

1.1 moves to amend H.F. No. 3273 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "ARTICLE 1

1.4 PUBLIC SAFETY AND CORRECTIONS APPROPRIATIONS

1.5 Section 1. SUMMARY OF APPROPRIATIONS.

1.6 The amounts shown in this section summarize direct appropriations, by fund, made
1.7 in this article.

	<u>2014</u>		<u>2015</u>		<u>Total</u>
1.8 <u>General</u>	\$	-0-	\$	36,475,000	\$ 36,496,000
1.10 <u>State Government Special</u>					
1.11 <u>Revenue</u>		6,359,000		6,865,000	13,224,000
1.12 <u>Total</u>	\$	<u>6,359,000</u>	\$	<u>43,361,000</u>	<u>49,720,000</u>

1.13 Sec. 2. APPROPRIATIONS.

1.14 The sums shown in the columns marked "Appropriations" are added to the
1.15 appropriations in Laws 2013, chapter 86, article 1, to the agencies and for the purposes
1.16 specified in this article. The appropriations are from the general fund, or another named
1.17 fund, and are available for the fiscal years indicated for each purpose. The figures "2014"
1.18 and "2015" used in this article mean that the addition to the appropriation listed under
1.19 them is available for the fiscal year ending June 30, 2014, or June 30, 2015, respectively.
1.20 Supplemental appropriations for the fiscal year ending June 30, 2014, are effective the
1.21 day following final enactment.

1.22 APPROPRIATIONS
1.23 Available for the Year
1.24 Ending June 30
1.25 2014 2015

2.1 Sec. 3. DEPARTMENT OF PUBLIC SAFETY2.2 Subdivision 1. Total Appropriation \$ 6,459,000 \$ 13,240,0002.3 Appropriations by Fund2.4 General -0- 6,325,0002.5 State Government2.6 Special Revenue 6,359,000 6,865,000

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

2.10 Subd. 2. Emergency Communication Networks 5,059,000 6,865,000

2.11 This appropriation is from the state
 2.12 government special revenue fund for 911
 2.13 emergency telecommunications services.

2.14 Subd. 3. Office of Justice Programs -0- 650,000

2.15 (a) \$300,000 in 2015 is for grants to
 2.16 fund emergency shelter, housing, or
 2.17 advocacy services targeted to culturally
 2.18 specific programming for newer immigrant
 2.19 populations. The funds must be awarded
 2.20 to a program or programs that demonstrate
 2.21 leadership in the community to be served.

2.22 This appropriation is added to the base.

2.23 (b) \$300,000 in 2015 is for grants to sexual
 2.24 assault advocacy programs for sexual
 2.25 violence community prevention networks.

2.26 For purposes of this section, "sexual
 2.27 assault" means a violation of Minnesota
 2.28 Statutes, sections 609.342 to 609.3453. This
 2.29 appropriation is added to the base.

2.30 (c) \$50,000 in 2015 is for training state and
 2.31 local community safety personnel in the use
 2.32 of crisis de-escalation techniques for use with
 2.33 Minnesota veterans following their return
 2.34 from active military service in a combat zone.

3.1 The commissioner must consult with the
 3.2 director of the Minnesota Peace Officers and
 3.3 Training Board, and may consult with any
 3.4 other state or local governmental official or
 3.5 nongovernmental authority the commissioner
 3.6 determines to be relevant, to include
 3.7 postsecondary institutions, when selecting a
 3.8 service provider for this training. Among any
 3.9 other criteria the commissioner may establish
 3.10 for the selection, the training provider must
 3.11 have a demonstrated understanding of the
 3.12 transitions and challenges that veterans may
 3.13 experience during their re-entry into society
 3.14 following combat service. The commissioner
 3.15 must ensure that training opportunities
 3.16 provided are reasonably distributed
 3.17 statewide. This is a onetime appropriation.

3.18	<u>Subd. 4. Bureau of Criminal Apprehension</u>	<u>-0-</u>	<u>600,000</u>
3.19	<u>Subd. 5. Emergency Management</u>	<u>0</u>	<u>5,225,000</u>

3.20 \$5,300,000 in 2015 is for the disaster
 3.21 assistance contingency account in section
 3.22 12.221. These funds are available until spent.

3.23	<u>Subd. 6. Fire Safety Account</u>	<u>1,300,000</u>	<u>0</u>
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3.24 \$1,300,000 in 2014 is appropriated from the
 3.25 fire safety account in the special revenue
 3.26 fund to the commissioner of public safety
 3.27 for activities and programs under Minnesota
 3.28 Statutes, section 299F.012. This is a onetime
 3.29 appropriation. By January 15, 2015, the
 3.30 commissioner shall report to the chairs and
 3.31 ranking minority members of the legislative
 3.32 committees with jurisdiction over the fire
 3.33 safety account regarding the balances and
 3.34 uses of the account.

4.1 Sec. 4. CORRECTIONS

4.2 Subdivision 1. Total Appropriation \$ -0- \$ 30,000,000

4.3 The amounts that may be spent for each
4.4 purpose are specified in the following
4.5 subdivisions.

4.6 Subd. 2. Correctional Institutions -0- 27,200,000

4.7 This includes a onetime appropriation of
4.8 \$11,089,000.

4.9 Subd. 3. Community Services -0- 1,900,000

4.10 Subd. 4. Operations Support -0- 900,000

4.11 Sec. 5. Laws 2009, chapter 83, article 1, section 10, subdivision 7, is amended to read:

4.12 Subd. 7. Emergency Communication Networks 66,470,000 70,233,000

4.13 This appropriation is from the state
4.14 government special revenue fund for 911
4.15 emergency telecommunications services.

4.16 (a) **Public Safety Answering Points.**

4.17 \$13,664,000 each year is to be distributed
4.18 as provided in Minnesota Statutes, section
4.19 403.113, subdivision 2.

4.20 (b) **Medical Resource Communication**

4.21 **Centers.** \$683,000 each year is for grants
4.22 to the Minnesota Emergency Medical
4.23 Services Regulatory Board for the Metro
4.24 East and Metro West Medical Resource
4.25 Communication Centers that were in
4.26 operation before January 1, 2000.

4.27 (c) **ARMER Debt Service.** \$17,557,000 the

4.28 first year and \$23,261,000 the second year
4.29 are to the commissioner of finance to pay
4.30 debt service on revenue bonds issued under
4.31 Minnesota Statutes, section 403.275.

5.1 Any portion of this appropriation not needed
5.2 to pay debt service in a fiscal year may be
5.3 used by the commissioner of public safety to
5.4 pay cash for any of the capital improvements
5.5 for which bond proceeds were appropriated
5.6 by Laws 2005, chapter 136, article 1, section
5.7 9, subdivision 8, or Laws 2007, chapter 54,
5.8 article 1, section 10, subdivision 8.

5.9 **(d) Metropolitan Council Debt Service.**

5.10 \$1,410,000 each year is to the commissioner
5.11 of finance for payment to the Metropolitan
5.12 Council for debt service on bonds issued
5.13 under Minnesota Statutes, section 403.27.

5.14 **(e) ARMER State Backbone Operating**

5.15 **Costs.** \$5,060,000 each year is to the
5.16 commissioner of transportation for costs
5.17 of maintaining and operating the statewide
5.18 radio system backbone.

5.19 **(f) ARMER Improvements.** \$1,000,000

5.20 each year is for the Statewide Radio Board for
5.21 costs of design, construction, maintenance
5.22 of, and improvements to those elements
5.23 of the statewide public safety radio and
5.24 communication system that support mutual
5.25 aid communications and emergency medical
5.26 services or provide enhancement of public
5.27 safety communication interoperability.

5.28 **(g) Next Generation 911.** \$3,431,000 the

5.29 first year and \$6,490,000 the second year
5.30 are to replace the current system with the
5.31 Next Generation Internet Protocol (IP) based
5.32 network. This appropriation is available until
5.33 expended. The base level of funding for
5.34 fiscal year 2012 shall be \$2,965,000.

6.1 **(h) Grants to Local Government.**
 6.2 \$5,000,000 the first year is for grants to
 6.3 local units of government to assist with
 6.4 the transition to the ARMER system. This
 6.5 appropriation is available until June 30, 2012.

6.6 Sec. 6. Laws 2013, chapter 86, article 1, section 13, is amended to read:

6.7 **Sec. 13. PEACE OFFICER STANDARDS**
 6.8 **AND TRAINING (POST) BOARD** \$ **3,870,000** \$ **3,870,000**

6.9 **(a) Excess Amounts Transferred**

6.10 This appropriation is from the peace officer
 6.11 training account in the special revenue fund.
 6.12 Any new receipts credited to that account in
 6.13 the first year in excess of \$3,870,000 must be
 6.14 transferred and credited to the general fund.
 6.15 Any new receipts credited to that account in
 6.16 the second year in excess of \$3,870,000 must
 6.17 be transferred and credited to the general
 6.18 fund.

6.19 **(b) Peace Officer Training**
 6.20 **Reimbursements**

6.21 \$2,734,000 each year is for reimbursements
 6.22 to local governments for peace officer
 6.23 training costs.

6.24 **(c) Training; Sexually Exploited and**
 6.25 **Trafficked Youth**

6.26 Of the appropriation in paragraph (b),
 6.27 \$100,000 the first year is for reimbursements
 6.28 to local governments for peace officer
 6.29 training costs on sexually exploited and
 6.30 trafficked youth, including effectively
 6.31 identifying sex trafficked victims and
 6.32 traffickers, investigation techniques, and

7.1 assisting sexually exploited youth. These
7.2 funds are available until June 30, 2016.

7.3 Reimbursement shall be provided on a flat
7.4 fee basis of \$100 per diem per officer.

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

7.6 **ARTICLE 2**

7.7 **PUBLIC SAFETY AND CORRECTIONS**

7.8 Section 1. Minnesota Statutes 2012, section 13.84, subdivision 5, is amended to read:

7.9 Subd. 5. **Disclosure.** Private or confidential court services data shall not be
7.10 disclosed except:

7.11 (a) pursuant to section 13.05;

7.12 (b) pursuant to a statute specifically authorizing disclosure of court services data;

7.13 (c) with the written permission of the source of confidential data;

7.14 (d) to the court services department, parole or probation authority or state or local
7.15 correctional agency or facility having statutorily granted supervision over the individual
7.16 subject of the data;

7.17 (e) pursuant to subdivision 6; ~~or~~

7.18 (f) pursuant to a valid court order; or

7.19 (g) pursuant to section 611A.06, subdivision 6.

