

Subject Public Safety Policy

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Overview

This bill contains public safety policy provisions, including proposals from the Department of Public Safety and Department of Corrections.

Summary

Section	Description
1	<p>Authority.</p> <p>Amends the authority for the attorney general to issue administrative subpoenas to include information related to a law enforcement investigation of financial crimes and fraud, including fraud involving state-funded or administered programs or services and insurance fraud.</p>
2	<p>Disaster assistance contingency account; appropriation.</p> <p>Changes the annual reporting date from January 15 to January 31 for the commissioner of management and budget to report to the legislature on disaster assistance account appropriations and expenditures from the previous calendar year.</p>
3	<p>Screening of inmates.</p> <p>Establishes that all inmates shall be screened for tuberculosis (TB) within 14 days of intake and annually thereafter.</p>
4	<p>Procedures without consent.</p> <p>Establishes the protocol that the commissioner must follow if an incarcerated person refuses to submit to a TB test which requires the commissioner to secure a court order compelling the incarcerated person to submit to the test.</p>
5	<p>Screening of employees.</p> <p>Requires all new employees at facilities operated or licensed by the Department of Corrections to be screened for tuberculosis prior to beginning employment and annually thereafter.</p>

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6	<p>Sale or possession of kratom.</p> <p>Raises the legal age to purchase and possess kratom from 18 to 21. Under current law, it is a gross misdemeanor to sell kratom to a person under the age of 18 and it is a misdemeanor for a person under the age of 18 to possess kratom.</p>
7	<p>Licensing and inspecting juvenile and adult community-based residential correctional facilities.</p> <p>Subd. 1. Scope. Defines the scope of this section and sections 8 and 9.</p> <p>Subd. 2. Definitions. Defines “commissioner,” “critical incident,” “department,” “emergency or unusual occurrence,” “facility administrator,” and “local correctional facility” for purposes sections 241.011 to 241.013.</p> <p>Subd. 3. Local correctional facilities; inspection and licensing. Recodifies the commissioner’s obligation to inspect local correctional facilities in the state.</p> <p>Subd. 4. Inspecting facilities for compliance; publishing inspection reports. Requires the commissioner to inspect each local facility at least once every two years and to make the inspection report available to the public.</p> <p>Subd. 5. Granting license; expiration. Authorizes the commissioner to issue two-year licenses to local facilities.</p> <p>Subd. 6. Providing and accessing facility data. Requires local facilities to provide data required by statute or requested by the commissioner regardless of restrictions placed on that data by chapter 13.</p> <p>Subd. 7. Reporting; deaths, emergencies or unusual occurrences, and critical incidents. Requires local facilities to report deaths and critical incidents to the commissioner.</p> <p>Subd. 8. Death review teams. Requires a death review team to assess the circumstances and causes of the death of a juvenile in a local facility.</p> <p>Subd. 9. Rulemaking. Requires the commissioner to adopt rules for local correctional facilities for the management, operation, and physical condition of the facilities and the security, safety, health, treatment, and discipline of individuals detained or housed in or served by the facilities.</p>
8	<p>Licensing actions against juvenile and adult community-based residential correctional facilities.</p> <p>Subd. 1. Correction order; conditional license. Directs the commissioner to promptly notify a facility when there is a significant deficiency that jeopardizes the facility’s license. Authorizes the commissioner to issue a conditional license</p>

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to a local facility to allow the facility time to correct specified significant deficiencies.

Subd. 2. Requesting review of conditional license order. Establishes the protocol for the commissioner to follow when a facility administrator requests a review of a conditional license order.

Subd. 3. License revocation order. Establishes the grounds that would justify the commissioner revoking the license of a local correctional facility. Specifies what information the commissioner must include in a notice of intent to revoke and in a final revocation order. Establishes the protocol for a facility to respond to a revocation notice.

Subd. 4. Reconsideration orders. Establishes the protocol for a facility to request that the commissioner reconsider a revocation order.

Subd. 5. Temporary immediate license suspension. Sets forth the emergency circumstances when the commissioner must issue a temporary license suspension without delay.

Subd. 6. Requesting reconsideration of temporary immediate suspension. Establishes the protocol for a facility to request that the commissioner reconsider an order immediately suspending its license.

Subd. 7. Appealing commissioner's reconsideration request. Authorizes a facility to appeal an order under this section to the Minnesota Court of Appeals.

Subd. 8. Public notice of restriction, revocation, or suspension. Requires the commissioner to provide public notice of a license restriction, suspension, or revocation under this section.

9 **Licensing and inspecting local juvenile correctional facilities.**

Subd. 1. Scope. Establishes that this section applies to juvenile facilities licensed by the commissioner.

