

171.4

ARTICLE 7

171.5

MILITARY AND VETERANS POLICY

171.6 Section 1. Minnesota Statutes 2020, section 10.578, is amended to read:

171.7 **10.578 VETERANS SUICIDE PREVENTION AND AWARENESS DAY.**

171.8 The first Saturday of every October is designated Veterans Suicide Prevention and
171.9 Awareness Day. Each year, the governor shall issue a proclamation honoring this observance.
171.10 Each year in conjunction with this observance, the commissioner of veterans affairs shall
171.11 coordinate activities that raise awareness of, and promote the prevention of, veteran suicides.

171.12 Sec. 2. Minnesota Statutes 2020, section 15.057, is amended to read:

171.13 **15.057 PUBLICITY REPRESENTATIVES.**

171.14 No state department, bureau, or division, whether the same operates on funds appropriated
171.15 or receipts or fees of any nature whatsoever, except the Department of Veterans Affairs,
171.16 the Department of Transportation, the Department of Employment and Economic
171.17 Development, the Game and Fish Division, State Agricultural Society, and Explore Minnesota
171.18 Tourism shall use any of such funds for the payment of the salary or expenses of a publicity
171.19 representative. The head of any such department, bureau, or division shall be personally
171.20 liable for funds used contrary to this provision. This section shall not be construed, however,
171.21 as preventing any such department, bureau, or division from sending out any bulletins or
171.22 other publicity required by any state law or necessary for the satisfactory conduct of the
171.23 business for which such department, bureau, or division was created.

171.24 Sec. 3. Minnesota Statutes 2020, section 190.07, is amended to read:

171.25 **190.07 APPOINTMENT; QUALIFICATIONS; RANK; TERM; VACANCY.**

171.26 Subdivision 1. **Qualifications.** There shall be an adjutant general of the state who shall
171.27 be appointed by the governor within 120 days of a vacancy of the position. The adjutant
171.28 general shall be a staff officer, who at the time of appointment shall be a commissioned
171.29 officer of the National Guard of this state, with not less than ten years military service in
171.30 the National Guard of this state or the armed forces of the United States, at least three of
172.1 which shall have been commissioned and who shall have reached, at a minimum, the grade
172.2 of a field officer rank of colonel (O-6).

172.3 Subd. 2. **Rank.** The adjutant general shall be promoted, if necessary, directly to and
172.4 shall hold at least the rank of major general and may be promoted to and including the
172.5 highest rank authorized under federal law. However, the adjutant general may not be
172.6 promoted to the rank of major general without having at least 20 years service in the
172.7 Minnesota National Guard, at least one of which has been in the rank of brigadier general.
172.8 If not already a major general, the adjutant general's promotion is effective beginning on
172.9 the date the governor appoints the adjutant general. At the time of appointment and in

138.15

ARTICLE 5

138.16

VETERANS AND MILITARY AFFAIRS POLICY

138.17 Section 1. Minnesota Statutes 2020, section 10.578, is amended to read:

138.18 **10.578 VETERANS SUICIDE PREVENTION AND AWARENESS DAY.**

138.19 The first Saturday of every October is designated Veterans Suicide Prevention and
138.20 Awareness Day. Each year, the governor shall issue a proclamation honoring this observance.
138.21 Each year in conjunction with this observance, the commissioner of veterans affairs shall
138.22 coordinate activities that raise awareness of, and promote the prevention of, veteran suicides.

138.23 Sec. 2. Minnesota Statutes 2020, section 15.057, is amended to read:

138.24 **15.057 PUBLICITY REPRESENTATIVES.**

138.25 No state department, bureau, or division, whether the same operates on funds appropriated
138.26 or receipts or fees of any nature whatsoever, except the Department of Veterans Affairs,
138.27 the Department of Transportation, the Department of Employment and Economic
138.28 Development, the Game and Fish Division, State Agricultural Society, and Explore Minnesota
138.29 Tourism shall use any of such funds for the payment of the salary or expenses of a publicity
138.30 representative. The head of any such department, bureau, or division shall be personally
139.1 liable for funds used contrary to this provision. This section shall not be construed, however,
139.2 as preventing any such department, bureau, or division from sending out any bulletins or
139.3 other publicity required by any state law or necessary for the satisfactory conduct of the
139.4 business for which such department, bureau, or division was created.

140.25 Sec. 4. Minnesota Statutes 2020, section 190.07, is amended to read:

140.26 **190.07 APPOINTMENT; QUALIFICATIONS; RANK; TERM; VACANCY.**

140.27 Subdivision 1. **Qualifications.** There shall be an adjutant general of the state who shall
140.28 be appointed by the governor within 120 days of a vacancy of the position. The adjutant
140.29 general shall be a staff officer, who at the time of appointment shall be a commissioned
140.30 officer of the National Guard of this state, with not less than ten years military service in
140.31 the National Guard of this state or the armed forces of the United States, at least three of
140.32 which shall have been commissioned and who shall have reached, at a minimum, the grade
140.33 of a field officer rank of colonel (O-6).

141.1 Subd. 2. **Rank.** The adjutant general shall be promoted, if necessary, directly to and
141.2 shall hold at least the rank of major general and may be promoted to and including the
141.3 highest rank authorized under federal law. However, the adjutant general may not be
141.4 promoted to the rank of major general without having at least 20 years service in the
141.5 Minnesota National Guard, at least one of which has been in the rank of brigadier general.
141.6 If not already a major general, the adjutant general's promotion is effective beginning on
141.7 the date the governor appoints the adjutant general. At the time of appointment and in

172.10 accordance with the authorities governing federal recognition of officers, the adjutant general
172.11 is authorized to wear the rank of major general.

172.12 Subd. 3. Term. The term of the adjutant general is for a single term of seven years from
172.13 the date of appointment. ~~Section 15.06, subdivisions 3, 4, and 5, governs filling of vacancies~~
172.14 ~~in the Office of Adjutant General.~~ The adjutant general shall not be removed from office
172.15 during a term except upon withdrawal of federal recognition or as otherwise provided by
172.16 the military laws of this state.

172.17 Subd. 4. Vacancy; acting or temporary adjutant general. In the event of a vacancy
172.18 of the adjutant general, the governor may appoint a person qualified under subdivision 1 as
172.19 an acting adjutant general. If the governor does not appoint an acting adjutant general, the
172.20 deputy adjutant general as defined in section 190.09, subdivision 1, shall become temporary
172.21 adjutant general without further official action. Upon taking office, the acting or temporary
172.22 adjutant general shall have all the powers and emoluments and perform all the duties of the
172.23 office of adjutant general until a permanent adjutant general is appointed.

172.24 Sec. 4. **[196.081] VETERANS STABLE HOUSING INITIATIVE; DATA.**

172.25 (a) The commissioner may establish a veterans stable housing initiative. If the
172.26 commissioner establishes a veterans stable housing initiative under this section, the
172.27 commissioner must provide resources and support to assist veterans experiencing
172.28 homelessness in obtaining or maintaining stable housing.

172.29 (b) Data on individuals maintained by the commissioner in the Homeless Veteran Registry
172.30 for purposes of the veterans stable housing initiative is private data on individuals as defined
172.31 in section 13.02, subdivision 12, and must not be disclosed or shared except for coordinating
172.32 homelessness prevention efforts with:

172.33 (1) members of the Minnesota Interagency Council on Homelessness; and

173.1 (2) Homeless Veteran Registry partners to address a veteran's episode of homelessness
173.2 or maintain a veteran's housing plan through Department of Veterans Affairs funded
173.3 programs.

173.4 (c) For purposes of this section, "homelessness" means that a veteran lacks a fixed,
173.5 nighttime residence.

173.6 Sec. 5. Minnesota Statutes 2020, section 197.791, subdivision 4, is amended to read:

173.7 Subd. 4. **Eligibility.** (a) A person is eligible for educational assistance under ~~subdivisions~~
173.8 ~~subdivision 5 and 5a~~ if:

173.9 (1) the person is:

173.10 (i) a veteran who is serving or has served honorably in any branch or unit of the United
173.11 States armed forces at any time;

141.8 accordance with the authorities governing federal recognition of officers, the adjutant general
141.9 is authorized to wear the rank of major general.

141.10 Subd. 3. Term. The term of the adjutant general is for a single term of seven years from
141.11 the date of appointment. ~~Section 15.06, subdivisions 3, 4, and 5, governs filling of vacancies~~
141.12 ~~in the Office of Adjutant General.~~ The adjutant general shall not be removed from office
141.13 during a term except upon withdrawal of federal recognition or as otherwise provided by
141.14 the military laws of this state.

141.15 Subd. 4. Vacancy; acting or temporary adjutant general. In the event of a vacancy
141.16 of the adjutant general, the governor may appoint a person qualified under subdivision 1 as
141.17 an acting adjutant general. If the governor does not appoint an acting adjutant general, the
141.18 deputy adjutant general as defined in section 190.09, subdivision 1, shall become temporary
141.19 adjutant general without further official action. Upon taking office, the acting or temporary
141.20 adjutant general shall have all the powers and emoluments and perform all the duties of the
141.21 office of adjutant general until a permanent adjutant general is appointed.

141.22 Sec. 5. **[196.081] VETERANS STABLE HOUSING INITIATIVE; DATA.**

141.23 (a) The commissioner may establish a veterans stable housing initiative. If the
141.24 commissioner establishes a veterans stable housing initiative under this section, the
141.25 commissioner must provide resources and support to assist veterans experiencing
141.26 homelessness in obtaining or maintaining stable housing.

141.27 (b) Data on individuals maintained by the commissioner in the Homeless Veteran Registry
141.28 for purposes of the veterans stable housing initiative is private data on individuals as defined
141.29 in section 13.02, subdivision 12, and must not be disclosed or shared except for coordinating
141.30 homelessness prevention efforts with:

141.31 (1) members of the Minnesota Interagency Council on Homelessness; and

142.1 (2) Homeless Veteran Registry partners to address a veteran's episode of homelessness
142.2 or maintain a veteran's housing plan through Department of Veterans Affairs funded
142.3 programs.

142.4 (c) For purposes of this section, "homelessness" means that a veteran lacks a fixed,
142.5 nighttime residence.

142.6 Sec. 6. Minnesota Statutes 2020, section 197.791, subdivision 4, is amended to read:

142.7 Subd. 4. **Eligibility.** (a) A person is eligible for educational assistance under ~~subdivisions~~
142.8 ~~subdivision 5 and 5a~~ if:

142.9 (1) the person is:

142.10 (i) a veteran who is serving or has served honorably in any branch or unit of the United
142.11 States armed forces at any time;

173.12 (ii) a nonveteran who has served honorably for a total of five years or more cumulatively
173.13 as a member of the Minnesota National Guard or any other active or reserve component of
173.14 the United States armed forces, and any part of that service occurred on or after September
173.15 11, 2001;

173.16 (iii) the surviving spouse or child of a person who has served in the military and who
173.17 has died as a direct result of that military service, only if the surviving spouse or child is
173.18 eligible to receive federal education benefits under United States Code, title 38, chapter 33,
173.19 as amended, or United States Code, title 38, chapter 35, as amended; or

173.20 (iv) the spouse or child of a person who has served in the military at any time and who
173.21 has a total and permanent service-connected disability as rated by the United States Veterans
173.22 Administration, only if the spouse or child is eligible to receive federal education benefits
173.23 under United States Code, title 38, chapter 33, as amended, or United States Code, title 38,
173.24 chapter 35, as amended; and

173.25 (2) the person receiving the educational assistance is a Minnesota resident, as defined
173.26 in section 136A.101, subdivision 8; and

173.27 (3) the person receiving the educational assistance:

173.28 (i) is an undergraduate or graduate student at an eligible institution;

173.29 (ii) is maintaining satisfactory academic progress as defined by the institution for students
173.30 participating in federal Title IV programs;

174.1 (iii) is enrolled in an education program leading to a certificate, diploma, or degree at
174.2 an eligible institution;

174.3 (iv) has applied for educational assistance under this section prior to the end of the
174.4 academic term for which the assistance is being requested;

174.5 (v) is in compliance with child support payment requirements under section 136A.121,
174.6 subdivision 2, clause (5); and

174.7 (vi) has completed the Free Application for Federal Student Aid (FAFSA).