7.20 **EFFECTIVE DATE.** This section is effective January 1, 2015.

7.21 Sec. 2. Minnesota Statutes 2012, section 13.84, subdivision 6, is amended to read:

7.22 Subd. 6. **Public benefit data.** (a) The responsible authority or its designee of a
7.23 parole or probation authority or correctional agency may release private or confidential
7.24 court services data related to:

7.25 (1) criminal acts to any law enforcement agency, if necessary for law enforcement
7.26 purposes; and

7.27 (2) criminal acts or delinquent acts to the victims of criminal or delinquent acts to the
7.28 extent that the data are necessary for the victim to assert the victim's legal right to restitution.

7.29 (b) A parole or probation authority, a correctional agency, or agencies that provide
7.30 correctional services under contract to a correctional agency may release to a law
7.31 enforcement agency the following data on defendants, parolees, or probationers: current
7.32 address, dates of entrance to and departure from agency programs, and dates and times of
7.33 any absences, both authorized and unauthorized, from a correctional program.

8.1 (c) The responsible authority or its designee of a juvenile correctional agency may
8.2 release private or confidential court services data to a victim of a delinquent act to the
8.3 extent the data are necessary to enable the victim to assert the victim's right to request
8.4 notice of release under section 611A.06. The data that may be released include only the
8.5 name, home address, and placement site of a juvenile who has been placed in a juvenile
8.6 correctional facility as a result of a delinquent act.

8.7 (d) Upon the victim's written or electronic request and, if the victim and offender
8.8 have been household or family members as defined in section 518B.01, subdivision 1,
8.9 paragraph (b), the commissioner of corrections or the commissioner's designee may
8.10 disclose to the victim of an offender convicted of a crime pursuant to section 609.02,
8.11 subdivision 16, notification of the city and five-digit zip code of the offender's residency
8.12 upon or after release from a Department of Corrections facility, unless:

8.13 (1) the offender is not supervised by the commissioner of corrections or the
8.14 commissioner's designee at the time of the victim's request;

8.15 (2) the commissioner of corrections or the commissioner's designee does not have
8.16 the city or zip code; or

8.17 (3) the commissioner of corrections or the commissioner's designee reasonably
8.18 believes that disclosure of the city or zip code of the offender's residency creates a risk
8.19 to the victim, offender, or public safety.

8.20 **EFFECTIVE DATE.** This section is effective January 1, 2015.

8.21 Sec. 3. Minnesota Statutes 2012, section 243.167, subdivision 1, is amended to read:

8.22 Subdivision 1. **Definition.** As used in this section, "crime against the person" means
8.23 a violation of any of the following or a similar law of another state or of the United States:
8.24 section 609.165; 609.185; 609.19; 609.195; 609.20; 609.205; 609.221; 609.222; 609.223;
8.25 609.2231; 609.224, subdivision 2 or 4; 609.2242, subdivision 2 or 4; 609.2247; 609.235;
8.26 609.245, subdivision 1; 609.25; 609.255; 609.3451, subdivision ~~2~~ 3; 609.498, subdivision
8.27 1; 609.582, subdivision 1; or 617.23, subdivision 2; or any felony-level violation of
8.28 section 609.229; 609.377; 609.749; or 624.713.

8.29 Sec. 4. Minnesota Statutes 2012, section 299F.012, subdivision 1, is amended to read:

8.30 Subdivision 1. **Authorized programs within department.** From the revenues
8.31 appropriated from the fire safety account, established under section 297I.06, subdivision
8.32 3, the commissioner of public safety may expend funds for the activities and programs
8.33 identified by the advisory committee established under subdivision 2 and recommended
8.34 to the commissioner of public safety. The commissioner shall not expend funds without

9.1 the recommendation of the advisory committee established under subdivision 2. The
9.2 commissioner shall not expend funds without the recommendation of the advisory
9.3 committee established under subdivision 2. These funds are to be used to provide
9.4 resources needed for identified activities and programs of the Minnesota fire service and to
9.5 ensure the State Fire Marshal Division responsibilities are fulfilled.

9.6 Sec. 5. Minnesota Statutes 2012, section 299F.012, subdivision 2, is amended to read:

9.7 Subd. 2. **Fire Service Advisory Committee.** (a) The Fire Service Advisory
9.8 Committee shall provide recommendations to the commissioner of public safety on
9.9 fire service-related issues and shall consist of representatives of each of the following
9.10 organizations: two appointed by the president of the Minnesota State Fire Chiefs
9.11 Association, two appointed by the president of the Minnesota State Fire Department
9.12 Association, two appointed by the president of the Minnesota Professional Fire Fighters,
9.13 two appointed by the president of the League of Minnesota Cities, one appointed by the
9.14 president of the Minnesota Association of Townships, one appointed by the president
9.15 of the Insurance Federation of Minnesota, one appointed jointly by the presidents of
9.16 the Minnesota Chapter of the International Association of Arson Investigators and the
9.17 Fire Marshals Association of Minnesota, and the commissioner of public safety or the
9.18 commissioner's designee. The commissioner of public safety must ensure that at least
9.19 three of the members of the advisory committee work and reside in counties outside of the
9.20 seven-county metropolitan area. The committee shall provide funding recommendations
9.21 to the commissioner of public safety from the fire safety fund for the following purposes:

- 9.22 (1) for the Minnesota Board of Firefighter Training and Education;
9.23 (2) for programs and staffing for the State Fire Marshal Division; and
9.24 (3) for fire-related regional response team programs and any other fire service
9.25 programs that have the potential for statewide impact.

9.26 (b) The committee under paragraph (a) does not expire.

9.27 Sec. 6. Minnesota Statutes 2012, section 609.135, subdivision 2, is amended to read:

9.28 Subd. 2. **Stay of sentence maximum periods.** (a) If the conviction is for a felony
9.29 other than section 609.21, subdivision 1a, paragraph (b) or (c), the stay shall be for not
9.30 more than four years or the maximum period for which the sentence of imprisonment
9.31 might have been imposed, whichever is longer.

9.32 (b) If the conviction is for a gross misdemeanor violation of section 169A.20
9.33 or 609.21, subdivision 1a, paragraph (d), or for a felony described in section 609.21,
9.34 subdivision 1a, paragraph (b) or (c), the stay shall be for not more than six years. The

10.1 court shall provide for unsupervised probation for the last year of the stay unless the court
10.2 finds that the defendant needs supervised probation for all or part of the last year.

10.3 (c) If the conviction is for a gross misdemeanor violation of section 609.3451,
10.4 subdivision 1, the stay shall be for not more than six years.

10.5 ~~(e)~~ (d) If the conviction is for a gross misdemeanor not specified in paragraph (b),
10.6 the stay shall be for not more than two years.

10.7 ~~(d)~~ (e) If the conviction is for any misdemeanor under section 169A.20; 609.746,
10.8 subdivision 1; 609.79; or 617.23; or for a misdemeanor under section 609.2242 or
10.9 609.224, subdivision 1, in which the victim of the crime was a family or household
10.10 member as defined in section 518B.01, the stay shall be for not more than two years. The
10.11 court shall provide for unsupervised probation for the second year of the stay unless the
10.12 court finds that the defendant needs supervised probation for all or part of the second year.

10.13 ~~(e)~~ (f) If the conviction is for a misdemeanor not specified in paragraph ~~(d)~~ (e), the
10.14 stay shall be for not more than one year.

10.15 ~~(f)~~ (g) The defendant shall be discharged six months after the term of the stay
10.16 expires, unless the stay has been revoked or extended under paragraph ~~(g)~~ (h), or the
10.17 defendant has already been discharged.

10.18 ~~(g)~~ (h) Notwithstanding the maximum periods specified for stays of sentences under
10.19 paragraphs (a) to ~~(f)~~ (g), a court may extend a defendant's term of probation for up to one
10.20 year if it finds, at a hearing conducted under subdivision 1a, that:

10.21 (1) the defendant has not paid court-ordered restitution in accordance with the
10.22 payment schedule or structure; and

10.23 (2) the defendant is likely to not pay the restitution the defendant owes before the
10.24 term of probation expires.

10.25 This one-year extension of probation for failure to pay restitution may be extended by
10.26 the court for up to one additional year if the court finds, at another hearing conducted
10.27 under subdivision 1a, that the defendant still has not paid the court-ordered restitution
10.28 that the defendant owes.

10.29 Nothing in this subdivision limits the court's ability to refer the case to collections
10.30 under section 609.104.

10.31 ~~(h)~~ (i) Notwithstanding the maximum periods specified for stays of sentences under
10.32 paragraphs (a) to ~~(f)~~ (g), a court may extend a defendant's term of probation for up to three
10.33 years if it finds, at a hearing conducted under subdivision 1c, that:

10.34 (1) the defendant has failed to complete court-ordered treatment successfully; and

10.35 (2) the defendant is likely not to complete court-ordered treatment before the term of
10.36 probation expires.

11.1 **EFFECTIVE DATE.** This section is effective August 1, 2014, and applies to crimes
11.2 committed on or after that date.

11.3 Sec. 7. Minnesota Statutes 2012, section 609.341, subdivision 10, is amended to read:

11.4 Subd. 10. **Current or recent position of authority.** "Current or recent position
11.5 of authority" includes but is not limited to any person who is a parent or acting in the
11.6 place of a parent and charged with any of a parent's rights, duties or responsibilities to a
11.7 child, or a person who is charged with any duty or responsibility for the health, welfare,
11.8 or supervision of a child, either independently or through another, no matter how brief,
11.9 at the time of or within the 180 days immediately preceding the act. For the purposes of
11.10 subdivision 11, "position of authority" includes a psychotherapist.

11.11 **EFFECTIVE DATE.** This section is effective August 1, 2014, and applies to crimes
11.12 committed on or after that date.

