

1.1 moves to amend H.F. No. 1370 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "ARTICLE 1
1.4 PUBLIC SAFETY

1.5 Section 1. Minnesota Statutes 2020, section 243.166, subdivision 1b, is amended to read:

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

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

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

1.12 (ii) kidnapping under section 609.25;

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

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

1.16 (v) surreptitious intrusion under the circumstances described in section 609.746,
1.17 subdivision 1, paragraph (f);

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

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

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

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

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

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

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

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

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

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

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

2.16 (1) the person was charged with or petitioned for an offense in another state ~~that would~~
2.17 ~~be a violation of a law~~ similar to an offense or involving similar circumstances to an offense
2.18 described in paragraph (a) ~~if committed in this state,~~ clause (1), (2), or (3), and convicted
2.19 of or adjudicated delinquent for that offense or another offense arising out of the same set
2.20 of circumstances;

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

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

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

3.1 (c) A person also shall register under this section if the person was committed pursuant
3.2 to a court commitment order under Minnesota Statutes 2012, section 253B.185, chapter
3.3 253D, Minnesota Statutes 1992, section 526.10, or a similar law of another state or the
3.4 United States, regardless of whether the person was convicted of any offense.

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

3.6 (1) the person was charged with or petitioned for a felony violation or attempt to violate
3.7 any of the offenses listed in paragraph (a), clause (1), or a similar law of another state or
3.8 the United States, or the person was charged with or petitioned for a violation of any of the
3.9 offenses listed in paragraph (a), clause (2), or a similar law of another state or the United
3.10 States;

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

3.14 (3) the person was committed pursuant to a court commitment order under section
3.15 253B.18 or a similar law of another state or the United States.

3.16 **EFFECTIVE DATE.** This section is effective July 1, 2021, and applies to offenders
3.17 who live in the state or who enter the state on or after that date.

3.18 **Sec. 2. [299A.011] ACCEPTANCE OF PRIVATE FUNDS; APPROPRIATION.**

3.19 The commissioner may accept donations, grants, bequests, and other gifts of money to
3.20 carry out the purposes of this chapter. Donations, nonfederal grants, bequests, or other gifts
3.21 of money accepted by the commissioner must be deposited in an account in the special
3.22 revenue fund and are appropriated to the commissioner for the purpose for which it was
3.23 given.

3.24 **ARTICLE 2**

3.25 **CHILD PROTECTION BACKGROUND CHECKS**

3.26 Section 1. Minnesota Statutes 2020, section 299C.60, is amended to read:

3.27 **299C.60 CITATION.**

3.28 Sections 299C.60 to 299C.64 may be cited as the "Minnesota Child, Elder, and
3.29 Individuals with Disabilities Protection Background Check Act."

4.1 Sec. 2. Minnesota Statutes 2020, section 299C.61, is amended by adding a subdivision to
4.2 read:

4.3 Subd. 1a. **Authorized agency.** "Authorized agency" means the licensing agency or, if
4.4 one does not exist, the Bureau of Criminal Apprehension. Licensing agencies include but
4.5 are not limited to the:

4.6 (1) Minnesota Department of Human Services;

4.7 (2) Minnesota Department of Health; and

4.8 (3) Professional Educator Licensing and Standards Board.

4.9 Sec. 3. Minnesota Statutes 2020, section 299C.61, subdivision 2, is amended to read:

4.10 Subd. 2. **Background check crime.** "Background check crime" includes child abuse
4.11 crimes, murder, manslaughter, felony level assault or any assault crime committed against
4.12 a minor or vulnerable adult, kidnapping, arson, criminal sexual conduct, and
4.13 prostitution-related crimes.

4.14 Sec. 4. Minnesota Statutes 2020, section 299C.61, is amended by adding a subdivision to
4.15 read:

4.16 Subd. 2a. **Care.** "Care" means the provision of care, treatment, education, training,
4.17 instruction, supervision, or recreation to children, the elderly, or individuals with disabilities.

4.18 Sec. 5. Minnesota Statutes 2020, section 299C.61, subdivision 4, is amended to read:

4.19 Subd. 4. **Child abuse crime.** "Child abuse crime" means:

4.20 (1) an act committed against a minor victim that constitutes a violation of section 609.185,
4.21 paragraph (a), clause (5); 609.221; 609.222; 609.223; 609.224; 609.2242; 609.322; 609.324;
4.22 609.342; 609.343; 609.344; 609.345; 609.352; 609.377; ~~or~~ 609.378; or 617.247; or

4.23 (2) a violation of section 152.021, subdivision 1, clause (4); 152.022, subdivision 1,
4.24 clause (5) or (6); 152.023, subdivision 1, clause (3) or (4); 152.023, subdivision 2, clause
4.25 (4) or (6); or 152.024, subdivision 1, clause (2), (3), or (4).

4.26 Sec. 6. Minnesota Statutes 2020, section 299C.61, is amended by adding a subdivision to
4.27 read:

4.28 Subd. 8b. **Covered individual.** "Covered individual" means an individual:

5.1 (1) who has, seeks to have, or may have access to children, the elderly, or individuals
5.2 with disabilities, served by a qualified entity; and

5.3 (2) who:

5.4 (i) is employed by or volunteers with, or seeks to be employed by or volunteer with, a
5.5 qualified entity; or

5.6 (ii) owns or operates, or seeks to own or operate, a qualified entity.

5.7 Sec. 7. Minnesota Statutes 2020, section 299C.61, is amended by adding a subdivision to
5.8 read:

5.9 Subd. 8c. **Individuals with disabilities.** "Individuals with disabilities" means persons
5.10 with a mental or physical impairment who require assistance to perform one or more daily
5.11 living tasks.

5.12 Sec. 8. Minnesota Statutes 2020, section 299C.61, is amended by adding a subdivision to
5.13 read:

5.14 Subd. 8d. **National criminal history background check system.** "National criminal
5.15 history background check system" means the criminal history record system maintained by
5.16 the Federal Bureau of Investigation based on fingerprint identification or any other method
5.17 of positive identification.