174.8 (b) A person's eligibility terminates when the person becomes eligible for benefits under
174.9 section 135A.52.

174.10 (c) To determine eligibility, the commissioner may require official documentation,
174.11 including the person's federal form DD-214 or other official military discharge papers;
174.12 correspondence from the United States Veterans Administration; birth certificate; marriage
174.13 certificate; proof of enrollment at an eligible institution; signed affidavits; proof of residency;
174.14 proof of identity; or any other official documentation the commissioner considers necessary
174.15 to determine eligibility.

174.16 (d) The commissioner may deny eligibility or terminate benefits under this section to
174.17 any person who has not provided sufficient documentation to determine eligibility for the

142.12 (ii) a nonveteran who has served honorably for a total of five years or more cumulatively
142.13 as a member of the Minnesota National Guard or any other active or reserve component of
142.14 the United States armed forces, and any part of that service occurred on or after September
142.15 11, 2001;

142.16 (iii) the surviving spouse or child of a person who has served in the military and who
142.17 has died as a direct result of that military service, only if the surviving spouse or child is
142.18 eligible to receive federal education benefits under United States Code, title 38, chapter 33,
142.19 as amended, or United States Code, title 38, chapter 35, as amended; or

142.20 (iv) the spouse or child of a person who has served in the military at any time and who
142.21 has a total and permanent service-connected disability as rated by the United States Veterans
142.22 Administration, only if the spouse or child is eligible to receive federal education benefits
142.23 under United States Code, title 38, chapter 33, as amended, or United States Code, title 38,
142.24 chapter 35, as amended; and

142.25 (2) the person receiving the educational assistance is a Minnesota resident, as defined
142.26 in section 136A.101, subdivision 8; and

142.27 (3) the person receiving the educational assistance:

142.28 (i) is an undergraduate or graduate student at an eligible institution;

142.29 (ii) is maintaining satisfactory academic progress as defined by the institution for students
142.30 participating in federal Title IV programs;

143.1 (iii) is enrolled in an education program leading to a certificate, diploma, or degree at
143.2 an eligible institution;

143.3 (iv) has applied for educational assistance under this section prior to the end of the
143.4 academic term for which the assistance is being requested;

143.5 (v) is in compliance with child support payment requirements under section 136A.121,
143.6 subdivision 2, clause (5); and

143.7 (vi) has completed the Free Application for Federal Student Aid (FAFSA).

143.8 (b) A person's eligibility terminates when the person becomes eligible for benefits under
143.9 section 135A.52.

143.10 (c) To determine eligibility, the commissioner may require official documentation,
143.11 including the person's federal form DD-214 or other official military discharge papers;
143.12 correspondence from the United States Veterans Administration; birth certificate; marriage
143.13 certificate; proof of enrollment at an eligible institution; signed affidavits; proof of residency;
143.14 proof of identity; or any other official documentation the commissioner considers necessary
143.15 to determine eligibility.

143.16 (d) The commissioner may deny eligibility or terminate benefits under this section to
143.17 any person who has not provided sufficient documentation to determine eligibility for the

174.18 program. An applicant may appeal the commissioner's eligibility determination or termination
174.19 of benefits in writing to the commissioner at any time. The commissioner must rule on any
174.20 application or appeal within 30 days of receipt of all documentation that the commissioner
174.21 requires. The decision of the commissioner regarding an appeal is final. However, an
174.22 applicant whose appeal of an eligibility determination has been rejected by the commissioner
174.23 may submit an additional appeal of that determination in writing to the commissioner at
174.24 any time that the applicant is able to provide substantively significant additional information
174.25 regarding the applicant's eligibility for the program. An approval of an applicant's eligibility
174.26 by the commissioner following an appeal by the applicant is not retroactively effective for
174.27 more than one year or the semester of the person's original application, whichever is later.

174.28 (e) Upon receiving an application with insufficient documentation to determine eligibility,
174.29 the commissioner must notify the applicant within 30 days of receipt of the application that
174.30 the application is being suspended pending receipt by the commissioner of sufficient
174.31 documentation from the applicant to determine eligibility.

175.1 Sec. 6. Minnesota Statutes 2020, section 197.791, subdivision 5, is amended to read:

175.2 Subd. 5. **Educational assistance amount.** (a) On approval by the commissioner of
175.3 eligibility for the program, the applicant shall be awarded, on a funds-available basis, the
175.4 educational assistance under the program for use at any time according to program rules at
175.5 any eligible institution.

175.6 (b) The amount of educational assistance in any semester or term for an eligible person
175.7 must be determined by subtracting from the eligible person's cost of attendance the amount
175.8 the person received or was eligible to receive in that semester or term from:

175.9 (1) the federal Pell Grant;

175.10 (2) the state grant program under section 136A.121; and

175.11 (3) any federal military or veterans educational benefits including but not limited to the
175.12 Montgomery GI Bill, GI Bill Kicker, the federal tuition assistance program, vocational
175.13 rehabilitation benefits, and any other federal benefits associated with the person's status as
175.14 a veteran, except veterans disability payments from the United States Department of Veterans
175.15 Administration and payments made under the Veterans Retraining Assistance Program
175.16 (VRAP) Affairs.

175.17 (c) The amount of educational assistance for any eligible person who is a full-time
175.18 student must not exceed the following:

175.19 (1) \$3,000 per state fiscal year; and

175.20 (2) \$10,000 in a lifetime.

175.21 (d) For a part-time student, the amount of educational assistance must not exceed \$500
175.22 per semester or term of enrollment. For the purpose of this paragraph, a part-time
175.23 undergraduate student is a student taking fewer than 12 credits or the equivalent for a

143.18 program. An applicant may appeal the commissioner's eligibility determination or termination
143.19 of benefits in writing to the commissioner at any time. The commissioner must rule on any
143.20 application or appeal within 30 days of receipt of all documentation that the commissioner
143.21 requires. The decision of the commissioner regarding an appeal is final. However, an
143.22 applicant whose appeal of an eligibility determination has been rejected by the commissioner
143.23 may submit an additional appeal of that determination in writing to the commissioner at
143.24 any time that the applicant is able to provide substantively significant additional information
143.25 regarding the applicant's eligibility for the program. An approval of an applicant's eligibility
143.26 by the commissioner following an appeal by the applicant is not retroactively effective for
143.27 more than one year or the semester of the person's original application, whichever is later.

143.28 (e) Upon receiving an application with insufficient documentation to determine eligibility,
143.29 the commissioner must notify the applicant within 30 days of receipt of the application that
143.30 the application is being suspended pending receipt by the commissioner of sufficient
143.31 documentation from the applicant to determine eligibility.

144.1 Sec. 7. Minnesota Statutes 2020, section 197.791, subdivision 5, is amended to read:

144.2 Subd. 5. **Educational assistance amount.** (a) On approval by the commissioner of
144.3 eligibility for the program, the applicant shall be awarded, on a funds-available basis, the
144.4 educational assistance under the program for use at any time according to program rules at
144.5 any eligible institution.

144.6 (b) The amount of educational assistance in any semester or term for an eligible person
144.7 must be determined by subtracting from the eligible person's cost of attendance the amount
144.8 the person received or was eligible to receive in that semester or term from:

144.9 (1) the federal Pell Grant;

144.10 (2) the state grant program under section 136A.121; and

144.11 (3) any federal military or veterans educational benefits including but not limited to the
144.12 Montgomery GI Bill, GI Bill Kicker, the federal tuition assistance program, vocational
144.13 rehabilitation benefits, and any other federal benefits associated with the person's status as
144.14 a veteran, except veterans disability payments from the United States Department of Veterans
144.15 Administration and payments made under the Veterans Retraining Assistance Program
144.16 (VRAP) Affairs.

144.17 (c) The amount of educational assistance for any eligible person who is a full-time
144.18 student must not exceed the following:

144.19 (1) \$3,000 per state fiscal year; and

144.20 (2) \$10,000 in a lifetime.

144.21 (d) For a part-time student, the amount of educational assistance must not exceed \$500
144.22 per semester or term of enrollment. For the purpose of this paragraph, a part-time
144.23 undergraduate student is a student taking fewer than 12 credits or the equivalent for a

175.24 semester or term of enrollment and a part-time graduate student is a student considered part
175.25 time by the eligible institution the graduate student is attending. The minimum award for
175.26 undergraduate and graduate students is \$50 per term.

175.27 Sec. 7. Minnesota Statutes 2020, section 197.791, subdivision 5a, is amended to read:

175.28 Subd. 5a. **Apprenticeship and on-the-job training.** (a) The commissioner, in
175.29 consultation with the commissioners of employment and economic development and labor
175.30 and industry, shall develop and implement an apprenticeship and on-the-job training program
175.31 to administer a portion of the Minnesota GI Bill program to pay benefit amounts to eligible
175.32 persons, as provided in this subdivision.

176.1 (b) An "eligible employer" means an employer operating a qualifying apprenticeship or
176.2 on-the-job training program that has been approved by the commissioner.

176.3 ~~(c) A person is eligible for apprenticeship and on-the-job training assistance under this~~
176.4 ~~subdivision if the person meets the criteria established under subdivision 4, paragraph (a).~~
176.5 ~~The commissioner may determine eligibility as provided in subdivision 4, paragraph (e),~~
176.6 ~~and may deny or terminate benefits as prescribed under subdivision 4, paragraphs (d) and~~
176.7 ~~(e). The amount of assistance paid to or on behalf of an eligible individual under this~~
176.8 ~~subdivision must not exceed the following:~~

176.9 (c) A person is eligible for apprenticeship and on-the-job training assistance under this
176.10 subdivision if the person is:

176.11 (1) a veteran who is serving or has served honorably in any branch or unit of the United
176.12 States armed forces at any time;

176.13 (2) a nonveteran who has served honorably for a total of five years or more cumulatively
176.14 as a member of the Minnesota National Guard or any other active or reserve component of
176.15 the United States armed forces, and any part of that service occurred on or after September
176.16 11, 2001;

176.17 (3) the surviving spouse or child of a person who has served in the military and who has
176.18 died as a direct result of that military service, only if the surviving spouse or child is eligible
176.19 to receive federal education benefits under United States Code, title 38, chapter 33, as
176.20 amended, or United States Code, title 38, chapter 35, as amended; or

176.21 (4) the spouse or child of a person who has served in the military at any time and who
176.22 has a total and permanent service-connected disability as rated by the United States Veterans
176.23 Administration, only if the spouse or child is eligible to receive federal education benefits
176.24 under United States Code, title 38, chapter 33, as amended, or United States Code, title 38,
176.25 chapter 35.

176.26 (d) The amount of assistance paid to or on behalf of an eligible individual under this
176.27 subdivision must not exceed the following:

176.28 (1) \$3,000 per fiscal year for apprenticeship expenses;

144.24 semester or term of enrollment and a part-time graduate student is a student considered part
144.25 time by the eligible institution the graduate student is attending. The minimum award for
144.26 undergraduate and graduate students is \$50 per term.

144.27 Sec. 8. Minnesota Statutes 2020, section 197.791, subdivision 5a, is amended to read:

144.28 Subd. 5a. **Apprenticeship and on-the-job training.** (a) The commissioner, in
144.29 consultation with the commissioners of employment and economic development and labor
144.30 and industry, shall develop and implement an apprenticeship and on-the-job training program
144.31 to administer a portion of the Minnesota GI Bill program to pay benefit amounts to eligible
144.32 persons, as provided in this subdivision.

