

ARTICLE 5**GENERAL CRIMES**

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

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

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

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

(ii) kidnapping under section 609.25;

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

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

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

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

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

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

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

(iv) a prostitution offense in violation of section 609.324, subdivision 1, paragraph (a);

(v) soliciting a minor to engage in sexual conduct in violation of section 609.352, subdivision 2 or 2a, clause (1);

(vi) using a minor in a sexual performance in violation of section 617.246; or

(vii) possessing pornographic work involving a minor in violation of section 617.247;

(3) the person was sentenced as a patterned sex offender under section 609.3455, subdivision 3a; or

2.1 (4) the person was charged with or petitioned for, including pursuant to a court martial,
2.2 violating a law of the United States, including the Uniform Code of Military Justice, similar
2.3 to an offense or involving similar circumstances to an offense described in clause (1), (2),
2.4 or (3), and convicted of or adjudicated delinquent for that offense or another offense arising
2.5 out of the same set of circumstances.

2.6 (b) A person also shall register under this section if:

2.7 (1) the person was charged with or petitioned for an offense in another state similar to
2.8 an offense or involving similar circumstances to an offense described in paragraph (a),
2.9 clause (1), (2), or (3), and convicted of or adjudicated delinquent for that offense or another
2.10 offense arising out of the same set of circumstances;

2.11 (2) the person enters this state to reside, work, or attend school, or enters this state and
2.12 remains for 14 days or longer or for an aggregate period of time exceeding 30 days during
2.13 any calendar year; and

2.14 (3) ten years have not elapsed since the person was released from confinement or, if the
2.15 person was not confined, since the person was convicted of or adjudicated delinquent for
2.16 the offense that triggers registration, unless the person is subject to a longer registration
2.17 period under the laws of another state in which the person has been convicted or adjudicated,
2.18 or is subject to lifetime registration.

2.19 If a person described in this paragraph is subject to a longer registration period in another
2.20 state or is subject to lifetime registration, the person shall register for that time period
2.21 regardless of when the person was released from confinement, convicted, or adjudicated
2.22 delinquent.

2.23 (c) A person also shall register under this section if the person was committed pursuant
2.24 to a court commitment order under Minnesota Statutes 2012, section 253B.185, chapter
2.25 253D, Minnesota Statutes 1992, section 526.10, or a similar law of another state or the
2.26 United States, regardless of whether the person was convicted of any offense.

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

2.28 (1) the person was charged with or petitioned for a felony violation or attempt to violate
2.29 any of the offenses listed in paragraph (a), clause (1), or a similar law of another state or
2.30 the United States, or the person was charged with or petitioned for a violation of any of the
2.31 offenses listed in paragraph (a), clause (2), or a similar law of another state or the United
2.32 States;

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

3.4 (3) the person was committed pursuant to a court commitment order under section
 3.5 253B.18 or a similar law of another state or the United States.

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

3.7 Sec. 2. Minnesota Statutes 2022, section 609.02, subdivision 16, is amended to read:

3.8 Subd. 16. **Qualified domestic violence-related offense.** "Qualified domestic
 3.9 violence-related offense" includes a violation of or an attempt to violate sections 518B.01,
 3.10 subdivision 14 (violation of domestic abuse order for protection); 609.185 (first-degree
 3.11 murder); 609.19 (second-degree murder); 609.195, paragraph (a) (third-degree murder);
 3.12 609.20, clauses (1), (2), and (5) (first-degree manslaughter); 609.205, clauses (1) and (5)
 3.13 (second-degree manslaughter); 609.221 (first-degree assault); 609.222 (second-degree
 3.14 assault); 609.223 (third-degree assault); 609.2231 (fourth-degree assault); 609.224
 3.15 (fifth-degree assault); 609.2242 (domestic assault); 609.2245 (female genital mutilation);
 3.16 609.2247 (domestic assault by strangulation); 609.25 (kidnapping); 609.255 (false
 3.17 imprisonment); 609.342 (first-degree criminal sexual conduct); 609.343 (second-degree
 3.18 criminal sexual conduct); 609.344 (third-degree criminal sexual conduct); 609.345
 3.19 (fourth-degree criminal sexual conduct); 609.3458 (sexual extortion); 609.377 (malicious
 3.20 punishment of a child); 609.582, subdivision 1, clause (c) (burglary in the first degree);
 3.21 609.713 (terroristic threats); 609.748, subdivision 6 (violation of harassment restraining
 3.22 order); 609.749 (harassment or stalking); 609.78, subdivision 2 (interference with an
 3.23 emergency call); 617.261 (nonconsensual dissemination of private sexual images); and
 3.24 629.75 (violation of domestic abuse no contact order); and similar laws of other states, the
 3.25 United States, the District of Columbia, tribal lands, and United States territories.

