or proceedings were resolved in favor of the petitioner. For
 125.2 purposes of this chapter, a verdict of not guilty by reason of mental illness is not a resolution
 125.3 in favor of the petitioner. For the purposes of this chapter, an action or proceeding is resolved
 125.4 in favor of the petitioner, if the petitioner received an order under section 590.11 determining
 125.5 that the petitioner is eligible for compensation based on exoneration;

125.6 (2) the petitioner has successfully completed the terms of a diversion program or stay
 125.7 of adjudication and has not been charged with a new crime for at least one year since
 125.8 completion of the diversion program or stay of adjudication;

125.9 (3) the petitioner was convicted of ~~or received a stayed sentence for~~ a petty misdemeanor
 125.10 or misdemeanor or the sentence imposed was within the limits provided by law for a
 125.11 misdemeanor and the petitioner has not been convicted of a new crime for at least two years
 125.12 since discharge of the sentence for the crime;

125.13 (4) the petitioner was convicted of ~~or received a stayed sentence for~~ a gross misdemeanor
 125.14 or the sentence imposed was within the limits provided by law for a gross misdemeanor
 125.15 and the petitioner has not been convicted of a new crime for at least ~~four~~ three years since
 125.16 discharge of the sentence for the crime; ~~or~~

125.17 (5) the petitioner was convicted of a gross misdemeanor that is deemed to be for a
 125.18 misdemeanor pursuant to section 609.13, subdivision 2, clause (2), and has not been convicted
 125.19 of a new crime for at least three years since discharge of the sentence for the crime;

125.20 (6) the petitioner was convicted of a felony violation of section 152.025 and has not
 125.21 been convicted of a new crime for at least four years since discharge of the sentence for the
 125.22 crime;

125.23 (7) the petitioner was convicted of a felony that is deemed to be for a gross misdemeanor
 125.24 or misdemeanor pursuant to section 609.13, subdivision 1, clause (2), and has not been
 125.25 convicted of a new crime for at least five years since discharge of the sentence for the crime;
 125.26 or

125.27 ~~(5)~~ (8) the petitioner was convicted of ~~or received a stayed sentence for~~ a felony violation
 125.28 of an offense listed in paragraph (b), and has not been convicted of a new crime for at least
 125.29 ~~five~~ four years since discharge of the sentence for the crime.

125.30 (b) Paragraph (a), clause ~~(5)~~ (7), applies to the following offenses:

125.31 (1) section 35.824 (altering livestock certificate);

125.32 (2) section 62A.41 (insurance regulations);

- 126.1 (3) section 86B.865, subdivision 1 (certification for title on watercraft);
- 126.2 (4) section 152.023, subdivision 2 (possession of a controlled substance in the third
- 126.3 degree); 152.024, subdivision 2 (possession of a controlled substance in the fourth degree);
- 126.4 152.025 (controlled substance in the fifth degree); or 152.097 (sale of simulated controlled
- 126.5 substance);
- 126.6 (5) section 168A.30, subdivision 1 (certificate of title false information); or 169.09,
- 126.7 subdivision 14, paragraph (a), clause (2) (accident resulting in great bodily harm);
- 126.8 (6) chapter 201; 203B; or 204C (voting violations);
- 126.9 (7) section 228.45; 228.47; 228.49; 228.50; or 228.51 (false bill of lading);
- 126.10 (8) section 256.984 (false declaration in assistance application);
- 126.11 (9) section 296A.23, subdivision 2 (willful evasion of fuel tax);
- 126.12 (10) section 297D.09, subdivision 1 (failure to affix stamp on scheduled substances);
- 126.13 (11) section 297G.19 (liquor taxation); or 340A.701 (unlawful acts involving liquor);
- 126.14 (12) section 325F.743 (precious metal dealers); or 325F.755, subdivision 7 (prize notices
- 126.15 and solicitations);
- 126.16 (13) section 346.155, subdivision 10 (failure to control regulated animal);
- 126.17 (14) section 349.2127; or 349.22 (gambling regulations);
- 126.18 (15) section 588.20 (contempt);
- 126.19 (16) section 609.27, subdivision 1, clauses (2) to (5) (coercion);
- 126.20 (17) section 609.31 (leaving state to evade establishment of paternity);
- 126.21 (18) section 609.485, subdivision 4, paragraph (a), clause (2) or (4) (escape from civil
- 126.22 commitment for mental illness);
- 126.23 (19) section 609.49 (failure to appear in court);
- 126.24 (20) section 609.52, subdivision 2, when sentenced pursuant to section 609.52,
- 126.25 subdivision 3, clause (3)(a) (theft of \$5,000 or less), or other theft offense that is sentenced
- 126.26 under this provision; or 609.52, subdivision 3a, clause (1) (theft of \$1,000 or less with risk
- 126.27 of bodily harm); or any other offense sentenced pursuant to section 609.52, subdivision 3,
- 126.28 clause (3)(a);
- 126.29 (21) section 609.521 (possession of shoplifting gear);
- 126.30 ~~(21)~~ (22) section 609.525 (bringing stolen goods into state);

- 127.1 ~~(22)~~ (23) section 609.526, subdivision 2, clause (2) (metal dealer receiving stolen goods);
- 127.2 ~~(23)~~ (24) section 609.527, subdivision 5b (possession or use of scanning device or
- 127.3 reencoder); 609.528, subdivision 3, clause (3) (possession or sale of stolen or counterfeit
- 127.4 check); or 609.529 (mail theft);
- 127.5 ~~(24)~~ (25) section 609.53 (receiving stolen goods);
- 127.6 ~~(25)~~ (26) section 609.535, subdivision 2a, paragraph (a), clause (1) (dishonored check
- 127.7 over \$500);
- 127.8 ~~(26)~~ (27) section 609.54, clause (1) (embezzlement of public funds \$2,500 or less);
- 127.9 ~~(27)~~ (28) section 609.551 (rustling and livestock theft);
- 127.10 ~~(28)~~ (29) section 609.5641, subdivision 1a, paragraph (a) (wildfire arson);
- 127.11 ~~(29)~~ (30) section 609.576, subdivision 1, clause (3), item (iii) (negligent fires);
- 127.12 (31) section 609.582, subdivision 3 (burglary in the third degree);
- 127.13 (32) section 609.59 (possession of burglary or theft tools);
- 127.14 ~~(30)~~ (33) section 609.595, subdivision 1, clauses (3) to (5), and subdivision 1a, paragraph
- 127.15 (a) (criminal damage to property);
- 127.16 ~~(31)~~ (34) section 609.597, subdivision 3, clause (3) (assaulting or harming police horse);
- 127.17 ~~(32)~~ (35) section 609.625 (aggravated forgery); 609.63 (forgery); 609.631, subdivision
- 127.18 4, clause (3)(a) (check forgery \$2,500 or less); 609.635 (obtaining signature by false
- 127.19 pretense); 609.64 (recording, filing forged instrument); or 609.645 (fraudulent statements);
- 127.20 ~~(33)~~ (36) section 609.65, clause (1) (false certification by notary); or 609.651, subdivision
- 127.21 4, paragraph (a) (lottery fraud);
- 127.22 ~~(34)~~ (37) section 609.652 (fraudulent driver's license and identification card);
- 127.23 ~~(35)~~ (38) section 609.66, subdivision 1a, paragraph (a) (discharge of firearm; silencer);
- 127.24 or 609.66, subdivision 1b (furnishing firearm to minor);
- 127.25 ~~(36)~~ (39) section 609.662, subdivision 2, paragraph (b) (duty to render aid);
- 127.26 ~~(37)~~ (40) section 609.686, subdivision 2 (tampering with fire alarm);
- 127.27 ~~(38)~~ (41) section 609.746, subdivision 1, paragraph ~~(e)~~ (g) (interference with privacy;
- 127.28 subsequent violation or minor victim);
- 127.29 ~~(39)~~ (42) section 609.80, subdivision 2 (interference with cable communications system);

- 128.1 ~~(40)~~ (43) section 609.821, subdivision 2 (financial transaction card fraud);
- 128.2 ~~(41)~~ (44) section 609.822 (residential mortgage fraud);
- 128.3 ~~(42)~~ (45) section 609.825, subdivision 2 (bribery of participant or official in contest);
- 128.4 ~~(43)~~ (46) section 609.855, subdivision 2, paragraph (c), clause (1) (interference with
- 128.5 transit operator);
- 128.6 ~~(44)~~ (47) section 609.88 (computer damage); or 609.89 (computer theft);
- 128.7 ~~(45)~~ (48) section 609.893, subdivision 2 (telecommunications and information services
- 128.8 fraud);
- 128.9 ~~(46)~~ (49) section 609.894, subdivision 3 or 4 (cellular counterfeiting);
- 128.10 ~~(47)~~ (50) section 609.895, subdivision 3, paragraph (a) or (b) (counterfeited intellectual
- 128.11 property);
- 128.12 ~~(48)~~ (51) section 609.896 (movie pirating);
- 128.13 ~~(49)~~ (52) section 624.7132, subdivision 15, paragraph (b) (transfer pistol to minor);
- 128.14 624.714, subdivision 1a (pistol without permit; subsequent violation); or 624.7141,
- 128.15 subdivision 2 (transfer of pistol to ineligible person); or
- 128.16 ~~(50)~~ (53) section 624.7181 (rifle or shotgun in public by minor).

128.17 **EFFECTIVE DATE.** This section is effective July 1, 2023, and applies to all offenses

128.18 that meet the eligibility criteria on or after that date.

128.19 Sec. 16. Minnesota Statutes 2022, section 609A.03, subdivision 5, is amended to read:

128.20 Subd. 5. **Nature of remedy; standard.** (a) Except as otherwise provided by paragraph

128.21 (b), expungement of a criminal record under this section is an extraordinary remedy to be

128.22 granted only upon clear and convincing evidence that it would yield a benefit to the petitioner

128.23 commensurate with the disadvantages to the public and public safety of:

128.24 (1) sealing the record; and

128.25 (2) burdening the court and public authorities to issue, enforce, and monitor an

128.26 expungement order.

128.27 (b) Except as otherwise provided by this paragraph, if the petitioner is petitioning for

128.28 the sealing of a criminal record under section 609A.02, subdivision 3, paragraph (a), clause

128.29 (1) or (2), the court shall grant the petition to seal the record unless the agency or jurisdiction

128.30 whose records would be affected establishes by clear and convincing evidence that the

129.1 interests of the public and public safety outweigh the disadvantages to the petitioner of not
129.2 sealing the record.

129.3 (c) In making a determination under this subdivision, the court shall consider:

129.4 (1) the nature and severity of the underlying crime, the record of which would be sealed;

129.5 (2) the risk, if any, the petitioner poses to individuals or society;

129.6 (3) the length of time since the crime occurred;

129.7 (4) the steps taken by the petitioner toward rehabilitation following the crime;

129.8 (5) aggravating or mitigating factors relating to the underlying crime, including the
129.9 petitioner's level of participation and context and circumstances of the underlying crime;

129.10 (6) the reasons for the expungement, including the petitioner's attempts to obtain
129.11 employment, housing, or other necessities;

129.12 (7) the petitioner's criminal record;

129.13 (8) the petitioner's record of employment and community involvement;

129.14 (9) the recommendations of interested law enforcement, prosecutorial, and corrections
129.15 officials;

129.16 (10) the recommendations of victims or whether victims of the underlying crime were
129.17 minors;

129.18 (11) the amount, if any, of restitution outstanding, past efforts made by the petitioner
129.19 toward payment, and the measures in place to help ensure completion of restitution payment
129.20 after expungement of the record if granted; and

129.21 (12) other factors deemed relevant by the court.

129.22 (d) Notwithstanding section 13.82, 13.87, or any other law to the contrary, if the court
129.23 issues an expungement order it may require that the criminal record be sealed, the existence
129.24 of the record not be revealed, and the record not be opened except as required under
129.25 subdivision 7. Records must not be destroyed or returned to the subject of the record.

129.26 (e) Information relating to a criminal history record of an employee, former employee,
129.27 or tenant that has been expunged before the occurrence of the act giving rise to the civil
129.28 action may not be introduced as evidence in a civil action against a private employer or
129.29 landlord or its employees or agents that is based on the conduct of the employee, former
129.30 employee, or tenant.

129.31 **EFFECTIVE DATE.** This section is effective August 1, 2023.

130.1 Sec. 17. Minnesota Statutes 2022, section 609A.03, subdivision 7a, is amended to read:

130.2 Subd. 7a. **Limitations of order effective January 1, 2015, and later.** (a) Upon issuance
130.3 of an expungement order related to a charge supported by probable cause, the DNA samples
130.4 and DNA records held by the Bureau of Criminal Apprehension and collected under authority
130.5 other than section 299C.105 shall not be sealed, returned to the subject of the record, or
130.6 destroyed.

130.7 (b) Notwithstanding the issuance of an expungement order:

130.8 (1) except as provided in clause (2), an expunged record may be opened, used, or
130.9 exchanged between criminal justice agencies without a court order for the purposes of
130.10 initiating, furthering, or completing a criminal investigation or prosecution or for sentencing
130.11 purposes or providing probation or other correctional services;

130.12 (2) when a criminal justice agency seeks access to a record that was sealed under section
130.13 609A.02, subdivision 3, paragraph (a), clause (1), after an acquittal or a court order dismissing
130.14 for lack of probable cause, for purposes of a criminal investigation, prosecution, or
130.15 sentencing, the requesting agency must obtain an ex parte court order after stating a
130.16 good-faith basis to believe that opening the record may lead to relevant information;

130.17 (3) an expunged record of a conviction may be opened for purposes of evaluating a
130.18 prospective employee in a criminal justice agency without a court order;

130.19 (4) an expunged record of a conviction may be opened for purposes of a background
130.20 study under section 245C.08 unless the commissioner had been properly served with notice
130.21 of the petition for expungement and the court order for expungement is directed specifically
130.22 to the commissioner of human services following proper service of a petition, or following
130.23 proceedings under section 609A.025 or 609A.035 upon service of an order to the
130.24 commissioner of human services;

130.25 (5) an expunged record of a conviction may be opened for purposes of a background
130.26 check required under section 122A.18, subdivision 8, unless the court order for expungement
130.27 is directed specifically to the Professional Educator Licensing and Standards Board; ~~and~~

130.28 (6) the court may order an expunged record opened upon request by the victim of the
130.29 underlying offense if the court determines that the record is substantially related to a matter
130.30 for which the victim is before the court.;

130.31 (7) a prosecutor may request, and the district court shall provide, certified records of
130.32 conviction for a record expunged pursuant to sections 609A.015, 609A.17, 609A.02,
130.33 609A.025, and 609A.035, and the certified records of conviction may be disclosed and

131.1 introduced in criminal court proceedings as provided by the rules of court and applicable
131.2 law; and

131.3 (8) the subject of an expunged record may request, and the court shall provide, certified
131.4 or uncertified records of conviction for a record expunged pursuant to sections 609A.015,
131.5 609A.017, 609A.02, 609A.025, and 609A.035.

131.6 (c) An agency or jurisdiction subject to an expungement order shall maintain the record
131.7 in a manner that provides access to the record by a criminal justice agency under paragraph
131.8 (b), clause (1) or (2), but notifies the recipient that the record has been sealed. The Bureau
131.9 of Criminal Apprehension shall notify the commissioner of human services or the
131.10 Professional Educator Licensing and Standards Board of the existence of a sealed record
131.11 and of the right to obtain access under paragraph (b), clause (4) or (5). Upon request, the
131.12 agency or jurisdiction subject to the expungement order shall provide access to the record
131.13 to the commissioner of human services or the Professional Educator Licensing and Standards
131.14 Board under paragraph (b), clause (4) or (5).

131.15 (d) An expunged record that is opened or exchanged under this subdivision remains
131.16 subject to the expungement order in the hands of the person receiving the record.

131.17 (e) A criminal justice agency that receives an expunged record under paragraph (b),
131.18 clause (1) or (2), must maintain and store the record in a manner that restricts the use of the
131.19 record to the investigation, prosecution, or sentencing for which it was obtained.

131.20 (f) For purposes of this section, a "criminal justice agency" means a court or government
131.21 agency that performs the administration of criminal justice under statutory authority.

131.22 (g) This subdivision applies to expungement orders subject to its limitations and effective
131.23 on or after January 1, 2015, and grants of expungement relief issued on or after January 1,
131.24 2025.

131.25 **EFFECTIVE DATE.** This section is effective August 1, 2023.

131.26 Sec. 18. Minnesota Statutes 2022, section 609A.03, subdivision 9, is amended to read:

131.27 Subd. 9. **Stay of order; appeal.** An expungement order issued under this section shall
131.28 be stayed automatically for 60 days after the order is filed and, if the order is appealed,
131.29 during the appeal period. A person or an agency or jurisdiction whose records would be
131.30 affected by the order may appeal the order within 60 days of service of notice of filing of
131.31 the order. An agency or jurisdiction or its officials or employees need not file a cost bond
131.32 or supersedeas bond in order to further stay the proceedings or file an appeal.

132.1 **EFFECTIVE DATE.** This section is effective August 1, 2023.

132.2 Sec. 19. **[609A.035] PARDON EXTRAORDINARY; NO PETITION REQUIRED.**

132.3 (a) Notwithstanding section 609A.02, if the Board of Pardons grants a petition for a
132.4 pardon extraordinary pursuant to section 638.02, subdivision 2, it shall file a copy of the
132.5 pardon extraordinary with the district court of the county in which the conviction occurred.

132.6 (b) The district court shall issue an expungement order sealing all records wherever held
132.7 relating to the arrest, indictment or information, trial, verdict, and pardon for the pardoned
132.8 offense without the filing of a petition and send an expungement order to each government
132.9 entity whose records are affected.

132.10 **EFFECTIVE DATE.** This section is effective August 1, 2023.

132.11 Sec. 20. Minnesota Statutes 2022, section 611A.03, subdivision 1, is amended to read:

132.12 Subdivision 1. **Plea agreements; notification of victim.** Prior to the entry of the factual
132.13 basis for a plea pursuant to a plea agreement recommendation, a prosecuting attorney shall
132.14 make a reasonable and good faith effort to inform the victim of:

132.15 (1) the contents of the plea agreement recommendation, including the amount of time
132.16 recommended for the defendant to serve in jail or prison if the court accepts the agreement;
132.17 ~~and~~

132.18 (2) the right to be present at the sentencing hearing and at the hearing during which the
132.19 plea is presented to the court and to express orally or in writing, at the victim's option, any
132.20 objection to the agreement or to the proposed disposition. If the victim is not present when
132.21 the court considers the recommendation, but has communicated objections to the prosecuting
132.22 attorney, the prosecuting attorney shall make these objections known to the court.; and

132.23 (3) the eligibility of the offense for automatic expungement pursuant to section 609A.015.

132.24 **EFFECTIVE DATE.** This section is effective January 1, 2025, and applies to plea
132.25 agreements entered into on or after that date.

132.26 Sec. 21. Minnesota Statutes 2022, section 638.02, subdivision 2, is amended to read:

132.27 Subd. 2. **Petition; pardon extraordinary.** Any person, convicted of a crime in any
132.28 court of this state, who has served the sentence imposed by the court and has been discharged
132.29 of the sentence either by order of court or by operation of law, may petition the Board of
132.30 Pardons for the granting of a pardon extraordinary. Unless the Board of Pardons expressly

133.1 provides otherwise in writing by unanimous vote, the application for a pardon extraordinary
133.2 may not be filed until the applicable time period in clause (1) or (2) has elapsed:

133.3 (1) if the person was convicted of a crime of violence as defined in section 624.712,
133.4 subdivision 5, ten years must have elapsed since the sentence was discharged and during
133.5 that time the person must not have been convicted of any other crime; and

133.6 (2) if the person was convicted of any crime not included within the definition of crime
133.7 of violence under section 624.712, subdivision 5, five years must have elapsed since the
133.8 sentence was discharged and during that time the person must not have been convicted of
133.9 any other crime.

133.10 If the Board of Pardons determines that the person is of good character and reputation, the
133.11 board may, in its discretion, grant the person a pardon extraordinary. The pardon
133.12 extraordinary, when granted, has the effect of setting aside and nullifying the conviction
133.13 and of purging the person of it, and the person shall never after that be required to disclose
133.14 the conviction at any time or place other than in a judicial proceeding or as part of the
133.15 licensing process for peace officers. The pardon extraordinary, after being granted and filed
133.16 with the district court in which the conviction occurred, will also seal all records wherever
133.17 held related to the arrest, indictment or information, trial, verdict, and pardon.

133.18 The application for a pardon extraordinary, the proceedings to review an application,
133.19 and the notice requirements are governed by the statutes and the rules of the board in respect
133.20 to other proceedings before the board. The application shall contain any further information
133.21 that the board may require.

133.22 **EFFECTIVE DATE.** This section is effective August 1, 2023.

133.23 Sec. 22. Minnesota Statutes 2022, section 638.02, subdivision 3, is amended to read:

133.24 Subd. 3. **Pardon extraordinary; filing; copies sent.** Upon granting a pardon
133.25 extraordinary, the Board of Pardons shall file a copy of it with the district court of the county
133.26 in which the conviction occurred, and the court shall order the conviction set aside and
133.27 include a copy of the pardon in the court file. The court shall order all records wherever
133.28 held relating to the arrest, indictment or information, trial, verdict, and pardon sealed and
133.29 prohibit the disclosure of the existence of the records or the opening of the records except
133.30 under court order or pursuant to section 609A.03, subdivision 7a, paragraph (b), clause (1),
133.31 (7) or (8). The court shall send a copy of its order and the pardon to the Bureau of Criminal
133.32 Apprehension and all other government entities that hold affected records. The court
133.33 administrator under section 609A.03, subdivision 8, shall send a copy of the expungement

134.1 order to each government entity whose records are affected by the order, including but not
 134.2 limited to the Department of Corrections, the Department of Public Safety, and law
 134.3 enforcement agencies.

134.4 **EFFECTIVE DATE.** This section is effective August 1, 2023.

134.5 **ARTICLE 6**

134.6 **CLEMENCY REFORM**

134.7 Section 1. Minnesota Statutes 2022, section 13.871, subdivision 8, is amended to read:

134.8 Subd. 8. ~~Board of Pardons~~ Clemency Review Commission records. Access to ~~Board~~
 134.9 ~~of Pardons~~ records of the Clemency Review Commission is governed by section ~~638.07~~
 134.10 638.20.

134.11 Sec. 2. Minnesota Statutes 2022, section 299C.11, subdivision 3, is amended to read:

134.12 Subd. 3. **Definitions.** For purposes of this section:

134.13 (1) "determination of all pending criminal actions or proceedings in favor of the arrested
 134.14 person" does not include:

134.15 (i) the sealing of a criminal record pursuant to section 152.18, subdivision 1, 242.31, or
 134.16 chapter 609A;

134.17 (ii) the arrested person's successful completion of a diversion program;

134.18 (iii) an order of discharge under section 609.165; or

134.19 (iv) a pardon granted under ~~section 638.02~~ chapter 638; and

134.20 (2) "targeted misdemeanor" has the meaning given in section 299C.10, subdivision 1.

134.21 Sec. 3. Minnesota Statutes 2022, section 638.01, is amended to read:

134.22 **638.01 BOARD OF PARDONS; ~~HOW CONSTITUTED; POWERS.~~**

134.23 The Board of Pardons ~~shall consist~~ consists of the governor, the chief justice of the
 134.24 supreme court, and the attorney general. ~~The board~~ governor in conjunction with the board
 134.25 ~~may grant pardons and reprieves and commute the sentence of any person convicted of any~~
 134.26 ~~offense against the laws of the state, in the manner and under the conditions and rules~~
 134.27 ~~hereinafter prescribed, but not otherwise~~ clemency according to this chapter.

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

135.1 Sec. 4. **[638.011] DEFINITIONS.**

135.2 Subdivision 1. **Scope.** For purposes of this chapter, the terms defined in this section have
135.3 the meanings given.

135.4 Subd. 2. **Board.** "Board" means the Board of Pardons under section 638.01.

135.5 Subd. 3. **Clemency.** Unless otherwise provided, "clemency" includes a pardon,
135.6 commutation, and reprieve after conviction for a crime against the state except in cases of
135.7 impeachment.

135.8 Subd. 4. **Commission.** "Commission" means the Clemency Review Commission under
135.9 section 638.09.

135.10 Subd. 5. **Department.** "Department" means the Department of Corrections.

135.11 Subd. 6. **Waiver request.** "Waiver request" means a request to waive a time restriction
135.12 under sections 638.12, subdivisions 2 and 3, and 638.19, subdivision 1.

135.13 **EFFECTIVE DATE.** This section is effective August 1, 2023.

135.14 Sec. 5. **[638.09] CLEMENCY REVIEW COMMISSION.**

135.15 Subdivision 1. **Establishment; duties.** (a) The Clemency Review Commission is
135.16 established to:

135.17 (1) review each eligible clemency application and waiver request that it receives;

135.18 (2) recommend to the board, in writing, whether to grant or deny the application or
135.19 waiver request, with each member's vote reported;

135.20 (3) recommend to the board, in writing, whether the board should conduct a hearing on
135.21 a clemency application, with each member's vote reported; and

135.22 (4) provide victim support services, assistance to applicants, and other assistance as the
135.23 board requires.

135.24 (b) Unless otherwise provided:

135.25 (1) the commission's recommendations under this chapter are nonbinding on the governor
135.26 or the board; and

135.27 (2) chapter 15 applies unless otherwise inconsistent with this chapter.

135.28 Subd. 2. **Composition.** (a) The commission consists of nine members, each serving a
135.29 term coterminous with the governor.

136.1 (b) The governor, the attorney general, and the chief justice of the supreme court must
136.2 each appoint three members to serve on the commission and replace members when the
136.3 members' terms expire. Members serve at the pleasure of their appointing authority.

136.4 Subd. 3. **Appointments to commission.** (a) An appointing authority is encouraged to
136.5 consider the following criteria when appointing a member:

136.6 (1) expertise in law, corrections, victims' services, correctional supervision, mental
136.7 health, and substance abuse treatment; and

136.8 (2) experience addressing systemic disparities, including but not limited to disparities
136.9 based on race, gender, and ability.

136.10 (b) An appointing authority must seek out and encourage qualified individuals to apply
136.11 to serve on the commission, including:

136.12 (1) members of Indigenous communities, Black communities, and other communities
136.13 of color;

136.14 (2) members diverse as to gender identity; and

136.15 (3) members diverse as to age and ability.

136.16 (c) If there is a vacancy, the appointing authority who selected the vacating member
136.17 must make an interim appointment to expire at the end of the vacating member's term.

136.18 (d) A member may continue to serve until the member's successor is appointed, but a
136.19 member may not serve more than eight years in total.

136.20 Subd. 4. **Commission; generally.** (a) The commission must biennially elect one of its
136.21 members as chair and one as vice-chair. The chair serves as the board's secretary.

136.22 (b) Each commission member must be:

136.23 (1) compensated at a rate of \$150 for each day or part of the day spent on commission
136.24 activities; and

136.25 (2) reimbursed for all reasonable expenses actually paid or incurred by the member while
136.26 performing official duties.

136.27 (c) Beginning January 1, 2025, and annually thereafter, the board may set a new per
136.28 diem rate for commission members, not to exceed an amount ten percent higher than the
136.29 previous year's rate.

137.1 Subd. 5. **Executive director.** (a) The board must appoint a commission executive director
137.2 knowledgeable about clemency and criminal justice. The executive director serves at the
137.3 pleasure of the board in the unclassified service as an executive branch employee.

137.4 (b) The executive director's salary is set in accordance with section 15A.0815, subdivision
137.5 3.

137.6 (c) The executive director may obtain office space and supplies and hire administrative
137.7 staff necessary to carry out the commission's official functions, including providing
137.8 administrative support to the board and attending board meetings. Any additional staff serve
137.9 in the unclassified service at the pleasure of the executive director.

137.10 **EFFECTIVE DATE.** This section is effective August 1, 2023.

137.11 Sec. 6. **[638.10] CLEMENCY APPLICATION.**

137.12 Subdivision 1. **Required contents.** A clemency application must:

137.13 (1) be in writing;

137.14 (2) be signed under oath by the applicant; and

137.15 (3) state the clemency sought, state why the clemency should be granted, and contain
137.16 the following information and any additional information that the commission or board
137.17 requires:

137.18 (i) the applicant's name, address, and date and place of birth, and every alias by which
137.19 the applicant is or has been known;

137.20 (ii) the applicant's demographic information, including race, ethnicity, gender, disability
137.21 status, and age, only if voluntarily reported;

137.22 (iii) the name of the crime for which clemency is requested, the date and county of
137.23 conviction, the sentence imposed, and the sentence's expiration or discharge date;

137.24 (iv) the names of the sentencing judge, the prosecuting attorney, and any victims of the
137.25 crime;

137.26 (v) a brief description of the crime and the applicant's age at the time of the crime;

137.27 (vi) the date and outcome of any prior clemency application, including any application
137.28 submitted before July 1, 2024;

137.29 (vii) to the best of the applicant's knowledge, a statement of any past criminal conviction
137.30 and any pending criminal charge or investigation;

138.1 (viii) for an applicant under the department's custody, a statement describing the
138.2 applicant's reentry plan should clemency be granted; and

138.3 (ix) an applicant statement acknowledging and consenting to the disclosure to the
138.4 commission, board, and public of any private data on the applicant in the application or in
138.5 any other record relating to the clemency being sought, including conviction and arrest
138.6 records.

138.7 Subd. 2. **Required form.** (a) An application must be made on a commission-approved
138.8 form or forms and filed with the commission by commission-prescribed deadlines. The
138.9 commission must consult with the board on the forms and deadlines.

138.10 (b) The application must include language informing the applicant that the board and
138.11 the commission will consider any and all past convictions and that the applicant may provide
138.12 information about the convictions.

138.13 Subd. 3. **Reviewing application for completeness.** The commission must review an
138.14 application for completeness. An incomplete application must be returned to the applicant,
138.15 who may then provide the missing information and resubmit the application within a
138.16 commission-prescribed period.

138.17 Subd. 4. **Notice to applicant.** After the commission's initial investigation of a clemency
138.18 application, the commission must notify the applicant of the scheduled date, time, and
138.19 location that the applicant must appear before the commission for a meeting under section
138.20 638.14.

138.21 Subd. 5. **Equal access to information.** Each board and commission member must have
138.22 equal access to information under this chapter that is used when making a clemency decision.

138.23 Sec. 7. **[638.11] THIRD-PARTY NOTIFICATIONS.**

138.24 Subdivision 1. **Notice to victim; victim rights.** (a) After receiving a clemency
138.25 application, the commission must make all reasonable efforts to locate any victim of the
138.26 applicant's crime.

138.27 (b) At least 30 calendar days before the commission meeting at which the application
138.28 will be heard, the commission must notify any located victim of:

138.29 (1) the application;

138.30 (2) the meeting's scheduled date, time, and location; and

138.31 (3) the victim's right to attend the meeting and submit an oral or written statement to the
138.32 commission.

139.1 (c) The commission must make all reasonable efforts to ensure that a victim can:

139.2 (1) submit an oral or written statement; and

139.3 (2) receive victim support services as necessary to help the victim submit a statement

139.4 and participate in the clemency process.

139.5 Subd. 2. **Notice to sentencing judge and prosecuting attorney.** (a) At least 30 calendar

139.6 days before the commission meeting at which the application will be heard, the commission

139.7 must notify the sentencing judge and prosecuting attorney or their successors of the

139.8 application and solicit the judge's and attorney's written statements on whether to grant

139.9 clemency.

139.10 (b) Unless otherwise provided in this chapter, "law enforcement agency" includes the

139.11 sentencing judge and prosecuting attorney or their successors.

139.12 Subd. 3. **Notice to public.** At least 30 calendar days before the commission meeting at

139.13 which the application will be heard, the commission must publish notice of an application

139.14 in a qualified newspaper of general circulation in the county in which the applicant's crime

139.15 occurred.

139.16 **Sec. 8. [638.12] TYPES OF CLEMENCY; ELIGIBILITY AND WAIVER.**

139.17 Subdivision 1. **Types of clemency; requirements.** (a) The board may:

139.18 (1) pardon a criminal conviction imposed under the laws of this state;

139.19 (2) commute a criminal sentence imposed by a court of this state to time served or a

139.20 lesser sentence; or

139.21 (3) grant a reprieve of a sentence imposed by a court of this state.

139.22 (b) A grant of clemency must be in writing and has no force or effect if the governor or

139.23 a board majority duly convened opposes the clemency. Every conditional grant of clemency

139.24 must state the terms and conditions upon which it was granted, and every commutation

139.25 must specify the terms of the commuted sentence.

139.26 (c) A granted pardon sets aside the conviction and purges the conviction from an

139.27 individual's criminal record. The individual is not required to disclose the conviction at any

139.28 time or place other than:

139.29 (1) in a judicial proceeding; or

139.30 (2) during the licensing process for peace officers.

140.1 Subd. 2. **Pardon eligibility; waiver.** (a) An individual convicted of a crime in a court
140.2 of this state may apply for a pardon of the individual's conviction on or after five years from
140.3 the sentence's expiration or discharge date.

140.4 (b) An individual may request the board to waive the waiting period if there is a showing
140.5 of unusual circumstances and special need.

140.6 (c) The commission must review a waiver request and recommend to the board whether
140.7 to grant the request. When considering a waiver request, the commission is exempt from
140.8 the meeting requirements under section 638.14 and chapter 13D.

140.9 (d) The board must grant a waiver request unless the governor or a board majority
140.10 opposes the waiver.

140.11 Subd. 3. **Commutation eligibility.** (a) An individual may apply for a commutation of
140.12 an unexpired criminal sentence imposed by a court of this state, including an individual
140.13 confined in a correctional facility or on probation, parole, supervised release, or conditional
140.14 release. An application for commutation may not be filed until the date that the individual
140.15 has served at least one-half of the sentence imposed or on or after five years from the
140.16 conviction date, whichever is earlier.

140.17 (b) An individual may request the board to waive the waiting period if there is a showing
140.18 of unusual circumstances and special need.

140.19 (c) The commission must review a waiver request and recommend to the board whether
140.20 to grant the request. When considering a waiver request, the commission is exempt from
140.21 the meeting requirements under section 638.14 and chapter 13D.

140.22 (d) The board must grant a waiver request unless the governor or a board majority
140.23 opposes the waiver.

140.24 **Sec. 9. [638.13] ACCESS TO RECORDS; ISSUING SUBPOENA.**

140.25 Subdivision 1. **Access to records.** (a) Notwithstanding chapter 13 or any other law to
140.26 the contrary, upon receiving a clemency application, the board or commission may request
140.27 and obtain any relevant reports, data, and other information from state courts, law
140.28 enforcement agencies, or state agencies. The board and the commission must have access
140.29 to all relevant sealed or otherwise inaccessible court records, presentence investigation
140.30 reports, police reports, criminal history reports, prison records, and any other relevant
140.31 information.

141.1 (b) State courts, law enforcement agencies, and state agencies must promptly respond
141.2 to record requests from the board or the commission.

141.3 Subd. 2. **Issuing subpoena.** The board or the commission may issue a subpoena requiring
141.4 the presence of any person before the commission or board and the production of papers,
141.5 records, and exhibits in any pending matter. When a person is summoned before the
141.6 commission or the board, the person may be allowed compensation for travel and attendance
141.7 as the commission or the board considers reasonable.

141.8 Sec. 10. **[638.14] COMMISSION MEETINGS.**

141.9 Subdivision 1. **Frequency.** The commission must meet at least four times each year for
141.10 one or more days at each meeting to hear eligible clemency applications and recommend
141.11 appropriate action to the board on each application. One or more of the meetings may be
141.12 held at a department-operated correctional facility.

141.13 Subd. 2. **When open to the public.** All commission meetings are open to the public as
141.14 provided under chapter 13D, but the commission may hold closed meetings:

141.15 (1) as provided under chapter 13D; or

141.16 (2) as necessary to protect sensitive or confidential information, including (i) a victim's
141.17 identity, and (ii) sensitive or confidential victim testimony.

141.18 Subd. 3. **Recording.** When possible, the commission must record its meetings by audio
141.19 or audiovisual means.

141.20 Subd. 4. **Board attendance.** The governor, attorney general, and chief justice, or their
141.21 designees, may attend commission meetings as ex officio nonvoting members, but their
141.22 attendance does not affect whether the commission has a quorum.

141.23 Subd. 5. **Applicant appearance; third-party statements.** (a) An applicant for clemency
141.24 must appear before the commission either in person or through available forms of
141.25 telecommunication.

141.26 (b) The victim of an applicant's crime may appear and speak at the meeting or submit a
141.27 written statement to the commission. The commission may treat a victim's written statement
141.28 as confidential and not disclose the statement to the applicant or the public if there is or has
141.29 been an order for protection, harassment restraining order, or other no-contact order
141.30 prohibiting the applicant from contacting the victim.

141.31 (c) A law enforcement agency's representative may provide the agency's position on
141.32 whether the commission should recommend clemency by:

- 142.1 (1) appearing and speaking at the meeting; or
- 142.2 (2) submitting a written statement to the commission.
- 142.3 (d) The sentencing judge and the prosecuting attorney, or their successors, may provide
- 142.4 their positions on whether the commission should recommend clemency by:
- 142.5 (1) appearing and speaking at the meeting; or
- 142.6 (2) submitting their statements under section 638.11, subdivision 2.
- 142.7 **Sec. 11. [638.15] COMMISSION RECOMMENDATION.**
- 142.8 Subdivision 1. **Grounds for recommending clemency.** (a) When recommending whether
- 142.9 to grant clemency, the commission must consider any factors that the commission deems
- 142.10 appropriate, including but not limited to:
- 142.11 (1) the nature, seriousness, and circumstances of the applicant's crime; the applicant's
- 142.12 age at the time of the crime; and the time that has elapsed between the crime and the
- 142.13 application;
- 142.14 (2) the successful completion or revocation of previous probation, parole, supervised
- 142.15 release, or conditional release;
- 142.16 (3) the number, nature, and circumstances of the applicant's other criminal convictions;
- 142.17 (4) the extent to which the applicant has demonstrated rehabilitation through
- 142.18 postconviction conduct, character, and reputation;
- 142.19 (5) the extent to which the applicant has accepted responsibility, demonstrated remorse,
- 142.20 and made restitution to victims;
- 142.21 (6) whether the sentence is clearly excessive in light of the applicant's crime and criminal
- 142.22 history and any sentence received by an accomplice and with due regard given to:
- 142.23 (i) any plea agreement;
- 142.24 (ii) the sentencing judge's views; and
- 142.25 (iii) the sentencing ranges established by law;
- 142.26 (7) whether the applicant's age or medical status indicates that it is in the best interest
- 142.27 of society that the applicant receive clemency;
- 142.28 (8) the applicant's asserted need for clemency, including family needs and barriers to
- 142.29 housing or employment created by the conviction;

143.1 (9) for an applicant under the department's custody, the adequacy of the applicant's
143.2 reentry plan;

143.3 (10) the amount of time already served by the applicant and the availability of other
143.4 forms of judicial or administrative relief;

143.5 (11) the extent to which there is credible evidence indicating that the applicant is or may
143.6 be innocent of the crime for which they were convicted; and

143.7 (12) if provided by the applicant, the applicant's demographic information, including
143.8 race, ethnicity, gender, disability status, and age.

143.9 (b) Unless an applicant knowingly omitted past criminal convictions on the application,
143.10 the commission or the board must not prejudice an applicant for failing to identify past
143.11 criminal convictions.

143.12 **Subd. 2. Recommending denial of commutation without hearing.** (a) At a meeting
143.13 under section 638.14, the commission may recommend denying a commutation application
143.14 without a board hearing if:

143.15 (1) the applicant is challenging the conviction or sentence through court proceedings;

143.16 (2) the applicant has failed to exhaust all available state court remedies for challenging
143.17 the sentence; or

143.18 (3) the commission determines that the matter should first be considered by the parole
143.19 authority.

143.20 (b) A commission recommendation to deny an application under paragraph (a) must be
143.21 sent to the board along with the application.

143.22 **Subd. 3. Considering public statements.** When making its recommendation on an
143.23 application, the commission must consider any statement provided by a victim or law
143.24 enforcement agency.

143.25 **Subd. 4. Commission recommendation; notifying applicant.** (a) Before the board's
143.26 next meeting at which the clemency application may be considered, the commission must
143.27 send to the board:

143.28 (1) the application;

143.29 (2) the commission's recommendation;

143.30 (3) any recording of the commission's meeting related to the application; and

143.31 (4) all statements from victims and law enforcement agencies.

144.1 (b) No later than 14 calendar days after its dated recommendation, the commission must
144.2 notify the applicant in writing of its recommendation.

144.3 **Sec. 12. [638.16] BOARD MEETINGS.**

144.4 Subdivision 1. **Frequency.** (a) The board must meet at least two times each year to
144.5 consider clemency applications that have received favorable recommendations under section
144.6 638.09, subdivision 1, paragraph (a), clauses (2) and (3), from the commission and any
144.7 other applications for which at least one board member seeks consideration.

144.8 (b) Any board member may request a hearing on any application.

144.9 Subd. 2. **When open to the public.** All board meetings are open to the public as provided
144.10 under chapter 13D, but the board may hold closed meetings:

144.11 (1) as provided under chapter 13D; or

144.12 (2) as necessary to protect sensitive or confidential information, including (i) a victim's
144.13 identity, and (ii) sensitive or confidential victim testimony.

144.14 Subd. 3. **Executive director; attendance required.** Unless excused by the board, the
144.15 executive director and the commission's chair or vice-chair must attend all board meetings.

144.16 Subd. 4. **Considering statements.** (a) Applicants, victims, and law enforcement agencies
144.17 may not submit oral or written statements at a board meeting unless:

144.18 (1) a board member requests a hearing on an application; or

144.19 (2) the commission has recommended a hearing on an application.

144.20 (b) The board must consider any statements provided to the commission when
144.21 determining whether to consider a clemency application.

144.22 **Sec. 13. [638.17] BOARD DECISION; NOTIFYING APPLICANT.**

144.23 Subdivision 1. **Board decision.** (a) At each meeting, the board must render a decision
144.24 on each clemency application considered at the meeting or continue the matter to a future
144.25 board meeting. If the board continues consideration of an application, the commission must
144.26 notify the applicant in writing and explain why the matter was continued.

144.27 (b) If the commission recommends denying an application and no board member seeks
144.28 consideration of the recommendation, it is presumed that the board concurs with the adverse
144.29 recommendation and that the application has been considered and denied on the merits.

145.1 Subd. 2. **Notifying applicant.** The commission must notify the applicant in writing of
145.2 the board's decision to grant or deny clemency no later than 14 calendar days from the date
145.3 of the board's decision.

145.4 Sec. 14. **[638.18] FILING COPY OF CLEMENCY; COURT ACTION.**

145.5 Subdivision 1. **Filing with district court.** After clemency has been granted, the
145.6 commission must file a copy of the pardon, commutation, or reprieve with the district court
145.7 of the county in which the conviction and sentence were imposed.

145.8 Subd. 2. **Court action; pardon.** For a pardon, the court must:

145.9 (1) order the conviction set aside;

145.10 (2) include a copy of the pardon in the court file; and

145.11 (3) send a copy of the order and the pardon to the Bureau of Criminal Apprehension.

145.12 Subd. 3. **Court action; commutation.** For a commutation, the court must:

145.13 (1) amend the sentence to reflect the specific relief granted by the board;

145.14 (2) include a copy of the commutation in the court file; and

145.15 (3) send a copy of the amended sentencing order and commutation to the commissioner
145.16 of corrections and the Bureau of Criminal Apprehension.

145.17 Sec. 15. **[638.19] REAPPLYING FOR CLEMENCY.**

145.18 Subdivision 1. **Time-barred from reapplying; exception.** (a) After the board has
145.19 considered and denied a clemency application on the merits, an applicant may not file a
145.20 subsequent application for five years after the date of the most recent denial.

145.21 (b) An individual may request permission to reapply before the five-year period expires
145.22 based only on new and substantial information that was not and could not have been
145.23 previously considered by the board or commission.

145.24 (c) If a waiver request contains new and substantial information, the commission must
145.25 review the request and recommend to the board whether to waive the time restriction. When
145.26 considering a waiver request, the commission is exempt from the meeting requirements
145.27 under section 638.14 and chapter 13D.

145.28 (d) The board must grant a waiver request unless the governor or a board majority
145.29 opposes the waiver.

146.1 Subd. 2. **Applying for pardon not precluded.** An applicant who is denied or granted
146.2 a commutation is not precluded from later seeking a pardon of the criminal conviction once
146.3 the eligibility requirements of this chapter have been met.

146.4 Sec. 16. [638.20] COMMISSION RECORD KEEPING.

146.5 Subdivision 1. **Record keeping.** The commission must keep a record of every application
146.6 received, its recommendation on each application, and the final disposition of each
146.7 application.

146.8 Subd. 2. **When open to public.** The commission's records and files are open to public
146.9 inspection at all reasonable times, except for:

146.10 (1) sealed court records;

146.11 (2) presentence investigation reports;

146.12 (3) Social Security numbers;

146.13 (4) financial account numbers;

146.14 (5) driver's license information;

146.15 (6) medical records;

146.16 (7) confidential Bureau of Criminal Apprehension records;

146.17 (8) the identities of victims who wish to remain anonymous and confidential victim
146.18 statements; and

146.19 (9) any other confidential data on individuals, private data on individuals, not public
146.20 data, or nonpublic data under chapter 13.

146.21 Sec. 17. [638.21] LANGUAGE ACCESS AND VICTIM SUPPORT.

146.22 Subdivision 1. **Language access.** The commission and the board must take reasonable
146.23 steps to provide meaningful language access to applicants and victims. Applicants and
146.24 victims must have language access to information, documents, and services under this
146.25 chapter, with each communicated in a language or manner that the applicant or victim can
146.26 understand.

146.27 Subd. 2. **Interpreters.** (a) Applicants and victims are entitled to interpreters as necessary
146.28 to fulfill the purposes of this chapter, including oral or written communication. Sections
146.29 546.42 to 546.44 apply, to the extent consistent with this section.

147.1 (b) The commission or the board may not discriminate against an applicant or victim
147.2 who requests or receives interpretation services.

147.3 Subd. 3. Victim services. The commission and the board must provide or contract for
147.4 victim support services as necessary to support victims under this chapter.

147.5 Sec. 18. **[638.22] LEGISLATIVE REPORT.**

147.6 Beginning February 15, 2025, and every February 15 thereafter, the commission must
147.7 submit a written report to the chairs and ranking minority members of the house of
147.8 representatives and senate committees with jurisdiction over public safety, corrections, and
147.9 judiciary that contains at least the following information:

147.10 (1) the number of clemency applications received by the commission during the preceding
147.11 calendar year;

147.12 (2) the number of favorable and adverse recommendations made by the commission for
147.13 each type of clemency;

147.14 (3) the number of applications granted and denied by the board for each type of clemency;

147.15 (4) the crimes for which the applications were granted by the board, the year of each
147.16 conviction, and the individual's age at the time of the crime; and

147.17 (5) summary data voluntarily reported by applicants, including but not limited to
147.18 demographic information on race, ethnicity, gender, disability status, and age, of applicants
147.19 recommended or not recommended for clemency by the commission.

147.20 Sec. 19. **[638.23] RULEMAKING.**

147.21 (a) The board and commission may jointly adopt rules, including amending Minnesota
147.22 Rules, chapter 6600, to:

147.23 (1) enforce their powers and duties under this chapter and ensure the efficient processing
147.24 of applications; and

147.25 (2) allow for expedited review of applications if there is unanimous support from the
147.26 sentencing judge or successor, the prosecuting attorney or successor, and any victims of the
147.27 crime.

147.28 (b) The time limit to adopt rules under section 14.125 does not apply.

148.1 Sec. 20. **TRANSITION PERIOD.**

148.2 (a) Beginning August 1, 2023, through March 1, 2024, the Department of Corrections
148.3 must provide the Clemency Review Commission with administrative assistance, technical
148.4 assistance, office space, and other assistance necessary for the commission to carry out its
148.5 duties under sections 4 to 21.

148.6 (b) Beginning July 1, 2024, the Clemency Review Commission must begin reviewing
148.7 applications for pardons, commutations, and reprieves. Applications received after the
148.8 effective date of this section but before July 1, 2024, must be considered according to
148.9 Minnesota Statutes 2022, sections 638.02, subdivisions 2 to 5, and 638.03 to 638.08.

148.10 (c) A pardon, commutation, or reprieve that is granted during the transition period has
148.11 no force or effect if the governor or a board majority duly convened opposes the clemency.

148.12 (d) By July 1, 2024, the Clemency Review Commission must develop application forms
148.13 in consultation with the Board of Pardons.

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

148.15 Sec. 21. **REPEALER.**

148.16 Minnesota Statutes 2022, sections 638.02; 638.03; 638.04; 638.05; 638.06; 638.07;
148.17 638.075; and 638.08, are repealed.