11.13 Sec. 8. Minnesota Statutes 2012, section 609.342, subdivision 1, is amended to read:

11.14 Subdivision 1. **Crime defined.** A person who engages in sexual penetration with
11.15 another person, or in sexual contact with a person under 13 years of age as defined in
11.16 section 609.341, subdivision 11, paragraph (c), is guilty of criminal sexual conduct in the
11.17 first degree if any of the following circumstances exists:

11.18 (a) the complainant is under 13 years of age and the actor is more than 36 months
11.19 older than the complainant. Neither mistake as to the complainant's age nor consent to
11.20 the act by the complainant is a defense;

11.21 (b) the complainant is at least 13 years of age but less than 16 years of age and the
11.22 actor is more than 48 months older than the complainant and in a current or recent position
11.23 of authority over the complainant. Neither mistake as to the complainant's age nor consent
11.24 to the act by the complainant is a defense;

11.25 (c) circumstances existing at the time of the act cause the complainant to have a
11.26 reasonable fear of imminent great bodily harm to the complainant or another;

11.27 (d) the actor is armed with a dangerous weapon or any article used or fashioned in a
11.28 manner to lead the complainant to reasonably believe it to be a dangerous weapon and
11.29 uses or threatens to use the weapon or article to cause the complainant to submit;

11.30 (e) the actor causes personal injury to the complainant, and either of the following
11.31 circumstances exist:

11.32 (i) the actor uses force or coercion to accomplish sexual penetration; or

11.33 (ii) the actor knows or has reason to know that the complainant is mentally impaired,
11.34 mentally incapacitated, or physically helpless;

12.1 (f) the actor is aided or abetted by one or more accomplices within the meaning of
12.2 section 609.05, and either of the following circumstances exists:

12.3 (i) an accomplice uses force or coercion to cause the complainant to submit; or

12.4 (ii) an accomplice is armed with a dangerous weapon or any article used or fashioned
12.5 in a manner to lead the complainant reasonably to believe it to be a dangerous weapon and
12.6 uses or threatens to use the weapon or article to cause the complainant to submit;

12.7 (g) the actor has a significant relationship to the complainant and the complainant
12.8 was under 16 years of age at the time of the sexual penetration. Neither mistake as to the
12.9 complainant's age nor consent to the act by the complainant is a defense; or

12.10 (h) the actor has a significant relationship to the complainant, the complainant was
12.11 under 16 years of age at the time of the sexual penetration, and:

12.12 (i) the actor or an accomplice used force or coercion to accomplish the penetration;

12.13 (ii) the complainant suffered personal injury; or

12.14 (iii) the sexual abuse involved multiple acts committed over an extended period of
12.15 time.

12.16 Neither mistake as to the complainant's age nor consent to the act by the complainant
12.17 is a defense.

12.18 **EFFECTIVE DATE.** This section is effective August 1, 2014, and applies to crimes
12.19 committed on or after that date.

12.20 Sec. 9. Minnesota Statutes 2012, section 609.343, subdivision 1, is amended to read:

12.21 Subdivision 1. **Crime defined.** A person who engages in sexual contact with
12.22 another person is guilty of criminal sexual conduct in the second degree if any of the
12.23 following circumstances exists:

12.24 (a) the complainant is under 13 years of age and the actor is more than 36 months
12.25 older than the complainant. Neither mistake as to the complainant's age nor consent to the
12.26 act by the complainant is a defense. In a prosecution under this clause, the state is not
12.27 required to prove that the sexual contact was coerced;

12.28 (b) the complainant is at least 13 but less than 16 years of age and the actor is more
12.29 than 48 months older than the complainant and in a current or recent position of authority
12.30 over the complainant. Neither mistake as to the complainant's age nor consent to the act
12.31 by the complainant is a defense;

12.32 (c) circumstances existing at the time of the act cause the complainant to have a
12.33 reasonable fear of imminent great bodily harm to the complainant or another;

13.1 (d) the actor is armed with a dangerous weapon or any article used or fashioned in a
 13.2 manner to lead the complainant to reasonably believe it to be a dangerous weapon and
 13.3 uses or threatens to use the dangerous weapon to cause the complainant to submit;

13.4 (e) the actor causes personal injury to the complainant, and either of the following
 13.5 circumstances exist:

13.6 (i) the actor uses force or coercion to accomplish the sexual contact; or

13.7 (ii) the actor knows or has reason to know that the complainant is mentally impaired,
 13.8 mentally incapacitated, or physically helpless;

13.9 (f) the actor is aided or abetted by one or more accomplices within the meaning of
 13.10 section 609.05, and either of the following circumstances exists:

13.11 (i) an accomplice uses force or coercion to cause the complainant to submit; or

13.12 (ii) an accomplice is armed with a dangerous weapon or any article used or fashioned
 13.13 in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and
 13.14 uses or threatens to use the weapon or article to cause the complainant to submit;

13.15 (g) the actor has a significant relationship to the complainant and the complainant
 13.16 was under 16 years of age at the time of the sexual contact. Neither mistake as to the
 13.17 complainant's age nor consent to the act by the complainant is a defense; or

13.18 (h) the actor has a significant relationship to the complainant, the complainant was
 13.19 under 16 years of age at the time of the sexual contact, and:

13.20 (i) the actor or an accomplice used force or coercion to accomplish the contact;

13.21 (ii) the complainant suffered personal injury; or

13.22 (iii) the sexual abuse involved multiple acts committed over an extended period of
 13.23 time.

13.24 Neither mistake as to the complainant's age nor consent to the act by the complainant
 13.25 is a defense.

13.26 **EFFECTIVE DATE.** This section is effective August 1, 2014, and applies to crimes
 13.27 committed on or after that date.

13.28 Sec. 10. Minnesota Statutes 2012, section 609.344, subdivision 1, is amended to read:

13.29 Subdivision 1. **Crime defined.** A person who engages in sexual penetration with
 13.30 another person is guilty of criminal sexual conduct in the third degree if any of the
 13.31 following circumstances exists:

13.32 (a) the complainant is under 13 years of age and the actor is no more than 36 months
 13.33 older than the complainant. Neither mistake as to the complainant's age nor consent to the
 13.34 act by the complainant shall be a defense;

14.1 (b) the complainant is at least 13 but less than 16 years of age and the actor is more
14.2 than 24 months older than the complainant. In any such case if the actor is no more
14.3 than 120 months older than the complainant, it shall be an affirmative defense, which
14.4 must be proved by a preponderance of the evidence, that the actor reasonably believes
14.5 the complainant to be 16 years of age or older. In all other cases, mistake as to the
14.6 complainant's age shall not be a defense. If the actor in such a case is no more than 48
14.7 months but more than 24 months older than the complainant, the actor may be sentenced
14.8 to imprisonment for not more than five years. Consent by the complainant is not a defense;

14.9 (c) the actor uses force or coercion to accomplish the penetration;

14.10 (d) the actor knows or has reason to know that the complainant is mentally impaired,
14.11 mentally incapacitated, or physically helpless;

14.12 (e) the complainant is at least 16 but less than 18 years of age and the actor is more
14.13 than 48 months older than the complainant and in a current or recent position of authority
14.14 over the complainant. Neither mistake as to the complainant's age nor consent to the act
14.15 by the complainant is a defense;

14.16 (f) the actor has a significant relationship to the complainant and the complainant
14.17 was at least 16 but under 18 years of age at the time of the sexual penetration. Neither
14.18 mistake as to the complainant's age nor consent to the act by the complainant is a defense;

14.19 (g) the actor has a significant relationship to the complainant, the complainant was at
14.20 least 16 but under 18 years of age at the time of the sexual penetration, and:

14.21 (i) the actor or an accomplice used force or coercion to accomplish the penetration;

14.22 (ii) the complainant suffered personal injury; or

14.23 (iii) the sexual abuse involved multiple acts committed over an extended period of
14.24 time.

14.25 Neither mistake as to the complainant's age nor consent to the act by the complainant
14.26 is a defense;

14.27 (h) the actor is a psychotherapist and the complainant is a patient of the
14.28 psychotherapist and the sexual penetration occurred:

14.29 (i) during the psychotherapy session; or

14.30 (ii) outside the psychotherapy session if an ongoing psychotherapist-patient
14.31 relationship exists.

14.32 Consent by the complainant is not a defense;

14.33 (i) the actor is a psychotherapist and the complainant is a former patient of the
14.34 psychotherapist and the former patient is emotionally dependent upon the psychotherapist;

15.1 (j) the actor is a psychotherapist and the complainant is a patient or former patient
 15.2 and the sexual penetration occurred by means of therapeutic deception. Consent by the
 15.3 complainant is not a defense;

15.4 (k) the actor accomplishes the sexual penetration by means of deception or false
 15.5 representation that the penetration is for a bona fide medical purpose. Consent by the
 15.6 complainant is not a defense;

15.7 (l) the actor is or purports to be a member of the clergy, the complainant is not
 15.8 married to the actor, and:

15.9 (i) the sexual penetration occurred during the course of a meeting in which the
 15.10 complainant sought or received religious or spiritual advice, aid, or comfort from the
 15.11 actor in private; or

15.12 (ii) the sexual penetration occurred during a period of time in which the complainant
 15.13 was meeting on an ongoing basis with the actor to seek or receive religious or spiritual
 15.14 advice, aid, or comfort in private. Consent by the complainant is not a defense;

15.15 (m) the actor is an employee, independent contractor, or volunteer of a state, county,
 15.16 city, or privately operated adult or juvenile correctional system, or secure treatment
 15.17 facility, or treatment facility providing services to clients civilly committed as mentally
 15.18 ill and dangerous, sexually dangerous persons, or sexual psychopathic personalities,
 15.19 including, but not limited to, jails, prisons, detention centers, or work release facilities, and
 15.20 the complainant is a resident of a facility or under supervision of the correctional system.
 15.21 Consent by the complainant is not a defense;

15.22 (n) the actor provides or is an agent of an entity that provides special transportation
 15.23 service, the complainant used the special transportation service, and the sexual penetration
 15.24 occurred during or immediately before or after the actor transported the complainant.
 15.25 Consent by the complainant is not a defense; or

15.26 (o) the actor performs massage or other bodywork for hire, the complainant was a
 15.27 user of one of those services, and nonconsensual sexual penetration occurred during or
 15.28 immediately before or after the actor performed or was hired to perform one of those
 15.29 services for the complainant; or

15.30 (p) the actor is, at the time of the act, or has been within the 180 days immediately
 15.31 preceding the act:

15.32 (1) an employee, volunteer, or contractual service provider of the public or private
 15.33 primary or secondary school (prekindergarten through grade 12);

15.34 (2) because of the actor's employment, volunteer, or contractual status, the actor has
 15.35 access to the complainant;

15.36 (3) the complainant is at least 13 years of age but less than 18 years of age; and

16.1 (4) the actor is more than 48 months older than the complainant.

16.2 Neither mistake as to the complainant's age nor consent to the act by the complainant is a
16.3 defense.

16.4 **EFFECTIVE DATE.** This section is effective August 1, 2014, and applies to crimes
16.5 committed on or after that date.