145.1 (b) An "eligible employer" means an employer operating a qualifying apprenticeship or
145.2 on-the-job training program that has been approved by the commissioner.

145.3 ~~(c) A person is eligible for apprenticeship and on-the-job training assistance under this~~
145.4 ~~subdivision if the person meets the criteria established under subdivision 4, paragraph (a).~~
145.5 ~~The commissioner may determine eligibility as provided in subdivision 4, paragraph (e),~~
145.6 ~~and may deny or terminate benefits as prescribed under subdivision 4, paragraphs (d) and~~
145.7 ~~(e). The amount of assistance paid to or on behalf of an eligible individual under this~~
145.8 ~~subdivision must not exceed the following:~~

145.9 (c) A person is eligible for apprenticeship and on-the-job training assistance under this
145.10 subdivision if the person is:

145.11 (i) a veteran who is serving or has served honorably in any branch or unit of the United
145.12 States armed forces at any time;

145.13 (ii) a nonveteran who has served honorably for a total of five years or more cumulatively
145.14 as a member of the Minnesota National Guard or any other active or reserve component of
145.15 the United States armed forces, and any part of that service occurred on or after September
145.16 11, 2001;

145.17 (iii) the surviving spouse or child of a person who has served in the military and who
145.18 has died as a direct result of that military service, only if the surviving spouse or child is
145.19 eligible to receive federal education benefits under United States Code, title 38, chapter 33,
145.20 as amended, or United States Code, title 38, chapter 35, as amended; or

145.21 (iv) the spouse or child of a person who has served in the military at any time and who
145.22 has a total and permanent service-connected disability as rated by the United States Veterans
145.23 Administration, only if the spouse or child is eligible to receive federal education benefits
145.24 under United States Code, title 38, chapter 33, as amended, or United States Code, title 38,
145.25 chapter 35, as amended.

145.26 (d) The amount of assistance paid to or on behalf of an eligible individual under this
145.27 subdivision must not exceed the following:

145.28 (1) \$3,000 per fiscal year for apprenticeship expenses;

176.29 (2) \$3,000 per fiscal year for on-the-job training;

176.30 (3) \$1,000 for a job placement credit payable to an eligible employer upon hiring and
176.31 completion of six consecutive months' employment of a person receiving assistance under
176.32 this subdivision; and

177.1 (4) \$1,000 for a job placement credit payable to an eligible employer after a person
177.2 receiving assistance under this subdivision has been employed by the eligible employer for
177.3 at least 12 consecutive months as a full-time employee.

177.4 ~~(e) No more than \$5,000 in aggregate benefits under this paragraph subdivision may be~~
177.5 ~~paid to or on behalf of an individual in one fiscal year, and not more than \$10,000 in~~
177.6 ~~aggregate benefits under this paragraph may be paid to or on behalf of an individual over~~
177.7 ~~any period of time.~~

177.8 ~~(f) If an eligible person receives benefits under subdivision 5 or 5b, the eligible person's~~
177.9 ~~aggregate benefits under this subdivision, subdivisions 5 and 5b, must not exceed \$10,000~~
177.10 ~~in the eligible person's lifetime.~~

177.11 ~~(g)~~ (g) Assistance for apprenticeship expenses and on-the-job training is available for
177.12 qualifying programs, which must, at a minimum, meet the following criteria:

177.13 (1) the training must be with an eligible employer;

177.14 (2) the training must be documented and reported;

177.15 (3) the training must reasonably be expected to lead to an entry-level position; and

177.16 (4) the position must require at least six months of training to become fully trained.

177.17 Sec. 8. Minnesota Statutes 2020, section 197.791, subdivision 5b, is amended to read:

177.18 Subd. 5b. **Additional professional or educational benefits.** (a) The commissioner shall
177.19 develop and implement a program to administer a portion of the Minnesota GI Bill program
177.20 to pay additional benefit amounts to eligible persons as provided under this subdivision.

177.21 ~~(b) A person is eligible for additional benefits under this subdivision if the person meets~~
177.22 ~~the criteria established under subdivision 4, paragraph (a), clause (1). The commissioner~~
177.23 ~~may determine eligibility as provided in subdivision 4, paragraph (e), and may deny or~~
177.24 ~~terminate benefits as prescribed under subdivision 4, paragraphs (d) and (e). The amount~~
177.25 ~~of assistance paid to or on behalf of an eligible individual under this subdivision must not~~
177.26 ~~exceed the following amounts:~~

177.27 (b) A person is eligible for additional benefits under this subdivision if the person is:

177.28 (i) a veteran who is serving or has served honorably in any branch or unit of the United
177.29 States armed forces at any time;

177.30 (2) a nonveteran who has served honorably for a total of five years or more cumulatively
177.31 as a member of the Minnesota National Guard or any other active or reserve component of

145.29 (2) \$3,000 per fiscal year for on-the-job training;

145.30 (3) \$1,000 for a job placement credit payable to an eligible employer upon hiring and
145.31 completion of six consecutive months' employment of a person receiving assistance under
145.32 this subdivision; and

146.1 (4) \$1,000 for a job placement credit payable to an eligible employer after a person
146.2 receiving assistance under this subdivision has been employed by the eligible employer for
146.3 at least 12 consecutive months as a full-time employee.

146.4 ~~(e) No more than \$5,000 in aggregate benefits under this paragraph subdivision may be~~
146.5 ~~paid to or on behalf of an individual in one fiscal year, and not more than \$10,000 in~~
146.6 ~~aggregate benefits under this paragraph may be paid to or on behalf of an individual over~~
146.7 ~~any period of time.~~

146.8 ~~(f) If an eligible person receives benefits under subdivision 5 or 5b, the eligible person's~~
146.9 ~~aggregate benefits under this subdivision and subdivisions 5 and 5b must not exceed \$10,000~~
146.10 ~~in the eligible person's lifetime.~~

146.11 ~~(g)~~ (g) Assistance for apprenticeship expenses and on-the-job training is available for
146.12 qualifying programs, which must, at a minimum, meet the following criteria:

146.13 (1) the training must be with an eligible employer;

146.14 (2) the training must be documented and reported;

146.15 (3) the training must reasonably be expected to lead to an entry-level position; and

146.16 (4) the position must require at least six months of training to become fully trained.

146.17 Sec. 9. Minnesota Statutes 2020, section 197.791, subdivision 5b, is amended to read:

146.18 Subd. 5b. **Additional professional or educational benefits.** (a) The commissioner shall
146.19 develop and implement a program to administer a portion of the Minnesota GI Bill program
146.20 to pay additional benefit amounts to eligible persons as provided under this subdivision.

146.21 ~~(b) A person is eligible for additional benefits under this subdivision if the person meets~~
146.22 ~~the criteria established under subdivision 4, paragraph (a), clause (1). The commissioner~~
146.23 ~~may determine eligibility as provided in subdivision 4, paragraph (e), and may deny or~~
146.24 ~~terminate benefits as prescribed under subdivision 4, paragraphs (d) and (e). The amount~~
146.25 ~~of assistance paid to or on behalf of an eligible individual under this subdivision must not~~
146.26 ~~exceed the following amounts:~~

146.27 (b) A person is eligible for additional benefits under this subdivision if the person is:

146.28 (i) a veteran who is serving or has served honorably in any branch or unit of the United
146.29 States armed forces at any time;

146.30 (ii) a nonveteran who has served honorably for a total of five years or more cumulatively
146.31 as a member of the Minnesota National Guard or any other active or reserve component of

178.1 the United States armed forces, and any part of that service occurred on or after September
178.2 11, 2001;

178.3 (3) the surviving spouse or child of a person who has served in the military and who has
178.4 died as a direct result of that military service, only if the surviving spouse or child is eligible
178.5 to receive federal education benefits under United States Code, title 38, chapter 33, as
178.6 amended, or United States Code, title 38, chapter 35, as amended; or

178.7 (4) the spouse or child of a person who has served in the military at any time and who
178.8 has a total and permanent service-connected disability as rated by the United States Veterans
178.9 Administration, only if the spouse or child is eligible to receive federal education benefits
178.10 under United States Code, title 38, chapter 33, as amended, or United States Code, title 38,
178.11 chapter 35.

178.12 (c) The amount of assistance paid to or on behalf of an eligible individual under this
178.13 subdivision must not exceed the following amounts:

178.14 (1) \$3,000 per state fiscal year; and

178.15 (2) \$10,000 in a lifetime.

178.16 (d) If an eligible person receives benefits under subdivision 5 or 5a, the eligible person's
178.17 aggregate benefits under this subdivision, subdivisions 5, and 5a, must not exceed \$10,000
178.18 in the eligible person's lifetime.

178.19 ~~(e)~~ (e) A person eligible under this subdivision may use the benefit amounts for the
178.20 following purposes:

178.21 (1) licensing or certification tests, the successful completion of which demonstrates an
178.22 individual's possession of the knowledge or skill required to enter into, maintain, or advance
178.23 in employment in a predetermined and identified vocation or profession, provided that the
178.24 tests and the licensing or credentialing organizations or entities that offer the tests are
178.25 approved by the commissioner;

178.26 (2) tests for admission to institutions of higher learning or graduate schools;

178.27 (3) national tests providing an opportunity for course credit at institutions of higher
178.28 learning;

178.29 (4) a preparatory course for a test that is required or used for admission to an institution
178.30 of higher education or a graduate program; and

178.31 (5) any fee associated with the pursuit of a professional or educational objective specified
178.32 in clauses (1) to (4).

179.1 ~~(d) If an eligible person receives benefits under subdivision 5, the eligible person's~~
179.2 ~~aggregate benefits under this subdivision and subdivision 5 must not exceed \$10,000 in the~~
179.3 ~~eligible person's lifetime.~~

147.1 the United States armed forces, and any part of that service occurred on or after September
147.2 11, 2001;

147.3 (iii) the surviving spouse or child of a person who has served in the military and who
147.4 has died as a direct result of that military service, only if the surviving spouse or child is
147.5 eligible to receive federal education benefits under United States Code, title 38, chapter 33,
147.6 as amended, or United States Code, title 38, chapter 35, as amended; or

147.7 (iv) the spouse or child of a person who has served in the military at any time and who
147.8 has a total and permanent service-connected disability as rated by the United States Veterans
147.9 Administration, only if the spouse or child is eligible to receive federal education benefits
147.10 under United States Code, title 38, chapter 33, as amended, or United States Code, title 38,
147.11 chapter 35, as amended.

147.12 (c) The amount of assistance paid to or on behalf of an eligible individual under this
147.13 subdivision must not exceed the following amounts:

147.14 (1) \$3,000 per state fiscal year; and

147.15 (2) \$10,000 in a lifetime.

147.16 (d) If an eligible person receives benefits under subdivision 5 or 5a, the eligible person's
147.17 aggregate benefits under this subdivision and subdivisions 5 and 5a must not exceed \$10,000
147.18 in the eligible person's lifetime.

147.19 ~~(e)~~ (e) A person eligible under this subdivision may use the benefit amounts for the
147.20 following purposes:

147.21 (1) licensing or certification tests, the successful completion of which demonstrates an
147.22 individual's possession of the knowledge or skill required to enter into, maintain, or advance
147.23 in employment in a predetermined and identified vocation or profession, provided that the
147.24 tests and the licensing or credentialing organizations or entities that offer the tests are
147.25 approved by the commissioner;

147.26 (2) tests for admission to institutions of higher learning or graduate schools;

147.27 (3) national tests providing an opportunity for course credit at institutions of higher
147.28 learning;

147.29 (4) a preparatory course for a test that is required or used for admission to an institution
147.30 of higher education or a graduate program; and

147.31 (5) any fee associated with the pursuit of a professional or educational objective specified
147.32 in clauses (1) to (4).

