

1.1 moves to amend H.F. No. 1078 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "ARTICLE 1
1.4 APPROPRIATIONS

1.5 Section 1. APPROPRIATIONS.

1.6 The sums shown in the columns marked "Appropriations" are appropriated to the agencies
1.7 and for the purposes specified in this article. The appropriations are from the general fund,
1.8 or another named fund, and are available for the fiscal years indicated for each purpose.
1.9 The figures "2022" and "2023" used in this article mean that the appropriations listed under
1.10 them are available for the fiscal year ending June 30, 2022, or June 30, 2023, respectively.
1.11 "The first year" is fiscal year 2022. "The second year" is fiscal year 2023. "The biennium"
1.12 is fiscal years 2022 and 2023.

		<u>APPROPRIATIONS</u>	
		<u>Available for the Year</u>	
		<u>Ending June 30</u>	
		<u>2022</u>	<u>2023</u>
1.13			
1.14			
1.15			
1.16	<u>2021</u>		
1.17	Sec. 2. <u>SENTENCING GUIDELINES</u>	<u>\$ 826,000</u>	<u>\$ 851,000</u>

1.18 Information on Probation

1.19 \$86,000 each year is to collect, prepare,
1.20 analyze, and disseminate information about
1.21 probation practices.

1.22 Sec. 3. PUBLIC SAFETY

1.23	<u>Subdivision 1. Total</u>				
1.24	<u>Appropriation</u>	<u>\$ 1,380,000</u>	<u>\$ 226,169,000</u>	<u>\$ 222,685,000</u>	

2.1	<u>Appropriations by Fund</u>		
2.2	<u>2021</u>	<u>2022</u>	<u>2023</u>
2.3	<u>General</u>	<u>1,365,000</u>	<u>139,195,000</u>
2.4	<u>Special Revenue</u>		<u>14,502,000</u>
2.5	<u>State Government</u>		
2.6	<u>Special Revenue</u>	<u>103,000</u>	<u>103,000</u>
2.7	<u>Environmental</u>	<u>73,000</u>	<u>73,000</u>
2.8	<u>Trunk Highway</u>	<u>3,981,000</u>	<u>3,262,000</u>
2.9	<u>911 Fund</u>	<u>67,897,000</u>	<u>67,888,000</u>
2.10	<u>Opioid Fund</u>	<u>15,000</u>	<u>19,000</u>
2.11	<u>The amounts that may be spent for each</u>		
2.12	<u>purpose are specified in the following</u>		
2.13	<u>subdivisions.</u>		
2.14	<u>Subd. 2. Emergency Management</u>		<u>6,200,000</u>
			<u>6,156,000</u>
2.15	<u>Appropriations by Fund</u>		
2.16	<u>General</u>	<u>6,127,000</u>	<u>6,083,000</u>
2.17	<u>Environmental</u>	<u>73,000</u>	<u>73,000</u>
2.18	<u>(a) Emergency Management Grants; Report</u>		
2.19	<u>\$3,000,000 each year is for the director of the</u>		
2.20	<u>Homeland Security and Emergency</u>		
2.21	<u>Management Division (HSEM) to award</u>		
2.22	<u>grants in equal amounts to emergency</u>		
2.23	<u>management departments in the 87 counties,</u>		
2.24	<u>11 federally recognized Tribes, and four cities</u>		
2.25	<u>of the first class for planning and preparedness</u>		
2.26	<u>activities, including capital purchases. This</u>		
2.27	<u>amount is a onetime appropriation. Local</u>		
2.28	<u>emergency management departments must</u>		
2.29	<u>make a request to HSEM for these grants.</u>		
2.30	<u>Current local funding for emergency</u>		
2.31	<u>management and preparedness activities may</u>		
2.32	<u>not be supplanted by these additional state</u>		
2.33	<u>funds.</u>		
2.34	<u>By March 15, 2023, the commissioner of</u>		
2.35	<u>public safety must submit a report on the grant</u>		

3.1 awards to the chairs and ranking minority
3.2 members of the legislative committees with
3.3 jurisdiction over emergency management and
3.4 preparedness activities. At a minimum, the
3.5 report must summarize grantee activities and
3.6 identify grant recipients.

3.7 **(b) Criminal Alert Network; Alzheimer's**
3.8 **and Dementia**

3.9 \$200,000 in the first year is for the criminal
3.10 alert network to increase membership, reduce
3.11 the registration fee, and create additional alert
3.12 categories, including at a minimum a dementia
3.13 and Alzheimer's disease specific category.

3.14 **(c) Supplemental Nonprofit Security Grants**

3.15 \$225,000 each year is for supplemental
3.16 nonprofit security grants under this paragraph.

3.17 Nonprofit organizations whose applications
3.18 for funding through the Federal Emergency
3.19 Management Agency's nonprofit security grant
3.20 program have been approved by the Division
3.21 of Homeland Security and Emergency
3.22 Management are eligible for grants under this
3.23 paragraph. No additional application shall be
3.24 required for grants under this paragraph, and
3.25 an application for a grant from the federal
3.26 program is also an application for funding
3.27 from the state supplemental program.

3.28 Eligible organizations may receive grants of
3.29 up to \$75,000, except that the total received
3.30 by any individual from both the federal
3.31 nonprofit security grant program and the state
3.32 supplemental nonprofit security grant program
3.33 shall not exceed \$75,000. Grants shall be
3.34 awarded in an order consistent with the

4.1 ranking given to applicants for the federal
 4.2 nonprofit security grant program. No grants
 4.3 under the state supplemental nonprofit security
 4.4 grant program shall be awarded until the
 4.5 announcement of the recipients and the
 4.6 amount of the grants awarded under the federal
 4.7 nonprofit security grant program.

4.8 The commissioner may use up to one percent
 4.9 of the appropriation received under this
 4.10 paragraph to pay costs incurred by the
 4.11 department in administering the supplemental
 4.12 nonprofit security grant program. These
 4.13 appropriations are onetime.

4.14 **Subd. 3. Criminal**
 4.15 **Apprehension** 1,261,000 80,077,000 77,127,000

4.16		<u>Appropriations by Fund</u>		
4.17	<u>General</u>	<u>1,246,000</u>	<u>76,070,000</u>	<u>73,839,000</u>
4.18	<u>State Government</u>			
4.19	<u>Special Revenue</u>		<u>7,000</u>	<u>7,000</u>
4.20	<u>Trunk Highway</u>		<u>3,981,000</u>	<u>3,262,000</u>
4.21	<u>Opioid Fund</u>	<u>15,000</u>	<u>19,000</u>	<u>19,000</u>

4.22 **(a) DWI Lab Analysis; Trunk Highway**
 4.23 **Fund**

4.24 Notwithstanding Minnesota Statutes, section
 4.25 161.20, subdivision 3, \$3,981,000 in the first
 4.26 year and \$3,262,000 in the second year is from
 4.27 the trunk highway fund for staff and operating
 4.28 costs for laboratory analysis related to
 4.29 driving-while-impaired cases.

4.30 **(b) Cybersecurity**
 4.31 \$2,955,000 the first year and \$2,605,000 the
 4.32 second year are for identity and access
 4.33 management, critical infrastructure upgrades,
 4.34 and Federal Bureau of Investigation audit

5.1 compliance. The base for this is \$1,050,000
5.2 in fiscal years 2024 and 2025.

5.3 **(c) Rapid DNA Program**

5.4 \$285,000 each year is from the general fund
5.5 for the Rapid DNA Program.

5.6 **(d) Responding to Civil Unrest**

5.7 \$539,000 in fiscal year 2021 and \$539,000 in
5.8 fiscal year 2022 is from the general fund for
5.9 costs related to responding to civil unrest. This
5.10 is a onetime appropriation.

5.11 **(e) National Guard Sexual Assault**

5.12 **Investigations**

5.13 \$319,000 each year is for investigation of
5.14 criminal sexual conduct allegations filed
5.15 against members of the Minnesota National
5.16 Guard by another member of the Minnesota
5.17 National Guard. This appropriation is added
5.18 to the agency's base.

5.19 **(f) Predatory Offender Statutory**

5.20 **Framework Working Group**

5.21 \$131,000 the first year is to convene,
5.22 administer, and implement the predatory
5.23 offender statutory framework working group.

5.24 **(g) Automatic Expungement**

5.25 \$1,248,000 the first year is for costs associated
5.26 with providing automatic expungements.

5.27 **(h) Salary Increases; Special Agents**

5.28 \$524,000 in fiscal year 2021 is appropriated
5.29 for Bureau of Criminal Apprehension special
5.30 agent salary increases. In each of fiscal years
5.31 2022 and 2023, \$717,000 is appropriated for

6.1 this purpose. This amount is in addition to the
6.2 base appropriation for this purpose.

6.3 **(i) Salary Increases; Special Agents**

6.4 \$15,000 in fiscal year 2021 is appropriated
6.5 from the opiate epidemic response fund for
6.6 Bureau of Criminal Apprehension special
6.7 agent salary increases. In each of fiscal years
6.8 2022 and 2023, \$19,000 is appropriated from
6.9 the opiate epidemic response fund for this
6.10 purpose. This amount is in addition to the base
6.11 appropriation for this purpose.

6.12 **(j) Emergency COVID Sick Leave**

6.13 \$183,000 in fiscal year 2021 is for emergency
6.14 COVID sick leave. This funding is onetime.

6.15 **(k) Body Cameras**

6.16 \$397,000 the first year and \$205,000 the
6.17 second year are to purchase body cameras for
6.18 peace officers employed by the bureau and to
6.19 maintain the necessary hardware, software,
6.20 and data.

6.21 **Subd. 4. Fire Marshal** 8,752,000 8,818,000

	<u>Appropriations by Fund</u>	
6.23 <u>General</u>	<u>178,000</u>	<u>178,000</u>
6.24 <u>Special Revenue</u>	<u>8,574,000</u>	<u>8,640,000</u>

6.25 The special revenue fund appropriation is from
6.26 the fire safety account in the special revenue
6.27 fund and is for activities under Minnesota
6.28 Statutes, section 299F.012. The base
6.29 appropriation from this account is \$8,740,000
6.30 in fiscal year 2024 and \$8,640,000 in fiscal
6.31 year 2025.

6.32 **(a) Inspections**

7.1 \$350,000 each year is for inspection of nursing
7.2 homes and boarding care facilities.

7.3 **(b) Hazmat and Chemical Assessment**

7.4 **Teams**

7.5 \$950,000 the first year and \$850,000 the
7.6 second year is from the fire safety account in
7.7 the special revenue fund. These amounts must
7.8 be used to fund the hazardous materials and
7.9 chemical assessment teams. Of this amount,
7.10 \$100,000 the first year is for cases for which
7.11 there is no identified responsible party. The
7.12 base appropriation is \$950,000 in fiscal year
7.13 2024 and \$850,000 in fiscal year 2025.

7.14 **(c) Bomb Squad Reimbursements**

7.15 \$50,000 each year is from the general fund for
7.16 reimbursements to local governments for
7.17 bomb squad services.

7.18 **(d) Emergency Response Teams**

7.19 \$675,000 each year is from the fire safety
7.20 account in the special revenue fund to maintain
7.21 four emergency response teams: one under the
7.22 jurisdiction of the St. Cloud Fire Department
7.23 or a similarly located fire department if
7.24 necessary; one under the jurisdiction of the
7.25 Duluth Fire Department; one under the
7.26 jurisdiction of the St. Paul Fire Department;
7.27 and one under the jurisdiction of the Moorhead
7.28 Fire Department.