Subd. 2. Facilities for children and youth; inspection and licensing. Requires the commissioner to inspect juvenile facilities and authorizes the commissioner to issue juvenile facilities licenses that last up to two years.

Subd. 3. Commissioner consultation. Requires local juvenile facilities to consult the commissioner "as needed" to strengthen services to the juveniles they serve.

Subd. 4. Affected municipality; notice. Requires the commissioner to give notice to affected communities prior to issuing a juvenile facility license.

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	<p>Subd. 5. Licensing with juveniles from outside the state. Places restrictions on issuing licenses to juvenile facilities that house juveniles who are not residents of Minnesota.</p> <p>Subd. 6. Licensing actions. Empowers the commissioner to invoke the same licensure actions against juvenile facilities that are available in section 2.</p> <p>Subd. 7. Education for juveniles. Requires the commissioner of education to approve a juvenile facility's education plan prior to the commissioner of corrections issuing the facility a license.</p> <p>Subd. 8. Rulemaking. Directs the commissioner to adopt rules for local juvenile facilities.</p>
10	<p>Security audits for state correctional facilities. Recodifies and updates the governing provisions of the state correctional facilities security audit group.</p>
11	<p>Correctional facilities; inspection; licensing. Contains conforming changes to reflect new sections governing licensure of local correctional facilities and juvenile facilities in sections 7 through 9.</p>
12	<p>Report. Contains conforming changes to reflect new sections governing licensure of local correctional facilities and juvenile facilities in sections 7 through 9.</p>
13	<p>Substance use disorder treatment programs. Clarifies that substance use disorder treatment programs offered by the commissioner for both adults and juveniles must comply with the standards established in chapter 245G for these programs.</p>
14	<p>Authority; rules. Clarifies that the commissioner is authorized to operate mental health units at more than one of the state's adult correctional facilities.</p>
15	<p>Transfer. Expands the grounds for a mental health professional to refer an incarcerated person to the facility's mental health unit.</p>

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16	Commitment. Eliminates the agency’s authority to seek a judicially ordered mental health commitment for an incarcerated person who “refuses to voluntarily participate” in a mental health treatment program.
17	Discharge. Conforming change related to change in policy proposed in section 14.
18	Transfer upon expiration of sentence. Conforming change related to change in policy proposed in section 14.
19	Adopting policy for earned compliance credit; supervision abatement status. The Minnesota Rehabilitation and Reinvestment Act of 2023 created a pathway for offenders under the supervision of the commissioner of corrections to reduce their incarceration and supervision periods through good behavior. This section would prohibit the commissioner from placing an offender on supervision abatement status until the offender pays all court-ordered restitution. (Supervision abatement status means the end of active correctional supervision of a supervised person.)
20	Crime data collection. Specifies that data the Bureau of Criminal Apprehension is required to collect must be provided to the bureau in the form prescribed by the superintendent.
21	Undercover buy fund; witness and victim protection. Changes references to “grants” in the undercover buy fund and witness and victim protection fund to “reimbursements.”
22	Orders for protection; no contact orders; harassment restraining orders. Requires that the data communications network maintained by the Bureau of Criminal Apprehension include orders for protection issued under section 609.2334 (order for protection against financial exploitation of a vulnerable adult).
23	Evidence of rehabilitation. Authorizes disqualifying a person from public employment based on a criminal conviction regardless of whether the applicant shows evidence of rehabilitation and present fitness to perform the duties of the position. Amends the standard for showing that a person who committed a crime is eligible for public employment to clarify that the factors relate to both evidence of rehabilitation and present fitness. Removes a distinction between documentary evidence from certain third parties and other evidence presented for consideration.

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24	<p>Notification upon denial of employment or disqualification from occupation.</p> <p>Clarifies that the limits related to reapplication for employment or licensing relate only to application with a hiring or licensing authority as defined in statute. Makes a grammatical change.</p>
25	<p>Authority.</p> <p>Amends the authority for county attorneys to issue administrative subpoenas to include information related to a law enforcement investigation of financial crimes and fraud, including fraud involving state-funded or administered programs or services and insurance fraud.</p>
26	<p>Petition; contents; fee.</p> <p>Amends the information that must be included in a prosecutor’s petition for a prosecutor-initiated sentencing adjustment to replace a requirement that the prosecutor provide the names of any victims with a requirement that the prosecutor identify the number of victims, if any.</p>
27	<p>Unintentional murders.</p> <p>Adds protective orders issued by Canada or a Canadian province to orders that can form the basis for a charge of unintentional murder in the second degree and clarifies that orders issued by the District of Columbia, a Tribal jurisdiction, and a United States territory are also included.</p>
28	<p>Copy to law enforcement agency; lead investigative agency.</p> <p>Requires the court administrator to make orders for protection against financial exploitation of a vulnerable adult available to law enforcement officers.</p>
29	<p>Sentence.</p> <p>Establishes that a person who violates the prohibition on coercion by threatening the nonconsensual dissemination of private sexual images is guilty of a felony and may be sentenced to imprisonment of up to ten years if the threat is a substantial factor in the victim sustaining great bodily harm. Establishes that the penalty increases to up to 15 years if the violation is a substantial factor in the victim suffering death.</p>
30	<p>Records pertaining to victim identity confidential.</p> <p>Adds the offense of use of minors in sexual performance to the list of offenses for which the victim’s identity must not be revealed in a petition, complaint, or indictment unless ordered by the court.</p>
31	<p>Definitions.</p> <p>Defines the term “forged digital likeness” for use in the statute criminalizing identity theft. Establishes that a forged digital likeness is an image or audio recording created</p>