148.1 ~~(d) If an eligible person receives benefits under subdivision 5, the eligible person's~~
148.2 ~~aggregate benefits under this subdivision and subdivision 5 must not exceed \$10,000 in the~~
148.3 ~~eligible person's lifetime.~~

179.4 (c) If an eligible person receives benefits under subdivision 5a, the eligible person's
179.5 aggregate benefits under this subdivision and subdivision 5a must not exceed \$10,000 in
179.6 the eligible person's lifetime.

179.7 Sec. 9. Minnesota Statutes 2020, section 198.006, is amended to read:

179.8 **198.006 SUPPLEMENTAL PROGRAMS.**

179.9 (a) The commissioner ~~shall~~ must work with federal, state, local, and private agencies to
179.10 develop alternative institutional and noninstitutional care programs for veterans to supplement
179.11 the mission of the homes. Veterans shall be afforded the least restrictive, most appropriate
179.12 level of care available.

179.13 (b) The commissioner may provide adult day care center programs that offer therapeutic
179.14 and rehabilitation health care services to veterans and support services for caregivers of
179.15 veterans. If the commissioner provides adult day care center programs, the commissioner
179.16 may collect fees from program participants. The commissioner is authorized to apply for
179.17 and accept federal funding for purposes of this paragraph.

179.18 (c) The commissioner may work with federal, state, local, and private entities to make
179.19 available appropriate dental services for veterans homes residents. The commissioner may
179.20 engage with the United States Department of Veterans Affairs to support the dental benefits
179.21 program authorized under this paragraph.

179.22 Sec. 10. Minnesota Statutes 2020, section 198.03, subdivision 2, is amended to read:

179.23 Subd. 2. **Cost of care.** The commissioner shall set out in rules the method of calculating
179.24 the average cost of care for the domiciliary and nursing care residents. The cost must be
179.25 determined yearly based upon the average cost per resident taking into account, but not
179.26 limited to, administrative cost of the homes, the cost of service available to the resident,
179.27 and food and lodging costs. These average costs must be calculated separately for domiciliary
179.28 and nursing care residents. The amount charged each resident for maintenance, if anything,
179.29 must be based on the appropriate average cost of care calculation and the assets and income
179.30 of the resident but must not exceed the appropriate average cost of care.

179.31 Beginning July 1, 2021, the Personal Needs Allowance (PNA) for domiciliary residents
179.32 shall be based on the Minnesota Department of Human Services' (DHS) most recent General
180.1 Assistance program PNA and will be in effect the same date as the DHS PNA is in effect.
180.2 Thereafter, the PNA must be adjusted and put into effect each year or each time DHS adjusts
180.3 the PNA.

180.4 Sec. 11. **[609.1056] MILITARY VETERANS; CRIMES COMMITTED BECAUSE**
180.5 **OF CONDITIONS RESULTING FROM SERVICE; DISCHARGE AND DISMISSAL.**

180.6 Subdivision 1. **Definitions.** As used in this section, the following terms have the meanings
180.7 given:

148.4 (c) If an eligible person receives benefits under subdivision 5a, the eligible person's
148.5 aggregate benefits under this subdivision and subdivision 5a must not exceed \$10,000 in
148.6 the eligible person's lifetime.

148.7 Sec. 10. Minnesota Statutes 2020, section 198.006, is amended to read:

148.8 **198.006 SUPPLEMENTAL PROGRAMS.**

148.9 (a) The commissioner ~~shall~~ must work with federal, state, local, and private agencies to
148.10 develop alternative institutional and noninstitutional care programs for veterans to supplement
148.11 the mission of the homes. Veterans shall be afforded the least restrictive, most appropriate
148.12 level of care available.

148.13 (b) The commissioner may work with federal, state, local, and private entities to make
148.14 available appropriate dental services for veterans homes residents. The commissioner may
148.15 engage with the United States Department of Veterans Affairs to support the dental benefits
148.16 program authorized under this paragraph.

148.17 (c) The commissioner may provide adult day care center programs that offer therapeutic
148.18 and rehabilitation health care services to veterans and support services for caregivers of
148.19 veterans. If the commissioner provides adult day care center programs, the commissioner
148.20 may collect fees from program participants. The commissioner is authorized to apply for
148.21 and accept federal funding for purposes of this paragraph.

- 180.8 (1) "applicable condition" means sexual trauma, traumatic brain injury, posttraumatic
180.9 stress disorder, substance abuse, or a mental health condition;
- 180.10 (2) "eligible offense" means any misdemeanor or gross misdemeanor, and any felony
180.11 that is ranked at severity level 7 or lower or D7 or lower on the Sentencing Guidelines grid;
- 180.12 (3) "pretrial diversion" means the decision of a prosecutor to refer a defendant to a
180.13 diversion program on condition that the criminal charges against the defendant shall be
180.14 dismissed after a specified period of time, or the case shall not be charged, if the defendant
180.15 successfully completes the program of treatment recommended by the United States
180.16 Department of Veterans Affairs or a local, state, federal, or private nonprofit treatment
180.17 program; and
- 180.18 (4) "veterans treatment court program" means a program that has the following essential
180.19 characteristics:
- 180.20 (i) the integration of services in the processing of cases in the judicial system;
- 180.21 (ii) the use of a nonadversarial approach involving prosecutors and defense attorneys to
180.22 promote public safety and to protect the due process rights of program participants;
- 180.23 (iii) early identification and prompt placement of eligible participants in the program;
- 180.24 (iv) access to a continuum of alcohol, controlled substance, mental health, and other
180.25 related treatment and rehabilitative services;
- 180.26 (v) careful monitoring of treatment and services provided to program participants;
- 180.27 (vi) a coordinated strategy to govern program responses to participants' compliance;
- 180.28 (vii) ongoing judicial interaction with program participants;
- 180.29 (viii) monitoring and evaluation of program goals and effectiveness;
- 180.30 (ix) continuing interdisciplinary education to promote effective program planning,
180.31 implementation, and operations;
- 181.1 (x) development of partnerships with public agencies and community organizations,
181.2 including the United States Department of Veterans Affairs; and
- 181.3 (xi) inclusion of a participant's family members who agree to be involved in the treatment
181.4 and services provided to the participant under the program.
- 181.5 Subd. 2. **Deferred prosecution.** (a) The court shall defer prosecution for an eligible
181.6 offense committed by a defendant who was, or currently is, a member of the United States
181.7 military as provided in this subdivision. The court shall do this at the request of the defendant
181.8 upon a finding of guilty after trial or upon a guilty plea.
- 181.9 (b) A defendant who requests to be sentenced under this subdivision shall release or
181.10 authorize access to military service reports and records relating to the alleged applicable

181.11 condition. The court must file the records as confidential and designate that they remain
181.12 sealed, except as provided in this paragraph. In addition, the court may request, through
181.13 existing resources, an assessment of the defendant. The defendant, through existing records
181.14 or licensed professional evaluation, shall establish the diagnosis of the condition, that it was
181.15 caused by military service, and that the offense was committed as a result of the condition.
181.16 The court, on its own motion or the prosecutor's motion, with notice to defense counsel,
181.17 may order the defendant to furnish to the court for in-camera review or to the prosecutor
181.18 copies of all medical and military service reports and records previously or subsequently
181.19 made concerning the defendant's condition and its connection to service.

181.20 (c) Based on the record, the court shall determine whether, by clear and convincing
181.21 evidence: (1) the defendant suffered from an applicable condition at the time of the offense;
181.22 (2) the applicable condition was caused by service in the United States military; and (3) the
181.23 offense was committed as a result of the applicable condition. Within 15 days of the court's
181.24 determination, either party may file a challenge to the determination and demand a hearing
181.25 on the defendant's eligibility under this subdivision.

181.26 (d) If the court makes the determination described in paragraph (c), the court shall,
181.27 without entering a judgment of guilty, defer further proceedings and place the defendant
181.28 on probation upon such reasonable conditions as it may require and for a period not to
181.29 exceed the maximum period provided by law. A court may extend a defendant's term of
181.30 probation pursuant to section 609.135, subdivision 2, paragraphs (g) and (h). Conditions
181.31 ordered by the court must include treatment, services, rehabilitation, and education sufficient
181.32 so that if completed, the defendant would be eligible for discharge and dismissal under
181.33 subdivision 3. In addition, the court shall order that the defendant undergo a chemical use
181.34 assessment that includes a recommended level of care for the defendant in accordance with
182.1 the criteria contained in rules adopted by the commissioner of human services under section
182.2 254A.03, subdivision 3.

182.3 (e) If the court determines that the defendant is eligible for a deferred sentence but the
182.4 defendant has previously received one for a felony offense under this subdivision, the court
182.5 may, but is not required to, impose a deferred sentence. If the court does not impose a
182.6 deferred sentence, the court may sentence the defendant as otherwise provided in law,
182.7 including as provided in subdivision 4.

182.8 (f) Upon violation of a condition of probation, the court may enter an adjudication of
182.9 guilt and proceed as otherwise provided in law, including as provided in subdivision 4.

182.10 (g) As a condition of probation, the court may order the defendant to attend a local, state,
182.11 federal, or private nonprofit treatment program for a period not to exceed the maximum
182.12 period for which the defendant could have been incarcerated.

182.13 (h) The court, when issuing an order under this subdivision that a defendant attend an
182.14 established treatment program, shall give preference to a treatment program that has a history
182.15 of successfully treating veterans who suffer from applicable conditions caused by military

- 182.16 service, including but not limited to programs operated by the United States Department of
182.17 Defense or Veterans Affairs.
- 182.18 (i) The court and any assigned treatment program shall collaborate with, when available,
182.19 the county veterans service officer and the United States Department of Veterans Affairs
182.20 to maximize benefits and services provided to the defendant.
- 182.21 (j) If available in the county or judicial district having jurisdiction over the case, the
182.22 defendant may be supervised by a veterans treatment court program under subdivision 5.
182.23 If there is a veterans treatment court that meets the requirements of subdivision 5 in the
182.24 county in which the defendant resides or works, supervision of the defendant may be
182.25 transferred to that county or judicial district veterans treatment court program. Upon the
182.26 defendant's successful or unsuccessful completion of the program, the veterans treatment
182.27 court program shall communicate this information to the court of original jurisdiction for
182.28 further action.
- 182.29 (k) Sentencing pursuant to this subdivision waives any right to administrative review
182.30 pursuant to section 169A.53, subdivision 1, or judicial review pursuant to section 169A.53,
182.31 subdivision 2, for a license revocation or cancellation imposed pursuant to section 169A.52,
182.32 and also waives any right to administrative review pursuant to section 171.177, subdivision
182.33 10, or judicial review pursuant to section 171.177, subdivision 11, for a license revocation
183.1 or cancellation imposed pursuant to section 171.177, if that license revocation or cancellation
183.2 is the result of the same incident that is being sentenced.
- 185.4 Subd. 5. **Optional veterans treatment court program; procedures for eligible**
185.5 defendants. A county or judicial district may supervise probation under this section through
185.6 a veterans treatment court, using county veterans service officers appointed under sections
185.7 197.60 to 197.606, United States Department of Veterans Affairs veterans justice outreach
185.8 specialists, probation agents, and any other rehabilitative resources available to the court.
- 183.3 Subd. 3. **Discharge and dismissal.** (a) Upon the expiration of the period of the defendant's
183.4 probation the court shall hold a hearing to discharge the defendant from probation and
183.5 determine whether to dismiss the proceedings against a defendant who received a deferred
183.6 sentence under subdivision 2. The hearing shall be scheduled so that the parties have adequate
183.7 time to prepare and present arguments regarding the issue of dismissal. The parties may
183.8 submit written arguments to the court prior to the date of the hearing and may make oral
183.9 arguments before the court at the hearing. The defendant must be present at the hearing
183.10 unless excused under Minnesota Rules of Criminal Procedure, rule 26.03, subdivision 1,
183.11 clause (3).
- 183.12 (b) The court shall provide notice to any identifiable victim of the offense at least 15
183.13 days before the hearing is held. Notice to victims of the offense under this subdivision must
183.14 specifically inform the victim of the right to submit an oral or written statement to the court
183.15 at the time of the hearing describing the harm suffered by the victim as a result of the crime
183.16 and the victim's recommendation on whether dismissal should be granted or denied. The
183.17 judge shall consider the victim's statement when making a decision. If a victim notifies the