5.18 Sec. 9. Minnesota Statutes 2020, section 299C.61, is amended by adding a subdivision to
5.19 read:

5.20 Subd. 8e. **Qualified entity.** "Qualified entity" means a business or organization, whether
5.21 public, private, for-profit, not-for-profit, or voluntary, that provides care or care placement
5.22 services, including a business or organization that licenses or certifies others to provide care
5.23 or care placement services.

5.24 Sec. 10. Minnesota Statutes 2020, section 299C.62, subdivision 1, is amended to read:

5.25 Subdivision 1. **Generally.** The superintendent shall develop procedures in accordance
5.26 with United States Code, title 34, section 40102, to enable a ~~children's service provider~~
5.27 qualified entity to request a background check to determine whether a ~~children's service~~
5.28 ~~worker~~ covered worker is the subject of any reported conviction for a background check
5.29 crime. ~~The superintendent shall perform the background check by retrieving and reviewing~~
5.30 ~~data on background check crimes.~~ The superintendent is authorized to exchange fingerprints

6.1 with the Federal Bureau of Investigation for purposes of ~~a criminal history~~ the background
6.2 check. The superintendent shall recover the cost of a background check through a fee charged
6.3 ~~the children's service provider~~ to the qualified entity and make reasonable efforts to respond
6.4 to the inquiry within 15 business days.

6.5 Sec. 11. Minnesota Statutes 2020, section 299C.62, subdivision 2, is amended to read:

6.6 Subd. 2. **Background check; requirements.** ~~(a) The superintendent may not perform~~
6.7 ~~a background check under this section unless the children's service provider submits a~~
6.8 ~~written document, signed by the children's service worker on whom the background check~~
6.9 ~~is to be performed, containing the following:~~

6.10 ~~(1) a question asking whether the children's service worker has ever been convicted of~~
6.11 ~~a background check crime and if so, requiring a description of the crime and the particulars~~
6.12 ~~of the conviction;~~

6.13 ~~(2) a notification to the children's service worker that the children's service provider will~~
6.14 ~~request the superintendent to perform a background check under this section; and~~

6.15 ~~(3) a notification to the children's service worker of the children's service worker's rights~~
6.16 ~~under subdivision 3.~~

6.17 ~~(b) Background checks performed under this section may only be requested by and~~
6.18 ~~provided to authorized representatives of a children's service provider who have a need to~~
6.19 ~~know the information and may be used only for the purposes of sections 299C.60 to 299C.64.~~
6.20 ~~Background checks may be performed pursuant to this section not later than one year after~~
6.21 ~~the document is submitted under this section.~~

6.22 The superintendent may not perform a background check of a covered individual under
6.23 this section unless the covered individual:

6.24 (1) completes and signs a statement that:

6.25 (i) contains the name, address, and date of birth appearing on a valid identification
6.26 document, as defined in United States Code, title 18, section 1028, of the covered individual;

6.27 (ii) the covered individual has not been convicted of a crime and, if the covered individual
6.28 has been convicted of a crime, contains a description of the crime and the particulars of the
6.29 conviction;

6.30 (iii) notifies the covered individual that the entity may request a background check under
6.31 subdivision 1;

7.1 (iv) notifies the covered individual of the covered individual's rights under subdivision
 7.2 3; and

7.3 (v) notifies the covered individual that prior to the completion of the background check
 7.4 the qualified entity may choose to deny the covered individual access to a person to whom
 7.5 the qualified entity provides care; and

7.6 (2) if requesting a national criminal history background check, provides a set of
 7.7 fingerprints.

7.8 Sec. 12. Minnesota Statutes 2020, section 299C.62, subdivision 3, is amended to read:

7.9 Subd. 3. ~~Children's service worker~~ **Covered individuals rights.** ~~(a) The children's~~
 7.10 ~~service provider shall notify the children's service worker of the children's service worker's~~
 7.11 ~~rights under paragraph (b).~~

7.12 ~~(b) A children's service worker who is the subject of a background check request has~~
 7.13 ~~the following rights:~~

7.14 ~~(1) the right to be informed that a children's service provider will request a background~~
 7.15 ~~check on the children's service worker:~~

7.16 ~~(i) for purposes of the children's service worker's application to be employed by, volunteer~~
 7.17 ~~with, be an independent contractor for, or be an owner of a children's service provider or~~
 7.18 ~~for purposes of continuing as an employee, volunteer, independent contractor, or owner;~~
 7.19 ~~and~~

7.20 ~~(ii) to determine whether the children's service worker has been convicted of any crime~~
 7.21 ~~specified in section 299C.61, subdivision 2 or 4;~~

7.22 ~~(2) the right to be informed by the children's service provider of the superintendent's~~
 7.23 ~~response to the background check and to obtain from the children's service provider a copy~~
 7.24 ~~of the background check report;~~

7.25 ~~(3) the right to obtain from the superintendent any record that forms the basis for the~~
 7.26 ~~report;~~

7.27 ~~(4) the right to challenge the accuracy and completeness of any information contained~~
 7.28 ~~in the report or record pursuant to section 13.04, subdivision 4;~~

7.29 ~~(5) the right to be informed by the children's service provider if the children's service~~
 7.30 ~~worker's application to be employed with, volunteer with, be an independent contractor for,~~
 7.31 ~~or be an owner of a children's service provider, or to continue as an employee, volunteer,~~

8.1 ~~independent contractor, or owner, has been denied because of the superintendent's response;~~
8.2 ~~and~~

8.3 ~~(6) the right not to be required directly or indirectly to pay the cost of the background~~
8.4 ~~check.~~

8.5 The qualified entity shall notify the covered individual who is subjected to a background
8.6 check under subdivision 1 that the individual has the right to:

8.7 (1) obtain a copy of any background check report;

8.8 (2) challenge the accuracy or completeness of the information contained in the background
8.9 report or record pursuant to section 13.04, subdivision 4, or applicable federal authority;
8.10 and

8.11 (3) be given notice of the opportunity to appeal and instructions on how to complete the
8.12 appeals process.