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	or altered using technological means with the intent to misrepresent the image or audio as belonging to a particular individual. Amends the definition of “identity” in the statute criminalizing identity theft to include a forged digital likeness.
32	Bureau of Criminal Apprehension to identify eligible persons and grant expungement relief. Authorizes the Bureau of Criminal Apprehension to determine that a record sealed pursuant to the automatic expungement law was sealed in error and should be unsealed.
33	Plea agreements; notification of victim. Clarifies that a victim has the right to object to a plea agreement at the plea hearing and that the victim has a right to be present at both a plea hearing and a sentencing hearing. Requires the court to notify a victim when an offense dismissed as part of a plea agreement will be eligible for automatic expungement.
34	Plea hearing. Requires a court to ask a prosecutor during a plea hearing if a victim has been notified of a plea agreement and the plea hearing, and if the victim wishes to express any objection to the plea agreement.
35	Definition. Amends the definition of “violent crime” used in the victims’ rights chapter to include stalking.
36	Right to submit statement at sentencing. Clarifies that a prosecutor’s designee can present a victim’s statement to the court. Requires a court to ask a prosecutor during a sentencing hearing if a victim has been notified of the hearing and if the victim wishes to make or submit a statement.
37	Notice required. Adds a requirement to the notice prosecutors are required to give to victims after a conviction, acquittal, or dismissal in a criminal case that specifies prosecutors must provide information about charges that may be eligible for automatic expungement.
38	Use of chemical irritants; disclosure required. Subd. 1. Definition. Defines “building” as used in this section. Subd. 2. Notice of use; identification of products deployed. Authorizes peace officers, law enforcement agencies, and local government units to provide certain information about chemical irritants, smoke screens, and diversionary devices used within a building. Requires that an officer from the agency that

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deploys an irritant (or an officer from the lead agency if more than one agency is involved) provide a notice when chemical irritants are deployed within a building. Specifies that notice should be given to the building owner and, if the building is a home or apartment, to the occupant. Specifies that notice may be in the form of a standard notice form created by the Department of Public Safety. Also requires law enforcement agencies and local government units to provide specific information about chemical irritants, smoke screens, and diversionary devices used within a building when the building owner, a tenant, an insurance company, or a person hired to perform cleanup services asks for that information, and requires the lead agency to identify any other agencies that deployed any of those items.

Subd. 3. Standard form. Directs the Department of Public Safety to establish a standard notification form for peace officers to use when informing a building owner or occupant that chemical irritants were deployed within the building. Requires that the notice inform the person that irritants were deployed, that they may need specialized cleanup or treatment, and that the owner or occupant can contact the law enforcement agency or local government unit for more information. Requires the department to provide notification forms to law enforcement agencies at no cost.

39 **Limitations.**

Establishes that the statute of limitations for the following offenses is seven years after the act occurred and that the period applies to cases in which the current limitations period has not expired:

- Section 80A.75 (violation of securities laws)
- Section 508.80 (fraudulent certificate of title)
- Section 609.445 (failure to pay state funds)
- Section 609.52, subdivision 1, paragraph (a), clause (4) (theft by swindle)
- Section 609.53 (receiving stolen property)
- Section 609.645 (fraudulent statements).

40 **Rulemaking; Department of Corrections; licensed juvenile facilities.**

Subd. 1. Administrative and medical separation. Requires juvenile facilities to notify the commissioner when a juvenile is placed in administrative or medical separation for more than seven days.

Subd. 2. Rulemaking. Requires the commissioner to adopt rules implementing the notice requirement established in subdivision 1.

Section	Description
41	Revisor instruction. Directs the revisor to renumber sections in chapter 241.
42	Repealer. Repeals provisions related to the Department of Corrections that are recodified, with amendments, elsewhere in the bill or obsolete. Repeals section 299C.12 which requires peace officers to keep a permanent written record of certain information and share that with the Bureau of Criminal Apprehension.



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