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

148.19 Sec. 22. **EFFECTIVE DATE.**

148.20 Sections 1, 2, and 6 to 19 are effective July 1, 2024.

148.21 **ARTICLE 7**

148.22 **EVIDENCE GATHERING AND REPORTING**

148.23 Section 1. Minnesota Statutes 2022, section 13A.02, subdivision 1, is amended to read:

148.24 Subdivision 1. **Access by government.** Except as authorized by this chapter, no
148.25 government authority may have access to, or obtain copies of, or the information contained
148.26 in, the financial records of any customer from a financial institution unless the financial
148.27 records are reasonably described and:

148.28 (1) the customer has authorized the disclosure;

148.29 (2) the financial records are disclosed in response to a search warrant;

149.1 (3) the financial records are disclosed in response to a judicial or administrative subpoena;

149.2 (4) the financial records are disclosed to law enforcement, a lead investigative agency
149.3 as defined in section 626.5572, subdivision 13, or prosecuting authority that is investigating
149.4 financial exploitation of a vulnerable adult in response to a judicial subpoena or
149.5 administrative subpoena under section 388.23; or

149.6 (5) the financial records are disclosed pursuant to section 609.527 or 609.535 or other
149.7 statute or rule.

149.8 **EFFECTIVE DATE.** This section is effective August 1, 2023.

149.9 Sec. 2. Minnesota Statutes 2022, section 13A.02, subdivision 2, is amended to read:

149.10 Subd. 2. **Release prohibited.** No financial institution, or officer, employee, or agent of
149.11 a financial institution, may provide to any government authority access to, or copies of, or
149.12 the information contained in, the financial records of any customer except in accordance
149.13 with the provisions of this chapter.

149.14 Nothing in this chapter shall require a financial institution to inquire or determine that
149.15 those seeking disclosure have duly complied with the requirements of this chapter, provided
149.16 only that the customer authorization, search warrant, subpoena, or written certification
149.17 pursuant to section 609.527, subdivision 8; 609.535, subdivision 6; 626.557; or other statute
149.18 or rule, served on or delivered to a financial institution shows compliance on its face.

149.19 **EFFECTIVE DATE.** This section is effective August 1, 2023.

149.20 Sec. 3. Minnesota Statutes 2022, section 609.527, subdivision 1, is amended to read:

149.21 Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the
149.22 meanings given them in this subdivision.

149.23 (b) "Direct victim" means any person or entity described in section 611A.01, paragraph
149.24 (b), whose identity has been transferred, used, or possessed in violation of this section.

149.25 (c) "False pretense" means any false, fictitious, misleading, or fraudulent information
149.26 or pretense or pretext depicting or including or deceptively similar to the name, logo, website
149.27 address, email address, postal address, telephone number, or any other identifying information
149.28 of a for-profit or not-for-profit business or organization or of a government agency, to which
149.29 the user has no legitimate claim of right.

149.30 (d) "Financial institution" has the meaning given in section 13A.01, subdivision 2.

150.1 (e) "Identity" means any name, number, or data transmission that may be used, alone or
150.2 in conjunction with any other information, to identify a specific individual or entity, including
150.3 any of the following:

150.4 (1) a name, Social Security number, date of birth, official government-issued driver's
150.5 license or identification number, government passport number, or employer or taxpayer
150.6 identification number;

150.7 (2) unique electronic identification number, address, account number, or routing code;
150.8 or

150.9 (3) telecommunication identification information or access device.

150.10 ~~(e)~~ (f) "Indirect victim" means any person or entity described in section 611A.01,
150.11 paragraph (b), other than a direct victim.

150.12 ~~(f)~~ (g) "Loss" means value obtained, as defined in section 609.52, subdivision 1, clause
150.13 (3), and expenses incurred by a direct or indirect victim as a result of a violation of this
150.14 section.

150.15 ~~(g)~~ (h) "Unlawful activity" means:

150.16 (1) any felony violation of the laws of this state or any felony violation of a similar law
150.17 of another state or the United States; and

150.18 (2) any nonfelony violation of the laws of this state involving theft, theft by swindle,
150.19 forgery, fraud, or giving false information to a public official, or any nonfelony violation
150.20 of a similar law of another state or the United States.

150.21 ~~(h)~~ (i) "Scanning device" means a scanner, reader, or any other electronic device that is
150.22 used to access, read, scan, obtain, memorize, or store, temporarily or permanently,
150.23 information encoded on a computer chip or magnetic strip or stripe of a payment card,
150.24 driver's license, or state-issued identification card.

150.25 ~~(i)~~ (j) "Reencoder" means an electronic device that places encoded information from the
150.26 computer chip or magnetic strip or stripe of a payment card, driver's license, or state-issued
150.27 identification card, onto the computer chip or magnetic strip or stripe of a different payment
150.28 card, driver's license, or state-issued identification card, or any electronic medium that
150.29 allows an authorized transaction to occur.

150.30 ~~(j)~~ (k) "Payment card" means a credit card, charge card, debit card, or any other card
150.31 that:

150.32 (1) is issued to an authorized card user; and

151.1 (2) allows the user to obtain, purchase, or receive credit, money, a good, a service, or
151.2 anything of value.

151.3 **EFFECTIVE DATE.** This section is effective August 1, 2023.

151.4 Sec. 4. Minnesota Statutes 2022, section 609.527, is amended by adding a subdivision to
151.5 read:

151.6 Subd. 8. **Release of limited account information to law enforcement authorities.** (a)

151.7 A financial institution may release the information described in paragraph (b) to a law
151.8 enforcement or prosecuting authority that certifies in writing that it is investigating or
151.9 prosecuting a crime of identity theft under this section. The certification must describe with
151.10 reasonable specificity the nature of the suspected identity theft that is being investigated or
151.11 prosecuted, including the dates of the suspected criminal activity.

151.12 (b) This subdivision applies to requests for the following information relating to a
151.13 potential victim's account:

151.14 (1) the name of the account holder or holders; and

151.15 (2) the last known home address and telephone numbers of the account holder or holders.

151.16 (c) A financial institution may release the information requested under this subdivision
151.17 that it possesses within a reasonable time after the request. The financial institution may
151.18 not impose a fee for furnishing the information.

151.19 (d) A financial institution is not liable in a criminal or civil proceeding for releasing
151.20 information in accordance with this subdivision.

151.21 (e) Release of limited account information to a law enforcement agency under this
151.22 subdivision is criminal investigative data under section 13.82, subdivision 7, except that
151.23 when the investigation becomes inactive the account information remains confidential data
151.24 on individuals or protected nonpublic data.

151.25 **EFFECTIVE DATE.** This section is effective August 1, 2023.

151.26 Sec. 5. Minnesota Statutes 2022, section 626.14, subdivision 2, is amended to read:

151.27 Subd. 2. **Definition.** For the purposes of this section, "no-knock search warrant" means
151.28 a search warrant authorizing peace officers to enter ~~certain premises~~ a dwelling without
151.29 first ~~knocking and~~ loudly and understandably announcing the officer's presence or purpose
151.30 and waiting a reasonable amount of time thereafter prior to entering the premises dwelling

152.1 to allow the subject to become alert and able to comply. No-knock search warrants may
152.2 also be referred to as dynamic entry warrants.

152.3 Sec. 6. Minnesota Statutes 2022, section 626.14, is amended by adding a subdivision to
152.4 read:

152.5 Subd. 2a. **No-knock search warrants prohibited.** A court may not issue or approve a
152.6 no-knock search warrant.

152.7 Sec. 7. Minnesota Statutes 2022, section 626.14, is amended by adding a subdivision to
152.8 read:

152.9 Subd. 2b. **Execution.** If a peace officer enters a dwelling to serve or execute a search
152.10 warrant without loudly and understandably announcing the officer's presence or purpose
152.11 and waiting a reasonable amount of time thereafter prior to entering the dwelling, any
152.12 evidence seized, discovered, or obtained as a result of the entry must be suppressed and
152.13 may not be used as evidence unless exigent circumstances or another exception to the warrant
152.14 requirement would justify a warrantless entry.

152.15 Sec. 8. Minnesota Statutes 2022, section 626.15, is amended to read:

152.16 **626.15 EXECUTION AND RETURN OF WARRANT; TIME.**

152.17 (a) Except as provided in paragraph ~~(b)~~ (c), a search warrant must be executed and
152.18 returned to the court which issued it within ten days after its date. After the expiration of
152.19 this time, the warrant is void unless previously executed.

152.20 (b) A search warrant on a financial institution for financial records is valid for 30 days.

152.21 (c) A district court judge may grant an extension of a the warrant on a financial institution
152.22 for financial records upon an application under oath stating that the financial institution has
152.23 not produced the requested financial records within ten days the 30-day period and that an
152.24 extension is necessary to achieve the purposes for which the search warrant was granted.
152.25 Each extension may not exceed 30 days.

152.26 (d) For the purposes of this paragraph section, "financial institution" has the meaning
152.27 given in section 13A.01, subdivision 2, and "financial records" has the meaning given in
152.28 section 13A.01, subdivision 3.

152.29 **EFFECTIVE DATE.** This section is effective August 1, 2023.

153.1 Sec. 9. Minnesota Statutes 2022, section 626.21, is amended to read:

153.2 **626.21 RETURN OF PROPERTY AND SUPPRESSION OF EVIDENCE.**

153.3 (a) A person aggrieved by an unlawful search and seizure may move the district court
153.4 for the district in which the property was seized or the district court having jurisdiction of
153.5 the substantive offense for the return of the property and to suppress the use, as evidence,
153.6 of anything so obtained on the ground that:

153.7 (1) the property was illegally seized,~~or~~ ;

153.8 (2) the property was illegally seized without warrant,~~or~~;

153.9 (3) the warrant is insufficient on its face,~~or~~;

153.10 (4) the property seized is not that described in the warrant,~~or~~;

153.11 (5) there was not probable cause for believing the existence of the grounds on which the
153.12 warrant was issued,~~or~~;

153.13 (6) the warrant was illegally executed,~~or~~;

153.14 (7) the warrant was improvidently issued; or

153.15 (8) the peace officer did not loudly and understandably announce the officer's presence
153.16 or purpose and wait a reasonable amount of time thereafter prior to entering a dwelling to
153.17 serve or execute a search warrant.

153.18 (b) The judge shall receive evidence on any issue of fact necessary to the decision of
153.19 the motion. If the motion is granted the property shall be restored unless otherwise subject
153.20 to lawful detention, and it shall not be admissible in evidence at any hearing or trial. The
153.21 motion to suppress evidence may also be made in the district where the trial is to be had.
153.22 The motion shall be made before trial or hearing unless opportunity therefor did not exist
153.23 or the defendant was not aware of the grounds for the motion, but the court in its discretion
153.24 may entertain the motion at the trial or hearing.

153.25 Sec. 10. **[626.5535] CARJACKING; REPORTING REQUIRED.**

153.26 Subdivision 1. Definition. For purposes of this section, "carjacking" means taking a
153.27 motor vehicle from a person or in the presence of another while having knowledge of not
153.28 being entitled to the motor vehicle and using or threatening the imminent use of force against
153.29 any person to overcome the person's resistance or powers of resistance to, or to compel
153.30 acquiescence in, the taking of the motor vehicle.

154.1 Subd. 2. Use of information collected. (a) The head of a local law enforcement agency
154.2 or state law enforcement department that employs peace officers, as defined in section
154.3 626.84, subdivision 1, paragraph (c), must forward the following carjacking information
154.4 from the agency's or department's jurisdiction for the previous year to the commissioner of
154.5 public safety by January 15 each year:

154.6 (1) the number of carjacking attempts;

154.7 (2) the number of carjackings;

154.8 (3) the ages of the offenders;

154.9 (4) the number of persons injured in each offense;

154.10 (5) the number of persons killed in each offense; and

154.11 (6) weapons used in each offense, if any.

154.12 (b) The commissioner of public safety must include the data received under paragraph

154.13 (a) in a separate carjacking category in the department's annual uniform crime report.

154.14 Sec. 11. Minnesota Statutes 2022, section 626A.35, is amended by adding a subdivision
154.15 to read:

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

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

154.19 (2) the owner of the motor vehicle has reported to law enforcement that the vehicle is
154.20 stolen, and the vehicle is occupied when the tracking device is installed.

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

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

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

154.30 (e) By August 1, 2024, and each year thereafter, the chief law enforcement officer of an
154.31 agency that obtains a search warrant under paragraph (b), must provide notice to the

155.1 superintendent of the Bureau of Criminal Apprehension of the number of search warrants
155.2 the agency obtained under this subdivision in the preceding 12 months. The superintendent
155.3 must provide a summary of the data received pursuant to this paragraph in the bureau's
155.4 biennial report to the legislature required under section 299C.18.

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

155.6 Sec. 12. **REPEALER.**

155.7 Minnesota Statutes 2022, section 626.14, subdivisions 3 and 4, are repealed.

155.8 **ARTICLE 8**

155.9 **POLICING AND PRIVATE SECURITY**

155.10 Section 1. Minnesota Statutes 2022, section 13.825, subdivision 2, is amended to read:

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

155.14 (1) all government data that record, describe, or otherwise document actions and
155.15 circumstances surrounding either the discharge of a firearm by a peace officer in the course
155.16 of duty, if a notice is required under section 626.553, subdivision 2, or the use of force by
155.17 a peace officer that results in substantial bodily harm, as defined in section 609.02,
155.18 subdivision 7a, are public;

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

155.23 (3) portable recording system data that are active criminal investigative data are governed
155.24 by section 13.82, subdivision 7, and portable recording system data that are inactive criminal
155.25 investigative data are governed by this section;

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

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

155.30 (b) Notwithstanding section 13.82, subdivision 7, a deceased individual's next of kin,
155.31 legal representative of the next of kin, or other parent of the deceased individual's children

156.1 is entitled to view any and all recordings from a peace officer's portable recording system
156.2 and police vehicle dashboard camera, redacted no more than what is required by law, that
156.3 documents the use of deadly force no later than five business days following an incident
156.4 where deadly force used by a peace officer results in the death of an individual, except that
156.5 a chief law enforcement officer may deny a request if the investigating agency requests and
156.6 can articulate a compelling reason as to why allowing the deceased individual's next of kin,
156.7 legal representative of next of kin, or other parent of the deceased individual's children to
156.8 review the recordings would interfere with a thorough investigation. If the chief law
156.9 enforcement officer denies a request under this paragraph, the involved officer's agency
156.10 must issue a prompt, written denial and provide notice to the deceased individual's next of
156.11 kin, legal representative of the next of kin, or other parent of the deceased individual's
156.12 children that relief may be sought from the district court.

156.13 (c) Notwithstanding section 13.82, subdivision 7, an involved officer's agency shall
156.14 release all body-worn camera and police vehicle dashboard camera recordings of an incident
156.15 where a peace officer used deadly force and an individual dies to the public no later than
156.16 14 business days after the incident, except that a chief law enforcement officer shall not
156.17 release the video if the investigating agency asserts in writing that allowing the public to
156.18 view the recordings would interfere with the ongoing investigation.

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

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

156.24 ~~(d)~~ (f) Any person may bring an action in the district court located in the county where
156.25 portable recording system data are being maintained to authorize disclosure of data that are
156.26 private or nonpublic under this section or to challenge a determination under paragraph (b)
156.27 to redact or withhold access to portions of data because the data are clearly offensive to
156.28 common sensibilities. The person bringing the action must give notice of the action to the
156.29 law enforcement agency and subjects of the data, if known. The law enforcement agency
156.30 must give notice to other subjects of the data, if known, who did not receive the notice from
156.31 the person bringing the action. The court may order that all or part of the data be released
156.32 to the public or to the person bringing the action. In making this determination, the court
156.33 shall consider whether the benefit to the person bringing the action or to the public outweighs
156.34 any harm to the public, to the law enforcement agency, or to a subject of the data and, if
156.35 the action is challenging a determination under paragraph (b), whether the data are clearly

157.1 offensive to common sensibilities. The data in dispute must be examined by the court in
157.2 camera. This paragraph does not affect the right of a defendant in a criminal proceeding to
157.3 obtain access to portable recording system data under the Rules of Criminal Procedure.

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

157.5 Sec. 2. Minnesota Statutes 2022, section 214.10, subdivision 10, is amended to read:

157.6 Subd. 10. **Board of Peace Officers Standards and Training; receipt of**
157.7 **complaint.** Notwithstanding the provisions of subdivision 1 to the contrary, when the
157.8 executive director or any member of the Board of Peace Officer Standards and Training
157.9 produces or receives a written statement or complaint that alleges a violation of a statute or
157.10 rule that the board is empowered to enforce, the executive director shall designate the
157.11 appropriate law enforcement agency to investigate the complaint and ~~shall~~ may order it to
157.12 conduct an inquiry into the complaint's allegations. The investigating agency must complete
157.13 the inquiry and submit a written summary of it to the executive director within 30 days of
157.14 the order for inquiry.

157.15 Sec. 3. Minnesota Statutes 2022, section 326.3311, is amended to read:

157.16 **326.3311 POWERS AND DUTIES.**

157.17 The board has the following powers and duties:

157.18 (1) to receive and review all applications for private detective and protective agent
157.19 licenses;

157.20 (2) to approve applications for private detective and protective agent licenses and issue,
157.21 or reissue licenses as provided in sections 326.32 to 326.339;

157.22 (3) to deny applications for private detective and protective agent licenses if the applicants
157.23 do not meet the requirements of sections 326.32 to 326.339; upon denial of a license
157.24 application, the board shall notify the applicant of the denial and the facts and circumstances
157.25 that constitute the denial; the board shall advise the applicant of the right to a contested case
157.26 hearing under chapter 14;

157.27 (4) to enforce all laws and rules governing private detectives and protective agents; ~~and~~

157.28 (5) to suspend or revoke the license of a license holder or impose a civil penalty on a
157.29 license holder for violations of any provision of sections 326.32 to 326.339 or the rules of
157.30 the board.;

158.1 (6) to investigate and refer for prosecution all criminal violations by individuals and
158.2 entities; and

158.3 (7) to investigate and refer for prosecution any individuals and entities operating as
158.4 private detectives or protective agents without a license.

158.5 Sec. 4. Minnesota Statutes 2022, section 326.336, subdivision 2, is amended to read:

158.6 Subd. 2. **Identification card.** An identification card must be issued by the license holder
158.7 to each employee. The card must be in the possession of the employee to whom it is issued
158.8 at all times. The identification card must contain the license holder's name, logo (if any),
158.9 address or Minnesota office address, and the employee's photograph and physical description.
158.10 The card must be signed by the employee and by the license holder, qualified representative,
158.11 or Minnesota office manager. The card must be presented upon request.

158.12 Sec. 5. Minnesota Statutes 2022, section 326.3361, subdivision 2, is amended to read:

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

158.14 (1) 12 hours of preassignment or on-the-job certified training within the first 21 days of
158.15 employment, or evidence that the employee has successfully completed equivalent training
158.16 before the start of employment. Notwithstanding any statute or rule to the contrary, this
158.17 clause is satisfied if the employee provides a prospective employer with a certificate or a
158.18 copy of a certificate demonstrating that the employee successfully completed this training
158.19 prior to employment with a different Minnesota licensee and completed this training within
158.20 three previous calendar years, or successfully completed this training with a Minnesota
158.21 licensee while previously employed with a Minnesota licensee. The certificate or a copy of
158.22 the certificate is the property of the employee who completed the training, regardless of
158.23 who paid for the training or how training was provided. Upon a current or former employee's
158.24 request, a current or former licensed employer must provide a copy of a certificate
158.25 demonstrating the employee's successful completion of training to the current or former
158.26 employee. The current or former licensed employer must not charge the employee a fee for
158.27 a copy of the certificate. The employee who completed the training is entitled to access a
158.28 copy of the certificate at no charge according to sections 181.960 to 181.966. A current or
158.29 former employer must comply with sections 181.960 to 181.966;

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

159.1 (3) six hours a year of certified continuing training for all license holders, qualified
159.2 representatives, Minnesota managers, partners, and employees, and an additional six hours
159.3 a year for individuals who are armed with firearms or armed with weapons, which must
159.4 include annual certification of the individual.

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

159.7 Sec. 6. Minnesota Statutes 2022, section 326.3387, subdivision 1, is amended to read:

159.8 Subdivision 1. **Basis for action.** The board may revoke or suspend or refuse to issue or
159.9 reissue a private detective or protective agent license if:

159.10 (1) the license holder violates a provision of sections 326.32 to 326.339 or a rule adopted
159.11 under those sections;

159.12 (2) the license holder has engaged in fraud, deceit, or misrepresentation while in the
159.13 business of private detective or protective agent;

159.14 (3) the license holder has made a false statement in an application submitted to the board
159.15 or in a document required to be submitted to the board; ~~or~~

159.16 (4) the license holder violates an order of the board; or

159.17 (5) the individual or entity previously operated without a license.

159.18 Sec. 7. Minnesota Statutes 2022, section 626.5531, subdivision 1, is amended to read:

159.19 Subdivision 1. **Reports required.** A peace officer must report to the head of the officer's
159.20 department every violation of chapter 609 or a local criminal ordinance if the officer has
159.21 reason to believe, or if the victim alleges, that the ~~offender was motivated to commit the~~
159.22 act by was committed in whole or in substantial part because of the victim's actual or
159.23 perceived race, color, ethnicity, religion, national origin, sex, gender, sexual orientation,
159.24 gender identity, gender expression, age, national origin, or disability as defined in section
159.25 363A.03, or characteristics identified as sexual orientation because of the victim's actual or
159.26 perceived association with another person or group of a certain actual or perceived race,
159.27 color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression,
159.28 age, national origin, or disability as defined in section 363A.03. The superintendent of the
159.29 Bureau of Criminal Apprehension shall adopt a reporting form to be used by law enforcement
159.30 agencies in making the reports required under this section. The reports must include for
159.31 each incident all of the following:

- 160.1 (1) the date of the offense;
- 160.2 (2) the location of the offense;
- 160.3 (3) whether the target of the incident is a person, private property, or public property;
- 160.4 (4) the crime committed;
- 160.5 (5) the type of bias and information about the offender and the victim that is relevant to
- 160.6 that bias;
- 160.7 (6) any organized group involved in the incident;
- 160.8 (7) the disposition of the case;
- 160.9 (8) whether the determination that the offense was motivated by bias was based on the
- 160.10 officer's reasonable belief or on the victim's allegation; and
- 160.11 (9) any additional information the superintendent deems necessary for the acquisition
- 160.12 of accurate and relevant data.

160.13 Sec. 8. Minnesota Statutes 2022, section 626.843, is amended by adding a subdivision to

160.14 read:

160.15 Subd. 1c. **Rules governing certain misconduct.** No later than January 1, 2024, the

160.16 board must adopt rules under chapter 14 that permit the board to take disciplinary action

160.17 on a licensee for a violation of a standard of conduct in Minnesota Rules, chapter 6700,

160.18 whether or not criminal charges have been filed and in accordance with the evidentiary

160.19 standards and civil processes for boards under chapter 214.

160.20 Sec. 9. Minnesota Statutes 2022, section 626.8432, subdivision 1, is amended to read:

160.21 Subdivision 1. **Grounds for revocation, suspension, or denial.** (a) The board may

160.22 refuse to issue, refuse to renew, refuse to reinstate, suspend, revoke eligibility for licensure,

160.23 or revoke a peace officer or part-time peace officer license for any of the following causes:

- 160.24 (1) fraud or misrepresentation in obtaining a license;
- 160.25 (2) failure to meet licensure requirements; ~~or~~
- 160.26 (3) a violation of section 626.8436, subdivision 1; or
- 160.27 (4) a violation of the standards of conduct set forth in Minnesota Rules, chapter 6700.

160.28 (b) Unless otherwise provided by the board, a revocation or suspension applies to each

160.29 license, renewal, or reinstatement privilege held by the individual at the time final action

161.1 is taken by the board. A person whose license or renewal privilege has been suspended or
161.2 revoked shall be ineligible to be issued any other license by the board during the pendency
161.3 of the suspension or revocation.

161.4 Sec. 10. [626.8436] HATE OR EXTREMIST GROUPS.

161.5 Subdivision 1. Prohibition. (a) A peace officer may not join, support, advocate for,
161.6 maintain membership, or participate in the activities of:

161.7 (1) a hate or extremist group; or

161.8 (2) a criminal gang as defined in section 609.229, subdivision 1.

161.9 (b) This section does not apply when the conduct is sanctioned by the law enforcement
161.10 agency as part of the officer's official duties.

161.11 Subd. 2. Definitions. (a) "Hate or extremist group" means a group that, as demonstrated
161.12 by its official statements or principles, the statements of its leaders or members, or its
161.13 activities:

161.14 (1) promotes the use of threats, force, violence, or criminal activity:

161.15 (i) against a local, state, or federal entity, or the officials of such an entity;

161.16 (ii) to deprive, or attempt to deprive, individuals of their civil rights under the Minnesota
161.17 or United States Constitution; or

161.18 (iii) to achieve goals that are political, religious, discriminatory, or ideological in nature;

161.19 (2) promotes seditious activities; or

161.20 (3) advocates for differences in the right to vote, speak, assemble, travel, or maintain
161.21 citizenship based on a person's perceived race, color, creed, religion, national origin,
161.22 disability, sex, sexual orientation, gender identity, public assistance status, or any protected
161.23 class as defined in Minnesota Statutes or federal law.

161.24 (b) For the purposes of this section, advocacy, membership, or participation in a hate or
161.25 extremist group or criminal gang is demonstrated by:

161.26 (1) dissemination of material that promotes:

161.27 (i) the use of threats, force, violence, or criminal activity;

161.28 (ii) seditious activities; or

161.29 (iii) the objectives described in paragraph (a), clause (3);

162.1 (2) engagement in cyber or social media posts, chats, forums, and other forms of
162.2 promotion of the group's activities;

162.3 (3) display or use of insignia, colors, tattoos, hand signs, slogans, or codes associated
162.4 with the group;

162.5 (4) direct financial or in-kind contributions to the group;

162.6 (5) a physical or cyber presence in the group's events; or

162.7 (6) other conduct that could reasonably be considered support, advocacy, or participation
162.8 in the group's activities.

162.9 Sec. 11. Minnesota Statutes 2022, section 626.8451, subdivision 1, is amended to read:

162.10 Subdivision 1. **Training course; crimes motivated by bias.** (a) The board must ~~prepare~~
162.11 ~~a~~ approve a list of training course courses to assist peace officers in identifying ~~and,~~
162.12 ~~responding to, and reporting crimes motivated by~~ committed in whole or in substantial part
162.13 because of the victim's or another's actual or perceived race, color, ethnicity, religion,
162.14 ~~national origin,~~ sex, gender, sexual orientation, gender identity, gender expression, age,
162.15 national origin, or disability as defined in section 363A.03, or characteristics identified as
162.16 ~~sexual orientation~~ because of the victim's actual or perceived association with another person
162.17 or group of a certain actual or perceived race, color, ethnicity, religion, sex, gender, sexual
162.18 orientation, gender identity, gender expression, age, national origin, or disability as defined
162.19 in section 363A.03. The course must include material to help officers distinguish bias crimes
162.20 from other crimes, to help officers in understanding and assisting victims of these crimes,
162.21 and to ensure that bias crimes will be accurately reported as required under section 626.5531.
162.22 ~~The course must be updated periodically~~ board must review the approved courses every
162.23 three years and update the list of approved courses as the board, in consultation with
162.24 communities most targeted by hate crimes because of their characteristics as described
162.25 above, organizations with expertise in providing training on hate crimes, and the statewide
162.26 coalition of organizations representing communities impacted by hate crimes , considers
162.27 appropriate.

162.28 (b) In updating the list of approved training courses described in paragraph (a), the board
162.29 must consult and significantly incorporate input from communities most targeted by hate
162.30 crimes because of their characteristics as described in paragraph (a), organizations with
162.31 expertise in providing training on hate crimes, and the statewide coalition of organizations
162.32 representing communities impacted by hate crimes.

163.1 Sec. 12. Minnesota Statutes 2022, section 626.8457, is amended by adding a subdivision
163.2 to read:

163.3 Subd. 4. Data to be shared with board. (a) Upon receiving written notice that the board
163.4 is investigating any allegation of misconduct within its regulatory authority, a chief law
163.5 enforcement officer, city, county, or public official must cooperate with the board's
163.6 investigation and any data request from the board.

163.7 (b) Upon written request from the board that a matter alleging misconduct within its
163.8 regulatory authority has occurred regarding a licensed peace officer, a chief law enforcement
163.9 officer, city, county, or public official shall provide the board with all requested public and
163.10 private data about the alleged misconduct involving the licensed peace officer, including
163.11 any pending or final disciplinary or arbitration proceeding, any settlement or compromise,
163.12 and any investigative files including but not limited to body worn camera or other audio or
163.13 video files. Confidential data must only be disclosed when the board specifies that the
163.14 particular identified data is necessary to fulfill its investigatory obligation concerning an
163.15 allegation of misconduct within its regulatory authority.

163.16 (c) If a licensed peace officer is discharged or resigns from employment after engaging
163.17 in any conduct that initiates and results in an investigation of alleged misconduct within the
163.18 board's regulatory authority, regardless of whether the licensee was criminally charged or
163.19 an administrative or internal affairs investigation was commenced or completed, a chief
163.20 law enforcement officer must report the conduct to the board and provide the board with
163.21 all public and not public data requested under paragraph (b). If the conduct involves the
163.22 chief law enforcement officer, the overseeing city, county, or public official must report
163.23 the conduct to the board and provide the board with all public and not public data requested
163.24 under paragraph (b).

163.25 (d) Data obtained by the board shall be classified and governed as articulated in sections
163.26 13.03, subdivision 4, and 13.09, as applicable.

163.27 (e) A chief law enforcement officer, city, county, or public official is not required to
163.28 comply with this subdivision when there is an active criminal investigation or active criminal
163.29 proceeding regarding the same incident or misconduct that is being investigated by the
163.30 board.

164.1 Sec. 13. Minnesota Statutes 2022, section 626.8457, is amended by adding a subdivision
164.2 to read:

164.3 Subd. 5. **Immunity from liability.** A chief law enforcement officer, city, county, or
164.4 public official and employees of the law enforcement agency are immune from civil or
164.5 criminal liability, including any liability under chapter 13, for reporting or releasing public
164.6 or not public data to the board under subdivisions 3 and 4, unless the chief law enforcement
164.7 officer, city, county, or public official or employees of the law enforcement agency presented
164.8 false information to the board with the intention of causing reputational harm to the peace
164.9 officer.

164.10 Sec. 14. Minnesota Statutes 2022, section 626.8469, subdivision 1, is amended to read:

164.11 Subdivision 1. **In-service training required.** (a) Beginning July 1, 2018, the chief law
164.12 enforcement officer of every state and local law enforcement agency shall provide in-service
164.13 training in crisis intervention and mental illness crises; conflict management and mediation;
164.14 ~~and~~ recognizing and valuing community diversity and cultural differences to include implicit
164.15 bias training; and training to assist peace officers in identifying, responding to, and reporting
164.16 incidents committed in whole or in substantial part because of the victim's actual or perceived
164.17 race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender
164.18 expression, age, national origin, or disability as defined in section 363A.03, or because of
164.19 the victim's actual or perceived association with another person or group of a certain actual
164.20 or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity,
164.21 gender expression, age, national origin, or disability as defined in section 363A.03, to every
164.22 peace officer and part-time peace officer employed by the agency. The training shall comply
164.23 with learning objectives developed and approved by the board and shall meet board
164.24 requirements for board-approved continuing education credit. Every three years the board
164.25 shall review the learning objectives and must consult and collaborate with communities
164.26 most targeted by hate crimes because of their characteristics as described above, organizations
164.27 with expertise in providing training on hate crimes, and the statewide coalition of
164.28 organizations representing communities impacted by hate crimes in identifying appropriate
164.29 objectives and training courses related to identifying, responding to, and reporting incidents
164.30 committed in whole or in substantial part because of the victim's or another's actual or
164.31 perceived race, color, ethnicity, religion, national origin, sex, gender, sexual orientation,
164.32 gender identity, gender expression, age, national origin, or disability as defined in section
164.33 363A.03, or because of the victim's actual or perceived association with another person or
164.34 group of a certain actual or perceived race, color, ethnicity, religion, sex, gender, sexual
164.35 orientation, gender identity, gender expression, age, national origin, or disability as defined

165.1 in section 363A.03. The training shall consist of at least 16 continuing education credits
165.2 within an officer's three-year licensing cycle. Each peace officer with a license renewal date
165.3 after June 30, 2018, is not required to complete this training until the officer's next full
165.4 three-year licensing cycle.

165.5 (b) Beginning July 1, 2021, the training mandated under paragraph (a) must be provided
165.6 by an approved entity. The board shall create a list of approved entities and training courses
165.7 and make the list available to the chief law enforcement officer of every state and local law
165.8 enforcement agency. Each peace officer (1) with a license renewal date before June 30,
165.9 2022, and (2) who received the training mandated under paragraph (a) before July 1, 2021,
165.10 is not required to receive this training by an approved entity until the officer's next full
165.11 three-year licensing cycle.

165.12 (c) For every peace officer and part-time peace officer with a license renewal date of
165.13 June 30, 2022, or later, the training mandated under paragraph (a) must:

165.14 (1) include a minimum of six hours for crisis intervention and mental illness crisis
165.15 training that meets the standards established in subdivision 1a; and

165.16 (2) include a minimum of four hours to ensure safer interactions between peace officers
165.17 and persons with autism in compliance with section 626.8474.

165.18 Sec. 15. Minnesota Statutes 2022, section 626.8473, subdivision 3, is amended to read:

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

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

165.28 (1) the requirements of section 13.825 and other data classifications, access procedures,
165.29 retention policies, and data security safeguards that, at a minimum, meet the requirements
165.30 of chapter 13 and other applicable law. The policy must prohibit altering, erasing, or
165.31 destroying any recording made with a peace officer's portable recording system or data and
165.32 metadata related to the recording prior to the expiration of the applicable retention period

166.1 under section 13.825, subdivision 3, except that the full, unedited, and unredacted recording
166.2 of a peace officer using deadly force must be maintained indefinitely;

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

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

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

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

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

166.14 (4) mandate that, notwithstanding any law to the contrary, a deceased individual's next
166.15 of kin, legal representative of the next of kin, or other parent of the deceased individual's
166.16 children be entitled to view any and all recordings from a peace officer's portable recording
166.17 system, redacted no more than what is required by law, of an officer's use of deadly force
166.18 no later than five business days following an incident where deadly force used by a peace
166.19 officer results in the death of an individual, except that a chief law enforcement officer may
166.20 deny a request if the investigating agency requests and can articulate a compelling reason
166.21 as to why allowing the deceased individual's next of kin, legal representative of the next of
166.22 kin, or other parent of the deceased individual's children to review the recordings would
166.23 interfere with a thorough investigation. If the chief law enforcement officer denies a request
166.24 under this paragraph, the involved officer's agency must issue a prompt, written denial and
166.25 provide notice to the deceased individual's next of kin, legal representative of the next of
166.26 kin, or other parent of the deceased individual's children that relief may be sought from the
166.27 district court;

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

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

167.2 ~~(3)~~ (7) procedures to address a system malfunction or failure, including requirements

167.3 for documentation by the officer using the system at the time of a malfunction or failure;

167.4 ~~(4)~~ (8) circumstances under which recording is mandatory, prohibited, or at the discretion

167.5 of the officer using the system;

167.6 ~~(5)~~ (9) circumstances under which a data subject must be given notice of a recording;

167.7 ~~(6)~~ (10) circumstances under which a recording may be ended while an investigation,

167.8 response, or incident is ongoing;

167.9 ~~(7)~~ (11) procedures for the secure storage of portable recording system data and the

167.10 creation of backup copies of the data; and

167.11 ~~(8)~~ (12) procedures to ensure compliance and address violations of the policy, which

167.12 must include, at a minimum, supervisory or internal audits and reviews, and the employee

167.13 discipline standards for unauthorized access to data contained in section 13.09.

167.14 (c) The board has authority to inspect state and local law enforcement agency policies

167.15 to ensure compliance with this section. The board may conduct this inspection based upon

167.16 a complaint it receives about a particular agency or through a random selection process.

167.17 The board may impose licensing sanctions and seek injunctive relief under section 214.11

167.18 for an agency's or licensee's failure to comply with this section.

167.19 **Sec. 16. [626.8516] INTENSIVE COMPREHENSIVE PEACE OFFICER**

167.20 **EDUCATION AND TRAINING PROGRAM.**

167.21 Subdivision 1. **Establishment; title.** A program is established within the Department

167.22 of Public Safety to fund the intensive comprehensive law enforcement education and training

167.23 of college degree holders. The program shall be known as the intensive comprehensive

167.24 peace officer education and training program.

167.25 Subd. 2. **Purpose.** The program is intended to address the critical shortage of peace

167.26 officers in the state. The program shall reimburse law enforcement agencies that recruit,

167.27 educate, and train highly qualified college graduates to become licensed peace officers in

167.28 the state.

167.29 Subd. 3. **Eligibility for reimbursement grant; grant cap.** (a) The chief law enforcement

167.30 officer of a law enforcement agency may apply to the commissioner for reimbursement of

167.31 the cost of educating, training, paying, and insuring an eligible peace officer candidate until

167.32 the candidate is licensed by the board as a peace officer.

168.1 (b) The commissioner must reimburse an agency for the actual cost of educating, training,
168.2 paying, and insuring an eligible peace officer candidate up to \$50,000.

168.3 (c) The commissioner shall not award a grant under this section until the candidate has
168.4 been licensed by the board.

168.5 Subd. 4. **Eligibility for retention bonus reimbursement grant.** (a) The chief law
168.6 enforcement officer of a law enforcement agency may apply to the commissioner for a
168.7 onetime reimbursement grant for a retention bonus awarded to an eligible peace officer
168.8 candidate after the candidate has worked for a minimum of two years as a licensed peace
168.9 officer for the applicant's agency.

168.10 (b) The commissioner must reimburse an agency for the actual cost of an eligible retention
168.11 bonus up to \$10,000.

168.12 Subd. 5. **Eligibility for student loan reimbursement grant.** (a) An eligible peace officer
168.13 candidate, after serving for consecutive years as a licensed peace officer in good
168.14 standing for a law enforcement agency, may apply to the commissioner for a grant to cover
168.15 student loan debt incurred by the applicant in earning the applicant's two- or four-year
168.16 degree.

168.17 (b) The commissioner shall reimburse the applicant for the amount of the applicant's
168.18 student loan debt up to \$20,000.

168.19 Subd. 6. **Forms.** The commissioner must prepare the necessary grant application forms
168.20 and make them available on the agency's public website.

168.21 Subd. 7. **Intensive education and skills training program.** No later than February 1,
168.22 2024, the commissioner, in consultation with the executive director of the board and the
168.23 institutions designated as education providers under subdivision 8, shall develop an intensive
168.24 comprehensive law enforcement education and skills training curriculum that will provide
168.25 eligible peace officer candidates with the law enforcement education and skills training
168.26 needed to be licensed as a peace officer. The curriculum must be designed to be completed
168.27 in eight months or less and shall be offered at the institutions designated under subdivision
168.28 8. The curriculum may overlap, coincide with, or draw upon existing law enforcement
168.29 education and training programs at institutions designated as education providers under
168.30 subdivision 8. The commissioner may designate existing law enforcement education and
168.31 training programs that are designed to be completed in eight months or less as intensive
168.32 comprehensive law enforcement education and skills training programs for purposes of this
168.33 section.

169.1 Subd. 8. Education providers; sites. (a) No later than September 1, 2023, the Board
169.2 of Trustees of the Minnesota State Colleges and Universities shall designate at least two
169.3 regionally diverse system campuses to provide the required intensive comprehensive law
169.4 enforcement education and skills training to eligible peace officer candidates.

169.5 (b) In addition to the campuses designated under paragraph (a), the commissioner may
169.6 designate private, nonprofit postsecondary institutions to provide the required intensive
169.7 comprehensive law enforcement education and skills training to eligible peace officer
169.8 candidates.

169.9 Subd. 9. Account established. An intensive comprehensive peace officer education and
169.10 training program account is created in the special revenue fund for depositing money
169.11 appropriated to or received by the department for this program. Money deposited in the
169.12 account is appropriated to the commissioner, does not cancel, and is continuously available
169.13 to fund the requirements of this section.

169.14 Subd. 10. Definitions. (a) For purposes of this section, the following terms have the
169.15 meanings given.

169.16 (b) "Commissioner" means the commissioner of public safety.

169.17 (c) "Eligible peace officer candidate" means a person who:

169.18 (1) holds a two- or four-year degree from an accredited college or university;

169.19 (2) is a citizen of the United States;

169.20 (3) passed a thorough background check, including searches by local, state, and federal
169.21 agencies, to disclose the existence of any criminal record or conduct which would adversely
169.22 affect the candidate's performance of peace officer duties;

169.23 (4) possesses a valid Minnesota driver's license or, in case of residency therein, a valid
169.24 driver's license from another state, or eligibility to obtain either license; and

169.25 (5) is sponsored by a state or local law enforcement agency.

169.26 (d) "Law enforcement agency" has the meaning given in section 626.84, subdivision 1,
169.27 paragraph (f), clause (1).

169.28 (e) "Program" means the intensive comprehensive peace officer education and training
169.29 program.

170.1 Sec. 17. Minnesota Statutes 2022, section 626.87, is amended by adding a subdivision to
170.2 read:

170.3 Subd. 1a. **Background records checks.** (a) The law enforcement agency must request
170.4 a criminal history background check from the superintendent of the Bureau of Criminal
170.5 Apprehension on an applicant for employment as a licensed peace officer or an applicant
170.6 for a position leading to employment as a licensed peace officer within the state of Minnesota
170.7 to determine eligibility for licensing. Applicants must provide, for submission to the
170.8 superintendent of the Bureau of Criminal Apprehension:

170.9 (1) an executed criminal history consent form, authorizing the dissemination of state
170.10 and federal records to the law enforcement agency and the Minnesota Board of Peace Officer
170.11 Standards and Training and fingerprints; and

170.12 (2) a money order or cashier's check payable to the Bureau of Criminal Apprehension
170.13 for the fee for conducting the criminal history background check.

170.14 (b) The superintendent of the Bureau of Criminal Apprehension shall perform the
170.15 background check required under paragraph (a) by retrieving criminal history data as defined
170.16 in section 13.87 and shall also conduct a search of the national criminal records repository.
170.17 The superintendent is authorized to exchange the applicant's fingerprints with the Federal
170.18 Bureau of Investigation to obtain their national criminal history record information. The
170.19 superintendent must return the results of the Minnesota and federal criminal history records
170.20 checks to the law enforcement agency who is authorized to share with the Minnesota Board
170.21 of Peace Officer Standards and Training to determine if the individual is eligible for licensing
170.22 under Minnesota Rules, chapter 6700.

170.23 Sec. 18. Minnesota Statutes 2022, section 626.87, subdivision 2, is amended to read:

170.24 Subd. 2. **Disclosure of employment information.** Upon request of a law enforcement
170.25 agency, an employer shall disclose or otherwise make available for inspection employment
170.26 information of an employee or former employee who is the subject of an investigation under
170.27 subdivision 1 or who is a candidate for employment with a law enforcement agency in any
170.28 other capacity. The request for disclosure of employment information must be in writing,
170.29 must be accompanied by an original authorization and release signed by the employee or
170.30 former employee, and must be signed by a ~~sworn peace officer or other~~ an authorized
170.31 representative of the law enforcement agency conducting the background investigation.

171.1 Sec. 19. Minnesota Statutes 2022, section 626.87, subdivision 3, is amended to read:

171.2 Subd. 3. **Refusal to disclose a personnel record.** If an employer refuses to disclose
171.3 employment information in accordance with this section, upon request the district court
171.4 may issue an ex parte order directing the disclosure of the employment information. The
171.5 request must be made by ~~a sworn peace officer~~ an authorized representative from the law
171.6 enforcement agency conducting the background investigation and must include a copy of
171.7 the ~~original~~ request for disclosure made upon the employer or former employer and the
171.8 authorization and release signed by the employee or former employee. The request must be
171.9 signed by the ~~peace officer~~ person requesting the order and an attorney representing the
171.10 state or the political subdivision on whose behalf the background investigation is being
171.11 conducted. It is not necessary for the request or the order to be filed with the court
171.12 administrator. Failure to comply with the court order subjects the person or entity who fails
171.13 to comply to civil or criminal contempt of court.

171.14 Sec. 20. Minnesota Statutes 2022, section 626.87, subdivision 5, is amended to read:

171.15 Subd. 5. **Notice of investigation.** Upon initiation of a background investigation ~~under~~
171.16 ~~this section~~ for a person described in subdivision 1, the law enforcement agency shall give
171.17 written notice to the Peace Officer Standards and Training Board of:

171.18 (1) the candidate's full name and date of birth; and

171.19 (2) the candidate's peace officer license number, if known.

171.20 The initiation of a background investigation does not include the submission of an
171.21 application for employment. Initiation of a background investigation occurs when the law
171.22 enforcement agency begins its determination of whether an applicant meets the agency's
171.23 standards for employment as a law enforcement employee.

171.24 Sec. 21. Minnesota Statutes 2022, section 626.89, subdivision 17, is amended to read:

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

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

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

172.1 (b) A local unit of government may establish a civilian review board, commission, or
172.2 other oversight body shall not have council and grant the council the authority to make a
172.3 finding of fact or determination regarding a complaint against an officer or impose discipline
172.4 on an officer. A civilian review board, commission, or other oversight body may make a
172.5 recommendation regarding the merits of a complaint, however, the recommendation shall
172.6 be advisory only and shall not be binding on nor limit the authority of the chief law
172.7 enforcement officer of any unit of government.

172.8 (c) At the conclusion of any criminal investigation or prosecution, if any, a civilian
172.9 oversight council may conduct an investigation into allegations of peace officer misconduct
172.10 and retain an investigator to facilitate an investigation. Subject to other applicable law, a
172.11 council may subpoena or compel testimony and documents in an investigation. Upon
172.12 completion of an investigation, a council may make a finding of misconduct and recommend
172.13 appropriate discipline against peace officers employed by the agency. If the governing body
172.14 grants a council the authority, the council may impose discipline on peace officers employed
172.15 by the agency. A council may submit investigation reports that contain findings of peace
172.16 officer misconduct to the chief law enforcement officer and the Peace Officer Standards
172.17 and Training Board's complaint committee. A council may also make policy
172.18 recommendations to the chief law enforcement officer and the Peace Officer Standards and
172.19 Training Board.

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

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

172.29 (f) Data collected, created, received, maintained, or disseminated by a civilian oversight
172.30 council related to an investigation of a peace officer are personnel data as defined by section
172.31 13.43, subdivision 1, and are governed by that section.

173.1 Sec. 22. Minnesota Statutes 2022, section 626.90, subdivision 2, is amended to read:

173.2 Subd. 2. **Law enforcement agency.** (a) The band has the powers of a law enforcement
173.3 agency, as defined in section 626.84, subdivision 1, paragraph (f), if all of the requirements
173.4 of clauses (1) to (4) are met:

173.5 (1) the band agrees to be subject to liability for its torts and those of its officers,
173.6 employees, and agents acting within the scope of their employment or duties arising out of
173.7 a law enforcement agency function conferred by this section, to the same extent as a
173.8 municipality under chapter 466, and the band further agrees, notwithstanding section 16C.05,
173.9 subdivision 7, to waive its sovereign immunity for purposes of claims of this liability;

173.10 (2) the band files with the Board of Peace Officer Standards and Training a bond or
173.11 certificate of insurance for liability coverage with the maximum single occurrence amounts
173.12 set forth in section 466.04 and an annual cap for all occurrences within a year of three times
173.13 the single occurrence amount;

173.14 (3) the band files with the Board of Peace Officer Standards and Training a certificate
173.15 of insurance for liability of its law enforcement officers, employees, and agents for lawsuits
173.16 under the United States Constitution; and

173.17 (4) the band agrees to be subject to section 13.82 and any other laws of the state relating
173.18 to data practices of law enforcement agencies.

173.19 (b) The band ~~shall~~ may enter into mutual aid/cooperative agreements with the Mille
173.20 Lacs County sheriff under section 471.59 to define and regulate the provision of law
173.21 enforcement services under this section. ~~The agreements must define the trust property~~
173.22 ~~involved in the joint powers agreement.~~

173.23 (c) Only if the requirements of paragraph (a) are met, the band shall have concurrent
173.24 jurisdictional authority under this section with the Mille Lacs County Sheriff's Department
173.25 ~~only if the requirements of paragraph (a) are met and under the following circumstances:~~

173.26 ~~(1) over all persons in the geographical boundaries of the property held by the United~~
173.27 ~~States in trust for the Mille Lacs Band or the Minnesota Chippewa tribe;~~

173.28 ~~(2) over all Minnesota Chippewa tribal members within the boundaries of the Treaty of~~
173.29 ~~February 22, 1855, 10 Stat. 1165, in Mille Lacs County, Minnesota; and,~~

173.30 ~~(3) concurrent jurisdiction over any person who commits or attempts to commit a crime~~
173.31 ~~in the presence of an appointed band peace officer within the boundaries of the Treaty of~~
173.32 ~~February 22, 1855, 10 Stat. 1165, in Mille Lacs County, Minnesota.~~

174.1 Sec. 23. Minnesota Statutes 2022, section 626.91, subdivision 2, is amended to read:

174.2 Subd. 2. **Law enforcement agency.** (a) The community has the powers of a law
174.3 enforcement agency, as defined in section 626.84, subdivision 1, paragraph (f), if all of the
174.4 requirements of clauses (1) to (4) are met:

174.5 (1) the community agrees to be subject to liability for its torts and those of its officers,
174.6 employees, and agents acting within the scope of their employment or duties arising out of
174.7 the law enforcement agency powers conferred by this section to the same extent as a
174.8 municipality under chapter 466, and the community further agrees, notwithstanding section
174.9 16C.05, subdivision 7, to waive its sovereign immunity with respect to claims arising from
174.10 this liability;

174.11 (2) the community files with the Board of Peace Officer Standards and Training a bond
174.12 or certificate of insurance for liability coverage with the maximum single occurrence amounts
174.13 set forth in section 466.04 and an annual cap for all occurrences within a year of three times
174.14 the single occurrence amount;

174.15 (3) the community files with the Board of Peace Officer Standards and Training a
174.16 certificate of insurance for liability of its law enforcement officers, employees, and agents
174.17 for lawsuits under the United States Constitution; and

174.18 (4) the community agrees to be subject to section 13.82 and any other laws of the state
174.19 relating to data practices of law enforcement agencies.