- 183.18 prosecutor of an objection to dismissal and is not present at the hearing, the prosecutor shall
183.19 make the objections known to the court.
- 183.20 (c) The court shall dismiss proceedings against a defendant if the court finds by clear
183.21 and convincing evidence that the defendant:
- 183.22 (1) is in substantial compliance with the conditions of probation;
- 183.23 (2) has successfully participated in court-ordered treatment and services to address the
183.24 applicable condition caused by military service;
- 183.25 (3) does not represent a danger to the health or safety of victims or others; and
- 183.26 (4) has demonstrated significant benefit from court-ordered education, treatment, or
183.27 rehabilitation to clearly show that a discharge and dismissal under this subdivision is in the
183.28 interests of justice.
- 183.29 (d) In determining the interests of justice, the court shall consider, among other factors,
183.30 all of the following:
- 183.31 (1) the defendant's completion and degree of participation in education, treatment, and
183.32 rehabilitation as ordered by the court;
- 183.33 (2) the defendant's progress in formal education;
- 184.1 (3) the defendant's development of career potential;
- 184.2 (4) the defendant's leadership and personal responsibility efforts;
- 184.3 (5) the defendant's contribution of service in support of the community;
- 184.4 (6) the level of harm to the community from the offense; and
- 184.5 (7) the statement of the victim, if any.
- 184.6 (e) If the court finds that the defendant does not qualify for discharge and dismissal
184.7 under paragraph (c), the court shall enter an adjudication of guilt and proceed as otherwise
184.8 provided in law, including as provided in subdivision 4.
- 184.9 (f) Discharge and dismissal under this subdivision shall be without court adjudication
184.10 of guilt, but a not public record of the discharge and dismissal shall be retained by the Bureau
184.11 of Criminal Apprehension for the purpose of use by the courts in determining the merits of
184.12 subsequent proceedings against the defendant. The not public record may also be opened
184.13 only upon court order for purposes of a criminal investigation, prosecution, or sentencing.
184.14 Upon request by law enforcement, prosecution, or corrections authorities, the bureau shall
184.15 notify the requesting party of the existence of the not public record and the right to seek a
184.16 court order to open the not public record under this paragraph. The court shall forward a
184.17 record of any discharge and dismissal under this subdivision to the bureau, which shall
184.18 make and maintain the not public record of the discharge and dismissal. The discharge and
184.19 dismissal shall not be deemed a conviction for purposes of disqualifications or disabilities

184.20 imposed by law upon conviction of a crime or for any other purpose. For purposes of this
184.21 paragraph, "not public" has the meaning given in section 13.02, subdivision 8a.

184.22 Subd. 4. **Sentencing departure; waiver of mandatory sentence.** (a) This subdivision
184.23 applies to defendants who plead or are found guilty of any criminal offense except one for
184.24 which registration is required under section 243.166, subdivision 1b.

184.25 (b) Prior to sentencing, a defendant described in paragraph (a) may present proof to the
184.26 court that the defendant has, since the commission of the offense, engaged in rehabilitative
184.27 efforts consistent with those described in this section. If the court determines that the
184.28 defendant has engaged in substantial rehabilitative efforts and the defendant establishes by
184.29 clear and convincing evidence that:

184.30 (1) the defendant suffered from an applicable condition at the time of the offense;
184.31 (2) the applicable condition was caused by service in the United States military; and
184.32 (3) the offense was committed as a result of the applicable condition;

185.1 the court may determine that the defendant is particularly amenable to probation and order
185.2 a mitigated durational or dispositional sentencing departure or a waiver of any statutory
185.3 mandatory minimum sentence applicable to the defendant.

185.9 Subd. 6. **Creation of county and city diversion programs; authorization.** Any county
185.10 or city may establish and operate a veterans pretrial diversion program for offenders eligible
185.11 under subdivision 2 without penalty under section 477A.0175.

185.12 Subd. 7. **Exception.** This section does not apply to a person charged with an offense for
185.13 which registration is required under section 243.166, subdivision 1b.

185.14 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes
185.15 committed on or after that date.

148.22 Sec. 11. **[609.1056] MILITARY VETERAN OFFENDERS RESTORATIVE JUSTICE**
148.23 **SENTENCE.**

148.24 Subdivision 1. **Offenses as a result of military service; presentence supervision**
148.25 **procedures.** (a) Except as provided for in subdivision 2, paragraph (f), in the case of a
148.26 person charged with a criminal offense that is either Severity Level 7, D7, or lower in the
148.27 Minnesota Sentencing Guidelines, including misdemeanor or gross misdemeanor offenses,
148.28 who could otherwise be sentenced to county jail or state prison and who alleges that the
148.29 offense was committed as a result of sexual trauma, traumatic brain injury, posttraumatic
148.30 stress disorder, substance abuse, or mental health conditions stemming from service in the
148.31 United States military, the court shall, prior to entering a plea of guilty, make a determination
148.32 as to whether the defendant was, or currently is, a member of the United States military and
149.1 whether the defendant may be suffering from sexual trauma, traumatic brain injury,

149.2 posttraumatic stress disorder, substance abuse, or mental health conditions as a result of
149.3 that person's service. The court may request, through existing resources, an assessment to
149.4 aid in that determination.

149.5 (b) A defendant who requests to be sentenced under this section shall release or authorize
149.6 access to military service reports and records relating to the alleged conditions stemming
149.7 from service in the United States military. The records shall be filed as confidential and
149.8 remain sealed, except as provided for in this paragraph. The defendant, through existing
149.9 records or licensed professional evaluation, shall establish the diagnosis of the condition
149.10 and its connection to military service. The court, on the prosecutor's motion with notice to
149.11 defense counsel, may order the defendant to furnish to the court for in camera review or to
149.12 the prosecutor copies of all medical and military service reports and records previously or
149.13 subsequently made concerning the defendant's condition and its connection to service. Based
149.14 on the record, the court shall make findings on whether, by clear and convincing evidence,
149.15 the defendant suffers from a diagnosable condition and whether that condition stems from
149.16 service in the United States military. Within 15 days of the court's findings, either party
149.17 may file a challenge to the findings and demand a hearing on the defendant's eligibility
149.18 under this section.

149.19 If the court determines that a defendant suffers from a substance abuse disorder, the court
149.20 shall order a Rule 25 assessment under Minnesota Rules, part 9530.6615, and follow the
149.21 recommendations contained in the assessment. If the court determines that a defendant
149.22 suffers from posttraumatic stress disorder, traumatic brain injury, or other mental health
149.23 conditions, the court shall order a mental health assessment conducted by a licensed mental
149.24 health professional and follow the recommendations contained in the examiner's report.

149.25 (c) If the court concludes that a defendant who entered a plea of guilty to a criminal
149.26 offense is a person described in this subdivision or the parties stipulate to eligibility, and if
149.27 the defendant is otherwise eligible for probation, the court shall, upon the defendant entering
149.28 a plea of guilty, without entering a judgment of guilty and with the consent of the defendant,
149.29 prosecutor, and victim, defer further proceedings and place the defendant on probation upon
149.30 such reasonable conditions as it may require and for a period not to exceed the maximum
149.31 sentence provided for the violation unless extended by the court to complete treatment as
149.32 per section 609.135, subdivision 2, paragraph (h). If the veteran has previously received a
149.33 stay of adjudication for a felony offense under this section, the court may in its discretion
149.34 sentence consistent with this section or deny the use of this section on subsequent felony
149.35 offenses. If the court denies a stay of adjudication on this basis, the court may sentence
150.1 pursuant to the guidelines, application or waiver of statutory mandatory minimums, or a
150.2 departure pursuant to subdivision 2, paragraph (d).

150.3 (d) Upon violation of a condition of the probation, the court may enter an adjudication
150.4 of guilt and proceed as otherwise provided by law, including sentencing pursuant to the
150.5 guidelines, application or waiver of statutory mandatory minimums, or a departure pursuant
150.6 to subdivision 2, paragraph (d).

150.7 (e) As a condition of probation, the court may order the defendant to attend a local, state,
150.8 federal, or private nonprofit treatment program for a period not to exceed that period which
150.9 the defendant would have served in state prison or county jail, provided the court determines
150.10 that an appropriate treatment program exists. Pursuant to section 609.135, subdivision 2,
150.11 paragraph (h), the court may extend an offender's probation if the offender has not completed
150.12 court-ordered treatment.

150.13 (f) The court, in making an order under this section to order a defendant to attend an
150.14 established treatment program, shall give preference to a treatment program that has a history
150.15 of successfully treating veterans who suffer from sexual trauma, traumatic brain injury,
150.16 posttraumatic stress disorder, substance abuse, or mental health conditions as a result of
150.17 that service, including but not limited to programs operated by the United States Department
150.18 of Defense or Veterans Affairs. If an appropriate treatment provider is not available in the
150.19 offender's county of residence or public funding is not available, the Minnesota Department
150.20 of Veterans Affairs shall coordinate with the United States Department of Veterans Affairs
150.21 to locate an appropriate treatment program and sources to fund the cost of the offender's
150.22 participation in the program.

150.23 (g) The court and the assigned treatment program shall, when available, collaborate with
150.24 the county veterans service officer and the United States Department of Veterans Affairs
150.25 to maximize benefits and services provided to the veteran.

150.26 (h) If available in the county or judicial district having jurisdiction over the case, the
150.27 defendant may be supervised by the veterans treatment court program under subdivision 3.
150.28 If there is a veterans treatment court that meets the requirements of subdivision 3 in the
150.29 county in which the defendant resides or works, supervision of the defendant may be
150.30 transferred to that county or judicial district veterans treatment court program. If the defendant
150.31 successfully completes the veterans treatment court program in the supervising jurisdiction,
150.32 that jurisdiction shall sentence the defendant under this section. If the defendant is
150.33 unsuccessful in the veterans treatment court program, the defendant's supervision shall be
150.34 returned to the jurisdiction that initiated the transfer for standard sentencing.

151.1 (i) Sentencing pursuant to this section waives any right to administrative review pursuant
151.2 to section 169A.53, subdivision 1, or judicial review pursuant to section 169A.53, subdivision
151.3 2, for a license revocation or cancellation imposed pursuant to section 169A.52, and also
151.4 waives any right to administrative review pursuant to section 171.177, subdivision 10, or
151.5 judicial review pursuant to section 171.177, subdivision 11, for a license revocation or
151.6 cancellation imposed pursuant to section 171.177, if that license revocation or cancellation
151.7 is the result of the same incident that is being sentenced.