7.29 **Subd. 5. Firefighter Training and Education**
7.30 **Board**

5,792,000

5,792,000

7.31 Appropriations by Fund

7.32 Special Revenue 5,792,000 5,792,000

7.33 The special revenue fund appropriation is from
7.34 the fire safety account in the special revenue

9.1 \$86,000 in fiscal year 2021 and \$71,000 in
 9.2 fiscal year 2022 is from the general fund for
 9.3 costs related to responding to civil unrest. This
 9.4 is a onetime appropriation.

9.5 **(c) Salary increases; Special Agents**

9.6 \$33,000 in fiscal year 2021 is appropriated for
 9.7 Alcohol and Gambling Enforcement Division
 9.8 special agent salary increases. In each of fiscal
 9.9 years 2022 and 2023, \$44,000 is appropriated
 9.10 for this purpose. This amount is in addition to
 9.11 the base appropriation for this purpose.

9.12 **(d) Body Cameras**

9.13 \$16,000 each year is to purchase body cameras
 9.14 for peace officers employed by the division
 9.15 and to maintain the necessary hardware,
 9.16 software, and data.

9.17 **Subd. 7. Office of Justice Programs** 54,338,000 54,306,000

9.18	<u>Appropriations by Fund</u>		
9.19	<u>General</u>	<u>54,242,000</u>	<u>54,210,000</u>
9.20	<u>State Government</u>		
9.21	<u>Special Revenue</u>	<u>96,000</u>	<u>96,000</u>

9.22 **(a) Combatting Sex Trafficking Grants**

9.23 \$1,000,000 each year is for an antitrafficking
 9.24 investigation coordinator and to implement
 9.25 new or expand existing strategies to combat
 9.26 sex trafficking.

9.27 **(b) Survivor Support and Prevention**
 9.28 **Grants**

9.29 \$6,000,000 each year is for grants to victim
 9.30 survivors and to fund emerging or unmet
 9.31 needs impacting victims of crime, particularly
 9.32 in underserved populations. The ongoing base

10.1 for this program shall be \$1,500,000 beginning
10.2 in fiscal year 2024.

10.3 **(c) Minnesota Heals Program**

10.4 \$1,500,000 each year is to establish and
10.5 maintain the Minnesota Heals program. Of
10.6 this amount, \$500,000 each year is for a
10.7 statewide critical incident stress management
10.8 service for first responders; \$500,000 each
10.9 year is for grants for establishing and
10.10 maintaining a community healing network;
10.11 and \$500,000 each year is for reimbursement
10.12 for burial costs, cultural ceremonies, and
10.13 mental health and trauma healing services for
10.14 families following an officer-involved death.

10.15 **(d) Innovation in Community Safety Grants**

10.16 \$5,000,000 each year is for innovation in
10.17 community safety grants administered by the
10.18 Innovation in Community Safety Coordinator.

10.19 **(e) Youth Intervention Program Grants**

10.20 \$500,000 the first year and \$500,000 the
10.21 second year are for youth intervention program
10.22 grants. The base appropriation is \$500,000 in
10.23 fiscal year 2024 and \$500,000 in fiscal year
10.24 2025.

10.25 **(f) Racially Diverse Youth in Shelters**

10.26 \$250,000 each year is for grants to
10.27 organizations to address racial disparity of
10.28 youth using shelter services in the Rochester
10.29 and St. Cloud regional areas. A grant recipient
10.30 shall establish and operate a pilot program to
10.31 engage in community intervention, family
10.32 reunification, aftercare, and follow up when
10.33 family members are released from shelter

11.1 services. A pilot program shall specifically
 11.2 address the high number of racially diverse
 11.3 youth that enter shelters in the region.

11.4 **(g) Task Force on Missing and Murdered**
 11.5 **African American Women**

11.6 \$202,000 the first year and \$50,000 the second
 11.7 year is to implement the task force on missing
 11.8 and murdered African American women.

11.9 **(h) Administration Costs**

11.10 Up to 2.5 percent of the grant funds
 11.11 appropriated in this subdivision may be used
 11.12 by the commissioner to administer the grant
 11.13 program.

11.14	<u>Subd. 8. Emergency Communication Networks</u>	<u>67,897,000</u>	<u>67,888,000</u>
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11.15 This appropriation is from the state
 11.16 government special revenue fund for 911
 11.17 emergency telecommunications services.

11.18 This appropriation includes funds for
 11.19 information technology project services and
 11.20 support subject to the provisions of Minnesota
 11.21 Statutes, section 16E.0466. Any ongoing
 11.22 information technology costs shall be
 11.23 incorporated into the service level agreement
 11.24 and shall be paid to the Office of MN.IT
 11.25 Services by the Department of Public Safety
 11.26 under the rates and mechanism specified in
 11.27 that agreement.

11.28 **(a) Public Safety Answering Points**

11.29 \$27,328,000 the first year and \$28,011,000
 11.30 the second year shall be distributed as
 11.31 provided in Minnesota Statutes, section
 11.32 403.113, subdivision 2. The base appropriation

- 12.1 is \$28,011,000 in fiscal year 2024 and
- 12.2 \$28,011,000 in fiscal year 2025.
- 12.3 **(b) Medical Resource Communication Centers**
- 12.4 \$683,000 the first year is for grants to the
- 12.5 Minnesota Emergency Medical Services
- 12.6 Regulatory Board for the Metro East and
- 12.7 Metro West Medical Resource
- 12.8 Communication Centers that were in operation
- 12.9 before January 1, 2000. This is a onetime
- 12.10 appropriation.
- 12.11 **(c) ARMER State Backbone Operating**
- 12.12 **Costs**
- 12.13 \$9,675,000 each year is transferred to the
- 12.14 commissioner of transportation for costs of
- 12.15 maintaining and operating the statewide radio
- 12.16 system backbone.
- 12.17 **(d) ARMER Improvements**
- 12.18 \$1,000,000 each year is to the Statewide
- 12.19 Emergency Communications Board for
- 12.20 improvements to those elements of the
- 12.21 statewide public safety radio and
- 12.22 communication system that support mutual
- 12.23 aid communications and emergency medical
- 12.24 services or provide interim enhancement of
- 12.25 public safety communication interoperability
- 12.26 in those areas of the state where the statewide
- 12.27 public safety radio and communication system
- 12.28 is not yet implemented, and grants to local
- 12.29 units of government to further the strategic
- 12.30 goals set forth by the Statewide Emergency
- 12.31 Communications Board strategic plan.
- 12.32 **(e) 911 Telecommunicator Working Group**

13.1 \$9,000 the first year is to convene, administer,
 13.2 and implement the telecommunicator working
 13.3 group.

13.4 **Subd. 9. Driver and Vehicle Services** 465,000 0

13.5 \$465,000 the first year is from the driver
 13.6 services operating account in the special
 13.7 revenue fund for the ignition interlock
 13.8 program under Minnesota Statutes, section
 13.9 171.306.

13.10 **Sec. 4. PEACE OFFICER STANDARDS AND**
 13.11 **TRAINING (POST) BOARD**

13.12 **Subdivision 1. Total Appropriation** **\$ 13,246,000 \$ 13,246,000**

13.13 The amounts that may be spent for each
 13.14 purpose are specified in the following
 13.15 subdivisions.

13.16 **Subd. 2. Peace Officer Training Reimbursements**

13.17 \$2,949,000 each year is for reimbursements
 13.18 to local governments for peace officer training
 13.19 costs.

13.20 **Subd. 3. Peace Officer Training Assistance**

13.21 **(a) Philando Castile Memorial Training**
 13.22 **Fund**

13.23 \$6,000,000 each year is to support and
 13.24 strengthen law enforcement training and
 13.25 implement best practices. This funding shall
 13.26 be named the "Philando Castile Memorial
 13.27 Training Fund." The base for this program
 13.28 shall be \$6,000,000 in fiscal year 2024 and \$0
 13.29 in fiscal year 2025.

13.30 Each sponsor of a training course is required
 13.31 to include the following in the sponsor's
 13.32 application for approval submitted to the
 13.33 board: course goals and objectives; a course

- 14.1 outline including at a minimum a timeline and
14.2 teaching hours for all courses; instructor
14.3 qualifications, including skills and concepts
14.4 such as crisis intervention, de-escalation, and
14.5 cultural competency that are relevant to the
14.6 course provided; and a plan for learning
14.7 assessments of the course and documenting
14.8 the assessments to the board during review.
14.9 Upon completion of each course, instructors
14.10 must submit student evaluations of the
14.11 instructor's teaching to the sponsor.
- 14.12 The board shall keep records of the
14.13 applications of all approved and denied
14.14 courses. All continuing education courses shall
14.15 be reviewed after the first year. The board
14.16 must set a timetable for recurring review after
14.17 the first year. For each review, the sponsor
14.18 must submit its learning assessments to the
14.19 board to show that the course is teaching the
14.20 learning outcomes that were approved by the
14.21 board.
- 14.22 A list of licensees who successfully complete
14.23 the course shall be maintained by the sponsor
14.24 and transmitted to the board following the
14.25 presentation of the course and the completed
14.26 student evaluations of the instructors.
14.27 Evaluations are available to chief law
14.28 enforcement officers. The board shall establish
14.29 a data retention schedule for the information
14.30 collected in this section.
- 14.31 **(b) Grant Program for Public Safety Policy**
14.32 **and Training Consultant Costs**
- 14.33 \$1,200,00 each year is for grants to law
14.34 enforcement agencies to provide
14.35 reimbursement for the expense of retaining a

16.1 \$992,000 the first year and \$492,000 the
16.2 second year are to expand and improve
16.3 oversight of jails and other state and local
16.4 correctional facilities, including the addition
16.5 of four full-time corrections detention facilities
16.6 inspectors and funds for county sheriffs who
16.7 inspect municipal lockups.

16.8 **(b) Juvenile Justice**

16.9 \$1,660,000 the first year and \$660,000 the
16.10 second year are to develop and implement a
16.11 juvenile justice data repository and modernize
16.12 the current juvenile management system
16.13 including but not limited to technology and
16.14 staffing costs. \$285,000 is added to the base
16.15 in each of fiscal years 2024 and 2025.

16.16 **(c) Community Corrections Act**

16.17 \$1,220,000 each year is added to the
16.18 Community Corrections Act subsidy, as
16.19 described in Minnesota Statutes, section
16.20 401.14. This is a onetime increase for the
16.21 biennium and requires the submission of a
16.22 report to the legislature no later than December
16.23 15, 2021, with recommendations from a
16.24 working group established to study
16.25 supervision services and funding across the
16.26 state and develop recommendations. The base
16.27 for this appropriation increase is \$0 in fiscal
16.28 year 2024 and \$0 in fiscal year 2025.

16.29 The commissioner of corrections shall convene
16.30 a working group to study and report to the
16.31 legislature on the attributes and requirements
16.32 of an effective supervision system. The report
16.33 shall describe how the state and counties can
16.34 achieve an effective supervision system

17.1 together, balancing local control with state
17.2 support and collaboration. The report shall
17.3 include: a proposal for sustainable funding of
17.4 the state's community supervision delivery
17.5 systems; a plan for the potential of future
17.6 Tribal government supervision of probationers
17.7 and supervised releasees; a definition of core
17.8 or base-level supervision standards in
17.9 accordance with the state's obligation to fund
17.10 or provide supervision services which are
17.11 geographically equitable and reflect the
17.12 principles of modern correctional practice; a
17.13 recommended funding model and the
17.14 associated costs as compared to the state's
17.15 current investment in those services;
17.16 alternative funding and delivery models and
17.17 the alternative models' associated costs when
17.18 compared with the state's current investment
17.19 in those services; and mechanisms to ensure
17.20 balanced application of increases in the cost
17.21 of community supervision services.