174.20 (b) The community ~~shall~~ may enter into an agreement under section 471.59 with the
174.21 Redwood County sheriff to define and regulate the provision of law enforcement services
174.22 under this section and to provide for mutual aid and cooperation. If entered, the agreement
174.23 must identify and describe the trust property involved in the agreement. For purposes of
174.24 entering into this agreement, the community shall be considered a "governmental unit" as
174.25 that term is defined in section 471.59, subdivision 1.

174.26 Sec. 24. Minnesota Statutes 2022, section 626.91, subdivision 4, is amended to read:

174.27 Subd. 4. **Peace officers.** If the community complies with the requirements set forth in
174.28 subdivision 2, paragraph (a), the community is authorized to appoint peace officers, as
174.29 defined in section 626.84, subdivision 1, paragraph (c), who have the same powers as peace
174.30 officers employed by the Redwood County sheriff over the persons and the geographic
174.31 areas described in subdivision 3.

175.1 Sec. 25. Minnesota Statutes 2022, section 626.92, subdivision 2, is amended to read:

175.2 Subd. 2. **Law enforcement agency.** (a) The band has the powers of a law enforcement
175.3 agency, as defined in section 626.84, subdivision 1, paragraph (f), if all of the requirements
175.4 of clauses (1) to (4) and paragraph (b) are met:

175.5 (1) the band agrees to be subject to liability for its torts and those of its officers,
175.6 employees, and agents acting within the scope of their employment or duties arising out of
175.7 the law enforcement agency powers conferred by this section to the same extent as a
175.8 municipality under chapter 466, and the band further agrees, notwithstanding section 16C.05,
175.9 subdivision 7, to waive its sovereign immunity for purposes of claims arising out of this
175.10 liability;

175.11 (2) the band files with the Board of Peace Officer Standards and Training a bond or
175.12 certificate of insurance for liability coverage with the maximum single occurrence amounts
175.13 set forth in section 466.04 and an annual cap for all occurrences within a year of three times
175.14 the single occurrence amount or establishes that liability coverage exists under the Federal
175.15 Torts Claims Act, United States Code, title 28, section 1346(b), et al., as extended to the
175.16 band pursuant to the Indian Self-Determination and Education Assistance Act of 1975,
175.17 United States Code, title 25, section 450f(c);

175.18 (3) the band files with the Board of Peace Officer Standards and Training a certificate
175.19 of insurance for liability of its law enforcement officers, employees, and agents for lawsuits
175.20 under the United States Constitution or establishes that liability coverage exists under the
175.21 Federal Torts Claims Act, United States Code, title 28, section 1346(b) et al., as extended
175.22 to the band pursuant to the Indian Self-Determination and Education Assistance Act of
175.23 1975, United States Code, title 25, section 450F(c); and

175.24 (4) the band agrees to be subject to section 13.82 and any other laws of the state relating
175.25 to data practices of law enforcement agencies.

175.26 (b) ~~By July 1, 1998,~~ The band ~~shall~~ may enter into written mutual aid or cooperative
175.27 agreements with the Carlton County sheriff, the St. Louis County sheriff, and the city of
175.28 Cloquet under section 471.59 to define and regulate the provision of law enforcement
175.29 services under this section. If entered, the agreements must define the following:

175.30 (1) the trust property involved in the joint powers agreement;

175.31 (2) the responsibilities of the county sheriffs;

175.32 (3) the responsibilities of the county attorneys; and

175.33 (4) the responsibilities of the city of Cloquet city attorney and police department.

176.1 Sec. 26. Minnesota Statutes 2022, section 626.92, subdivision 3, is amended to read:

176.2 Subd. 3. **Concurrent jurisdiction.** The band shall have concurrent jurisdictional authority
176.3 under this section with the Carlton County and St. Louis County Sheriffs' Departments over
176.4 crimes committed within the boundaries of the Fond du Lac Reservation ~~as indicated by~~
176.5 ~~the mutual aid or cooperative agreements entered into under subdivision 2, paragraph (b),~~
176.6 ~~and any exhibits or attachments to those agreements~~ if the requirements of subdivision 2,
176.7 paragraph (a), are met, regardless of whether a cooperative agreement pursuant to subdivision
176.8 2, paragraph (b), is entered into.

176.9 Sec. 27. Minnesota Statutes 2022, section 626.93, subdivision 3, is amended to read:

176.10 Subd. 3. **Concurrent jurisdiction.** If the requirements of subdivision 2 are met ~~and the~~
176.11 ~~tribe enters into a cooperative agreement pursuant to subdivision 4,~~ the Tribe shall have has
176.12 concurrent jurisdictional authority under this section with the local county sheriff within
176.13 the geographical boundaries of the Tribe's reservation to enforce state criminal law.

176.14 Sec. 28. Minnesota Statutes 2022, section 626.93, subdivision 4, is amended to read:

176.15 Subd. 4. **Cooperative agreements.** In order to coordinate, define, and regulate the
176.16 provision of law enforcement services and to provide for mutual aid and cooperation,
176.17 governmental units and the Tribe ~~shall~~ may enter into agreements under section 471.59.
176.18 For the purposes of entering into these agreements, the Tribe ~~shall be~~ is considered a
176.19 "governmental unit" as that term is defined in section 471.59, subdivision 1.

176.20 Sec. 29. **REPEALER.**

176.21 Minnesota Statutes 2022, section 626.93, subdivision 7, is repealed.

176.22

ARTICLE 9

176.23

CORRECTIONS POLICY

176.24 Section 1. Minnesota Statutes 2022, section 241.01, subdivision 3a, is amended to read:

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

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

176.29 (b) To determine the place of confinement of committed persons in a correctional facility
176.30 or other facility of the Department of Corrections and to prescribe reasonable conditions

177.1 and rules for their employment, conduct, instruction, and discipline within or outside the
177.2 facility. After July 1, 2023, the commissioner shall not allow inmates who have not been
177.3 conditionally released from prison, whether on parole, supervised release, work release, or
177.4 an early release program, to be housed in correctional facilities that are not owned and
177.5 operated by the state, a local unit of government, or a group of local units of government.

177.6 Inmates shall not exercise custodial functions or have authority over other inmates.

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

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

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

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

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

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

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

177.29 (j) To publish, administer, and award grant contracts with state agencies, local units of
177.30 government, and other entities for correctional programs embodying rehabilitative concepts,
177.31 for restorative programs for crime victims and the overall community, and for implementing
177.32 legislative directives.

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

178.1 Sec. 2. Minnesota Statutes 2022, section 241.021, subdivision 1d, is amended to read:

178.2 Subd. 1d. **Public notice of restriction, revocation, or suspension.** If the license of a
178.3 facility under this section is revoked or suspended, or use of the facility is restricted for any
178.4 reason under a conditional license order, or a correction order is issued to a facility, the
178.5 commissioner shall post the facility, the status of the facility's license, and the reason for
178.6 the correction order, restriction, revocation, or suspension publicly and on the department's
178.7 website.

178.8 Sec. 3. Minnesota Statutes 2022, section 241.021, subdivision 2a, is amended to read:

178.9 Subd. 2a. **Affected municipality; notice.** The commissioner must not ~~issue~~ grant a
178.10 license without giving 30 calendar days' written notice to any affected municipality or other
178.11 political subdivision unless the facility has a licensed capacity of six or fewer persons and
178.12 is occupied by either the licensee or the group foster home parents. The notification must
178.13 be given before the license is first issuance of a license granted and annually after that time
178.14 if annual notification is requested in writing by any affected municipality or other political
178.15 subdivision. State funds must not be made available to or be spent by an agency or department
178.16 of state, county, or municipal government for payment to a foster care facility licensed under
178.17 subdivision 2 until the provisions of this subdivision have been complied with in full.

178.18 Sec. 4. Minnesota Statutes 2022, section 241.021, subdivision 2b, is amended to read:

178.19 Subd. 2b. **Licensing; facilities; juveniles from outside state.** The commissioner may
178.20 not:

178.21 (1) ~~issue~~ grant a license under this section to operate a correctional facility for the
178.22 detention or confinement of juvenile offenders if the facility accepts juveniles who reside
178.23 outside of Minnesota without an agreement with the entity placing the juvenile at the facility
178.24 that obligates the entity to pay the educational expenses of the juvenile; or

178.25 (2) renew a license under this section to operate a correctional facility for the detention
178.26 or confinement of juvenile offenders if the facility accepts juveniles who reside outside of
178.27 Minnesota without an agreement with the entity placing the juvenile at the facility that
178.28 obligates the entity to pay the educational expenses of the juvenile.

178.29 Sec. 5. **[241.0215] JUVENILE DETENTION FACILITIES; RESTRICTIONS ON**
178.30 **STRIP SEARCHES AND DISCIPLINE.**

178.31 Subdivision 1. **Applicability.** This section applies to juvenile facilities licensed by the
178.32 commissioner of corrections under section 241.021, subdivision 2.

179.1 Subd. 2. Definitions. (a) As used in this section, the following terms have the meanings
179.2 given.

179.3 (b) "Health care professional" means an individual who is licensed or permitted by a
179.4 Minnesota health-related licensing board, as defined in section 214.01, subdivision 2, to
179.5 perform health care services in Minnesota within the professional's scope of practice.

179.6 (c) "Strip search" means a visual inspection of a juvenile's unclothed breasts, buttocks,
179.7 or genitalia.

179.8 Subd. 3. Searches restricted. (a) A staff person working in a facility may not conduct
179.9 a strip search unless:

179.10 (1) a specific, articulable, and immediate contraband concern is present;

179.11 (2) other search techniques and technology cannot be used or have failed to identify the
179.12 contraband; and

179.13 (3) the facility's chief administrator or designee has reviewed the situation and approved
179.14 the strip search.

179.15 (b) A strip search must be conducted by:

179.16 (1) a health care professional; or

179.17 (2) a staff person working in a facility who has received training on trauma-informed
179.18 search techniques and other applicable training under Minnesota Rules, chapter 2960.

179.19 (c) A strip search must be documented in writing and describe the contraband concern,
179.20 summarize other inspection techniques used or considered, and verify the approval from
179.21 the facility's chief administrator or, in the temporary absence of the chief administrator, the
179.22 staff person designated as the person in charge of the facility. A copy of the documentation
179.23 must be provided to the commissioner within 24 hours of the strip search.

179.24 (d) Nothing in this section prohibits or limits a strip search as part of a health care
179.25 procedure conducted by a health care professional.

179.26 Subd. 4. Discipline restricted. (a) A staff person working in a facility may not discipline
179.27 a juvenile by physically or socially isolating the juvenile.

179.28 (b) Nothing in this subdivision restricts a facility from isolating a juvenile for the
179.29 juvenile's safety, staff safety, or the safety of other facility residents when the isolation is
179.30 consistent with rules adopted by the commissioner.

180.1 Subd. 5. **Commissioner action.** The commissioner may take any action authorized under
180.2 section 241.021, subdivisions 2 and 3, to address a violation of this section.

180.3 Subd. 6. **Report.** (a) By February 15 each year, the commissioner must report to the
180.4 chairs and ranking minority members of the legislative committees and divisions with
180.5 jurisdiction over public safety finance and policy on the use of strip searches and isolation.

180.6 (b) The report must consist of summary data from the previous calendar year and must,
180.7 at a minimum, include:

180.8 (1) how often strip searches were performed;

180.9 (2) how often juveniles were isolated;

180.10 (3) the length of each period of isolation used and, for juveniles isolated in the previous
180.11 year, the total cumulative amount of time that the juvenile was isolated that year; and

180.12 (4) any injury to a juvenile related to a strip search or isolation, or both, that was
180.13 reportable as a critical incident.

180.14 (c) Data in the report must provide information on the demographics of juveniles who
180.15 were subject to a strip search and juveniles who were isolated. At a minimum, data must
180.16 be disaggregated by age, race, and gender.

180.17 (d) The report must identify any facility that performed a strip search or used isolation,
180.18 or both, in a manner that did not comply with this section or rules adopted by the
180.19 commissioner in conformity with this section.

180.20 **EFFECTIVE DATE.** This section is effective January 1, 2024.

180.21 Sec. 6. Minnesota Statutes 2022, section 241.025, subdivision 1, is amended to read:

180.22 Subdivision 1. **Authorization.** The commissioner of corrections may appoint peace
180.23 officers, as defined in section 626.84, subdivision 1, paragraph (c), who shall serve in the
180.24 classified service subject to the provisions of section 43A.01, subdivision 2, and establish
180.25 a law enforcement agency, as defined in section 626.84, subdivision 1, paragraph (f), known
180.26 as the Department of Corrections Fugitive Apprehension Unit, to perform the duties necessary
180.27 to make statewide arrests under sections 629.30 and 629.34. The jurisdiction of the law
180.28 enforcement agency is ~~limited to~~ primarily the arrest of Department of Corrections'
180.29 discretionary and statutory released violators and Department of Corrections' escapees and
180.30 this must be its primary focus. The Department of Corrections Fugitive Apprehension Unit
180.31 may respond to a law enforcement agency's request to exercise general law enforcement
180.32 duties during the course of official duties by carrying out law enforcement activities at the

181.1 direction of the law enforcement agency of jurisdiction. In addition, the unit may investigate
181.2 criminal offenses in agency-operated correctional facilities and surrounding property.

181.3 Sec. 7. Minnesota Statutes 2022, section 241.025, subdivision 2, is amended to read:

181.4 Subd. 2. **Limitations.** The initial processing of a person arrested by the fugitive
181.5 apprehension unit for an offense ~~within the agency's jurisdiction~~ is the responsibility of the
181.6 fugitive apprehension unit unless otherwise directed by the law enforcement agency with
181.7 primary jurisdiction. A subsequent investigation is the responsibility of the law enforcement
181.8 agency of the jurisdiction ~~in which a new crime is committed~~ unless the law enforcement
181.9 agency authorizes the fugitive apprehension unit to assume the subsequent investigation.
181.10 At the request of the primary jurisdiction, the fugitive apprehension unit may assist in
181.11 subsequent investigations or law enforcement efforts being carried out by the primary
181.12 jurisdiction. Persons arrested for violations that the fugitive apprehension unit determines
181.13 are not within the agency's jurisdiction must be referred to the appropriate local law
181.14 enforcement agency for further investigation or disposition.

181.15 Sec. 8. Minnesota Statutes 2022, section 241.025, subdivision 3, is amended to read:

181.16 Subd. 3. **Policies.** The fugitive apprehension unit must develop and file all policies
181.17 required under state law for law enforcement agencies. The fugitive apprehension unit also
181.18 must develop a policy for contacting law enforcement agencies in a city or county before
181.19 initiating any fugitive surveillance, investigation, or apprehension within the city or county.
181.20 ~~These policies must be filed with the board of peace officers standards and training by~~
181.21 ~~November 1, 2000.~~ Revisions of any of these policies must be filed with the board within
181.22 ten days of the effective date of the revision. The Department of Corrections shall train all
181.23 of its peace officers regarding the application of these policies.

181.24 Sec. 9. Minnesota Statutes 2022, section 241.90, is amended to read:

181.25 **241.90 OFFICE OF OMBUDSPERSON; CREATION; QUALIFICATIONS;**
181.26 **FUNCTION.**

181.27 The Office of Ombudsperson for the Department of Corrections is hereby created. The
181.28 ombudsperson shall ~~serve at the pleasure of~~ be appointed by the governor in the unclassified
181.29 service, and may be removed only for just cause. The ombudsperson shall be selected without
181.30 regard to political affiliation, and shall be a person highly competent and qualified to analyze
181.31 questions of law, administration, and public policy. No person may serve as ombudsperson
181.32 while holding any other public office. The ombudsperson for corrections shall be accountable

182.1 to the governor and shall have the authority to investigate decisions, acts, and other matters
182.2 of the Department of Corrections so as to promote the highest attainable standards of
182.3 competence, efficiency, and justice in the administration of corrections.

182.4 Sec. 10. [243.95] PRIVATE PRISON CONTRACTS PROHIBITED.

182.5 (a) The commissioner may not contract with privately owned and operated prisons for
182.6 the care, custody, and rehabilitation of inmates committed to the custody of the commissioner.

182.7 (b) Notwithstanding section 43A.047, nothing in this section prohibits the commissioner
182.8 from contracting with privately owned residential facilities, such as halfway houses, group
182.9 homes, work release centers, or treatment facilities, to provide for the care, custody, and
182.10 rehabilitation of inmates who have been released from prison under section 241.26, 244.065,
182.11 244.05, 244.0513, 244.172, or any other form of supervised or conditional release.

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

182.13 Sec. 11. [244.049] INDETERMINATE SENTENCE RELEASE BOARD.

182.14 Subdivision 1. Establishment; membership. (a) As provided under paragraph (b) and
182.15 section 244.05, subdivision 5, the Indeterminate Sentence Release Board is established to
182.16 review eligible cases and make release and final discharge decisions for:

182.17 (1) inmates serving life sentences with the possibility of parole or supervised release
182.18 under sections 243.05, subdivision 1, and 244.05, subdivision 5; and

182.19 (2) inmates serving indeterminate sentences for crimes committed on or before April
182.20 30, 1980.

182.21 (b) Beginning July 1, 2024, the authority to grant discretionary release and final discharge
182.22 previously vested in the commissioner under sections 243.05, subdivisions 1, paragraph
182.23 (a), and 3; 244.08; and 609.12 is transferred to the board.

182.24 (c) The board consists of five members as follows:

182.25 (1) four members appointed by the governor from which each of the majority leaders
182.26 and minority leaders of the house of representatives and the senate provides two candidate
182.27 recommendations for consideration; and

182.28 (2) the commissioner, who serves as chair.

182.29 (d) Appointed board members must meet the following qualifications, at a minimum:

183.1 (1) a law degree or a bachelor's degree in criminology, corrections, or a related social
183.2 science;

183.3 (2) five years of experience in corrections, a criminal justice or community corrections
183.4 field, rehabilitation programming, behavioral health, or criminal law; and

183.5 (3) demonstrated knowledge of victim issues and correctional processes.

183.6 Subd. 2. **Terms; compensation.** (a) Appointed board members serve four-year staggered
183.7 terms, but the terms of the initial members are as follows:

183.8 (1) two members must be appointed for terms that expire January 1, 2026; and

183.9 (2) two members must be appointed for terms that expire January 1, 2028.

183.10 (b) An appointed member is eligible for reappointment, and a vacancy must be filled
183.11 according to subdivision 1.

183.12 (c) For appointed members, compensation and removal are as provided in section 15.0575.

183.13 Subd. 3. **Quorum; administrative duties.** (a) The majority of members constitutes a
183.14 quorum.

183.15 (b) An appointed board member must visit at least one state correctional facility every
183.16 12 months.

183.17 (c) The commissioner must provide the board with personnel, supplies, equipment, office
183.18 space, and other administrative services necessary and incident to fulfilling the board's
183.19 functions.

183.20 Subd. 4. **Limitation.** Nothing in this section or section 244.05, subdivision 5:

183.21 (1) supersedes the commissioner's authority to set conditions of release or revoke an
183.22 inmate's release for violating any of the conditions; or

183.23 (2) impairs the power of the Board of Pardons to grant a pardon or commutation in any
183.24 case.

183.25 Subd. 5. **Report.** (a) Beginning February 15, 2025, and each year thereafter, the board
183.26 must submit to the legislative committees with jurisdiction over criminal justice policy a
183.27 written report that:

183.28 (1) details the number of inmates reviewed;

183.29 (2) identifies inmates granted release or final discharge in the preceding year; and

184.1 (3) provides demographic data of inmates who were granted release or final discharge
184.2 and inmates who were denied release or final discharge.

184.3 (b) The report must also include the board's recommendations to the commissioner for
184.4 policy modifications that influence the board's duties.

184.5 Sec. 12. Minnesota Statutes 2022, section 244.05, subdivision 2, is amended to read:

184.6 Subd. 2. **Rules.** (a) Notwithstanding section 14.03, subdivision 3, paragraph (b), clause
184.7 (1), the commissioner of corrections shall must adopt by rule standards and procedures for
184.8 the revocation of revoking supervised or conditional release; and shall must specify the
184.9 period of revocation for each violation of release except in accordance with subdivision 5,
184.10 paragraph (i), for inmates serving life sentences.

184.11 (b) Procedures for the revocation of revoking release shall must provide due process of
184.12 law for the inmate.

184.13 **EFFECTIVE DATE.** This section is effective July 1, 2024.

184.14 Sec. 13. Minnesota Statutes 2022, section 244.05, subdivision 5, is amended to read:

184.15 Subd. 5. **Supervised release; life sentence and indeterminate sentences.** (a) The
184.16 ~~commissioner of corrections~~ board may, under rules ~~promulgated~~ adopted by the
184.17 commissioner, ~~give grant~~ supervised release or parole to an inmate serving a mandatory
184.18 life sentence ~~under section 609.185, paragraph (a), clause (3), (5), or (6); 609.3455,~~
184.19 ~~subdivision 3 or 4; 609.385; or Minnesota Statutes 2004, section 609.109, subdivision 3;~~

184.20 (1) after the inmate has served the minimum term of imprisonment specified in
184.21 subdivision 4 or section 243.05, subdivision 1, paragraph (a); or

184.22 (2) at any time for an inmate serving a nonlife indeterminate sentence for a crime
184.23 committed on or before April 30, 1980.

184.24 (b) No earlier than three years before an inmate reaches their minimum term of
184.25 imprisonment or parole eligibility date, the commissioner must conduct a formal review
184.26 and make programming recommendations relevant to the inmate's release review under this
184.27 subdivision.

184.28 (c) The ~~commissioner shall~~ board must require the preparation of a community
184.29 investigation report and shall consider the findings of the report when making a supervised
184.30 release or parole decision under this subdivision. The report shall must:

185.1 (1) reflect the sentiment of the various elements of the community toward the inmate,
185.2 both at the time of the offense and at the present time;

185.3 ~~The report shall~~ (2) include the views of the sentencing judge, the prosecutor, any law
185.4 enforcement personnel who may have been involved in the case, and any successors to these
185.5 individuals who may have information relevant to the ~~supervised~~ release decision; and

185.6 ~~The report shall also~~ (3) include the views of the victim and the victim's family unless
185.7 the victim or the victim's family chooses not to participate.

185.8 ~~(e)~~ (d) The commissioner ~~shall~~ must make reasonable efforts to notify the victim, in
185.9 advance, of the time and place of the inmate's ~~supervised~~ release review hearing. The victim
185.10 has a right to submit an oral or written statement at the review hearing. The statement may
185.11 summarize the harm suffered by the victim as a result of the crime and give the victim's
185.12 recommendation on whether the inmate should be given supervised release or parole at this
185.13 time. ~~The commissioner must consider the victim's statement when making the supervised~~
185.14 ~~release decision.~~

185.15 ~~(d)~~ (e) Supervised release or parole must be granted with a majority vote of the board
185.16 members. When considering whether to ~~give~~ grant supervised release or parole to an inmate
185.17 serving a life sentence under section 609.3455, subdivision 3 or 4 or indeterminate sentence,
185.18 ~~the commissioner shall~~ board must consider, at a minimum, the following:

185.19 (1) the risk the inmate poses to the community if released;

185.20 (2) the inmate's progress in treatment;

185.21 (3) the inmate's behavior while incarcerated;

185.22 (4) psychological or other diagnostic evaluations of the inmate;

185.23 (5) the inmate's criminal history;

185.24 (6) a victim statement under paragraph (d), if submitted; and

185.25 (7) any other relevant conduct of the inmate while incarcerated or before incarceration.

185.26 (f) The ~~commissioner~~ board may not ~~give~~ grant supervised release or parole to ~~the an~~
185.27 inmate unless:

185.28 (1) while in prison:

185.29 (i) the inmate has successfully completed appropriate sex offender treatment, if applicable;

185.30 (ii) the inmate has been assessed for substance use disorder needs and, if appropriate,
185.31 has successfully completed substance use disorder treatment; and

186.1 (iii) the inmate has been assessed for mental health needs and, if appropriate, has
186.2 successfully completed mental health treatment; and

186.3 (2) a comprehensive individual release plan is in place for the inmate that:

186.4 (i) ensures that, after release, the inmate will have suitable housing and receive appropriate
186.5 aftercare and community-based treatment. ~~The comprehensive plan also must include; and~~

186.6 (ii) includes a postprison employment or education plan for the inmate.

186.7 ~~(e)~~ (g) When granting supervised release under this subdivision, the board must set
186.8 prerelease conditions to be followed by the inmate before their actual release or before
186.9 constructive parole becomes effective. If the inmate violates any of the prerelease conditions,
186.10 the commissioner may rescind the grant of supervised release without a hearing at any time
186.11 before the inmate's release or before constructive parole becomes effective. A grant of
186.12 constructive parole becomes effective once the inmate begins serving the consecutive
186.13 sentence.

186.14 (h) If the commissioner rescinds a grant of supervised release or parole, the board:

186.15 (1) must set a release review date that occurs within 90 days of the commissioner's
186.16 rescission; and

186.17 (2) by majority vote, may set a new supervised release date or set another review date.

186.18 (i) If the commissioner revokes supervised release or parole for an inmate serving a life
186.19 sentence, the revocation is not subject to the limitations under section 244.30 and the board:

186.20 (1) must set a release review date that occurs within one year of the commissioner's final
186.21 revocation decision; and

186.22 (2) by majority vote, may set a new supervised release date or set another review date.

186.23 (j) The board may, by a majority vote, grant a person on supervised release or parole
186.24 for a life or indeterminate sentence a final discharge from their sentence in accordance with
186.25 section 243.05, subdivision 3. In no case, however, may a person subject to a mandatory
186.26 lifetime conditional release term under section 609.3455, subdivision 7, be discharged from
186.27 that term.

186.28 ~~As used in~~ (k) For purposes of this subdivision;

186.29 (1) "board" means the Indeterminate Sentence Release Board under section 244.049;

186.30 (2) "constructive parole" means the status of an inmate who has been paroled from an
186.31 indeterminate sentence to begin serving a consecutive sentence in prison; and

187.1 (3) "victim" means ~~the~~ an individual who has directly suffered loss or harm as a result
187.2 ~~of the~~ from an inmate's crime or, if the individual is deceased, the deceased's a murder
187.3 victim's surviving spouse or, next of kin, or family kin.

187.4 **EFFECTIVE DATE.** This section is effective July 1, 2024.

187.5 Sec. 14. Minnesota Statutes 2022, section 244.19, is amended to read:

187.6 **244.19 PROBATION OFFICERS.**

187.7 Subdivision 1. **Appointment; joint services; state services.** (a) If a county or group of
187.8 counties has established a human services board pursuant to chapter 402, the district court
187.9 may appoint one or more county probation officers as necessary to perform court services,
187.10 and the human services board shall appoint persons as necessary to provide correctional
187.11 services within the authority granted in chapter 402. In all counties of more than 200,000
187.12 population, which have not organized pursuant to chapter 402, the district court shall appoint
187.13 one or more persons of good character to serve as county probation officers during the
187.14 pleasure of the court. All other counties shall provide adult misdemeanor and juvenile
187.15 probation services to district courts in one of the following ways:

187.16 (1) the court, with the approval of the county boards, may appoint one or more salaried
187.17 county probation officers to serve during the pleasure of the court;

187.18 (2) when two or more counties offer probation services the district court through the
187.19 county boards may appoint common salaried county probation officers to serve in the several
187.20 counties;

187.21 (3) a county or a district court may request the commissioner of corrections to furnish
187.22 probation services in accordance with the provisions of this section, and the commissioner
187.23 of corrections shall furnish such services to any county or court that fails to provide its own
187.24 probation officer by one of the two procedures listed above;

187.25 (4) if a county or district court providing probation services under clause (1) or (2) asks
187.26 the commissioner of corrections or the legislative body for the state of Minnesota mandates
187.27 the commissioner of corrections to furnish probation services to the district court, the
187.28 probation officers and other employees displaced by the changeover shall be employed by
187.29 the commissioner of corrections. Years of service in the county probation department are
187.30 to be given full credit for future sick leave and vacation accrual purposes;

187.31 (5) for a person who is enrolled or eligible to be enrolled in a Tribal Nation or who
187.32 resides in an enrolled member's household, a Tribal Nation may elect to provide probation
187.33 services within the county in which the person resides; and

188.1 ~~(5)~~ (6) all probation officers serving the juvenile courts on July 1, 1972, shall continue
188.2 to serve in the county or counties they are now serving.

188.3 (b) The commissioner of management and budget shall place employees transferred to
188.4 state service under paragraph (a), clause (4), in the proper classifications in the classified
188.5 service. Each employee is appointed without examination at no loss in salary or accrued
188.6 vacation or sick leave benefits, but no additional accrual of vacation or sick leave benefits
188.7 may occur until the employee's total accrued vacation or sick leave benefits fall below the
188.8 maximum permitted by the state for the employee's position. An employee appointed under
188.9 paragraph (a), clause (4), shall serve a probationary period of six months. After exhausting
188.10 labor contract remedies, a noncertified employee may appeal for a hearing within ten days
188.11 to the commissioner of management and budget, who may uphold the decision, extend the
188.12 probation period, or certify the employee. The decision of the commissioner of management
188.13 and budget is final. The state shall negotiate with the exclusive representative for the
188.14 bargaining unit to which the employees are transferred regarding their seniority. For purposes
188.15 of computing seniority among those employees transferring from one county unit only, a
188.16 transferred employee retains the same seniority position as the employee had within that
188.17 county's probation office.

188.18 Subd. 1a. **Definition.** For purposes of this section, "Tribal Nation" means a federally
188.19 recognized Tribal Nation within the boundaries of the state of Minnesota.

188.20 Subd. 2. **Sufficiency of services.** Probation services shall be sufficient in amount to
188.21 meet the needs of the district court in each county. County probation officers serving district
188.22 courts in all counties of not more than 200,000 population shall also, pursuant to subdivision
188.23 3, provide probation and parole services to wards of the commissioner of corrections resident
188.24 in their counties. To provide these probation services counties containing a city of 10,000
188.25 or more population shall, as far as practicable, have one probation officer for not more than
188.26 35,000 population; in counties that do not contain a city of such size, the commissioner of
188.27 corrections shall, after consultation with the chief judge of the district court, ~~and~~ the county
188.28 commissioners, or Tribal Nation through an approved plan, and in the light of experience,
188.29 establish probation districts to be served by one officer.

188.30 All probation officers appointed for any district court or ~~community~~ county corrections
188.31 agency, including Tribal Nations, shall be selected from a list of eligible candidates ~~who~~
188.32 have. Those candidates must be minimally qualified according to the same or equivalent
188.33 examining procedures as used by the commissioner of management and budget to certify
188.34 ~~eligibles~~ eligibility to the commissioner of corrections in appointing parole agents, ~~and the~~
188.35 ~~Department of Management and Budget shall furnish the names of such candidates on~~

189.1 ~~request~~. This subdivision shall not apply to a political subdivision having a civil service or
189.2 merit system unless the subdivision elects to be covered by this subdivision.

189.3 Subd. 3. **Powers and duties.** All county or Tribal Nation probation officers serving a
189.4 district court shall act under the orders of the court in reference to any person committed
189.5 to their care by the court, and in the performance of their duties shall have the general powers
189.6 of a peace officer; and it shall be their duty to make such investigations with regard to any
189.7 person as may be required by the court before, during, or after the trial or hearing, and to
189.8 furnish to the court such information and assistance as may be required; to take charge of
189.9 any person before, during or after trial or hearing when so directed by the court, and to keep
189.10 such records and to make such reports to the court as the court may order. Tribal Nations
189.11 providing probation services have the same general powers provided to county probation
189.12 officers defined within statute or rule.

189.13 All county or Tribal Nation probation officers serving a district court shall, in addition,
189.14 provide probation and parole services to wards of the commissioner of corrections resident
189.15 in the counties they serve, and shall act under the orders of said commissioner of corrections
189.16 in reference to any ward committed to their care by the commissioner of corrections.

189.17 All probation officers serving a district court shall, under the direction of the authority
189.18 having power to appoint them, initiate programs for the welfare of persons coming within
189.19 the jurisdiction of the court to prevent delinquency and crime and to rehabilitate within the
189.20 community persons who come within the jurisdiction of the court and are properly subject
189.21 to efforts to accomplish prevention and rehabilitation. They shall, under the direction of the
189.22 court, cooperate with all law enforcement agencies, schools, child welfare agencies of a
189.23 public or private character, and other groups concerned with the prevention of crime and
189.24 delinquency and the rehabilitation of persons convicted of crime and delinquency.

189.25 All probation officers serving a district court shall make monthly and annual reports to
189.26 the commissioner of corrections, on forms furnished by the commissioner, containing such
189.27 information on number of cases cited to the juvenile division of district court, offenses,
189.28 adjudications, dispositions, and related matters as may be required by the commissioner of
189.29 corrections. The reports shall include the information on individuals convicted as an extended
189.30 jurisdiction juvenile identified in section 241.016, subdivision 1, paragraph (c).

189.31 Subd. 5. **Compensation.** In counties of more than 200,000 population, a majority of the
189.32 judges of the district court may direct the payment of such salary to probation officers as
189.33 may be approved by the county board, and in addition thereto shall be reimbursed for all
189.34 necessary expenses incurred in the performance of their official duties. In all counties which

190.1 obtain probation services from the commissioner of corrections the commissioner shall, out
190.2 of appropriations provided therefor, pay probation officers the salary and all benefits fixed
190.3 by the state law or applicable bargaining unit and all necessary expenses, including secretarial
190.4 service, office equipment and supplies, postage, telephone and telegraph services, and travel
190.5 and subsistence. Each county receiving probation services from the commissioner of
190.6 corrections shall reimburse the department of corrections for the total cost and expenses of
190.7 such services as incurred by the commissioner of corrections. ~~Total annual costs for each~~
190.8 ~~county shall be that portion of the total costs and expenses for the services of one probation~~
190.9 ~~officer represented by the ratio which the county's population bears to the total population~~
190.10 ~~served by one officer. For the purposes of this section, the population of any county shall~~
190.11 ~~be the most recent estimate made by the Department of Health.~~ At least every six months
190.12 the commissioner of corrections shall bill for the total cost and expenses incurred by the
190.13 commissioner on behalf of each county which has received probation services. The
190.14 commissioner of corrections shall notify each county of the cost and expenses and the county
190.15 shall pay to the commissioner the amount due for reimbursement. All such reimbursements
190.16 shall be deposited in the general fund. Objections by a county to all allocation of such cost
190.17 and expenses shall be presented to and determined by the commissioner of corrections.
190.18 Each county providing probation services under this section is hereby authorized to use
190.19 unexpended funds and to levy additional taxes for this purpose.

190.20 The county commissioners of any county of not more than 200,000 population shall,
190.21 when requested to do so by the juvenile judge, provide probation officers with suitable
190.22 offices, and may provide equipment, and secretarial help needed to render the required
190.23 services.

190.24 Subd. 6. **Reimbursement of counties or Tribal Nations.** In order to reimburse the
190.25 counties or a Tribal Nation for the cost which they assume under this section of providing
190.26 probation and parole services to wards of the commissioner of corrections and to aid the
190.27 counties in achieving the purposes of this section, the commissioner of corrections shall
190.28 annually, from funds appropriated and specifically for that purpose counties or a Tribal
190.29 Nation, pay 50 percent of the costs of probation officers' salaries to all counties of not more
190.30 than 200,000 population. Nothing in this section will invalidate any payments to counties
190.31 made pursuant to this section before May 15, 1963. Salary costs include fringe benefits, but
190.32 only to the extent that fringe benefits do not exceed those provided for state civil service
190.33 employees. On or before July 1 of each even-numbered year each county or group of counties
190.34 or Tribal Nations which provide their own probation services to the district court under
190.35 subdivision 1, clause (1) or (2), shall submit to the commissioner of corrections an estimate

191.1 of its costs under this section. Reimbursement to those counties or Tribal Nations shall be
191.2 made on the basis of the estimate or actual expenditures incurred, whichever is less.
191.3 Reimbursement for those counties which obtain probation services from the commissioner
191.4 of corrections pursuant to subdivision 1, clause (3), must be made on the basis of actual
191.5 expenditures. Salary costs shall not be reimbursed unless county probation officers or Tribal
191.6 Nations are paid salaries commensurate with the salaries paid to comparable positions in
191.7 the classified service of the state civil service. The salary range to which each county
191.8 probation officer is assigned shall be determined by the authority having power to appoint
191.9 probation officers, and shall be based on the officer's length of service and performance.
191.10 The appointing authority shall annually assign each county or Tribal Nation probation officer
191.11 to a position on the salary scale commensurate with the officer's experience, tenure, and
191.12 responsibilities. For county provided probation officers, the judge shall file with the county
191.13 auditor an order setting each county probation officer's salary. Time spent by a county
191.14 probation officer as a court referee shall not qualify for reimbursement. Reimbursement
191.15 shall be prorated if the appropriation for counties or Tribal Nations is insufficient. A new
191.16 position eligible for reimbursement under this section may not be added by a county or
191.17 Tribal Nation without the written approval of the commissioner of corrections. When a new
191.18 position is approved, the commissioner shall include the cost of the position in calculating
191.19 each county's or Tribal Nation's share.

191.20 Subd. 7. **Certificate of counties entitled to state aid.** ~~On or before January 1 of each~~
191.21 ~~year, until 1970 and~~ On or before April 1 ~~thereafter~~ each year, the commissioner of
191.22 corrections shall deliver to the commissioner of management and budget a certificate in
191.23 duplicate for each county of the state entitled to receive state aid under the provisions of
191.24 this section. Upon the receipt of such certificate, the commissioner of management and
191.25 budget shall issue a payment to the county treasurer for the amount shown by each certificate
191.26 to be due to the county specified. The commissioner of management and budget shall
191.27 transmit such payment to the county treasurer or a Tribal Nation together with a copy of
191.28 the certificate prepared by the commissioner of corrections.

191.29 Subd. 8. **Exception.** This section shall not apply to Ramsey County.

191.30 Sec. 15. Minnesota Statutes 2022, section 260B.176, is amended by adding a subdivision
191.31 to read:

191.32 Subd. 1a. **Risk-assessment instrument.** (a) If a peace officer, probation officer, or
191.33 parole officer who takes a child into custody does not release the child according to

192.1 subdivision 1, the officer must communicate with or deliver the child to a juvenile secure
192.2 detention facility to determine whether the child should be released or detained.

192.3 (b) To determine whether a child should be released or detained, a facility's supervisor
192.4 must use an objective and racially, ethnically, and gender-responsive juvenile detention
192.5 risk-assessment instrument developed by the commissioner of corrections, county, group
192.6 of counties, or judicial district, in consultation with the state coordinator or coordinators of
192.7 the Minnesota Juvenile Detention Alternative Initiative.

192.8 (c) The risk-assessment instrument must:

192.9 (1) assess the likelihood that a child released from preadjudication detention under this
192.10 section or section 260B.178 would endanger others or not return for a court hearing;

192.11 (2) identify the appropriate setting for a child who might endanger others or not return
192.12 for a court hearing pending adjudication, with either continued detention or placement in a
192.13 noncustodial community-based supervision setting; and

192.14 (3) identify the type of noncustodial community-based supervision setting necessary to
192.15 minimize the risk that a child who is released from custody will endanger others or not
192.16 return for a court hearing.

192.17 (d) If, after using the instrument, a determination is made that the child should be released,
192.18 the person taking the child into custody or the facility supervisor must release the child
192.19 according to subdivision 1.

192.20 **EFFECTIVE DATE.** This section is effective August 15, 2023.

192.21 Sec. 16. Minnesota Statutes 2022, section 401.01, subdivision 1, is amended to read:

192.22 Subdivision 1. **Grants.** For the purpose of more effectively protecting society and to
192.23 promote efficiency and economy in the delivery of correctional services, the commissioner
192.24 is authorized to make grants to assist counties or Tribal Nations in the development,
192.25 implementation, and operation of community-based corrections programs including
192.26 preventive or diversionary correctional programs, conditional release programs, community
192.27 corrections centers, and facilities for the detention or confinement, care and treatment of
192.28 persons convicted of crime or adjudicated delinquent. The commissioner may authorize the
192.29 use of a percentage of a grant for the operation of an emergency shelter or make a separate
192.30 grant for the rehabilitation of a facility owned by the grantee and used as a shelter to bring
192.31 the facility into compliance with state and local laws pertaining to health, fire, and safety,
192.32 and to provide security.

193.1 Sec. 17. Minnesota Statutes 2022, section 401.01, subdivision 2, is amended to read:

193.2 Subd. 2. **Definitions.** (a) For the purposes of sections 401.01 to 401.16, the following
193.3 terms have the meanings given them.

193.4 (b) ~~"CCA county"~~ "CCA jurisdiction" means a county or Tribal Nation that participates
193.5 in the Community Corrections Act.

193.6 (c) "Commissioner" means the commissioner of corrections or a designee.

193.7 (d) "Conditional release" means parole, supervised release, conditional release as
193.8 authorized by section 609.3455, subdivision 6, 7, or 8; Minnesota Statutes 2004, section
193.9 609.108, subdivision 6; or Minnesota Statutes 2004, section 609.109, subdivision 7, work
193.10 release as authorized by sections 241.26, 244.065, and 631.425, probation, furlough, and
193.11 any other authorized temporary release from a correctional facility.

193.12 (e) "County probation officer" means a probation officer appointed and defined under
193.13 section 244.19.

193.14 (f) "Detain" means to take into actual custody, including custody within a local
193.15 correctional facility.

193.16 (g) "Joint board" means the board provided in section 471.59.

193.17 (h) "Local correctional facility" has the meaning given in section 241.021, subdivision
193.18 1.

193.19 (i) "Local correctional service" means those services authorized by and employees,
193.20 officers, and agents appointed under section 244.19, subdivision 1.

193.21 (j) "Release" means to release from actual custody.

193.22 (k) "Tribal Nation" means a federally recognized Tribal Nation within the boundaries
193.23 of the state of Minnesota.

193.24 Sec. 18. Minnesota Statutes 2022, section 401.02, subdivision 1, is amended to read:

193.25 Subdivision 1. **Qualification of counties or Tribal Nation.** (a) One or more counties,
193.26 ~~having an aggregate population of 30,000 or more persons,~~ or Tribal Nations may qualify
193.27 for a grant as provided in section 401.01 by the enactment of appropriate resolutions creating
193.28 and establishing a corrections advisory board, designating the officer or agency to be
193.29 responsible for administering grant funds, and providing for the preparation of a
193.30 comprehensive plan for the development, implementation, and operation of the correctional
193.31 services described in section 401.01, including the assumption of those correctional services,

194.1 other than the operation of state facilities, presently provided in such counties by the
194.2 Department of Corrections, or for Tribal Nations, probation services within a Tribal Nation,
194.3 and providing for centralized administration and control of those correctional services
194.4 described in section 401.01.

194.5 Where counties combine as authorized in this section, they shall comply with the
194.6 provisions of section 471.59.

194.7 (b) A county that has participated in the Community Corrections Act for five or more
194.8 years is eligible to continue to participate in the Community Corrections Act.

194.9 Sec. 19. Minnesota Statutes 2022, section 401.02, subdivision 2, is amended to read:

194.10 Subd. 2. **Planning counties; advisory board members expenses.** To assist counties
194.11 or Tribal Nations which have complied with the provisions of subdivision 1 and require
194.12 financial aid to defray all or a part of the expenses incurred by corrections advisory board
194.13 members in discharging their official duties pursuant to section 401.08, the commissioner
194.14 may designate counties or Tribal Nations as "planning counties", and, upon receipt of
194.15 resolutions by the governing boards of the counties or Tribal Nations certifying the need
194.16 for and inability to pay the expenses described in this subdivision, advance to the counties
194.17 or Tribal Nations an amount not to exceed five percent of the maximum quarterly subsidy
194.18 for which the counties or Tribal Nations are eligible. The expenses described in this
194.19 subdivision shall be paid in the same manner and amount as for state employees.

194.20 Sec. 20. Minnesota Statutes 2022, section 401.02, subdivision 3, is amended to read:

194.21 Subd. 3. **Establishment and reorganization of administrative structure.** Any county,
194.22 Tribal Nation, or group of counties which have qualified for participation in the community
194.23 corrections subsidy program provided by this chapter may establish, organize, and reorganize
194.24 an administrative structure and provide for the budgeting, staffing, and operation of court
194.25 services and probation, construction or improvement to juvenile detention and juvenile
194.26 correctional facilities and adult detention and correctional facilities, and other activities
194.27 required to conform to the purposes of this chapter. No contrary general or special statute
194.28 divests any county or group of counties of the authority granted by this subdivision.

195.1 Sec. 21. Minnesota Statutes 2022, section 401.025, is amended to read:

195.2 **401.025 DETENTION AND RELEASE; PROBATIONERS, CONDITIONAL**
195.3 **RELEASEES, AND PRETRIAL RELEASEES.**

195.4 Subdivision 1. **Peace officers and probation officers serving CCA ~~counties~~**

195.5 **jurisdictions**. (a) When it appears necessary to enforce discipline or to prevent a person on
195.6 conditional release from escaping or absconding from supervision, the chief executive
195.7 officer or designee of a community corrections agency in a CCA ~~county~~ jurisdiction has
195.8 the authority to issue a written order directing any peace officer or any probation officer in
195.9 the state serving the district and juvenile courts to detain and bring the person before the
195.10 court or the commissioner, whichever is appropriate, for disposition. This written order is
195.11 sufficient authority for the peace officer or probation officer to detain the person for not
195.12 more than 72 hours, excluding Saturdays, Sundays, and holidays, pending a hearing before
195.13 the court or the commissioner.

195.14 (b) The chief executive officer or designee of a community corrections agency in a CCA
195.15 ~~county~~ jurisdiction has the authority to issue a written order directing a peace officer or
195.16 probation officer serving the district and juvenile courts to release a person detained under
195.17 paragraph (a) within 72 hours, excluding Saturdays, Sundays, and holidays, without an
195.18 appearance before the court or the commissioner. This written order is sufficient authority
195.19 for the peace officer or probation officer to release the detained person.

195.20 (c) The chief executive officer or designee of a community corrections agency in a CCA
195.21 ~~county~~ jurisdiction has the authority to issue a written order directing any peace officer or
195.22 any probation officer serving the district and juvenile courts to detain any person on
195.23 court-ordered pretrial release who absconds from pretrial release or fails to abide by the
195.24 conditions of pretrial release. A written order issued under this paragraph is sufficient
195.25 authority for the peace officer or probation officer to detain the person.

195.26 Subd. 2. **Peace officers and probation officers in other counties and state correctional**
195.27 **investigators.** (a) The chief executive officer or designee of a community corrections agency
195.28 in a CCA ~~county~~ jurisdiction has the authority to issue a written order directing any state
195.29 correctional investigator or any peace officer, probation officer, or county probation officer
195.30 from another county to detain a person under sentence or on probation who:

195.31 (1) fails to report to serve a sentence at a local correctional facility;

195.32 (2) fails to return from furlough or authorized temporary release from a local correctional
195.33 facility;

196.1 (3) escapes from a local correctional facility; or

196.2 (4) absconds from court-ordered home detention.

196.3 (b) The chief executive officer or designee of a community corrections agency in a CCA
196.4 ~~county~~ jurisdiction has the authority to issue a written order directing any state correctional
196.5 investigator or any peace officer, probation officer, or county probation officer from another
196.6 county to detain any person on court-ordered pretrial release who absconds from pretrial
196.7 release or fails to abide by the conditions of pretrial release.

196.8 (c) A written order issued under paragraph (a) or (b) is sufficient authority for the state
196.9 correctional investigator, peace officer, probation officer, or county probation officer to
196.10 detain the person.

196.11 Subd. 3. **Offenders under Department of Corrections commitment.** CCA ~~counties~~
196.12 jurisdictions shall comply with the policies prescribed by the commissioner when providing
196.13 supervision and other correctional services to persons conditionally released pursuant to
196.14 sections 241.26, 242.19, 243.05, 243.1605, 244.05, and 244.065, including intercounty
196.15 transfer of persons on conditional release and the conduct of presentence investigations.