151.8 Subd. 2. **Restorative justice for military veterans; dismissal of charges.** (a) It is in
151.9 the interest of justice to restore a defendant who acquired a criminal record due to a mental
151.10 health condition stemming from service in the United States military to the community of
151.11 law-abiding citizens. The restorative provisions of this subdivision apply to cases in which
151.12 a court monitoring the defendant's performance of probation under this section finds by
151.13 clear and convincing evidence at a public hearing, held after not less than 15 days' notice

- 151.14 to the prosecution, the defense, and any victim of the offense, that all of the following
151.15 describe the defendant:
- 151.16 (1) the defendant was granted probation and was a person eligible under subdivision 1
151.17 at the time that probation was granted;
- 151.18 (2) the defendant is in compliance with the conditions of that probation;
- 151.19 (3) the defendant has successfully completed court-ordered treatment and services to
151.20 address the sexual trauma, traumatic brain injury, posttraumatic stress disorder, substance
151.21 abuse, or mental health conditions stemming from military service;
- 151.22 (4) the defendant does not present a danger to the health and safety of others including
151.23 any victims; and
- 151.24 (5) the defendant has demonstrated significant benefit from court-ordered education,
151.25 treatment, or rehabilitation to clearly show that granting restorative relief pursuant to this
151.26 subdivision would be in the interest of justice.
- 151.27 (b) When determining whether granting restorative relief under this subdivision is in
151.28 the interest of justice, the court may consider, among other factors, all of the following:
- 151.29 (1) the defendant's completion and degree of participation in education, treatment, and
151.30 rehabilitation as ordered by the court;
- 151.31 (2) the defendant's progress in formal education;
- 151.32 (3) the defendant's development of career potential;
- 152.1 (4) the defendant's leadership and personal responsibility efforts;
- 152.2 (5) the defendant's contribution of service in support of the community;
- 152.3 (6) the level of harm to the community from the offense; and
- 152.4 (7) the level of harm to the victim from the offense with the court's determination of
152.5 harm guided by the factors for evaluating injury and loss contained in the applicable victim's
152.6 rights provisions of chapter 611A.
- 152.7 (c) If the court finds that a case satisfies each of the requirements described in paragraph
152.8 (a), then upon expiration of the period of probation the court shall discharge the defendant
152.9 and dismiss the proceedings against that defendant. Discharge and dismissal under this
152.10 subdivision shall be without court adjudication of guilt. The court shall maintain a public
152.11 record of the discharge and dismissal.
- 152.12 (d) If the court finds that a defendant placed on probation under subdivision 1 does not
152.13 satisfy each of the requirements described in paragraph (a), the court shall enter an
152.14 adjudication of guilt and proceed as otherwise provided by law, including sentencing pursuant

152.15 to the guidelines, application or waiver of statutory mandatory minimums, or a departure
152.16 pursuant to paragraph (e).

152.17 (e) If the charge to which the defendant entered a plea of guilty is listed under subdivision
152.18 1, paragraph (a), and is for an offense that is a presumptive commitment to state
152.19 imprisonment, the court may use the factors of paragraph (a) to justify a dispositional
152.20 departure or any appropriate sentence, including the application or waiver of statutory
152.21 mandatory minimums. If the court finds that paragraph (a), clauses (1) to (5), factors, the
152.22 defendant is presumed amenable to probation.

152.23 (f) This subdivision does not apply to an offense for which registration is required under
152.24 section 243.166, subdivision 1b, a crime of violence as defined in section 624.712,
152.25 subdivision 5, or a gross misdemeanor or felony-level domestic violence offense.

152.26 **Subd. 3. Optional veterans treatment court program; procedures for eligible**
152.27 **defendants.** (a) A county or judicial district may supervise probation under this section
152.28 through a veterans treatment court using county veterans service officers appointed under
152.29 sections 197.60 to 197.606, United States Department of Veterans Affairs veterans justice
152.30 outreach specialists, probation agents, and any other rehabilitative resources available to
152.31 the court.

152.32 (b) "Veterans treatment court program" means a program that has the following essential
152.33 characteristics:

153.1 (1) the integration of services in the processing of cases in the judicial system;

153.2 (2) the use of a nonadversarial approach involving prosecutors and defense attorneys to
153.3 promote public safety and to protect the due process rights of program participants;

153.4 (3) early identification and prompt placement of eligible participants in the program;

153.5 (4) access to a continuum of alcohol, controlled substance, mental health, and other
153.6 related treatment and rehabilitative services;

153.7 (5) careful monitoring of treatment and services provided to program participants;

153.8 (6) a coordinated strategy to govern program responses to participants' compliance;

153.9 (7) ongoing judicial interaction with program participants;

153.10 (8) monitoring and evaluation of program goals and effectiveness;

153.11 (9) continuing interdisciplinary education to promote effective program planning,
153.12 implementation, and operations;

153.13 (10) development of partnerships with public agencies and community organizations,
153.14 including the United States Department of Veterans Affairs; and

185.16 Sec. 12. **REVISOR INSTRUCTION.**

185.17 The revisor of statutes must renumber the provisions of Minnesota Statutes listed in
185.18 column A to the references listed in column B. The revisor must also make necessary
185.19 cross-reference changes in Minnesota Statutes and Minnesota Rules consistent with the
185.20 renumbering.

185.21	<u>Column A</u>	<u>Column B</u>
185.22	<u>197.791, subdivision 5a</u>	<u>197.791, subdivision 6</u>
185.23	<u>197.791, subdivision 5b</u>	<u>197.791, subdivision 7</u>
185.24	<u>197.791, subdivision 6</u>	<u>197.791, subdivision 8</u>

185.25 **ARTICLE 8**

185.26 **DATA ACCESS**

185.27 Section 1. Minnesota Statutes 2020, section 192.67, is amended to read:

185.28 **192.67 OFFENDERS; TRANSFER TO CIVIL AUTHORITIES; SERVICE**
185.29 **MEMBER DATA.**

185.30 Subdivision 1. **Transfer to civil authorities.** When any ~~felony~~ criminal offense is
185.31 committed by any officer or enlisted member of the military forces while on duty status
185.32 other than ~~active state~~ federal duty, the officer or enlisted member shall be turned over by
186.1 superior officers to the proper civil authorities of the county or municipality in which the
186.2 offense occurred for punishment for such crime, but such trial and punishment by the civil
186.3 authorities shall not preclude trial and additional punishment or dismissal from the service
186.4 by court-martial for any military offense resulting from the commission of said crime.

186.5 Subd. 2. **Service member data.** Notwithstanding any provision of chapter 13 or other
186.6 state law, all investigative reports and law enforcement data, including but not limited to

153.15 (11) inclusion of a participant's family members who agree to be involved in the treatment
153.16 and services provided to the participant under the program.

153.17 Subd. 4. **Creation of county and city diversion programs; authorization.** Any county
153.18 or city may establish and operate a veterans pretrial diversion program for offenders eligible
153.19 under subdivision 1 without penalty under section 477A.0175. "Pretrial diversion" means
153.20 the decision of a prosecutor to refer an offender to a diversion program on condition that
153.21 the criminal charges against the offender shall be dismissed after a specified period of time,
153.22 or the case shall not be charged, if the offender successfully completes the program of
153.23 treatment recommended by the United States Department of Veterans Affairs or a local,
153.24 state, federal, or private nonprofit treatment program.

153.25 **EFFECTIVE DATE.** This section is effective August 1, 2021.

153.26 Sec. 12. **REVISOR INSTRUCTION.**

153.27 The revisor of statutes must renumber the provisions of Minnesota Statutes listed in
153.28 column A to the references listed in column B. The revisor must also make necessary
153.29 cross-reference changes in Minnesota Statutes and Minnesota Rules consistent with the
153.30 renumbering.

154.1	<u>Column A</u>	<u>Column B</u>
154.2	<u>197.791, subdivision 5a</u>	<u>197.791, subdivision 6</u>
154.3	<u>197.791, subdivision 5b</u>	<u>197.791, subdivision 7</u>
154.4	<u>197.791, subdivision 6</u>	<u>197.791, subdivision 8</u>

186.7 all data collected and defined under section 13.82 pertaining to any service member of the
186.8 military forces must be made accessible to the adjutant general of the Minnesota National
186.9 Guard upon request of the Office of the State Judge Advocate. All information, data, and
186.10 records obtained under this subdivision may be accessed, copied, transmitted, or provided
186.11 to the adjutant general without a court order or request from the subject of the data when
186.12 the matter involves any officer or enlisted member of the military forces. The adjutant
186.13 general may only use data made accessible under this subdivision in support of military
186.14 justice and Minnesota National Guard administrative and disciplinary actions.

186.15 **ARTICLE 9**

186.16 **PRACTICE OF MILITARY LAW; MILITARY JUDGE SYSTEM**

186.17 Section 1. **[192A.041] PRACTICE OF MILITARY LAW.**

186.18 Any commissioned officer of a United States state or territory military force who meets
186.19 the following qualifications may be accepted by the state judge advocate to conduct any
186.20 and all administrative or Minnesota Code of Military Justice activities under this code and
186.21 is exempt from section 481.02:

186.22 (1) has served as a member of the Judge Advocate Generals Corps for not less than two
186.23 years;

186.24 (2) is currently certified as competent for such duty by the Judge Advocate General of
186.25 the military force of which the individual is a member; and

186.26 (3) is a member of good standing of the bar of the highest court of any state.

186.27 Sec. 2. Minnesota Statutes 2020, section 192A.15, subdivision 1, is amended to read:

186.28 Subdivision 1. **Establishment.** There is hereby established a military judge system for
186.29 the ~~state~~ military forces. The military judge system shall be in the Military Department
186.30 under the command of the adjutant general. It shall consist of at least two military judges,
186.31 a number of legal clerks equal to the number of judges and such additional military staff as
186.32 is necessary.

187.1 Sec. 3. Minnesota Statutes 2020, section 192A.15, subdivision 2, is amended to read:

187.2 Subd. 2. **Qualifications of military judge.** A military judge shall be a commissioned
187.3 officer of the state military forces who has been a member of the bar of ~~this~~ any state for at
187.4 least six years, who has served as a member of the Judge Advocate Generals Corps for not
187.5 less than three years, ~~and~~ who is certified to be qualified for such duty by the ~~state~~ Judge
187.6 Advocate General of the armed force of which the officer is a member, and who is accepted
187.7 by the state judge advocate to conduct any and all administrative or Minnesota Code of
187.8 Military Justice activities under this code.

187.9 Sec. 4. Minnesota Statutes 2020, section 192A.155, subdivision 2, is amended to read:

187.10 Subd. 2. **Qualifications of counsel.** Trial counsel or defense counsel detailed for a
187.11 general, special, or summary court-martial:

187.12 (1) must be a person who is a member of the bar of the highest court of the any state, or
187.13 a member of the bar of a federal court; and

187.14 (2) must be certified as competent to perform such duties by the state Judge Advocate
187.15 General of the armed force of which the individual is a member.

187.16 **ARTICLE 10**

187.17 **MILITARY CODE JURISDICTIONAL CHANGES**

187.18 Section 1. Minnesota Statutes 2020, section 192A.02, subdivision 2, is amended to read:

187.19 Subd. 2. **Military service in Minnesota.** This code also applies to all persons in the
187.20 military while they are serving within this state and while they are under the command of
187.21 a commissioned officer of the state military forces, to a member of the military when the
187.22 member is in a status provided for by United States Code, title 32, a regulation adopted
187.23 pursuant to United States Code, title 32, or in state active service. This military service
187.24 includes:

187.25 (1) travel to and from the inactive-duty training site of the member, pursuant to orders
187.26 or regulations;

187.27 (2) intervals between consecutive periods of inactive-duty training on the same day,
187.28 pursuant to orders or regulations; and

187.29 (3) intervals between inactive-duty training on consecutive days, pursuant to orders or
187.30 regulations.

188.1 Sec. 2. Minnesota Statutes 2020, section 192A.384, is amended to read:

188.2 **192A.384 OFFENSES SUBJECT TO COURT-MARTIAL.**

188.3 The jurisdiction of courts-martial shall be under this code is limited to violations of the
188.4 punitive articles in this code prescribed by the manual for courts-martial of the United States,
188.5 assimilated under any Minnesota state law as referenced under section 192A.605, or by the
188.6 Minnesota Code of Military Justice. Any person subject to this code who is charged with
188.7 the commission of an offense which is not an offense under this code or the manual for
188.8 courts-martial of the United States may be surrendered to civil authorities for process in
188.9 accordance with civil law.

188.10

ARTICLE 11

188.11

MILITARY TRIAL PROCEDURE

188.12 Section 1. Minnesota Statutes 2020, section 192A.20, is amended to read:

188.13

192A.20 GOVERNOR MAY PRESCRIBE RULES.