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

3.27 Sec. 3. Minnesota Statutes 2022, section 609.05, is amended by adding a subdivision to
 3.28 read:

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

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

4.4 (c) As used in this subdivision, "major participant" means a person who:

4.5 (1) used a deadly weapon during the commission of the underlying felony or provided
4.6 a deadly weapon to another participant where it was reasonably foreseeable that the weapon
4.7 would be used in the underlying felony;

4.8 (2) caused substantial bodily harm to another during the commission of the underlying
4.9 felony;

4.10 (3) coerced or hired a participant to undertake actions in furtherance of the underlying
4.11 felony that proximately caused the death, and where it was reasonably foreseeable that such
4.12 actions would cause death or great bodily harm; or

4.13 (4) impeded another person from preventing the death either by physical action or by
4.14 threat of physical action where it was reasonably foreseeable that death or great bodily harm
4.15 would result.

4.16 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
4.17 committed on or after that date. The section does not apply to crimes committed before
4.18 August 1, 2023.

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

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

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

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

5.3 Sec. 5. Minnesota Statutes 2022, section 609.2233, is amended to read:

5.4 **609.2233 FELONY ASSAULT MOTIVATED BY BIAS; INCREASED**
 5.5 **STATUTORY MAXIMUM SENTENCE.**

5.6 A person who violates section 609.221, 609.222, or 609.223 in whole or in substantial
 5.7 part because of the victim's or another person's actual or perceived race, color, ethnicity,
 5.8 religion, sex, gender, sexual orientation, gender identity, gender expression, age, national
 5.9 origin, or disability as defined in section 363A.03, ~~age, or national origin~~ or because of the
 5.10 victim's actual or perceived association with another person or group of a certain actual or
 5.11 perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity,
 5.12 gender expression, age, national origin, or disability as defined in section 363A.03, is subject
 5.13 to a statutory maximum penalty of 25 percent longer than the maximum penalty otherwise
 5.14 applicable.

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

5.17 Sec. 6. **[609.247] CARJACKING.**

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

5.20 (b) "Carjacking" means taking a motor vehicle from the person or in the presence of
 5.21 another while having knowledge of not being entitled to the motor vehicle and using or
 5.22 threatening the imminent use of force against any person to overcome the person's resistance
 5.23 or powers of resistance to, or to compel acquiescence in, the taking of the motor vehicle.

5.24 (c) "Motor vehicle" has the meaning given in section 609.52, subdivision 1, clause (10).

5.25 Subd. 2. **First degree.** Whoever, while committing a carjacking, is armed with a
 5.26 dangerous weapon or any article used or fashioned in a manner to lead the victim to
 5.27 reasonably believe it to be a dangerous weapon, or inflicts bodily harm upon another, is
 5.28 guilty of carjacking in the first degree and may be sentenced to imprisonment for not more
 5.29 than 20 years or to payment of a fine of not more than \$35,000, or both.

5.30 Subd. 3. **Second degree.** Whoever, while committing a carjacking, implies, by word or
 5.31 act, possession of a dangerous weapon, is guilty of carjacking in the second degree and may

6.1 be sentenced to imprisonment for not more than 15 years or to payment of a fine of not
 6.2 more than \$30,000, or both.

6.3 Subd. 4. **Third degree.** Whoever commits carjacking under any other circumstances is
 6.4 guilty of carjacking in the third degree and may be sentenced to imprisonment for not more
 6.5 than ten years or to payment of a fine of not more than \$20,000, or both.

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

6.8 Sec. 7. Minnesota Statutes 2022, section 609.25, subdivision 2, is amended to read:

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

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

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

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

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

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

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

6.20 Sec. 8. Minnesota Statutes 2022, section 609.269, is amended to read:

6.21 **609.269 EXCEPTION.**

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

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

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

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

6.28 Sec. 9. Minnesota Statutes 2022, section 609.52, subdivision 3, is amended to read:

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

7.1 (1) to imprisonment for not more than 20 years or to payment of a fine of not more than
7.2 \$100,000, or both, if the property is a firearm, or the value of the property or services stolen
7.3 is more than \$35,000 and the conviction is for a violation of subdivision 2, clause (3), (4),
7.4 (15), (16), or (19), or section 609.2335, subdivision 1, clause (1) or (2), item (i); or

7.5 (2) to imprisonment for not more than ten years or to payment of a fine of not more than
7.6 \$20,000, or both, if the value of the property or services stolen exceeds \$5,000, or if the
7.7 property stolen was an article representing a trade secret, an explosive or incendiary device,
7.8 or a controlled substance listed in Schedule I or II pursuant to section 152.02 with the
7.9 exception of marijuana; or

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

7.12 (a) the value of the property or services stolen is more than \$1,000 but not more than
7.13 \$5,000; or