17.22 The working group shall at a minimum include
17.23 the following members: the commissioner of
17.24 corrections or the commissioner's designee
17.25 and four other representatives from the
17.26 Department of Corrections, five directors of
17.27 the Minnesota Association of Community
17.28 Corrections Act Counties, five directors of the
17.29 Minnesota Association of County Probation
17.30 Offices, three county commissioner
17.31 representatives from the Association of
17.32 Minnesota Counties with one from each
17.33 delivery system, three representatives of the
17.34 Minnesota Indian Affairs Council Tribal
17.35 government members, and two district court
17.36 judge representatives designated by the State

18.1 Court Administrator. The working group may
18.2 include other members and the use of a
18.3 third-party organization to provide process
18.4 facilitation, statewide stakeholder engagement,
18.5 data analysis, programming and supervision
18.6 assessments, and technical assistance through
18.7 implementation of the adopted report
18.8 recommendations.

18.9 The report shall be submitted to the chairs and
18.10 ranking minority members of the House Public
18.11 Safety Committee and the Senate Judiciary
18.12 and Finance Committee no later than
18.13 December 15, 2021.

18.14 **(d) County Probation Officer**

18.15 **Reimbursement**

18.16 \$101,000 each year is for county probation
18.17 officers reimbursement, as described in
18.18 Minnesota Statutes, section 244.19,
18.19 subdivision 6. This is a onetime increase for
18.20 the biennium and requires the submission of
18.21 a report to the legislature no later than
18.22 December 15, 2021, with recommendations
18.23 from a working group established to study
18.24 supervision services and funding across the
18.25 state and develop recommendations. The base
18.26 for this appropriations increase is \$0 in fiscal
18.27 year 2024 and \$0 in fiscal year 2025.

18.28 **(e) Probation Supervision Services**

18.29 \$1,170,000 each year is for probation
18.30 supervision services provided by the
18.31 Department of Corrections in Meeker, Mille
18.32 Lacs, and Renville Counties as described in
18.33 Minnesota Statutes, section 244.19,
18.34 subdivision 1. The commissioner of

19.1 corrections shall bill Meeker, Mille Lacs, and
19.2 Renville Counties for the total cost of and
19.3 expenses incurred for probation services on
19.4 behalf of each county, as described in
19.5 Minnesota Statutes, section 244.19,
19.6 subdivision 5, and all such reimbursements
19.7 shall be deposited in the general fund.

19.8 **(f) Task Force on Aiding and Abetting**
19.9 **Felony Murder**

19.10 \$25,000 the first year is to implement the task
19.11 force on aiding and abetting felony murder.

19.12 **(g) Alternatives to Incarceration**

19.13 \$320,000 each year is for funding to Anoka
19.14 County, Crow Wing County, and Wright
19.15 County to facilitate access to community
19.16 treatment options under the alternatives to
19.17 incarceration program.

19.18 **(h) Task Force on Presentence Investigation**
19.19 **Reports**

19.20 \$15,000 the first year is to implement the task
19.21 force on the contents and use of presentence
19.22 investigation reports and imposition of
19.23 conditions of probation.

19.24 **(i) Juvenile Justice Report**

19.25 \$55,000 the first year and \$9,000 the second
19.26 year are for reporting on extended jurisdiction
19.27 juveniles.

19.28 **(j) Postrelease Employment for Inmates**
19.29 **Grant; Request for Proposals**

19.30 \$300,000 the first year is for a grant to a
19.31 nongovernmental organization to provide
19.32 curriculum and corporate mentors to inmates
19.33 and assist inmates in finding meaningful

20.1 employment upon release from a correctional
 20.2 facility. By September 1, 2021, the
 20.3 commissioner of corrections must issue a
 20.4 request for proposals. By December 1, 2021,
 20.5 the commissioner shall award a \$300,000 grant
 20.6 to the applicant that is best qualified to provide
 20.7 the programming described in this paragraph.

20.8 **(k) Homelessness Mitigation Plan**

20.9 \$12,000 the first year is to develop and
 20.10 implement a homelessness mitigation plan for
 20.11 individuals released from prison.

20.12 **(l) Identifying Documents**

20.13 \$23,000 the first year and \$28,000 the second
 20.14 year are to assist inmates in obtaining a copy
 20.15 of their birth certificates and provide
 20.16 appropriate Department of Corrections
 20.17 identification cards to individuals released
 20.18 from prison.

20.19 **(m) Salary Increases; Fugitive Specialists**

20.20 \$63,000 in fiscal year 2021 is for fugitive
 20.21 specialist salary increases. In each of fiscal
 20.22 years 2022 and 2023, \$93,000 is appropriated
 20.23 for this purpose. This amount is in addition to
 20.24 the base appropriation for this purpose.

20.25 **Subd. 4. Operations Support**

30,611,000

31,009,000

20.26 \$1,566,000 the first year and \$1,621,000 the
 20.27 second year are to increase support for
 20.28 ongoing technology needs.

20.29 \$40,000 in each fiscal year is to establish the
 20.30 Indeterminate Sentence Release Board (ISRB)
 20.31 to review eligible cases and make decisions
 20.32 for persons serving indeterminate sentences
 20.33 under the authority of the commissioner of

21.1 corrections. The ISRB shall consist of five
 21.2 members including four persons appointed by
 21.3 the governor from two recommendations of
 21.4 each of the majority and minority leaders of
 21.5 the house of representatives and the senate,
 21.6 and the commissioner of corrections who shall
 21.7 serve as chair.

21.8 **Sec. 7. OMBUDSPERSON FOR**
 21.9 **CORRECTIONS**

\$ **659,000 **\$** **663,000****

21.10 **Sec. 8. OFFICE OF MISSING AND**
 21.11 **MURDERED INDIGENOUS RELATIVES**

\$ **814,000 **\$** **787,000****

21.12 \$814,000 the first year and \$787,000 the
 21.13 second year are to establish and maintain an
 21.14 office dedicated to reviewing, preventing, and
 21.15 ending the targeting of Indigenous people,
 21.16 disappearance of Indigenous people, and
 21.17 deaths of Indigenous people that occur under
 21.18 suspicious circumstances through coordination
 21.19 with Tribal nations, executive branch agencies
 21.20 and commissions, and community
 21.21 organizations and impacted communities.

21.22 **Sec. 9. SUPREME COURT**

\$ **545,000 **\$** **545,000****

21.23 \$545,000 each year is for temporary caseload
 21.24 increases resulting from changes to the laws
 21.25 governing expungement of criminal records.

21.26 **Sec. 10. TRANSFERS.**

21.27 \$6,274,000 in fiscal year 2022 is transferred from the MINNCOR fund to the general
 21.28 fund.

21.29 **Sec. 11. CANCELLATION; FISCAL YEAR 2021.**

21.30 \$345,000 of the fiscal year 2021 general fund appropriation under Laws 2019, First
 21.31 Special Session chapter 5, article 1, section 12, subdivision 1, is canceled.

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

22.1

ARTICLE 2

22.2

POLICING

22.3 Section 1. Minnesota Statutes 2020, section 13.41, subdivision 3, is amended to read:

22.4 Subd. 3. **Board of Peace Officer Standards and Training.** The following government
22.5 data of the Board of Peace Officer Standards and Training are private data:

22.6 ~~(1) personal phone numbers, and home and e-mail addresses of licensees and applicants~~
22.7 ~~for licenses; and~~

22.8 ~~(2) data that identify the government entity that employs a licensed peace officer.~~

22.9 The board may disseminate private data on applicants and licensees as is necessary to
22.10 administer law enforcement licensure or to provide data under section 626.845, subdivision
22.11 1, to law enforcement agencies who are conducting employment background investigations.

22.12 Sec. 2. Minnesota Statutes 2020, section 13.411, is amended by adding a subdivision to
22.13 read:

22.14 Subd. 11. **Peace officer database.** Section 626.8457, subdivision 3, governs data sharing
22.15 between law enforcement agencies and the Peace Officer Standards and Training Board for
22.16 purposes of administering the peace officer database required by section 626.845, subdivision
22.17 3.

22.18 Sec. 3. Minnesota Statutes 2020, section 214.10, subdivision 11, is amended to read:

22.19 Subd. 11. **Board of Peace Officers Standards and Training; reasonable grounds**
22.20 **determination.** (a) After the investigation is complete, the executive director shall convene
22.21 at least a ~~three-member~~ four-member committee of the board to determine if the complaint
22.22 constitutes reasonable grounds to believe that a violation within the board's enforcement
22.23 jurisdiction has occurred. In conformance with section 626.843, subdivision 1b, at least ~~two~~
22.24 three members of the committee must be voting board members who are peace officers and
22.25 one member of the committee must be a voting board member appointed from the general
22.26 public. No later than 30 days before the committee meets, the executive director shall give
22.27 the licensee who is the subject of the complaint and the complainant written notice of the
22.28 meeting. The executive director shall also give the licensee a copy of the complaint. Before
22.29 making its determination, the committee shall give the complaining party and the licensee
22.30 who is the subject of the complaint a reasonable opportunity to be heard.

23.1 (b) The committee shall, by majority vote, after considering the information supplied
23.2 by the investigating agency and any additional information supplied by the complainant or
23.3 the licensee who is the subject of the complaint, take one of the following actions:

23.4 (1) find that reasonable grounds exist to believe that a violation within the board's
23.5 enforcement jurisdiction has occurred and order that an administrative hearing be held;

23.6 (2) decide that no further action is warranted; or

23.7 (3) continue the matter.

23.8 The executive director shall promptly give notice of the committee's action to the
23.9 complainant and the licensee.

23.10 (c) If the committee determines that a complaint does not relate to matters within its
23.11 enforcement jurisdiction but does relate to matters within another state or local agency's
23.12 enforcement jurisdiction, it shall refer the complaint to the appropriate agency for disposition.

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

23.14 Sec. 4. Minnesota Statutes 2020, section 244.09, subdivision 6, is amended to read:

23.15 Subd. 6. **Clearinghouse and information center.** The commission, in addition to
23.16 establishing Sentencing Guidelines, shall serve as a clearinghouse and information center
23.17 for the collection, preparation, analysis and dissemination of information on state and local
23.18 sentencing and probation practices, and shall conduct ongoing research regarding Sentencing
23.19 Guidelines, use of imprisonment and alternatives to imprisonment, probation terms,
23.20 conditions of probation, probation revocations, plea bargaining, recidivism, and other matters
23.21 relating to the improvement of the criminal justice system. The commission shall from time
23.22 to time make recommendations to the legislature regarding changes in the Criminal Code,
23.23 criminal procedures, and other aspects of sentencing and probation.

23.24 This information shall include information regarding the impact of statutory changes to
23.25 the state's criminal laws related to controlled substances, including those changes enacted
23.26 by the legislature in Laws 2016, chapter 160.