188.14 The procedure, including modes of proof, in cases before military courts and other
188.15 military tribunals organized under this code may be prescribed by the governor or the
188.16 adjutant general by rules, which shall, so far as the governor or the adjutant general considers
188.17 practicable, apply the principles of law and the rules of evidence generally recognized in
188.18 the trial of criminal cases in the courts of the state manual for courts-martial of the United
188.19 States, but which may not be contrary to or inconsistent with this code.

188.20 Sec. 2. Minnesota Statutes 2020, section 192A.235, subdivision 3, is amended to read:

188.21 Subd. 3. **Three-year limitation.** Except as otherwise provided in subdivision 1, and
188.22 section 628.26, a person charged with any offense is not liable to be tried by court-martial
188.23 or punished under section 192A.0851 if the offense was committed more than three years
188.24 before the receipt of sworn charges and specifications by an officer exercising court-martial
188.25 jurisdiction over the command or before the imposition of punishment under section
188.26 192A.0851. The limitation for violations of any offense prescribed under this section shall
188.27 be the lesser of the limitation prescribed by the manual for courts-martial of the United
188.28 States, Minnesota state law, or the Minnesota Code of Military Justice, but in no instance
188.29 shall any limitation exceed that authorized by this code.

189.1

ARTICLE 12

189.2

MILITARY SENTENCES

189.3 Section 1. Minnesota Statutes 2020, section 192A.343, subdivision 3, is amended to read:

189.4 Subd. 3. **Action on findings.** (a) The authority under this section to modify the findings
189.5 and sentence of a court-martial is a matter of command prerogative involving the sole
189.6 discretion of the convening authority. If it is impractical for the convening authority to act,
189.7 the convening authority shall forward the case to a person exercising general court-martial
189.8 jurisdiction who may take action under this section.

189.9 (b) Action on the sentence of a court-martial shall be taken by the convening authority.
189.10 The action may be taken only after the consideration of any matters submitted by the accused
189.11 under subdivision 2 or after the time for submitting the matter expires, whichever is earlier.
189.12 The convening authority, in that person's sole discretion, may approve, disapprove, commute,
189.13 or suspend the sentence in whole or in part.

189.14 (c) Action on the findings of a court-martial by the convening authority or other person
189.15 acting on the sentence is not required. However, such person, in the person's sole discretion,
189.16 may:

- 189.17 (1) dismiss any charge or specification by setting aside a finding of guilty; or
- 189.18 (2) change a finding of guilty to a charge or specification to a finding of guilty to an
189.19 offense that is a lesser included offense of the offense stated in the charge or specification.
- 189.20 (d) The convening authority or other person acting under this section shall issue a final
189.21 order at the conclusion of the court-martial proceeding, including any proceeding in revision,
189.22 rehearing, and reconsideration under subdivision 5. The final order shall be promptly served
189.23 on the accused.
- 189.24 Sec. 2. Minnesota Statutes 2020, section 192A.353, subdivision 2, is amended to read:
- 189.25 Subd. 2. **Appeal forwarded.** An appeal under this section shall ~~be forwarded to the~~
189.26 ~~court~~ proceed as prescribed in section 192A.371. In ruling on an appeal under this section,
189.27 that court may act only with respect to matters of law.
- 189.28 Sec. 3. Minnesota Statutes 2020, section 192A.371, is amended to read:
- 189.29 **192A.371 REVIEW BY STATE APPELLATE AUTHORITY.**
- 189.30 Subdivision 1. **Certiorari.** ~~Decisions of a special or general courts martial may be~~
189.31 ~~appealed to the Minnesota Court of Appeals according to the Minnesota Rules of Criminal~~
190.1 ~~and Appellate Procedure.~~ (a) A review of any final order of a special or general court-martial
190.2 proceeding may be had upon certiorari by the supreme court upon petition of any party to
190.3 the proceeding. The review may be had on the ground that: (1) the court-martial was without
190.4 jurisdiction; or (2) the findings of the court-martial and the final order of the convening
190.5 authority: (i) were not justified by the evidence; (ii) were not in conformity with this code,
190.6 military law or other law applicable to the proceedings, or the Classified Information
190.7 Procedures Act; or (iii) were affected by any other error of law.
- 190.8 (b) A writ of certiorari for review under this section is a matter of right.
- 190.9 Subd. 2. **Service of writ.** (a) Within 60 days after notice of the final order of a
190.10 court-martial proceeding, the petitioner for review shall obtain from the supreme court a
190.11 writ of certiorari, shall serve the same upon all other parties appearing in the court-martial
190.12 proceeding, and shall file the original writ of certiorari and proof of service with the court
190.13 administrator of the court-martial. No fee or bond is required for either obtaining a writ of
190.14 certiorari or the associated filings required under this paragraph.
- 190.15 (b) Return upon the writ shall be made to the supreme court and the matter shall be heard
190.16 and determined by the court in accordance with the rules of civil appellate procedure
190.17 applicable to decisions reviewable by certiorari directly in the supreme court.

190.18 Sec. 4. Minnesota Statutes 2020, section 606.06, is amended to read:

190.19 **606.06 CERTIORARI; ADMINISTRATIVE DECISIONS.**

190.20 A writ of certiorari for review of an administrative decision pursuant to chapter 14 or
190.21 of an order publishing the proceedings, findings, or sentence of a court-martial pursuant to
190.22 this code is a matter of right.

190.23 **ARTICLE 13**

190.24 **MILITARY PUNITIVE ARTICLES UPDATES**

190.25 Section 1. Minnesota Statutes 2020, section 192A.021, is amended to read:

190.26 **192A.021 PURELY MILITARY OFFENSES.**

190.27 (a) Purely military offenses include the offenses contained in the following sections:
190.28 192A.39 (Principles), 192A.395 (Accessory after the fact), 192A.405 (Attempts), 192A.41
190.29 (Conspiracy), 192A.415 (Solicitation), 192A.42 (Fraudulent enlistment, appointment, or
190.30 separation), 192A.425 (Unlawful enlistment, appointment, or separation), 192A.43
190.31 (Desertion), 192A.435 (Absent without leave), 192A.44 (Missing movement), 192A.445
190.32 (Contempt towards officials), 192A.45 (Disrespect towards superior commissioned officer),
191.1 192A.455 (Assaulting or willfully disobeying superior commissioned officer), 192A.46
191.2 (Insubordinate conduct toward warrant officer or noncommissioned officer), 192A.465
191.3 (Failure to obey order or rule), 192A.47 (Cruelty and maltreatment), 192A.475 (Mutiny or
191.4 sedition), 192A.48 (Resistance, breach of arrest, and escape), 192A.495 (Noncompliance
191.5 with procedural rules), 192A.50 (Misbehavior before the enemy), 192A.51 (Improper use
191.6 of countersign), 192A.515 (Forcing a safeguard), 192A.525 (Aiding the enemy), 192A.54
191.7 (Military property; loss, damage, destruction, or wrongful disposition), 192A.55 (Improper
191.8 hazarding of vessel), 192A.56 (Drunk on duty; sleeping on post; leaving post before relief),
191.9 192A.566 (Illegal presence of controlled substance while in duty status), 192A.57
191.10 (Malingering), 192A.60 (Conduct unbecoming an officer), and 192A.605 (General article),
191.11 192A.70 (Prohibited activities with military recruit or trainee by person in a position of
191.12 special trust), 192A.701 (Nonconsensual distribution of intimate images), 192A.703
191.13 (Unauthorized use of government computer), and 192A.704 (Retaliation).

191.14 (b) Upon request of the governor or the adjutant general, the superintendent of the Bureau
191.15 of Criminal Apprehension shall investigate military offenses or any other act or omission
191.16 under this code within the jurisdiction of the military courts and tribunals.

191.17 Sec. 2. Minnesota Statutes 2020, section 192A.111, is amended to read:

191.18 **192A.111 MAXIMUM LIMITS.**

191.19 Subdivision 1. **Punishment limits.** The punishment that a court-martial may direct for
191.20 an offense may not exceed limits prescribed by this code. for a violation of this code is
191.21 limited to the lesser of the sentence prescribed by the manual for courts-martial of the United
191.22 States in effect at the time of the offense or the state manual for courts-martial, but in no

191.23 ~~instance shall any punishment exceed that authorized by this code. A court-martial sentence~~
 191.24 ~~must not (1) exceed more than ten years for a military offense, or (2) adjudge a sentence of~~
 191.25 ~~death.~~

191.26 Subd. 2. **Level of offense.** ~~(a) Subject to paragraphs (b) and (c), A conviction by general~~
 191.27 ~~court-martial of any military offense for which an accused may receive a sentence of~~
 191.28 ~~confinement for more than one year is a felony offense. All other military offenses are~~
 191.29 ~~misdemeanors, and a sentence of confinement must not exceed 90 days.~~

191.30 (b) In cases where the civilian authorities decline to prosecute and court-martial
 191.31 jurisdiction is taken pursuant to sections 192A.02, subdivision 3, and 192A.605, the level
 191.32 of offense and punishment that a court-martial is authorized is defined by the level of offense
 191.33 and punishments authorized under the statute any Minnesota state law or the manual for
 191.34 courts-martial of the United States for the assimilated crime.

192.1 (c) For crimes under sections 192A.54, 192A.545, 192A.59, and 192A.595 with monetary
 192.2 loss of less than \$1,000 or more, confinement must not exceed ten years. A sentence of
 192.3 confinement for more than one year is a felony offense shall be limited to that prescribed
 192.4 by a special court-martial.

192.5 (d) Any conviction by a summary courts-martial is not a criminal conviction.

192.6 (e) ~~The limits of punishment for violations of the purely military offenses prescribed~~
 192.7 ~~under this section shall be the lesser of the sentences prescribed by the manual for~~
 192.8 ~~courts-martial of the United States, and the state manual for courts-martial, but in no instance~~
 192.9 ~~shall any punishment exceed that authorized by this code.~~

192.10 Sec. 3. Minnesota Statutes 2020, section 192A.56, is amended to read:

192.11 **192A.56 UNDER THE INFLUENCE OF ALCOHOL OR CONTROLLED**
 192.12 **SUBSTANCE WHILE ON DUTY; SLEEPING ON POST; LEAVING POST BEFORE**
 192.13 **RELIEF.**

192.14 Any person subject to this code who is found to be under the influence of alcohol or a
 192.15 controlled substance as defined in section 192A.566 without a valid medical prescription
 192.16 while on duty or sleeping upon an assigned post, or who leaves that post before being
 192.17 regularly relieved, shall be punished as a court-martial may direct.

192.18 Sec. 4. Minnesota Statutes 2020, section 192A.612, is amended to read:

192.19 **192A.612 SEARCH WARRANTS.**

192.20 ~~During any period of active service under section 190.05, subdivision 5a or 5b, A military~~
 192.21 ~~judge is authorized to issue search warrants, directed to a member of the military police of~~
 192.22 ~~the state military forces or any peace officer defined under section 626.05, to search any~~
 192.23 ~~person, place, or vehicle within the confines of the property or premises being used for such~~
 192.24 ~~active service or any person or vehicle pursued therefrom item or property when there is~~
 192.25 ~~probable cause that a member of the state military forces has committed an offense subject~~

192.26 to either concurrent or exclusive military jurisdiction during a period of active service as
192.27 defined in section 190.05, subdivisions 5a and 5b, and seize items in accordance with law.
192.28 No search warrant shall be issued except upon probable cause, supported by affidavit or
192.29 sworn testimony naming and describing the person and particularly describing the property
192.30 or thing to be seized and particularly describing the place to be searched.