16.6 Sec. 11. Minnesota Statutes 2012, section 609.345, subdivision 1, is amended to read:

16.7 Subdivision 1. **Crime defined.** A person who engages in sexual contact with
16.8 another person is guilty of criminal sexual conduct in the fourth degree if any of the
16.9 following circumstances exists:

16.10 (a) the complainant is under 13 years of age and the actor is no more than 36 months
16.11 older than the complainant. Neither mistake as to the complainant's age or consent to the
16.12 act by the complainant is a defense. In a prosecution under this clause, the state is not
16.13 required to prove that the sexual contact was coerced;

16.14 (b) the complainant is at least 13 but less than 16 years of age and the actor is more
16.15 than 48 months older than the complainant or in a current or recent position of authority
16.16 over the complainant. Consent by the complainant to the act is not a defense. In any such
16.17 case, if the actor is no more than 120 months older than the complainant, it shall be an
16.18 affirmative defense which must be proved by a preponderance of the evidence that the
16.19 actor reasonably believes the complainant to be 16 years of age or older. In all other cases,
16.20 mistake as to the complainant's age shall not be a defense;

16.21 (c) the actor uses force or coercion to accomplish the sexual contact;

16.22 (d) the actor knows or has reason to know that the complainant is mentally impaired,
16.23 mentally incapacitated, or physically helpless;

16.24 (e) the complainant is at least 16 but less than 18 years of age and the actor is more
16.25 than 48 months older than the complainant and in a current or recent position of authority
16.26 over the complainant. Neither mistake as to the complainant's age nor consent to the act
16.27 by the complainant is a defense;

16.28 (f) the actor has a significant relationship to the complainant and the complainant
16.29 was at least 16 but under 18 years of age at the time of the sexual contact. Neither mistake
16.30 as to the complainant's age nor consent to the act by the complainant is a defense;

16.31 (g) the actor has a significant relationship to the complainant, the complainant was at
16.32 least 16 but under 18 years of age at the time of the sexual contact, and:

16.33 (i) the actor or an accomplice used force or coercion to accomplish the contact;

16.34 (ii) the complainant suffered personal injury; or

17.1 (iii) the sexual abuse involved multiple acts committed over an extended period of
17.2 time.

17.3 Neither mistake as to the complainant's age nor consent to the act by the complainant
17.4 is a defense;

17.5 (h) the actor is a psychotherapist and the complainant is a patient of the
17.6 psychotherapist and the sexual contact occurred:

17.7 (i) during the psychotherapy session; or

17.8 (ii) outside the psychotherapy session if an ongoing psychotherapist-patient
17.9 relationship exists. Consent by the complainant is not a defense;

17.10 (i) the actor is a psychotherapist and the complainant is a former patient of the
17.11 psychotherapist and the former patient is emotionally dependent upon the psychotherapist;

17.12 (j) the actor is a psychotherapist and the complainant is a patient or former patient
17.13 and the sexual contact occurred by means of therapeutic deception. Consent by the
17.14 complainant is not a defense;

17.15 (k) the actor accomplishes the sexual contact by means of deception or false
17.16 representation that the contact is for a bona fide medical purpose. Consent by the
17.17 complainant is not a defense;

17.18 (l) the actor is or purports to be a member of the clergy, the complainant is not
17.19 married to the actor, and:

17.20 (i) the sexual contact occurred during the course of a meeting in which the
17.21 complainant sought or received religious or spiritual advice, aid, or comfort from the
17.22 actor in private; or

17.23 (ii) the sexual contact occurred during a period of time in which the complainant
17.24 was meeting on an ongoing basis with the actor to seek or receive religious or spiritual
17.25 advice, aid, or comfort in private. Consent by the complainant is not a defense;

17.26 (m) the actor is an employee, independent contractor, or volunteer of a state, county,
17.27 city, or privately operated adult or juvenile correctional system, or secure treatment
17.28 facility, or treatment facility providing services to clients civilly committed as mentally
17.29 ill and dangerous, sexually dangerous persons, or sexual psychopathic personalities,
17.30 including, but not limited to, jails, prisons, detention centers, or work release facilities, and
17.31 the complainant is a resident of a facility or under supervision of the correctional system.
17.32 Consent by the complainant is not a defense;

17.33 (n) the actor provides or is an agent of an entity that provides special transportation
17.34 service, the complainant used the special transportation service, the complainant is not
17.35 married to the actor, and the sexual contact occurred during or immediately before or after
17.36 the actor transported the complainant. Consent by the complainant is not a defense; or

18.1 (o) the actor performs massage or other bodywork for hire, the complainant was
 18.2 a user of one of those services, and nonconsensual sexual contact occurred during or
 18.3 immediately before or after the actor performed or was hired to perform one of those
 18.4 services for the complainant; or

18.5 (p) the actor is, at the time of the act, or has been within the 180 days immediately
 18.6 preceding the act:

18.7 (1) an employee, volunteer, or contractual service provider of the public or private
 18.8 primary or secondary school (prekindergarten through grade 12);

18.9 (2) because of the actor's employment, volunteer, or contractual status the actor has
 18.10 access to the complainant;

18.11 (3) the complainant is at least 13 years of age but less than 18 years of age; and

18.12 (4) the actor is more than 48 months older than the complainant.

18.13 Neither mistake as to the complainant's age nor consent to the act by the complainant is a
 18.14 defense.

18.15 **EFFECTIVE DATE.** This section is effective August 1, 2014, and applies to crimes
 18.16 committed on or after that date.

18.17 Sec. 12. Minnesota Statutes 2012, section 609.3451, subdivision 3, is amended to read:

18.18 Subd. 3. **Felony.** A person is guilty of a felony and may be sentenced to
 18.19 imprisonment for not more than five ten years or to payment of a fine of not more than
 18.20 \$10,000, or both, if the person violates ~~subdivision 1, clause (2),~~ this section within ten
 18.21 years after having been previously convicted of ~~or adjudicated delinquent for violating~~
 18.22 ~~subdivision 1, clause (2)~~ this section; sections 609.342 to 609.345; or 609.3453; section
 18.23 617.23, subdivision 2, clause (1); 617.247; or a statute from another state in conformity
 18.24 ~~with subdivision 1, clause (2), or section 617.23, subdivision 2, clause (1) therewith.~~

18.25 **EFFECTIVE DATE.** This section is effective August 1, 2014, and applies to crimes
 18.26 committed on or after that date.

18.27 Sec. 13. Minnesota Statutes 2012, section 611A.06, is amended by adding a
 18.28 subdivision to read:

18.29 Subd. 6. **Offender location.** (a) Upon the victim's written or electronic request
 18.30 and if the victim and offender have been household or family members as defined in
 18.31 section 518B.01, subdivision 2, paragraph (b), the commissioner of corrections or the
 18.32 commissioner's designee shall disclose to the victim of an offender convicted of a crime

19.1 pursuant to section 609.02, subdivision 16, notification of the city and five-digit zip code
 19.2 of the offender's residency upon release from a Department of Corrections facility, unless:

19.3 (1) the offender is not supervised by the commissioner of corrections or the
 19.4 commissioner's designee at the time of the victim request;

19.5 (2) the commissioner of corrections or the commissioner's designee does not have
 19.6 the city or zip code; or

19.7 (3) the commissioner of corrections or the commissioner's designee reasonably
 19.8 believes that disclosure of the city or zip code of the offender's residency creates a risk
 19.9 to the victim, offender, or public safety.

19.10 (b) All identifying information regarding the victim including, but not limited to, the
 19.11 notification provided by the commissioner of corrections or the commissioner's designee
 19.12 is classified as private data on individuals as defined in section 13.02, subdivision 12, and
 19.13 is accessible only to the victim.

19.14 **EFFECTIVE DATE.** This section is effective January 15, 2015.

19.15 Sec. 14. **REVISOR'S INSTRUCTION.**

19.16 In the next edition of Minnesota Statutes, the revisor of statutes shall change the
 19.17 headnote of section 609.3451, subdivision 2, from "Penalty" to "Gross misdemeanor."

19.18 **ARTICLE 3**

19.19 **DISASTER ASSISTANCE FOR PUBLIC ENTITIES; FEDERAL AID GRANTED**

19.20 Section 1. Minnesota Statutes 2012, section 12.03, is amended by adding a subdivision
 19.21 to read:

19.22 Subd. 5d. **Local government.** "Local government" has the meaning given in Code
 19.23 of Federal Regulations, title 44, section 206.2 (2012).

19.24 Sec. 2. Minnesota Statutes 2012, section 12.03, is amended by adding a subdivision to
 19.25 read:

19.26 Subd. 6b. **Nonfederal share.** "Nonfederal share" has the meaning given in section
 19.27 12A.02, subdivision 7.

19.28 Sec. 3. Minnesota Statutes 2012, section 12.221, subdivision 4, is amended to read:

19.29 Subd. 4. **Subgrant agreements; state share.** (a) The state director, serving as the
 19.30 governor's authorized representative, may enter into subgrant agreements with eligible
 19.31 applicants to provide federal and state financial assistance made available as a result
 19.32 of a disaster declaration.

20.1 (b) When state funds are used to provide the FEMA Public Assistance Program
20.2 cost-share requirement for a local government, the state director must award a local
20.3 government 100 percent of the nonfederal share of the local government's FEMA Public
20.4 Assistance Program costs.

20.5 Sec. 4. Minnesota Statutes 2012, section 12.221, is amended by adding a subdivision
20.6 to read:

20.7 Subd. 6. **Disaster assistance contingency account; appropriation.** (a) A disaster
20.8 assistance contingency account is created in the general fund in the state treasury. Money
20.9 in the disaster assistance contingency account is appropriated to the commissioner of
20.10 public safety to provide:

20.11 (1) cost-share for federal assistance under section 12A.15, subdivision 1; and

20.12 (2) state public disaster assistance to eligible applicants under chapter 12B.

20.13 (b) For appropriations under paragraph (a), clause (1), the amount appropriated is
20.14 100 percent of any nonfederal share for state agencies and local governments. Money
20.15 appropriated under paragraph (a), clause (1), may be used to pay all or a portion of the
20.16 nonfederal share for publicly owned capital improvement projects.

20.17 (c) For appropriations under paragraph (a), clause (2), the amount appropriated
20.18 is the amount required to pay eligible claims under chapter 12B, as certified by the
20.19 commissioner of public safety.