23.27 Sec. 5. Minnesota Statutes 2020, section 626.14, is amended to read:

23.28 **626.14 TIME AND MANNER OF SERVICE; NO-KNOCK SEARCH WARRANTS.**

23.29 Subdivision 1. Time. A search warrant may be served only between the hours of 7:00
23.30 a.m. and 8:00 p.m. unless the court determines on the basis of facts stated in the affidavits
23.31 that a nighttime search outside those hours is necessary to prevent the loss, destruction, or

24.1 removal of the objects of the search or to protect the searchers or the public. The search
24.2 warrant shall state that it may be served only between the hours of 7:00 a.m. and 8:00 p.m.
24.3 unless a nighttime search outside those hours is authorized.

24.4 Subd. 2. **Definition.** For the purposes of this section, "no-knock search warrant" means
24.5 a search warrant authorizing peace officers to enter certain premises without first knocking
24.6 and announcing the officer's presence or purpose prior to entering the premises. No-knock
24.7 search warrants may also be referred to as dynamic entry warrants.

24.8 Subd. 3. **Requirements for a no-knock search warrant.** No peace officer shall seek
24.9 a no-knock search warrant unless the warrant application includes at a minimum:

24.10 (1) all documentation and materials the issuing court requires; and

24.11 (2) a sworn affidavit as provided in section 626.08.

24.12 Subd. 4. **Warrant application form.** (a) A law enforcement agency shall develop a
24.13 warrant application form. A completed warrant application form shall accompany every
24.14 request for a no-knock search warrant.

24.15 (b) The warrant application form must be completed, signed, and dated by the peace
24.16 officer seeking the no-knock search warrant.

24.17 (c) Each warrant application must explain, in detailed terms, the following:

24.18 (1) why peace officers are unable to detain the suspect or search the residence using less
24.19 invasive means or methods;

24.20 (2) what investigative activities have taken place to support issuance of the no-knock
24.21 search warrant, or why no investigative activity is needed; and

24.22 (3) whether the warrant can be effectively executed during daylight hours according to
24.23 subdivision 1.

24.24 (d) The chief of police and the supervising officer must review each warrant application
24.25 form. If the chief of police or commanding officer is unavailable, the direct superior officer
24.26 shall review the materials.

24.27 (e) The warrant application form shall contain a certification of review section. The form
24.28 shall provide that, by executing the certification, the individual signing the form has reviewed
24.29 its contents and approves the request for a no-knock search warrant. The chief of police and
24.30 the commanding officer, or the direct superior officer, must each sign, date, and indicate
24.31 the time of the certification.

25.1 (f) Under no circumstance shall a no-knock search warrant be issued when the only
25.2 crime alleged is drug possession.

25.3 Subd. 5. Reporting requirements regarding no-knock search warrants. (a) Law
25.4 enforcement agencies shall report quarterly to the commissioner of public safety regarding
25.5 the use of no-knock search warrants. The report shall include the following information:

25.6 (1) the number of no-knock search warrants requested;

25.7 (2) the number of no-knock search warrants the court issued;

25.8 (3) the number of no-knock search warrants executed; and

25.9 (4) the number of injuries and fatalities suffered, if any, by peace officers and by civilians
25.10 in the execution of no-knock search warrants.

25.11 (b) The commissioner of public safety shall report the information provided under
25.12 paragraph (a) annually to the chairs and ranking minority members of the legislative
25.13 committees with jurisdiction over public safety.

25.14 Sec. 6. Minnesota Statutes 2020, section 626.5531, subdivision 1, is amended to read:

25.15 Subdivision 1. **Reports required.** A peace officer must report to the head of the officer's
25.16 department every violation of chapter 609 or a local criminal ordinance if the officer has
25.17 reason to believe, or if the victim alleges, that the offender was motivated to commit the
25.18 act ~~by~~ in whole or in part because of the victim's actual or perceived race, color, ethnicity,
25.19 religion, ~~national origin,~~ sex, gender, sexual orientation, gender identity, gender expression,
25.20 age, national origin, or disability as defined in section 363A.03, or ~~characteristics identified~~
25.21 as sexual orientation because of the victim's actual or perceived association with another
25.22 person or group of a certain actual or perceived race, color, ethnicity, religion, sex, gender,
25.23 sexual orientation, gender identity, gender expression, age, national origin, or disability as
25.24 defined in section 363A.03. The superintendent of the Bureau of Criminal Apprehension
25.25 shall adopt a reporting form to be used by law enforcement agencies in making the reports
25.26 required under this section. The reports must include for each incident all of the following:

25.27 (1) the date of the offense;

25.28 (2) the location of the offense;

25.29 (3) whether the target of the incident is a person, private property, or public property;

25.30 (4) the crime committed;

26.1 (5) the type of bias and information about the offender and the victim that is relevant to
26.2 that bias;

26.3 (6) any organized group involved in the incident;

26.4 (7) the disposition of the case;

26.5 (8) whether the determination that the offense was motivated by bias was based on the
26.6 officer's reasonable belief or on the victim's allegation; and

26.7 (9) any additional information the superintendent deems necessary for the acquisition
26.8 of accurate and relevant data.

26.9 Sec. 7. Minnesota Statutes 2020, section 626.842, subdivision 2, is amended to read:

26.10 Subd. 2. **Terms, compensation, removal, filling of vacancies.** The membership terms,
26.11 compensation, removal of members and the filling of vacancies for members appointed
26.12 pursuant to section 626.841, ~~clauses (1), (2), (4), and (5) on the board~~; the provision of staff,
26.13 administrative services and office space; the review and processing of complaints; the setting
26.14 of fees; and other matters relating to board operations shall be as provided in chapter 214.

26.15 Sec. 8. Minnesota Statutes 2020, section 626.8435, is amended to read:

26.16 ~~626.8435 ENSURING POLICE EXCELLENCE AND IMPROVING COMMUNITY~~
26.17 ~~RELATIONS ADVISORY PEACE OFFICER STANDARDS AND TRAINING~~
26.18 ~~BOARD CITIZEN'S COUNCIL.~~

26.19 Subdivision 1. **Establishment and membership.** The ~~Ensuring Police Excellence and~~
26.20 ~~Improving Community Relations Advisory~~ Peace Officer Standards and Training Board
26.21 Citizen's Council is established under the Peace Officer Standards and Training Board. The
26.22 council consists of the following 15 members:

26.23 (1) the superintendent of the Bureau of Criminal Apprehension, or a designee;

26.24 (2) the executive director of the Peace Officer Standards and Training Board, or a
26.25 designee;

26.26 (3) the executive director of the Minnesota Police and Peace Officers Association, or a
26.27 designee;

26.28 (4) the executive director of the Minnesota Sheriffs' Association, or a designee;

26.29 (5) the executive director of the Minnesota Chiefs of Police Association, or a designee;

26.30 (6) six community members, of which:

27.1 (i) four members shall represent the community-specific boards established under ~~section~~
27.2 ~~257.0768~~ sections 15.0145 and 3.922, reflecting one appointment made by each board;

27.3 (ii) one member shall be a mental health advocate and shall be appointed by the Minnesota
27.4 chapter of the National Alliance on Mental Illness; and

27.5 (iii) one member shall be an advocate for victims and shall be appointed by Violence
27.6 Free Minnesota; and

27.7 (7) four members appointed by the legislature, of which one shall be appointed by the
27.8 speaker of the house, one by the house minority leader, one by the senate majority leader,
27.9 and one by the senate minority leader.

27.10 The appointing authorities shall make their appointments by September 15, 2020, and
27.11 shall ensure geographical balance when making appointments.

27.12 Subd. 2. **Purpose and duties.** (a) The purpose of the council is to assist the board in
27.13 maintaining policies and regulating peace officers in a manner that ensures the protection
27.14 of civil and human rights. The council shall provide for citizen involvement in policing
27.15 policies, regulations, and supervision. The council shall advance policies and reforms that
27.16 promote positive interactions between peace officers and the community.

27.17 (b) The board chair must place the council's recommendations to the board on the board's
27.18 agenda within four months of receiving a recommendation from the council.

27.19 Subd. 3. **Organization.** The council shall be organized and administered under section
27.20 15.059, except that the council does not expire. Council members serve at the pleasure of
27.21 the appointing authority. The council shall select a chairperson from among the members
27.22 by majority vote at its first meeting. The executive director of the board shall serve as the
27.23 council's executive secretary.

27.24 Subd. 4. **Meetings.** The council must meet at least quarterly. Meetings of the council
27.25 are governed by chapter 13D. The executive director of the Peace Officer Standards and
27.26 Training Board shall convene the council's first meeting, which must occur by October 15,
27.27 2020.

27.28 Subd. 5. **Office support.** The executive director of the Peace Officer Standards and
27.29 Training Board shall provide the council with the necessary office space, supplies, equipment,
27.30 and clerical support to effectively perform the duties imposed.

27.31 Subd. 6. **Reports.** The council shall submit a report by February 15 of each year to the
27.32 chairs and ranking minority members of the senate and house of representatives committees

28.1 and divisions having jurisdiction over criminal justice policy and the board. At a minimum,
28.2 the report shall include:

28.3 (1) all recommendations presented to the board and how the board acted on those
28.4 recommendations;

28.5 (2) recommendations for statutory reform or legislative initiatives intended to promote
28.6 police-community relations; and

28.7 (3) updates on the council's review and determinations.

28.8 Sec. 9. Minnesota Statutes 2020, section 626.845, subdivision 3, is amended to read:

28.9 Subd. 3. **Peace officer data.** The board, in consultation with the Minnesota Chiefs of
28.10 Police Association, Minnesota Sheriffs' Association, and Minnesota Police and Peace
28.11 Officers Association, shall create a central repository for peace officer data ~~designated as~~
28.12 ~~public data under chapter 13.~~ The database shall be designed to receive, in real time, the
28.13 ~~public~~ data required to be submitted to the board by law enforcement agencies in section
28.14 626.8457, subdivision 3, paragraph (b). To ensure the anonymity of individuals, the database
28.15 must use encrypted data to track information transmitted on individual peace officers.

28.16 Sec. 10. Minnesota Statutes 2020, section 626.8451, subdivision 1, is amended to read:

28.17 Subdivision 1. **Training course; crimes motivated by bias.** (a) The board must prepare
28.18 a ~~approve a list of~~ training ~~course~~ ~~courses~~ to assist peace officers in identifying and,
28.19 responding to, and reporting crimes motivated by in whole or in part because of the victim's
28.20 or another's actual or perceived race, color, ethnicity, religion, ~~national origin~~, sex, gender,
28.21 sexual orientation, gender identity, gender expression, age, ~~national origin~~, or disability as
28.22 defined in section 363A.03, or ~~characteristics identified as sexual orientation~~ because of
28.23 the victim's actual or perceived association with another person or group of a certain actual
28.24 or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity,
28.25 gender expression, age, ~~national origin~~, or disability as defined in section 363A.03. The
28.26 course must include material to help officers distinguish bias crimes from other crimes, to
28.27 help officers in understanding and assisting victims of these crimes, and to ensure that bias
28.28 crimes will be accurately reported as required under section 626.5531. ~~The course must be~~
28.29 updated periodically board must review the approved courses every three years and update
28.30 the list of approved courses as the board, in consultation with the commissioner of human
28.31 rights, considers appropriate.

29.1 (b) In updating the list of approved training courses described in paragraph (a), the board
29.2 must consult and secure approval from the commissioner of human rights.