196.16 Sec. 22. Minnesota Statutes 2022, section 401.04, is amended to read:

196.17 **401.04 ACQUISITION OF PROPERTY; SELECTION OF ADMINISTRATIVE**
196.18 **STRUCTURE; EMPLOYEES.**

196.19 Any county ~~or~~ group of counties, or Tribal Nation electing to come within the provisions
196.20 of sections 401.01 to 401.16 may (a) acquire by any lawful means, including purchase, lease
196.21 or transfer of custodial control, the lands, buildings and equipment necessary and incident
196.22 to the accomplishment of the purposes of sections 401.01 to 401.16, (b) determine and
196.23 establish the administrative structure best suited to the efficient administration and delivery
196.24 of the correctional services described in section 401.01, and (c) employ a director and other
196.25 officers, employees and agents as deemed necessary to carry out the provisions of sections
196.26 401.01 to 401.16. To the extent that participating counties shall assume and take over state
196.27 and local correctional services presently provided in counties, employment shall be given
196.28 to those state and local officers, employees and agents thus displaced; if hired by a county,
196.29 employment shall, to the extent possible and notwithstanding the provisions of any other
196.30 law or ordinance to the contrary, be deemed a transfer in grade with all of the benefits
196.31 enjoyed by such officer, employee or agent while in the service of the state or local
196.32 correctional service.

197.1 State or local employees displaced by county participation in the subsidy program
197.2 provided by this chapter are on layoff status and, if not hired by a participating county as
197.3 provided herein, may exercise their rights under layoff procedures established by law or
197.4 union agreement whichever is applicable.

197.5 State or local officers and employees displaced by a county's participation in the
197.6 Community Corrections Act and hired by the participating county shall retain all fringe
197.7 benefits and recall from layoff benefits accrued by seniority and enjoyed by them while in
197.8 the service of the state.

197.9 Sec. 23. Minnesota Statutes 2022, section 401.05, subdivision 1, is amended to read:

197.10 Subdivision 1. **Authorization to use and accept funds.** Any ~~county~~ CCA jurisdiction
197.11 or group of counties electing to come within the provisions of sections 401.01 to 401.16
197.12 may, through their governing bodies, use unexpended funds; accept gifts, grants, and
197.13 subsidies from any lawful source; and apply for and accept federal funds.

197.14 Sec. 24. Minnesota Statutes 2022, section 401.06, is amended to read:

197.15 **401.06 COMPREHENSIVE PLAN; STANDARDS OF ELIGIBILITY;**
197.16 **COMPLIANCE.**

197.17 No county, Tribal Nation, or group of counties electing to provide correctional services
197.18 pursuant to sections 401.01 to 401.16 shall be eligible for the subsidy herein provided unless
197.19 and until its comprehensive plan shall have been approved by the commissioner. The
197.20 commissioner shall, pursuant to the Administrative Procedure Act, promulgate rules
197.21 establishing standards of eligibility for counties or Tribal Nations to receive funds under
197.22 sections 401.01 to 401.16. To remain eligible for subsidy ~~counties~~ CCA jurisdictions shall
197.23 maintain substantial compliance with the minimum standards established pursuant to sections
197.24 401.01 to 401.16 and the policies and procedures governing the services described in section
197.25 401.025 as prescribed by the commissioner. Counties shall also be in substantial compliance
197.26 with other correctional operating standards permitted by law and established by the
197.27 commissioner and shall report statistics required by the commissioner including but not
197.28 limited to information on individuals convicted as an extended jurisdiction juvenile identified
197.29 in section 241.016, subdivision 1, paragraph (c). The commissioner shall review annually
197.30 the comprehensive plans submitted by participating ~~counties~~ CCA jurisdictions, including
197.31 the facilities and programs operated under the plans. The commissioner is hereby authorized
197.32 to enter upon any facility operated under the plan, and inspect books and records, for purposes
197.33 of recommending needed changes or improvements.

198.1 When the commissioner shall determine that there are reasonable grounds to believe
198.2 that a ~~county~~ CCA jurisdiction or group of counties is not in substantial compliance with
198.3 minimum standards, at least 30 days' notice shall be given to the ~~county or counties~~ CCA
198.4 jurisdiction and a hearing conducted by the commissioner to ascertain whether there is
198.5 substantial compliance or satisfactory progress being made toward compliance. The
198.6 commissioner may suspend all or a portion of any subsidy until the required standard of
198.7 operation has been met.

198.8 Sec. 25. Minnesota Statutes 2022, section 401.08, subdivision 2, is amended to read:

198.9 Subd. 2. **Appointment; terms.** The members of the corrections advisory board shall be
198.10 appointed by the board of county commissioners ~~or~~, the joint board in the case of multiple
198.11 counties, or a Tribal Nation and shall serve for terms of two years from and after the date
198.12 of their appointment, and shall remain in office until their successors are duly appointed.
198.13 The board may elect its own officers.

198.14 Sec. 26. Minnesota Statutes 2022, section 401.08, subdivision 4, is amended to read:

198.15 Subd. 4. **Comprehensive plan.** The corrections advisory board provided in sections
198.16 401.01 to 401.16, shall actively participate in the formulation of the comprehensive plan
198.17 for the development, implementation, and operation of the correctional program and services
198.18 described in section 401.01, and shall make a formal recommendation to the county board,
198.19 Tribal governance, or joint board at least annually concerning the comprehensive plan and
198.20 its implementation during the ensuing year.

198.21 Sec. 27. Minnesota Statutes 2022, section 401.09, is amended to read:

198.22 **401.09 OTHER SUBSIDY PROGRAMS; PURCHASE OF STATE SERVICES.**

198.23 Failure of a ~~county~~ CCA jurisdiction or group of counties to elect to come within the
198.24 provisions of sections 401.01 to 401.16 shall not affect their eligibility for any other state
198.25 subsidy for correctional purposes otherwise provided by law. Any comprehensive plan
198.26 submitted pursuant to sections 401.01 to 401.16 may include the purchase of selected
198.27 correctional services from the state by contract, including the temporary detention and
198.28 confinement of persons convicted of crime or adjudicated delinquent; confinement to be in
198.29 an appropriate state facility as otherwise provided by law. The commissioner shall annually
198.30 determine the costs of the purchase of services under this section and deduct them from the
198.31 subsidy due and payable to the county or counties concerned; provided that no contract

199.1 shall exceed in cost the amount of subsidy to which the participating county or counties are
199.2 eligible.

199.3 Sec. 28. Minnesota Statutes 2022, section 401.10, subdivision 1, is amended to read:

199.4 Subdivision 1. **Aid calculations.** To determine the community corrections aid amount
199.5 to be paid to each participating county, the commissioner of corrections must apply the
199.6 following formula:

199.7 (1) For each of the 87 counties in the state, a percent score must be calculated for each
199.8 of the following five factors:

199.9 (i) percent of the total state population aged ten to 24 residing within the county according
199.10 to the most recent federal census, and, in the intervening years between the taking of the
199.11 federal census, according to the most recent estimate of the state demographer;

199.12 (ii) percent of the statewide total number of felony case filings occurring within the
199.13 county, as determined by the state court administrator;

199.14 (iii) percent of the statewide total number of juvenile case filings occurring within the
199.15 county, as determined by the state court administrator;

199.16 (iv) percent of the statewide total number of gross misdemeanor case filings occurring
199.17 within the county, as determined by the state court administrator; and

199.18 (v) percent of the total statewide number of convicted felony offenders who did not
199.19 receive an executed prison sentence, as monitored and reported by the Sentencing Guidelines
199.20 Commission.

199.21 The percents in items (ii) to (v) must be calculated by combining the most recent
199.22 three-year period of available data. The percents in items (i) to (v) each must sum to 100
199.23 percent across the 87 counties.

199.24 (2) For each of the 87 counties, the county's percents in clause (1), items (i) to (v), must
199.25 be weighted, summed, and divided by the sum of the weights to yield an average percent
199.26 for each county, referred to as the county's "composite need percent." When performing
199.27 this calculation, the weight for each of the percents in clause (1), items (i) to (v), is 1.0. The
199.28 composite need percent must sum to 100 percent across the 87 counties.

199.29 (3) For each of the 87 counties, the county's "adjusted net tax capacity percent" is the
199.30 county's adjusted net tax capacity amount, defined in the same manner as it is defined for
199.31 cities in section 477A.011, subdivision 20, divided by the statewide total adjusted net tax

200.1 capacity amount. The adjusted net tax capacity percent must sum to 100 percent across the
200.2 87 counties.

200.3 (4) For each of the 87 counties, the county's composite need percent must be divided by
200.4 the county's adjusted net tax capacity percent to produce a ratio that, when multiplied by
200.5 the county's composite need percent, results in the county's "tax base adjusted need percent."

200.6 (5) For each of the 87 counties, the county's tax base adjusted need percent must be
200.7 added to twice the composite need percent, and the sum must be divided by 3, to yield the
200.8 county's "weighted need percent."

200.9 (6) Each participating county's weighted need percent must be added to the weighted
200.10 need percent of each other participating county to yield the "total weighted need percent
200.11 for participating counties."

200.12 (7) Each participating county's weighted need percent must be divided by the total
200.13 weighted need percent for participating counties to yield the county's "share percent." The
200.14 share percents for participating counties must sum to 100 percent.

200.15 (8) Each participating county's "base funding amount" is the aid amount that the county
200.16 received under this section for fiscal year 1995 plus the amount received in caseload or
200.17 workload reduction, felony caseload reduction, and sex offender supervision grants in fiscal
200.18 year 2015, as reported by the commissioner of corrections. In fiscal year 1997 and thereafter,
200.19 no county's aid amount under this section may be less than its base funding amount, provided
200.20 that the total amount appropriated for this purpose is at least as much as the aggregate base
200.21 funding amount defined in clause (9).

200.22 (9) The "aggregate base funding amount" is equal to the sum of the base funding amounts
200.23 for all participating counties. If a county that participated under this section chooses not to
200.24 participate in any given year, then the aggregate base funding amount must be reduced by
200.25 that county's base funding amount. If a county that did not participate under this section in
200.26 fiscal year 1995 chooses to participate on or after July 1, 2015, then the aggregate base
200.27 funding amount must be increased by the amount of aid that the county would have received
200.28 had it participated in fiscal year 1995 plus the estimated amount it would have received in
200.29 caseload or workload reduction, felony caseload reduction, and sex offender supervision
200.30 grants in fiscal year 2015, as reported by the commissioner of corrections, and the amount
200.31 of increase shall be that county's base funding amount.

200.32 (10) In any given year, the total amount appropriated for this purpose first must be
200.33 allocated to participating counties in accordance with each county's base funding amount.
200.34 Then, any remaining amount in excess of the aggregate base funding amount must be

201.1 allocated to participating counties in proportion to each county's share percent, and is referred
201.2 to as the county's "formula amount."

201.3 Each participating county's "community corrections aid amount" equals the sum of (i)
201.4 the county's base funding amount, and (ii) the county's formula amount.

201.5 (11) However, if in any year the total amount appropriated for the purpose of this section
201.6 is less than the aggregate base funding amount, then each participating county's community
201.7 corrections aid amount is the product of (i) the county's base funding amount multiplied by
201.8 (ii) the ratio of the total amount appropriated to the aggregate base funding amount.

201.9 For each participating county, the county's community corrections aid amount calculated
201.10 in this subdivision is the total amount of subsidy to which the county is entitled under
201.11 sections 401.01 to 401.16.

201.12 For each Tribal Nation, a base funding amount of \$250,000 is allotted annually through
201.13 legislative appropriation to each Tribal Nation to purchase probation services regardless of
201.14 a CCA jurisdiction. An additional formula amount as appropriated through legislation must
201.15 be developed and approved by the commissioner for equitable distribution for Tribal Nations
201.16 under a CCA jurisdiction.

201.17 Sec. 29. Minnesota Statutes 2022, section 401.12, is amended to read:

201.18 **401.12 CONTINUATION OF CURRENT SPENDING LEVEL BY COUNTIES.**

201.19 Participating counties or Tribal Nations shall not diminish their current level of spending
201.20 for correctional expenses as defined in section 401.01, to the extent of any subsidy received
201.21 pursuant to sections 401.01 to 401.16; rather the subsidy herein provided is for the
201.22 expenditure for correctional purposes in excess of those funds currently being expended.
201.23 Should a participating ~~county~~ CCA jurisdiction be unable to expend the full amount of the
201.24 subsidy to which it would be entitled in any one year under the provisions of sections 401.01
201.25 to 401.16, the commissioner shall retain the surplus, subject to disbursement in the following
201.26 year wherein such ~~county~~ CCA jurisdiction can demonstrate a need for and ability to expend
201.27 same for the purposes provided in section 401.01. If in any biennium the subsidy is increased
201.28 by an inflationary adjustment which results in the ~~county~~ CCA jurisdiction receiving more
201.29 actual subsidy than it did in the previous calendar year, the ~~county~~ CCA jurisdiction shall
201.30 be eligible for that increase only if the current level of spending is increased by a percentage
201.31 equal to that increase within the same biennium.

202.1 Sec. 30. Minnesota Statutes 2022, section 401.14, subdivision 1, is amended to read:

202.2 Subdivision 1. **Payment.** Upon compliance by a ~~county~~ CCA jurisdiction or group of
202.3 counties with the prerequisites for participation in the subsidy prescribed by sections 401.01
202.4 to 401.16, and approval of the comprehensive plan by the commissioner, the commissioner
202.5 shall determine whether funds exist for the payment of the subsidy and proceed to pay same
202.6 in accordance with applicable rules.

202.7 Sec. 31. Minnesota Statutes 2022, section 401.14, subdivision 3, is amended to read:

202.8 Subd. 3. **Installment payments.** The commissioner of corrections shall make payments
202.9 for community corrections services to each ~~county~~ CCA jurisdiction in 12 installments per
202.10 year. The commissioner shall ensure that the pertinent payment of the allotment for each
202.11 month is made to each county on the first working day after the end of each month of the
202.12 calendar year, except for the last month of the calendar year. The commissioner shall ensure
202.13 that each ~~county~~ CCA jurisdiction receives its payment of the allotment for that month no
202.14 later than the last working day of that month. The payment described in this subdivision for
202.15 services rendered during June 1985 shall be made on the first working day of July 1985.

202.16 Sec. 32. Minnesota Statutes 2022, section 401.15, subdivision 1, is amended to read:

202.17 Subdivision 1. **Certified statements; determinations; adjustments.** Within 60 days
202.18 of the end of each calendar quarter, participating ~~counties~~ CCA jurisdictions which have
202.19 received the payments authorized by section 401.14 shall submit to the commissioner
202.20 certified statements detailing the amounts expended and costs incurred in furnishing the
202.21 correctional services provided in sections 401.01 to 401.16. Upon receipt of certified
202.22 statements, the commissioner shall, in the manner provided in sections 401.10 and 401.12,
202.23 determine the amount each participating county is entitled to receive, making any adjustments
202.24 necessary to rectify any disparity between the amounts received pursuant to the estimate
202.25 provided in section 401.14 and the amounts actually expended. If the amount received
202.26 pursuant to the estimate is greater than the amount actually expended during the quarter,
202.27 the commissioner may withhold the difference from any subsequent monthly payments
202.28 made pursuant to section 401.14. Upon certification by the commissioner of the amount a
202.29 participating ~~county~~ CCA jurisdiction is entitled to receive under the provisions of section
202.30 401.14 or of this subdivision the commissioner of management and budget shall thereupon
202.31 issue a payment to the chief fiscal officer of each participating ~~county~~ CCA jurisdiction for
202.32 the amount due together with a copy of the certificate prepared by the commissioner.

203.1 Sec. 33. Minnesota Statutes 2022, section 401.16, is amended to read:

203.2 **401.16 WITHDRAWAL FROM PROGRAM.**

203.3 Any participating ~~county may~~, (1) CCA jurisdiction at the beginning of any calendar
203.4 quarter, by resolution of its board of commissioners, or (2) Tribal Council may notify the
203.5 commissioner of its intention to withdraw from the subsidy program established by sections
203.6 401.01 to 401.16, and the withdrawal shall be effective at least six months of the last day
203.7 of the last month of the quarter in which the notice was given. Upon withdrawal, the
203.8 unexpended balance of moneys allocated to the county, or that amount necessary to reinstate
203.9 state correctional services displaced by that county's participation, including complement
203.10 positions, may, upon approval of the legislative advisory commission, be transferred to the
203.11 commissioner for the reinstatement of the displaced services and the payment of any other
203.12 correctional subsidies for which the withdrawing county had previously been eligible.

203.13 Sec. 34. **[641.015] PLACEMENT IN PRIVATE PRISONS PROHIBITED.**

203.14 Subdivision 1. Placement prohibited. After August 1, 2023, a sheriff shall not allow
203.15 inmates committed to the custody of the sheriff who are not on probation, work release, or
203.16 some other form of approved release status to be housed in facilities that are not owned and
203.17 operated by a local government, or a group of local units of government.

203.18 Subd. 2. Contracts prohibited. (a) Except as provided in paragraph (b), the county
203.19 board may not authorize the sheriff to contract with privately owned and operated prisons
203.20 for the care, custody, and rehabilitation of offenders committed to the custody of the sheriff.

203.21 (b) Nothing in this section prohibits a county board from contracting with privately
203.22 owned residential facilities, such as halfway houses, group homes, work release centers, or
203.23 treatment facilities, to provide for the care, custody, and rehabilitation of offenders who are
203.24 on probation, work release, or some other form of approved release status.

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

203.26 Sec. 35. Minnesota Statutes 2022, section 641.15, subdivision 2, is amended to read:

203.27 Subd. 2. **Medical aid.** Except as provided in section 466.101, the county board shall
203.28 pay the costs of medical services provided to prisoners pursuant to this section. The amount
203.29 paid by the county board for a medical service shall not exceed the maximum allowed
203.30 medical assistance payment rate for the service, as determined by the commissioner of
203.31 human services. In the absence of a health or medical insurance or health plan that has a
203.32 contractual obligation with the provider or the prisoner, medical providers shall charge no

204.1 higher than the rate negotiated between the county and the provider. In the absence of an
204.2 agreement between the county and the provider, the provider may not charge an amount
204.3 that exceeds the maximum allowed medical assistance payment rate for the service, as
204.4 determined by the commissioner of human services. The county is entitled to reimbursement
204.5 from the prisoner for payment of medical bills to the extent that the prisoner to whom the
204.6 medical aid was provided has the ability to pay the bills. The prisoner shall, at a minimum,
204.7 incur co-payment obligations for health care services provided by a county correctional
204.8 facility. The county board shall determine the co-payment amount. Notwithstanding any
204.9 law to the contrary, the co-payment shall be deducted from any of the prisoner's funds held
204.10 by the county, to the extent possible. If there is a disagreement between the county and a
204.11 prisoner concerning the prisoner's ability to pay, the court with jurisdiction over the defendant
204.12 shall determine the extent, if any, of the prisoner's ability to pay for the medical services.
204.13 If a prisoner is covered by health or medical insurance or other health plan when medical
204.14 services are provided, the medical provider shall bill that health or medical insurance or
204.15 other plan. If the county providing the medical services for a prisoner that has coverage
204.16 under health or medical insurance or other plan, that county has a right of subrogation to
204.17 be reimbursed by the insurance carrier for all sums spent by it for medical services to the
204.18 prisoner that are covered by the policy of insurance or health plan, in accordance with the
204.19 benefits, limitations, exclusions, provider restrictions, and other provisions of the policy or
204.20 health plan. The county may maintain an action to enforce this subrogation right. The county
204.21 does not have a right of subrogation against the medical assistance program. The county
204.22 shall not charge prisoners for telephone calls to MNsure navigators, the Minnesota Warmline,
204.23 a mental health provider, or calls for the purpose of providing case management or mental
204.24 health services as defined in section 245.462 to prisoners.

204.25 Sec. 36. Minnesota Statutes 2022, section 641.155, is amended to read:

204.26 **641.155 DISCHARGE PLANS; OFFENDERS WITH SERIOUS AND PERSISTENT**
204.27 **MENTAL ILLNESS.**

204.28 Subdivision 1. Discharge plans. The commissioner of corrections shall develop and
204.29 distribute a model discharge planning process for every offender with a serious and persistent
204.30 mental illness, as defined in section 245.462, subdivision 20, paragraph (c), who has been
204.31 convicted and sentenced to serve three or more months and is being released from a county
204.32 jail or county regional jail. The commissioner may specify different model discharge plans
204.33 for prisoners who have been detained pretrial and prisoners who have been sentenced to
204.34 jail. The commissioner must consult best practices and the most current correctional health

205.1 care standards from national accrediting organizations. The commissioner must review and
205.2 update the model process as needed.

205.3 **Subd. 2. Discharge plans for people with serious and persistent mental illnesses.** ~~An~~
205.4 ~~offender~~ A person with a serious and persistent mental illness, as defined in section 245.462,
205.5 subdivision 20, paragraph (c), who has been convicted and sentenced to serve three or more
205.6 months and is being released from a county jail or county regional jail shall be referred to
205.7 the appropriate staff in the county human services department at least 60 days before being
205.8 released. The county human services department ~~may carry out provisions of the model~~
205.9 ~~discharge planning process such as~~ must complete a discharge plan with the prisoner no
205.10 less than 14 days before release that may include:

205.11 (1) providing assistance in filling out an application for medical assistance or
205.12 MinnesotaCare;

205.13 (2) making a referral for case management as outlined under section 245.467, subdivision
205.14 4;

205.15 (3) providing assistance in obtaining a state photo identification;

205.16 (4) securing a timely appointment with a psychiatrist or other appropriate community
205.17 mental health providers; and

205.18 (5) providing prescriptions for a 30-day supply of all necessary medications.

205.19 **Subd. 3. Reentry coordination programs.** (a) A county may establish a program to
205.20 provide services and assist prisoners with reentering the community. Reentry services may
205.21 include but are not limited to:

205.22 (1) providing assistance in meeting the basic needs of the prisoner immediately after
205.23 release including but not limited to provisions for transportation, clothing, food, and shelter;

205.24 (2) providing assistance in filling out an application for medical assistance or
205.25 MinnesotaCare;

205.26 (3) providing assistance in obtaining a state photo identification;

205.27 (4) providing assistance in obtaining prescriptions for all necessary medications;

205.28 (5) coordinating services with the local county services agency or the social services
205.29 agency in the county where the prisoner is a resident; and

205.30 (6) coordinating services with a community mental health or substance use disorder
205.31 provider.

206.1 **Sec. 37. MENTAL HEALTH UNIT PILOT PROGRAM.**

206.2 (a) The commissioner of corrections shall establish a pilot program with interested
206.3 counties to provide mental health care to individuals with serious and persistent mental
206.4 illness who are incarcerated in county jails. The pilot program must require the participating
206.5 counties to pay according to Minnesota Statutes, section 243.51, a per diem for
206.6 reimbursement of the Mental Health Unit at the Minnesota Correctional Facility - Oak Park
206.7 Heights, and other costs incurred by the Department of Corrections.

206.8 (b) The commissioner in consultation with the Minnesota Sheriffs' Association shall
206.9 develop program protocols, guidelines, and procedures and qualifications for participating
206.10 counties and incarcerated individuals to be treated in the Mental Health Unit. The program
206.11 is limited to a total of five incarcerated individuals from the participating counties at any
206.12 one time. Incarcerated individuals must volunteer to be treated in the unit and be able to
206.13 participate in programming with other incarcerated individuals.

206.14 (c) The Minnesota Correctional Facility - Oak Park Heights warden, director of
206.15 psychology, and associate director of behavioral health, or a designee of each, in consultation
206.16 with the Minnesota Sheriffs' Association, the Minnesota branch of the National Association
206.17 on Mental Illness, and the Department of Human Services, shall oversee the pilot program.

206.18 (d) On November 15, 2024, the warden shall submit a report to the chairs and ranking
206.19 minority members of the legislative committees and divisions with jurisdiction over
206.20 corrections describing the protocols, guidelines, and procedures for participation in the pilot
206.21 program by counties and incarcerated individuals, challenges with staffing, cost sharing
206.22 with counties, capacity of the program, services provided to the incarcerated individuals,
206.23 program outcomes, concerns regarding the program, and recommendations for the viability
206.24 of a long-term program.

206.25 (e) The pilot program expires November 16, 2024.

206.26 **Sec. 38. REVISED FACILITY PLANS.**

206.27 The commissioner of corrections must direct any juvenile facility licensed by the
206.28 commissioner to revise its plan under Minnesota Rules, part 2960.0270, subpart 6, and its
206.29 restrictive-procedures plan under Minnesota Rules, part 2960.0710, subpart 2, to be consistent
206.30 with Minnesota Statutes, section 241.0215. After receiving notice from the commissioner,
206.31 a facility must submit the revised plans to the commissioner within 60 days.

206.32 **EFFECTIVE DATE.** This section is effective January 1, 2024.

207.1 **Sec. 39. RULEMAKING.**

207.2 (a) The commissioner of corrections must amend Minnesota Rules, chapter 2960, to
207.3 enforce the requirements under Minnesota Statutes, section 241.0215, including but not
207.4 limited to training, facility audits, strip searches, disciplinary room time, time-outs, and
207.5 seclusion. The commissioner may amend the rules to make technical changes and ensure
207.6 consistency with Minnesota Statutes, section 241.0215.

207.7 (b) In amending or adopting rules according to paragraph (a), the commissioner must
207.8 use the exempt rulemaking process under Minnesota Statutes, section 14.386.

207.9 Notwithstanding Minnesota Statutes, section 14.386, paragraph (b), a rule adopted under
207.10 this section is permanent. After the rule is adopted, the authorization to use the exempt
207.11 rulemaking process expires.

207.12 (c) Notwithstanding Minnesota Laws 1995, chapter 226, article 3, sections 50, 51, and
207.13 60, or any other law to the contrary, the joint rulemaking authority with the commissioner
207.14 of human services does not apply to rule amendments applicable only to the Department of
207.15 Corrections. A rule that is amending jointly administered rule parts must be related to
207.16 requirements on strip searches, disciplinary room time, time-outs, and seclusion and be
207.17 necessary for consistency with this section.

207.18 **EFFECTIVE DATE.** This section is effective January 1, 2024.

207.19 **Sec. 40. REGIONAL AND COUNTY JAILS; STUDY AND REPORT.**

207.20 Subdivision 1. **Study.** The commissioner of corrections must study and make
207.21 recommendations on the consolidation or merger of county jails and alternatives to
207.22 incarceration for persons experiencing mental health disorders. The commissioner must
207.23 engage and solicit feedback from citizens who live in communities served by facilities that
207.24 may be impacted by the commissioner's recommendations for the consolidation or merger
207.25 of jails. The commissioner must consult with the following individuals on the study and
207.26 recommendations:

207.27 (1) county sheriffs;

207.28 (2) county and city attorneys that prosecute offenders;

207.29 (3) chief law enforcement officers;

207.30 (4) administrators of county jail facilities; and

207.31 (5) district court administrators.

208.1 Each party receiving a request for information from the commissioner under this section
208.2 shall provide the requested information in a timely manner.

208.3 Subd. 2. Report. The commissioner of corrections must file a report with the chairs and
208.4 ranking minority members of the senate and house of representatives committees and
208.5 divisions with jurisdiction over public safety and capital investment on the study and
208.6 recommendations under subdivision 1 on or before December 1, 2024. The report must, at
208.7 a minimum, provide the following information:

208.8 (1) the daily average number of offenders incarcerated in each county jail facility:

208.9 (i) that are in pretrial detention;

208.10 (ii) that cannot afford to pay bail;

208.11 (iii) for failure to pay fines and fees;

208.12 (iv) for offenses that stem from controlled substance addiction or mental health disorders;

208.13 (v) for nonfelony offenses;

208.14 (vi) that are detained pursuant to contracts with other authorities; and

208.15 (vii) for supervised release and probation violations;

208.16 (2) the actual cost of building a new jail facility, purchasing another facility, or repairing
208.17 a current facility;

208.18 (3) the age of current jail facilities;

208.19 (4) county population totals and trends;

208.20 (5) county crime rates and trends;

208.21 (6) the proximity of current jails to courthouses, probation services, social services,

208.22 treatment providers, and work-release employment opportunities;

208.23 (7) specific recommendations for alternatives to incarceration for persons experiencing
208.24 mental health disorders; and

208.25 (8) specific recommendations on the consolidation or merger of county jail facilities
208.26 and operations, including:

208.27 (i) where consolidated facilities should be located;

208.28 (ii) which counties are best suited for consolidation;

208.29 (iii) the projected costs of construction, renovation, or purchase of the facility; and

209.1 (iv) the projected cost of operating the facility.

209.2 Subd. 3. **Evaluation.** The commissioner, in consultation with the commissioner of
209.3 management and budget, must evaluate the need of any capital improvement project that
209.4 requests an appropriation of state capital budget money during an odd-numbered year to
209.5 construct a jail facility or for capital improvements to expand the number of incarcerated
209.6 offenders at an existing jail facility. The commissioner shall use the report under subdivision
209.7 2 to inform the evaluation. The commissioner must submit all evaluations under this
209.8 subdivision by January 15 of each even-numbered year to the chairs and ranking minority
209.9 members of the senate and house of representatives committees and divisions with jurisdiction
209.10 over public safety and capital investment on the study and recommendations under this
209.11 subdivision.

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

209.13 Sec. 41. **INDETERMINATE SENTENCE RELEASE BOARD.**

209.14 Notwithstanding Minnesota Statutes, section 244.049, subdivision 1, paragraph (a), the
209.15 Indeterminate Sentence Release Board may not begin to review eligible cases and make
209.16 release and final discharge decisions until July 1, 2024.

209.17 Sec. 42. **REVISOR INSTRUCTION.**

209.18 When necessary to reflect the transfer under Minnesota Statutes, section 244.049,
209.19 subdivision 1, the revisor of statutes must change the term "commissioner" or "commissioner
209.20 of corrections" to "Indeterminate Sentence Release Board" or "board" in Minnesota Statutes,
209.21 sections 243.05, subdivisions 1, paragraph (a), and 3; 244.08; and 609.12, and make any
209.22 other necessary grammatical changes.

209.23 **EFFECTIVE DATE.** This section is effective July 1, 2024.

209.24 **ARTICLE 10**

209.25 **MINNESOTA REINVESTMENT AND REHABILITATION ACT**

209.26 Section 1. Minnesota Statutes 2022, section 244.03, is amended to read:

209.27 **244.03 REHABILITATIVE PROGRAMS.**

209.28 Subdivision 1. **Commissioner responsibility.** (a) For individuals committed to the
209.29 commissioner's authority, the commissioner shall provide appropriate mental health programs
209.30 and vocational and educational programs with employment-related goals for inmates. The
209.31 selection, design and implementation of programs under this section shall be the sole

210.1 ~~responsibility of the commissioner, acting within the limitations imposed by the funds~~
 210.2 ~~appropriated for such programs.~~ must develop, implement, and provide, as appropriate:

210.3 (1) substance use disorder treatment programs;

210.4 (2) sexual offender treatment programming;

210.5 (3) domestic abuse programming;

210.6 (4) medical and mental health services;

210.7 (5) spiritual and faith-based programming;

210.8 (6) culturally responsive programming;

210.9 (7) vocational, employment and career, and educational programming; and

210.10 (8) other rehabilitative programs.

210.11 (b) While evidence-based programs must be prioritized, selecting, designing, and
 210.12 implementing programs under this section are the sole responsibility of the commissioner,
 210.13 acting within the limitations imposed by the funds appropriated for the programs under this
 210.14 section.

210.15 Subd. 2. Challenge prohibited. No action challenging the level of expenditures for
 210.16 rehabilitative programs authorized under this section, nor any action challenging the selection,
 210.17 design, or implementation of these programs, including employee assignments, may be
 210.18 maintained by an inmate in any court in this state.

210.19 Subd. 3. Disciplinary sanctions. The commissioner may impose disciplinary sanctions
 210.20 ~~upon~~ on any inmate who refuses to participate in rehabilitative programs.

210.21 Sec. 2. Minnesota Statutes 2022, section 244.05, subdivision 1b, is amended to read:

210.22 Subd. 1b. **Supervised release; offenders inmates who commit crimes on or after**
 210.23 **August 1, 1993.** (a) Except as provided in subdivisions 4 and 5, every inmate sentenced to
 210.24 prison for a felony offense committed on or after August 1, 1993, shall serve a supervised
 210.25 release term upon completion of the inmate's term of imprisonment and any disciplinary
 210.26 confinement period imposed by the commissioner due to the inmate's violation of any
 210.27 disciplinary rule adopted by the commissioner or refusal to participate in a rehabilitative
 210.28 program required under section 244.03. The amount of time the inmate serves on supervised
 210.29 release ~~shall be~~ is equal in length to the amount of time remaining in to one-third of the
 210.30 inmate's fixed ~~executed sentence after the inmate has served the term of imprisonment and~~
 210.31 ~~any disciplinary confinement period imposed by the commissioner,~~ less any disciplinary

211.1 confinement period imposed by the commissioner and regardless of any earned incentive
211.2 release credit applied toward the individual's term of imprisonment under section 244.44.

211.3 (b) No inmate who violates a disciplinary rule or refuses to participate in a rehabilitative
211.4 program as required under section 244.03 shall be placed on supervised release until the
211.5 inmate has served the disciplinary confinement period for that disciplinary sanction or until
211.6 the inmate is discharged or released from punitive ~~segregation~~ restrictive-housing
211.7 confinement, whichever is later. The imposition of a disciplinary confinement period shall
211.8 be considered to be a disciplinary sanction imposed upon an inmate, and the procedure for
211.9 imposing the disciplinary confinement period and the rights of the inmate in the procedure
211.10 shall be those in effect for the imposition of other disciplinary sanctions at each state
211.11 correctional institution.

211.12 (c) For purposes of this subdivision, "earned incentive release credit" has the meaning
211.13 given in section 244.41, subdivision 7.

211.14 Sec. 3. [244.40] MINNESOTA REHABILITATION AND REINVESTMENT ACT.

211.15 Sections 244.40 to 244.51 may be cited as the "Minnesota Rehabilitation and
211.16 Reinvestment Act."

211.17 Sec. 4. [244.41] DEFINITIONS.

211.18 Subdivision 1. Scope. For purposes of the act, the terms defined in this section have the
211.19 meanings given.

211.20 Subd. 2. Act. "Act" means the Minnesota Rehabilitation and Reinvestment Act.

211.21 Subd. 3. Commissioner. "Commissioner" means the commissioner of corrections.

211.22 Subd. 4. Correctional facility. "Correctional facility" means a state facility under the
211.23 direct operational authority of the commissioner but does not include a commissioner-licensed
211.24 local detention facility.

211.25 Subd. 5. Direct-cost per diem. "Direct-cost per diem" means the actual nonsalary
211.26 expenditures, including encumbrances as of July 31 following the end of the fiscal year,
211.27 from the Department of Corrections expense budgets for food preparation; food provisions;
211.28 personal support for incarcerated persons, including clothing, linen, and other personal
211.29 supplies; transportation; and professional technical contracted health care services.

211.30 Subd. 6. Earned compliance credit. "Earned compliance credit" means a one-month
211.31 reduction from the period during active supervision of the supervised release term for every

212.1 two months that a supervised individual exhibits compliance with the conditions and goals
212.2 of the individual's supervision plan.

212.3 Subd. 7. **Earned incentive release credit.** "Earned incentive release credit" means credit
212.4 that is earned and included in calculating an incarcerated person's term of imprisonment for
212.5 completing objectives established by their individualized rehabilitation plan under section
212.6 244.42.

212.7 Subd. 8. **Earned incentive release savings.** "Earned incentive release savings" means
212.8 the calculation of the direct-cost per diem multiplied by the number of incarcerated days
212.9 saved for the period of one fiscal year.

212.10 Subd. 9. **Executed sentence.** "Executed sentence" means the total period for which an
212.11 incarcerated person is committed to the custody of the commissioner.

212.12 Subd. 10. **Incarcerated days saved.** "Incarcerated days saved" means the number of
212.13 days of an incarcerated person's original term of imprisonment minus the number of actual
212.14 days served, excluding days not served due to death or as a result of time earned in the
212.15 challenge incarceration program under sections 244.17 to 244.173.

212.16 Subd. 11. **Incarcerated person.** "Incarcerated person" has the meaning given "inmate"
212.17 in section 244.01, subdivision 2.

212.18 Subd. 12. **Supervised release.** "Supervised release" means the release of an incarcerated
212.19 person according to section 244.05.

212.20 Subd. 13. **Supervised release term.** "Supervised release term" means the period equal
212.21 to one-third of the individual's fixed executed sentence, less any disciplinary confinement
212.22 period or punitive restrictive-housing confinement imposed under section 244.05, subdivision
212.23 1b.

212.24 Subd. 14. **Supervision abatement status.** "Supervision abatement status" means an end
212.25 to active correctional supervision of a supervised individual without effect on the legal
212.26 expiration date of the individual's executed sentence less any earned incentive release credit.

212.27 Subd. 15. **Term of imprisonment.** "Term of imprisonment" has the meaning given in
212.28 section 244.01, subdivision 8.

212.29 Sec. 5. **[244.42] COMPREHENSIVE ASSESSMENT AND INDIVIDUALIZED**
212.30 **REHABILITATION PLAN REQUIRED.**

212.31 Subdivision 1. **Comprehensive assessment.** (a) The commissioner must develop a
212.32 comprehensive assessment process for each person who:

213.1 (1) is committed to the commissioner's custody and confined in a state correctional
213.2 facility on or after January 1, 2025; and

213.3 (2) has 365 or more days remaining until the person's scheduled supervised release date
213.4 or parole eligibility date.

213.5 (b) As part of the assessment process, the commissioner must take into account
213.6 appropriate rehabilitative programs under section 244.03.

213.7 Subd. 2. **Individualized rehabilitation plan.** After completing the assessment process,
213.8 the commissioner must ensure the development of an individualized rehabilitation plan,
213.9 along with identified goals, for every person committed to the commissioner's custody. The
213.10 individualized rehabilitation plan must be holistic in nature by identifying intended outcomes
213.11 for addressing:

213.12 (1) the incarcerated person's needs and risk factors;

213.13 (2) the person's identified strengths; and

213.14 (3) available and needed community supports, including victim safety considerations
213.15 as required under section 244.47, if applicable.

213.16 Subd. 3. **Victim input.** (a) If an individual is committed to the commissioner's custody
213.17 for a crime listed in section 609.02, subdivision 16, the commissioner must make reasonable
213.18 efforts to notify a victim of the opportunity to provide input during the assessment and
213.19 rehabilitation plan process. Victim input may include:

213.20 (1) a summary of victim concerns relative to release;

213.21 (2) concerns related to victim safety during the committed individual's term of
213.22 imprisonment; or

213.23 (3) requests for imposing victim safety protocols as additional conditions of imprisonment
213.24 or supervised release.

213.25 (b) The commissioner must consider all victim input statements when developing an
213.26 individualized rehabilitation plan and establishing conditions governing confinement or
213.27 release.

213.28 Subd. 4. **Transition and release plan.** For an incarcerated person with less than 365
213.29 days remaining until the person's supervised release date, the commissioner, in consultation
213.30 with the incarcerated person, must develop a transition and release plan.

213.31 Subd. 5. **Scope of act.** This act is separate and distinct from other legislatively authorized
213.32 release programs, including the challenge incarceration program, work release, conditional

214.1 medical release, or the program for the conditional release of nonviolent controlled substance
214.2 offenders.

214.3 **Sec. 6. [244.43] EARNED INCENTIVE RELEASE CREDIT.**

214.4 **Subdivision 1. Policy for earned incentive release credit; stakeholder consultation. (a)**

214.5 To encourage and support rehabilitation when consistent with the public interest and public
214.6 safety, the commissioner must establish a policy providing for earned incentive release
214.7 credit as a part of the term of imprisonment. The policy must be established in consultation
214.8 with the following organizations:

214.9 (1) Minnesota County Attorneys Association;

214.10 (2) Minnesota Board of Public Defense;

214.11 (3) Minnesota Association of Community Corrections Act Counties;

214.12 (4) Minnesota Indian Women's Sexual Assault Coalition;

214.13 (5) Violence Free Minnesota;

214.14 (6) Minnesota Coalition Against Sexual Assault;

214.15 (7) Minnesota Alliance on Crime;

214.16 (8) Minnesota Sheriffs' Association;

214.17 (9) Minnesota Chiefs of Police Association;

214.18 (10) Minnesota Police and Peace Officers Association; and

214.19 (11) faith-based organizations that reflect the demographics of the incarcerated population.

214.20 (b) The policy must:

214.21 (1) provide circumstances upon which an incarcerated person may receive earned

214.22 incentive release credits, including participation in rehabilitative programming under section

214.23 244.03; and

214.24 (2) address circumstances where:

214.25 (i) the capacity to provide rehabilitative programming in the correctional facility is

214.26 diminished but the programming is available in the community; and

214.27 (ii) the conditions under which the incarcerated person could be released to the

214.28 community-based resource but remain subject to commitment to the commissioner and

214.29 could be considered for earned incentive release credit.

215.1 Subd. 2. **Policy on disparities.** The commissioner must develop a policy establishing a
215.2 process for assessing and addressing any systemic and programmatic gender and racial
215.3 disparities that may be identified when awarding earned incentive release credits.

215.4 Sec. 7. **[244.44] APPLYING EARNED INCENTIVE RELEASE CREDIT.**

215.5 Earned incentive release credits are included in calculating the term of imprisonment
215.6 but are not added to the person's supervised release term, the total length of which remains
215.7 unchanged. The maximum amount of earned incentive release credit that can be earned and
215.8 subtracted from the term of imprisonment is 17 percent of the total executed sentence.

215.9 Earned credit cannot reduce the term of imprisonment to less than one-half of the incarcerated
215.10 person's executed sentence. Once earned, earned incentive release credits are nonrevocable.

215.11 Sec. 8. **[244.45] INELIGIBILITY FOR EARNED INCENTIVE RELEASE CREDIT.**

215.12 The following individuals are ineligible for earned incentive release credit:

215.13 (1) those serving life sentences;

215.14 (2) those given indeterminate sentences for crimes committed on or before April 30,
215.15 1980; or

215.16 (3) those subject to good time under section 244.04 or similar laws.

215.17 Sec. 9. **[244.46] EARNED COMPLIANCE CREDIT AND SUPERVISION**

215.18 **ABATEMENT STATUS.**

215.19 Subdivision 1. **Adopting policy for earned compliance credit; supervision abatement**
215.20 **status.** (a) The commissioner must adopt a policy providing for earned compliance credit.

215.21 (b) Except as otherwise provided in the act, once the time served on active supervision
215.22 plus earned compliance credits equals the total length of the supervised release term, the
215.23 commissioner must place the individual on supervision abatement status for the remainder
215.24 of the supervised release term.

215.25 Subd. 2. **Violating conditions of release; commissioner action.** If an individual violates
215.26 the conditions of release while on supervision abatement status, the commissioner may:

215.27 (1) return the individual to active supervision for the remainder of the supervised release
215.28 term, with or without modifying the conditions of release; or

215.29 (2) revoke the individual's supervised release in accordance with section 244.05,
215.30 subdivision 3.

216.1 Subd. 3. **Supervision abatement status; requirements.** A person who is placed on
216.2 supervision abatement status under this section must not be required to regularly report to
216.3 a supervised release agent or pay a supervision fee but must continue to:

216.4 (1) obey all laws;

216.5 (2) report any new criminal charges; and

216.6 (3) abide by section 243.1605 before seeking written authorization to relocate to another
216.7 state.

216.8 Subd. 4. **Applicability.** This section does not apply to individuals:

216.9 (1) serving life sentences;

216.10 (2) given indeterminate sentences for crimes committed on or before April 30, 1980; or

216.11 (3) subject to good time under section 244.04 or similar laws.

216.12 Sec. 10. **[244.47] VICTIM INPUT.**

216.13 Subdivision 1. **Notifying victim; victim input.** (a) If an individual is committed to the
216.14 custody of the commissioner for a crime listed in section 609.02, subdivision 16, and is
216.15 eligible for earned incentive release credit, the commissioner must make reasonable efforts
216.16 to notify the victim that the committed individual is eligible for earned incentive release
216.17 credit.

216.18 (b) Victim input may include:

216.19 (1) a summary of victim concerns relative to eligibility of earned incentive release credit;

216.20 (2) concerns related to victim safety during the committed individual's term of
216.21 imprisonment; or

216.22 (3) requests for imposing victim safety protocols as additional conditions of imprisonment
216.23 or supervised release.

216.24 Subd. 2. **Victim input statements.** The commissioner must consider victim input
216.25 statements when establishing requirements governing conditions of release. The
216.26 commissioner must provide the name and telephone number of the local victim agency
216.27 serving the jurisdiction of release to any victim providing input on earned incentive release
216.28 credit.

217.1 Sec. 11. **[244.48] VICTIM NOTIFICATION.**

217.2 Nothing in this act limits any victim notification obligations of the commissioner required
217.3 by statute related to a change in custody status, committing offense, end-of-confinement
217.4 review, or notification registration.

217.5 Sec. 12. **[244.49] INTERSTATE COMPACT.**

217.6 (a) This section applies to a person serving a Minnesota sentence while being supervised
217.7 in another state according to the Interstate Compact for Adult Supervision.

217.8 (b) As may be allowed under section 243.1605, a person may be eligible for supervision
217.9 abatement status according to the act only if they meet eligibility criteria for earned
217.10 compliance credit as established under section 244.46.

217.11 Sec. 13. **[244.50] REALLOCATING EARNED INCENTIVE RELEASE SAVINGS.**

217.12 Subdivision 1. **Establishing reallocation revenue account.** The reallocation of earned
217.13 incentive release savings account is established in the special revenue fund in the state
217.14 treasury. Funds in the account are appropriated to the commissioner and must be expended
217.15 in accordance with the allocation established in subdivision 4 after the requirements of
217.16 subdivision 2 are met. Funds in the account are available until expended.

217.17 Subd. 2. **Certifying earned incentive release savings.** On or before the final closeout
217.18 date of each fiscal year, the commissioner must certify to Minnesota Management and
217.19 Budget the earned incentive release savings from the previous fiscal year. The commissioner
217.20 must provide the detailed calculation substantiating the savings amount, including
217.21 accounting-system-generated data where possible, supporting the direct-cost per diem and
217.22 the incarcerated days saved.

217.23 Subd. 3. **Savings to be transferred to reallocation revenue account.** After the
217.24 certification in subdivision 2 is completed, the commissioner must transfer funds from the
217.25 appropriation from which the savings occurred to the reallocation revenue account according
217.26 to the allocation in subdivision 4. Transfers must occur by September 1 each year.

217.27 Subd. 4. **Distributing reallocation funds.** The commissioner must distribute funds as
217.28 follows:

217.29 (1) 25 percent must be transferred to the Office of Justice Programs in the Department
217.30 of Public Safety for crime victim services;

218.1 (2) 25 percent must be transferred to the Community Corrections Act subsidy
218.2 appropriation and to the Department of Corrections for supervised release and intensive
218.3 supervision services, based upon a three-year average of the release jurisdiction of supervised
218.4 releasees and intensive supervised releasees across the state;

218.5 (3) 25 percent must be transferred to the Department of Corrections for:

218.6 (i) grants to develop and invest in community-based services that support the identified
218.7 needs of correctionally involved individuals or individuals at risk of becoming involved in
218.8 the criminal justice system; and

218.9 (ii) sustaining the operation of evidence-based programming in state and local correctional
218.10 facilities; and

218.11 (4) 25 percent must be transferred to the general fund.

218.12 **Sec. 14. [244.51] REPORTING REQUIRED.**

218.13 Subdivision 1. **Annual report required.** (a) Beginning January 15, 2026, and by January
218.14 15 each year thereafter for ten years, the commissioner must provide a report to the chairs
218.15 and ranking minority members of the house of representatives and senate committees and
218.16 divisions with jurisdiction over public safety and judiciary.

218.17 (b) For the 2026 report, the commissioner must report on implementing the requirements
218.18 in this act. Starting with the 2027 report, the commissioner must report on the status of the
218.19 requirements in this act for the previous fiscal year.

218.20 (c) Each report must be provided to the sitting president of the Minnesota Association
218.21 of Community Corrections Act Counties and the executive directors of the Minnesota
218.22 Sentencing Guidelines Commission, the Minnesota Indian Women's Sexual Assault Coalition,
218.23 the Minnesota Alliance on Crime, Violence Free Minnesota, the Minnesota Coalition Against
218.24 Sexual Assault, and the Minnesota County Attorneys Association.

218.25 (d) The report must include but not be limited to:

218.26 (1) a qualitative description of policy development; implementation status; identified
218.27 implementation or operational challenges; strategies identified to mitigate and ensure that
218.28 the act does not create or exacerbate gender, racial, and ethnic disparities; and proposed
218.29 mechanisms for projecting future savings and reallocation of savings;

218.30 (2) the number of persons who were granted earned incentive release credit, the total
218.31 number of days of incentive release earned, a summary of committing offenses for those
218.32 persons who earned incentive release credit, a summary of earned incentive release savings,

219.1 and the demographic data for all persons eligible for earned incentive release credit and the
219.2 reasons and demographic data of those eligible persons for whom earned incentive release
219.3 credit was unearned or denied;

219.4 (3) the number of persons who earned supervision abatement status, the total number
219.5 of days of supervision abatement earned, the committing offenses for those persons granted
219.6 supervision abatement status, the number of revocations for reoffense while on supervision
219.7 abatement status, and the demographic data for all persons eligible for, considered for,
219.8 granted, or denied supervision abatement status and the reasons supervision abatement status
219.9 was unearned or denied;

219.10 (4) the number of persons deemed ineligible to receive earned incentive release credits
219.11 and supervise abatement and the demographic data for the persons; and

219.12 (5) the number of victims who submitted input, the number of referrals to local
219.13 victim-serving agencies, and a summary of the kinds of victim services requested.