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

7.16 (c) the value of the property or services stolen is more than \$500 but not more than
7.17 \$1,000 and the person has been convicted within the preceding five years for an offense
7.18 under this section, section 256.98; 268.182; 609.24; 609.245; 609.522; 609.53; 609.582,
7.19 subdivision 1, 2, or 3; 609.625; 609.63; 609.631; or 609.821, or a statute from another state,
7.20 the United States, or a foreign jurisdiction, in conformity with any of those sections, and
7.21 the person received a felony or gross misdemeanor sentence for the offense, or a sentence
7.22 that was stayed under section 609.135 if the offense to which a plea was entered would
7.23 allow imposition of a felony or gross misdemeanor sentence; or

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

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

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

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

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

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

8.4 (4) to imprisonment for not more than one year or to payment of a fine of not more than
8.5 \$3,000, or both, if the value of the property or services stolen is more than \$500 but not
8.6 more than \$1,000; or

8.7 (5) in all other cases where the value of the property or services stolen is \$500 or less,
8.8 to imprisonment for not more than 90 days or to payment of a fine of not more than \$1,000,
8.9 or both, provided, however, in any prosecution under subdivision 2, clauses (1), (2), (3),
8.10 (4), (13), and (19), the value of the money or property or services received by the defendant
8.11 in violation of any one or more of the above provisions within any six-month period may
8.12 be aggregated and the defendant charged accordingly in applying the provisions of this
8.13 subdivision; provided that when two or more offenses are committed by the same person
8.14 in two or more counties, the accused may be prosecuted in any county in which one of the
8.15 offenses was committed for all of the offenses aggregated under this paragraph.

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

8.18 Sec. 10. **[609.522] ORGANIZED RETAIL THEFT.**

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

8.21 (b) "Pattern of retail theft" means acts committed or directed by the defendant on at least
8.22 two separate occasions in the preceding six months that would constitute a violation of:

8.23 (1) section 609.52, subdivision 2, paragraph (a), clauses (1), (3), and (4), involving retail
8.24 merchandise;

8.25 (2) section 609.521;

8.26 (3) section 609.53, subdivision 1, involving retail merchandise;

8.27 (4) section 609.582 when the building was a retail establishment; or

8.28 (5) section 609.59.

8.29 (c) "Retail establishment" means the building where a retailer sells retail merchandise.

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

9.1 (e) "Retail theft enterprise" means a group of two or more individuals with a shared goal
9.2 involving the unauthorized removal of retail merchandise from a retailer. Retail theft
9.3 enterprise does not require the membership of the enterprise to remain the same or that the
9.4 same individuals participate in each offense committed by the enterprise.

9.5 (f) "Retailer" means a person or entity that sells retail merchandise.

9.6 (g) "Value" means the retail market value at the time of the theft or, if the retail market
9.7 value cannot be ascertained, the cost of replacement of the property within a reasonable
9.8 time after the theft.

9.9 Subd. 2. **Organized retail theft.** A person is guilty of organized retail theft if:

9.10 (1) the person is employed by or associated with a retail theft enterprise;

9.11 (2) the person has previously engaged in a pattern of retail theft and intentionally commits
9.12 an act or directs another member of the retail theft enterprise to commit an act involving
9.13 retail merchandise that would constitute a violation of:

9.14 (i) section 609.52, subdivision 2, paragraph (a), clauses (1), (3), and (4); or

9.15 (ii) section 609.53, subdivision 1; and

9.16 (3) the person or another member of the retail theft enterprise:

9.17 (i) resells or intends to resell the stolen retail merchandise;

9.18 (ii) advertises or displays any item of the stolen retail merchandise for sale; or

9.19 (iii) returns any item of the stolen retail merchandise to a retailer for anything of value.

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

9.21 (1) to imprisonment for not more than 15 years or to payment of a fine of not more than
9.22 \$35,000, or both, if the value of the property stolen exceeds \$5,000;

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

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

9.26 (ii) the value of the property is more than \$500 but not more than \$1,000 and the person
9.27 commits the offense within ten years of the first of two or more convictions under this
9.28 section, section 256.98; 268.182; 609.24; 609.245; 609.52; 609.53; 609.582, subdivision
9.29 1, 2, or 3; 609.625; 609.63; 609.631; or 609.821, or a statute from another state, the United
9.30 States, or a foreign jurisdiction, in conformity with any of those sections, and the person
9.31 received a felony or gross misdemeanor sentence for the offense, or a sentence that was

10.1 stayed under section 609.135 if the offense to which a plea was entered would allow
10.2 imposition of a felony or gross misdemeanor sentence;

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

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

10.6 (ii) the value of the property is \$500 or less and the person commits the offense within
10.7 ten years of a previous conviction under this section, section 256.98; 268.182; 609.24;
10.8 609.245; 609.52; 609.53; 609.582, subdivision 1, 2, or 3; 609.625; 609.63; 609.631; or
10.9 609.821, or a statute from another state, the United States, or a foreign jurisdiction, in
10.10 conformity with any of those sections, and the person received a felony or gross misdemeanor
10.11 sentence for the offense, or a sentence that was stayed under section 609.135 if the offense
10.12 to which a plea was entered would allow imposition of a felony or gross misdemeanor
10.13 sentence; or

10.14 (4) to imprisonment of not more than one year or to payment of a fine of not more than
10.15 \$3,000, or both, if the value of the property stolen is \$500 or less.