20.20 (d) If the amount appropriated is insufficient to cover costs for paragraph (a), clauses
20.21 (1) and (2), the commissioner of public safety shall pay up to an additional \$4,000,000
20.22 from the general fund appropriation provided under this paragraph. No payment shall be
20.23 made under this paragraph until:

20.24 (1) the commissioner of public safety has given the commissioner of management
20.25 and budget an estimate of the additional funds required;

20.26 (2) the commissioner of management and budget has reported the estimate to the
20.27 chairs of the house of representatives Ways and Means Committee and the senate Finance
20.28 Committee; and

20.29 (3) the commissioner of management and budget has approved the payments.

20.30 (e) Amounts approved by the commissioner of management and budget, up to
20.31 \$4,000,000 per fiscal year, are appropriated from the general fund to the commissioner
20.32 of public safety. By January 15 of each year, the commissioner of management and
20.33 budget shall submit a report to the chairs of the house of representatives Ways and
20.34 Means Committee and the senate Finance Committee detailing state disaster assistance
20.35 appropriations and expenditures under this subdivision during the previous calendar year.

21.1 (f) The governor's budget proposal submitted to the legislature under section 16A.11
 21.2 must include recommended appropriations to the disaster assistance contingency account.

21.3 The governor's appropriation recommendations must be informed by the commissioner of
 21.4 public safety's estimate of the amount of money that will be necessary to:

21.5 (1) provide 100 percent of the nonfederal share for state agencies and local
 21.6 governments that will receive federal financial assistance from FEMA during the next
 21.7 biennium; and

21.8 (2) fully pay all eligible claims under chapter 12B.

21.9 (g) Notwithstanding section 16A.28:

21.10 (1) funds appropriated or transferred to the disaster assistance contingency account
 21.11 do not lapse but remain in the account until appropriated; and

21.12 (2) funds appropriated from the disaster assistance contingency account do not lapse
 21.13 and are available until expended.

21.14 Sec. 5. Minnesota Statutes 2012, section 12A.02, subdivision 2, is amended to read:

21.15 Subd. 2. **Appropriation.** "Appropriation" means an appropriation provided in law
 21.16 specifically to implement this chapter, including but not limited to a statutory appropriation
 21.17 to provide the required cost-share for federal disaster assistance under section 12.221.

21.18 Sec. 6. Minnesota Statutes 2012, section 12A.02, is amended by adding a subdivision
 21.19 to read:

21.20 Subd. 6. **Local government.** "Local government" has the meaning given in section
 21.21 12.03, subdivision 5d.

21.22 Sec. 7. Minnesota Statutes 2012, section 12A.02, is amended by adding a subdivision
 21.23 to read:

21.24 Subd. 7. **Nonfederal share.** "Nonfederal share" means that portion of total FEMA
 21.25 Public Assistance Program costs that is no more than 25 percent and is not eligible for
 21.26 FEMA reimbursement.

21.27 Sec. 8. Minnesota Statutes 2012, section 12A.03, subdivision 3, is amended to read:

21.28 Subd. 3. **Nonduplication of federal assistance.** State assistance may not duplicate
 21.29 or supplement eligible FEMA Public Assistance Program assistance. For eligible Public
 21.30 Assistance Program costs, any state matching cost-share money made available for
 21.31 that assistance must be disbursed by the Department of Public Safety to a state agency,
 21.32 local political subdivision, Indian tribe government, or other applicant. State assistance

22.1 distributed by a state agency, other than the Department of Public Safety, to a ~~political~~
22.2 ~~subdivision~~ local government or other applicant for disaster costs that are eligible for
22.3 FEMA Public Assistance Program assistance constitutes an advance of funds. Such
22.4 advances must be repaid to the applicable state agency when the applicant has received
22.5 the FEMA Public Assistance Program assistance, and whatever state ~~matching~~ cost-share
22.6 money may be made available for that assistance, from the Department of Public Safety.

22.7 Sec. 9. Minnesota Statutes 2012, section 12A.15, subdivision 1, is amended to read:

22.8 Subdivision 1. **State ~~match~~ cost-share for federal assistance.** State appropriations
22.9 may be used for ~~payment of the state match for federal disaster assistance to pay 100~~
22.10 percent of the nonfederal share for state agencies. If authorized in law, state appropriations
22.11 ~~may be used to pay all or a portion of the local share of the match for federal funds for~~
22.12 political subdivisions and local governments under section 12.221. An appropriation from
22.13 the bond proceeds fund may be used to ~~fund federal match obligations~~ as cost-share for
22.14 federal disaster assistance for publicly owned capital improvement projects ~~resulting from~~
22.15 ~~the receipt of federal disaster assistance.~~

22.16 Sec. 10. Minnesota Statutes 2012, section 16A.28, is amended by adding a subdivision
22.17 to read:

22.18 Subd. 9. **Disaster assistance.** (a) The commissioner of management and budget
22.19 must transfer the unexpended and unencumbered balance of a general fund disaster
22.20 assistance appropriation that expires as provided under this section or as otherwise provided
22.21 by law to the disaster assistance contingency account in section 12.221, subdivision 6.

22.22 (b) Expired disaster assistance transferred to the disaster assistance contingency
22.23 account is available for appropriation as provided under section 12.221, subdivision
22.24 6, regardless of the specific disaster event or purpose for which the expired disaster
22.25 assistance was originally appropriated.

22.26 (c) The commissioner must report each transfer to the chairs of the house of
22.27 representatives Ways and Means Committee and the senate Finance Committee.

22.28 (d) For the purposes of this subdivision, "disaster assistance appropriation" means
22.29 an appropriation from the general fund to provide cost-share required for federal disaster
22.30 assistance or to provide other state disaster assistance under chapter 12A or 12B.

22.31 Sec. 11. **EFFECTIVE DATE.**

22.32 This article is effective the day following final enactment.

23.1 **ARTICLE 4**

23.2 **DISASTER ASSISTANCE FOR PUBLIC ENTITIES; ABSENT FEDERAL AID**

23.3 Section 1. **[12B.10] PUBLIC DISASTER ASSISTANCE; ABSENT FEDERAL**
 23.4 **AID.**

23.5 This chapter establishes a state public assistance program to provide cost-share
 23.6 assistance to local governments that sustain significant damage on a per capita basis but
 23.7 are not eligible for federal disaster assistance or corresponding state assistance under
 23.8 chapter 12A.

23.9 Sec. 2. **[12B.15] DEFINITIONS.**

23.10 Subdivision 1. **Application.** The definitions in this section apply to this chapter.

23.11 Subd. 2. **Applicant.** "Applicant" means a local government that applies for state
 23.12 disaster assistance under this chapter.

23.13 Subd. 3. **Commissioner.** "Commissioner" means the commissioner of public safety.

23.14 Subd. 4. **Director.** "Director" means the director of the Division of Homeland
 23.15 Security and Emergency Management in the Department of Public Safety.

23.16 Subd. 5. **Disaster.** "Disaster" means any catastrophe, including but not limited
 23.17 to a tornado, storm, high water, wind-driven water, tidal wave, earthquake, volcanic
 23.18 eruption, landslide, mudslide, snowstorm, or drought or, regardless of cause, any fire,
 23.19 flood, or explosion.

23.20 Subd. 6. **FEMA.** "FEMA" means the Federal Emergency Management Agency.

23.21 Subd. 7. **Incident period.** "Incident period" means the time interval of a disaster as
 23.22 delineated by specific start and end dates.

23.23 Subd. 8. **Local government.** "Local government" has the meaning given in section
 23.24 12A.03, subdivision 5d.

23.25 Sec. 3. **[12B.25] ELIGIBILITY CRITERIA; CONSIDERATIONS.**

23.26 Subdivision 1. **Payment required; eligibility criteria.** The director, serving as
 23.27 the governor's authorized representative, may enter into grant agreements with eligible
 23.28 applicants to provide state financial assistance made available as a result of a disaster
 23.29 that satisfies all of the following criteria:

23.30 (1) the state and applicable local government declares a disaster or emergency
 23.31 during the incident period;

23.32 (2) damages suffered and eligible costs incurred are the direct result of the disaster;

23.33 (3) federal disaster assistance is not available to the applicant because the governor
 23.34 did not request a presidential declaration of major disaster, the president denied the

24.1 governor's request, or the applicant is not eligible for federal disaster assistance because
24.2 the state or county did not meet the per capita impact indicator under FEMA's Public
24.3 Assistance Program;

24.4 (4) the applicant incurred eligible damages that, on a per capita basis, equal or
24.5 exceed 50 percent of the countywide per capita impact indicator under FEMA's Public
24.6 Assistance Program;

24.7 (5) the applicant assumes responsibility for 25 percent of the applicant's total
24.8 eligible costs; and

24.9 (6) the applicant satisfies all requirements in this chapter.

24.10 Subd. 2. **Considerations; other resources available.** When evaluating applicant
24.11 eligibility under subdivision 1, the director must consider:

24.12 (1) the availability of other resources from federal, state, local, private, or other
24.13 sources; and

24.14 (2) the availability or existence of insurance.

24.15 Sec. 4. **[12B.30] ELIGIBLE COSTS.**

24.16 Subdivision 1. **Eligible costs.** Costs eligible for payment under this chapter are
24.17 those costs that would be eligible for federal financial assistance under FEMA's Public
24.18 Assistance Program.

24.19 Subd. 2. **Ineligible costs.** Ineligible costs are all costs not included in subdivision
24.20 1, including but not limited to:

24.21 (1) ordinary operating expenses, including salaries and expenses of employees and
24.22 public officials that are not directly related to the disaster response;

24.23 (2) costs for which payment has been or will be received from any other funding
24.24 source;

24.25 (3) disaster-related costs that should, in the determination of the director, be covered
24.26 and compensated by insurance; and

24.27 (4) projects and claims totaling less than \$10,000.

24.28 Sec. 5. **[12B.35] APPLICANT'S SHARE.**

24.29 An applicant's share of eligible costs incurred must not be less than 25 percent. The
24.30 substantiated value of donated materials, equipment, services, and labor may be used as
24.31 all or part of the applicant's share of eligible costs, subject to the following:

24.32 (1) all items and sources of donation must be indicated on the application and any
24.33 supporting documentation submitted to the commissioner;

25.1 (2) the rate for calculating the value of donated, nonprofessional labor is the
25.2 prevailing federal minimum wage;

25.3 (3) the value of donated equipment may not exceed the highway equipment rates
25.4 approved by the commissioner of transportation; and

25.5 (4) the value of donated materials and professional services must conform to market
25.6 rates and be established by invoice.