8.13 Sec. 13. Minnesota Statutes 2020, section 299C.62, subdivision 4, is amended to read:

8.14 Subd. 4. **Response of bureau.** The superintendent shall respond to a background check
8.15 request within a reasonable time after receiving a request from a qualified entity or the
8.16 signed, written document described in subdivision 2. The superintendent shall provide the
8.17 ~~children's service provider~~ qualified entity with a copy of the ~~applicant's~~ covered individual's
8.18 criminal record or a statement that the applicant covered individual is not the subject of a
8.19 criminal history record at the bureau. It is the responsibility of the service provider qualified
8.20 entity to determine if the applicant covered individual qualifies as an employee, volunteer,
8.21 or independent contractor under this section.

8.22 Sec. 14. Minnesota Statutes 2020, section 299C.62, subdivision 6, is amended to read:

8.23 Subd. 6. **Admissibility of evidence.** Evidence or proof that a background check of a
8.24 volunteer was not requested under sections 299C.60 to 299C.64 by a ~~children's service~~
8.25 ~~provider~~ qualified entity is not admissible in evidence in any litigation against a nonprofit
8.26 or charitable organization.

8.27 Sec. 15. Minnesota Statutes 2020, section 299C.63, is amended to read:

8.28 **299C.63 EXCEPTION; OTHER LAWS.**

8.29 The superintendent is not required to respond to a background check request concerning
8.30 a ~~children's service worker~~ covered individual who, as a condition of occupational licensure
8.31 or employment, is subject to the background study requirements imposed by any statute or

9.1 rule other than sections 299C.60 to 299C.64. ~~A background check performed on a licensee,~~
 9.2 ~~license applicant, or employment applicant under this section does not satisfy the~~
 9.3 ~~requirements of any statute or rule other than sections 299C.60 to 299C.64, that provides~~
 9.4 ~~for background study of members of an individual's particular occupation.~~

9.5 Sec. 16. Minnesota Statutes 2020, section 299C.72, is amended to read:

9.6 **299C.72 MINNESOTA CRIMINAL HISTORY CHECKS.**

9.7 Subdivision 1. **Definitions.** For purposes of this section, the following terms have the
 9.8 meanings given.

9.9 (a) "Applicant for employment" means an individual who seeks either county or city
 9.10 employment or has applied to serve as a volunteer in the county or city.

9.11 (b) "Applicant for licensure" means the individual seeks a license issued by the county
 9.12 or city which is not subject to a federal- or state-mandated background check.

9.13 (c) "Authorized law enforcement agency" means the county sheriff for checks conducted
 9.14 for county purposes, the police department for checks conducted for city purposes, or the
 9.15 county sheriff for checks conducted for city purposes where there is no police department.

9.16 (d) "Criminal history check" means retrieval of criminal history data via the secure
 9.17 network described in section 299C.46.

9.18 (e) "Criminal history data" means adult convictions and adult open arrests less than one
 9.19 year old found in the Minnesota computerized criminal history repository.

9.20 (f) "Current employee" means an individual presently employed by either a county or
 9.21 city or who presently serves as a volunteer in the county or city.

9.22 (g) "Current licensee" means an individual who has previously sought and received a
 9.23 license, which is still presently valid, issued by a county or city.

9.24 (f) (h) "Informed consent" has the meaning given in section 13.05, subdivision 4,
 9.25 paragraph (d).

9.26 Subd. 2. **Criminal history check authorized.** (a) The criminal history check authorized
 9.27 by this section shall not be used in place of a statutorily mandated or authorized background
 9.28 check.

9.29 (b) An authorized law enforcement agency may conduct a criminal history check of an
 9.30 individual who is an applicant for employment ~~or~~, current employee, applicant for licensure,

10.1 or current licensee. Prior to conducting the criminal history check, the authorized law
10.2 enforcement agency must receive the informed consent of the individual.

10.3 (c) The authorized law enforcement agency shall not disseminate criminal history data
10.4 and must maintain it securely with the agency's office. The authorized law enforcement
10.5 agency can indicate whether the applicant for employment or applicant for licensure has a
10.6 criminal history that would prevent hire, acceptance as a volunteer to a hiring authority, or
10.7 would prevent the issuance of a license to the department that issues the license.

10.8 ARTICLE 3

10.9 CRIME VICTIM REIMBURSEMENTS

10.10 Section 1. Minnesota Statutes 2020, section 611A.51, is amended to read:

10.11 **611A.51 TITLE.**

10.12 Sections 611A.51 to 611A.68 shall be known as the "Minnesota Crime Victims
10.13 ~~Reparations~~ Reimbursement Act."

10.14 Sec. 2. Minnesota Statutes 2020, section 611A.52, subdivision 3, is amended to read:

10.15 Subd. 3. **Board.** "Board" means the Crime Victims ~~reparations~~ Reimbursement Board
10.16 established by section 611A.55.

10.17 Sec. 3. Minnesota Statutes 2020, section 611A.52, subdivision 4, is amended to read:

10.18 Subd. 4. **Claimant.** "Claimant" means a person entitled to apply for ~~reparations~~
10.19 reimbursement pursuant to sections 611A.51 to 611A.68.

10.20 Sec. 4. Minnesota Statutes 2020, section 611A.52, subdivision 5, is amended to read:

10.21 Subd. 5. **Collateral source.** "Collateral source" means a source of benefits or advantages
10.22 for economic loss otherwise ~~reparable~~ reimbursable under sections 611A.51 to 611A.68
10.23 which the victim or claimant has received, or which is readily available to the victim, from:

10.24 (1) the offender;

10.25 (2) the government of the United States or any agency thereof, a state or any of its
10.26 political subdivisions, or an instrumentality of two or more states, unless the law providing
10.27 for the benefits or advantages makes them excess or secondary to benefits under sections
10.28 611A.51 to 611A.68;

10.29 (3) Social Security, Medicare, and Medicaid;

- 11.1 (4) state required temporary nonoccupational disability insurance;
- 11.2 (5) workers' compensation;
- 11.3 (6) wage continuation programs of any employer;
- 11.4 (7) proceeds of a contract of insurance payable to the victim for economic loss sustained
- 11.5 because of the crime;
- 11.6 (8) a contract providing prepaid hospital and other health care services, or benefits for
- 11.7 disability;
- 11.8 (9) any private source as a voluntary donation or gift; or
- 11.9 (10) proceeds of a lawsuit brought as a result of the crime.
- 11.10 The term does not include a life insurance contract.