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

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

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

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

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

11.1 Sec. 11. Minnesota Statutes 2022, section 609.582, subdivision 3, is amended to read:

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

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

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

11.16 (2) the person has been convicted within the preceding five years for an offense under
11.17 this section, section 256.98, 268.182, 609.24, 609.245, 609.52, 609.522, 609.53, 609.625,
11.18 609.63, 609.631, or 609.821, or a statute from another state, the United States, or a foreign
11.19 jurisdiction, in conformity with any of those sections, and the person received a felony
11.20 sentence for the offense or a sentence that was stayed under section 609.135 if the offense
11.21 to which a plea was entered would allow imposition of a felony sentence.

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

11.24 Sec. 12. Minnesota Statutes 2022, section 609.582, subdivision 4, is amended to read:

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

11.31 (b) Whoever enters a building that is open to the public, other than a building identified
11.32 in subdivision 2, paragraph (b), with intent to steal while in the building, or enters a building
11.33 that is open to the public, other than a building identified in subdivision 2, paragraph (b),

12.1 and steals while in the building, either directly or as an accomplice, commits burglary in
 12.2 the fourth degree and may be sentenced to imprisonment for not more than one year or to
 12.3 payment of a fine of not more than \$3,000, or both, if the person enters the building within
 12.4 one year after being told to leave the building and not return.

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

12.7 Sec. 13. Minnesota Statutes 2022, section 609.595, subdivision 1a, is amended to read:

12.8 Subd. 1a. **Criminal damage to property in the second degree.** (a) Whoever intentionally
 12.9 causes damage described in subdivision 2, paragraph (a), ~~because of the property owner's~~
 12.10 ~~or another's actual or perceived race, color, religion, sex, sexual orientation, disability as~~
 12.11 ~~defined in section 363A.03, age, or national origin~~ is guilty of a felony and may be sentenced
 12.12 to imprisonment for not more than one year and a day or to payment of a fine of not more
 12.13 than \$3,000, or both, if the damage:

12.14 (1) was committed in whole or in substantial part because of the property owner's or
 12.15 another's actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation,
 12.16 gender identity, gender expression, age, national origin, or disability as defined in section
 12.17 363A.03;

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

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

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

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

13.1 Sec. 14. Minnesota Statutes 2022, section 609.595, subdivision 2, is amended to read:

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

13.9 (b) Whoever intentionally causes damage to another person's physical property without
 13.10 the other person's consent ~~because of the property owner's or another's actual or perceived~~
 13.11 ~~race, color, religion, sex, sexual orientation, disability as defined in section 363A.03, age,~~
 13.12 ~~or national origin~~ may be sentenced to imprisonment for not more than one year or to
 13.13 payment of a fine of not more than \$3,000, or both, if the damage reduces the value of the
 13.14 property by not more than \$500; and:

13.15 (1) was committed in whole or in substantial part because of the property owner's or
 13.16 another's actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation,
 13.17 gender identity, gender expression, age, national origin, or disability as defined in section
 13.18 363A.03;

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

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

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

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

14.1 Sec. 15. Minnesota Statutes 2022, section 609.67, subdivision 1, is amended to read:

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

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

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

14.11 (d) "Trigger activator" means:

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

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

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

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

14.25 Sec. 16. Minnesota Statutes 2022, section 609.67, subdivision 2, is amended to read:

14.26 Subd. 2. **Acts prohibited.** (a) Except as otherwise provided herein, whoever owns,
14.27 possesses, or operates a machine gun, or any trigger activator or machine gun conversion
14.28 kit, ~~or a short-barreled shotgun~~ may be sentenced to imprisonment for not more than five
14.29 20 years or to payment of a fine of not more than \$10,000 \$35,000, or both.

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

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

15.3 Sec. 17. Minnesota Statutes 2022, section 609.746, subdivision 1, is amended to read:

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

15.6 (1) enters upon another's property;

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

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

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

15.12 (1) enters upon another's property;

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

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

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

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

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

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

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

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

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

16.3 (1) uses any device for photographing, recording, or broadcasting an image of an
 16.4 individual in a house or place of dwelling; a sleeping room of a hotel as defined in section
 16.5 327.70, subdivision 3; a tanning booth; a bathroom; a locker room; a changing room; an
 16.6 indoor shower facility; or any place where a reasonable person would have an expectation
 16.7 of privacy; and

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

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

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

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

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

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

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

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

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

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

16.31 (1) violates paragraph (f) after a previous conviction under this subdivision or section
 16.32 609.749; or

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

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

17.5 ~~(g) Paragraphs (k) Paragraph (b) and, (d) do, or (e) does~~ not apply to law enforcement
 17.6 officers or corrections investigators, or to those acting under their direction, while engaged
 17.7 in the performance of their lawful duties. Paragraphs (c) ~~and, (d), and (e)~~ do not apply to
 17.8 conduct in: (1) a medical facility; or (2) a commercial establishment if the owner of the
 17.9 establishment has posted conspicuous signs warning that the premises are under surveillance
 17.10 by the owner or the owner's employees.