219.14 Subd. 2. **Soliciting feedback.** (a) The commissioner must solicit feedback on
219.15 victim-related operational concerns from the Minnesota Indian Women's Sexual Assault
219.16 Coalition, Minnesota Alliance on Crime, Minnesota Coalition Against Sexual Assault, and
219.17 Violence Free Minnesota.

219.18 (b) The feedback should relate to applying earned incentive release credit and supervision
219.19 abatement status options. A summary of the feedback from the organizations must be
219.20 included in the annual report.

219.21 Subd. 3. **Evaluating earned incentive release credit and act.** The commissioner must
219.22 direct the Department of Corrections' research unit to regularly evaluate earned incentive
219.23 release credits and other provisions of the act. The findings must be published on the
219.24 Department of Corrections' website and in the annual report.

219.25 Sec. 15. **EFFECTIVE DATE.**

219.26 Sections 1 to 14 are effective August 1, 2023.

220.1 **ARTICLE 11**

220.2 **FIREARMS BACKGROUND CHECKS**

220.3 Section 1. Minnesota Statutes 2022, section 624.7131, is amended to read:

220.4 **624.7131 TRANSFEREE PERMIT; PENALTY.**

220.5 Subdivision 1. **Information.** Any person may apply for a transferee permit by providing
220.6 the following information in writing to the chief of police of an organized full time police
220.7 department of the municipality in which the person resides or to the county sheriff if there
220.8 is no such local chief of police:

220.9 (1) the name, residence, telephone number, and driver's license number or
220.10 nonqualification certificate number, if any, of the proposed transferee;

220.11 (2) the sex, date of birth, height, weight, and color of eyes, and distinguishing physical
220.12 characteristics, if any, of the proposed transferee;

220.13 (3) a statement that the proposed transferee authorizes the release to the local police
220.14 authority of commitment information about the proposed transferee maintained by the
220.15 commissioner of human services, to the extent that the information relates to the proposed
220.16 transferee's eligibility to possess a pistol or semiautomatic military-style assault weapon
220.17 under section 624.713, subdivision 1; and

220.18 (4) a statement by the proposed transferee that the proposed transferee is not prohibited
220.19 by section 624.713 from possessing a pistol or semiautomatic military-style assault weapon.

220.20 The statements shall be signed and dated by the person applying for a permit. At the
220.21 time of application, the local police authority shall provide the applicant with a dated receipt
220.22 for the application. The statement under clause (3) must comply with any applicable
220.23 requirements of Code of Federal Regulations, title 42, sections 2.31 to 2.35, with respect
220.24 to consent to disclosure of alcohol or drug abuse patient records.

220.25 Subd. 2. **Investigation.** The chief of police or sheriff shall check criminal histories,
220.26 records and warrant information relating to the applicant through the Minnesota Crime
220.27 Information System, the national criminal record repository, and the National Instant Criminal
220.28 Background Check System. The chief of police or sheriff shall also make a reasonable effort
220.29 to check other available state and local record-keeping systems. The chief of police or sheriff
220.30 shall obtain commitment information from the commissioner of human services as provided
220.31 in section 245.041.

220.32 Subd. 3. **Forms.** Chiefs of police and sheriffs shall make transferee permit application
220.33 forms available throughout the community. There shall be no charge for forms, reports,

221.1 investigations, notifications, waivers or any other act performed or materials provided by
221.2 a government employee or agency in connection with application for or issuance of a
221.3 transferee permit.

221.4 Subd. 4. **Grounds for disqualification.** ~~A determination by~~ (a) The chief of police or
221.5 sheriff ~~that shall refuse to grant a transferee permit if the applicant is:~~ (1) prohibited by
221.6 ~~section 624.713~~ state or federal law from possessing a pistol or semiautomatic military-style
221.7 assault weapon ~~shall be the only basis for refusal to grant a transferee permit;~~ (2) determined
221.8 to be a danger to self or the public when in possession of firearms under paragraph (b); or
221.9 (3) listed in the criminal gang investigative data system under section 299C.091.

221.10 (b) A chief of police or sheriff shall refuse to grant a permit to a person if there exists a
221.11 substantial likelihood that the applicant is a danger to self or the public when in possession
221.12 of a firearm. To deny the application pursuant to paragraph (a), clause (2), the chief of police
221.13 or sheriff must provide the applicant with written notification and the specific factual basis
221.14 justifying the denial, including the source of the factual basis. The chief of police or sheriff
221.15 must inform the applicant of the applicant's right to submit, within 20 business days, any
221.16 additional documentation relating to the propriety of the denial. Upon receiving any additional
221.17 documentation, the chief of police or sheriff must reconsider the denial and inform the
221.18 applicant within 15 business days of the result of the reconsideration. Any denial after
221.19 reconsideration must be in the same form and substance as the original denial and must
221.20 specifically address any continued deficiencies in light of the additional documentation
221.21 submitted by the applicant. The applicant must be informed of the right to seek de novo
221.22 review of the denial as provided in subdivision 8.

221.23 (c) A person is not eligible to submit a permit application under this section if the person
221.24 has had an application denied pursuant to paragraph (b) and less than six months have
221.25 elapsed since the denial was issued or the person's appeal under subdivision 8 was denied,
221.26 whichever is later.

221.27 (d) A chief of police or sheriff who denies a permit application pursuant to paragraph
221.28 (b) must provide a copy of the notice of disqualification to the chief of police or sheriff with
221.29 joint jurisdiction over the proposed transferee's residence.

221.30 Subd. 5. **Granting of permits.** (a) The chief of police or sheriff shall issue a transferee
221.31 permit or deny the application within ~~seven~~ 30 days of application for the permit.

221.32 (b) In the case of a denial, the chief of police or sheriff shall provide an applicant with
221.33 written notification of a denial and the specific reason for the denial.

221.34 (c) The permits and their renewal shall be granted free of charge.

222.1 Subd. 6. **Permits valid statewide.** Transferee permits issued pursuant to this section are
222.2 valid statewide and shall expire after one year. A transferee permit may be renewed in the
222.3 same manner and subject to the same provisions by which the original permit was obtained,
222.4 except that all renewed permits must comply with the standards adopted by the commissioner
222.5 under section 624.7151. Permits issued pursuant to this section are not transferable. A person
222.6 who transfers a permit in violation of this subdivision is guilty of a misdemeanor.

222.7 Subd. 7. **Permit voided; revocation.** (a) The transferee permit shall be void at the time
222.8 that the holder becomes prohibited from possessing or receiving a pistol under section
222.9 624.713, in which event the holder shall return the permit within five days to the issuing
222.10 authority. If the chief law enforcement officer who issued the permit has knowledge that
222.11 the permit holder is ineligible to possess firearms, the chief law enforcement officer must
222.12 revoke the permit and give notice to the holder in writing. Failure of the holder to return
222.13 the permit within the five days of learning that the permit is void or revoked is a gross
222.14 misdemeanor unless the court finds that the circumstances or the physical or mental condition
222.15 of the permit holder prevented the holder from complying with the return requirement.

222.16 (b) When a permit holder receives a court disposition that prohibits the permit holder
222.17 from possessing a firearm, the court must take possession of the permit, if it is available,
222.18 and send it to the issuing law enforcement agency. If the permit holder does not have the
222.19 permit when the court imposes a firearm prohibition, the permit holder must surrender the
222.20 permit to the assigned probation officer, if applicable. When a probation officer is assigned
222.21 upon disposition of the case, the court shall inform the probation agent of the permit holder's
222.22 obligation to surrender the permit. Upon surrender, the probation officer must send the
222.23 permit to the issuing law enforcement agency. If a probation officer is not assigned to the
222.24 permit holder, the holder shall surrender the permit as provided for in paragraph (a).

222.25 Subd. 8. **Hearing upon denial.** (a) Any person aggrieved by denial of a transferee permit
222.26 may appeal the denial to the district court having jurisdiction over the county or municipality
222.27 in which the denial occurred. by petition to the district court having jurisdiction over the
222.28 county or municipality where the application was submitted. The petition must list the
222.29 applicable chief of police or sheriff as the respondent. The district court must hold a hearing
222.30 at the earliest practicable date and in any event no later than 60 days following the filing of
222.31 the petition for review. The court may not grant or deny any relief before the completion
222.32 of the hearing. The record of the hearing must be sealed. The matter must be heard de novo
222.33 without a jury.

222.34 (b) The court must issue written findings of fact and conclusions of law regarding the
222.35 issues submitted by the parties. The court must issue its writ of mandamus directing that

223.1 the permit be issued and order other appropriate relief unless the chief of police or sheriff
223.2 establishes by clear and convincing evidence that:

223.3 (1) the applicant is disqualified from possessing a firearm under state or federal law;

223.4 (2) there exists a substantial likelihood that the applicant is a danger to self or the public
223.5 when in possession of a firearm. Incidents of alleged criminal misconduct that are not
223.6 investigated and documented may not be considered; or

223.7 (3) the applicant is listed in the criminal gang investigative data system under section
223.8 299C.091.

223.9 (c) If an application is denied because the proposed transferee is listed in the criminal
223.10 gang investigative data system under section 299C.091, the applicant may challenge the
223.11 denial, after disclosure under court supervision of the reason for that listing, based on grounds
223.12 that the person:

223.13 (1) was erroneously identified as a person in the data system;

223.14 (2) was improperly included in the data system according to the criteria outlined in
223.15 section 299C.091, subdivision 2, paragraph (b); or

223.16 (3) has demonstrably withdrawn from the activities and associations that led to inclusion
223.17 in the data system.

223.18 Subd. 9. **Permit to carry.** A valid permit to carry issued pursuant to section 624.714
223.19 constitutes a transferee permit for the purposes of this section and ~~section~~ sections 624.7132
223.20 and 624.7134.

223.21 ~~Subd. 10. **Transfer report not required.** A person who transfers a pistol or~~
223.22 ~~semiautomatic military-style assault weapon to a person exhibiting a valid transferee permit~~
223.23 ~~issued pursuant to this section or a valid permit to carry issued pursuant to section 624.714~~
223.24 ~~is not required to file a transfer report pursuant to section 624.7132, subdivision 1.~~

223.25 Subd. 11. **Penalty.** A person who makes a false statement in order to obtain a transferee
223.26 permit knowing or having reason to know the statement is false is guilty of a ~~gross~~
223.27 ~~misdemeanor~~ felony.

223.28 Subd. 12. **Local regulation.** This section shall be construed to supersede municipal or
223.29 county regulation of the issuance of transferee permits.

223.30 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
223.31 committed on or after that date.

224.1 Sec. 2. Minnesota Statutes 2022, section 624.7132, is amended to read:

224.2 **624.7132 REPORT OF TRANSFER.**

224.3 Subdivision 1. **Required information.** Except as provided in this section and section
224.4 624.7131, every person who agrees to transfer a pistol or semiautomatic military-style
224.5 assault weapon shall report the following information in writing to the chief of police of
224.6 the organized full-time police department of the municipality where the proposed transferee
224.7 resides or to the appropriate county sheriff if there is no such local chief of police:

224.8 (1) the name, residence, telephone number, and driver's license number or
224.9 nonqualification certificate number, if any, of the proposed transferee;

224.10 (2) the sex, date of birth, height, weight, and color of eyes, and distinguishing physical
224.11 characteristics, if any, of the proposed transferee;

224.12 (3) a statement that the proposed transferee authorizes the release to the local police
224.13 authority of commitment information about the proposed transferee maintained by the
224.14 commissioner of human services, to the extent that the information relates to the proposed
224.15 transferee's eligibility to possess a pistol or semiautomatic military-style assault weapon
224.16 under section 624.713, subdivision 1;

224.17 (4) a statement by the proposed transferee that the transferee is not prohibited by section
224.18 624.713 from possessing a pistol or semiautomatic military-style assault weapon; and

224.19 (5) the address of the place of business of the transferor.

224.20 The report shall be signed and dated by the transferor and the proposed transferee. The
224.21 report shall be delivered by the transferor to the chief of police or sheriff no later than three
224.22 days after the date of the agreement to transfer, excluding weekends and legal holidays.

224.23 The statement under clause (3) must comply with any applicable requirements of Code of
224.24 Federal Regulations, title 42, sections 2.31 to 2.35, with respect to consent to disclosure of
224.25 alcohol or drug abuse patient records.

224.26 Subd. 2. **Investigation.** Upon receipt of a transfer report, the chief of police or sheriff
224.27 shall check criminal histories, records and warrant information relating to the proposed
224.28 transferee through the Minnesota Crime Information System, the national criminal record
224.29 repository, and the National Instant Criminal Background Check System. The chief of police
224.30 or sheriff shall also make a reasonable effort to check other available state and local
224.31 record-keeping systems. The chief of police or sheriff shall obtain commitment information
224.32 from the commissioner of human services as provided in section 245.041.

225.1 Subd. 3. **Notification.** The chief of police or sheriff shall notify the transferor and
225.2 proposed transferee in writing as soon as possible if the chief or sheriff determines that the
225.3 proposed transferee is prohibited by section 624.713 from possessing a pistol or
225.4 semiautomatic military-style assault weapon. The notification to the transferee shall specify
225.5 the grounds for the disqualification of the proposed transferee and shall set forth in detail
225.6 the transferee's right of appeal under subdivision 13.

225.7 Subd. 4. **Delivery.** Except as otherwise provided in subdivision 7 or 8, no person shall
225.8 deliver a pistol or semiautomatic military-style assault weapon to a proposed transferee
225.9 until ~~five business~~ 30 days after the date the agreement to transfer is delivered to a chief of
225.10 police or sheriff in accordance with subdivision 1 unless the chief of police or sheriff waives
225.11 all or a portion of the ~~seven-day~~ waiting period. The chief of police or sheriff may waive
225.12 all or a portion of the ~~five-business-day~~ waiting period in writing if the chief of police or
225.13 sheriff: (1) determines the proposed transferee is not disqualified prior to the waiting period
225.14 concluding; or (2) finds that the transferee requires access to a pistol or semiautomatic
225.15 military-style assault weapon because of a threat to the life of the transferee or of any member
225.16 of the household of the transferee. Prior to modifying the waiting period under the authority
225.17 granted in clause (2), the chief of police or sheriff must first determine that the proposed
225.18 transferee is not prohibited from possessing a firearm under state or federal law.

225.19 No person shall deliver a ~~pistol or semiautomatic military-style assault weapon~~ firearm
225.20 to a proposed transferee after receiving a written notification that the chief of police or
225.21 sheriff has determined that the proposed transferee is prohibited by section 624.713 from
225.22 possessing a ~~pistol or semiautomatic military-style assault weapon~~ firearm.

225.23 If the transferor makes a report of transfer and receives no written notification of
225.24 disqualification of the proposed transferee within ~~five~~ 30 business days after delivery of the
225.25 agreement to transfer, the ~~pistol or semiautomatic military-style assault weapon~~ firearm
225.26 may be delivered to the transferee, unless the transferor knows the transferee is ineligible
225.27 to possess firearms.

225.28 Subd. 5. **Grounds for disqualification.** ~~A determination by (a)~~ The chief of police or
225.29 sheriff ~~that shall deny an application if the proposed transferee is:~~ (1) prohibited by section
225.30 624.713 state or federal law from possessing a pistol or semiautomatic military-style assault
225.31 weapon shall be the sole basis for a notification of disqualification under this section; (2)
225.32 determined to be a danger to self or the public when in possession of firearms under paragraph
225.33 (b); or (3) listed in the criminal gang investigative data system under section 299C.091.

226.1 (b) A chief of police or sheriff shall deny an application if there exists a substantial
226.2 likelihood that the proposed transferee is a danger to self or the public when in possession
226.3 of a firearm. To deny the application under this paragraph, the chief of police or sheriff
226.4 must provide the applicant with written notification and the specific factual basis justifying
226.5 the denial, including the source of the factual basis. The chief of police or sheriff must
226.6 inform the applicant of the applicant's right to submit, within 20 business days, any additional
226.7 documentation relating to the propriety of the denial. Upon receiving any additional
226.8 documentation, the chief of police or sheriff must reconsider the denial and inform the
226.9 applicant within 15 business days of the result of the reconsideration. Any denial after
226.10 reconsideration must be in the same form and substance as the original denial and must
226.11 specifically address any continued deficiencies in light of the additional documentation
226.12 submitted by the applicant. The applicant must be informed of the right to seek de novo
226.13 review of the denial as provided in subdivision 13.

226.14 (c) A chief of police or sheriff need not process an application under this section if the
226.15 person has had an application denied pursuant to paragraph (b) and less than six months
226.16 have elapsed since the denial was issued or the person's appeal under subdivision 13 was
226.17 denied, whichever is later.

226.18 (d) A chief of police or sheriff who denies an application pursuant to paragraph (b) must
226.19 provide a copy of the notice of disqualification to the chief of police or sheriff with joint
226.20 jurisdiction over the applicant's residence.

226.21 ~~Subd. 6. **Transferee permit.** If a chief of police or sheriff determines that a transferee~~
226.22 ~~is not a person prohibited by section 624.713 from possessing a pistol or semiautomatic~~
226.23 ~~military-style assault weapon, the transferee may, within 30 days after the determination,~~
226.24 ~~apply to that chief of police or sheriff for a transferee permit, and the permit shall be issued.~~

226.25 ~~Subd. 8. **Report not required.** If the proposed transferee presents a valid transferee~~
226.26 ~~permit issued under section 624.7131 or a valid permit to carry issued under section 624.714,~~
226.27 ~~the transferor need not file a transfer report.~~

226.28 ~~Subd. 9. **Number of pistols or semiautomatic military-style assault weapons.** Any~~
226.29 ~~number of pistols or semiautomatic military-style assault weapons may be the subject of a~~
226.30 ~~single transfer agreement and report to the chief of police or sheriff. Nothing in this section~~
226.31 ~~or section 624.7131 shall be construed to limit or restrict the number of pistols or~~
226.32 ~~semiautomatic military-style assault weapons a person may acquire.~~

226.33 ~~Subd. 10. **Restriction on records.** Except as provided for in section 624.7134, subdivision~~
226.34 ~~3, paragraph (e), if, after a determination that the transferee is not a person prohibited by~~

227.1 section 624.713 from possessing a pistol or semiautomatic military-style assault weapon,
227.2 a transferee requests that no record be maintained of the fact of who is the transferee of a
227.3 pistol or semiautomatic military-style assault weapon, the chief of police or sheriff shall
227.4 sign the transfer report and return it to the transferee as soon as possible. Thereafter, no
227.5 government employee or agency shall maintain a record of the transfer that identifies the
227.6 transferee, and the transferee shall retain the report of transfer.

227.7 Subd. 11. **Forms; cost.** Chiefs of police and sheriffs shall make transfer report forms
227.8 available throughout the community. There shall be no charge for forms, reports,
227.9 investigations, notifications, waivers or any other act performed or materials provided by
227.10 a government employee or agency in connection with a transfer.

227.11 Subd. 12. **Exclusions.** Except as otherwise provided in section 609.66, subdivision 1f,
227.12 this section shall not apply to transfers of antique firearms as curiosities or for their historical
227.13 significance or value, transfers to or between federally licensed firearms dealers, transfers
227.14 by order of court, involuntary transfers, transfers at death or the following transfers:

227.15 (1) a transfer by a person other than a federally licensed firearms dealer;

227.16 (2) a loan to a prospective transferee if the loan is intended for a period of no more than
227.17 one day;

227.18 (3) the delivery of a pistol or semiautomatic military-style assault weapon to a person
227.19 for the purpose of repair, reconditioning or remodeling;

227.20 (4) a loan by a teacher to a student in a course designed to teach marksmanship or safety
227.21 with a pistol and approved by the commissioner of natural resources;

227.22 (5) a loan between persons at a firearms collectors exhibition;

227.23 (6) a loan between persons lawfully engaged in hunting or target shooting if the loan is
227.24 intended for a period of no more than 12 hours;

227.25 (7) a loan between law enforcement officers who have the power to make arrests other
227.26 than citizen arrests; and

227.27 (8) a loan between employees or between the employer and an employee in a business
227.28 if the employee is required to carry a pistol or semiautomatic military-style assault weapon
227.29 by reason of employment and is the holder of a valid permit to carry a pistol.

227.30 Subd. 13. **Appeal.** (a) A person aggrieved by the determination of a chief of police or
227.31 sheriff ~~that the person is prohibited by section 624.713 from possessing a pistol or~~
227.32 ~~semiautomatic military-style assault weapon may appeal the determination as provided in~~

228.1 ~~this subdivision. The district court shall have jurisdiction of proceedings under this~~
228.2 ~~subdivision.~~ under subdivision 5 may appeal by petition to the district court having
228.3 jurisdiction over the county or municipality where the application was submitted. The
228.4 petition must list the applicable chief of police or sheriff as the respondent. The district
228.5 court must hold a hearing at the earliest practicable date and in any event no later than 60
228.6 days following the filing of the petition for review. The court may not grant or deny any
228.7 relief before the completion of the hearing. The record of the hearing must be sealed. The
228.8 matter must be heard de novo without a jury.

228.9 ~~On review pursuant to this subdivision, the court shall be limited to a determination of~~
228.10 ~~whether the proposed transferee is a person prohibited from possessing a pistol or~~
228.11 ~~semiautomatic military-style assault weapon by section 624.713.~~

228.12 (b) The court must issue written findings of fact and conclusions of law regarding the
228.13 issues submitted by the parties. The court must issue its writ of mandamus directing that
228.14 the permit be issued and order other appropriate relief unless the chief of police or sheriff
228.15 establishes by clear and convincing evidence that:

228.16 (1) the applicant is disqualified under state or federal law from possession of firearms;

228.17 (2) there exists a substantial likelihood that the applicant is a danger to self or the public
228.18 when in possession of a firearm. Incidents of alleged criminal misconduct that are not
228.19 investigated and documented may not be considered; or

228.20 (3) the applicant is listed in the criminal gang investigative data system under section
228.21 299C.091.

228.22 (c) If an application is denied because the proposed transferee is listed in the criminal
228.23 gang investigative data system under section 299C.091, the proposed transferee may
228.24 challenge the denial, after disclosure under court supervision of the reason for that listing,
228.25 based on grounds that the person:

228.26 (1) was erroneously identified as a person in the data system;

228.27 (2) was improperly included in the data system according to the criteria outlined in
228.28 section 299C.091, subdivision 2, paragraph (b); or

228.29 (3) has demonstrably withdrawn from the activities and associations that led to inclusion
228.30 in the data system.

228.31 ~~Subd. 14. **Transfer to unknown party.** (a) No person shall transfer a pistol or~~
228.32 ~~semiautomatic military-style assault weapon to another who is not personally known to the~~
228.33 ~~transferor unless the proposed transferee presents evidence of identity to the transferor.~~

229.1 ~~(b) No person who is not personally known to the transferor shall become a transferee~~
229.2 ~~of a pistol or semiautomatic military-style assault weapon unless the person presents evidence~~
229.3 ~~of identity to the transferor.~~

229.4 ~~(c) The evidence of identity shall contain the name, residence address, date of birth, and~~
229.5 ~~photograph of the proposed transferee; must be made or issued by or under the authority of~~
229.6 ~~the United States government, a state, a political subdivision of a state, a foreign government,~~
229.7 ~~a political subdivision of a foreign government, an international governmental or an~~
229.8 ~~international quasi-governmental organization; and must be of a type commonly accepted~~
229.9 ~~for the purpose of identification of individuals.~~

229.10 ~~(d) A person who becomes a transferee of a pistol or semiautomatic military-style assault~~
229.11 ~~weapon in violation of this subdivision is guilty of a misdemeanor.~~

229.12 Subd. 15. **Penalties.** (a) Except as otherwise provided in paragraph (b), a person who
229.13 does any of the following is guilty of a gross misdemeanor:

229.14 (1) transfers a pistol or semiautomatic military-style assault weapon in violation of
229.15 subdivisions 1 to 13;

229.16 (2) transfers a pistol or semiautomatic military-style assault weapon to a person who
229.17 has made a false statement in order to become a transferee, if the transferor knows or has
229.18 reason to know the transferee has made the false statement;

229.19 (3) knowingly becomes a transferee in violation of subdivisions 1 to 13; or

229.20 (4) makes a false statement in order to become a transferee of a pistol or semiautomatic
229.21 military-style assault weapon knowing or having reason to know the statement is false.

229.22 (b) A person who does either of the following is guilty of a felony:

229.23 (1) transfers a pistol or semiautomatic military-style assault weapon to a person under
229.24 the age of 18 in violation of subdivisions 1 to 13; or

229.25 (2) transfers a pistol or semiautomatic military-style assault weapon to a person under
229.26 the age of 18 who has made a false statement in order to become a transferee, if the transferor
229.27 knows or has reason to know the transferee has made the false statement.

229.28 Subd. 16. **Local regulation.** This section shall be construed to supersede municipal or
229.29 county regulation of the transfer of pistols.

229.30 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
229.31 committed on or after that date.

230.1 Sec. 3. **[624.7134] PRIVATE PARTY TRANSFERS; BACKGROUND CHECK**
230.2 **REQUIRED.**

230.3 Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the
230.4 meanings provided in this subdivision.

230.5 (b) "Firearms dealer" means a person who is licensed by the United States Department
230.6 of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, under United States Code,
230.7 title 18, section 923(a).

230.8 (c) "State or federally issued identification" means a document or card made or issued
230.9 by or under the authority of the United States government or the state that contains the
230.10 person's name, residence address, date of birth, and photograph and is of a type commonly
230.11 accepted for the purpose of identification of individuals.

230.12 (d) "Unlicensed person" means a person who does not hold a license under United States
230.13 Code, title 18, section 923(a).

230.14 Subd. 2. **Background check and evidence of identity.** An unlicensed person is prohibited
230.15 from transferring a pistol or semiautomatic military-style assault weapon to any other
230.16 unlicensed person, unless: (1) the transfer is made through a firearms dealer as provided
230.17 for in subdivision 3; or (2) the transferee presents a valid transferee permit issued under
230.18 section 624.7131 and a current state or federally issued identification.

230.19 Subd. 3. **Background check conducted by federally licensed firearms dealer.** (a)
230.20 Where both parties to a prospective transfer of a pistol or semiautomatic military-style
230.21 assault weapon are unlicensed persons, the transferor and transferee may appear jointly
230.22 before a federally licensed firearms dealer with the firearm and request that the federally
230.23 licensed firearms dealer conduct a background check on the transferee and facilitate the
230.24 transfer.

230.25 (b) Except as otherwise provided in this section, a federally licensed firearms dealer
230.26 who agrees to facilitate a transfer under this section shall:

230.27 (1) process the transfer as though transferring the firearm from the dealer's inventory to
230.28 the transferee; and

230.29 (2) comply with all requirements of federal and state law that would apply if the firearms
230.30 dealer were making the transfer, including at a minimum all background checks and record
230.31 keeping requirements. The exception to the report of transfer process in section 624.7132,
230.32 subdivision 12, clause (1), does not apply to transfers completed under this subdivision.

231.1 (c) If the transferee is prohibited by federal law from purchasing or possessing the firearm
231.2 or not entitled under state law to possess the firearm, neither the federally licensed firearms
231.3 dealer nor the transferor shall transfer the firearm to the transferee.

231.4 (d) Notwithstanding any other law to the contrary, this section shall not prevent the
231.5 transferor from:

231.6 (1) removing the firearm from the premises of the federally licensed firearms dealer, or
231.7 the gun show or event where the federally licensed firearms dealer is conducting business,
231.8 as applicable, while the background check is being conducted, provided that the transferor
231.9 must return to the federally licensed firearms dealer with the transferee before the transfer
231.10 takes place, and the federally licensed firearms dealer must take possession of the firearm
231.11 in order to complete the transfer; and

231.12 (2) removing the firearm from the business premises of the federally licensed firearms
231.13 dealer if the results of the background check indicate the transferee is prohibited by federal
231.14 law from purchasing or possessing the firearm or not entitled under state law to possess the
231.15 firearm.

231.16 (e) A transferee who consents to participate in a transfer under this subdivision is not
231.17 entitled to have the transfer report returned as provided for in section 624.7132, subdivision
231.18 10.

231.19 (f) A firearms dealer may charge a reasonable fee for conducting a background check
231.20 and facilitating a transfer between the transferor and transferee pursuant to this section.

231.21 **Subd. 4. Record of transfer; required information.** (a) Unless a transfer is made
231.22 through a firearms dealer as provided for in subdivision 3, when two unlicensed persons
231.23 complete the transfer of a pistol or semiautomatic military-style assault weapon, the transferor
231.24 and transferee must complete a record of transfer on a form designed and made publicly
231.25 available without fee for this purpose by the superintendent of the Bureau of Criminal
231.26 Apprehension. Each page of the record of transfer must be signed and dated by the transferor
231.27 and the transferee and contain the serial number of the pistol or semiautomatic military-style
231.28 assault weapon.

231.29 (b) The record of transfer must contain the following information:

231.30 (1) a clear copy of each person's current state or federally issued identification;

231.31 (2) a clear copy of the transferee permit presented by the transferee; and

231.32 (3) a signed statement by the transferee swearing that the transferee is not currently
231.33 prohibited by state or federal law from possessing a firearm.

232.1 (c) The record of transfer must also contain the following information regarding the
232.2 transferred pistol or semiautomatic military-style assault weapon:

232.3 (1) the type of pistol or semiautomatic military-style assault weapon;

232.4 (2) the manufacturer, make, and model of the pistol or semiautomatic military-style
232.5 assault weapon; and

232.6 (3) the pistol or semiautomatic military-style assault weapon's manufacturer-assigned
232.7 serial number.

232.8 (d) Both the transferor and the transferee must retain a copy of the record of transfer
232.9 and any attachments to the record of transfer for 20 years from the date of the transfer. A
232.10 copy in digital form shall be acceptable for the purposes of this paragraph.

232.11 **Subd. 5. Compulsory production of a record of transfer; gross misdemeanor**
232.12 **penalty. (a) Unless a transfer was completed under subdivision 3, the transferor and**
232.13 **transferee of a pistol or semiautomatic military-style assault weapon transferred under**
232.14 **subdivision 4 must produce the record of transfer when a peace officer requests the record**
232.15 **as part of a criminal investigation.**

232.16 (b) A person who refuses or is unable to produce a record of transfer for a firearm
232.17 transferred under this section in response to a request for production made by a peace officer
232.18 pursuant to paragraph (a) is guilty of a gross misdemeanor. A prosecution or conviction for
232.19 violation of this subdivision is not a bar to conviction of, or punishment for, any other crime
232.20 committed involving the transferred firearm.

232.21 **Subd. 6. Immunity. A person is immune to a charge of violating this section if the person**
232.22 **presents a record of transfer that satisfies the requirements of subdivision 4.**

232.23 **Subd. 7. Exclusions. (a) This section shall not apply to the following transfers:**

232.24 (1) a transfer by or to a federally licensed firearms dealer;

232.25 (2) a transfer by or to any law enforcement agency;

232.26 (3) to the extent the transferee is acting within the course and scope of employment and
232.27 official duties, a transfer to:

232.28 (i) a peace officer, as defined in section 626.84, subdivision 1, paragraph (c);

232.29 (ii) a member of the United States armed forces, the National Guard, or the Reserves of
232.30 the United States armed forces;

232.31 (iii) a federal law enforcement officer; or

- 233.1 (iv) a security guard employed by a protective agent licensed pursuant to chapter 326;
- 233.2 (4) a transfer between immediate family members, which for the purposes of this section
- 233.3 means spouses, domestic partners, parents, children, siblings, grandparents, and
- 233.4 grandchildren;
- 233.5 (5) a transfer to an executor, administrator, trustee, or personal representative of an estate
- 233.6 or a trust that occurs by operation of law upon the death of the former owner of the firearm;
- 233.7 (6) a transfer of an antique firearm as defined in section 624.712, subdivision 3;
- 233.8 (7) a transfer of a curio or relic, as defined in Code of Federal Regulations, title 27,
- 233.9 section 478.11, if the transfer is between collectors of firearms as curios or relics as defined
- 233.10 by United States Code, title 18, section 921(a)(13), who each have in their possession a
- 233.11 valid collector of curio and relics license issued by the United States Department of Justice,
- 233.12 Bureau of Alcohol, Tobacco, Firearms and Explosives;
- 233.13 (8) the temporary transfer of a firearm if:
- 233.14 (i) the transfer is necessary to prevent imminent death or great bodily harm; and
- 233.15 (ii) the person's possession lasts only as long as immediately necessary to prevent such
- 233.16 imminent death or great bodily harm;
- 233.17 (9) transfers by or to an auctioneer who is in compliance with chapter 330 and acting in
- 233.18 the person's official role as an auctioneer to facilitate or conduct an auction of the firearm;
- 233.19 and
- 233.20 (10) a temporary transfer if the transferee's possession of the firearm following the
- 233.21 transfer is only:
- 233.22 (i) at a shooting range that operates in compliance with the performance standards under
- 233.23 chapter 87A or is a nonconforming use under section 87A.03, subdivision 2, or, if compliance
- 233.24 is not required by the governing body of the jurisdiction, at an established shooting range
- 233.25 operated consistently with local law in the jurisdiction;
- 233.26 (ii) at a lawfully organized competition involving the use of a firearm, or while
- 233.27 participating in or practicing for a performance by an organized group that uses firearms as
- 233.28 part of the performance;
- 233.29 (iii) while hunting or trapping if the hunting or trapping is legal in all places where the
- 233.30 transferee possesses the firearm and the transferee holds all licenses or permits required for
- 233.31 hunting or trapping;

234.1 (iv) at a lawfully organized educational or instructional course and under the direct
234.2 supervision of a certified instructor, as that term is defined in section 624.714, subdivision
234.3 2a, paragraph (d); or

234.4 (v) while in the actual presence of the transferor.

234.5 (b) A transfer under this subdivision is permitted only if the transferor has no reason to
234.6 believe:

234.7 (1) that the transferee is prohibited by federal law from buying or possessing firearms
234.8 or not entitled under state law to possess firearms;

234.9 (2) if the transferee is under 18 years of age and is receiving the firearm under direct
234.10 supervision and control of an adult, that the adult is prohibited by federal law from buying
234.11 or possessing firearms or not entitled under state law to possess firearms; or

234.12 (3) that the transferee will use or intends to use the firearm in the commission of a crime.

234.13 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
234.14 committed on or after that date.

234.15 **ARTICLE 12**

234.16 **EXTREME RISK PROTECTION ORDERS**

234.17 Section 1. Minnesota Statutes 2022, section 624.713, subdivision 1, is amended to read:

234.18 Subdivision 1. **Ineligible persons.** The following persons shall not be entitled to possess
234.19 ammunition or a pistol or semiautomatic military-style assault weapon or, except for clause
234.20 (1), any other firearm:

234.21 (1) a person under the age of 18 years except that a person under 18 may possess
234.22 ammunition designed for use in a firearm that the person may lawfully possess and may
234.23 carry or possess a pistol or semiautomatic military-style assault weapon (i) in the actual
234.24 presence or under the direct supervision of the person's parent or guardian, (ii) for the
234.25 purpose of military drill under the auspices of a legally recognized military organization
234.26 and under competent supervision, (iii) for the purpose of instruction, competition, or target
234.27 practice on a firing range approved by the chief of police or county sheriff in whose
234.28 jurisdiction the range is located and under direct supervision; or (iv) if the person has
234.29 successfully completed a course designed to teach marksmanship and safety with a pistol
234.30 or semiautomatic military-style assault weapon and approved by the commissioner of natural
234.31 resources;

235.1 (2) except as otherwise provided in clause (9), a person who has been convicted of, or
235.2 adjudicated delinquent or convicted as an extended jurisdiction juvenile for committing, in
235.3 this state or elsewhere, a crime of violence. For purposes of this section, crime of violence
235.4 includes crimes in other states or jurisdictions which would have been crimes of violence
235.5 as herein defined if they had been committed in this state;

235.6 (3) a person who is or has ever been committed in Minnesota or elsewhere by a judicial
235.7 determination that the person is mentally ill, developmentally disabled, or mentally ill and
235.8 dangerous to the public, as defined in section 253B.02, to a treatment facility, or who has
235.9 ever been found incompetent to stand trial or not guilty by reason of mental illness, unless
235.10 the person's ability to possess a firearm and ammunition has been restored under subdivision
235.11 4;

235.12 (4) a person who has been convicted in Minnesota or elsewhere of a misdemeanor or
235.13 gross misdemeanor violation of chapter 152, unless three years have elapsed since the date
235.14 of conviction and, during that time, the person has not been convicted of any other such
235.15 violation of chapter 152 or a similar law of another state; or a person who is or has ever
235.16 been committed by a judicial determination for treatment for the habitual use of a controlled
235.17 substance or marijuana, as defined in sections 152.01 and 152.02, unless the person's ability
235.18 to possess a firearm and ammunition has been restored under subdivision 4;

235.19 (5) a person who has been committed to a treatment facility in Minnesota or elsewhere
235.20 by a judicial determination that the person is chemically dependent as defined in section
235.21 253B.02, unless the person has completed treatment or the person's ability to possess a
235.22 firearm and ammunition has been restored under subdivision 4. Property rights may not be
235.23 abated but access may be restricted by the courts;

235.24 (6) a peace officer who is informally admitted to a treatment facility pursuant to section
235.25 253B.04 for chemical dependency, unless the officer possesses a certificate from the head
235.26 of the treatment facility discharging or provisionally discharging the officer from the
235.27 treatment facility. Property rights may not be abated but access may be restricted by the
235.28 courts;

235.29 (7) a person, including a person under the jurisdiction of the juvenile court, who has
235.30 been charged with committing a crime of violence and has been placed in a pretrial diversion
235.31 program by the court before disposition, until the person has completed the diversion program
235.32 and the charge of committing the crime of violence has been dismissed;

235.33 (8) except as otherwise provided in clause (9), a person who has been convicted in
235.34 another state of committing an offense similar to the offense described in section 609.224,

236.1 subdivision 3, against a family or household member or section 609.2242, subdivision 3,
236.2 unless three years have elapsed since the date of conviction and, during that time, the person
236.3 has not been convicted of any other violation of section 609.224, subdivision 3, or 609.2242,
236.4 subdivision 3, or a similar law of another state;

236.5 (9) a person who has been convicted in this state or elsewhere of assaulting a family or
236.6 household member and who was found by the court to have used a firearm in any way
236.7 during commission of the assault is prohibited from possessing any type of firearm or
236.8 ammunition for the period determined by the sentencing court;

236.9 (10) a person who:

236.10 (i) has been convicted in any court of a crime punishable by imprisonment for a term
236.11 exceeding one year;

236.12 (ii) is a fugitive from justice as a result of having fled from any state to avoid prosecution
236.13 for a crime or to avoid giving testimony in any criminal proceeding;

236.14 (iii) is an unlawful user of any controlled substance as defined in chapter 152;

236.15 (iv) has been judicially committed to a treatment facility in Minnesota or elsewhere as
236.16 a person who is mentally ill, developmentally disabled, or mentally ill and dangerous to the
236.17 public, as defined in section 253B.02;

236.18 (v) is an alien who is illegally or unlawfully in the United States;

236.19 (vi) has been discharged from the armed forces of the United States under dishonorable
236.20 conditions;

236.21 (vii) has renounced the person's citizenship having been a citizen of the United States;
236.22 or

236.23 (viii) is disqualified from possessing a firearm under United States Code, title 18, section
236.24 922(g)(8) or (9), as amended through March 1, 2014;

236.25 (11) a person who has been convicted of the following offenses at the gross misdemeanor
236.26 level, unless three years have elapsed since the date of conviction and, during that time, the
236.27 person has not been convicted of any other violation of these sections: section 609.229
236.28 (crimes committed for the benefit of a gang); 609.2231, subdivision 4 (assaults motivated
236.29 by bias); 609.255 (false imprisonment); 609.378 (neglect or endangerment of a child);
236.30 609.582, subdivision 4 (burglary in the fourth degree); 609.665 (setting a spring gun); 609.71
236.31 (riot); or 609.749 (harassment or stalking). For purposes of this paragraph, the specified

237.1 gross misdemeanor convictions include crimes committed in other states or jurisdictions
237.2 which would have been gross misdemeanors if conviction occurred in this state;

237.3 (12) a person who has been convicted of a violation of section 609.224 if the court
237.4 determined that the assault was against a family or household member in accordance with
237.5 section 609.2242, subdivision 3 (domestic assault), unless three years have elapsed since
237.6 the date of conviction and, during that time, the person has not been convicted of another
237.7 violation of section 609.224 or a violation of a section listed in clause (11); or

237.8 (13) a person who is subject to an order for protection as described in section 260C.201,
237.9 subdivision 3, paragraph (d), or 518B.01, subdivision 6, paragraph (g); or

237.10 (14) a person who is subject to an extreme risk protection order as described in section
237.11 624.7172 or 624.7174.

237.12 A person who issues a certificate pursuant to this section in good faith is not liable for
237.13 damages resulting or arising from the actions or misconduct with a firearm or ammunition
237.14 committed by the individual who is the subject of the certificate.

237.15 The prohibition in this subdivision relating to the possession of firearms other than
237.16 pistols and semiautomatic military-style assault weapons does not apply retroactively to
237.17 persons who are prohibited from possessing a pistol or semiautomatic military-style assault
237.18 weapon under this subdivision before August 1, 1994.

237.19 The lifetime prohibition on possessing, receiving, shipping, or transporting firearms and
237.20 ammunition for persons convicted or adjudicated delinquent of a crime of violence in clause
237.21 (2), applies only to offenders who are discharged from sentence or court supervision for a
237.22 crime of violence on or after August 1, 1993.

237.23 For purposes of this section, "judicial determination" means a court proceeding pursuant
237.24 to sections 253B.07 to 253B.09 or a comparable law from another state.

237.25 **Sec. 2. [624.7171] EXTREME RISK PROTECTION ORDERS.**

237.26 Subdivision 1. Definitions. (a) As used in sections 624.7171 to 624.7178, the following
237.27 terms have the meanings given.

237.28 (b) "Family or household members" means:

237.29 (1) spouses and former spouses of the respondent;

237.30 (2) parents and children of the respondent;

237.31 (3) persons who are presently residing with the respondent; or

238.1 (4) a person involved in a significant romantic or sexual relationship with the respondent.

238.2 In determining whether persons are in a significant romantic or sexual relationship under
238.3 clause (4), the court shall consider the length of time of the relationship; type of relationship;
238.4 and frequency of interaction between the parties.

238.5 (c) "Firearm" has the meaning given in section 609.666, subdivision 1, paragraph (a).

238.6 (d) "Mental health professional" has the meaning given in section 245I.02, subdivision
238.7 27.

238.8 Subd. 2. **Court jurisdiction.** (a) An application for relief under sections 624.7172 and
238.9 624.7174 may be filed in the county of residence of the respondent except as provided for
238.10 in paragraph (b). Actions under sections 624.7172 and 624.7174 shall be given docket
238.11 priorities by the court.

238.12 (b) At the time of filing, a petitioner may request that the court allow the petitioner to
238.13 appear virtually at all proceedings. If the court denies the petitioner's request for virtual
238.14 participation, the petitioner may refile the petition in the county where the petitioner resides
238.15 or is officed.

238.16 Subd. 3. **Information on petitioner's location or residence.** Upon the petitioner's
238.17 request, information maintained by the court regarding the petitioner's location or residence
238.18 is not accessible to the public and may be disclosed only to court personnel or law
238.19 enforcement for purposes of service of process, conducting an investigation, or enforcing
238.20 an order.

238.21 Subd. 4. **Generally.** (a) There shall exist an action known as a petition for an extreme
238.22 risk protection order, which order shall enjoin and prohibit the respondent from possessing
238.23 or purchasing firearms for as long as the order remains in effect.

238.24 (b) A petition for relief under sections 624.7171 to 624.7178 may be made by the chief
238.25 law enforcement officer, the chief law enforcement officer's designee, a city or county
238.26 attorney, any family or household members of the respondent, or a guardian, as defined in
238.27 section 524.1-201, clause (27), of the respondent.

238.28 (c) A petition for relief shall allege that the respondent poses a significant danger of
238.29 bodily harm to other persons or is at significant risk of suicide by possessing a firearm. The
238.30 petition shall be accompanied by an affidavit made under oath stating specific facts and
238.31 circumstances forming a basis to allege that an extreme risk protection order should be
238.32 granted. The affidavit may include but is not limited to evidence showing any of the factors
238.33 described in section 624.7172, subdivision 2.

239.1 (d) A petition for emergency relief under section 624.7174 shall additionally allege that
239.2 the respondent presents an immediate and present danger of either bodily harm to others or
239.3 of taking their life.

239.4 (e) A petition for relief must describe, to the best of the petitioner's knowledge, the types
239.5 and location of any firearms believed by the petitioner to be possessed by the respondent.

239.6 (f) The court shall provide simplified forms and clerical assistance to help with the
239.7 writing and filing of a petition under this section.

239.8 (g) The state court administrator shall create all forms necessary under sections 624.7171
239.9 to 624.7178.

239.10 (h) The filing fees for an extreme risk protection order under this section are waived for
239.11 the petitioner and respondent. The court administrator, the sheriff of any county in this state,
239.12 and other law enforcement and corrections officers shall perform their duties relating to
239.13 service of process without charge to the petitioner. The court shall direct payment of the
239.14 reasonable costs of service of process if served by a private process server when the sheriff
239.15 or other law enforcement or corrections officer is unavailable or if service is made by
239.16 publication, without requiring the petitioner to make application under section 563.01.

239.17 (i) The court shall advise the petitioner of the right to serve the respondent by alternate
239.18 notice under section 624.7172, subdivision 1, paragraph (e), if the respondent is avoiding
239.19 personal service by concealment or otherwise, and shall assist in the writing and filing of
239.20 the affidavit.

239.21 (j) The court shall advise the petitioner of the right to request a hearing under section
239.22 624.7174. If the petitioner does not request a hearing, the court shall advise the petitioner
239.23 that the respondent may request a hearing and that notice of the hearing date and time will
239.24 be provided to the petitioner by mail at least five days before the hearing.

239.25 (k) Any proceeding under sections 624.7171 to 624.7178 shall be in addition to other
239.26 civil or criminal remedies.

239.27 (l) All health records and other health information provided in a petition or considered
239.28 as evidence in a proceeding under sections 624.7171 to 624.7178 shall be protected from
239.29 public disclosure but may be provided to law enforcement agencies as described in this
239.30 section.

239.31 (m) Any extreme risk protection order or subsequent extension issued under sections
239.32 624.7171 to 624.7178 shall be forwarded by the court administrator within 24 hours to the
239.33 local law enforcement agency with jurisdiction over the residence of the respondent and

240.1 electronically transmitted within three business days to the National Instant Criminal
240.2 Background Check System. When an order expires or is terminated by the court, the court
240.3 must submit a request that the order be removed from the National Instant Background
240.4 Check System. Each appropriate law enforcement agency shall make available to other law
240.5 enforcement officers, through a system for verification, information as to the existence and
240.6 status of any extreme risk protection order issued under sections 624.7171 to 624.7178.

240.7 Subd. 5. **Mental health professionals.** When a mental health professional has a statutory
240.8 duty to warn another of a client's serious threat of physically violent behavior or determines
240.9 that a client presents a significant risk of suicide by possessing a firearm, the mental health
240.10 professional must communicate the threat or risk to the sheriff of the county where the client
240.11 resides and make a recommendation to the sheriff regarding the client's fitness to possess
240.12 firearms.

240.13 Sec. 3. **[624.7172] EXTREME RISK PROTECTION ORDERS ISSUED AFTER**
240.14 **HEARING.**

240.15 Subdivision 1. **Hearing.** (a) Upon receipt of the petition for an order after a hearing, the
240.16 court must schedule and hold a hearing within 14 days from the date the petition was
240.17 received.

240.18 (b) The court shall advise the petitioner of the right to request an emergency extreme
240.19 risk protection order under section 624.7174 separately from or simultaneously with the
240.20 petition under this subdivision.

240.21 (c) The petitioning agency shall be responsible for service of an extreme risk protection
240.22 order issued by the court and shall further be the agency responsible for the execution of
240.23 any legal process required for the seizure and storage of firearms subject to the order. Nothing
240.24 in this provision limits the ability of the law enforcement agency of record from cooperating
240.25 with other law enforcement entities. When a court issues an extreme risk protection order
240.26 for a person who resides on Tribal territory, the chief law enforcement officer of the law
240.27 enforcement agency responsible for serving the order must request the assistance and counsel
240.28 of the appropriate Tribal police department prior to serving the respondent. When the
240.29 petitioner is a family or household member of the respondent, the primary law enforcement
240.30 agency serving the jurisdiction of residency of the respondent shall be responsible for the
240.31 execution of any legal process required for the seizure and storage of firearms subject to
240.32 the order.