11.11 Sec. 5. Minnesota Statutes 2020, section 611A.53, is amended to read:

11.12 **611A.53 ~~REPARATIONS~~ REIMBURSEMENT AWARDS PROHIBITED.**

11.13 Subdivision 1. **Generally.** Except as provided in subdivisions 1a and 2, the following

11.14 persons shall be entitled to ~~reparations~~ reimbursement upon a showing by a preponderance

11.15 of the evidence that the requirements for ~~reparations~~ reimbursement have been met:

- 11.16 (1) a victim who has incurred economic loss;
- 11.17 (2) a dependent who has incurred economic loss;
- 11.18 (3) the estate of a deceased victim if the estate has incurred economic loss;
- 11.19 (4) any other person who has incurred economic loss by purchasing any of the products,
- 11.20 services, and accommodations described in section 611A.52, subdivision 8, for a victim;
- 11.21 (5) the guardian, guardian ad litem, conservator or authorized agent of any of these
- 11.22 persons.

11.23 Subd. 1a. **Providers; limitations.** No hospital, medical organization, health care provider,

11.24 or other entity that is not an individual may qualify for reparations under subdivision 1,

11.25 clause (4). If a hospital, medical organization, health care provider, or other entity that is

11.26 not an individual qualifies for ~~reparations~~ reimbursement under subdivision 1, clause (5),

11.27 because it is a guardian, guardian ad litem, conservator, or authorized agent, any ~~reparations~~

11.28 reimbursement to which it is entitled must be made payable solely or jointly to the victim,

11.29 if alive, or to the victim's estate or successors, if the victim is deceased.

12.1 Subd. 1b. **Minnesota residents injured elsewhere.** (a) A Minnesota resident who is
12.2 the victim of a crime committed outside the geographical boundaries of this state but who
12.3 otherwise meets the requirements of this section shall have the same rights under this chapter
12.4 as if the crime had occurred within this state upon a showing that the state, territory, United
12.5 States possession, country, or political subdivision of a country in which the crime occurred
12.6 does not have a crime victim ~~reparations~~ reimbursement law covering the resident's injury
12.7 or death.

12.8 (b) Notwithstanding paragraph (a), a Minnesota resident who is the victim of a crime
12.9 involving international terrorism who otherwise meets the requirements of this section has
12.10 the same rights under this chapter as if the crime had occurred within this state regardless
12.11 of where the crime occurred or whether the jurisdiction has a crime victims ~~reparations~~
12.12 reimbursement law.

12.13 Subd. 2. **Limitations on awards.** No ~~reparations~~ reimbursement shall be awarded to a
12.14 claimant otherwise eligible if:

12.15 (1) the crime was not reported to the police within 30 days of its occurrence or, if it
12.16 could not reasonably have been reported within that period, within 30 days of the time when
12.17 a report could reasonably have been made. A victim of criminal sexual conduct in the first,
12.18 second, third, or fourth degree who does not report the crime within 30 days of its occurrence
12.19 is deemed to have been unable to have reported it within that period;

12.20 (2) the victim or claimant failed or refused to cooperate fully with the police and other
12.21 law enforcement officials. Cooperation is determined through law enforcement reports,
12.22 prosecutor records, or corroboration memorialized in a signed document submitted by a
12.23 victim service, counseling, or medical professional involved in the case;

12.24 (3) the victim or claimant was the offender or an accomplice of the offender or an award
12.25 to the claimant would unjustly benefit the offender or an accomplice;

12.26 (4) the victim or claimant was in the act of committing a crime at the time the injury
12.27 occurred;

12.28 (5) no claim was filed with the board within three years of victim's injury or death; except
12.29 that (i) if the claimant was unable to file a claim within that period, then the claim can be
12.30 made within three years of the time when a claim could have been filed; and (ii) if the
12.31 victim's injury or death was not reasonably discoverable within three years of the injury or
12.32 death, then the claim can be made within three years of the time when the injury or death
12.33 is reasonably discoverable. The following circumstances do not render a claimant unable
12.34 to file a claim for the purposes of this clause: (A) lack of knowledge of the existence of the

13.1 Minnesota Crime Victims ~~Reparations~~ Reimbursement Act, (B) the failure of a law
13.2 enforcement agency to provide information or assistance to a potential claimant under
13.3 section 611A.66, (C) the incompetency of the claimant if the claimant's affairs were being
13.4 managed during that period by a guardian, guardian ad litem, conservator, authorized agent,
13.5 or parent, or (D) the fact that the claimant is not of the age of majority; or

13.6 (6) the claim is less than \$50.

13.7 The limitations contained in clauses (1) and (6) do not apply to victims of child abuse.
13.8 In those cases the three-year limitation period commences running with the report of the
13.9 crime to the police.

13.10 Sec. 6. Minnesota Statutes 2020, section 611A.54, is amended to read:

13.11 **611A.54 AMOUNT OF ~~REPARATIONS~~ REIMBURSEMENT.**

13.12 ~~Reparations~~ Reimbursement shall equal economic loss except that:

13.13 (1) ~~reparations~~ reimbursement shall be reduced to the extent that economic loss is
13.14 recouped from a collateral source or collateral sources. Where compensation is readily
13.15 available to a claimant from a collateral source, the claimant must take reasonable steps to
13.16 recoup from the collateral source before claiming ~~reparations~~ reimbursement;

13.17 (2) ~~reparations~~ reimbursement shall be denied or reduced to the extent, if any, that the
13.18 board deems reasonable because of the contributory misconduct of the claimant or of a
13.19 victim through whom the claimant claims. Contributory misconduct does not include current
13.20 or past affiliation with any particular group; and

13.21 (3) ~~reparations~~ reimbursement paid to all claimants suffering economic loss as the result
13.22 of the injury or death of any one victim shall not exceed \$50,000.