29.3 Sec. 11. Minnesota Statutes 2020, section 626.8457, subdivision 3, is amended to read:

29.4 Subd. 3. **Report on alleged misconduct; database; report.** (a) A chief law enforcement
29.5 officer shall report annually to the board summary data regarding the investigation and
29.6 disposition of cases involving alleged misconduct, indicating the total number of
29.7 investigations, the total number by each subject matter, the number dismissed as unfounded,
29.8 and the number dismissed on grounds that the allegation was unsubstantiated.

29.9 (b) Beginning July 1, 2021, a chief law enforcement officer, in real time, must submit
29.10 individual peace officer data classified as public data on individuals, as defined by section
29.11 13.02, subdivision 15, or private data on individuals, as defined by section 13.02, subdivision
29.12 12, and submitted using encrypted data that the board determines is necessary to:

29.13 (1) evaluate the effectiveness of statutorily required training;

29.14 (2) assist the ~~Ensuring Police Excellence and Improving Community Relations Advisory~~
29.15 Peace Officer Standards and Training Board Citizen's Council in accomplishing the council's
29.16 duties; and

29.17 (3) allow for the board, the ~~Ensuring Police Excellence and Improving Community~~
29.18 Relations Advisory Peace Officer Standards and Training Board Citizen's Council, and the
29.19 board's complaint investigation committee to identify patterns of behavior that suggest an
29.20 officer is in crisis or is likely to violate a board-mandated model policy.

29.21 (c) The reporting obligation in paragraph (b) is ongoing. A chief law enforcement officer
29.22 must update data within 30 days of final disposition of a complaint or investigation.

29.23 (d) Law enforcement agencies and political subdivisions are prohibited from entering
29.24 into a confidentiality agreement that would prevent disclosure of the data identified in
29.25 paragraph (b) to the board. Any such confidentiality agreement is void as to the requirements
29.26 of this section.

29.27 (e) By February 1 of each year, the board shall prepare a report that contains summary
29.28 data provided under paragraph (b). The board must post the report on its publicly accessible
29.29 website and provide a copy to the chairs and ranking minority members of the senate and
29.30 house of representatives committees and divisions having jurisdiction over criminal justice
29.31 policy.

30.1 (f) For purposes of identifying potential patterns and trends in police misconduct and
30.2 determining training needs and the purpose of the database outlined in paragraph (b), the
30.3 board shall adopt rules including but not limited to:

30.4 (1) creating detailed classifications of peace officer complaints and discipline by conduct
30.5 type and severity for both formal signed and informal complaints;

30.6 (2) establishing definitions for the following terms, including but not limited to formal
30.7 complaint, informal complaint, discipline action, coaching, and retraining; and

30.8 (3) directing annual reporting by each chief law enforcement officer of the number and
30.9 types of complaints:

30.10 (i) received by the law enforcement agency, including but not limited to complaints
30.11 involving chief law enforcement officers;

30.12 (ii) initiated by action of the agency and resulting in investigation;

30.13 (iii) resulting in formal discipline, including but not limited to verbal and written
30.14 reprimand, suspension, or demotion, excluding termination;

30.15 (iv) resulting in termination;

30.16 (v) that are formal and result in coaching or retraining; and

30.17 (vi) for each officer in the agency's employ, and whether the complaint and investigation
30.18 resulted in final discipline.

30.19 Sec. 12. Minnesota Statutes 2020, section 626.8469, subdivision 1, is amended to read:

30.20 Subdivision 1. **In-service training required.** (a) Beginning July 1, 2018, the chief law
30.21 enforcement officer of every state and local law enforcement agency shall provide in-service
30.22 training in crisis intervention and mental illness crises; conflict management and mediation;
30.23 ~~and~~ recognizing and valuing community diversity and cultural differences to include implicit
30.24 bias training; and training to assist peace officers in identifying, responding to, and reporting
30.25 crimes committed in whole or in part because of the victim's actual or perceived race,
30.26 religion, national origin, sex, age, disability, or characteristics identified as sexual orientation
30.27 to every peace officer and part-time peace officer employed by the agency. The training
30.28 shall comply with learning objectives developed and approved by the board and shall meet
30.29 board requirements for board-approved continuing education credit. Every three years the
30.30 board shall review the learning objectives and must consult and collaborate with the
30.31 commissioner of human rights in identifying appropriate objectives and training courses
30.32 related to identifying, responding to, and reporting crimes committed in whole or in part

31.1 because of the victim's or another's actual or perceived race, color, ethnicity, religion,
31.2 national origin, sex, gender, sexual orientation, gender identity, gender expression, age,
31.3 national origin, or disability as defined in section 363A.03, or characteristics identified as
31.4 sexual orientation because of the victim's actual or perceived association with another person
31.5 or group of a certain actual or perceived race, color, ethnicity, religion, sex, gender, sexual
31.6 orientation, gender identity, gender expression, age, national origin, or disability as defined
31.7 in section 363A.03. The training shall consist of at least 16 continuing education credits
31.8 within an officer's three-year licensing cycle. Each peace officer with a license renewal date
31.9 after June 30, 2018, is not required to complete this training until the officer's next full
31.10 three-year licensing cycle.

31.11 (b) Beginning July 1, 2021, the training mandated under paragraph (a) must be provided
31.12 by an approved entity. The board shall create a list of approved entities and training courses
31.13 and make the list available to the chief law enforcement officer of every state and local law
31.14 enforcement agency. Each peace officer (1) with a license renewal date before June 30,
31.15 2022, and (2) who received the training mandated under paragraph (a) before July 1, 2021,
31.16 is not required to receive this training by an approved entity until the officer's next full
31.17 three-year licensing cycle.

31.18 (c) For every peace officer and part-time peace officer with a license renewal date of
31.19 June 30, 2022, or later, the training mandated under paragraph (a) must:

31.20 (1) include a minimum of six hours for crisis intervention and mental illness crisis
31.21 training that meets the standards established in subdivision 1a; and

31.22 (2) include a minimum of four hours to ensure safer interactions between peace officers
31.23 and persons with autism in compliance with section 626.8474.

31.24 Sec. 13. Minnesota Statutes 2020, section 626.8469, is amended by adding a subdivision
31.25 to read:

31.26 Subd. 1b. **Crisis intervention and mental illness crisis training; dementia and**
31.27 **Alzheimer's.** The board, in consultation with stakeholders, including but not limited to the
31.28 Minnesota Crisis Intervention Team and the Alzheimer's Association, shall create a list of
31.29 approved entities and training courses primarily focused on issues associated with persons
31.30 with dementia and Alzheimer's disease. To receive the board's approval, a training course
31.31 must:

31.32 (1) have trainers with at least two years of direct care of a person with Alzheimer's
31.33 disease or dementia, crisis intervention training, and mental health experience;

32.1 (2) cover techniques for responding to and issues associated with persons with dementia
32.2 and Alzheimer's disease, including at a minimum wandering, driving, abuse, and neglect;
32.3 and

32.4 (3) meet the crisis intervention and mental illness crisis training standards established
32.5 in subdivision 1a.

32.6 Sec. 14. Minnesota Statutes 2020, section 626.8473, subdivision 3, is amended to read:

32.7 Subd. 3. **Written policies and procedures required.** (a) The chief officer of every state
32.8 and local law enforcement agency that uses or proposes to use a portable recording system
32.9 must establish and enforce a written policy governing its use. In developing and adopting
32.10 the policy, the law enforcement agency must provide for public comment and input as
32.11 provided in subdivision 2. Use of a portable recording system without adoption of a written
32.12 policy meeting the requirements of this section is prohibited. The written policy must be
32.13 posted on the agency's website, if the agency has a website.

32.14 (b) At a minimum, the written policy must incorporate the following:

32.15 (1) the requirements of section 13.825 and other data classifications, access procedures,
32.16 retention policies, and data security safeguards that, at a minimum, meet the requirements
32.17 of chapter 13 and other applicable law. The policy must prohibit altering, erasing, or
32.18 destroying any recording made with a peace officer's portable recording system or data and
32.19 metadata related to the recording prior to the expiration of the applicable retention period
32.20 under section 13.825, subdivision 3, except that the full, unedited and unredacted recording
32.21 of a peace officer using deadly force must be maintained indefinitely;

32.22 (2) mandate, whenever practicable, that an officer operating a portable recording system
32.23 notify individuals that they are being recorded;

32.24 (3) mandate that the deceased individual's next of kin, legal representative of the next
32.25 of kin, or other parent of the individual's children be entitled to view any and all recordings
32.26 from a peace officer's portable recording system, redacted no more than what is required
32.27 by law, of an officer's use of deadly force no later than 48 hours after an incident where
32.28 deadly force used by a peace officer results in death of an individual;

32.29 (4) prohibit withholding a recording of use of deadly force against an individual from
32.30 a peace officer's portable recording system from the individual's next of kin, legal
32.31 representative of the next of kin, or other parent of the individual's children on the basis
32.32 that it is an investigatory record or was compiled for law enforcement purposes where the

33.1 person under investigation or whose conduct is under review is a peace officer and the
 33.2 recording relates to that officer's use of deadly force against the individual;

33.3 (5) procedures for testing the portable recording system to ensure adequate functioning;

33.4 (3) (6) procedures to address a system malfunction or failure, including requirements
 33.5 for documentation by the officer using the system at the time of a malfunction or failure;

33.6 (4) (7) circumstances under which recording is mandatory, prohibited, or at the discretion
 33.7 of the officer using the system;

33.8 (5) (8) circumstances under which a data subject must be given notice of a recording;

33.9 (6) (9) circumstances under which a recording may be ended while an investigation,
 33.10 response, or incident is ongoing;

33.11 (7) (10) procedures for the secure storage of portable recording system data and the
 33.12 creation of backup copies of the data; and

33.13 (8) (11) procedures to ensure compliance and address violations of the policy, which
 33.14 must include, at a minimum, supervisory or internal audits and reviews, and the employee
 33.15 discipline standards for unauthorized access to data contained in section 13.09.

33.16 **Sec. 15. [626.8474] CONFIDENTIAL INFORMANTS; REQUIRED POLICY AND**
 33.17 **TRAINING.**

33.18 Subdivision 1. **Definitions.** (a) For the purposes of this section the terms in this
 33.19 subdivision have the meanings given them.

33.20 (b) "Confidential informant" means a person who cooperates with a law enforcement
 33.21 agency confidentially in order to protect the person or the agency's intelligence gathering
 33.22 or investigative efforts and:

33.23 (1) seeks to avoid arrest or prosecution for a crime, mitigate punishment for a crime in
 33.24 which a sentence will be or has been imposed, or receive a monetary or other benefit; and

33.25 (2) is able, by reason of the person's familiarity or close association with suspected
 33.26 criminals, to:

33.27 (i) make a controlled buy or controlled sale of contraband, controlled substances, or
 33.28 other items that are material to a criminal investigation;

33.29 (ii) supply regular or constant information about suspected or actual criminal activities
 33.30 to a law enforcement agency; or

34.1 (iii) otherwise provide information important to ongoing criminal intelligence gathering
34.2 or criminal investigative efforts.

34.3 (c) "Controlled buy" means the purchase of contraband, controlled substances, or other
34.4 items that are material to a criminal investigation from a target offender that is initiated,
34.5 managed, overseen, or participated in by law enforcement personnel with the knowledge
34.6 of a confidential informant.

34.7 (d) "Controlled sale" means the sale of contraband, controlled substances, or other items
34.8 that are material to a criminal investigation to a target offender that is initiated, managed,
34.9 overseen, or participated in by law enforcement personnel with the knowledge of a
34.10 confidential informant.