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

17.13 Sec. 18. Minnesota Statutes 2022, section 609.749, subdivision 3, is amended to read:

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

17.17 (1) commits any offense described in subdivision 2 in whole or in substantial part because
 17.18 of the victim's or another's actual or perceived race, color, ethnicity, religion, sex, gender,
 17.19 sexual orientation, gender identity, gender expression, age, national origin, or disability as
 17.20 defined in section 363A.03, ~~age, or national origin~~ or because of the victim's actual or
 17.21 perceived association with another person or group of a certain actual or perceived race,
 17.22 color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression,
 17.23 age, national origin, or disability as defined in section 363A.03;

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

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

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

18.1 (5) commits any offense described in subdivision 2 against a victim under the age of
18.2 18, if the actor is more than 36 months older than the victim.

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

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

18.10 Sec. 19. Minnesota Statutes 2022, section 609.78, subdivision 2a, is amended to read:

18.11 Subd. 2a. **Felony offense; reporting fictitious emergency resulting in serious**
18.12 **injury.** Whoever violates subdivision 2, clause (2), is guilty of a felony and may be sentenced
18.13 as follows:

18.14 (1) to imprisonment for not more than ten years or to payment of a fine of not more than
18.15 \$20,000, or both, if the call triggers an emergency response and, as a result of the response,
18.16 someone suffers great bodily harm or death; or

18.17 (2) to imprisonment of not more than three years or to payment of a fine of not more
18.18 than \$10,000, or both, if the call triggers an emergency response and as a result of the
18.19 response, someone suffers substantial bodily harm.

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

18.22 Sec. 20. Minnesota Statutes 2022, section 617.22, is amended to read:

18.23 **617.22 CONCEALING BIRTH.**

18.24 ~~Every~~ Any person who ~~shall endeavor~~ attempts to conceal the birth of a child by any
18.25 disposition of its dead body, ~~whether~~ when the child died ~~before or~~ after its birth, shall be
18.26 guilty of a misdemeanor. ~~Every person who, having been convicted of endeavoring to~~
18.27 ~~conceal the stillbirth of any issue, or the death of any issue under the age of two years, shall,~~
18.28 ~~subsequent to that conviction, endeavor to conceal any subsequent birth or death, shall be~~
18.29 ~~punished by imprisonment for not more than five years.~~ This section does not apply to the
18.30 disposition of remains resulting from an abortion or miscarriage.

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

19.1 Sec. 21. Minnesota Statutes 2022, section 617.26, is amended to read:

19.2 **617.26 MAILING AND CARRYING OBSCENE MATTER.**

19.3 Every person who shall deposit or cause to be deposited in any post office in the state,
19.4 or place in charge of any express company or other common carrier or person for
19.5 transportation, any of the articles or things specified in section ~~617.201~~ or 617.241, or any
19.6 circular, book, pamphlet, advertisement or notice relating thereto, with the intent of having
19.7 the same conveyed by mail, express, or in any other manner; or who shall knowingly or
19.8 willfully receive the same with intent to carry or convey it, or shall knowingly carry or
19.9 convey the same by express, or in any other manner except by United States mail, shall be
19.10 guilty of a misdemeanor. The provisions of this section ~~and section 617.201~~ shall not be
19.11 construed to apply to an article or instrument used by physicians lawfully practicing, or by
19.12 their direction or prescription, for the cure or prevention of disease.

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

19.14 Sec. 22. Minnesota Statutes 2022, section 628.26, is amended to read:

19.15 **628.26 LIMITATIONS.**

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

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

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

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

19.27 (e) Indictments or complaints for violation of sections 609.322, 609.342 to 609.345, and
19.28 609.3458 may be found or made at any time after the commission of the offense.

19.29 (f) Indictments or complaints for violation of sections 609.466 and 609.52, subdivision
19.30 2, paragraph (a), clause (3), item (iii), shall be found or made and filed in the proper court
19.31 within six years after the commission of the offense.

20.1 (g) Indictments or complaints for violation of section 609.2335, 609.52, subdivision 2,
20.2 paragraph (a), clause (3), items (i) and (ii), (4), (15), or (16), 609.631, or 609.821, where
20.3 the value of the property or services stolen is more than \$35,000, or for violation of section
20.4 609.527 where the offense involves eight or more direct victims or the total combined loss
20.5 to the direct and indirect victims is more than \$35,000, shall be found or made and filed in
20.6 the proper court within five years after the commission of the offense.