13.23 No employer may deny an employee an award of benefits based on the employee's
13.24 eligibility or potential eligibility for ~~reparations~~ reimbursement.

13.25 Sec. 7. Minnesota Statutes 2020, section 611A.55, is amended to read:

13.26 **611A.55 CRIME VICTIMS ~~REPARATIONS~~ REIMBURSEMENT BOARD.**

13.27 Subdivision 1. **Creation of board.** There is created in the Department of Public Safety,
13.28 for budgetary and administrative purposes, the Crime Victims ~~Reparations~~ Reimbursement
13.29 Board, which shall consist of five members appointed by the commissioner of public safety.
13.30 One of the members shall be designated as chair by the commissioner of public safety and
13.31 serve as such at the commissioner's pleasure. At least one member shall be a medical or

14.1 osteopathic physician licensed to practice in this state, and at least one member shall be a
14.2 victim, as defined in section 611A.01.

14.3 Subd. 2. **Membership, terms and compensation.** The membership terms, compensation,
14.4 removal of members, and filling of vacancies on the board shall be as provided in section
14.5 15.0575.

14.6 Subd. 3. **Part-time service.** Members of the board shall serve part time.

14.7 Sec. 8. Minnesota Statutes 2020, section 611A.56, is amended to read:

14.8 **611A.56 POWERS AND DUTIES OF BOARD.**

14.9 Subdivision 1. **Duties.** In addition to carrying out any duties specified elsewhere in
14.10 sections 611A.51 to 611A.68 or in other law, the board shall:

14.11 (1) provide all claimants with an opportunity for hearing pursuant to chapter 14;

14.12 (2) adopt rules to implement and administer sections 611A.51 to 611A.68, including
14.13 rules governing the method of practice and procedure before the board, prescribing the
14.14 manner in which applications for ~~reparations~~ reimbursement shall be made, and providing
14.15 for discovery proceedings;

14.16 (3) publicize widely the availability of ~~reparations~~ reimbursement and the method of
14.17 making claims; and

14.18 (4) prepare and transmit annually to the governor and the commissioner of public safety
14.19 a report of its activities including the number of claims awarded, a brief description of the
14.20 facts in each case, the amount of ~~reparation~~ reimbursement awarded, and a statistical
14.21 summary of claims and awards made and denied.

14.22 Subd. 2. **Powers.** In addition to exercising any powers specified elsewhere in sections
14.23 611A.51 to 611A.68 or other law, the board upon its own motion or the motion of a claimant
14.24 or the attorney general may:

14.25 (1) issue subpoenas for the appearance of witnesses and the production of books, records,
14.26 and other documents;

14.27 (2) administer oaths and affirmations and cause to be taken affidavits and depositions
14.28 within and without this state;

14.29 (3) take notice of judicially cognizable facts and general, technical, and scientific facts
14.30 within their specialized knowledge;

15.1 (4) order a mental or physical examination of a victim or an autopsy of a deceased victim
15.2 provided that notice is given to the person to be examined and that the claimant and the
15.3 attorney general receive copies of any resulting report;

15.4 (5) suspend or postpone the proceedings on a claim if a criminal prosecution arising out
15.5 of the incident which is the basis of the claim has been commenced or is imminent;

15.6 (6) request from prosecuting attorneys and law enforcement officers investigations and
15.7 data to enable the board to perform its duties under sections 611A.51 to 611A.68;

15.8 (7) grant emergency ~~reparations~~ reimbursement pending the final determination of a
15.9 claim if it is one with respect to which an award will probably be made and undue hardship
15.10 will result to the claimant if immediate payment is not made; and

15.11 (8) reconsider any decision granting or denying ~~reparations~~ reimbursement or determining
15.12 their amount.

15.13 Sec. 9. Minnesota Statutes 2020, section 611A.57, subdivision 5, is amended to read:

15.14 Subd. 5. **Reconsideration.** The claimant may, within 30 days after receiving the decision
15.15 of the board, apply for reconsideration before the entire board. Upon request for
15.16 reconsideration, the board shall reexamine all information filed by the claimant, including
15.17 any new information the claimant provides, and all information obtained by investigation.
15.18 The board may also conduct additional examination into the validity of the claim. Upon
15.19 reconsideration, the board may affirm, modify, or reverse the prior ruling. A claimant denied
15.20 ~~reparations~~ reimbursement upon reconsideration is entitled to a contested case hearing within
15.21 the meaning of chapter 14.

15.22 Sec. 10. Minnesota Statutes 2020, section 611A.57, subdivision 6, is amended to read:

15.23 Subd. 6. **Data.** Claims for ~~reparations~~ reimbursement and supporting documents and
15.24 reports are investigative data and subject to the provisions of section 13.39 until the claim
15.25 is paid, denied, withdrawn, or abandoned. Following the payment, denial, withdrawal, or
15.26 abandonment of a claim, the claim and supporting documents and reports are private data
15.27 on individuals as defined in section 13.02, subdivision 12; provided that the board may
15.28 forward any ~~reparations~~ reimbursement claim forms, supporting documents, and reports to
15.29 local law enforcement authorities for purposes of implementing section 611A.67.