34.11 (e) "Mental harm" means a psychological injury that is not necessarily permanent but
34.12 results in visibly demonstrable manifestations of a disorder of thought or mood that impairs
34.13 a person's judgment or behavior.

34.14 (f) "Target offender" means the person suspected by law enforcement personnel to be
34.15 implicated in criminal acts by the activities of a confidential informant.

34.16 Subd. 2. **Model policy.** (a) By January 1, 2022, the board shall adopt a model policy
34.17 addressing the use of confidential informants by law enforcement. The model policy must
34.18 establish policies and procedures for the recruitment, control, and use of confidential
34.19 informants. In developing the policy, the board shall consult with representatives of the
34.20 Bureau of Criminal Apprehension, Minnesota Police Chiefs Association, Minnesota Sheriff's
34.21 Association, Minnesota Police and Peace Officers Association, Minnesota County Attorneys
34.22 Association, treatment centers for substance abuse, and mental health organizations. The
34.23 model policy must include, at a minimum, the following:

34.24 (1) information that the law enforcement agency shall maintain about each confidential
34.25 informant that must include, at a minimum, an emergency contact for the informant in the
34.26 event of the informant's physical or mental harm or death;

34.27 (2) a process to advise a confidential informant of conditions, restrictions, and procedures
34.28 associated with participating in the agency's investigative or intelligence gathering activities;

34.29 (3) procedures for compensation to an informant that is commensurate with the value
34.30 of the services and information provided and based on the level of the targeted offender,
34.31 the amount of any seizure, and the significance of contributions made by the informant;

34.32 (4) designated supervisory or command-level review and oversight in the use of a
34.33 confidential informant;

- 35.1 (5) consultation with the informant's probation, parole, or supervised release agent, if
35.2 any;
- 35.3 (6) limits or restrictions on off-duty association or social relationships by law enforcement
35.4 agency personnel with a confidential informant;
- 35.5 (7) exclusion of an informant from engaging in a controlled buy or sale of a controlled
35.6 substance if the informant is receiving in-patient or out-patient treatment administered by
35.7 a licensed service provider for substance abuse, participating in a treatment-based drug
35.8 court program, or has experienced a drug overdose within the past year, except that the
35.9 informant may provide confidential information to a law enforcement agency while receiving
35.10 treatment;
- 35.11 (8) exclusion of an informant under the age of 18 years from participating in a controlled
35.12 buy or sale of a controlled substance without the written consent of a parent or legal guardian,
35.13 except that the informant may provide confidential information to a law enforcement agency;
- 35.14 (9) consideration of an informant's diagnosis of mental illness, substance abuse, or
35.15 disability, and history of mental illness, substance abuse, or disability;
- 35.16 (10) guidelines for the law enforcement agency to establish a procedure to request an
35.17 advocate from the county social services agency for an informant if the informant is an
35.18 addict in recovery or possesses a physical or mental infirmity or other physical, mental, or
35.19 emotional dysfunction that impairs the informant's ability to understand instructions and
35.20 make informed decisions;
- 35.21 (11) referral of prospective and current confidential informants who are known to be
35.22 substance abusers or to be at risk for substance abuse to prevention or treatment services;
- 35.23 (12) reasonable protective measures for a confidential informant when law enforcement
35.24 knows or should have known of a risk or threat of harm to a person serving as a confidential
35.25 informant and the risk or threat of harm is a result of the informant's service to the law
35.26 enforcement agency;
- 35.27 (13) guidelines for the training and briefing of a confidential informant;
- 35.28 (14) reasonable procedures to help protect the identity of a confidential informant during
35.29 the time the person is acting as an informant;
- 35.30 (15) procedures to deactivate a confidential informant that maintain the safety and
35.31 anonymity of the informant and offer and provide assistance with physical, mental, or
35.32 emotional health services as accepted by the informant;

36.1 (16) a process to evaluate and report the criminal history and propensity for violence of
36.2 any target offenders; and

36.3 (17) guidelines for a written agreement between the confidential informant and the law
36.4 enforcement agency that take into consideration, at a minimum, an informant's physical or
36.5 mental infirmity or other physical, mental, or emotional dysfunction that impairs the
36.6 informant's ability to knowingly contract or otherwise protect the informant's self-interest.

36.7 (b) The board shall annually review and, as necessary, revise the model confidential
36.8 informant policy in collaboration with representatives from the organizations listed under
36.9 paragraph (a).

36.10 Subd. 3. **Agency policies required.** (a) The chief law enforcement officer of every state
36.11 and local law enforcement agency must establish and enforce a written policy governing
36.12 the use of confidential informants. The policy must be identical or, at a minimum,
36.13 substantially similar to the new or revised model policy adopted by the board under
36.14 subdivision 2.

36.15 (b) Every state and local law enforcement agency must certify annually to the board that
36.16 it has adopted a written policy in compliance with the board's model confidential informant
36.17 policy.

36.18 (c) The board shall assist the chief law enforcement officer of each state and local law
36.19 enforcement agency in developing and implementing confidential informant policies under
36.20 this subdivision.

36.21 Subd. 4. **Required in-service training.** The chief law enforcement officer of every state
36.22 and local law enforcement agency shall provide in-service training in the recruitment,
36.23 control, and use of confidential informants to every peace officer and part-time peace officer
36.24 employed by the agency who the chief law enforcement officer determines is involved in
36.25 working with confidential informants given the officer's responsibilities. The training shall
36.26 comply with learning objectives based on the policies and procedures of the model policy
36.27 developed and approved by the board.

36.28 Subd. 5. **Compliance reviews.** The board has the authority to inspect state and local
36.29 agency policies to ensure compliance with this section. The board may conduct the inspection
36.30 based upon a complaint it receives about a particular agency or through a random selection
36.31 process.

37.1 Subd. 6. **Licensing sanctions; injunctive relief.** The board may impose licensing
37.2 sanctions and seek injunctive relief under section 214.11 for failure to comply with the
37.3 requirements of this section.

37.4 Subd. 7. **Title.** This act shall be known as "Matthew's Law."

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

37.6 Sec. 16. **[626.8476] INVESTIGATING HUMAN TRAFFICKING CASES; POLICIES**
37.7 **REQUIRED.**

37.8 Subdivision 1. **Model policy required.** By December 15, 2021, the board, in consultation
37.9 with the statewide human trafficking investigation coordinator defined in section 299A.873,
37.10 as well as other interested parties including the Bureau of Criminal Apprehension, the
37.11 Human Trafficking Investigators Task Force, representatives of other sex trafficking task
37.12 forces, prosecutors, and Minnesota victim advocacy groups, must develop and distribute to
37.13 all chief law enforcement officers a comprehensive model policy for law enforcement
37.14 investigations of human trafficking cases, including sex trafficking and labor trafficking,
37.15 that are victim-centered and takes into account best practices, including the Safe Harbor
37.16 Protocol Guidelines developed pursuant to legislative appropriation, and ensures a thorough
37.17 investigation of these cases and that victims are treated respectfully.

37.18 Subd. 2. **Agency policies required.** (a) By March 15, 2022, the chief law enforcement
37.19 officer of every state and local law enforcement agency must establish and enforce a written
37.20 policy governing the investigation of human trafficking cases within the agency that is
37.21 identical or substantially similar to the board's model policy described in subdivision 1. The
37.22 chief law enforcement officer must ensure that each peace officer investigating a human
37.23 trafficking case follows the agency's policy.

37.24 (b) Every state and local law enforcement agency must certify to the board that it has
37.25 adopted a written policy in compliance with this subdivision.

37.26 (c) The board must assist the chief law enforcement officer of each state and local law
37.27 enforcement agency in developing and implementing policies under this subdivision.

37.28 Sec. 17. **[626.8477] PUBLIC ASSEMBLY RESPONSE; POLICIES REQUIRED.**

37.29 Subdivision 1. **Model policy required.** By December 15, 2021, the board must develop
37.30 a comprehensive model policy on responding to public assemblies. The policy must be
37.31 based on best practices in public assembly response drawn from both domestic and
37.32 international sources. In developing the policy, the board must consult with representatives

38.1 of the Bureau of Criminal Apprehension, Minnesota Police Chiefs Association, Minnesota
38.2 Sheriffs' Association, Minnesota Police and Peace Officers Association, Minnesota County
38.3 Attorneys Association, a nonprofit that organizes public assemblies, a nonprofit that provides
38.4 legal services to defend the rights of those who participate in public assemblies, and other
38.5 interested parties. The board must distribute the model policy to all chief law enforcement
38.6 officers.

38.7 Subd. 2. **Agency policies required.** (a) By March 15, 2022, each chief law enforcement
38.8 officer must establish and implement a written policy on public assembly response that is
38.9 identical or substantially similar to the board's model policy described in subdivision 1. The
38.10 policy shall include specific actions to be taken during a public assembly response.

38.11 (b) The board must assist the chief law enforcement officer of each state and local law
38.12 enforcement agency in developing and implementing policies under this subdivision.

38.13 Subd. 3. **Available resources.** If an agency, board, or local representative reviews or
38.14 updates its policies on public assembly response, it may consider the advice and counsel of
38.15 nonprofits that organize public assemblies.

38.16 Subd. 4. **Compliance reviews authorized.** The board has authority to inspect state and
38.17 local law enforcement agency policies to ensure compliance with subdivision 2. The board
38.18 may conduct this inspection based upon a complaint it receives about a particular agency
38.19 or through a random selection process. The board must conduct a compliance review after
38.20 any major public safety event. The board may impose licensing sanctions and seek injunctive
38.21 relief under section 214.11 for an agency's failure to comply with subdivision 2.

38.22 Sec. 18. Minnesota Statutes 2020, section 626.89, subdivision 2, is amended to read:

38.23 Subd. 2. **Applicability.** The procedures and provisions of this section apply to law
38.24 enforcement agencies and government units. The procedures and provisions of this section
38.25 do not apply to:

38.26 (1) investigations by civilian review boards, commissions, or other oversight bodies; or

38.27 (2) investigations of criminal charges against an officer.

38.28 Sec. 19. Minnesota Statutes 2020, section 626.89, subdivision 17, is amended to read:

38.29 Subd. 17. **Civilian review.** (a) As used in this subdivision, the following terms have the
38.30 meanings provided:

39.1 (1) "civilian oversight council" means a civilian review board, commission, or other
39.2 oversight body established by a local unit of government to provide civilian oversight of a
39.3 law enforcement agency and officers employed by the agency; and

39.4 (2) "misconduct" means a violation of law, standards promulgated by the Peace Officer
39.5 Standards and Training Board, or agency policy.

39.6 (b) A local unit of government may establish a civilian review board, commission, or
39.7 other oversight body shall not have council and grant the council the authority to make a
39.8 finding of fact or determination regarding a complaint against an officer or impose discipline
39.9 on an officer. A civilian review board, commission, or other oversight body may make a
39.10 recommendation regarding the merits of a complaint, however, the recommendation shall
39.11 be advisory only and shall not be binding on nor limit the authority of the chief law
39.12 enforcement officer of any unit of government.