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

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

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

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

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

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

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

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

20.30 **Sec. 23. TASK FORCE ON AIDING AND ABETTING FELONY MURDER.**

20.31 (a) Laws 2021, First Special Session chapter 11, article 2, section 53, subdivisions 2, 3,
20.32 4, and 5, are revived and reenacted on the effective date of this section to expand the focus

21.1 of the task force's duties and work beyond the intersection of felony murder and aiding and
 21.2 abetting liability for felony murder to more generally apply to the broader issues regarding
 21.3 the state's felony murder doctrine and aiding and abetting liability schemes discussed in
 21.4 "Task Force on Aiding and Abetting Felony Murder," Report to the Minnesota Legislature,
 21.5 dated February 1, 2022, "The Task Force's recommendations," number 4.

21.6 (b) On or before January 15, 2024, the task force shall submit a report to the chairs and
 21.7 ranking minority members of the house of representatives and senate committees and
 21.8 divisions with jurisdiction over crime and sentencing on the findings and recommendations
 21.9 of the task force.

21.10 (c) The task force expires January 16, 2024, or the day after submitting its report under
 21.11 paragraph (b), whichever is earlier.

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

21.13 Sec. 24. **LIABILITY FOR MURDER COMMITTED BY ANOTHER;**
 21.14 **RETROACTIVE APPLICATION.**

21.15 Subdivision 1. **Purpose.** Any person convicted of a violation of Minnesota Statutes,
 21.16 section 609.185, paragraph (a), clause (3), or 609.19, subdivision 2, clause (1), under the
 21.17 theory of liability for crimes of another and who is in the custody of the commissioner of
 21.18 corrections or under court supervision is entitled to petition to have the person's conviction
 21.19 vacated pursuant to this section.

21.20 Subd. 2. **Definition.** As used in this section, "major participant" has the meaning given
 21.21 in Minnesota Statutes, section 609.05, subdivision 2a, paragraph (c).

21.22 Subd. 3. **Notification.** (a) By December 1, 2023, the commissioner of corrections shall
 21.23 notify individuals convicted for a violation of Minnesota Statutes, section 609.185, paragraph
 21.24 (a), clause (3), or 609.19, subdivision 2, clause (1), of the right to file a preliminary
 21.25 application for relief if:

21.26 (1) the person was convicted for a violation of Minnesota Statutes, section 609.185,
 21.27 paragraph (a), clause (3), and the person:

21.28 (i) did not cause the death of a human being; and

21.29 (ii) did not intentionally aid, advise, hire, counsel, or conspire with or otherwise procure
 21.30 another with the intent to cause the death of a human being; or

21.31 (2) the person was convicted for a violation of Minnesota Statutes, section 609.19,
 21.32 subdivision 2, clause (1), and the person:

- 22.1 (i) did not cause the death of a human being; and
- 22.2 (ii) was not a major participant in the underlying felony and did not act with extreme
- 22.3 indifference to human life.
- 22.4 (b) The notice shall include the address of the Ramsey County District Court court
- 22.5 administration.
- 22.6 (c) The commissioner of corrections may coordinate with the judicial branch to establish
- 22.7 a standardized notification form.
- 22.8 Subd. 4. Preliminary application. (a) An applicant shall submit a preliminary application
- 22.9 to the Ramsey County District Court. The preliminary application must contain:
- 22.10 (1) the applicant's name and, if different, the name under which the person was convicted;
- 22.11 (2) the applicant's date of birth;
- 22.12 (3) the district court case number of the case for which the person is seeking relief;
- 22.13 (4) a statement as to whether the applicant was convicted following a trial or pursuant
- 22.14 to a plea;
- 22.15 (5) a statement as to whether the person filed a direct appeal from the conviction, a
- 22.16 petition for postconviction relief, or both;
- 22.17 (6) a brief statement, not to exceed 3,000 words, explaining why the applicant is entitled
- 22.18 to relief under this section from a conviction for the death of a human being caused by
- 22.19 another; and
- 22.20 (7) the name and address of any attorney representing the applicant.
- 22.21 (b) The preliminary application may contain:
- 22.22 (1) the name, date of birth, and district court case number of any other person charged
- 22.23 with, or convicted of, a crime arising from the same set of circumstances for which the
- 22.24 applicant was convicted; and
- 22.25 (2) a copy of a criminal complaint or indictment, or the relevant portions of a presentence
- 22.26 investigation or life imprisonment report, describing the facts of the case for which the
- 22.27 applicant was convicted.
- 22.28 (c) The judicial branch may establish a standardized preliminary application form, but
- 22.29 shall not reject a preliminary application for failure to use a standardized form.
- 22.30 (d) Any person seeking relief under this section must submit a preliminary application
- 22.31 no later than October 1, 2025. Submission is complete upon mailing.

23.1 (e) Submission of a preliminary application shall be without costs or any fees charged
23.2 to the applicant.