16.1 Sec. 11. Minnesota Statutes 2020, section 611A.60, is amended to read:

16.2 **611A.60 REPARATIONS REIMBURSEMENT; HOW PAID.**

16.3 ~~Reparations~~ Reimbursement may be awarded in a lump sum or in installments in the
16.4 discretion of the board. The amount of any emergency award shall be deducted from the
16.5 final award, if a lump sum, or prorated over a period of time if the final award is made in
16.6 installments. ~~Reparations are~~ Reimbursement is exempt from execution or attachment except
16.7 by persons who have supplied services, products or accommodations to the victim as a result
16.8 of the injury or death which is the basis of the claim. The board, in its discretion may order
16.9 that all or part of the ~~reparations~~ reimbursement awarded be paid directly to these suppliers.

16.10 Sec. 12. Minnesota Statutes 2020, section 611A.61, is amended to read:

16.11 **611A.61 SUBROGATION.**

16.12 Subdivision 1. **Subrogation rights of state.** The state shall be subrogated, to the extent
16.13 of ~~reparations~~ reimbursement awarded, to all the claimant's rights to recover benefits or
16.14 advantages for economic loss from a source which is or, if readily available to the victim
16.15 or claimant would be, a collateral source. Nothing in this section shall limit the claimant's
16.16 right to bring a cause of action to recover for other damages.

16.17 Subd. 2. **Duty of claimant to assist.** A claimant who receives ~~reparations~~ reimbursement
16.18 must agree to assist the state in pursuing any subrogation rights arising out of the claim.
16.19 The board may require a claimant to agree to represent the state's subrogation interests if
16.20 the claimant brings a cause of action for damages arising out of the crime or occurrence for
16.21 which the board has awarded ~~reparations~~ reimbursement. An attorney who represents the
16.22 state's subrogation interests pursuant to the client's agreement with the board is entitled to
16.23 reasonable attorney's fees not to exceed one-third of the amount recovered on behalf of the
16.24 state.

16.25 Sec. 13. Minnesota Statutes 2020, section 611A.612, is amended to read:

16.26 **611A.612 CRIME VICTIMS ACCOUNT.**

16.27 A crime victim account is established as a special account in the state treasury. Amounts
16.28 collected by the state under section 611A.61, paid to the Crime Victims ~~Reparations~~
16.29 Reimbursement Board under section 611A.04, subdivision 1a, or amounts deposited by the
16.30 court under section 611A.04, subdivision 5, shall be credited to this account. Money credited
16.31 to this account is annually appropriated to the Department of Public Safety for use for crime
16.32 victim ~~reparations~~ reimbursement under sections 611A.51 to 611A.67.

17.1 Sec. 14. Minnesota Statutes 2020, section 611A.66, is amended to read:

17.2 **611A.66 LAW ENFORCEMENT AGENCIES; DUTY TO INFORM VICTIMS**
17.3 **OF RIGHT TO FILE CLAIM.**

17.4 All law enforcement agencies investigating crimes shall provide victims with notice of
17.5 their right to apply for ~~reparations~~ reimbursement with the telephone number ~~to call to~~
17.6 ~~request~~ and website information to obtain an application form.

17.7 Law enforcement agencies shall assist the board in performing its duties under sections
17.8 611A.51 to 611A.68. Law enforcement agencies within ten days after receiving a request
17.9 from the board shall supply the board with requested reports, notwithstanding any provisions
17.10 to the contrary in chapter 13, and including reports otherwise maintained as confidential or
17.11 not open to inspection under section 260B.171 or 260C.171. All data released to the board
17.12 retains the data classification that it had in the possession of the law enforcement agency.

17.13 Sec. 15. Minnesota Statutes 2020, section 611A.68, subdivision 2a, is amended to read:

17.14 Subd. 2a. **Notice and payment of proceeds to board required.** A person that enters
17.15 into a contract with an offender convicted in this state, and a person that enters into a contract
17.16 in this state with an offender convicted in this state or elsewhere within the United States,
17.17 must comply with this section if the person enters into the contract during the ten years after
17.18 the offender is convicted of a crime or found not guilty by reason of insanity. If an offender
17.19 is imprisoned or committed to an institution following the conviction or finding of not guilty
17.20 by reason of insanity, the ten-year period begins on the date of the offender's release. A
17.21 person subject to this section must notify the Crime Victims ~~Reparations~~ Reimbursement
17.22 Board of the existence of the contract immediately upon its formation, and pay over to the
17.23 board money owed to the offender or the offender's representatives by virtue of the contract
17.24 according to the following proportions:

17.25 (1) if the crime occurred in this state, the person shall pay to the board 100 percent of
17.26 the money owed under the contract;

17.27 (2) if the crime occurred in another jurisdiction having a law applicable to the contract
17.28 which is substantially similar to this section, this section does not apply, and the person
17.29 must not pay to the board any of the money owed under the contract; and

17.30 (3) in all other cases, the person shall pay to the board that percentage of money owed
17.31 under the contract which can fairly be attributed to commerce in this state with respect to
17.32 the subject matter of the contract.

18.1 Sec. 16. Minnesota Statutes 2020, section 611A.68, subdivision 4, is amended to read:

18.2 Subd. 4. **Deductions.** When the board has made ~~reparations~~ reimbursement payments
18.3 to or on behalf of a victim of the offender's crime pursuant to sections 611A.51 to 611A.68,
18.4 it shall deduct the amount of the ~~reparations~~ reimbursement award from any payment
18.5 received under this section by virtue of the offender's contract unless the board has already
18.6 been reimbursed for the ~~reparations~~ award from another collateral source.

18.7 Sec. 17. Minnesota Statutes 2020, section 611A.68, subdivision 4b, is amended to read:

18.8 Subd. 4b. **Claims by victims of offender's crime.** A victim of a crime committed by
18.9 the offender and the estate of a deceased victim of a crime committed by the offender may
18.10 submit the following claims for ~~reparations~~ reimbursement and damages to the board to be
18.11 paid from money received by virtue of the offender's contract:

18.12 (1) claims for ~~reparations~~ reimbursement to which the victim is entitled under sections
18.13 611A.51 to 611A.68 and for which the victim has not yet received an award from the board;

18.14 (2) claims for ~~reparations~~ reimbursement to which the victim would have been entitled
18.15 under sections 611A.51 to 611A.68, but for the \$50,000 maximum limit contained in section
18.16 611A.54, clause (3); and

18.17 (3) claims for other uncompensated damages suffered by the victim as a result of the
18.18 offender's crime including, but not limited to, damages for pain and suffering.