39.13 (c) At the conclusion of any criminal investigation or prosecution, if any, a civilian
39.14 oversight council may conduct an investigation into allegations of peace officer misconduct
39.15 and retain an investigator to facilitate an investigation. Subject to other applicable law, a
39.16 council may subpoena or compel testimony and documents in an investigation. Upon
39.17 completion of an investigation, a council may make a finding of misconduct and recommend
39.18 appropriate discipline against peace officers employed by the agency. If the governing body
39.19 grants a council the authority, the council may impose discipline on peace officers employed
39.20 by the agency. A council shall submit investigation reports that contain findings of peace
39.21 officer misconduct to the chief law enforcement officer and the Peace Officer Standards
39.22 and Training Board's complaint committee. A council may also make policy
39.23 recommendations to the chief law enforcement officer and the Peace Officer Standards and
39.24 Training Board.

39.25 (d) The chief law enforcement officer of a law enforcement agency under the jurisdiction
39.26 of a civilian oversight council shall cooperate with the council and facilitate the council's
39.27 achievement of its goals. However, the officer is under no obligation to agree with individual
39.28 recommendations of the council and may oppose a recommendation. If the officer fails to
39.29 implement a recommendation that is within the officer's authority, the officer shall inform
39.30 the council of the failure along with the officer's underlying reasons.

39.31 (e) Peace officer discipline decisions imposed pursuant to the authority granted under
39.32 this subdivision shall be subject to the applicable grievance procedure established or agreed
39.33 to under chapter 179A.

40.1 (f) Data collected, created, received, maintained, or disseminated by a civilian oversight
40.2 council related to an investigation of a peace officer are personnel data as defined by section
40.3 13.43, subdivision 1, and are governed by that section.

40.4 Sec. 20. Minnesota Statutes 2020, section 626.93, is amended by adding a subdivision to
40.5 read:

40.6 Subd. 8. **Exception; Leech Lake Band of Ojibwe.** Notwithstanding any contrary
40.7 provision in subdivision 3 or 4, the Leech Lake Band of Ojibwe has concurrent jurisdictional
40.8 authority under this section with the local county sheriff within the geographical boundaries
40.9 of the band's reservation to enforce state criminal law if the requirements of subdivision 2
40.10 are met, regardless of whether a cooperative agreement pursuant to subdivision 4 is entered
40.11 into.

40.12 Sec. 21. Laws 2020, Fifth Special Session chapter 3, article 9, section 6, is amended to
40.13 read:

40.14 Sec. 6. ~~STATE PATROL TROOPER LAW ENFORCEMENT SALARY INCREASE~~
40.15 INCREASES.

40.16 Notwithstanding any law to the contrary, salary increases shall apply to the following
40.17 employees whose exclusive representative is the Minnesota Law Enforcement Association:

40.18 (1) the commissioner of public safety must increase the salary paid to state patrol troopers,
40.19 Bureau of Criminal Apprehension agents, and special agents in the gambling enforcement
40.20 division by 8.4 percent;

40.21 (2) the commissioner of natural resources must increase the salary paid to conservation
40.22 officers by 8.4 percent;

40.23 (3) the commissioner of corrections must increase the salary paid to fugitive specialists
40.24 by 8.4 percent; and

40.25 (4) the commissioner of commerce must increase the salary paid to commerce insurance
40.26 fraud specialists by 8.4 percent.

40.27 **EFFECTIVE DATE.** This section is effective retroactively from October 22, 2020.

40.28 Sec. 22. **RULEMAKING AUTHORITY.**

40.29 The executive director of the Peace Officer Standards and Training Board may adopt
40.30 rules to carry out the purposes of section 3.

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

41.2 Sec. 23. **GRANT PROGRAM FOR PUBLIC SAFETY POLICY AND TRAINING**
41.3 **CONSULTANT COSTS.**

41.4 (a) The executive director of the Peace Officer Standards and Training Board shall issue
41.5 grants to law enforcement agencies to provide reimbursement for the expense of retaining
41.6 a board-approved public safety policy and training consultant.

41.7 (b) The Peace Officer Training and Standards Board shall identify a qualified public
41.8 safety policy and training consultant whose expenses would be eligible for reimbursement
41.9 under this section. At a minimum, the board must select a consultant who meets the following
41.10 criteria:

41.11 (1) at least 15 years of experience developing and implementing law enforcement policy
41.12 and developing and leading law enforcement training;

41.13 (2) proven experience in developing both local and statewide law enforcement policies
41.14 that incorporate current statutory and judicial standards, academic research, and best practices
41.15 in policing;

41.16 (3) proven experience in successfully assisting law enforcement agencies to implement
41.17 policing reforms; and

41.18 (4) proven experience in providing measurable value-added to clients for a competitive
41.19 fee.

41.20 (c) The executive director shall give priority to agencies that do not have a contract with
41.21 the consultant selected by the board under paragraph (b). If there are insufficient funds to
41.22 fully reimburse each eligible grant applicant, the executive director shall provide a pro rata
41.23 share of funds appropriated for this purpose to each eligible law enforcement agency based
41.24 on the number of peace officers employed by the agency.

41.25 Sec. 24. **PEACE OFFICER STANDARDS OF CONDUCT; WHITE SUPREMACIST**
41.26 **AFFILIATION AND SUPPORT PROHIBITED.**

41.27 (a) The Peace Officer Standards and Training Board must revise the peace officer
41.28 standards of conduct that the board is mandated to publish and update under Minnesota
41.29 Statutes, section 626.843, subdivision 1, clause (6), to prohibit peace officers from affiliating
41.30 with, supporting, or advocating for white supremacist groups, causes, or ideologies or
41.31 participation in, or active promotion of, an international or domestic extremist group that

42.1 the Federal Bureau of Investigation has determined supports or encourages illegal, violent
42.2 conduct.

42.3 (b) For purposes of this section, white supremacist groups, causes, or ideologies include
42.4 organizations and associations, and ideologies that: promote white supremacy and the idea
42.5 that white people are superior to Black, Indigenous, and people of color (BIPOC), promote
42.6 religious and racial bigotry, or seek to exacerbate racial and ethnic tensions between BIPOC
42.7 and non-BIPOC or engage in patently hateful and inflammatory speech, intimidation, and
42.8 violence against BIPOC as means of promoting white supremacy.

42.9 **ARTICLE 3**

42.10 **CORRECTIONS AND COMMUNITY SUPERVISION**

42.11 Section 1. Minnesota Statutes 2020, section 152.32, is amended by adding a subdivision
42.12 to read:

42.13 Subd. 4. **Probation; supervised release.** (a) A court shall not prohibit a person from
42.14 participating in the registry program under sections 152.22 to 152.37 as a condition of
42.15 probation, parole, pretrial conditional release, or supervised release or revoke a patient's
42.16 probation, parole, pretrial conditional release, or supervised release or otherwise sanction
42.17 a patient on probation, parole, pretrial conditional release, or supervised release, nor weigh
42.18 participation in the registry program, or positive drug test for cannabis components or
42.19 metabolites by registry participants, or both, as a factor when considering penalties for
42.20 violations of probation, parole, pretrial conditional release, or supervised release.

42.21 (b) The commissioner of corrections, probation agent, or parole officer shall not prohibit
42.22 a person from participating in the registry program under sections 152.22 to 152.37 as a
42.23 condition of parole, supervised release, or conditional release or revoke a patient's parole,
42.24 supervised release, or conditional release or otherwise sanction a patient on parole, supervised
42.25 release, or conditional release solely for participating in the registry program or for a positive
42.26 drug test for cannabis components or metabolites.

42.27 Sec. 2. Minnesota Statutes 2020, section 171.06, subdivision 3, is amended to read:

42.28 **Subd. 3. Contents of application; other information.** (a) An application must:

42.29 (1) state the full name, date of birth, sex, and either (i) the residence address of the
42.30 applicant, or (ii) designated address under section 5B.05;

- 43.1 (2) as may be required by the commissioner, contain a description of the applicant and
43.2 any other facts pertaining to the applicant, the applicant's driving privileges, and the
43.3 applicant's ability to operate a motor vehicle with safety;
- 43.4 (3) state:
- 43.5 (i) the applicant's Social Security number; or
- 43.6 (ii) if the applicant does not have a Social Security number and is applying for a
43.7 Minnesota identification card, instruction permit, or class D provisional or driver's license,
43.8 that the applicant certifies that the applicant is not eligible for a Social Security number;
- 43.9 (4) contain a notification to the applicant of the availability of a living will/health care
43.10 directive designation on the license under section 171.07, subdivision 7; and
- 43.11 (5) include a method for the applicant to:
- 43.12 (i) request a veteran designation on the license under section 171.07, subdivision 15,
43.13 and the driving record under section 171.12, subdivision 5a;
- 43.14 (ii) indicate a desire to make an anatomical gift under paragraph (d);
- 43.15 (iii) as applicable, designate document retention as provided under section 171.12,
43.16 subdivision 3c; and
- 43.17 (iv) indicate emergency contacts as provided under section 171.12, subdivision 5b.
- 43.18 (b) Applications must be accompanied by satisfactory evidence demonstrating:
- 43.19 (1) identity, date of birth, and any legal name change if applicable; and
- 43.20 (2) for driver's licenses and Minnesota identification cards that meet all requirements of
43.21 the REAL ID Act:
- 43.22 (i) principal residence address in Minnesota, including application for a change of address,
43.23 unless the applicant provides a designated address under section 5B.05;
- 43.24 (ii) Social Security number, or related documentation as applicable; and
- 43.25 (iii) lawful status, as defined in Code of Federal Regulations, title 6, section 37.3.
- 43.26 (c) An application for an enhanced driver's license or enhanced identification card must
43.27 be accompanied by:
- 43.28 (1) satisfactory evidence demonstrating the applicant's full legal name and United States
43.29 citizenship; and
- 43.30 (2) a photographic identity document.

44.1 (d) A valid Department of Corrections or Federal Bureau of Prisons identification card,
44.2 containing the applicant's full name, date of birth, and photograph issued to the applicant
44.3 is an acceptable form of proof of identity in an application for an identification card,
44.4 instruction permit, or driver's license as a secondary document for purposes of Minnesota
44.5 Rules, part 7410.0400, and successor rules.

44.6 Sec. 3. Minnesota Statutes 2020, section 241.01, subdivision 3a, is amended to read:

44.7 Subd. 3a. **Commissioner, powers and duties.** The commissioner of corrections has the
44.8 following powers and duties:

44.9 (a) To accept persons committed to the commissioner by the courts of this state for care,
44.10 custody, and rehabilitation.

44.11 (b) To determine the place of confinement of committed persons in a correctional facility
44.12 or other facility of the Department of Corrections and to prescribe reasonable conditions
44.13 and rules for their employment, conduct, instruction, and discipline within or outside the
44.14 facility. After July 1, 2021, the commissioner shall not allow inmates to be housed in facilities
44.15 that are not owned and operated by the state, a local unit of government, or a group of local
44.16 units of government. Inmates shall not exercise custodial functions or have authority over
44.17 other inmates.

44.18 (c) To administer the money and property of the department.

44.19 (d) To administer, maintain, and inspect all state correctional facilities.

44.20 (e) To transfer authorized positions and personnel between state correctional facilities
44.21 as necessary to properly staff facilities and programs.

44.22 (f) To utilize state correctional facilities in the manner deemed to be most efficient and
44.23 beneficial to accomplish the purposes of this section, but not to close the Minnesota
44.24 Correctional Facility-Stillwater or the Minnesota Correctional Facility-St. Cloud without
44.25 legislative approval. The commissioner may place juveniles and adults at the same state
44.26 minimum security correctional facilities, if there is total separation of and no regular contact
44.27 between juveniles and adults, except contact incidental to admission, classification, and
44.28 mental and physical health care.