193.1 Sec. 5. Minnesota Statutes 2020, section 192A.62, is amended to read:

193.2 **192A.62 SECTIONS TO BE EXPLAINED.**

193.3 Sections 192A.02, 192A.025, 192A.045, 192A.065, 192A.07, 192A.08, 192A.0851,
193.4 192A.155, 192A.205, ~~192A.385~~ 192A.39 to 192A.595, and 192A.62 to 192A.63 shall be
193.5 carefully explained to every enlisted member at the time of the member's enlistment or
193.6 transfer or induction into, or at the time of the member's order to duty in or with any of the
193.7 state military forces or within 30 days thereafter. They shall also be explained annually to
193.8 each unit of the state military forces. A complete text of this code and of the rules prescribed
193.9 by the governor thereunder shall be made available to any member of the state military
193.10 forces, upon the member's request, for personal examination. Failure to provide briefings
193.11 to soldiers or otherwise explain this code to soldiers shall not be a defense to a court-martial
193.12 proceeding, except as mitigation in sentencing.

193.13 Sec. 6. **[192A.70] PROHIBITED ACTIVITIES WITH MILITARY RECRUIT OR**
193.14 **TRAINEE BY PERSON IN POSITION OF SPECIAL TRUST.**

193.15 Subdivision 1. **Definitions.** For purposes of this section, the terms defined in this
193.16 subdivision have the meanings given them.

193.17 (1) "Applicant for military service" means a person who, under regulations prescribed
193.18 by the secretary concerned, the Minnesota National Guard authority, or designee concerned,
193.19 is an applicant for original enlistment or appointment in the armed forces.

193.20 (2) "Military recruiter" means a person who, under regulations prescribed by the secretary
193.21 concerned, has the primary duty to recruit persons for military service.

193.22 (3) "Prohibited sexual activity" means, as specified in regulations prescribed by the
193.23 secretary concerned, the Minnesota National Guard authority, or designee concerned,
193.24 inappropriate physical intimacy under circumstances described in such regulations.

193.25 (4) "Specially protected junior member of the armed forces" means:

193.26 (i) a member of the armed forces who is assigned to, or is awaiting assignment to, basic
193.27 training or other initial active duty for training, including a member who is enlisted under
193.28 a delayed entry program;

193.29 (ii) a member of the armed forces who is a cadet, an officer candidate, or a student in
193.30 any other officer qualification program; and

- 194.1 (iii) a member of the armed forces in any program that, by regulation prescribed by the
194.2 secretary concerned or a Minnesota National Guard authority, or designee concerned, is
194.3 identified as a training program for initial career qualification.
- 194.4 (5) "Training leadership position" means, with respect to a specially protected junior
194.5 member of the armed forces, any of the following:
- 194.6 (i) any drill instructor position or other leadership position in a basic training program,
194.7 an officer candidate school, a reserve officers' training corps unit, a training program for
194.8 entry into the armed forces, or any program that, by regulation prescribed by the secretary
194.9 concerned, is identified as a training program for initial career qualification; and
- 194.10 (ii) faculty and staff of the United States Military Academy, the United States Naval
194.11 Academy, the United States Air Force Academy, the United States Coast Guard Academy,
194.12 and the Minnesota National Guard Regional Training Institute.
- 194.13 Subd. 2. **Abuse of training leadership position.** Any person subject to this code:
- 194.14 (1) who is an officer or a noncommissioned officer;
- 194.15 (2) who is in a training leadership position with respect to a specially protected junior
194.16 member of the armed forces; and
- 194.17 (3) who engages in prohibited sexual activity with the specially protected junior member
194.18 of the armed forces;
- 194.19 shall be punished as a court-martial may direct.
- 194.20 Subd. 3. **Abuse of position as military recruiter.** Any person subject to this code:
- 194.21 (1) who is a military recruiter and engages in prohibited sexual activity with an applicant
194.22 for military service; or
- 194.23 (2) who is a military recruiter and engages in prohibited sexual activity with a specially
194.24 protected junior member of the armed forces who is enlisted under a delayed entry program;
- 194.25 shall be punished as a court-martial may direct.
- 194.26 Subd. 4. **Consent.** Consent is not a defense for any conduct at issue in a prosecution
194.27 under this section.
- 194.28 Sec. 7. **[192A.701] NONCONSENSUAL DISTRIBUTION OF INTIMATE IMAGES.**
- 194.29 Subdivision 1. **Definitions.** For purposes of this section, the terms defined in this
194.30 subdivision have the meanings given them.
- 195.1 (1) "Broadcast" means to electronically transmit a visual image with the intent that it be
195.2 viewed by a person or persons.

- 195.3 (2) "Distribute" means to deliver to the actual or constructive possession of another
195.4 person, including transmission by mail or electronic means.
- 195.5 (3) "Intimate visual image" means a visual image that depicts a private area of a person.
- 195.6 (4) "Private area" means the naked or underwear-clad genitalia, anus, buttocks, or female
195.7 areola or nipple.
- 195.8 (5) "Reasonable expectation of privacy" means circumstances in which a reasonable
195.9 person would believe that a private area of the person, or sexually explicit conduct involving
195.10 the person, would not be visible to the public.
- 195.11 (6) "Sexually explicit conduct" means actual or simulated genital-genital contact,
195.12 oral-genital contact, anal-genital contact, or oral-anal contact, whether between persons of
195.13 the same or opposite sex, bestiality, masturbation, or sadistic or masochistic abuse.
- 195.14 (7) "Visual image" means:
- 195.15 (i) any developed or undeveloped photograph, picture, film, or video;
- 195.16 (ii) any digital or computer image, picture, film, or video made by any means or
195.17 transmitted by any means, including streaming media, even if not stored in a permanent
195.18 format; or
- 195.19 (iii) any digital or electronic data capable of conversion into a visual image.
- 195.20 Subd. 2. **Crime defined.** Any person subject to this code:
- 195.21 (1) who knowingly and wrongfully broadcasts or distributes an intimate visual image
195.22 of another person or a visual image of sexually explicit conduct involving a person who:
- 195.23 (i) is at least 18 years of age at the time the intimate visual image or visual image of
195.24 sexually explicit conduct was created;
- 195.25 (ii) is identifiable from the intimate visual image or visual image of sexually explicit
195.26 conduct itself, or from information displayed in connection with the intimate visual image
195.27 or visual image of sexually explicit conduct; and
- 195.28 (iii) does not explicitly consent to the broadcast or distribution of the intimate visual
195.29 image or visual image of sexually explicit conduct;
- 195.30 (2) who knows that the intimate visual image or visual image of sexually explicit conduct
195.31 was made under circumstances in which the person depicted in the intimate visual image
196.1 or visual image of sexually explicit conduct retained a reasonable expectation of privacy
196.2 regarding any broadcast or distribution of the intimate visual image or visual image of
196.3 sexually explicit conduct;
- 196.4 (3) who possesses the intent to broadcast or distribute an intimate visual image or visual
196.5 image of sexually explicit conduct;

- 196.6 (i) to cause harm, harassment, intimidation, emotional distress, or financial loss for the
196.7 person depicted in the intimate visual image or visual image of sexually explicit conduct;
196.8 or
- 196.9 (ii) to harm substantially the depicted person with respect to that person's health, safety,
196.10 business, calling, career, financial condition, reputation, or personal relationships; and
- 196.11 (4) whose conduct, under the circumstances, had a reasonably direct and palpable
196.12 connection to a military mission or military environment;
- 196.13 is guilty of wrongful distribution of intimate visual images or visual images of sexually
196.14 explicit conduct and shall be punished as a court-martial may direct.
- 196.15 Sec. 8. **[192A.702] FRAUDULENT USE OF CREDIT CARDS, DEBIT CARDS,**
196.16 **AND OTHER ACCESS DEVICES.**
- 196.17 Subdivision 1. **Crime defined.** Any person subject to this code who knowingly, with
196.18 intent to defraud, uses:
- 196.19 (1) a stolen credit card, debit card, or other access device;
- 196.20 (2) a revoked, canceled, or otherwise invalid credit card, debit card, or other access
196.21 device; or
- 196.22 (3) a credit card, debit card, or other access device without the authorization of a person
196.23 whose authorization was required for use, including a government purchase card or
196.24 government travel card without conforming to the published federal or Minnesota National
196.25 Guard procedures at the time of use;
- 196.26 to obtain money, property, services, or anything else of value shall be punished as a
196.27 court-martial may direct.
- 196.28 Subd. 2. **Access device defined.** As used in this section, "access device" has the meaning
196.29 given in United States Code, title 18, section 1029.
- 197.1 Sec. 9. **[192A.703] UNAUTHORIZED USE OF GOVERNMENT COMPUTER.**
- 197.2 Subdivision 1. **Definitions.** For purposes of this section, the terms defined in this
197.3 subdivision have the meanings given them.
- 197.4 (1) "Computer" has the meaning given in United States Code, title 18, section 1030.
- 197.5 (2) "Damage" has the meaning given in United States Code, title 18, section 1030.
- 197.6 (3) "Government computer" means a computer owned or operated by or on behalf of
197.7 the United States government or the state of Minnesota.
- 197.8 Subd. 2. **Crime defined.** Any person subject to this code who:
- 197.9 (1) knowingly accesses a government computer with an unauthorized purpose and by
197.10 doing so obtains classified information, with reason to believe the information could be

197.11 used to the injury of the United States or the state of Minnesota or to the advantage of any
197.12 foreign nation, and intentionally communicates, delivers, or transmits or causes to be
197.13 communicated, delivered, or transmitted the information to any person not entitled to receive
197.14 it;

197.15 (2) intentionally accesses a government computer with an unauthorized purpose and
197.16 thereby obtains classified or other protected information from any government computer;
197.17 or

197.18 (3) knowingly causes the transmission of a program, information, code, or command,
197.19 and as a result intentionally causes damage without authorization to a government computer;

197.20 shall be punished as a court-martial may direct.

197.21 Sec. 10. **[192A.704] RETALIATION.**

197.22 Subdivision 1. **Definitions.** For purposes of this section, the terms defined in this
197.23 subdivision have the meanings given them.

197.24 (1) "Covered individual or organization" means any recipient of a communication
197.25 specified in United States Code, title 10, section 1034(b)(1)(B), clauses (i) to (v).

197.26 (2) "Inspector general" has the meaning given in United States Code, title 10, section
197.27 1034(j).

197.28 (3) "Protected communication" means:

197.29 (i) a lawful communication to a member of Congress, a state legislator, or an inspector
197.30 general; and

198.1 (ii) a communication to a covered individual or organization, to include the Office of
198.2 the Governor, in which a member of the armed forces complains of, or discloses information
198.3 that the member reasonably believes constitutes evidence of any of the following:

198.4 (A) a violation of law or regulation, including a law or regulation prohibiting sexual
198.5 harassment or unlawful discrimination; or

198.6 (B) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial
198.7 and specific danger to public health or safety.

198.8 Subd. 2. **Crimes defined.** Any person subject to this code who, with the intent to retaliate
198.9 against any person for reporting or planning to report a criminal offense, or making or
198.10 planning to make a protected communication, or with the intent to discourage any person
198.11 from reporting a criminal offense or making or planning to make a protected communication:

198.12 (1) wrongfully takes or threatens to take an adverse personnel action against any person;
198.13 or

- 198.14 (2) wrongfully withholds or threatens to withhold a favorable personnel action with
198.15 respect to any person;
198.16 shall be punished as a court-martial may direct.
- 198.17 Sec. 11. **REVISOR INSTRUCTION.**
- 198.18 The revisor of statutes shall recodify the following sections in article 13: sections 6 to
198.19 10, recodify Minnesota Statutes, section 192A.70 as 192A.6011; section 192A.701 as
198.20 192A.6012; section 192A.702 as section 192A.6013; section 192A.703 as section 192A.6014;
198.21 and section 192A.704 as section 192A.6015. The revisor shall correct any cross-references
198.22 made necessary by this recodification.
- 198.23 Sec. 12. **REPEALER.**
- 198.24 Minnesota Statutes 2020, section 192A.385, is repealed.