18.19 The victim must file the claim within five years of the date on which the board received
18.20 payment under this section. The board shall determine the victim's claim in accordance with
18.21 the procedures contained in sections 611A.57 to 611A.63. An award made by the board
18.22 under this subdivision must be paid from the money received by virtue of the offender's
18.23 contract that remains after a deduction or allocation, if any, has been made under subdivision
18.24 4 or 4a.

18.25 Sec. 18. Minnesota Statutes 2020, section 611A.68, subdivision 4c, is amended to read:

18.26 Subd. 4c. **Claims by other crime victims.** The board may use money received by virtue
18.27 of an offender's contract for the purpose of paying ~~reparations~~ reimbursement awarded to
18.28 victims of other crimes pursuant to sections 611A.51 to 611A.68 under the following
18.29 circumstances:

18.30 (1) money remain after deductions and allocations have been made under subdivisions
18.31 4 and 4a, and claims have been paid under subdivision 4b; or

19.1 (2) no claim is filed under subdivision 4b within five years of the date on which the
19.2 board received payment under this section.

19.3 None of this money may be used for purposes other than ~~the payment of reparations~~
19.4 reimbursement.

19.5 Sec. 19. **REVISOR INSTRUCTION.**

19.6 In Minnesota Statutes, the revisor of statutes shall change "reparations," "reparable," or
19.7 the same or similar terms to "reimbursement," "reimbursable," or the same or similar terms
19.8 consistent with this act. The revisor shall also make other technical changes resulting from
19.9 the change of term to the statutory language, sentence structure, or both, if necessary to
19.10 preserve the meaning of the text.

19.11 ARTICLE 4

19.12 CRIME VICTIM NOTIFICATION

19.13 Section 1. Minnesota Statutes 2020, section 253B.18, subdivision 5a, is amended to read:

19.14 Subd. 5a. **Victim notification of petition and release; right to submit statement.** (a)

19.15 As used in this subdivision:

19.16 (1) "crime" has the meaning given to "violent crime" in section 609.1095, and includes
19.17 criminal sexual conduct in the fifth degree and offenses within the definition of "crime
19.18 against the person" in section 253B.02, subdivision 4e, and also includes offenses listed in
19.19 section 253D.02, subdivision 8, paragraph (b), regardless of whether they are sexually
19.20 motivated;

19.21 (2) "victim" means a person who has incurred loss or harm as a result of a crime the
19.22 behavior for which forms the basis for a commitment under this section or chapter 253D;
19.23 and

19.24 (3) "convicted" and "conviction" have the meanings given in section 609.02, subdivision
19.25 5, and also include juvenile court adjudications, findings under Minnesota Rules of Criminal
19.26 Procedure, rule 20.02, that the elements of a crime have been proved, and findings in
19.27 commitment cases under this section or chapter 253D that an act or acts constituting a crime
19.28 occurred or were part of their course of harmful sexual conduct.

19.29 (b) A county attorney who files a petition to commit a person under this section or chapter
19.30 253D shall make a reasonable effort to provide prompt notice of filing the petition to any
19.31 victim of a crime for which the person was convicted. In addition, the county attorney shall
19.32 make a reasonable effort to promptly notify the victim of the resolution of the petition and

20.1 the process for requesting notification of an individual's change in status as provided in
20.2 paragraph (c).

20.3 (c) A victim may request notification of an individual's discharge or release as provided
20.4 in paragraph (d) by submitting a written request for notification to the executive director of
20.5 the facility in which the individual is confined. The Department of Corrections or a county
20.6 attorney who receives a request for notification from a victim under this section shall
20.7 promptly forward the request to the executive director of the treatment facility in which the
20.8 individual is confined.

20.9 (e) (d) Before provisionally discharging, discharging, granting pass-eligible status,
20.10 approving a pass plan, or otherwise permanently or temporarily releasing a person committed
20.11 under this section from a state-operated treatment program or treatment facility, the head
20.12 of the state-operated treatment program or head of the treatment facility shall make a
20.13 reasonable effort to notify any victim of a crime for which the person was convicted that
20.14 the person may be discharged or released and that the victim has a right to submit a written
20.15 statement regarding decisions of the medical director, special review board, or commissioner
20.16 with respect to the person. To the extent possible, the notice must be provided at least 14
20.17 days before any special review board hearing or before a determination on a pass plan.
20.18 Notwithstanding section 611A.06, subdivision 4, the commissioner shall provide the judicial
20.19 appeal panel with victim information in order to comply with the provisions of this section.
20.20 The judicial appeal panel shall ensure that the data on victims remains private as provided
20.21 for in section 611A.06, subdivision 4. These notices shall only be provided to victims who
20.22 have submitted a written request for notification as provided in paragraph (c).

20.23 ~~(d) This subdivision applies only to victims who have requested notification through~~
20.24 ~~the Department of Corrections electronic victim notification system, or by contacting, in~~
20.25 ~~writing, the county attorney in the county where the conviction for the crime occurred. A~~
20.26 ~~request for notice under this subdivision received by the commissioner of corrections through~~
20.27 ~~the Department of Corrections electronic victim notification system shall be promptly~~
20.28 ~~forwarded to the prosecutorial authority with jurisdiction over the offense to which the~~
20.29 ~~notice relates or, following commitment, the head of the state-operated treatment program~~
20.30 ~~or head of the treatment facility. A county attorney who receives a request for notification~~
20.31 ~~under this paragraph following commitment shall promptly forward the request to the~~
20.32 ~~commissioner of human services.~~

20.33 (e) The rights under this subdivision are in addition to rights available to a victim under
20.34 chapter 611A. This provision does not give a victim all the rights of a "notified person" or
20.35 a person "entitled to statutory notice" under subdivision 4a, 4b, or 5 or section 253D.14.