240.33 (d) Personal service of notice for the hearing may be made upon the respondent at any
240.34 time up to 48 hours prior to the time set for the hearing, provided that the respondent at the

241.1 hearing may request a continuance of up to 14 days if the respondent is served less than
241.2 five days prior to the hearing, which continuance shall be granted unless there are compelling
241.3 reasons not to do so. If the court grants the requested continuance, and an existing emergency
241.4 order under section 624.7174 will expire due to the continuance, the court shall also issue
241.5 a written order continuing the emergency order pending the new time set for the hearing.

241.6 (e) If personal service cannot be made, the court may order service of the petition and
241.7 any order issued under this section by alternate means. The application for alternate service
241.8 must include the last known location of the respondent; the petitioner's most recent contacts
241.9 with the respondent; the last known location of the respondent's employment; the names
241.10 and locations of the respondent's parents, siblings, children, and other close relatives; the
241.11 names and locations of other persons who are likely to know the respondent's whereabouts;
241.12 and a description of efforts to locate those persons. The court shall consider the length of
241.13 time the respondent's location has been unknown, the likelihood that the respondent's location
241.14 will become known, the nature of the relief sought, and the nature of efforts made to locate
241.15 the respondent. The court shall order service by first class mail, forwarding address requested,
241.16 to any addresses where there is a reasonable possibility that mail or information will be
241.17 forwarded or communicated to the respondent. The court may also order publication, within
241.18 or without the state, but only if it might reasonably succeed in notifying the respondent of
241.19 the proceeding. Service shall be deemed complete 14 days after mailing or 14 days after
241.20 court-ordered publication.

241.21 (f) When a petitioner who is not the sheriff of the county where the respondent resides,
241.22 the sheriff's designee, or a family or household member files a petition, the petitioner must
241.23 provide notice of the action to the sheriff of the county where the respondent resides. When
241.24 a family or household member is the petitioner, the court must provide notice of the action
241.25 to the sheriff of the county where the respondent resides.

241.26 Subd. 2. **Relief by court.** (a) At the hearing, the petitioner must prove by clear and
241.27 convincing evidence that the respondent poses a significant danger to other persons or is at
241.28 significant risk of suicide by possessing a firearm.

241.29 (b) In determining whether to grant the order after a hearing, the court shall consider
241.30 evidence of the following, whether or not the petitioner has provided evidence of the same:

241.31 (1) a history of threats or acts of violence by the respondent directed toward another
241.32 person;

241.33 (2) the history of use, attempted use, or threatened use of physical force by the respondent
241.34 against another person;

- 242.1 (3) a violation of any court order, including but not limited to orders issued under sections
242.2 624.7171 to 624.7178 or chapter 260C or 518B;
- 242.3 (4) a prior arrest for a felony offense;
- 242.4 (5) a conviction or prior arrest for a violent misdemeanor offense, for a stalking offense
242.5 under section 609.749, or for domestic assault under section 609.2242;
- 242.6 (6) a conviction for an offense of cruelty to animals under chapter 343;
- 242.7 (7) the unlawful and reckless use, display, or brandishing of a firearm by the respondent;
- 242.8 (8) suicide attempts by the respondent or a serious mental illness; and
- 242.9 (9) whether the respondent is named in an existing order in effect under sections 624.7171
242.10 to 624.7178 or chapter 260C or 518B, or party to a pending lawsuit, complaint, petition, or
242.11 other action under sections 624.7171 to 624.7178 or chapter 518B.
- 242.12 (c) In determining whether to grant the order after a hearing, the court may:
- 242.13 (1) subpoena peace officers who have had contact with the respondent to provide written
242.14 or sworn testimony regarding the officer's contacts with the respondent; and
- 242.15 (2) consider any other evidence that bears on whether the respondent poses a danger to
242.16 others or is at risk of suicide.
- 242.17 (d) If the court finds there is clear and convincing evidence to issue an extreme risk
242.18 protection order, the court shall issue the order prohibiting the person from possessing or
242.19 purchasing a firearm for the duration of the order. The court shall inform the respondent
242.20 that the respondent is prohibited from possessing or purchasing firearms and shall issue a
242.21 transfer order under section 624.7175. The court shall also give notice to the county attorney's
242.22 office, which may take action as it deems appropriate.
- 242.23 (e) The court shall determine the length of time the order is in effect, but may not set
242.24 the length of time for less than six months or more than one year, subject to renewal or
242.25 extension under section 624.7173.
- 242.26 (f) If there is no existing emergency order under section 624.7174 at the time an order
242.27 is granted under this section, the court shall determine by clear and convincing evidence
242.28 whether the respondent presents an immediate and present danger of bodily harm. If the
242.29 court so determines, the transfer order shall include the provisions described in section
242.30 624.7175, paragraph (d).
- 242.31 (g) If, after a hearing, the court does not issue an order of protection, the court shall
242.32 vacate any emergency extreme risk protection order currently in effect.

243.1 (h) A respondent may waive the respondent's right to contest the hearing and consent
243.2 to the court's imposition of an extreme risk protection order. The court shall seal the petition
243.3 filed under this section and section 624.7144 if a respondent who consents to imposition of
243.4 an extreme risk protection order requests that the petition be sealed, unless the court finds
243.5 that there is clear and convincing evidence that the interests of the public and public safety
243.6 outweigh the disadvantages to the respondent of not sealing the petition. All extreme risk
243.7 protection orders based on the respondent being a danger to others shall remain public.
243.8 Extreme risk protection orders issued for respondents who are solely at risk of suicide shall
243.9 not be public.

243.10 **Sec. 4. [624.7173] SUBSEQUENT EXTENSIONS AND TERMINATION.**

243.11 (a) Upon application by any party entitled to petition for an order under section 624.7172,
243.12 and after notice to the respondent and a hearing, the court may extend the relief granted in
243.13 an existing order granted after a hearing under section 624.7172. Application for an extension
243.14 may be made any time within the three months before the expiration of the existing order.
243.15 The court may extend the order if the court makes the same findings by clear and convincing
243.16 evidence as required for granting of an initial order under section 624.7172, subdivision 2,
243.17 paragraph (d). The minimum length of time of an extension is six months and the maximum
243.18 length of time of an extension is one year. The court shall consider the same types of evidence
243.19 as required for the initial order under section 624.7172, subdivision 2, paragraphs (b) and
243.20 (c).

243.21 (b) Upon application by the respondent to an order issued under section 624.7172, the
243.22 court may terminate an order after a hearing at which the respondent shall bear the burden
243.23 of proving by clear and convincing evidence that the respondent does not pose a significant
243.24 danger to other persons or is at significant risk of suicide by possessing a firearm. Application
243.25 for termination may be made one time for each year an order is in effect. If an order has
243.26 been issued for a period of six months, the respondent may apply for termination one time.

243.27 **Sec. 5. [624.7174] EMERGENCY ISSUANCE OF EXTREME RISK PROTECTION**
243.28 **ORDER.**

243.29 (a) In determining whether to grant an emergency extreme risk protection order, the
243.30 court shall consider evidence of all facts identified in section 624.7172, subdivision 2,
243.31 paragraphs (b) and (c).

243.32 (b) The court shall advise the petitioner of the right to request an order after a hearing
243.33 under section 624.7172 separately from or simultaneously with the petition.

244.1 (c) If the court finds there is probable cause that (1) the respondent poses a significant
244.2 danger of bodily harm to other persons or is at significant risk of suicide by possessing a
244.3 firearm, and (2) the respondent presents an immediate and present danger of either bodily
244.4 harm to others or of taking their life, the court shall issue an ex parte emergency order
244.5 prohibiting the respondent from possessing or purchasing a firearm for the duration of the
244.6 order. The order shall inform the respondent that the respondent is prohibited from possessing
244.7 or purchasing firearms and shall issue a transfer order under section 624.7175, paragraph
244.8 (d).

244.9 (d) A finding by the court that there is a basis for issuing an emergency extreme risk
244.10 protection order constitutes a finding that sufficient reasons exist not to require notice under
244.11 applicable court rules governing applications for ex parte relief.

244.12 (e) The emergency order shall have a fixed period of 14 days unless a hearing is set
244.13 under section 624.7172 on an earlier date, in which case the order shall expire upon a judge's
244.14 finding that no order is issued under section 624.7172.

244.15 (f) Except as provided in paragraph (g), the respondent shall be personally served
244.16 immediately with a copy of the emergency order and a copy of the petition and, if a hearing
244.17 is requested by the petitioner under section 624.7172, notice of the date set for the hearing.
244.18 If the petitioner does not request a hearing under section 624.7172, an order served on a
244.19 respondent under this section must include a notice advising the respondent of the right to
244.20 request a hearing challenging the issuance of the emergency order, and must be accompanied
244.21 by a form that can be used by the respondent to request a hearing.

244.22 (g) Service of the emergency order may be made by alternate service as provided under
244.23 section 624.7172, subdivision 1, paragraph (e), provided that the petitioner files the affidavit
244.24 required under that subdivision. If the petitioner does not request a hearing under section
244.25 624.7172, the petition mailed to the respondent's residence, if known, must be accompanied
244.26 by the form for requesting a hearing described in paragraph (f).

244.27 **Sec. 6. [624.7175] TRANSFER OF FIREARMS.**

244.28 (a) Except as provided in paragraph (b), upon issuance of an extreme risk protection
244.29 order, the court shall direct the respondent to transfer any firearms the person possesses as
244.30 soon as reasonably practicable, but in no case later than 24 hours, to a federally licensed
244.31 firearms dealer or a law enforcement agency. If the respondent elects to transfer the
244.32 respondent's firearms to a law enforcement agency, the agency must accept the transfer.
244.33 The transfer may be permanent or temporary. A temporary firearm transfer only entitles
244.34 the receiving party to possess the firearm and does not transfer ownership or title. If the

245.1 respondent makes a temporary transfer, a federally licensed firearms dealer or law
245.2 enforcement agency may charge the respondent a reasonable fee to store the firearms and
245.3 may establish policies for disposal of abandoned firearms, provided these policies require
245.4 that the respondent be notified prior to disposal of abandoned firearms. If a respondent
245.5 permanently transfers the respondent's firearms to a law enforcement agency, the agency
245.6 is not required to compensate the respondent and may charge the respondent a reasonable
245.7 processing fee.

245.8 (b) A person directed to transfer any firearms pursuant to paragraph (a) may transfer
245.9 any antique firearm, as defined in United States Code, title 18, section 921, paragraph (a),
245.10 clause (16), as amended, or a curio or relic as defined in Code of Federal Regulations, title
245.11 27, section 478.11, as amended, to a relative who does not live with the respondent after
245.12 confirming that the relative may lawfully own or possess a firearm.

245.13 (c) The respondent must file proof of transfer as provided in this paragraph.

245.14 (1) A law enforcement agency or federally licensed firearms dealer accepting transfer
245.15 of a firearm pursuant to this section shall provide proof of transfer to the respondent. The
245.16 proof of transfer must specify whether the firearms were permanently or temporarily
245.17 transferred and must include the name of the respondent, date of transfer, and the serial
245.18 number, manufacturer, and model of all transferred firearms. If transfer is made to a federally
245.19 licensed firearms dealer, the respondent shall, within two business days after being served
245.20 with the order, file a copy of proof of transfer with the law enforcement agency and attest
245.21 that all firearms owned or possessed at the time of the order have been transferred in
245.22 accordance with this section and that the person currently does not possess any firearms. If
245.23 the respondent claims not to own or possess firearms, the respondent shall file a declaration
245.24 of nonpossession with the law enforcement agency attesting that, at the time of the order,
245.25 the respondent neither owned nor possessed any firearms, and that the respondent currently
245.26 neither owns nor possesses any firearms. If the transfer is made to a relative pursuant to
245.27 paragraph (b), the relative must sign an affidavit under oath before a notary public either
245.28 acknowledging that the respondent permanently transferred the respondent's antique firearms,
245.29 curios, or relics to the relative or agreeing to temporarily store the respondent's antique
245.30 firearms, curios, or relics until such time as the respondent is legally permitted to possess
245.31 firearms. To the extent possible, the affidavit shall indicate the serial number, make, and
245.32 model of all antique firearms, curios, or relics transferred by the respondent to the relative.

245.33 (2) The court shall seal affidavits, proofs of transfer, and declarations of nonpossession
245.34 filed pursuant to this paragraph.

246.1 (d) If a court issues an emergency order under section 624.7174, or makes a finding of
246.2 immediate and present danger under section 624.7172, subdivision 2, paragraph (f), and
246.3 there is probable cause to believe the respondent possesses firearms, the court shall issue a
246.4 search warrant to the local law enforcement agency to take possession of all firearms in the
246.5 respondent's possession as soon as practicable. The chief law enforcement officer, or the
246.6 chief's designee, shall notify the respondent of the option to voluntarily comply with the
246.7 order by surrendering the respondent's firearms to law enforcement prior to execution of
246.8 the search warrant. Only if the respondent refuses to voluntarily comply with the order to
246.9 surrender the respondent's firearms shall the officer or officers tasked with serving the search
246.10 warrant execute the warrant. The local law enforcement agency shall, upon written notice
246.11 from the respondent, transfer the firearms to a federally licensed firearms dealer. Before a
246.12 local law enforcement agency transfers a firearm under this paragraph, the agency shall
246.13 require the federally licensed firearms dealer receiving the firearm to submit a proof of
246.14 transfer that complies with the requirements for proofs of transfer established in paragraph
246.15 (c). The agency shall file all proofs of transfer received by the court within two business
246.16 days of the transfer. A federally licensed firearms dealer who accepts a firearm transfer
246.17 pursuant to this paragraph shall comply with paragraphs (a) and (c) as if accepting transfer
246.18 directly from the respondent. If the law enforcement agency does not receive written notice
246.19 from the respondent within three business days, the agency may charge a reasonable fee to
246.20 store the respondent's firearms. A law enforcement agency may establish policies for disposal
246.21 of abandoned firearms, provided these policies require that the respondent be notified prior
246.22 to disposal of abandoned firearms.

246.23 **Sec. 7. [624.7176] RETURN OF FIREARMS.**

246.24 Subdivision 1. **Law enforcement.** A local law enforcement agency that accepted
246.25 temporary transfer of firearms under section 624.7175 shall return the firearms to the
246.26 respondent after the expiration of the order, provided the respondent is not otherwise
246.27 prohibited from possessing firearms under state or federal law.

246.28 Subd. 2. **Firearms dealer.** A federally licensed firearms dealer that accepted temporary
246.29 transfer of firearms under section 624.7175 shall return the transferred firearms to the
246.30 respondent upon request after the expiration of the order, provided the respondent is not
246.31 otherwise prohibited from possessing firearms under state or federal law. A federally licensed
246.32 firearms dealer returning firearms shall comply with state and federal law as though
246.33 transferring a firearm from the dealer's own inventory.

247.1 Sec. 8. **[624.7177] OFFENSES.**

247.2 **Subdivision 1. False information or harassment.** A person who petitions for an extreme
247.3 risk protection order under section 624.7172 or 624.7174, knowing any information in the
247.4 petition to be materially false or with the intent to harass, abuse, or threaten, is guilty of a
247.5 gross misdemeanor.

247.6 **Subd. 2. Violation of order.** A person who possesses a firearm and knows or should
247.7 have known that the person is prohibited from doing so by an extreme risk protection order
247.8 under section 624.7172 or 624.7174, or by an order of protection granted by a judge or
247.9 referee pursuant to a substantially similar law of another state, is guilty of a misdemeanor
247.10 and shall be prohibited from possessing firearms for a period of five years. Each extreme
247.11 risk protection order granted under this chapter must contain a conspicuous notice to the
247.12 respondent regarding the penalty for violation of the order.

247.13 Sec. 9. **[624.7178] LIABILITY PROTECTION.**

247.14 **Subdivision 1. Liability protection for petition.** A chief law enforcement officer, the
247.15 chief law enforcement officer's designee, or a city or county attorney who, in good faith,
247.16 decides not to petition for an extreme risk protection order or emergency extreme risk
247.17 protection order shall be immune from criminal or civil liability.

247.18 **Subd. 2. Liability protection for storage of firearms.** A law enforcement agency shall
247.19 be immune from civil or criminal liability for any damage or deterioration of firearms,
247.20 ammunition, or weapons stored or transported pursuant to section 624.7175. This subdivision
247.21 shall not apply if the damage or deterioration occurred as a result of recklessness, gross
247.22 negligence, or intentional misconduct by the law enforcement agency.

247.23 **Subd. 3. Liability protection for harm following service of an order or execution of**
247.24 **a search warrant.** A peace officer, law enforcement agency, and the state or a political
247.25 subdivision by which a peace officer is employed has immunity from any liability, civil or
247.26 criminal, for harm caused by a person who is the subject of an extreme risk protection order,
247.27 a search warrant issued pursuant to section 624.7175, paragraph (d), or both, after service
247.28 of the order or execution of the warrant, whichever comes first, if the peace officer acts in
247.29 good faith in serving the order or executing the warrant.

247.30 **Subd. 4. Liability protection for mental health professionals.** A mental health
247.31 professional who provides notice to the sheriff under section 626.7171, subdivision 5, is
247.32 immune from monetary liability and no cause of action, or disciplinary action by the person's
247.33 licensing board may arise against the mental health professional for disclosure of confidences

248.1 to the sheriff, for failure to disclose confidences to the sheriff, or for erroneous disclosure
248.2 of confidences to the sheriff in a good faith effort to warn against or take precautions against
248.3 a client's violent behavior or threat of suicide.

248.4 Sec. 10. **[626.8481] EXTREME RISK PROTECTION ORDER; DEVELOPMENT**
248.5 **OF MODEL PROCEDURES.**

248.6 By December 1, 2023, the Peace Officer Standards and Training Board, after consulting
248.7 with the National Alliance on Mental Illness Minnesota, the Minnesota County Attorneys
248.8 Association, the Minnesota Sheriffs' Association, the Minnesota Chiefs of Police Association,
248.9 and the Minnesota Police and Peace Officers Association, shall develop model procedures
248.10 and standards for the storage of firearms transferred to law enforcement under section
248.11 624.7175.

248.12 Sec. 11. **FEDERAL BYRNE STATE CRISIS INTERVENTION FORMULA**
248.13 **PROGRAM.**

248.14 The Department of Public Safety is designated the state agency with the exclusive
248.15 authority to apply for federal Byrne State Crisis Intervention Formula Program grants.

248.16 Sec. 12. **EFFECTIVE DATE.**

248.17 Sections 1 to 9 are effective January 1, 2024, and apply to firearm permit background
248.18 checks made on or after that date.

248.19 **ARTICLE 13**
248.20 **CONTROLLED SUBSTANCES POLICY**

248.21 Section 1. Minnesota Statutes 2022, section 121A.28, is amended to read:

248.22 **121A.28 LAW ENFORCEMENT RECORDS.**

248.23 A law enforcement agency shall provide notice of any drug incident occurring within
248.24 the agency's jurisdiction, in which the agency has probable cause to believe a student violated
248.25 section 152.021, 152.022, 152.023, 152.024, 152.025, 152.0262, 152.027, ~~152.092~~, 152.097,
248.26 or 340A.503, subdivision 1, 2, or 3. The notice shall be in writing and shall be provided,
248.27 within two weeks after an incident occurs, to the chemical abuse preassessment team in the
248.28 school where the student is enrolled.

248.29 **EFFECTIVE DATE.** This section is effective August 1, 2023.

249.1 Sec. 2. Minnesota Statutes 2022, section 151.01, is amended by adding a subdivision to
249.2 read:

249.3 Subd. 43. **Syringe services provider.** "Syringe services provider" means a
249.4 community-based public health program that offers cost-free comprehensive harm reduction
249.5 services which may include: providing sterile needles, syringes, and other injection
249.6 equipment; making safe disposal containers for needles and syringes available; educating
249.7 participants and others about overdose prevention, safer injection practices, and infectious
249.8 disease prevention; providing blood-borne pathogen testing or referrals to blood-borne
249.9 pathogen testing; offering referrals to substance use disorder treatment, including substance
249.10 use disorder treatment with medications for opioid use disorder; and providing referrals to
249.11 medical treatment and services, mental health programs and services, and other social
249.12 services.

249.13 **EFFECTIVE DATE.** This section is effective August 1, 2023.

249.14 Sec. 3. Minnesota Statutes 2022, section 151.40, subdivision 1, is amended to read:

249.15 Subdivision 1. **Generally.** It is unlawful for any person to ~~possess, control,~~ manufacture,
249.16 ~~or sell, furnish, dispense, or otherwise dispose of~~ hypodermic syringes or needles or any
249.17 instrument or implement which can be adapted for subcutaneous injections, except for:

249.18 (1) the following persons when acting in the course of their practice or employment:

249.19 (i) licensed practitioners and their employees, agents, or delegates;

249.20 (ii) licensed pharmacies and their employees or agents;

249.21 (iii) licensed pharmacists;

249.22 (iv) registered nurses and licensed practical nurses;

249.23 (v) registered medical technologists;

249.24 (vi) medical interns and residents;

249.25 (vii) licensed drug wholesalers and their employees or agents;

249.26 (viii) licensed hospitals;

249.27 (ix) bona fide hospitals in which animals are treated;

249.28 (x) licensed nursing homes;

249.29 (xi) licensed morticians;

249.30 (xii) syringe and needle manufacturers and their dealers and agents;

- 250.1 (xiii) persons engaged in animal husbandry;
- 250.2 (xiv) clinical laboratories and their employees;
- 250.3 (xv) persons engaged in bona fide research or education or industrial use of hypodermic
250.4 syringes and needles provided such persons cannot use hypodermic syringes and needles
250.5 for the administration of drugs to human beings unless such drugs are prescribed, dispensed,
250.6 and administered by a person lawfully authorized to do so; ~~and~~
- 250.7 (xvi) persons who administer drugs pursuant to an order or direction of a licensed
250.8 practitioner; and
- 250.9 (xvii) syringe services providers and their employees and agents;
- 250.10 (2) a person who self-administers drugs pursuant to either the prescription or the direction
250.11 of a practitioner, or a family member, caregiver, or other individual who is designated by
250.12 such person to assist the person in obtaining and using needles and syringes for the
250.13 administration of such drugs;
- 250.14 (3) a person who is disposing of hypodermic syringes and needles through an activity
250.15 or program developed under section 325F.785; ~~or~~
- 250.16 (4) a person who sells, ~~possesses,~~ or handles hypodermic syringes and needles pursuant
250.17 to subdivision 2; or
- 250.18 (5) a participant receiving services from a syringe services provider, who accesses or
250.19 receives new syringes or needles from a syringe services provider or returns used syringes
250.20 or needles to a syringe services provider.

250.21 **EFFECTIVE DATE.** This section is effective August 1, 2023.

250.22 Sec. 4. Minnesota Statutes 2022, section 151.40, subdivision 2, is amended to read:

250.23 Subd. 2. **Sales of limited quantities of clean needles and syringes.** (a) A registered
250.24 pharmacy or a licensed pharmacist may sell, without the prescription or direction of a
250.25 practitioner, unused hypodermic needles and syringes ~~in quantities of ten or fewer,~~ provided
250.26 the pharmacy or pharmacist complies with all of the requirements of this subdivision.

250.27 (b) At any location where hypodermic needles and syringes are kept for retail sale under
250.28 this subdivision, the needles and syringes shall be stored in a manner that makes them
250.29 available only to authorized personnel and not openly available to customers.

251.1 (c) A registered pharmacy or licensed pharmacist that sells hypodermic needles or
251.2 syringes under this subdivision may give the purchaser the materials developed by the
251.3 commissioner of health under section 325F.785.

251.4 (d) A registered pharmacy or licensed pharmacist that sells hypodermic needles or
251.5 syringes under this subdivision must certify to the commissioner of health participation in
251.6 an activity, including but not limited to those developed under section 325F.785, that supports
251.7 proper disposal of used hypodermic needles or syringes.

251.8 Sec. 5. Minnesota Statutes 2022, section 152.01, subdivision 12a, is amended to read:

251.9 Subd. 12a. **Park zone.** "Park zone" means an area designated as a public park by the
251.10 federal government, the state, a local unit of government, a park district board, ~~or~~ a park
251.11 and recreation board in a city of the first class, or a federally recognized Indian Tribe. "Park
251.12 zone" includes the area within 300 feet or one city block, whichever distance is greater, of
251.13 the park boundary.

251.14 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
251.15 committed on or after that date.

251.16 Sec. 6. Minnesota Statutes 2022, section 152.01, subdivision 18, is amended to read:

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

251.25 (b) "Drug paraphernalia" does not include the possession, manufacture, delivery, or sale
251.26 of: (1) ~~hypodermic needles or syringes in accordance with section 151.40, subdivision 2~~
251.27 hypodermic syringes or needles or any instrument or implement which can be adapted for
251.28 subcutaneous injections; or (2) products that detect the presence of fentanyl or a fentanyl
251.29 analog in a controlled substance.

251.30 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
251.31 committed on or after that date.

252.1 Sec. 7. Minnesota Statutes 2022, section 152.01, is amended by adding a subdivision to
252.2 read:

252.3 Subd. 25. **Fentanyl.** As used in sections 152.021 to 152.025, "fentanyl" includes fentanyl,
252.4 carfentanil, and any fentanyl analogs and fentanyl-related substances listed in section 152.02,
252.5 subdivisions 2 and 3.

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

252.7 Sec. 8. Minnesota Statutes 2022, section 152.021, subdivision 1, is amended to read:

252.8 Subdivision 1. **Sale crimes.** A person is guilty of controlled substance crime in the first
252.9 degree if:

252.10 (1) on one or more occasions within a 90-day period the person unlawfully sells one or
252.11 more mixtures of a total weight of 17 grams or more containing cocaine or methamphetamine;

252.12 (2) on one or more occasions within a 90-day period the person unlawfully sells one or
252.13 more mixtures of a total weight of ten grams or more containing cocaine or methamphetamine
252.14 and:

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

252.18 (ii) the offense involves two aggravating factors;

252.19 (3) on one or more occasions within a 90-day period the person unlawfully sells one or
252.20 more mixtures of a total weight of ten grams or more, or 40 dosage units or more, containing
252.21 heroin or fentanyl;

252.22 (4) on one or more occasions within a 90-day period the person unlawfully sells one or
252.23 more mixtures of a total weight of 50 grams or more containing a narcotic drug other than
252.24 cocaine, heroin, fentanyl, or methamphetamine;

252.25 (5) on one or more occasions within a 90-day period the person unlawfully sells one or
252.26 more mixtures of a total weight of 50 grams or more containing amphetamine, phencyclidine,
252.27 or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 200 or
252.28 more dosage units; or

252.29 (6) on one or more occasions within a 90-day period the person unlawfully sells one or
252.30 more mixtures of a total weight of 25 kilograms or more containing marijuana or
252.31 Tetrahydrocannabinols.

253.1 **EFFECTIVE DATE.** This section is effective the day following final enactment and
253.2 applies to crimes committed on or after that date.

253.3 Sec. 9. Minnesota Statutes 2022, section 152.021, subdivision 2, is amended to read:

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

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

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

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

253.13 (ii) the offense involves two aggravating factors;

253.14 (3) the person unlawfully possesses one or more mixtures of a total weight of 25 grams
253.15 or more, or 100 dosage units or more, containing heroin or fentanyl;

253.16 (4) the person unlawfully possesses one or more mixtures of a total weight of 500 grams
253.17 or more containing a narcotic drug other than cocaine, heroin, fentanyl, or methamphetamine;

253.18 (5) the person unlawfully possesses one or more mixtures of a total weight of 500 grams
253.19 or more containing amphetamine, phencyclidine, or hallucinogen or, if the controlled
253.20 substance is packaged in dosage units, equaling 500 or more dosage units; or

253.21 (6) the person unlawfully possesses one or more mixtures of a total weight of 50
253.22 kilograms or more containing marijuana or Tetrahydrocannabinols, or possesses 500 or
253.23 more marijuana plants.

253.24 (b) For the purposes of this subdivision, the weight of fluid used in a water pipe may
253.25 not be considered in measuring the weight of a mixture except in cases where the mixture
253.26 contains four or more fluid ounces of fluid.

253.27 **EFFECTIVE DATE.** This section is effective the day following final enactment and
253.28 applies to crimes committed on or after that date.

254.1 Sec. 10. Minnesota Statutes 2022, section 152.022, subdivision 1, is amended to read:

254.2 Subdivision 1. **Sale crimes.** A person is guilty of controlled substance crime in the
254.3 second degree if:

254.4 (1) on one or more occasions within a 90-day period the person unlawfully sells one or
254.5 more mixtures of a total weight of ten grams or more containing a narcotic drug other than
254.6 heroin or fentanyl;

254.7 (2) on one or more occasions within a 90-day period the person unlawfully sells one or
254.8 more mixtures of a total weight of three grams or more containing cocaine or
254.9 methamphetamine and:

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

254.13 (ii) the offense involves three aggravating factors;

254.14 (3) on one or more occasions within a 90-day period the person unlawfully sells one or
254.15 more mixtures of a total weight of three grams or more, or 12 dosage units or more,
254.16 containing heroin or fentanyl;

254.17 (4) on one or more occasions within a 90-day period the person unlawfully sells one or
254.18 more mixtures of a total weight of ten grams or more containing amphetamine, phencyclidine,
254.19 or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 50 or
254.20 more dosage units;

254.21 (5) on one or more occasions within a 90-day period the person unlawfully sells one or
254.22 more mixtures of a total weight of ten kilograms or more containing marijuana or
254.23 Tetrahydrocannabinols;

254.24 (6) the person unlawfully sells any amount of a Schedule I or II narcotic drug to a person
254.25 under the age of 18, or conspires with or employs a person under the age of 18 to unlawfully
254.26 sell the substance; or

254.27 (7) the person unlawfully sells any of the following in a school zone, a park zone, a
254.28 public housing zone, or a drug treatment facility:

254.29 (i) any amount of a Schedule I or II narcotic drug, lysergic acid diethylamide (LSD),
254.30 3,4-methylenedioxy amphetamine, or 3,4-methylenedioxymethamphetamine;

254.31 (ii) one or more mixtures containing methamphetamine or amphetamine; or

255.1 (iii) one or more mixtures of a total weight of five kilograms or more containing marijuana
255.2 or Tetrahydrocannabinols.

255.3 **EFFECTIVE DATE.** This section is effective the day following final enactment and
255.4 applies to crimes committed on or after that date.

255.5 Sec. 11. Minnesota Statutes 2022, section 152.022, subdivision 2, is amended to read:

255.6 Subd. 2. **Possession crimes.** (a) A person is guilty of controlled substance crime in the
255.7 second degree if:

255.8 (1) the person unlawfully possesses one or more mixtures of a total weight of 25 grams
255.9 or more containing cocaine or methamphetamine;

255.10 (2) the person unlawfully possesses one or more mixtures of a total weight of ten grams
255.11 or more containing cocaine or methamphetamine and:

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

255.15 (ii) the offense involves three aggravating factors;

255.16 (3) the person unlawfully possesses one or more mixtures of a total weight of six grams
255.17 or more, or 50 dosage units or more, containing heroin or fentanyl;

255.18 (4) the person unlawfully possesses one or more mixtures of a total weight of 50 grams
255.19 or more containing a narcotic drug other than cocaine, heroin, fentanyl, or methamphetamine;

255.20 (5) the person unlawfully possesses one or more mixtures of a total weight of 50 grams
255.21 or more containing amphetamine, phencyclidine, or hallucinogen or, if the controlled
255.22 substance is packaged in dosage units, equaling 100 or more dosage units; or

255.23 (6) the person unlawfully possesses one or more mixtures of a total weight of 25
255.24 kilograms or more containing marijuana or Tetrahydrocannabinols, or possesses 100 or
255.25 more marijuana plants.

255.26 (b) For the purposes of this subdivision, the weight of fluid used in a water pipe may
255.27 not be considered in measuring the weight of a mixture except in cases where the mixture
255.28 contains four or more fluid ounces of fluid.

255.29 **EFFECTIVE DATE.** This section is effective the day following final enactment and
255.30 applies to crimes committed on or after that date.

256.1 Sec. 12. Minnesota Statutes 2022, section 152.023, subdivision 2, is amended to read:

256.2 Subd. 2. **Possession crimes.** (a) A person is guilty of controlled substance crime in the
256.3 third degree if:

256.4 (1) on one or more occasions within a 90-day period the person unlawfully possesses
256.5 one or more mixtures of a total weight of ten grams or more containing a narcotic drug other
256.6 than heroin or fentanyl;

256.7 (2) on one or more occasions within a 90-day period the person unlawfully possesses
256.8 one or more mixtures of: (i) a total weight of three grams or more containing heroin; or (ii)
256.9 a total weight of five grams or more, or 25 dosage units or more, containing fentanyl;

256.10 (3) on one or more occasions within a 90-day period the person unlawfully possesses
256.11 one or more mixtures containing a narcotic drug other than heroin or fentanyl, it is packaged
256.12 in dosage units, and equals 50 or more dosage units;

256.13 (4) on one or more occasions within a 90-day period the person unlawfully possesses
256.14 any amount of a schedule I or II narcotic drug or five or more dosage units of lysergic acid
256.15 diethylamide (LSD), 3,4-methylenedioxy amphetamine, or
256.16 3,4-methylenedioxymethamphetamine in a school zone, a park zone, a public housing zone,
256.17 or a drug treatment facility;

256.18 (5) on one or more occasions within a 90-day period the person unlawfully possesses
256.19 one or more mixtures of a total weight of ten kilograms or more containing marijuana or
256.20 Tetrahydrocannabinols; or

256.21 (6) the person unlawfully possesses one or more mixtures containing methamphetamine
256.22 or amphetamine in a school zone, a park zone, a public housing zone, or a drug treatment
256.23 facility.

256.24 (b) For the purposes of this subdivision, the weight of fluid used in a water pipe may
256.25 not be considered in measuring the weight of a mixture except in cases where the mixture
256.26 contains four or more fluid ounces of fluid.

256.27 **EFFECTIVE DATE.** This section is effective the day following final enactment and
256.28 applies to crimes committed on or after that date.

256.29 Sec. 13. Minnesota Statutes 2022, section 152.025, subdivision 2, is amended to read:

256.30 Subd. 2. **Possession and other crimes.** A person is guilty of controlled substance crime
256.31 in the fifth degree and upon conviction may be sentenced as provided in subdivision 4 if:

257.1 (1) the person unlawfully possesses one or more mixtures containing a controlled
257.2 substance classified in Schedule I, II, III, or IV, except a small amount of marijuana or a
257.3 residual amount of one or more mixtures of controlled substances contained in drug
257.4 paraphernalia; or

257.5 (2) the person procures, attempts to procure, possesses, or has control over a controlled
257.6 substance by any of the following means:

257.7 (i) fraud, deceit, misrepresentation, or subterfuge;

257.8 (ii) using a false name or giving false credit; or

257.9 (iii) falsely assuming the title of, or falsely representing any person to be, a manufacturer,
257.10 wholesaler, pharmacist, physician, doctor of osteopathic medicine licensed to practice
257.11 medicine, dentist, podiatrist, veterinarian, or other authorized person for the purpose of
257.12 obtaining a controlled substance.

257.13 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
257.14 committed on or after that date.

257.15 Sec. 14. Minnesota Statutes 2022, section 152.093, is amended to read:

257.16 **152.093 MANUFACTURE OR DELIVERY OF DRUG PARAPHERNALIA**
257.17 **PROHIBITED.**

257.18 It is unlawful for any person ~~knowingly or intentionally to deliver drug paraphernalia~~
257.19 ~~or knowingly or intentionally to possess or manufacture drug paraphernalia for delivery.~~
257.20 Any violation of this section is a misdemeanor.

257.21 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
257.22 committed on or after that date.

257.23 Sec. 15. Minnesota Statutes 2022, section 152.205, is amended to read:

257.24 **152.205 LOCAL REGULATIONS.**

257.25 Sections 152.01, subdivision 18, and ~~152.092~~ 152.093 to 152.095 do not preempt
257.26 enforcement or preclude adoption of municipal or county ordinances prohibiting or otherwise
257.27 regulating the manufacture, delivery, possession, or advertisement of drug paraphernalia.

257.28 **EFFECTIVE DATE.** This section is effective August 1, 2023.

258.1 Sec. 16. [626.8443] OPIATE ANTAGONISTS; TRAINING; CARRYING; USE.

258.2 Subdivision 1. **Training.** A chief law enforcement officer must provide basic training
258.3 to peace officers employed by the chief's agency on:

258.4 (1) identifying persons who are suffering from narcotics overdoses; and

258.5 (2) the proper use of opiate antagonists to treat a narcotics overdose.

258.6 Subd. 2. **Mandatory supply.** A chief law enforcement officer must maintain a sufficient
258.7 supply of opiate antagonists to ensure that officers employed by the chief's agency can
258.8 satisfy the requirements of subdivision 3.

258.9 Subd. 3. **Mandatory carrying.** Each on-duty peace officer who is assigned to respond
258.10 to emergency calls must have at least two unexpired opiate antagonist doses readily available
258.11 when the officer's shift begins. An officer who depletes their supply of opiate antagonists
258.12 during the officer's shift shall replace the expended doses from the officer's agency's supply
258.13 so long as replacing the doses will not compromise public safety.

258.14 Subd. 4. **Authorization of use.** (a) A chief law enforcement officer must authorize peace
258.15 officers employed by the chief's agency to perform administration of an opiate antagonist
258.16 when an officer believes a person is suffering a narcotics overdose.

258.17 (b) In order to administer opiate antagonists, a peace officer must comply with section
258.18 151.37, subdivision 12, paragraph (b), clause (1).

258.19 Sec. 17. **REPEALER.**

258.20 Minnesota Statutes 2022, section 152.092, is repealed.

258.21 **EFFECTIVE DATE.** This section is effective August 1, 2023.

258.22 **ARTICLE 14**

258.23 **CONTROLLED SUBSTANCES SCHEDULES**

258.24 Section 1. Minnesota Statutes 2022, section 152.02, subdivision 2, is amended to read:

258.25 Subd. 2. **Schedule I.** (a) Schedule I consists of the substances listed in this subdivision.

258.26 (b) Opiates. Unless specifically excepted or unless listed in another schedule, any of the
258.27 following substances, including their analogs, isomers, esters, ethers, salts, and salts of
258.28 isomers, esters, and ethers, whenever the existence of the analogs, isomers, esters, ethers,
258.29 and salts is possible:

258.30 (1) acetylmethadol;

- 259.1 (2) allylprodine;
- 259.2 (3) alphacetylmethadol (except levo-alphacetylmethadol, also known as levomethadyl
- 259.3 acetate);
- 259.4 (4) alphameprodine;
- 259.5 (5) alphamethadol;
- 259.6 (6) alpha-methylfentanyl benzethidine;
- 259.7 (7) betacetylmethadol;
- 259.8 (8) betameprodine;
- 259.9 (9) betamethadol;
- 259.10 (10) betaprodine;
- 259.11 (11) clonitazene;
- 259.12 (12) dextromoramide;
- 259.13 (13) diampromide;
- 259.14 (14) diethylambutene;
- 259.15 (15) difenoxin;
- 259.16 (16) dimenoxadol;
- 259.17 (17) dimepheptanol;
- 259.18 (18) dimethylambutene;
- 259.19 (19) dioxaphetyl butyrate;
- 259.20 (20) dipipanone;
- 259.21 (21) ethylmethylthiambutene;
- 259.22 (22) etonitazene;
- 259.23 (23) etoxeridine;
- 259.24 (24) furethidine;
- 259.25 (25) hydroxypethidine;
- 259.26 (26) ketobemidone;
- 259.27 (27) levomoramide;

- 260.1 (28) levophenacymorphan;
- 260.2 (29) 3-methylfentanyl;
- 260.3 (30) acetyl-alpha-methylfentanyl;
- 260.4 (31) alpha-methylthiofentanyl;
- 260.5 (32) benzylfentanyl beta-hydroxyfentanyl;
- 260.6 (33) beta-hydroxy-3-methylfentanyl;
- 260.7 (34) 3-methylthiofentanyl;
- 260.8 (35) thenylfentanyl;
- 260.9 (36) thiofentanyl;
- 260.10 (37) para-fluorofentanyl;
- 260.11 (38) morpheridine;
- 260.12 (39) 1-methyl-4-phenyl-4-propionoxypiperidine;
- 260.13 (40) noracymethadol;
- 260.14 (41) norlevorphanol;
- 260.15 (42) normethadone;
- 260.16 (43) norpipanone;
- 260.17 (44) 1-(2-phenylethyl)-4-phenyl-4-acetoxypiperidine (PEPAP);
- 260.18 (45) phenadoxone;
- 260.19 (46) phenampromide;
- 260.20 (47) phenomorphan;
- 260.21 (48) phenoperidine;
- 260.22 (49) piritramide;
- 260.23 (50) proheptazine;
- 260.24 (51) properidine;
- 260.25 (52) propiram;
- 260.26 (53) racemoramide;
- 260.27 (54) tilidine;

- 261.1 (55) trimeperidine;
- 261.2 (56) N-(1-Phenethylpiperidin-4-yl)-N-phenylacetamide (acetyl fentanyl);
- 261.3 (57) 3,4-dichloro-N-[(1R,2R)-2-(dimethylamino)cyclohexyl]-N-
- 261.4 methylbenzamide(U47700);
- 261.5 (58) N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]furan-2-carboxamide(furanylfentanyl);
- 261.6 (59) 4-(4-bromophenyl)-4-dimethylamino-1-phenethylcyclohexanol (bromadol);
- 261.7 (60) N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide (Cyclopropyl
- 261.8 fentanyl);
- 261.9 (61) N-(1-phenethylpiperidin-4-yl)-N-phenylbutanamide) (butyryl fentanyl);
- 261.10 (62) 1-cyclohexyl-4-(1,2-diphenylethyl)piperazine) (MT-45);
- 261.11 (63) N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide (cyclopentyl
- 261.12 fentanyl);
- 261.13 (64) N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide (isobutyryl fentanyl);
- 261.14 (65) N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide (valeryl fentanyl);
- 261.15 (66) N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide
- 261.16 (para-chloroisobutyryl fentanyl);
- 261.17 (67) N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide (para-fluorobutyryl
- 261.18 fentanyl);
- 261.19 (68) N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide
- 261.20 (para-methoxybutyryl fentanyl);
- 261.21 (69) N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetamide (ocfentanil);
- 261.22 (70) N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide (4-fluoroisobutyryl
- 261.23 fentanyl or para-fluoroisobutyryl fentanyl);
- 261.24 (71) N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide (acryl fentanyl or
- 261.25 acryloylfentanyl);
- 261.26 (72) 2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide (methoxyacetyl
- 261.27 fentanyl);
- 261.28 (73) N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide (ortho-fluorofentanyl
- 261.29 or 2-fluorofentanyl);

- 262.1 (74) N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide
262.2 (tetrahydrofuranyl fentanyl); ~~and~~
- 262.3 (75) Fentanyl-related substances, their isomers, esters, ethers, salts and salts of isomers,
262.4 esters and ethers, meaning any substance not otherwise listed under another federal
262.5 Administration Controlled Substance Code Number or not otherwise listed in this section,
262.6 and for which no exemption or approval is in effect under section 505 of the Federal Food,
262.7 Drug, and Cosmetic Act, United States Code , title 21, section 355, that is structurally related
262.8 to fentanyl by one or more of the following modifications:
- 262.9 (i) replacement of the phenyl portion of the phenethyl group by any monocycle, whether
262.10 or not further substituted in or on the monocycle;
- 262.11 (ii) substitution in or on the phenethyl group with alkyl, alkenyl, alkoxy, hydroxyl, halo,
262.12 haloalkyl, amino, or nitro groups;
- 262.13 (iii) substitution in or on the piperidine ring with alkyl, alkenyl, alkoxy, ester, ether,
262.14 hydroxyl, halo, haloalkyl, amino, or nitro groups;
- 262.15 (iv) replacement of the aniline ring with any aromatic monocycle whether or not further
262.16 substituted in or on the aromatic monocycle; or
- 262.17 (v) replacement of the N-propionyl group by another acyl group;
- 262.18 (76) 1-(1-(1-(4-bromophenyl)ethyl)piperidin-4-yl)-1,3-
262.19 dihydro-2H-benzo[d]imidazol-2-one (bromphine);
- 262.20 (77) 4'-methyl acetyl fentanyl;
- 262.21 (78) beta-hydroxythiofentanyl;
- 262.22 (79) beta-methyl fentanyl;
- 262.23 (80) beta'-phenyl fentanyl;
- 262.24 (81) crotonyl fentanyl ((E)-N-(1-phenethylpiperidin-4-yl)-N-phenylbut-2-enamide);
- 262.25 (82) cyclopropyl fentanyl
262.26 (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide);
- 262.27 (83) fentanyl carbamate;
- 262.28 (84) isotonitazene (N,N-diethyl-2-(2-(4
262.29 isopropoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine);
- 262.30 (85) para-fluoro furanyl fentanyl;

- 263.1 (86) para-methylfentanyl;
- 263.2 (87) phenyl fentanyl;
- 263.3 (88) ortho-fluoroacryl fentanyl;
- 263.4 (89) ortho-fluorobutyryl fentanyl;
- 263.5 (90) ortho-fluoroisobutyryl fentanyl;
- 263.6 (91) ortho-methyl acetylfentanyl;
- 263.7 (92) thiofuranyl fentanyl;
- 263.8 (93) metonitazene
- 263.9 (N,N-diethyl-2-(2-(4-methoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine);
- 263.10 (94) metodesnitazene
- 263.11 (N,N-diethyl-2-(2-(4-methoxybenzyl)-1H-benzimidazol-1-yl)ethan-1-amine);
- 263.12 (95) etodesnitazene; etazene
- 263.13 (2-(2-(4-ethoxybenzyl)-1H-benzimidazol-1-yl)-N,N-diethylethan-1-amine);
- 263.14 (96) protonitazene
- 263.15 (N,N-diethyl-2-(5-nitro-2-(4-propoxybenzyl)-1H-benzimidazol-1-yl)ethan-1-amine);
- 263.16 (97) butonitazene
- 263.17 (2-(2-(4-butoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)-N,N-diethylethan-1-amine);
- 263.18 (98) flunitazene
- 263.19 (N,N-diethyl-2-(2-(4-fluorobenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine); and
- 263.20 (99) N-pyrrolidino etonitazene; etonitazepyne
- 263.21 (2-(4-ethoxybenzyl)-5-nitro-1-(2-(pyrrolidin-1-yl)ethyl)-1H-benzimidazole).
- 263.22 (c) Opium derivatives. Any of the following substances, their analogs, salts, isomers,
- 263.23 and salts of isomers, unless specifically excepted or unless listed in another schedule,
- 263.24 whenever the existence of the analogs, salts, isomers, and salts of isomers is possible:
- 263.25 (1) acetorphine;
- 263.26 (2) acetyldihydrocodeine;
- 263.27 (3) benzylmorphine;
- 263.28 (4) codeine methylbromide;
- 263.29 (5) codeine-n-oxide;

- 264.1 (6) cyprenorphine;
- 264.2 (7) desomorphine;
- 264.3 (8) dihydromorphine;
- 264.4 (9) drotebanol;
- 264.5 (10) etorphine;
- 264.6 (11) heroin;
- 264.7 (12) hydromorphanol;
- 264.8 (13) methyl-desorphine;
- 264.9 (14) methyl-dihydromorphine;
- 264.10 (15) morphine methylbromide;
- 264.11 (16) morphine methylsulfonate;
- 264.12 (17) morphine-n-oxide;
- 264.13 (18) myrophine;
- 264.14 (19) nicocodeine;
- 264.15 (20) nicomorphine;
- 264.16 (21) normorphine;
- 264.17 (22) pholcodine; and
- 264.18 (23) thebacon.
- 264.19 (d) Hallucinogens. Any material, compound, mixture or preparation which contains any
- 264.20 quantity of the following substances, their analogs, salts, isomers (whether optical, positional,
- 264.21 or geometric), and salts of isomers, unless specifically excepted or unless listed in another
- 264.22 schedule, whenever the existence of the analogs, salts, isomers, and salts of isomers is
- 264.23 possible:
- 264.24 (1) methylenedioxy amphetamine;
- 264.25 (2) methylenedioxymethamphetamine;
- 264.26 (3) methylenedioxy-N-ethylamphetamine (MDEA);
- 264.27 (4) n-hydroxy-methylenedioxyamphetamine;
- 264.28 (5) 4-bromo-2,5-dimethoxyamphetamine (DOB);