25.7 **Sec. 6. [12B.40] APPLICATION PROCESS.**

25.8 (a) The director must develop application materials and may update the materials as
25.9 needed. Application materials must include instructions and requirements for assistance
25.10 under this chapter.

25.11 (b) An applicant has 30 days from the end of the incident period or the president's
25.12 official denial of the governor's request for a declaration of a major disaster to provide the
25.13 director with written notice of intent to apply. The director may deny an application due to
25.14 a late notice of intent to apply.

25.15 (c) Within 60 days after the end of the incident period or the president's official denial
25.16 of the governor's request for a declaration of a major disaster, the applicant must submit a
25.17 complete application to the director. A complete application includes the following:

25.18 (1) the cause, location of damage, and incident period;

25.19 (2) documentation of a local, tribal, county, or state disaster or emergency
25.20 declaration in response to the disaster;

25.21 (3) a description of damages, an initial damage assessment, and the amount of
25.22 eligible costs incurred by the applicant;

25.23 (4) a statement or evidence that the applicant has the ability to pay for at least 25
25.24 percent of total eligible costs incurred from the disaster; and

25.25 (5) a statement or evidence that the local government has incurred damages equal to
25.26 or exceeding 50 percent of the federal countywide threshold in effect during the incident
25.27 period.

25.28 (d) The director must review the application and supporting documentation for
25.29 completeness and may return the application with a request for more detailed information.
25.30 The director may consult with local public officials to ensure the application reflects the
25.31 extent and magnitude of the damage and to reconcile any differences. The application is
25.32 not complete until the director receives all requested information.

25.33 (e) If the director returns an application with a request for more detailed information
25.34 or for correction of deficiencies, the applicant must submit all required information within
25.35 30 days of the applicant's receipt of the director's request. The applicant's failure to

26.1 provide the requested information in a timely manner without a reasonable explanation
26.2 may be cause for denial of the application.

26.3 (f) The director has no more than 60 days from the receipt of a complete application
26.4 to approve or deny the application, or the application is deemed approved. If the director
26.5 denies an application, the director must send a denial letter. If the director approves an
26.6 application or the application is automatically deemed approved after 60 days, the director
26.7 must notify the applicant of the steps necessary to obtain reimbursement of eligible
26.8 costs, including submission of invoices or other documentation substantiating the costs
26.9 submitted for reimbursement.

26.10 **Sec. 7. [12B.45] CLAIMS PROCESS.**

26.11 Subdivision 1. **Claims; appeal.** (a) An applicant must submit to the director
26.12 completed claims for payment of actual and eligible costs on forms provided by the
26.13 director. All eligible costs claimed for payment must be documented and consistent with
26.14 the eligibility provisions of this chapter.

26.15 (b) If the director denies an applicant's claim for payment, the applicant has 30 days
26.16 from receipt of the director's determination to appeal in writing to the commissioner. The
26.17 appeal must include the applicant's rationale for reversing the director's determination. The
26.18 commissioner has 30 days from receipt of the appeal to uphold or modify the director's
26.19 determination and formally respond to the applicant. If, within 30 days of receiving
26.20 the commissioner's decision, the applicant notifies the commissioner that the applicant
26.21 intends to contest the commissioner's decision, the Office of Administrative Hearings shall
26.22 conduct a hearing under the contested case provisions of chapter 14.

26.23 Subd. 2. **Final inspection.** Upon completion of all work by an applicant, the
26.24 director may inspect all work claimed by the applicant. The applicant must provide the
26.25 director with access to records pertaining to all claimed work and must permit the director
26.26 to review all records relating to the work.

26.27 Subd. 3. **Closeout.** The director must close out an applicant's disaster assistance
26.28 application after all of the following occur:

26.29 (1) eligible work is complete;

26.30 (2) the applicant receives the final amount due or pays any amount owed under
26.31 section 12B.50; and

26.32 (3) any extant or scheduled audits are complete.

26.33 Subd. 4. **Audit.** (a) An applicant must account for all funds received under this
26.34 chapter in conformance with generally accepted accounting principles and practices. The
26.35 applicant must maintain detailed records of expenditures to show that grants received under

27.1 this chapter were used for the purpose for which the payment was made. The applicant
 27.2 must maintain records for five years and make the records available for inspection and
 27.3 audit by the director or the legislative auditor. The applicant must keep all financial
 27.4 records for five years after the final payment, including but not limited to all invoices and
 27.5 canceled checks or bank statements that support all eligible costs claimed by the applicant.

27.6 (b) The director or legislative auditor may audit all applicant records pertaining to an
 27.7 application or payment under this chapter.

27.8 Subd. 5. **Reporting payments.** The director must post on the division Web site a
 27.9 list of the recipients and amounts of the payments made under this chapter.

27.10 Sec. 8. **[12B.50] FUNDING FROM OTHER SOURCES; REPAYMENT**
 27.11 **REQUIRED.**

27.12 If an applicant subsequently recovers eligible costs from another source after
 27.13 receiving payment under this chapter, the applicant must pay the commissioner an amount
 27.14 equal to the corresponding state funds received within 30 days. The commissioner must
 27.15 deposit any repayment in the disaster response contingency account in section 12.221,
 27.16 subdivision 6.

27.17 Sec. 9. **EFFECTIVE DATE.**

27.18 This article is effective the day following final enactment.

27.19 **ARTICLE 5**

27.20 **CRIMINAL EXPUNGEMENT**

27.21 Section 1. Minnesota Statutes 2012, section 245C.22, subdivision 7, is amended to read:

27.22 Subd. 7. **Classification of certain data.** (a) Notwithstanding section 13.46, except
 27.23 as provided in paragraph (f), upon setting aside a disqualification under this section, the
 27.24 identity of the disqualified individual who received the set-aside and the individual's
 27.25 disqualifying characteristics are public data if the set-aside was:

27.26 (1) for any disqualifying characteristic under section 245C.15, when the set-aside
 27.27 relates to a child care center or a family child care provider licensed under chapter 245A; or

27.28 (2) for a disqualifying characteristic under section 245C.15, subdivision 2.

27.29 (b) Notwithstanding section 13.46, upon granting a variance to a license holder
 27.30 under section 245C.30, the identity of the disqualified individual who is the subject of
 27.31 the variance, the individual's disqualifying characteristics under section 245C.15, and the
 27.32 terms of the variance are public data, when the variance:

28.1 (1) is issued to a child care center or a family child care provider licensed under
28.2 chapter 245A; or

28.3 (2) relates to an individual with a disqualifying characteristic under section 245C.15,
28.4 subdivision 2.

28.5 (c) The identity of a disqualified individual and the reason for disqualification
28.6 remain private data when:

28.7 (1) a disqualification is not set aside and no variance is granted, except as provided
28.8 under section 13.46, subdivision 4;

28.9 (2) the data are not public under paragraph (a) or (b);

28.10 (3) the disqualification is rescinded because the information relied upon to disqualify
28.11 the individual is incorrect;

28.12 (4) the disqualification relates to a license to provide relative child foster care.

28.13 As used in this clause, "relative" has the meaning given it under section 260C.007,
28.14 subdivision 27; or

28.15 (5) the disqualified individual is a household member of a licensed foster care
28.16 provider and:

28.17 (i) the disqualified individual previously received foster care services from this
28.18 licensed foster care provider;

28.19 (ii) the disqualified individual was subsequently adopted by this licensed foster
28.20 care provider; and

28.21 (iii) the disqualifying act occurred before the adoption.

28.22 (d) Licensed family child care providers and child care centers must provide notices
28.23 as required under section 245C.301.

28.24 (e) Notwithstanding paragraphs (a) and (b), the identity of household members who
28.25 are the subject of a disqualification related set-aside or variance is not public data if:

28.26 (1) the household member resides in the residence where the family child care is
28.27 provided;

28.28 (2) the subject of the set-aside or variance is under the age of 18 years; and

28.29 (3) the set-aside or variance only relates to a disqualification under section 245C.15,
28.30 subdivision 4, for a misdemeanor-level theft crime as defined in section 609.52.

28.31 (f) When the commissioner has reason to know that a disqualified individual has
28.32 received an order for expungement of the disqualifying criminal record according to
28.33 chapter 260B or 609A that does not limit the commissioner's access to the record, the data
28.34 that would otherwise become public under paragraphs (a) and (b) remains private data.

28.35 Sec. 2. Minnesota Statutes 2012, section 245C.23, subdivision 1, is amended to read:

29.1 Subdivision 1. **Disqualification that is rescinded or set aside.** (a) If the
29.2 commissioner rescinds or sets aside a disqualification, the commissioner shall notify the
29.3 applicant, license holder, or other entity in writing or by electronic transmission of the
29.4 decision.

29.5 (b) In the notice from the commissioner that a disqualification has been rescinded,
29.6 the commissioner must inform the applicant, license holder, or other entity that the
29.7 information relied upon to disqualify the individual was incorrect.

29.8 (c) Except as provided in paragraph (d), in the notice from the commissioner
29.9 that a disqualification has been set aside, the commissioner must inform the applicant,
29.10 license holder, or other entity of the reason for the individual's disqualification and that
29.11 information about which factors under section 245C.22, subdivision 4, were the basis
29.12 of the decision to set aside the disqualification are available to the license holder upon
29.13 request without the consent of the background study subject.

29.14 (d) When the commissioner has reason to know that a disqualified individual has
29.15 received an order for expungement of the disqualifying criminal record according to chapter
29.16 260B or 609A that does not limit the commissioner's access to the record, the notice from
29.17 the commissioner that a disqualification has been set aside must not inform the applicant,
29.18 license holder, or other entity of the information under paragraph (c), and must state that
29.19 the records related to the individual's disqualification have been sealed under a court order.

29.20 Sec. 3. Minnesota Statutes 2012, section 260B.198, subdivision 6, is amended to read:

29.21 Subd. 6. **Expungement.** ~~Except when legal custody is transferred under the~~
29.22 ~~provisions of subdivision 1, clause (4),~~ (a) The court may expunge the adjudication
29.23 of all records relating to delinquency at any time that it deems advisable if the court
29.24 determines that expungement of the record would yield a benefit to the subject of the
29.25 record that outweighs the detriment to the public and public safety in sealing the record
29.26 and the burden on the court and public agencies or jurisdictions in issuing, enforcing,
29.27 and monitoring the order.