21.1 Sec. 2. Minnesota Statutes 2020, section 253D.14, subdivision 2, is amended to read:

21.2 Subd. 2. **Notice of filing petition.** A county attorney who files a petition to commit a
21.3 person under this chapter shall make a reasonable effort to provide prompt notice of filing
21.4 the petition to any victim of a crime for which the person was convicted or was listed as a
21.5 victim in the petition of commitment. In addition, the county attorney shall make a reasonable
21.6 and good faith effort to promptly notify the victim of the resolution of the petition process
21.7 for requesting the notification of an individual's change in status as provided in section
21.8 253D.14, subdivision 3.

21.9 Sec. 3. Minnesota Statutes 2020, section 253D.14, is amended by adding a subdivision to
21.10 read:

21.11 Subd. 2a. **Requesting notification.** A victim may request notification of an individual's
21.12 discharge or release as outlined in subdivision 3 by submitting a written request for
21.13 notification to the executive director of the facility in which the individual is confined. The
21.14 Department of Corrections or a county attorney who receives a request for notification from
21.15 a victim under this section following an individual's civil commitment shall promptly forward
21.16 the request to the executive director of the treatment facility in which the individual is
21.17 confined.

21.18 Sec. 4. Minnesota Statutes 2020, section 253D.14, subdivision 3, is amended to read:

21.19 Subd. 3. **Notice of discharge or release.** Before provisionally discharging, discharging,
21.20 granting pass-eligible status, approving a pass plan, or otherwise permanently or temporarily
21.21 releasing a person committed under this chapter from a treatment facility, the executive
21.22 director shall make a reasonable effort to notify any victim of a crime for which the person
21.23 was convicted that the person may be discharged or released and that the victim has a right
21.24 to submit a written statement regarding decisions of the executive director, or special review
21.25 board, with respect to the person. To the extent possible, the notice must be provided at
21.26 least 14 days before any special review board hearing or before a determination on a pass
21.27 plan. Notwithstanding section 611A.06, subdivision 4, the commissioner shall provide the
21.28 judicial appeal panel with victim information in order to comply with the provisions of this
21.29 chapter. The judicial appeal panel shall ensure that the data on victims remains private as
21.30 provided for in section 611A.06, subdivision 4. This subdivision applies only to victims
21.31 who have submitted a written request for notification as provided in subdivision 2a.

22.1 Sec. 5. Minnesota Statutes 2020, section 611A.039, subdivision 1, is amended to read:

22.2 Subdivision 1. **Notice required.** (a) Except as otherwise provided in subdivision 2,
22.3 within 15 working days after a conviction, acquittal, or dismissal in a criminal case in which
22.4 there is an identifiable crime victim, the prosecutor shall make reasonable good faith efforts
22.5 to provide to each affected crime victim oral or written notice of the final disposition of the
22.6 case and of the victim rights under section 611A.06. When the court is considering modifying
22.7 the sentence for a felony or a crime of violence or an attempted crime of violence, the court
22.8 or its designee shall make a reasonable and good faith effort to notify the victim of the
22.9 crime. If the victim is incapacitated or deceased, notice must be given to the victim's family.
22.10 If the victim is a minor, notice must be given to the victim's parent or guardian. The notice
22.11 must include:

22.12 (1) the date and approximate time of the review;

22.13 (2) the location where the review will occur;

22.14 (3) the name and telephone number of a person to contact for additional information;

22.15 and

22.16 (4) a statement that the victim and victim's family may provide input to the court
22.17 concerning the sentence modification.

22.18 (b) The Office of Justice Programs in the Department of Public Safety shall develop and
22.19 update a model notice of postconviction rights under this subdivision and section 611A.06.

22.20 (c) As used in this section, "crime of violence" has the meaning given in section 624.712,
22.21 subdivision 5, and also includes gross misdemeanor violations of section 609.224, and
22.22 nonfelony violations of sections 518B.01, 609.2231, 609.3451, 609.748, and 609.749.

22.23 Sec. 6. Minnesota Statutes 2020, section 611A.06, subdivision 1, is amended to read:

22.24 Subdivision 1. **Notice of release required.** (a) The commissioner of corrections or other
22.25 custodial authority shall make a good faith effort to notify the victim that the offender is to
22.26 be released from imprisonment or incarceration, including release on extended furlough
22.27 and for work release; ~~released~~ and release from a juvenile correctional facility; ~~released~~
22.28 ~~from a facility in which the offender was confined due to incompetency, mental illness, or~~
22.29 ~~mental deficiency, or commitment under section 253B.18 or chapter 253D;~~ or if the
22.30 offender's custody status is reduced, ~~if the victim has mailed to the commissioner of~~
22.31 ~~corrections or~~ These notices shall only be provided to victims who have submitted a written
22.32 request for notification to the head of the county correctional facility in which the offender
22.33 is confined ~~a written request for this notice, or the victim has made~~ if committed to the

23.1 Department of Corrections, submitted a written request for this notice to the commissioner
23.2 of corrections or electronic request through the Department of Corrections electronic victim
23.3 notification system. The good faith effort to notify the victim must occur prior to the
23.4 offender's release or when the offender's custody status is reduced. For a victim of a felony
23.5 crime against the person for which the offender was sentenced to imprisonment for more
23.6 than 18 months, the good faith effort to notify the victim must occur 60 days before the
23.7 offender's release.

23.8 (b) The commissioner of human services shall make a good faith effort to notify the
23.9 victim in writing that the offender is to be released from confinement in a facility due to
23.10 incompetency, mental illness, or mental deficiency, or commitment under section 253B.18
23.11 or chapter 253D if the victim has submitted a written request for notification to the executive
23.12 director of the facility in which the individual is confined.

23.13 Sec. 7. **REPEALER.**

23.14 Minnesota Statutes 2020, sections 253D.14, subdivision 4; and 611A.0385, are repealed."

23.15 Amend the title accordingly