- 265.1 (6) 2,5-dimethoxyamphetamine (2,5-DMA);
- 265.2 (7) 4-methoxyamphetamine;
- 265.3 (8) 5-methoxy-3, 4-methylenedioxyamphetamine;
- 265.4 (9) alpha-ethyltryptamine;
- 265.5 (10) bufotenine;
- 265.6 (11) diethyltryptamine;
- 265.7 (12) dimethyltryptamine;
- 265.8 (13) 3,4,5-trimethoxyamphetamine;
- 265.9 (14) 4-methyl-2, 5-dimethoxyamphetamine (DOM);
- 265.10 (15) ibogaine;
- 265.11 (16) lysergic acid diethylamide (LSD);
- 265.12 (17) mescaline;
- 265.13 (18) parahexyl;
- 265.14 (19) N-ethyl-3-piperidyl benzilate;
- 265.15 (20) N-methyl-3-piperidyl benzilate;
- 265.16 (21) psilocybin;
- 265.17 (22) psilocyn;
- 265.18 (23) tenocyclidine (TPCP or TCP);
- 265.19 (24) N-ethyl-1-phenyl-cyclohexylamine (PCE);
- 265.20 (25) 1-(1-phenylcyclohexyl) pyrrolidine (PCPy);
- 265.21 (26) 1-[1-(2-thienyl)cyclohexyl]-pyrrolidine (TCPy);
- 265.22 (27) 4-chloro-2,5-dimethoxyamphetamine (DOC);
- 265.23 (28) 4-ethyl-2,5-dimethoxyamphetamine (DOET);
- 265.24 (29) 4-iodo-2,5-dimethoxyamphetamine (DOI);
- 265.25 (30) 4-bromo-2,5-dimethoxyphenethylamine (2C-B);
- 265.26 (31) 4-chloro-2,5-dimethoxyphenethylamine (2C-C);
- 265.27 (32) 4-methyl-2,5-dimethoxyphenethylamine (2C-D);

- 266.1 (33) 4-ethyl-2,5-dimethoxyphenethylamine (2C-E);
- 266.2 (34) 4-iodo-2,5-dimethoxyphenethylamine (2C-I);
- 266.3 (35) 4-propyl-2,5-dimethoxyphenethylamine (2C-P);
- 266.4 (36) 4-isopropylthio-2,5-dimethoxyphenethylamine (2C-T-4);
- 266.5 (37) 4-propylthio-2,5-dimethoxyphenethylamine (2C-T-7);
- 266.6 (38) 2-(8-bromo-2,3,6,7-tetrahydrofuro [2,3-f][1]benzofuran-4-yl)ethanamine
- 266.7 (2-CB-FLY);
- 266.8 (39) bromo-benzodifuranyl-isopropylamine (Bromo-DragonFLY);
- 266.9 (40) alpha-methyltryptamine (AMT);
- 266.10 (41) N,N-diisopropyltryptamine (DiPT);
- 266.11 (42) 4-acetoxy-N,N-dimethyltryptamine (4-AcO-DMT);
- 266.12 (43) 4-acetoxy-N,N-diethyltryptamine (4-AcO-DET);
- 266.13 (44) 4-hydroxy-N-methyl-N-propyltryptamine (4-HO-MPT);
- 266.14 (45) 4-hydroxy-N,N-dipropyltryptamine (4-HO-DPT);
- 266.15 (46) 4-hydroxy-N,N-diallyltryptamine (4-HO-DALT);
- 266.16 (47) 4-hydroxy-N,N-diisopropyltryptamine (4-HO-DiPT);
- 266.17 (48) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DiPT);
- 266.18 (49) 5-methoxy- α -methyltryptamine (5-MeO-AMT);
- 266.19 (50) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);
- 266.20 (51) 5-methylthio-N,N-dimethyltryptamine (5-MeS-DMT);
- 266.21 (52) 5-methoxy-N-methyl-N-isopropyltryptamine (5-MeO-MiPT);
- 266.22 (53) 5-methoxy- α -ethyltryptamine (5-MeO-AET);
- 266.23 (54) 5-methoxy-N,N-dipropyltryptamine (5-MeO-DPT);
- 266.24 (55) 5-methoxy-N,N-diethyltryptamine (5-MeO-DET);
- 266.25 (56) 5-methoxy-N,N-diallyltryptamine (5-MeO-DALT);
- 266.26 (57) methoxetamine (MXE);
- 266.27 (58) 5-iodo-2-aminoindane (5-IAI);

- 267.1 (59) 5,6-methylenedioxy-2-aminoindane (MDAI);
- 267.2 (60) 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25B-NBOMe);
- 267.3 (61) 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25C-NBOMe);
- 267.4 (62) 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25I-NBOMe);
- 267.5 (63) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);
- 267.6 (64) 2-(4-Ethylthio-2,5-dimethoxyphenyl)ethanamine (2C-T-2);
- 267.7 (65) N,N-Dipropyltryptamine (DPT);
- 267.8 (66) 3-[1-(Piperidin-1-yl)cyclohexyl]phenol (3-HO-PCP);
- 267.9 (67) N-ethyl-1-(3-methoxyphenyl)cyclohexanamine (3-MeO-PCE);
- 267.10 (68) 4-[1-(3-methoxyphenyl)cyclohexyl]morpholine (3-MeO-PCMo);
- 267.11 (69) 1-[1-(4-methoxyphenyl)cyclohexyl]-piperidine (methoxydine, 4-MeO-PCP);
- 267.12 (70) 2-(2-Chlorophenyl)-2-(ethylamino)cyclohexan-1-one (N-Ethylorketamine,
- 267.13 ethketamine, NENK);
- 267.14 (71) methylenedioxy-N,N-dimethylamphetamine (MDDMA);
- 267.15 (72) 3-(2-Ethyl(methyl)aminoethyl)-1H-indol-4-yl (4-AcO-MET); and
- 267.16 (73) 2-Phenyl-2-(methylamino)cyclohexanone (deschloroketamine).
- 267.17 (e) Peyote. All parts of the plant presently classified botanically as *Lophophora williamsii*
- 267.18 Lemaire, whether growing or not, the seeds thereof, any extract from any part of the plant,
- 267.19 and every compound, manufacture, salts, derivative, mixture, or preparation of the plant,
- 267.20 its seeds or extracts. The listing of peyote as a controlled substance in Schedule I does not
- 267.21 apply to the nondrug use of peyote in bona fide religious ceremonies of the American Indian
- 267.22 Church, and members of the American Indian Church are exempt from registration. Any
- 267.23 person who manufactures peyote for or distributes peyote to the American Indian Church,
- 267.24 however, is required to obtain federal registration annually and to comply with all other
- 267.25 requirements of law.
- 267.26 (f) Central nervous system depressants. Unless specifically excepted or unless listed in
- 267.27 another schedule, any material compound, mixture, or preparation which contains any
- 267.28 quantity of the following substances, their analogs, salts, isomers, and salts of isomers
- 267.29 whenever the existence of the analogs, salts, isomers, and salts of isomers is possible:
- 267.30 (1) mecloqualone;

- 268.1 (2) methaqualone;
- 268.2 (3) gamma-hydroxybutyric acid (GHB), including its esters and ethers;
- 268.3 (4) flunitrazepam;
- 268.4 (5) 2-(2-Methoxyphenyl)-2-(methylamino)cyclohexanone (2-MeO-2-deschloroketamine,
- 268.5 methoxyketamine);
- 268.6 (6) tianeptine;
- 268.7 (7) clonazepam;
- 268.8 (8) etizolam;
- 268.9 (9) flubromazolam; and
- 268.10 (10) flubromazepam.
- 268.11 (g) Stimulants. Unless specifically excepted or unless listed in another schedule, any
- 268.12 material compound, mixture, or preparation which contains any quantity of the following
- 268.13 substances, their analogs, salts, isomers, and salts of isomers whenever the existence of the
- 268.14 analogs, salts, isomers, and salts of isomers is possible:
- 268.15 (1) aminorex;
- 268.16 (2) cathinone;
- 268.17 (3) fenethylamine;
- 268.18 (4) methcathinone;
- 268.19 (5) methylaminorex;
- 268.20 (6) N,N-dimethylamphetamine;
- 268.21 (7) N-benzylpiperazine (BZP);
- 268.22 (8) methylmethcathinone (mephedrone);
- 268.23 (9) 3,4-methylenedioxy-N-methylcathinone (methylone);
- 268.24 (10) methoxymethcathinone (methedrone);
- 268.25 (11) methylenedioxypropylone (MDPV);
- 268.26 (12) 3-fluoro-N-methylcathinone (3-FMC);
- 268.27 (13) methylethcathinone (MEC);
- 268.28 (14) 1-benzofuran-6-ylpropan-2-amine (6-APB);

- 269.1 (15) dimethylmethcathinone (DMMC);
- 269.2 (16) fluoroamphetamine;
- 269.3 (17) fluoromethamphetamine;
- 269.4 (18) α -methylaminobutyrophenone (MABP or buphedrone);
- 269.5 (19) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one (butylone);
- 269.6 (20) 2-(methylamino)-1-(4-methylphenyl)butan-1-one (4-MEMABP or BZ-6378);
- 269.7 (21) 1-(naphthalen-2-yl)-2-(pyrrolidin-1-yl) pentan-1-one (naphthylpyrovalerone or
- 269.8 naphyrone);
- 269.9 (22) (alpha-pyrrolidinopentiophenone (alpha-PVP);
- 269.10 (23) (RS)-1-(4-methylphenyl)-2-(1-pyrrolidinyl)-1-hexanone (4-Me-PHP or MPHP);
- 269.11 (24) 2-(1-pyrrolidinyl)-hexanophenone (Alpha-PHP);
- 269.12 (25) 4-methyl-N-ethylcathinone (4-MEC);
- 269.13 (26) 4-methyl-alpha-pyrrolidinopropiophenone (4-MePPP);
- 269.14 (27) 2-(methylamino)-1-phenylpentan-1-one (pentedrone);
- 269.15 (28) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one (pentylone);
- 269.16 (29) 4-fluoro-N-methylcathinone (4-FMC);
- 269.17 (30) 3,4-methylenedioxy-N-ethylcathinone (ethylone);
- 269.18 (31) alpha-pyrrolidinobutiophenone (α -PBP);
- 269.19 (32) 5-(2-Aminopropyl)-2,3-dihydrobenzofuran (5-APDB);
- 269.20 (33) 1-phenyl-2-(1-pyrrolidinyl)-1-heptanone (PV8);
- 269.21 (34) 6-(2-Aminopropyl)-2,3-dihydrobenzofuran (6-APDB);
- 269.22 (35) 4-methyl-alpha-ethylaminopentiophenone (4-MEAPP);
- 269.23 (36) 4'-chloro-alpha-pyrrolidinopropiophenone (4'-chloro-PPP);
- 269.24 (37) 1-(1,3-Benzodioxol-5-yl)-2-(dimethylamino)butan-1-one (dibutylone, bk-DMBDB);
- 269.25 (38) 1-(3-chlorophenyl) piperazine (meta-chlorophenylpiperazine or mCPP);
- 269.26 (39) 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-pentan-1-one (N-ethylpentylone, ephylone);
- 269.27 ~~and~~

270.1 (40) any other substance, except bupropion or compounds listed under a different
270.2 schedule, that is structurally derived from 2-aminopropan-1-one by substitution at the
270.3 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the
270.4 compound is further modified in any of the following ways:

270.5 (i) by substitution in the ring system to any extent with alkyl, alkylendioxy, alkoxy,
270.6 haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring
270.7 system by one or more other univalent substituents;

270.8 (ii) by substitution at the 3-position with an acyclic alkyl substituent;

270.9 (iii) by substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or
270.10 methoxybenzyl groups; or

270.11 (iv) by inclusion of the 2-amino nitrogen atom in a cyclic structure;

270.12 (41) 4,4'-dimethylaminorex (4,4'-DMAR;
270.13 4,5-dihydro-4-methyl-5-(4-methylphenyl)-2-oxazolamine);

270.14 (42) 4-chloro-alpha-pyrrolidinovalerophenone (4-chloro-A-PVP);

270.15 (43) para-methoxymethamphetamine (PMMA),
270.16 1-(4-methoxyphenyl)-N-methylpropan-2-amine; and

270.17 (44) N-ethylhexedrone.

270.18 (h) Marijuana, tetrahydrocannabinols, and synthetic cannabinoids. Unless specifically
270.19 excepted or unless listed in another schedule, any natural or synthetic material, compound,
270.20 mixture, or preparation that contains any quantity of the following substances, their analogs,
270.21 isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence
270.22 of the isomers, esters, ethers, or salts is possible:

270.23 (1) marijuana;

270.24 (2) tetrahydrocannabinols naturally contained in a plant of the genus Cannabis, except
270.25 that tetrahydrocannabinols do not include any material, compound, mixture, or preparation
270.26 that qualifies as industrial hemp as defined in section 18K.02, subdivision 3; synthetic
270.27 equivalents of the substances contained in the cannabis plant or in the resinous extractives
270.28 of the plant; or synthetic substances with similar chemical structure and pharmacological
270.29 activity to those substances contained in the plant or resinous extract, including, but not
270.30 limited to, 1 cis or trans tetrahydrocannabinol, 6 cis or trans tetrahydrocannabinol, and 3,4
270.31 cis or trans tetrahydrocannabinol;

270.32 (3) synthetic cannabinoids, including the following substances:

271.1 (i) Naphthoylindoles, which are any compounds containing a 3-(1-naphthoyl)indole
271.2 structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl,
271.3 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
271.4 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any
271.5 extent and whether or not substituted in the naphthyl ring to any extent. Examples of
271.6 naphthoylindoles include, but are not limited to:

271.7 (A) 1-Pentyl-3-(1-naphthoyl)indole (JWH-018 and AM-678);

271.8 (B) 1-Butyl-3-(1-naphthoyl)indole (JWH-073);

271.9 (C) 1-Pentyl-3-(4-methoxy-1-naphthoyl)indole (JWH-081);

271.10 (D) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200);

271.11 (E) 1-Propyl-2-methyl-3-(1-naphthoyl)indole (JWH-015);

271.12 (F) 1-Hexyl-3-(1-naphthoyl)indole (JWH-019);

271.13 (G) 1-Pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122);

271.14 (H) 1-Pentyl-3-(4-ethyl-1-naphthoyl)indole (JWH-210);

271.15 (I) 1-Pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398);

271.16 (J) 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM-2201).

271.17 (ii) Naphthylmethylindoles, which are any compounds containing a
271.18 1H-indol-3-yl-(1-naphthyl)methane structure with substitution at the nitrogen atom of the
271.19 indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
271.20 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further
271.21 substituted in the indole ring to any extent and whether or not substituted in the naphthyl
271.22 ring to any extent. Examples of naphthylmethylindoles include, but are not limited to:

271.23 (A) 1-Pentyl-1H-indol-3-yl-(1-naphthyl)methane (JWH-175);

271.24 (B) 1-Pentyl-1H-indol-3-yl-(4-methyl-1-naphthyl)methane (JWH-184).

271.25 (iii) Naphthoylpyrroles, which are any compounds containing a 3-(1-naphthoyl)pyrrole
271.26 structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl,
271.27 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
271.28 2-(4-morpholinyl)ethyl group whether or not further substituted in the pyrrole ring to any
271.29 extent, whether or not substituted in the naphthyl ring to any extent. Examples of
271.30 naphthoylpyrroles include, but are not limited to,
271.31 (5-(2-fluorophenyl)-1-pentylpyrrol-3-yl)-naphthalen-1-ylmethanone (JWH-307).

272.1 (iv) Naphthylmethylenes, which are any compounds containing a naphthylideneindene
272.2 structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, alkenyl,
272.3 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
272.4 2-(4-morpholinyl)ethyl group whether or not further substituted in the indene ring to any
272.5 extent, whether or not substituted in the naphthyl ring to any extent. Examples of
272.6 naphthylmethylenes include, but are not limited to,
272.7 E-1-[1-(1-naphthalenylmethylene)-1H-inden-3-yl]pentane (JWH-176).

272.8 (v) Phenylacetylindoles, which are any compounds containing a 3-phenylacetylindole
272.9 structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl,
272.10 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
272.11 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any
272.12 extent, whether or not substituted in the phenyl ring to any extent. Examples of
272.13 phenylacetylindoles include, but are not limited to:

272.14 (A) 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (RCS-8);

272.15 (B) 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250);

272.16 (C) 1-pentyl-3-(2-methylphenylacetyl)indole (JWH-251);

272.17 (D) 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203).

272.18 (vi) Cyclohexylphenols, which are compounds containing a
272.19 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic
272.20 ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
272.21 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not substituted
272.22 in the cyclohexyl ring to any extent. Examples of cyclohexylphenols include, but are not
272.23 limited to:

272.24 (A) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP 47,497);

272.25 (B) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol
272.26 (Cannabicyclohexanol or CP 47,497 C8 homologue);

272.27 (C) 5-(1,1-dimethylheptyl)-2-[(1R,2R)-5-hydroxy-2-(3-hydroxypropyl)cyclohexyl]
272.28 -phenol (CP 55,940).

272.29 (vii) Benzoylindoles, which are any compounds containing a 3-(benzoyl)indole structure
272.30 with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl,
272.31 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
272.32 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any

- 273.1 extent and whether or not substituted in the phenyl ring to any extent. Examples of
273.2 benzoylindoles include, but are not limited to:
- 273.3 (A) 1-Pentyl-3-(4-methoxybenzoyl)indole (RCS-4);
- 273.4 (B) 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM-694);
- 273.5 (C) (4-methoxyphenyl-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone (WIN
273.6 48,098 or Pravadoline).
- 273.7 (viii) Others specifically named:
- 273.8 (A) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)
273.9 -6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (HU-210);
- 273.10 (B) (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)
273.11 -6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (Dexanabinol or HU-211);
- 273.12 (C) 2,3-dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]
273.13 -1,4-benzoxazin-6-yl-1-naphthalenylmethanone (WIN 55,212-2);
- 273.14 (D) (1-pentylindol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone (UR-144);
- 273.15 (E) (1-(5-fluoropentyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone
273.16 (XLR-11);
- 273.17 (F) 1-pentyl-N-tricyclo[3.3.1.1^{3,7}]dec-1-yl-1H-indazole-3-carboxamide
273.18 (AKB-48(APINACA));
- 273.19 (G) N-((3s,5s,7s)-adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide
273.20 (5-Fluoro-AKB-48);
- 273.21 (H) 1-pentyl-8-quinoliny ester-1H-indole-3-carboxylic acid (PB-22);
- 273.22 (I) 8-quinoliny ester-1-(5-fluoropentyl)-1H-indole-3-carboxylic acid (5-Fluoro PB-22);
- 273.23 (J) N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-pentyl-1H-indazole-3-carboxamide
273.24 (AB-PINACA);
- 273.25 (K) N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-[(4-fluorophenyl)methyl]-
273.26 1H-indazole-3-carboxamide (AB-FUBINACA);
- 273.27 (L) N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-(cyclohexylmethyl)-1H-
273.28 indazole-3-carboxamide(AB-CHMINACA);
- 273.29 (M) (S)-methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate
273.30 (5-fluoro-AMB);

- 274.1 (N) [1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalen-1-yl) methanone (THJ-2201);
- 274.2 (O) (1-(5-fluoropentyl)-1H-benzo[d]imidazol-2-yl)(naphthalen-1-yl)methanone)
- 274.3 (FUBIMINA);
- 274.4 (P) (7-methoxy-1-(2-morpholinoethyl)-N-((1S,2S,4R)-1,3,3-trimethylbicyclo
- 274.5 [2.2.1]heptan-2-yl)-1H-indole-3-carboxamide (MN-25 or UR-12);
- 274.6 (Q) (S)-N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)
- 274.7 -1H-indole-3-carboxamide (5-fluoro-ABICA);
- 274.8 (R) N-(1-amino-3-phenyl-1-oxopropan-2-yl)-1-(5-fluoropentyl)
- 274.9 -1H-indole-3-carboxamide;
- 274.10 (S) N-(1-amino-3-phenyl-1-oxopropan-2-yl)-1-(5-fluoropentyl)
- 274.11 -1H-indazole-3-carboxamide;
- 274.12 (T) methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate;
- 274.13 (U) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1(cyclohexylmethyl)-1
- 274.14 H-indazole-3-carboxamide (MAB-CHMINACA);
- 274.15 (V) N-(1-Amino-3,3-dimethyl-1-oxo-2-butanyl)-1-pentyl-1H-indazole-3-carboxamide
- 274.16 (ADB-PINACA);
- 274.17 (W) methyl (1-(4-fluorobenzyl)-1H-indazole-3-carbonyl)-L-valinate (FUB-AMB);
- 274.18 (X) N-[(1S)-2-amino-2-oxo-1-(phenylmethyl)ethyl]-1-(cyclohexylmethyl)-1H-Indazole-
- 274.19 3-carboxamide. (APP-CHMINACA);
- 274.20 (Y) quinolin-8-yl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate (FUB-PB-22); and
- 274.21 (Z) methyl N-[1-(cyclohexylmethyl)-1H-indole-3-carbonyl]valinate (MMB-CHMICA).
- 274.22 (ix) Additional substances specifically named:
- 274.23 (A) 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1
- 274.24 H-pyrrolo[2,3-B]pyridine-3-carboxamide (5F-CUMYL-P7AICA);
- 274.25 (B) 1-(4-cyanobutyl)-N-(2- phenylpropan-2-yl)-1 H-indazole-3-carboxamide
- 274.26 (4-CN-Cumyl-Butinaca);
- 274.27 (C) naphthalen-1-yl-1-(5-fluoropentyl)-1-H-indole-3-carboxylate (NM2201; CBL2201);
- 274.28 (D) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1
- 274.29 H-indazole-3-carboxamide (5F-ABPINACA);

275.1 (E) methyl-2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate
 275.2 (MDMB CHMICA);

275.3 (F) methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate
 275.4 (5F-ADB; 5F-MDMB-PINACA); ~~and~~

275.5 (G) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)
 275.6 1H-indazole-3-carboxamide (ADB-FUBINACA);

275.7 (H) 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide;

275.8 (I) (1-(4-fluorobenzyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone;

275.9 (J) methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate;

275.10 (K) methyl 2-(1-(5-fluoropentyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate;

275.11 (L) ethyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate;

275.12 (M) methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3-methylbutanoate;

275.13 (N) N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide; and

275.14 (O) N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide.

275.15 (i) A controlled substance analog, to the extent that it is implicitly or explicitly intended
 275.16 for human consumption.

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

275.18 Sec. 2. Minnesota Statutes 2022, section 152.02, subdivision 3, is amended to read:

275.19 Subd. 3. **Schedule II.** (a) Schedule II consists of the substances listed in this subdivision.

275.20 (b) Unless specifically excepted or unless listed in another schedule, any of the following
 275.21 substances whether produced directly or indirectly by extraction from substances of vegetable
 275.22 origin or independently by means of chemical synthesis, or by a combination of extraction
 275.23 and chemical synthesis:

275.24 (1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or
 275.25 opiate.

275.26 (i) Excluding:

275.27 (A) apomorphine;

275.28 (B) thebaine-derived butorphanol;

275.29 (C) dextrophan;

- 276.1 (D) nalbuphine;
- 276.2 (E) nalmefene;
- 276.3 (F) naloxegol;
- 276.4 (G) naloxone;
- 276.5 (H) naltrexone; and
- 276.6 (I) their respective salts;
- 276.7 (ii) but including the following:
- 276.8 (A) opium, in all forms and extracts;
- 276.9 (B) codeine;
- 276.10 (C) dihydroetorphine;
- 276.11 (D) ethylmorphine;
- 276.12 (E) etorphine hydrochloride;
- 276.13 (F) hydrocodone;
- 276.14 (G) hydromorphone;
- 276.15 (H) metopon;
- 276.16 (I) morphine;
- 276.17 (J) oxycodone;
- 276.18 (K) oxymorphone;
- 276.19 (L) thebaine;
- 276.20 (M) oripavine;
- 276.21 (2) any salt, compound, derivative, or preparation thereof which is chemically equivalent
- 276.22 or identical with any of the substances referred to in clause (1), except that these substances
- 276.23 shall not include the isoquinoline alkaloids of opium;
- 276.24 (3) opium poppy and poppy straw;
- 276.25 (4) coca leaves and any salt, cocaine compound, derivative, or preparation of coca leaves
- 276.26 (including cocaine and ecgonine and their salts, isomers, derivatives, and salts of isomers
- 276.27 and derivatives), and any salt, compound, derivative, or preparation thereof which is
- 276.28 chemically equivalent or identical with any of these substances, except that the substances

- 277.1 shall not include decocainized coca leaves or extraction of coca leaves, which extractions
277.2 do not contain cocaine or ecgonine;
- 277.3 (5) concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid,
277.4 or powder form which contains the phenanthrene alkaloids of the opium poppy).
- 277.5 (c) Any of the following opiates, including their isomers, esters, ethers, salts, and salts
277.6 of isomers, esters and ethers, unless specifically excepted, or unless listed in another schedule,
277.7 whenever the existence of such isomers, esters, ethers and salts is possible within the specific
277.8 chemical designation:
- 277.9 (1) alfentanil;
- 277.10 (2) alphaprodine;
- 277.11 (3) anileridine;
- 277.12 (4) bezitramide;
- 277.13 (5) bulk dextropropoxyphene (nondosage forms);
- 277.14 (6) carfentanil;
- 277.15 (7) dihydrocodeine;
- 277.16 (8) dihydromorphinone;
- 277.17 (9) diphenoxylate;
- 277.18 (10) fentanyl;
- 277.19 (11) isomethadone;
- 277.20 (12) levo-alpha-acetylmethadol (LAAM);
- 277.21 (13) levomethorphan;
- 277.22 (14) levorphanol;
- 277.23 (15) metazocine;
- 277.24 (16) methadone;
- 277.25 (17) methadone - intermediate, 4-cyano-2-dimethylamino-4, 4-diphenylbutane;
- 277.26 (18) moramide - intermediate, 2-methyl-3-morpholino-1, 1-diphenyl-propane-carboxylic
277.27 acid;
- 277.28 (19) pethidine;
- 277.29 (20) pethidine - intermediate - a, 4-cyano-1-methyl-4-phenylpiperidine;

- 278.1 (21) pethidine - intermediate - b, ethyl-4-phenylpiperidine-4-carboxylate;
- 278.2 (22) pethidine - intermediate - c, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
- 278.3 (23) phenazocine;
- 278.4 (24) piminodine;
- 278.5 (25) racemethorphan;
- 278.6 (26) racemorphan;
- 278.7 (27) remifentanyl;
- 278.8 (28) sufentanyl;
- 278.9 (29) tapentadol;
- 278.10 (30) 4-Anilino-N-phenethylpiperidine-2;
- 278.11 (31) oliceridine;
- 278.12 (32) norfentanyl (N-phenyl-N-(piperidin-4-yl) propionamide).
- 278.13 (d) Unless specifically excepted or unless listed in another schedule, any material,
- 278.14 compound, mixture, or preparation which contains any quantity of the following substances
- 278.15 having a stimulant effect on the central nervous system:
- 278.16 (1) amphetamine, its salts, optical isomers, and salts of its optical isomers;
- 278.17 (2) methamphetamine, its salts, isomers, and salts of its isomers;
- 278.18 (3) phenmetrazine and its salts;
- 278.19 (4) methylphenidate;
- 278.20 (5) lisdexamfetamine.
- 278.21 (e) Unless specifically excepted or unless listed in another schedule, any material,
- 278.22 compound, mixture, or preparation which contains any quantity of the following substances
- 278.23 having a depressant effect on the central nervous system, including its salts, isomers, and
- 278.24 salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible
- 278.25 within the specific chemical designation:
- 278.26 (1) amobarbital;
- 278.27 (2) glutethimide;
- 278.28 (3) secobarbital;
- 278.29 (4) pentobarbital;

- 279.1 (5) phencyclidine;
- 279.2 (6) phencyclidine immediate precursors:
- 279.3 (i) 1-phenylcyclohexylamine;
- 279.4 (ii) 1-piperidinocyclohexanecarbonitrile;
- 279.5 (7) phenylacetone.
- 279.6 (f) Cannabinoids:
- 279.7 (1) nabilone;
- 279.8 (2) dronabinol [(-)-delta-9-trans-tetrahydrocannabinol (delta-9-THC)] in an oral solution
- 279.9 in a drug product approved for marketing by the United States Food and Drug Administration.
- 279.10 **EFFECTIVE DATE.** This section is effective the day following final enactment.
- 279.11 Sec. 3. Minnesota Statutes 2022, section 152.02, subdivision 5, is amended to read:
- 279.12 Subd. 5. **Schedule IV.** (a) Schedule IV consists of the substances listed in this subdivision.
- 279.13 (b) Narcotic drugs. Unless specifically excepted or unless listed in another schedule,
- 279.14 any material, compound, mixture, or preparation containing any of the following narcotic
- 279.15 drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities
- 279.16 as follows:
- 279.17 (1) not more than one milligram of difenoxin and not less than 25 micrograms of atropine
- 279.18 sulfate per dosage unit;
- 279.19 (2) dextropropoxyphene (Darvon and Darvocet);
- 279.20 (3) 2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol, its salts, optical and
- 279.21 geometric isomers, and salts of these isomers (including tramadol);
- 279.22 (4) eluxadoline;
- 279.23 (5) pentazocine; and
- 279.24 (6) butorphanol (including its optical isomers).
- 279.25 (c) Depressants. Unless specifically excepted or unless listed in another schedule, any
- 279.26 material, compound, mixture, or preparation containing any quantity of the following
- 279.27 substances, including its salts, isomers, and salts of isomers whenever the existence of the
- 279.28 salts, isomers, and salts of isomers is possible:
- 279.29 (1) alfaxalone (5 α -pregnan-3 α -ol-11,20-dione);

- 280.1 (2) alprazolam;
- 280.2 (3) barbital;
- 280.3 (4) bromazepam;
- 280.4 (5) camazepam;
- 280.5 (6) carisoprodol;
- 280.6 (7) chloral betaine;
- 280.7 (8) chloral hydrate;
- 280.8 (9) chlordiazepoxide;
- 280.9 (10) clobazam;
- 280.10 (11) clonazepam;
- 280.11 (12) clorazepate;
- 280.12 (13) clotiazepam;
- 280.13 (14) cloxazolam;
- 280.14 (15) delorazepam;
- 280.15 (16) diazepam;
- 280.16 (17) dichloralphenazone;
- 280.17 (18) estazolam;
- 280.18 (19) ethchlorvynol;
- 280.19 (20) ethinamate;
- 280.20 (21) ethyl loflazepate;
- 280.21 (22) fludiazepam;
- 280.22 (23) flurazepam;
- 280.23 (24) fospropofol;
- 280.24 (25) halazepam;
- 280.25 (26) haloxazolam;
- 280.26 (27) ketazolam;
- 280.27 (28) loprazolam;

- 281.1 (29) lorazepam;
- 281.2 (30) lormetazepam mebutamate;
- 281.3 (31) medazepam;
- 281.4 (32) meprobamate;
- 281.5 (33) methohexital;
- 281.6 (34) methylphenobarbital;
- 281.7 (35) midazolam;
- 281.8 (36) nimetazepam;
- 281.9 (37) nitrazepam;
- 281.10 (38) nordiazepam;
- 281.11 (39) oxazepam;
- 281.12 (40) oxazolam;
- 281.13 (41) paraldehyde;
- 281.14 (42) petrichloral;
- 281.15 (43) phenobarbital;
- 281.16 (44) pinazepam;
- 281.17 (45) prazepam;
- 281.18 (46) quazepam;
- 281.19 (47) suvorexant;
- 281.20 (48) temazepam;
- 281.21 (49) tetrazepam;
- 281.22 (50) triazolam;
- 281.23 (51) zaleplon;
- 281.24 (52) zolpidem;
- 281.25 (53) zopiclone;
- 281.26 (54) brexanolone (3 α -hydroxy-5 α -pregnan-20-one);
- 281.27 (55) lemborexant;

282.1 (56) remimazolam (4H-imidazol[1,2-a][1,4]benzodiazepine-4-propionic acid).

282.2 (d) Any material, compound, mixture, or preparation which contains any quantity of the
282.3 following substance including its salts, isomers, and salts of such isomers, whenever the
282.4 existence of such salts, isomers, and salts of isomers is possible: fenfluramine.

282.5 (e) Stimulants. Unless specifically excepted or unless listed in another schedule, any
282.6 material, compound, mixture, or preparation which contains any quantity of the following
282.7 substances having a stimulant effect on the central nervous system, including its salts,
282.8 isomers, and salts of isomers:

282.9 (1) cathine (norpseudoephedrine);

282.10 (2) diethylpropion;

282.11 (3) fencamfamine;

282.12 (4) fenproporex;

282.13 (5) mazindol;

282.14 (6) mefenorex;

282.15 (7) modafinil;

282.16 (8) pemoline (including organometallic complexes and chelates thereof);

282.17 (9) phentermine;

282.18 (10) pipradol;

282.19 (11) sibutramine;

282.20 (12) SPA (1-dimethylamino-1,2-diphenylethane)-;

282.21 (13) serdexmethylphenidate;

282.22 (14) solriamfetol (2-amino-3-phenylpropyl carbamate; benzenepropanol, beta-amino-,
282.23 carbamate (ester)).

282.24 (f) lorcaserin.

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

282.26 Sec. 4. Minnesota Statutes 2022, section 152.02, subdivision 6, is amended to read:

282.27 Subd. 6. **Schedule V; restrictions on methamphetamine precursor drugs.** (a) As used
282.28 in this subdivision, the following terms have the meanings given:

283.1 (1) "methamphetamine precursor drug" means any compound, mixture, or preparation
283.2 intended for human consumption containing ephedrine or pseudoephedrine as its sole active
283.3 ingredient or as one of its active ingredients; and

283.4 (2) "over-the-counter sale" means a retail sale of a drug or product but does not include
283.5 the sale of a drug or product pursuant to the terms of a valid prescription.

283.6 (b) The following items are listed in Schedule V:

283.7 (1) any compound, mixture, or preparation containing any of the following limited
283.8 quantities of narcotic drugs, which shall include one or more nonnarcotic active medicinal
283.9 ingredients in sufficient proportion to confer upon the compound, mixture or preparation
283.10 valuable medicinal qualities other than those possessed by the narcotic drug alone:

283.11 (i) not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams;

283.12 (ii) not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams;

283.13 (iii) not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of
283.14 atropine sulfate per dosage unit;

283.15 (iv) not more than 100 milligrams of opium per 100 milliliters or per 100 grams; or

283.16 (v) not more than 0.5 milligrams of difenoxin and not less than 25 micrograms of atropine
283.17 sulfate per dosage unit.

283.18 (2) Stimulants. Unless specifically exempted or excluded or unless listed in another
283.19 schedule, any material, compound, mixture, or preparation that contains any quantity of the
283.20 following substance having a stimulant effect on the central nervous system, including its
283.21 salts, isomers, and salts of isomers: pyrovalerone.

283.22 (3) Depressants. Unless specifically exempted or excluded or unless listed in another
283.23 schedule, any material, compound, mixture, or preparation that contains any quantity of the
283.24 following substance having a depressant effect on the central nervous system, including its
283.25 salts, isomers, and salts of isomers:

283.26 (i) ezogabine;

283.27 (ii) pregabalin;

283.28 (iii) lacosamide;

283.29 (iv) cenobamate [(1R)-1-(2-chlorophenyl)-2-(tetrazol-2-yl)ethyl]carbamate.

283.30 (4) Any compound, mixture, or preparation containing ephedrine or pseudoephedrine
283.31 as its sole active ingredient or as one of its active ingredients.

284.1 (c) No person may sell in a single over-the-counter sale more than two packages of a
284.2 methamphetamine precursor drug or a combination of methamphetamine precursor drugs
284.3 or any combination of packages exceeding a total weight of six grams, calculated as the
284.4 base.

284.5 (d) Over-the-counter sales of methamphetamine precursor drugs are limited to:

284.6 (1) packages containing not more than a total of three grams of one or more
284.7 methamphetamine precursor drugs, calculated in terms of ephedrine base or pseudoephedrine
284.8 base; or

284.9 (2) for nonliquid products, sales in blister packs, where each blister contains not more
284.10 than two dosage units, or, if the use of blister packs is not technically feasible, sales in unit
284.11 dose packets or pouches.

284.12 (e) A business establishment that offers for sale methamphetamine precursor drugs in
284.13 an over-the-counter sale shall ensure that all packages of the drugs are displayed behind a
284.14 checkout counter where the public is not permitted and are offered for sale only by a licensed
284.15 pharmacist, a registered pharmacy technician, or a pharmacy clerk. The establishment shall
284.16 ensure that the person making the sale requires the buyer:

284.17 (1) to provide photographic identification showing the buyer's date of birth; and

284.18 (2) to sign a written or electronic document detailing the date of the sale, the name of
284.19 the buyer, and the amount of the drug sold.

284.20 A document described under clause (2) must be retained by the establishment for at least
284.21 three years and must at all reasonable times be open to the inspection of any law enforcement
284.22 agency.

284.23 Nothing in this paragraph requires the buyer to obtain a prescription for the drug's
284.24 purchase.

284.25 (f) No person may acquire through over-the-counter sales more than six grams of
284.26 methamphetamine precursor drugs, calculated as the base, within a 30-day period.

284.27 (g) No person may sell in an over-the-counter sale a methamphetamine precursor drug
284.28 to a person under the age of 18 years. It is an affirmative defense to a charge under this
284.29 paragraph if the defendant proves by a preponderance of the evidence that the defendant
284.30 reasonably and in good faith relied on proof of age as described in section 340A.503,
284.31 subdivision 6.

285.1 (h) A person who knowingly violates paragraph (c), (d), (e), (f), or (g) is guilty of a
285.2 misdemeanor and may be sentenced to imprisonment for not more than 90 days, or to
285.3 payment of a fine of not more than \$1,000, or both.

285.4 (i) An owner, operator, supervisor, or manager of a business establishment that offers
285.5 for sale methamphetamine precursor drugs whose employee or agent is convicted of or
285.6 charged with violating paragraph (c), (d), (e), (f), or (g) is not subject to the criminal penalties
285.7 for violating any of those paragraphs if the person:

285.8 (1) did not have prior knowledge of, participate in, or direct the employee or agent to
285.9 commit the violation; and

285.10 (2) documents that an employee training program was in place to provide the employee
285.11 or agent with information on the state and federal laws and regulations regarding
285.12 methamphetamine precursor drugs.

285.13 (j) Any person employed by a business establishment that offers for sale
285.14 methamphetamine precursor drugs who sells such a drug to any person in a suspicious
285.15 transaction shall report the transaction to the owner, supervisor, or manager of the
285.16 establishment. The owner, supervisor, or manager may report the transaction to local law
285.17 enforcement. A person who reports information under this subdivision in good faith is
285.18 immune from civil liability relating to the report.

285.19 (k) Paragraphs (b) to (j) do not apply to:

285.20 (1) pediatric products labeled pursuant to federal regulation primarily intended for
285.21 administration to children under 12 years of age according to label instructions;

285.22 (2) methamphetamine precursor drugs that are certified by the Board of Pharmacy as
285.23 being manufactured in a manner that prevents the drug from being used to manufacture
285.24 methamphetamine;

285.25 (3) methamphetamine precursor drugs in gel capsule or liquid form; or

285.26 (4) compounds, mixtures, or preparations in powder form where pseudoephedrine
285.27 constitutes less than one percent of its total weight and is not its sole active ingredient.

285.28 (l) The Board of Pharmacy, in consultation with the Department of Public Safety, shall
285.29 certify methamphetamine precursor drugs that meet the requirements of paragraph (k),
285.30 clause (2), and publish an annual listing of these drugs.

285.31 (m) Wholesale drug distributors licensed and regulated by the Board of Pharmacy
285.32 pursuant to sections ~~151.42 to 151.51~~ 151.43 to 151.471 and registered with and regulated

286.1 by the United States Drug Enforcement Administration are exempt from the
286.2 methamphetamine precursor drug storage requirements of this section.

286.3 (n) This section preempts all local ordinances or regulations governing the sale by a
286.4 business establishment of over-the-counter products containing ephedrine or
286.5 pseudoephedrine. All ordinances enacted prior to the effective date of this act are void.

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

286.7 **ARTICLE 15**

286.8 **911 EMERGENCY COMMUNICATION SYSTEM**

286.9 Section 1. Minnesota Statutes 2022, section 403.02, subdivision 7, is amended to read:

286.10 Subd. 7. **Automatic location identification.** "Automatic location identification" means
286.11 the process of electronically identifying and displaying ~~the name of the subscriber and the~~
286.12 ~~location~~, where available, ~~of the calling telephone number~~ the name of the subscriber, the
286.13 communications device's current location, and the callback number to a ~~person~~ public safety
286.14 telecommunicator answering a 911 emergency call.

286.15 Sec. 2. Minnesota Statutes 2022, section 403.02, subdivision 9a, is amended to read:

286.16 Subd. 9a. **Callback number.** "Callback number" means a telephone number or
286.17 functionally equivalent Internet address or device identification number used by the public
286.18 safety answering point to ~~recontact~~ contact the location device from which the 911 call was
286.19 placed.

286.20 Sec. 3. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
286.21 read:

286.22 Subd. 10a. **Cost recovery.** "Cost recovery" means costs incurred by
286.23 commissioner-approved originating service providers specifically for the purpose of providing
286.24 access to the 911 network for their subscribers or maintenance of 911 customer databases.
286.25 These costs may be reimbursed to the requesting originating service provider. Recoverable
286.26 costs include only those costs that the requesting provider would avoid if the provider were
286.27 not providing access to the 911 network or maintenance of 911 customer databases.

287.1 Sec. 4. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
287.2 read:

287.3 Subd. 10b. **Cybersecurity.** "Cybersecurity" means the prevention of damage to,
287.4 unauthorized use of, exploitation of, and if needed, the restoration of, electronic information
287.5 and communications systems and services and the information contained therein to ensure
287.6 confidentiality, integrity, and availability.

287.7 Sec. 5. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
287.8 read:

287.9 Subd. 10c. **Emergency communications network service provider**
287.10 (ECNSP). "Emergency communications network service provider" or "ECNSP" means a
287.11 service provider, determined by the commissioner to be capable of providing effective and
287.12 efficient components of the 911 network or its management that provides or manages all
287.13 or portions of the statewide 911 emergency communications network. The ECNSP is the
287.14 entity or entities that the state contracts with to provide facilities and services associated
287.15 with operating and maintaining the Minnesota statewide 911 network.

287.16 Sec. 6. Minnesota Statutes 2022, section 403.02, subdivision 11b, is amended to read:

287.17 Subd. 11b. **Emergency response location.** "Emergency response location" means a
287.18 location to which a 911 ~~emergency response team~~ services may be dispatched. The location
287.19 must be specific enough to provide a reasonable opportunity for ~~the emergency response~~
287.20 ~~team to locate~~ a caller to be located anywhere within it.

287.21 Sec. 7. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
287.22 read:

287.23 Subd. 11c. **Emergency services.** "Emergency services" includes but is not limited to
287.24 firefighting, police, ambulance, medical, or other mobile services dispatched, monitored,
287.25 or controlled by a public safety answering point.

287.26 Sec. 8. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
287.27 read:

287.28 Subd. 11d. **Emergency Services Internet (ESInet).** "Emergency Services Internet" or
287.29 "ESInet" means an Internet protocol-based and multipurpose network supporting local,
287.30 regional, and national public safety communications services in addition to 911 services.

288.1 The ESInet is comprised of three network components, including ingress network, next
288.2 generation core services, and egress network.

288.3 Sec. 9. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
288.4 read:

288.5 Subd. 12a. **End user equipment.** "End user equipment" means any device held or
288.6 operated by an employee of a public safety agency, except for public safety
288.7 telecommunicators, for the purpose of receiving voice or data communications outside of
288.8 a public safety answering point. This includes but is not limited to mobile radios, portable
288.9 radios, pagers, mobile computers, tablets, and cellular telephones.

288.10 Sec. 10. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
288.11 read:

288.12 Subd. 13a. **Geographical Information System (GIS).** "Geographical Information
288.13 System" or "GIS" means a system for capturing, storing, displaying, analyzing, and managing
288.14 data and associated attributes that are spatially referenced.

288.15 Sec. 11. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
288.16 read:

288.17 Subd. 14a. **Internet protocol (IP).** "Internet protocol" or "IP" means the method by
288.18 which data are sent from one computer to another on the Internet or other networks.

288.19 Sec. 12. Minnesota Statutes 2022, section 403.02, subdivision 16a, is amended to read:

288.20 Subd. 16a. **Multiline telephone system (MLTS).** "Multiline telephone system" or
288.21 "MLTS" means a ~~private telephone~~ system comprised of common control units, ~~telephones,~~
288.22 ~~and telephone sets,~~ control hardware ~~and,~~ software ~~that share a common interface to the~~
288.23 ~~public switched telephone network,~~ and adjunct systems used to support the capabilities
288.24 outlined in this chapter. This includes network and premises-based systems such as Centrex,
288.25 VoIP, PBX, Hybrid, and Key Telephone Systems, as classified by the Federal
288.26 Communications Commission requirements under Code of Federal Regulations, title 47,
288.27 part 68, and systems owned or leased by governmental agencies ~~and,~~ nonprofit entities, ~~as~~
288.28 well as and for-profit businesses.

289.1 Sec. 13. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
289.2 read:

289.3 Subd. 16c. **Next generation core services (NGCS).** "Next generation core services" or
289.4 "NGCS" means the base set of services needed to process a 911 call on an ESInet. These
289.5 services include but are not limited to the Emergency Services Routing Proxy, Emergency
289.6 Call Routing Function, Location Validation Function, Border Control Function, Bridge,
289.7 Policy Store, Logging Services, and typical IP services such as DNS and DHCP. Next
289.8 generation core services includes only the services and not the network on which they
289.9 operate.

289.10 Sec. 14. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
289.11 read:

289.12 Subd. 16d. **Next generation 911 (NG911).** "Next generation 911" or "NG911" means
289.13 an Internet protocol-based system comprised of managed Emergency Services IP networks,
289.14 functional elements and applications, and databases that replicate the traditional E911
289.15 features and functions and that also provides additional capabilities based on industry
289.16 standards. NG911 is designed to provide access to emergency services from all connected
289.17 communications services and provide multimedia data capabilities for public safety answering
289.18 points and other emergency services organizations.

289.19 Sec. 15. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
289.20 read:

289.21 Subd. 16e. **911 call.** "911 call" means any form of communication requesting any type
289.22 of emergency services by contacting a public safety answering point, including voice or
289.23 nonvoice communications, as well as transmission of any analog or digital data. 911 call
289.24 includes a voice call, video call, text message, or data-only call.

289.25 Sec. 16. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
289.26 read:

289.27 Subd. 16f. **911 network.** "911 network" means:

289.28 (1) a legacy telecommunications network that supports basic and enhanced 911 service;
289.29 or

289.30 (2) the ESInet that is used for 911 calls that can be shared by all public safety answering
289.31 points and that provides the IP transport infrastructure upon which independent public safety

290.1 application platforms and core functional processes can be deployed, including but not
290.2 limited to those necessary for providing next generation 911 service capability.

290.3 A network may be constructed from a mix of dedicated and shared facilities and may be
290.4 interconnected at local, regional, state, national, and international levels.

290.5 Sec. 17. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
290.6 read:

290.7 Subd. 16g. **911 system.** "911 system" means a coordinated system of technologies,
290.8 networks, hardware, and software applications that a public safety answering point must
290.9 procure and maintain in order to connect to the state 911 network and provide 911 services.

290.10 Sec. 18. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
290.11 read:

290.12 Subd. 16h. **Originating service provider (OSP).** "Originating service provider" or
290.13 "OSP" means an entity that provides the capability for customers to originate 911 calls to
290.14 public safety answering points, including wire-line communications service providers, Voice
290.15 over Internet Protocol service providers, and wireless communications service providers.

290.16 Sec. 19. Minnesota Statutes 2022, section 403.02, subdivision 17, is amended to read:

290.17 Subd. 17. **911 service.** "911 service" means a telecommunications service that
290.18 automatically connects a person dialing the digits 911 to an established public safety
290.19 answering point. 911 service includes: the emergency response service a public safety
290.20 answering point provides as a result of processing 911 calls through its 911 system.

290.21 ~~(1) customer data and network components connecting to the common 911 network and~~
290.22 ~~database;~~

290.23 ~~(2) common 911 network and database equipment, as appropriate, for automatically~~
290.24 ~~selectively routing 911 calls to the public safety answering point serving the caller's~~
290.25 ~~jurisdiction; and~~

290.26 ~~(3) provision of automatic location identification if the public safety answering point~~
290.27 ~~has the capability of providing that service.~~

290.28 Sec. 20. Minnesota Statutes 2022, section 403.02, subdivision 17c, is amended to read:

290.29 Subd. 17c. **911 Public safety telecommunicator.** "911 Public safety telecommunicator"
290.30 means a person employed by a public safety answering point, an emergency medical dispatch

291.1 service provider, or both, who is qualified to answer incoming emergency telephone calls,
291.2 text messages, and computer notifications or provide for the appropriate emergency response
291.3 either directly or through communication with the appropriate public safety answering point.

291.4 Sec. 21. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
291.5 read:

291.6 Subd. 17e. **Point of interconnection (POI).** "Point of interconnection" or "POI" means
291.7 the location or locations within the 911 network where OSPs deliver 911 calls on behalf of
291.8 their users or subscribers for delivery to the appropriate public service answering point.