29.28 (b) In making a determination under this subdivision, the court shall consider:

29.29 (1) the age, education, experience, and background, including mental and emotional
29.30 development, of the subject of the record at the time of commission of the offense;

29.31 (2) the circumstances and nature and severity of the offense, including any
29.32 aggravating or mitigating factors in the commission of the offense;

29.33 (3) victim and community impact, including age and vulnerability of the victim;

29.34 (4) the level of participation of the subject of the record in the planning and carrying
29.35 out of the offense, including familial or peer influence in the commission of the offense;

30.1 (5) the juvenile delinquency and criminal history of the subject of the record;

30.2 (6) the programming history of the subject of the record, including child welfare,
30.3 school and community-based, and probation interventions, and the subject's willingness to
30.4 participate meaningfully in programming, probation, or both;

30.5 (7) any other aggravating or mitigating circumstance bearing on the culpability or
30.6 potential for rehabilitation of the subject of the record; and

30.7 (8) the benefit that expungement would yield to the subject of the record in pursuing
30.8 education, employment, housing, or other necessities.

30.9 (c) A record expunged under this subdivision prior to the effective date of this act
30.10 may not be opened or exchanged. A record expunged under this subdivision on or after
30.11 the effective date of this act is sealed and access only allowed pursuant to paragraph (d).

30.12 (d) Notwithstanding paragraph (a), a record that is expunged under this subdivision
30.13 on or after the effective date of this act may be opened or exchanged between criminal
30.14 justice agencies in the same manner as a criminal record under section 609A.03,
30.15 subdivision 7a, paragraph (b).

30.16 (e) Section 609A.03, subdivision 9, applies to an appeal of an order under this
30.17 subdivision.

30.18 **EFFECTIVE DATE.** This section is effective January 1, 2015.

30.19 Sec. 4. Minnesota Statutes 2012, section 332.70, is amended by adding a subdivision
30.20 to read:

30.21 Subd. 3a. **Deletion of expunged records.** If a business screening service knows that
30.22 a criminal record has been sealed, expunged, or is the subject of a pardon, the screening
30.23 service shall promptly delete the record.

30.24 **EFFECTIVE DATE.** This section is effective January 1, 2015.

30.25 Sec. 5. Minnesota Statutes 2012, section 504B.345, subdivision 1, is amended to read:

30.26 Subdivision 1. **General.** (a) If the court or jury finds for the plaintiff, the court shall
30.27 immediately enter judgment that the plaintiff shall have recovery of the premises, and shall
30.28 tax the costs against the defendant. The court shall issue execution in favor of the plaintiff
30.29 for the costs and also immediately issue a writ of recovery of premises and order to vacate.

30.30 (b) The court shall give priority in issuing a writ of recovery of premises and order
30.31 to vacate for an eviction action brought under section 504B.171 or on the basis that the
30.32 tenant is causing a nuisance or seriously endangers the safety of other residents, their
30.33 property, or the landlord's property.

31.1 (c) If the court or jury finds for the defendant;
31.2 (1) the court shall enter judgment for the defendant, tax the costs against the plaintiff,
31.3 and issue execution in favor of the defendant; and

31.4 (2) the court may expunge the records relating to the action at the time judgment is
31.5 entered or after that time.

31.6 (d) Except in actions brought: (1) under section 504B.291 as required by section
31.7 609.5317, subdivision 1; (2) under section 504B.171; or (3) on the basis that the tenant is
31.8 causing a nuisance or seriously endangers the safety of other residents, their property, or
31.9 the landlord's property, upon a showing by the defendant that immediate restitution of the
31.10 premises would work a substantial hardship upon the defendant or the defendant's family,
31.11 the court shall stay the writ of recovery of premises and order to vacate for a reasonable
31.12 period, not to exceed seven days.

31.13 **EFFECTIVE DATE.** This section is effective January 1, 2015.

31.14 Sec. 6. Minnesota Statutes 2012, section 609A.02, subdivision 3, is amended to read:

31.15 Subd. 3. **Certain criminal proceedings not resulting in conviction.** (a) A petition
31.16 may be filed under section 609A.03 to seal all records relating to an arrest, indictment or
31.17 information, trial, or verdict if the records are not subject to section 299C.11, subdivision
31.18 1, paragraph (b), and if:

31.19 (1) all pending actions or proceedings were resolved in favor of the petitioner.

31.20 For purposes of this chapter, a verdict of not guilty by reason of mental illness is not a
31.21 resolution in favor of the petitioner;

31.22 (2) the petitioner has successfully completed the terms of a diversion program or
31.23 stay of adjudication and has not been charged with a new crime for at least two years since
31.24 completion of the diversion program or stay of adjudication;

31.25 (3) the petitioner was convicted of or received a stayed sentence for a petty
31.26 misdemeanor, misdemeanor, or gross misdemeanor and has not been convicted of a new
31.27 crime for at least five years since discharge of the sentence for the crime; or

31.28 (4) the petitioner was convicted of or received a stayed sentence for a felony
31.29 violation of an offense listed in paragraph (b), and has not been convicted of a new crime
31.30 for at least eight years since discharge of the sentence for the crime.

31.31 (b) Paragraph (a), clause (4), applies to the following offenses:

31.32 (1) section 35.824 (altering livestock certificate);

31.33 (2) section 62A.41 (insurance regulations);

31.34 (3) section 86B.865, subdivision 1 (certification for title on watercraft);

- 32.1 (4) section 152.025 (controlled substance in the fifth degree); or 152.097 (sale of
32.2 simulated controlled substance);
- 32.3 (5) section 168A.30, subdivision 1 (certificate of title false information); or 169.09,
32.4 subdivision 14, paragraph (a), clause (2) (accident resulting in great bodily harm);
- 32.5 (6) chapter 201; 203B; or 204C (voting violations);
- 32.6 (7) section 228.45; 228.47; 228.49; 228.50; or 228.51 (false bill of lading);
- 32.7 (8) section 256.984 (false declaration in assistance application);
- 32.8 (9) section 296A.23, subdivision 2 (willful evasion of fuel tax);
- 32.9 (10) section 297D.09, subdivision 1 (failure to affix stamp on scheduled substances);
- 32.10 (11) section 297G.19 (liquor taxation); or 340A.701 (unlawful acts involving liquor);
- 32.11 (12) section 325F.743 (precious metal dealers); or 325F.755, subdivision 7 (prize
32.12 notices and solicitations);
- 32.13 (13) section 346.155, subdivision 10 (failure to control regulated animal);
- 32.14 (14) section 349.2127; or 349.22 (gambling regulations);
- 32.15 (15) section 609.27, subdivision 1, clauses (2) to (5) (coercion);
- 32.16 (16) section 609.31 (leaving state to evade establishment of paternity);
- 32.17 (17) section 609.485, subdivision 4, paragraph (a), clause (2) or (4) (escape from
32.18 civil commitment or mental illness);
- 32.19 (18) section 609.49 (failure to appear in court);
- 32.20 (19) section 609.52, subdivision 3, clause (3)(a) (theft of \$5,000 or less), or other
32.21 theft offense that is sentenced under this provision; or 609.52, subdivision 3a, clause (1)
32.22 (theft of \$1,000 or less with risk of bodily harm);
- 32.23 (20) section 609.525 (bringing stolen goods into state);
- 32.24 (21) section 609.526, subdivision 2, clause (2) (metal dealer receiving stolen goods);
- 32.25 (22) section 609.527, subdivision 5b (possession or use of scanning device or
32.26 reencoder); 609.528, subdivision 3, clause (3) (possession or sale of stolen or counterfeit
32.27 check); or 609.529 (mail theft);
- 32.28 (23) section 609.535, subdivision 2a, paragraph (a), clause (1) (dishonored check
32.29 over \$500);
- 32.30 (24) section 609.54, clause (1) (embezzlement of public funds \$2,500 or less);
- 32.31 (25) section 609.551 (rustling and livestock theft);
- 32.32 (26) section 609.5641, subdivision 1a, paragraph (a) (wildfire arson);
- 32.33 (27) section 609.576, subdivision 1, clause (3), item (iii) (negligent fires);
- 32.34 (28) section 609.595, subdivision 1, clauses (2) to (4), and subdivision 1a, paragraph
32.35 (a) (criminal damage to property);
- 32.36 (29) section 609.597, subdivision 3, clause (3) (assaulting or harming police horse);

33.1 (30) section 609.625 (aggravated forgery); 609.63 (forgery); 609.631, subdivision
 33.2 4, clause (3)(a) (check forgery \$2,500 or less); 609.635 (obtaining signature by false
 33.3 pretense); 609.64 (recording, filing forged instrument); or 609.645 (fraudulent statements);
 33.4 (31) section 609.65, clause (1) (false certification by notary); or 609.651, subdivision
 33.5 4, paragraph (a) (lottery fraud);
 33.6 (32) section 609.652 (fraudulent driver's license and identification card);
 33.7 (33) section 609.66, subdivision 1a, paragraph (a) (discharge of firearm; silencer);
 33.8 or 609.66, subdivision 1b (furnishing firearm to minor);
 33.9 (34) section 609.662, subdivision 2, paragraph (b) (duty to render aid);
 33.10 (35) section 609.686, subdivision 2 (tampering with fire alarm);
 33.11 (36) section 609.746, subdivision 1, paragraph (e) (interference with privacy;
 33.12 subsequent violation or minor victim);
 33.13 (37) section 609.80, subdivision 2 (interference with cable communications system);
 33.14 (38) section 609.821, subdivision 2 (financial transaction card fraud);
 33.15 (39) section 609.822 (residential mortgage fraud);
 33.16 (40) section 609.825, subdivision 2 (bribery of participant or official in contest);
 33.17 (41) section 609.855, subdivision 2, paragraph (c), clause (1) (interference with
 33.18 transit operator);
 33.19 (42) section 609.88 (computer damage); or 609.89 (computer theft);
 33.20 (43) section 609.893, subdivision 2 (telecommunications and information services
 33.21 fraud);
 33.22 (44) section 609.894, subdivision 3 or 4 (cellular counterfeiting);
 33.23 (45) section 609.895, subdivision 3, paragraph (a) or (b) (counterfeited intellectual
 33.24 property);
 33.25 (46) section 609.896 (movie pirating);
 33.26 (47) section 624.7132, subdivision 15, paragraph (b) (transfer pistol to minor);
 33.27 624.714, subdivision 1a (pistol without permit; subsequent violation); or 624.7141,
 33.28 subdivision 2 (transfer of pistol to ineligible person); or
 33.29 (48) section 624.7181 (rifle or shotgun in public by minor).
 33.30 (c) Paragraph (a), clause (3), does not apply if the crime involved domestic abuse or
 33.31 sexual assault, as defined in section 518B.01, subdivision 2, or to violation of an order for
 33.32 protection under section 518B.01, subdivision 14, a harassment restraining order under
 33.33 section 609.748, subdivision 6, a violation of section 609.749, or a violation of section
 33.34 629.75. This paragraph expires on July 15, 2015.