23.3 Subd. 5. Review of preliminary application. (a) Upon receipt of a preliminary
23.4 application, the court administrator of the Ramsey County District Court shall immediately
23.5 direct attention of the filing thereof to the chief judge or judge acting on the chief judge's
23.6 behalf who shall promptly assign the matter to a judge in said district.

23.7 (b) The judicial branch may appoint a special master to review preliminary applications
23.8 and may assign additional staff as needed to assist in the review of preliminary applications.

23.9 (c) Within 90 days of the Ramsey County District Court receiving the preliminary
23.10 application, the reviewing judge shall determine whether, in the discretion of that judge,
23.11 there is a reasonable probability that the application is entitled to relief under this section.

23.12 (d) In making the determination under paragraph (c), the reviewing judge shall consider
23.13 the preliminary application and any materials submitted with the preliminary application
23.14 and may consider relevant records in the possession of the judicial branch.

23.15 (e) The court may summarily deny an application when:

23.16 (1) the application does not contain the information required under subdivision 4,
23.17 paragraph (a);

23.18 (2) the applicant is not in the custody of the commissioner of corrections or under court
23.19 supervision;

23.20 (3) the applicant was not convicted of a violation of Minnesota Statutes, section 609.185,
23.21 paragraph (a), clause (3), or 609.19, subdivision 2, clause (1), for crimes committed before
23.22 August 1, 2023; or

23.23 (4) the issues raised in the application are not relevant to the relief available under this
23.24 section or have previously been decided by the court of appeals or the supreme court in the
23.25 same case.

23.26 (f) The court may also summarily deny an application if the applicant has filed a second
23.27 or successive preliminary application, any prior application was denied for a reason other
23.28 than that it did not contain the information required under subdivision 4, paragraph (a), and:

23.29 (1) the reviewing judge previously determined that there was a reasonable probability
23.30 that the applicant was entitled to relief, but a court determined that the petitioner did not
23.31 qualify for relief under subdivision 7;

23.32 (2) a previous application was submitted by an attorney representing the applicant; or

24.1 (3) the reviewing judge previously determined that there was not a reasonable probability
24.2 that the applicant is entitled to relief, the second or successive preliminary application does
24.3 not contain any additional information described in subdivision 4, paragraph (b), and the
24.4 second or successive preliminary application was submitted by someone other than an
24.5 attorney representing the applicant.

24.6 (g) If the reviewing judge determines that there is a reasonable probability that the
24.7 applicant is entitled to relief, the judge shall send notice to the applicant and the applicant's
24.8 attorney, if any, and the prosecutorial office responsible for prosecuting the applicant. In
24.9 the event the applicant is without counsel, the reviewing judge shall send notice to the state
24.10 public defender and shall advise the applicant of the referral.

24.11 (h) If the reviewing judge determines that there is not a reasonable probability that the
24.12 applicant is entitled to relief, the judge shall send notice to the applicant and the applicant's
24.13 attorney, if any. The notice must contain a brief statement explaining the reasons the
24.14 reviewing judge concluded that there is not a reasonable probability that the applicant is
24.15 entitled to relief.

24.16 Subd. 6. **Petition for relief; hearing.** (a) Unless extended for good cause, within 60
24.17 days of filing of the notice sent pursuant to subdivision 5, paragraph (g), the individual
24.18 seeking relief shall file and serve a petition to vacate the conviction. The petition must be
24.19 filed in the district court of the judicial district in the county where the conviction took place
24.20 and must contain the information identified in subdivision 4, paragraph (a), and a statement
24.21 of why the petitioner is entitled to relief. The petition may contain any other relevant
24.22 information, including police reports, trial transcripts, and plea transcripts involving the
24.23 petitioner or any other person investigated for, charged with, or convicted of a crime arising
24.24 out of the same set of circumstances for which the petitioner was convicted. The filing of
24.25 the petition and any document subsequent thereto and all proceedings thereon shall be
24.26 without costs or any fees charged to the petitioner.

24.27 (b) Upon filing of the petition, the prosecutor shall make a good faith and reasonable
24.28 effort to notify any person determined to be a victim of the underlying offense that a petition
24.29 has been filed.

24.30 (c) A county attorney representing the prosecutorial office shall respond to the petition
24.31 by answer or motion within 45 days after the filing of the petition pursuant to paragraph (a)
24.32 unless extended for good cause. The response shall be filed with the court administrator of
24.33 the district court and served on the petitioner if unrepresented or on the petitioner's attorney.
24.34 The response may serve notice of the intent to support the petition or include a statement

25.1 explaining why the petitioner is not entitled to relief along with any supporting documents.
25.2 The filing of the response and any document subsequent thereto and all proceedings thereon
25.3 shall be without costs or any fees charged to the county attorney.

25.4 (d) The petitioner may file a reply to the response filed by the county attorney within
25.5 15 days after the response is filed, unless extended for good cause.