291.9 Sec. 22. Minnesota Statutes 2022, section 403.02, subdivision 18, is amended to read:

291.10 Subd. 18. **Public safety agency.** "Public safety agency" means ~~a functional division of~~
291.11 ~~a public agency which provides firefighting, police, medical, or other emergency services,~~
291.12 ~~or a private entity which provides emergency medical or ambulance services~~ an agency that
291.13 provides emergency services to the public.

291.14 Sec. 23. Minnesota Statutes 2022, section 403.02, subdivision 19, is amended to read:

291.15 Subd. 19. **Public safety answering point (PSAP).** "Public safety answering point" or
291.16 "PSAP" means a governmental agency operating a 24-hour communications facility ~~operated~~
291.17 ~~on a 24-hour basis which~~ that first receives 911 and other emergency calls from persons in
291.18 ~~a 911 service area and which may, as appropriate,~~ central station notifications, text messages,
291.19 and computer notifications and directly dispatch public safety dispatches emergency response
291.20 ~~services or extend, transfer, or relay 911 calls~~ relays communications to appropriate public
291.21 safety agencies according to a specific operational policy.

291.22 Sec. 24. Minnesota Statutes 2022, section 403.02, subdivision 19a, is amended to read:

291.23 Subd. 19a. **Secondary public safety answering point.** "Secondary public safety
291.24 answering point" means a communications facility that: ~~(1) is operated on a 24-hour basis,~~
291.25 ~~in which a minimum of three public safety answering points (PSAPs) route calls for~~
291.26 ~~postdispatch or prearrival instructions; (2) receives calls directly from medical facilities to~~
291.27 ~~reduce call volume at the PSAPs; and (3) is able to receive 911 calls routed to it from a~~
291.28 ~~PSAP when the PSAP is unable to receive or answer 911 calls~~ receives calls transferred
291.29 from a public safety answering point and is connected to the 911 network.

292.1 Sec. 25. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
292.2 read:

292.3 Subd. 19c. **Public Utilities Commission (PUC).** "Public Utilities Commission" or
292.4 "PUC" means the Minnesota state commission defined in section 216A.03.

292.5 Sec. 26. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
292.6 read:

292.7 Subd. 19d. **Regional board.** "Regional board" means one of the seven emergency
292.8 services and emergency communications boards in this state.

292.9 Sec. 27. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
292.10 read:

292.11 Subd. 19e. **Service user.** "Service user" means any person who initiates a 911 call to
292.12 receive emergency services.

292.13 Sec. 28. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
292.14 read:

292.15 Subd. 19f. **Voice over Internet Protocol (VoIP) service provider.** "Voice over Internet
292.16 Protocol service provider" or "VoIP service provider" means an entity that provides distinct
292.17 packetized voice information in a digital format using the Internet protocol directly or
292.18 through a third party, marketed or sold as either a telephone service or an information service
292.19 interconnected with the PSTN, including both facilities-based service providers and resellers
292.20 of such services.

292.21 Sec. 29. Minnesota Statutes 2022, section 403.02, subdivision 20, is amended to read:

292.22 Subd. 20. **Wire-line ~~telecommunications~~ communications service provider.** "Wire-line
292.23 ~~telecommunications~~ communications service provider" means a person, firm, association,
292.24 corporation, or other legal entity, however organized, or combination of them, authorized
292.25 by state or federal regulatory agencies to furnish ~~telecommunications~~ communications
292.26 service, including local service, over wire-line facilities.

292.27 Sec. 30. Minnesota Statutes 2022, section 403.02, subdivision 20a, is amended to read:

292.28 Subd. 20a. **Wireless ~~telecommunications~~ communications service.** "Wireless
292.29 ~~telecommunications~~ communications service" means a commercial mobile radio service,
292.30 as that term is defined in Code of Federal Regulations, title 47, section 20.3, including all

293.1 broadband personal communication services, wireless radio telephone services, and
293.2 geographic area specialized mobile radio licensees, that offer real-time, two-way voice
293.3 service interconnected with the public switched telephone network.

293.4 Sec. 31. Minnesota Statutes 2022, section 403.02, subdivision 21, is amended to read:

293.5 Subd. 21. **Wireless ~~telecommunications~~ communications service provider.** "Wireless
293.6 ~~telecommunications~~ communications service provider" means a provider of wireless
293.7 ~~telecommunications~~ communications service.

293.8 Sec. 32. Minnesota Statutes 2022, section 403.025, is amended to read:

293.9 **403.025 911 EMERGENCY ~~TELECOMMUNICATIONS~~ COMMUNICATIONS**
293.10 **SYSTEM AND SERVICES REQUIRED.**

293.11 ~~Subdivision 1. **General requirement.** Each county shall operate and maintain a 911~~
293.12 ~~emergency telecommunications system.~~

293.13 Subd. 1a. **Emergency telephone number 911.** The digits 911, so designated by the
293.14 Federal Communications Commission, must be the primary emergency telephone number
293.15 within the ~~system~~ 911 network. A public safety agency may maintain a separate secondary
293.16 backup number for emergency calls and ~~shall~~ must maintain a separate number for
293.17 nonemergency telephone calls.

293.18 Subd. 1b. **State requirements.** The commissioner must establish, maintain, and make
293.19 available to all counties a statewide interoperable ESInet backbone 911 network that ensures
293.20 interoperability between all public safety answering points connected to the network and
293.21 meets the requirements of counties operating 911 systems that have an approved update to
293.22 their 911 plans.

293.23 Subd. 1c. **Contractual requirements.** (a) The commissioner must contract with one or
293.24 more ECNSPs to deliver the 911 network.

293.25 (b) The contract language or subsequent amendments to the contracts between the parties
293.26 must contain provisions on how the 911 call routing and location validation data provided
293.27 by the counties will be utilized by the ECNSPs, including how data coordination and quality
293.28 assurance with the counties will be conducted.

293.29 (c) The contract language or subsequent amendments to contracts between the parties
293.30 must contain provisions for resolving disputes.

294.1 (d) All data required under this chapter or Minnesota Rules, chapter 7580, to route 911
294.2 calls, provide caller location, or validate possible 911 caller location information that is
294.3 utilized or intended to be utilized by the 911 system must be provided by the counties and
294.4 the state without cost and may be utilized by ECNSPs and OSPs for purposes of performing
294.5 location data quality assurance, ensuring 911 system performance and statutory compliance.
294.6 Use of the data is governed by section 403.07 and Minnesota Rules, chapter 7580.

294.7 Subd. 1d. **Intergovernmental agreements.** Intergovernmental agreements may be
294.8 implemented between the commissioner and counties or regional boards to support 911
294.9 system plan changes, communicate the network design, and specify cybersecurity standards.
294.10 The commissioner must develop the master agreement in collaboration with the governmental
294.11 entity.

294.12 Subd. 1e. **County requirements.** (a) Each county must operate and maintain a 911
294.13 system and provide 911 services.

294.14 (b) Each county is responsible for creating and maintaining a master street address guide
294.15 and Geographical Information Systems data necessary to support accurate 911 call routing
294.16 and location validation required to support the 911 network.

294.17 Subd. 1f. **911 plans.** Each participating county, federal, Tribal, or other organization
294.18 must maintain and update a 911 plan that accurately documents current operations and 911
294.19 system configurations within the public safety answering point in accordance with Minnesota
294.20 Rules, chapter 7580. The commissioner must review 911 system plans for compliance with
294.21 911 network and cybersecurity standards required under Minnesota Rules, chapter 7580.

294.22 Subd. 1g. **Secondary public safety answering point requirements.** Secondary public
294.23 safety answering points may be required to engage in agreements with the commissioner
294.24 regarding network design standards, cybersecurity standards, and 911 fee audits.

294.25 Subd. 2. **Multijurisdictional system.** The 911 network, 911 services, and 911 systems
294.26 may be multijurisdictional and regional in character provided that design and implementation
294.27 are preceded by cooperative planning on a county-by-county basis with local public safety
294.28 agencies. An intergovernmental agreement must be in place between the participating
294.29 government entities in a multijurisdictional or regional system, and the commissioner must
294.30 be notified of the 911 plan change in accordance with Minnesota Rules, chapter 7580.

294.31 Subd. 3. **Connected telecommunications originating service provider**
294.32 requirements. Every owner and operator of a wire-line or wireless circuit-switched or
294.33 packet-based telecommunications system connected to the public-switched telephone network
294.34 shall design and maintain the system to dial the 911 number without charge to the caller.

295.1 Every OSP must allow Minnesota customers to access 911 without charge and deliver the
295.2 request for emergency assistance to the 911 network at a state-designated POI and provide
295.3 caller location information unless there are circumstances beyond the control of the provider
295.4 to define a valid caller address, geographic location, and primary place of address.

295.5 Subd. 3a. **Originating service provider contractual requirements.** (a) The state may
295.6 contract with the appropriate wire-line telecommunications service providers or other entities
295.7 determined by the commissioner to be eligible for cost recovery for providing access to the
295.8 911 network for their subscribers.

295.9 (b) The contract language or subsequent amendments to the contract must include a
295.10 description of the costs that are being reimbursed. The contract language or subsequent
295.11 amendments must include the terms of compensation based on the effective tariff or price
295.12 list filed with the Public Utilities Commission or the prices agreed to by the parties.

295.13 (c) The contract language or subsequent amendments to contracts between the parties
295.14 must contain a provision for resolving disputes.

295.15 ~~Subd. 4. **Wireless requirements.** Every owner and operator of a wireless~~
295.16 ~~telecommunications system shall design and maintain the system to dial the 911 number~~
295.17 ~~without charge to the caller.~~

295.18 ~~Subd. 5. **Pay phone requirements.** Every pay phone owner and operator shall must~~
295.19 ~~permit dialing of the 911 number without coin and without charge to the caller.~~

295.20 ~~Subd. 6. **Multistation or PBX system.** Every owner and operator of a multistation or~~
295.21 ~~private branch exchange (PBX) multiline telephone system shall must design and maintain~~
295.22 ~~the system to dial the 911 number without charge to the caller.~~

295.23 ~~Subd. 7. **Contractual requirements.** (a) The state shall contract with the county or other~~
295.24 ~~governmental agencies operating public safety answering points and with the appropriate~~
295.25 ~~wire-line telecommunications service providers or other entities determined by the~~
295.26 ~~commissioner to be capable of providing effective and efficient components of the 911~~
295.27 ~~system for the operation, maintenance, enhancement, and expansion of the 911 system.~~

295.28 ~~(b) The contract language or subsequent amendments to the contract must include a~~
295.29 ~~description of the services to be furnished to the county or other governmental agencies~~
295.30 ~~operating public safety answering points. The contract language or subsequent amendments~~
295.31 ~~must include the terms of compensation based on the effective tariff or price list filed with~~
295.32 ~~the Public Utilities Commission or the prices agreed to by the parties.~~

296.1 ~~(e) The contract language or subsequent amendments to contracts between the parties~~
296.2 ~~must contain a provision for resolving disputes.~~

296.3 Sec. 33. Minnesota Statutes 2022, section 403.03, subdivision 2, is amended to read:

296.4 Subd. 2. **Telephone cardiopulmonary resuscitation program.** (a) ~~On or before July~~
296.5 ~~1, 2021,~~ Every public safety answering point must maintain a telephone cardiopulmonary
296.6 resuscitation program by either:

296.7 (1) providing each 911 telecommunicator with training in cardiopulmonary resuscitation;
296.8 or

296.9 (2) transferring callers to another public safety answering point with 911
296.10 telecommunicators that have received training in cardiopulmonary resuscitation.

296.11 (b) Training in cardiopulmonary resuscitation must, at a minimum, include:

296.12 (1) use of an evidence-based protocol or script for providing cardiopulmonary
296.13 resuscitation instruction that has been recommended by an academic institution or a nationally
296.14 recognized organization specializing in medical dispatch and, if the public safety answering
296.15 point has a medical director, approved by that medical director; and

296.16 (2) appropriate continuing education, as determined by the evidence-based protocol for
296.17 providing cardiopulmonary resuscitation instruction and, if the public safety answering
296.18 point has a medical director, approved by that medical director.

296.19 (c) A public safety answering point that transfers callers to another public safety
296.20 answering point must, at a minimum:

296.21 (1) use an evidence-based protocol for the identification of a person in need of
296.22 cardiopulmonary resuscitation;

296.23 (2) provide each 911 telecommunicator with appropriate training and continuing education
296.24 to identify a person in need of cardiopulmonary resuscitation through the use of an
296.25 evidence-based protocol; and

296.26 (3) ensure that any public safety answering point to which calls are transferred uses 911
296.27 telecommunicators who meet the training requirements under paragraph (b).

296.28 (d) Each public safety answering point shall conduct ongoing quality assurance of its
296.29 telephone cardiopulmonary resuscitation program.

297.1 Sec. 34. Minnesota Statutes 2022, section 403.05, is amended to read:

297.2 **403.05 911 SYSTEM NETWORK OPERATION AND MAINTENANCE.**

297.3 Subdivision 1. **Operate and maintain.** ~~Each county or any other governmental agency~~
297.4 ~~shall~~ The commissioner must operate and maintain its statewide 911 system to meet
297.5 network meeting the requirements of governmental agencies whose services are available
297.6 through the 911 system and to permit future expansion or enhancement of the system. set
297.7 forth by the commissioner through rules established under chapter 14, including but not
297.8 limited to network and data performance measures, diversity, redundancy, interoperability,
297.9 and cybersecurity. Each county, federal, Tribal, or other organization connected to the
297.10 statewide 911 network must operate and maintain a 911 system that meets the requirements
297.11 of governmental agencies whose services are available through the 911 network.

297.12 Subd. 1a. **GIS validation and aggregation.** The commissioner must provide geospatial
297.13 data validation and aggregation tools that counties need in order to share the GIS data
297.14 required for the 911 network.

297.15 Subd. 2. **Rule requirements for 911 system plans.** ~~Each county or any other~~
297.16 ~~governmental agency shall maintain and update its 911 system plans as required under~~
297.17 ~~Minnesota Rules, chapter 7580.~~

297.18 Subd. 2a. **Responsibilities of PSAPs.** (a) Each PSAP connecting to the statewide 911
297.19 network must comply with state and, where applicable, regional 911 plans. Federal, Tribal,
297.20 or other governmental organizations operating their own 911 systems must be approved by
297.21 the commissioner.

297.22 (b) Any PSAP not connected to the state 911 network that desires to interact with a 911
297.23 system or has an agreement for shared 911 services must be interoperable with the state
297.24 911 network.

297.25 Subd. 3. **Agreements for service.** ~~Each county or any other governmental agency shall~~
297.26 ~~contract with the state for the recurring and nonrecurring costs associated with operating~~
297.27 ~~and maintaining 911 emergency communications systems. If requested by the county or~~
297.28 ~~other governmental agency, the county or agency is entitled to be a party to any contract~~
297.29 ~~between the state and any wire-line telecommunications service provider or 911 emergency~~
297.30 ~~telecommunications service provider providing components of the 911 system within the~~
297.31 ~~county.~~ The state must contract for facilities and services associated with the operation and
297.32 maintenance of the statewide 911 network and ESInet. The contract and any subsequent
297.33 amendments must include a description of the services to be provided and the terms of
297.34 compensation based on the prices agreed to by the parties.

298.1 Sec. 35. Minnesota Statutes 2022, section 403.06, is amended to read:

298.2 **403.06 COMMISSIONER'S DUTIES.**

298.3 Subdivision 1. **System coordination, improvements, variations, and agreements.** The
298.4 commissioner ~~shall~~ may coordinate with counties on the management and maintenance of
298.5 their 911 systems. If requested, the commissioner shall must aid counties in the formulation
298.6 of ~~concepts, methods,~~ their public safety answering point plans, system design plans,
298.7 performance and operational requirements, and procedures which will improve the operation
298.8 and maintenance of their 911 systems. The commissioner shall establish procedures for
298.9 determining and evaluating requests for variations from the established design standards.
298.10 ~~The commissioner shall respond to requests by wireless or wire-line telecommunications~~
298.11 ~~service providers or by counties or other governmental agencies for system agreements,~~
298.12 ~~contracts, and tariff language promptly and no later than within 45 days of the request unless~~
298.13 ~~otherwise mutually agreed to by the parties.~~

298.14 Subd. 1a. **Biennial budget; annual financial report.** The commissioner ~~shall~~ must
298.15 prepare a biennial budget ~~for maintaining the 911 system.~~ by December 15 of each year,
298.16 The commissioner ~~shall~~ must submit a report to the legislature detailing the expenditures
298.17 for maintaining the 911 ~~system~~ network, the 911 fees collected, the balance of the 911 fund,
298.18 ~~the~~ 911-related administrative expenses of the commissioner, and the most recent forecast
298.19 of revenues and expenditures for the 911 emergency telecommunications service account,
298.20 including a separate projection of ~~E911~~ 911 fees from prepaid wireless customers and
298.21 projections of year-end fund balances. The commissioner is authorized to expend money
298.22 that has been appropriated to pay for the maintenance, enhancements, and expansion of the
298.23 911 ~~system~~ network.

298.24 Subd. 1b. **Connection plan required; commissioner review and enforcement.** (a)
298.25 The commissioner must respond to network and database change requests by OSPs promptly
298.26 and no later than 45 days after the request unless otherwise mutually agreed to by the parties.
298.27 All network and location database variances requested by OSPs connecting to the ESInet
298.28 must comply with Minnesota Rules.

298.29 (b) All OSPs must submit and maintain a plan for connection to the 911 network POIs
298.30 in accordance with the requirements set forth in Minnesota Rules. The commissioner must
298.31 review all connection plans to ensure compliance with all 911 network and database design
298.32 and performance requirements.

298.33 Subd. 2. **Waiver.** Any county, ~~other governmental agency, wireless telecommunications~~
298.34 ~~service provider, or wire-line telecommunications service provider~~ federal, Tribal, or other

299.1 organization connected to the statewide 911 network or OSP may petition the commissioner
 299.2 for a waiver of all or portions of the requirements. A waiver may be granted upon a
 299.3 demonstration by the petitioner that the requirement is economically infeasible.

299.4 Sec. 36. Minnesota Statutes 2022, section 403.07, is amended to read:

299.5 **403.07 NETWORK STANDARDS ESTABLISHED; DATA PRIVACY.**

299.6 Subdivision 1. **Rules.** The commissioner ~~shall~~ must establish and adopt in accordance
 299.7 with chapter 14, rules for the administration of this chapter and for the development of 911
 299.8 ~~systems~~ network in the state including:

299.9 (1) design and performance standards for the 911 systems ~~incorporating the standards~~
 299.10 ~~adopted pursuant to subdivision 2 for the seven-county metropolitan area~~ network, including
 299.11 but not limited to network, routing, and database standards for counties, OSPs, and ECNSPs;
 299.12 and

299.13 (2) ~~a procedure for determining and evaluating requests for variations from the established~~
 299.14 ~~design standards~~ design and performance standards for the ten-county metropolitan area,
 299.15 incorporating the standards adopted pursuant to subdivision 2.

299.16 Subd. 2. **Design standards for metropolitan area.** The Metropolitan Emergency
 299.17 Services Board ~~shall~~ must establish and adopt design and performance standards for the
 299.18 ~~metropolitan area 911 system and transmit them to the commissioner for incorporation into~~
 299.19 ~~the rules adopted pursuant to this section.~~ 911 network for the ten-county metropolitan area,
 299.20 including but not limited to network design, routing, and database standards for counties,
 299.21 OSP, and ECNSPs operating in the ten-county metropolitan area and provide them to the
 299.22 commissioner in accordance with chapter 14 for incorporation into the rules adopted pursuant
 299.23 to this section. The standards must be interoperable with the statewide 911 network and
 299.24 data standards.

299.25 Subd. 3. **Database Location data.** ~~In 911 systems that have been approved by the~~
 299.26 ~~commissioner for a local location identification database, each wire-line telecommunications~~
 299.27 ~~service provider shall provide current customer names, service addresses, and telephone~~
 299.28 ~~numbers to each public safety answering point within the 911 system and shall update the~~
 299.29 ~~information according to a schedule prescribed by the county 911 plan. Information provided~~
 299.30 ~~under this subdivision must be provided in accordance with the transactional record disclosure~~
 299.31 ~~requirements of the federal Communications Act of 1934, United States Code, title 47,~~
 299.32 ~~section 222, subsection (g).~~ All OSPs must provide to the 911 network, at the time of each
 299.33 911 call, the location of the device making the 911 call, unless there are circumstances

300.1 beyond the control of the provider that prevents the OSP from sharing the location data.
300.2 Any OSP supplying the location of 911 calls in civic address form must prevalidate the
300.3 address to location data supplied by the county accessible through the NGCS.

300.4 Subd. 3a. **Access to data for accuracy.** (a) OSPs must, upon request of the state, a
300.5 region, the ECNSP, or a PSAP, provide a description or copy of subscriber address location
300.6 information or GIS data used by the OSP that is necessary to verify location and routing
300.7 accuracy of 911 calls. Any ECNSP routing 911 calls must, upon request of the state, provide
300.8 a copy of routing files used in determining PSAP selection for the purpose of verifying
300.9 routing accuracy.

300.10 (b) OSPs must, upon request of the state, a region, the ECNSP, or a PSAP, provide a
300.11 copy of subscriber address location information for uses specific to 911 systems. This request
300.12 may carry a cost to the requester.

300.13 Subd. 3b. **Database standards in metropolitan area.** The Metropolitan Emergency
300.14 Services Board must establish and adopt 911 database standards for OSPs operating in the
300.15 ten-county metropolitan area 911 system and provide them to the commissioner for
300.16 incorporation in accordance with chapter 14 into the rules adopted pursuant to this section.

300.17 Subd. 4. **Use of furnished information.** (a) Names, addresses, and telephone numbers
300.18 provided to a 911 system under subdivision 3 are private data and may be used only:

300.19 (1) to identify the location or identity, or both, of a person calling a 911 ~~public safety~~
300.20 ~~answering point~~ PSAP; or

300.21 (2) by a ~~public safety answering point~~ PSAP to notify the public of an emergency.

300.22 (b) The information furnished under ~~subdivision 3~~ this chapter and the rules adopted
300.23 pursuant to subdivision 1 may not be used or disclosed by 911 system agencies, their agents,
300.24 or their employees for any other purpose except under a court order.

300.25 ~~(b)~~ (c) For purposes of this subdivision, "emergency" means a situation in which property
300.26 or human life is in jeopardy and the prompt notification of the public by the public safety
300.27 answering point is essential.

300.28 Subd. 5. **Liability.** (a) ~~A wire-line telecommunications service provider~~ An OSP, its
300.29 employees, or its agents are not liable to any person who uses ~~enhanced 911~~
300.30 ~~telecommunications service~~ NG911 services for release of subscriber information required
300.31 under this chapter to any ~~public safety answering point~~ PSAP.

300.32 (b) ~~A wire-line telecommunications service provider~~ An OSP is not liable to any person
300.33 for the good-faith release to emergency communications personnel of information not in

301.1 the public record, including, but not limited to, nonpublished or nonlisted telephone numbers,
301.2 except for willful or wanton misconduct.

301.3 ~~(c) A wire-line telecommunications service provider, its employees, or its agents are not~~
301.4 ~~liable to any person for civil damages resulting from or caused by any act or omission in~~
301.5 ~~the development, design, installation, operation, maintenance, performance, or provision~~
301.6 ~~of enhanced 911 telecommunications service, except for willful or wanton misconduct.~~

301.7 ~~(d) A multiline telephone system manufacturer, provider, or operator is not liable for~~
301.8 ~~any civil damages or penalties as a result of any act or omission, except willful or wanton~~
301.9 ~~misconduct, in connection with developing, designing, installing, maintaining, performing,~~
301.10 ~~provisioning, adopting, operating, or implementing any plan or system required by section~~
301.11 ~~403.15.~~

301.12 ~~(e) A telecommunications service provider~~ (c) An OSP that participates in or cooperates
301.13 with the public safety answering point in notifying the public of an emergency, as authorized
301.14 under subdivision 4, is immune from liability arising out of the notification except for willful
301.15 or wanton misconduct.

301.16 Sec. 37. Minnesota Statutes 2022, section 403.08, is amended to read:

301.17 **403.08 WIRELESS TELECOMMUNICATIONS ORIGINATING SERVICE**
301.18 **PROVIDER PROVIDERS.**

301.19 Subd. 7. **Duties.** ~~Each wireless telecommunications service provider shall cooperate in~~
301.20 ~~planning and implementing integration with enhanced 911 systems operating in their service~~
301.21 ~~territories to meet Federal Communications Commission enhanced 911 standards. Each~~
301.22 ~~wireless telecommunications service provider shall annually develop and provide to the~~
301.23 ~~commissioner good faith estimates of installation and recurring expenses to integrate wireless~~
301.24 ~~911 service into the enhanced 911 networks to meet Federal Communications Commission~~
301.25 ~~phase one wireless enhanced 911 standards. The commissioner shall coordinate with counties~~
301.26 ~~and affected public safety agency representatives in developing a statewide design and plan~~
301.27 ~~for implementation.~~ Each originating service provider (OSP) must cooperate in planning
301.28 and implementing integration with the statewide 911 network to meet Federal
301.29 Communications Commission and Public Utilities Commission 911 requirements, as
301.30 applicable.

301.31 Subd. 9. **Scope.** ~~Planning considerations must include cost, degree of integration into~~
301.32 ~~existing 911 systems, the retention of existing 911 infrastructure, and the potential~~
301.33 ~~implications of phase 2 of the Federal Communications Commission wireless enhanced~~

302.1 ~~911 standards~~ a plan to interconnect to the 911 network POIs, the retention and reuse of
302.2 existing 911 infrastructure, and the implications of the Federal Communications
302.3 Commission's wireless location accuracy requirements.

302.4 Subd. 10. **Plan integration.** ~~Counties shall incorporate the statewide design when~~
302.5 ~~modifying county 911 plans to provide for integrating wireless 911 service into existing~~
302.6 ~~county 911 systems.~~ An OSP must annually submit plans to the commissioner detailing
302.7 how they will connect, or confirming how they already connect, to the statewide 911 network.

302.8 Subd. 11. **Liability.** (a) ~~No wireless enhanced 911 emergency telecommunications~~
302.9 ~~service provider~~ OSP, its employees, or its agents are liable to any person for civil damages
302.10 resulting from or caused by any act or omission in the development, design, installation,
302.11 operation, maintenance, performance, or provision of ~~enhanced~~ 911 wireless service, except
302.12 for willful or wanton misconduct.

302.13 (b) ~~No wireless carrier, its employees, or its agents are liable to any person who uses~~
302.14 ~~enhanced 911 wireless service for release of subscriber information required under this~~
302.15 ~~chapter to any public safety answering point.~~

302.16 (b) A multiline telephone system manufacturer, provider, or operator is not liable for
302.17 any civil damages or penalties as a result of any act or omission, except willful or wanton
302.18 misconduct, in connection with developing, designing, installing, maintaining, performing,
302.19 provisioning, adopting, operating, or implementing any plan or system required by section
302.20 403.15.

302.21 Subd. 12. **Notification of subscriber.** ~~A provider of wireless telecommunications services~~
302.22 ~~shall notify its subscribers at the time of initial subscription and four times per year thereafter~~
302.23 ~~that a 911 emergency call made from a wireless telephone is not always answered by a local~~
302.24 ~~public safety answering point but may be routed to a State Patrol dispatcher and that,~~
302.25 ~~accordingly, the caller must provide specific information regarding the caller's location.~~

302.26 Sec. 38. Minnesota Statutes 2022, section 403.09, subdivision 2, is amended to read:

302.27 Subd. 2. **Commission authority.** At the request of the public utilities commission, the
302.28 attorney general may commence proceedings before the district court pursuant to section
302.29 237.27, against any ~~wire-line telecommunications~~ originating service provider that falls
302.30 under the commission's authority and refuses to comply with this chapter.

303.1 Sec. 39. Minnesota Statutes 2022, section 403.10, subdivision 2, is amended to read:

303.2 Subd. 2. **Notice to ~~public safety~~ government agency.** ~~Public safety~~ Government agencies
303.3 with jurisdictional responsibilities ~~shall~~ must in all cases be notified by the public safety
303.4 answering point of a request for service in their jurisdiction.

303.5 Sec. 40. Minnesota Statutes 2022, section 403.10, subdivision 3, is amended to read:

303.6 Subd. 3. **Allocating costs.** Counties, public agencies, operating public safety answering
303.7 points, and other local governmental units may enter into cooperative agreements under
303.8 section 471.59 for the allocation of operational and capital costs attributable to the 911
303.9 system and 911 services.

303.10 Sec. 41. Minnesota Statutes 2022, section 403.11, is amended to read:

303.11 **403.11 911 SYSTEM COST ACCOUNTING REQUIREMENTS; FEE.**

303.12 Subdivision 1. **Emergency telecommunications service fee; account.** (a) Each customer
303.13 ~~of a wireless or wire-line switched or packet-based telecommunications~~ an originating
303.14 service provider connected to the public switched telephone network that furnishes service
303.15 capable of originating a 911 emergency telephone call is assessed a fee based upon the
303.16 number of wired or wireless telephone lines, or their equivalent, to provide access to the
303.17 911 network and maintenance of the 911 customer database, or when the only option, to
303.18 cover the costs of ongoing maintenance and related improvements for trunking and central
303.19 office switching equipment and maintenance of 911 customer databases for 911 emergency
303.20 telecommunications service, to offset administrative and staffing costs of the commissioner
303.21 related to managing the 911 emergency telecommunications service program, to make
303.22 distributions provided for in section 403.113, and to offset the costs, including administrative
303.23 and staffing costs, incurred by the State Patrol Division of the Department of Public Safety
303.24 in handling 911 emergency calls made from wireless phones.

303.25 (b) Money remaining in the 911 emergency telecommunications service account after
303.26 all other obligations are paid and defined reserves are met must not cancel and is carried
303.27 forward to subsequent years and may be appropriated ~~from time to time~~ to the commissioner
303.28 to provide financial assistance to ~~counties~~ eligible entities for the improvement of ~~local~~
303.29 ~~emergency telecommunications services~~ 911 systems in compliance with use as designated
303.30 in section 403.113, subdivision 3.

303.31 (c) The fee may not be more than 95 cents a month on or after July 1, 2010, for each
303.32 customer access line or other basic access service, including trunk equivalents as designated

304.1 by the Public Utilities Commission for access charge purposes and including wireless
304.2 telecommunications services. With the approval of the commissioner of management and
304.3 budget, the commissioner of public safety ~~shall~~ must establish the amount of the fee within
304.4 the limits specified and inform the companies and carriers of the amount to be collected.
304.5 ~~When the revenue bonds authorized under section 403.27, subdivision 1, have been fully~~
304.6 ~~paid or defeased, the commissioner shall reduce the fee to reflect that debt service on the~~
304.7 ~~bonds is no longer needed.~~ The commissioner ~~shall~~ must provide companies and carriers a
304.8 minimum of 45 days' notice of each fee change. The fee must be the same for all customers,
304.9 except that the fee imposed under this subdivision does not apply to prepaid wireless
304.10 telecommunications service, which is instead subject to the fee imposed under section
304.11 403.161, subdivision 1, paragraph (a).

304.12 (d) The fee must be collected by each ~~wireless or wire-line telecommunications~~
304.13 originating service provider subject to the fee. Fees are payable to and must be submitted
304.14 to the commissioner monthly before the 25th of each month following the month of
304.15 collection, except that fees may be submitted quarterly if less than \$250 a month is due, or
304.16 annually if less than \$25 a month is due. Receipts must be deposited in the state treasury
304.17 and credited to a 911 emergency telecommunications service account in the special revenue
304.18 fund. The money in the account may only be used for 911 telecommunications services.
304.19 The money in the account may only be used for costs outlined in section 403.113.

304.20 (e) Competitive local exchanges carriers holding certificates of authority from the Public
304.21 Utilities Commission are eligible to receive payment for recurring 911 services.

304.22 Subd. 1a. **Fee collection declaration.** If the commissioner disputes the accuracy of a
304.23 fee submission or if no fees are submitted by a ~~wireless, wire-line, or packet-based~~
304.24 ~~telecommunications service provider, the wireless, wire-line, or packet-based~~
304.25 ~~telecommunications~~ an originating service provider ~~shall~~, the OSP must submit a sworn
304.26 declaration signed by an officer of the company certifying, under penalty of perjury, that
304.27 the information provided with the fee submission is true and correct. The sworn declaration
304.28 must specifically describe and affirm that the 911 fee computation is complete and accurate.
304.29 ~~When a wireless, wire-line, or packet-based telecommunications service provider~~ an OSP
304.30 fails to provide a sworn declaration within 90 days of notice by the commissioner that the
304.31 fee submission is disputed, the commissioner may estimate the amount due from the ~~wireless,~~
304.32 ~~wire-line, or packet-based telecommunications service provider~~ OSP and refer that amount
304.33 for collection under section 16D.04.

304.34 Subd. 1b. **Examination of fees.** If the commissioner determines that an examination is
304.35 necessary to document the fee submission and sworn declaration in subdivision 1a, the

305.1 ~~wireless, wire-line, or packet-based telecommunications service provider~~ OSP must contract
305.2 with an independent certified public accountant to conduct an examination of fees. The
305.3 examination must be conducted in accordance with attestation audit standards.

305.4 Subd. 3. **Method of payment.** (a) Any wireless or wire-line telecommunications service
305.5 provider incurring reimbursable costs under subdivision 1 ~~shall submit an invoice itemizing~~
305.6 ~~rate elements by county or service area to the commissioner for 911 services furnished under~~
305.7 ~~contract. Any wireless or wire-line telecommunications service provider is eligible to receive~~
305.8 ~~payment for 911 services rendered according to the terms and conditions specified in the~~
305.9 ~~contract. The commissioner shall pay the invoice within 30 days following receipt of the~~
305.10 ~~invoice unless the commissioner notifies the service provider that the commissioner disputes~~
305.11 ~~the invoice~~ must be paid in accordance with the amount and terms of their valid cost recovery
305.12 contract as described in section 403.025, subdivision 3a.

305.13 (b) The commissioner ~~shall~~ must estimate the amount required to reimburse 911
305.14 ~~emergency telecommunications service providers and wireless and wire-line~~
305.15 ~~telecommunications service providers~~ the OSP for the state's obligations under subdivision
305.16 1 and the governor ~~shall~~ must include the estimated amount in the biennial budget request.

305.17 Subd. 3a. **Timely invoices.** ~~An invoice for services provided for in the contract with a~~
305.18 ~~wireless or wire-line telecommunications service provider must be submitted to the~~
305.19 ~~commissioner no later than 90 days after commencing a new or additional eligible 911~~
305.20 ~~service. Each applicable contract must provide that, if certified expenses under the contract~~
305.21 ~~deviate from estimates in the contract by more than ten percent, the commissioner may~~
305.22 ~~reduce the level of service without incurring any termination fees.~~

305.23 Subd. 3b. **Declaration.** ~~If the commissioner disputes an invoice, the wireless and~~
305.24 ~~wire-line telecommunications service providers shall submit a declaration under section~~
305.25 ~~16A.41 signed by an officer of the company with the invoices for payment of service~~
305.26 ~~described in the service provider's 911 contract. The sworn declaration must specifically~~
305.27 ~~describe and affirm that the 911 service contracted for is being provided and the costs~~
305.28 ~~invoiced for the service are true and correct. When a wireless or wire-line telecommunications~~
305.29 ~~service provider fails to provide a sworn declaration within 90 days of notice by the~~
305.30 ~~commissioner that the invoice is disputed, the disputed amount of the invoice must be~~
305.31 ~~disallowed.~~

305.32 Subd. 3c. **Audit.** If the commissioner determines that an audit is necessary to document
305.33 ~~the invoice and sworn declaration in subdivision 3b~~ costs eligible for recovery as detailed
305.34 in subdivision 1, the ~~wireless or wire-line telecommunications service provider~~ OSP must

306.1 contract with an independent certified public accountant to conduct the audit. The audit
306.2 must be conducted according to generally accepted accounting principles. The ~~wireless or~~
306.3 ~~wire-line telecommunications service provider~~ OSP is responsible for any costs associated
306.4 with the audit.

306.5 Subd. 3d. **Eligible telecommunications carrier; requirement.** No ~~wireless~~
306.6 ~~communications provider~~ OSP may provide telecommunications services under a designation
306.7 of eligible telecommunications carrier, as provided under Minnesota Rules, part 7811.1400,
306.8 until and unless the commissioner of public safety certifies to the chair of the public utilities
306.9 commission that the wireless telecommunications provider is not in arrears in amounts owed
306.10 to the 911 emergency telecommunications service account in the special revenue fund.

306.11 Subd. 4. **Local recurring costs.** Recurring costs ~~of~~ not covered as part of the state 911
306.12 network contracts for telecommunications equipment and services at public safety answering
306.13 points must be borne by the local governmental agency operating the public safety answering
306.14 point or allocated pursuant to section 403.10, subdivision 3. Costs attributable to local
306.15 government electives for services not otherwise addressed under section 403.11 or 403.113
306.16 must be borne by the governmental agency requesting the elective service.

306.17 Subd. 5. **Tariff notification.** Wire-line telecommunications service providers or wireless
306.18 telecommunications service providers holding eligible telecommunications carrier status
306.19 ~~shall~~ must give notice to the commissioner and any other affected governmental agency of
306.20 tariff or price list changes related to 911 service at the same time that the filing is made with
306.21 the public utilities commission.

306.22 Subd. 6. **OSP report.** (a) ~~Beginning Each~~ September 1, 2013, and continuing
306.23 ~~semiannually thereafter and March 1, each wireless telecommunications service provider~~
306.24 ~~shall~~ OSP must report to the commissioner, based on the mobile subscriber's telephone
306.25 number, ~~both.~~ Wireless communication providers must include the total number of prepaid
306.26 wireless telecommunications subscribers sourced to Minnesota and the total number of
306.27 wireless telecommunications subscribers sourced to Minnesota. The report must be filed
306.28 on the same schedule as Federal Communications Commission Form 477.

306.29 (b) The commissioner ~~shall~~ must make a standard form available to all wireless
306.30 telecommunications service providers for submitting information required to compile the
306.31 report required under this subdivision.

306.32 (c) The information provided to the commissioner under this subdivision is considered
306.33 trade secret information under section 13.37 and may only be used for purposes of
306.34 administering this chapter.

307.1 Sec. 42. Minnesota Statutes 2022, section 403.113, is amended to read:

307.2 **403.113 ENHANCED 911 SERVICE COSTS; FEE.**

307.3 Subdivision 1. **Fee.** A portion of the fee collected under section 403.11 must be used to
307.4 fund implementation, operation, maintenance, enhancement, and expansion of ~~enhanced~~
307.5 the 911 service network, including acquisition of necessary equipment and the costs of the
307.6 commissioner to administer the program in accordance with Federal Communications
307.7 Commission rules.

307.8 Subd. 2. **Distribution of money.** (a) After payment of the costs of the commissioner to
307.9 administer the program, the commissioner ~~shall~~ must distribute the money collected under
307.10 this section as follows:

307.11 (1) one-half of the amount equally to all qualified counties, and after October 1, 1997,
307.12 to all qualified counties, existing ten public safety answering points operated by the
307.13 Minnesota State Patrol, and each governmental entity operating the individual public safety
307.14 answering points serving the Metropolitan Airports Commission, the Red Lake Indian
307.15 Reservation, and the University of Minnesota Police Department; and

307.16 (2) the remaining one-half to qualified counties and cities with existing 911 systems
307.17 based on each county's or city's percentage of the total population of qualified counties and
307.18 cities. The population of a qualified city with an existing system must be deducted from its
307.19 county's population when calculating the county's share under this clause if the city seeks
307.20 direct distribution of its share.

307.21 (b) A county's share under subdivision 1 must be shared pro rata between the county
307.22 and existing city systems in the county. A county or city or other governmental entity as
307.23 described in paragraph (a), clause (1), ~~shall~~ must deposit money received under this
307.24 subdivision in an interest-bearing fund or account separate from the governmental entity's
307.25 general fund and may use money in the fund or account only for the purposes specified in
307.26 subdivision 3.

307.27 (c) A county or city or other governmental entity as described in paragraph (a), clause
307.28 (1), is not qualified to share in the distribution of money for ~~enhanced~~ 911 service if it has
307.29 not implemented enhanced 911 service before December 31, 1998.

307.30 (d) For the purposes of this subdivision, "existing city system" means a city 911 system
307.31 that provides at least basic 911 service and that was implemented on or before April 1, 1993.

307.32 Subd. 3. **Local expenditures.** (a) Money distributed under subdivision 2 for ~~enhanced~~
307.33 911 service systems or services may be spent on ~~enhanced~~ 911 system costs for the purposes

308.1 stated in subdivision 1. ~~In addition, money may be spent to lease, purchase, lease-purchase,~~
308.2 ~~or maintain enhanced 911 equipment, including telephone equipment; recording equipment;~~
308.3 ~~computer hardware; computer software for database provisioning, addressing, mapping,~~
308.4 ~~and any other software necessary for automatic location identification or local location~~
308.5 ~~identification; trunk lines; selective routing equipment; the master street address guide;~~
308.6 ~~dispatcher public safety answering point equipment proficiency and operational skills; pay~~
308.7 ~~for long-distance charges incurred due to transferring 911 calls to other jurisdictions; and~~
308.8 ~~the equipment necessary within the public safety answering point for community alert~~
308.9 ~~systems and to notify and communicate with the emergency services requested by the 911~~
308.10 ~~caller. as well as expenses deemed allowable in accordance with Code of Federal Regulations,~~
308.11 title 47, section 9.2.

308.12 (b) Money distributed for ~~enhanced 911 service~~ systems or services may not be spent
308.13 on:

308.14 (1) purchasing or leasing of real estate or cosmetic additions to or remodeling of
308.15 ~~communications centers~~ public safety answering points;

308.16 (2) ~~mobile communications vehicles~~, fire engines, ambulances, law enforcement vehicles,
308.17 or other emergency vehicles;

308.18 (3) signs, posts, or other markers related to addressing or any costs associated with the
308.19 installation or maintenance of signs, posts, or markers;

308.20 (4) any purposes prohibited by the Federal Communications Commission;

308.21 (5) the transfer of 911 fees into a state or other jurisdiction's general fund or other fund
308.22 for non-911 purposes;

308.23 (6) public safety telecommunicator salaries unless associated with training functions;
308.24 and

308.25 (7) the leasing or purchase of end user equipment.

308.26 Subd. 4. **Audits.** (a) ~~Each county and city or other governmental entity~~ federal, Tribal,
308.27 or other organization connected to the statewide 911 network as described in subdivision
308.28 2, paragraph (a), clause (1), ~~shall~~ or secondary public safety answering point must conduct
308.29 ~~an annual audit~~ a compliance report in accordance with Minnesota Rules, chapter 7580, and
308.30 Code of Federal Regulations, title 47, section 9.25, on the use of funds distributed to it for
308.31 ~~enhanced 911 service~~ systems or services to ensure the distribution is spent according to
308.32 subdivision 3. A copy of each ~~audit~~ compliance report must be submitted to the
308.33 commissioner.

309.1 (b) The commissioner may request a state audit of a county, federal, Tribal, or other
309.2 organization connected to the statewide 911 network which receives 911 funds from the
309.3 state to operate its 911 system or service to ensure compliance with subdivision 3.

309.4 (c) Failure to submit a compliance report may result in a disruption of 911 fee distribution
309.5 until the compliance report is submitted.

309.6 Sec. 43. Minnesota Statutes 2022, section 403.15, subdivision 1, is amended to read:

309.7 Subdivision 1. **Multistation or PBX system.** Except as otherwise provided in this
309.8 section, every owner and operator of a new multistation or private branch exchange (PBX)
309.9 multiline telephone system purchased or upgraded after December 31, 2004, ~~shall~~ must
309.10 design and maintain the system to provide a callback number or ten-digit caller ID and
309.11 emergency response location.

309.12 Sec. 44. Minnesota Statutes 2022, section 403.15, subdivision 2, is amended to read:

309.13 Subd. 2. **Multiline telephone system user dialing instructions.** (a) Each multiline
309.14 telephone system (MLTS) operator must demonstrate or otherwise inform each new telephone
309.15 system user how to call for emergency assistance from that particular multiline telephone
309.16 system.

309.17 (b) MLTS platforms that are manufactured, imported, offered for first sale or lease, first
309.18 sold or leased, or installed after February 16, 2020, must enable users to directly initiate a
309.19 call to 911 from any station equipped with dialing facilities without dialing any additional
309.20 digit, code, prefix, or postfix, including any trunk-access code such as the digit nine,
309.21 regardless of whether the user is required to dial such a digit, code, prefix, or postfix for
309.22 other calls.

309.23 (c) MLTSs that are manufactured, imported, offered for first sale or lease, first sold or
309.24 leased, or installed after February 16, 2020, must be configured so that upon an occurrence
309.25 of a 911 call it will provide a notification that a 911 call has been made to a central location
309.26 at the facility where the system is installed or to another person or organization, regardless
309.27 of location, if the system is able to be configured to provide the notification without an
309.28 improvement to the hardware or software of the system.

309.29 Sec. 45. Minnesota Statutes 2022, section 403.15, subdivision 3, is amended to read:

309.30 Subd. 3. **Shared residential multiline telephone system.** On and after January 1, 2005,
309.31 operators of shared multiline telephone systems, whenever installed, serving residential
309.32 customers ~~shall~~ must ensure that the shared multiline telephone system is connected to the

310.1 public switched network and that 911 calls from the system result in at least one distinctive
310.2 automatic number identification and automatic location identification for each residential
310.3 unit, except those requirements do not apply if the residential facility maintains one of the
310.4 following:

310.5 (1) automatic location identification for each respective emergency response location;

310.6 (2) the ability to direct emergency responders to the 911 caller's location through an
310.7 alternative and adequate means, such as the establishment of a 24-hour private answering
310.8 point operated by the facility; or

310.9 (3) a connection to a switchboard operator, attendant, or other designated on-site
310.10 individual.

310.11 Sec. 46. Minnesota Statutes 2022, section 403.15, subdivision 4, is amended to read:

310.12 Subd. 4. **Hotel or motel multiline telephone system.** Operators of hotel and motel
310.13 multiline telephone systems ~~shall~~ must permit the dialing of 911 and ~~shall~~ must ensure that
310.14 911 calls originating from hotel or motel multiline telephone systems allow the 911 system
310.15 to clearly identify the address and specific location of the 911 caller.

310.16 Sec. 47. Minnesota Statutes 2022, section 403.15, subdivision 5, is amended to read:

310.17 Subd. 5. **Business multiline telephone system.** (a) An operator of business multiline
310.18 telephone systems connected to the public switched telephone network and serving business
310.19 locations of one employer ~~shall~~ must ensure that calls to 911 from any telephone on the
310.20 system result in one of the following:

310.21 (1) automatic location identification for each respective emergency response location;

310.22 (2) an ability to direct emergency responders to the 911 caller's location through an
310.23 alternative and adequate means, such as the establishment of a 24-hour private answering
310.24 point operated by the employer; or

310.25 (3) a connection to a switchboard operator, attendant, or other designated on-site
310.26 individual.

310.27 (b) Except as provided in paragraph (c), providers of multiline telephone systems serving
310.28 multiple employers' business locations ~~shall~~ must ensure that calls to 911 from any telephone
310.29 result in automatic location identification for the respective emergency response location
310.30 of each business location sharing the system.

310.31 (c) Only one emergency response location is required in the following circumstances:

311.1 (1) an employer's work space is less than 40,000 square feet, located on a single floor
311.2 and on a single contiguous property;

311.3 (2) an employer's work space is less than 7,000 square feet, located on multiple floors
311.4 and on a single contiguous property; or

311.5 (3) an employer's work space is a single public entrance, single floor facility on a single
311.6 contiguous property.

311.7 Sec. 48. Minnesota Statutes 2022, section 403.15, subdivision 6, is amended to read:

311.8 Subd. 6. **Schools.** A multiline telephone system operated by a public or private
311.9 educational institution, including a system serving dormitories and other residential
311.10 customers, is subject to this subdivision and is not subject to subdivision 3. The operator
311.11 of the education institution multiline system connected to the public switched network must
311.12 ensure that calls to 911 from any telephone on the system result in one of the following:

311.13 (1) automatic location identification for each respective emergency response location;

311.14 (2) an ability to direct emergency responders to the 911 caller's location through an
311.15 alternative and adequate means, such as the establishment of a 24-hour private answering
311.16 point operated by the educational institution; or

311.17 (3) a connection to a switchboard operator, attendant, or other designated on-site
311.18 individual.

311.19 Sec. 49. Minnesota Statutes 2022, section 403.15, is amended by adding a subdivision to
311.20 read:

311.21 Subd. 9. **MLTS location compliance notification.** Beginning July 1, 2023, all vendors
311.22 of MLTSs or hosted MLTS services in Minnesota must disclose to their customers the 911
311.23 location requirements in this chapter and include 911 location compliant capabilities in the
311.24 systems or services they sell.

311.25 Sec. 50. **RENUMBERING.**

311.26 In Minnesota Statutes, the revisor of statutes shall renumber the subdivisions of Minnesota
311.27 Statutes, section 403.02.

311.28 Sec. 51. **REPEALER.**

311.29 Minnesota Statutes 2022, sections 403.02, subdivision 13; and 403.09, subdivision 3,
311.30 are repealed."

312.1 Amend the title accordingly