33.35 **EFFECTIVE DATE.** This section is effective January 1, 2015.

34.1 Sec. 7. [609A.025] NO PETITION REQUIRED IN CERTAIN CASES WITH
34.2 PROSECUTOR AGREEMENT AND NOTIFICATION.

34.3 (a) If the prosecutor agrees to the sealing of a criminal record, the court shall order
34.4 the sealing of the criminal record for a person described in section 609A.02, subdivision
34.5 3, without the filing of a petition unless it determines that the interests of the public and
34.6 public safety in keeping the record public outweigh the disadvantages to the subject of the
34.7 record in not sealing it.

34.8 (b) Before agreeing to the sealing of a record under this section, the prosecutor shall
34.9 make a good faith effort to notify any identifiable victims of the offense of the intended
34.10 agreement and the opportunity to object to the agreement.

34.11 (c) Subject to paragraph (b), the agreement of the prosecutor to the sealing of records
34.12 for a person described in section 609A.02, subdivision 3, paragraph (a), clause (2), may
34.13 occur before or after the criminal charges are dismissed.

34.14 **EFFECTIVE DATE.** This section is effective January 1, 2015.

34.15 Sec. 8. Minnesota Statutes 2012, section 609A.03, subdivision 5, is amended to read:

34.16 Subd. 5. **Nature of remedy; standard.** (a) Except as otherwise provided by
34.17 paragraph (b), expungement of a criminal record is an extraordinary remedy to be granted
34.18 only upon clear and convincing evidence that it would yield a benefit to the petitioner
34.19 commensurate with the disadvantages to the public and public safety of:

34.20 (1) sealing the record; and

34.21 (2) burdening the court and public authorities to issue, enforce, and monitor an
34.22 expungement order.

34.23 (b) Except as otherwise provided by this paragraph, if the petitioner is petitioning
34.24 for the sealing of a criminal record under section 609A.02, subdivision 3, paragraph (a),
34.25 clause (1) or (2), the court shall grant the petition to seal the record unless the agency
34.26 or jurisdiction whose records would be affected establishes by clear and convincing
34.27 evidence that the interests of the public and public safety outweigh the disadvantages
34.28 to the petitioner of not sealing the record.

34.29 (c) In making a determination under this subdivision, the court shall consider:

34.30 (1) the nature and severity of the underlying crime, the record of which would
34.31 be sealed;

34.32 (2) the risk, if any, the petitioner poses to individuals or society;

34.33 (3) the length of time since the crime occurred;

34.34 (4) the steps taken by the petitioner toward rehabilitation following the crime;

- 35.1 (5) aggravating or mitigating factors relating to the underlying crime, including the
 35.2 petitioner's level of participation, and context and circumstances of the underlying crime;
 35.3 (6) the reasons for the expungement, including the petitioner's attempts to obtain
 35.4 employment, housing, or other necessities;
 35.5 (7) the petitioner's criminal record;
 35.6 (8) the petitioner's record of employment and community involvement;
 35.7 (9) the recommendations of interested law enforcement, prosecutorial, and
 35.8 corrections officials;
 35.9 (10) the recommendations of victims or whether victims of the underlying crime
 35.10 were minors; and
 35.11 (11) other factors deemed relevant by the court.

35.12 (e) (d) Notwithstanding section 13.82, 13.87, or any other law to the contrary, if the
 35.13 court issues an expungement order it may require that the criminal record be sealed, the
 35.14 existence of the record not be revealed, and the record not be opened except as required
 35.15 under subdivision 7. Records must not be destroyed or returned to the subject of the record.

35.16 (e) Information relating to a criminal history record of an employee, former
 35.17 employee, or tenant that has been expunged before the occurrence of the act giving rise
 35.18 to the civil action may not be introduced as evidence in a civil action against a private
 35.19 employer or landlord or its employees or agents that is based on the conduct of the
 35.20 employee, former employee, or tenant.

35.21 **EFFECTIVE DATE.** This section is effective January 1, 2015.

35.22 Sec. 9. Minnesota Statutes 2012, section 609A.03, is amended by adding a subdivision
 35.23 to read:

35.24 **Subd. 6a. Order when context and circumstances of the underlying crime**
 35.25 **indicate a nexus between the criminal record to be expunged and person's status as a**
 35.26 **crime victim.** If the court finds, under section 609A.03, subdivision 5, paragraph (b), clause
 35.27 (5), that the context and circumstances of the underlying crime indicate a nexus between
 35.28 the criminal record to be expunged and the person's status as a crime victim, then the effect
 35.29 of the court order to seal the record of the proceedings shall be to restore the person, in the
 35.30 contemplation of the law, to the status the person occupied before the arrest, indictment,
 35.31 or information. The person shall not be guilty of perjury or otherwise of giving a false
 35.32 statement if the person fails to acknowledge the arrest, indictment, information, or trial in
 35.33 response to any inquiry made for any purpose. The court may request a sworn statement
 35.34 from a staff member of a state-funded victim services organization or a licensed health
 35.35 care provider as evidence to support a determination under section 609A.03, subdivision 5.

36.1 Sec. 10. Minnesota Statutes 2012, section 609A.03, subdivision 7, is amended to read:

36.2 Subd. 7. **Limitations of order.** (a) Upon issuance of an expungement order related
36.3 to a charge supported by probable cause, the DNA samples and DNA records held by
36.4 the Bureau of Criminal Apprehension and collected under authority other than section
36.5 299C.105, shall not be sealed, returned to the subject of the record, or destroyed.

36.6 (b) Notwithstanding the issuance of an expungement order:

36.7 (1) an expunged record may be opened for purposes of a criminal investigation,
36.8 prosecution, or sentencing, upon an ex parte court order;

36.9 (2) an expunged record of a conviction may be opened for purposes of evaluating a
36.10 prospective employee in a criminal justice agency without a court order; and

36.11 (3) an expunged record of a conviction may be opened for purposes of a background
36.12 study under section 245C.08 unless the court order for expungement is directed
36.13 specifically to the commissioner of human services.

36.14 Upon request by law enforcement, prosecution, or corrections authorities, an agency
36.15 or jurisdiction subject to an expungement order shall inform the requester of the existence
36.16 of a sealed record and of the right to obtain access to it as provided by this paragraph. For
36.17 purposes of this section, a "criminal justice agency" means courts or a government agency
36.18 that performs the administration of criminal justice under statutory authority.

36.19 (c) This subdivision applies to expungement orders subject to its limitations and
36.20 effective before January 1, 2015.

36.21 **EFFECTIVE DATE.** This section is effective January 1, 2015.

36.22 Sec. 11. Minnesota Statutes 2012, section 609A.03, is amended by adding a
36.23 subdivision to read:

36.24 Subd. 7a. **Limitations of order.** (a) Upon issuance of an expungement order related
36.25 to a charge supported by probable cause, the DNA samples and DNA records held by
36.26 the Bureau of Criminal Apprehension and collected under authority other than section
36.27 299C.105 shall not be sealed, returned to the subject of the record, or destroyed.

36.28 (b) Notwithstanding the issuance of an expungement order:

36.29 (1) except as provided in clause (2), an expunged record may be opened or
36.30 exchanged between criminal justice agencies without a court order for the purposes
36.31 of initiating, furthering, or completing a criminal investigation or prosecution or for
36.32 sentencing purposes or providing probation or other correctional services;

36.33 (2) a record where the person was found not guilty of a charge not arising out of the
36.34 same set of facts and circumstances as another charge that was expunged under section
36.35 609A.02, subdivision 3, paragraph (a), clause (1), may be opened for purposes of a criminal

37.1 investigation, prosecution, or sentencing, upon an ex parte order, if the requesting agency
37.2 states a good faith basis to believe that opening the record may lead to relevant information.

37.3 (3) an expunged record of a conviction may be opened for purposes of evaluating a
37.4 prospective employee in a criminal justice agency without a court order;

37.5 (4) an expunged record of a conviction may be opened for purposes of a background
37.6 study under section 245C.08 unless the commissioner had been properly served with
37.7 notice of the petition for expungement and the court order for expungement is directed
37.8 specifically to the commissioner of human services; and

37.9 (5) the court may order an expunged record opened upon request by the victim of
37.10 the underlying offense if the court determines that the record is substantially related to a
37.11 matter for which the victim is before the court or another entity.

37.12 (c) An agency or jurisdiction subject to an expungement order shall maintain the
37.13 record in a manner that provides access to the record by a criminal justice agency under
37.14 paragraph (b), clause (1) or (2), but notifies the recipient that the record has been sealed.
37.15 Upon request by the commissioner of human services, an agency or jurisdiction subject
37.16 to an expungement order shall inform the commissioner of the existence of the sealed
37.17 record and of the right to obtain access to the record under paragraph (b), clause (4). An
37.18 expunged record that is opened or exchanged under this subdivision remains subject to the
37.19 expungement order in the hands of the person receiving the record.

37.20 (d) For purposes of this section, a "criminal justice agency" means a court or
37.21 government agency that performs the administration of criminal justice under statutory
37.22 authority.

37.23 (e) This subdivision applies to expungement orders subject to its limitations and
37.24 effective on or after January 1, 2015.

37.25 **EFFECTIVE DATE.** This section is effective January 1, 2015.

37.26 Sec. 12. Minnesota Statutes 2012, section 609A.03, subdivision 8, is amended to read:

37.27 Subd. 8. **Distribution and confirmation of expungement orders.** (a) The court
37.28 administrator shall send a copy of an expungement order to each agency and jurisdiction
37.29 whose records are affected by the terms of the order and send a letter to the petitioner
37.30 identifying each agency that received the order.

37.31 (b) Each agency and jurisdiction receiving the order must send a letter to the
37.32 petitioner confirming that the record has been expunged.

37.33 (c) Data on the petitioner in a letter sent under this subdivision are private data
37.34 on individuals as defined in section 13.02.

38.1 **EFFECTIVE DATE.** This section is effective January 1, 2015.

38.2 Sec. 13. **AGENCY COMPLIANCE.**

38.3 A criminal justice agency must comply with the requirements of section 9 by
38.4 January 1, 2016."

38.5 Amend the title accordingly