25.6 (e) Within 30 days of the filing of the reply from the petition or, if no reply is filed,
25.7 within 30 days of the filing of the response from the county attorney, the court shall:

25.8 (1) issue an order and schedule the matter for sentencing or resentencing pursuant to
25.9 subdivision 7 if the county attorney indicates an intent to support the petition;

25.10 (2) issue an order denying the petition if additional information or submissions establish
25.11 that there is not a reasonable probability that the applicant is entitled to relief under this
25.12 section and include a memorandum identifying the additional information or submissions
25.13 and explaining the reasons why the court concluded that there is not a reasonable probability
25.14 that the applicant is entitled to relief; or

25.15 (3) schedule the matter for a hearing and issue any appropriate order regarding submission
25.16 of evidence or identification of witnesses.

25.17 (f) The hearing shall be held in open court and conducted pursuant to Minnesota Statutes,
25.18 section 590.04, except that the petitioner must be present at the hearing, unless excused
25.19 under Rules of Criminal Procedure, rule 26.03, subdivision 1, clause (3). The prosecutor
25.20 shall make a good faith and reasonable effort to notify any person determined to be a victim
25.21 of the hearing.

25.22 Subd. 7. **Determination; order; resentencing.** (a) A petitioner who was convicted of
25.23 a violation of Minnesota Statutes, section 609.185, paragraph (a), clause (3), is entitled to
25.24 relief if the petitioner shows by a preponderance of the evidence that the petitioner:

25.25 (1) did not cause the death of a human being; and

25.26 (2) did not intentionally aid, advise, hire, counsel, or conspire with or otherwise procure
25.27 another with the intent to cause the death of a human being.

25.28 (b) A petitioner who was convicted of a violation of Minnesota Statutes, section 609.19,
25.29 subdivision 2, clause (1), is entitled to relief if the petitioner shows by a preponderance of
25.30 the evidence that the petitioner:

25.31 (1) did not cause the death of a human being; and

26.1 (2) was not a major participant in the underlying felony and did not act with extreme
26.2 indifference to human life.

26.3 (c) If the court determines that the petitioner does not qualify for relief, the court shall
26.4 issue an order denying the petition. If the court determines that the petitioner is entitled to
26.5 relief, the court shall issue an order vacating the conviction for a violation of Minnesota
26.6 Statutes, section 609.185, paragraph (a), clause (3), or 609.19, subdivision 2, clause (1),
26.7 and either:

26.8 (1) resentence the petitioner for the most serious remaining offense for which the
26.9 petitioner was convicted; or

26.10 (2) enter a conviction and impose a sentence for any other predicate felony arising out
26.11 of the course of conduct that served as the factual basis for the conviction vacated by the
26.12 court.

26.13 (d) The new sentence announced by the court under this section must be for the most
26.14 serious predicate felony unless the most serious remaining offense for which the petitioner
26.15 was convicted is that offense or a more serious offense.

26.16 (e) If, pursuant to paragraph (c), the court either resents a petitioner or imposes a
26.17 sentence, the court shall also resentence the petitioner for any other offense if the sentence
26.18 was announced by a district court of the same county, the sentence was either ordered to
26.19 be served consecutively to the vacated conviction or the criminal history calculation for
26.20 that sentence included the vacated sentence, and the changes made pursuant to paragraph
26.21 (c) would have resulted in a different criminal history score being used at the time of
26.22 sentencing.

26.23 (f) The court shall state in writing or on the record the reasons for its decision on the
26.24 petition.

26.25 (g) If the court intends to resentence a petitioner or impose a sentence on a petitioner,
26.26 the court must hold the hearing at a time that allows any victim an opportunity to submit a
26.27 statement consistent with Minnesota Statutes, section 611A.038. The prosecutor shall make
26.28 a good faith and reasonable effort to notify any person determined to be a victim of the
26.29 hearing and the right to submit or make a statement. A sentence imposed under this
26.30 subdivision shall not increase the petitioner's total period of confinement or, if the petitioner
26.31 was serving a stayed sentence, increase the period of supervision. The court may increase
26.32 the period of confinement for a sentence that was ordered to be served consecutively to the
26.33 vacated conviction based on a change in the appropriate criminal history score provided the
26.34 court does not increase the petitioner's total period of confinement. A person resentenced

27.1 under this paragraph is entitled to credit for time served in connection with the vacated
27.2 offense.

27.3 (h) Relief granted under this section shall not be treated as an exoneration for purposes
27.4 of the Incarceration and Exoneration Remedies Act.

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

27.6 Sec. 25. **REVISOR INSTRUCTION.**

27.7 The revisor of statutes shall make any necessary cross-reference and conforming language
27.8 changes in Minnesota Statutes as a result of the establishment of the crime of carjacking in
27.9 this act.

27.10 Sec. 26. **REPEALER.**

27.11 Minnesota Statutes 2022, sections 609.293, subdivisions 1 and 5; 609.34; 609.36; 617.20;
27.12 617.201; 617.202; 617.21; 617.28; and 617.29, are repealed.

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