44.29 (g) To organize the department and employ personnel the commissioner deems necessary
44.30 to discharge the functions of the department, including a chief executive officer for each
44.31 facility under the commissioner's control who shall serve in the unclassified civil service
44.32 and may, under the provisions of section 43A.33, be removed only for cause.

45.1 (h) To define the duties of these employees and to delegate to them any of the
45.2 commissioner's powers, duties and responsibilities, subject to the commissioner's control
45.3 and the conditions the commissioner prescribes.

45.4 (i) To annually develop a comprehensive set of goals and objectives designed to clearly
45.5 establish the priorities of the Department of Corrections. This report shall be submitted to
45.6 the governor commencing January 1, 1976. The commissioner may establish ad hoc advisory
45.7 committees.

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

45.9 Sec. 4. Minnesota Statutes 2020, section 241.016, is amended to read:

45.10 **241.016 ANNUAL PERFORMANCE REPORT REQUIRED.**

45.11 Subdivision 1. **Biennial Annual report.** (a) The Department of Corrections shall submit
45.12 a performance report to the chairs and ranking minority members of the senate and house
45.13 of representatives committees and divisions having jurisdiction over criminal justice funding
45.14 by January 15 of each ~~odd-numbered~~ year. The issuance and content of the report must
45.15 include the following:

45.16 (1) department strategic mission, goals, and objectives;

45.17 (2) the department-wide per diem, adult facility-specific per diems, and an average per
45.18 diem, reported in a standard calculated method as outlined in the departmental policies and
45.19 procedures;

45.20 (3) department annual statistics as outlined in the departmental policies and procedures;
45.21 and

45.22 (4) information about prison-based mental health programs, including, but not limited
45.23 to, the availability of these programs, participation rates, and completion rates.

45.24 (b) The department shall maintain recidivism rates for adult facilities on an annual basis.
45.25 In addition, each year the department shall, on an alternating basis, complete a recidivism
45.26 analysis of adult facilities, juvenile services, and the community services divisions and
45.27 include a three-year recidivism analysis in the report described in paragraph (a). The
45.28 recidivism analysis must: (1) assess education programs, vocational programs, treatment
45.29 programs, including mental health programs, industry, and employment; and (2) assess
45.30 statewide re-entry policies and funding, including postrelease treatment, education, training,
45.31 and supervision. In addition, when reporting recidivism for the department's adult and
45.32 juvenile facilities, the department shall report on the extent to which offenders it has assessed

46.1 as chemically dependent commit new offenses, with separate recidivism rates reported for
46.2 persons completing and not completing the department's treatment programs.

46.3 (c) The department shall maintain annual statistics related to the supervision of extended
46.4 jurisdiction juveniles and include those statistics in the report described in paragraph (a).

46.5 The statistics must include:

46.6 (1) the total number and population demographics of individuals under supervision in
46.7 adult facilities, juvenile facilities, and the community who were convicted as an extended
46.8 jurisdiction juvenile;

46.9 (2) the number of individuals convicted as an extended jurisdiction juvenile who
46.10 successfully completed probation in the previous year;

46.11 (3) the number of individuals identified in clause (2) for whom the court terminated
46.12 jurisdiction before the person became 21 years of age pursuant to section 260B.193,
46.13 subdivision 5;

46.14 (4) the number of individuals convicted as an extended jurisdiction juvenile whose
46.15 sentences were executed; and

46.16 (5) the average length of time individuals convicted as an extended jurisdiction juvenile
46.17 spend on probation.

46.18 Sec. 5. Minnesota Statutes 2020, section 241.021, subdivision 1, is amended to read:

46.19 Subdivision 1. **Correctional facilities; inspection; licensing.** (a) Except as provided
46.20 in paragraph (b), the commissioner of corrections shall inspect and license all correctional
46.21 facilities throughout the state, whether public or private, established and operated for the
46.22 detention and confinement of persons ~~detained or confined~~ or incarcerated therein according
46.23 to law except to the extent that they are inspected or licensed by other state regulating
46.24 agencies. The commissioner shall promulgate pursuant to chapter 14, rules establishing
46.25 minimum standards for these facilities with respect to their management, operation, physical
46.26 condition, and the security, safety, health, treatment, and discipline of persons ~~detained or~~
46.27 ~~confined~~ or incarcerated therein. ~~Commencing September 1, 1980,~~ These minimum standards
46.28 shall include but are not limited to specific guidance pertaining to:

46.29 (1) screening, appraisal, assessment, and treatment for persons confined or incarcerated
46.30 in correctional facilities with mental illness or substance use disorders;

46.31 (2) a policy on the involuntary administration of medications;

46.32 (3) suicide prevention plans and training;

- 47.1 (4) verification of medications in a timely manner;
- 47.2 (5) well-being checks;
- 47.3 (6) discharge planning, including providing prescribed medications to persons confined
- 47.4 or incarcerated in correctional facilities upon release;
- 47.5 (7) a policy on referrals or transfers to medical or mental health care in a noncorrectional
- 47.6 institution;
- 47.7 (8) use of segregation and mental health checks;
- 47.8 (9) critical incident debriefings;
- 47.9 (10) clinical management of substance use disorders;
- 47.10 (11) a policy regarding identification of persons with special needs confined or
- 47.11 incarcerated in correctional facilities;
- 47.12 (12) a policy regarding the use of telehealth;
- 47.13 (13) self-auditing of compliance with minimum standards;
- 47.14 (14) information sharing with medical personnel and when medical assessment must be
- 47.15 facilitated;
- 47.16 (15) a code of conduct policy for facility staff and annual training;
- 47.17 (16) a policy on death review of all circumstances surrounding the death of an individual
- 47.18 committed to the custody of the facility; and
- 47.19 (17) dissemination of a rights statement made available to persons confined or
- 47.20 incarcerated in licensed correctional facilities.

47.21 No individual, corporation, partnership, voluntary association, or other private

47.22 organization legally responsible for the operation of a correctional facility may operate the

47.23 facility unless ~~licensed by it~~ it possesses a current license from the commissioner of corrections.

47.24 Private adult correctional facilities shall have the authority of section 624.714, subdivision

47.25 13, if the Department of Corrections licenses the facility with ~~such~~ the authority and the

47.26 facility meets requirements of section 243.52.

47.27 The commissioner shall review the correctional facilities described in this subdivision

47.28 at least once every ~~biennium~~ two years, except as otherwise provided ~~herein~~, to determine

47.29 compliance with the minimum standards established ~~pursuant~~ according to this subdivision

47.30 or other law related to minimum standards and conditions of confinement.

48.1 The commissioner shall grant a license to any facility found to conform to minimum
48.2 standards or to any facility which, in the commissioner's judgment, is making satisfactory
48.3 progress toward substantial conformity and the standards not being met do not impact the
48.4 interests and well-being of the persons ~~detained or confined therein~~ or incarcerated in the
48.5 facility are protected. A limited license under subdivision 1a may be issued for purposes of
48.6 effectuating a facility closure. The commissioner may grant licensure up to two years. Unless
48.7 otherwise specified by statute, all licenses issued under this chapter expire at 12:01 a.m. on
48.8 the day after the expiration date stated on the license.

48.9 The commissioner shall have access to the buildings, grounds, books, records, staff, and
48.10 to persons ~~detained or confined~~ or incarcerated in these facilities. The commissioner may
48.11 require the officers in charge of these facilities to furnish all information and statistics the
48.12 commissioner deems necessary, at a time and place designated by the commissioner.

48.13 All facility administrators of correctional facilities defined under subdivision 1g are
48.14 required to report all deaths of individuals who died while committed to the custody of the
48.15 facility, regardless of whether the death occurred at the facility or after removal from the
48.16 facility for medical care stemming from an incident or need for medical care at the
48.17 correctional facility, as soon as practicable, but no later than 24 hours of receiving knowledge
48.18 of the death, including any demographic information as required by the commissioner.

48.19 All facility administrators of correctional facilities defined under subdivision 1g are
48.20 required to report all other emergency or unusual occurrences as defined by rule, including
48.21 uses of force by facility staff that result in substantial bodily harm or suicide attempts, to
48.22 the commissioner of corrections within ten days from the occurrence, including any
48.23 demographic information as required by the commissioner. The commissioner of corrections
48.24 shall consult with the Minnesota Sheriffs' Association and a representative from the
48.25 Minnesota Association of Community Corrections Act Counties who is responsible for the
48.26 operations of an adult correctional facility to define "use of force" that results in substantial
48.27 bodily harm for reporting purposes.

48.28 The commissioner may require that any or all such information be provided through the
48.29 Department of Corrections detention information system. The commissioner shall post each
48.30 inspection report publicly and on the department's website within 30 days of completing
48.31 the inspection. The education program offered in a correctional facility for the ~~detention or~~
48.32 confinement or incarceration of juvenile offenders must be approved by the commissioner
48.33 of education before the commissioner of corrections may grant a license to the facility.

49.1 (b) For juvenile facilities licensed by the commissioner of human services, the
49.2 commissioner may inspect and certify programs based on certification standards set forth
49.3 in Minnesota Rules. For the purpose of this paragraph, "certification" has the meaning given
49.4 it in section 245A.02.

49.5 (c) Any state agency which regulates, inspects, or licenses certain aspects of correctional
49.6 facilities shall, insofar as is possible, ensure that the minimum standards it requires are
49.7 substantially the same as those required by other state agencies which regulate, inspect, or
49.8 license the same aspects of similar types of correctional facilities, although at different
49.9 correctional facilities.

49.10 (d) Nothing in this section shall be construed to limit the commissioner of corrections'
49.11 authority to promulgate rules establishing standards of eligibility for counties to receive
49.12 funds under sections 401.01 to 401.16, or to require counties to comply with operating
49.13 standards the commissioner establishes as a condition precedent for counties to receive that
49.14 funding.

49.15 ~~(e) When the commissioner finds that any facility described in paragraph (a), except~~
49.16 ~~foster care facilities for delinquent children and youth as provided in subdivision 2, does~~
49.17 ~~not substantially conform to the minimum standards established by the commissioner and~~
49.18 ~~is not making satisfactory progress toward substantial conformance, the commissioner shall~~
49.19 ~~promptly notify the chief executive officer and the governing board of the facility of the~~
49.20 ~~deficiencies and order that they be remedied within a reasonable period of time. The~~
49.21 ~~commissioner may by written order restrict the use of any facility which does not substantially~~
49.22 ~~conform to minimum standards to prohibit the detention of any person therein for more than~~
49.23 ~~72 hours at one time. When, after due notice and hearing, the commissioner finds that any~~
49.24 ~~facility described in this subdivision, except county jails and lockups as provided in sections~~
49.25 ~~641.26, 642.10, and 642.11, does not conform to minimum standards, or is not making~~
49.26 ~~satisfactory progress toward substantial compliance therewith, the commissioner may issue~~
49.27 ~~an order revoking the license of that facility. After revocation of its license, that facility~~
49.28 ~~shall not be used until its license is renewed. When the commissioner is satisfied that~~
49.29 ~~satisfactory progress towards substantial compliance with minimum standard is being made,~~
49.30 ~~the commissioner may, at the request of the appropriate officials of the affected facility~~
49.31 ~~supported by a written schedule for compliance, grant an extension of time for a period not~~
49.32 ~~to exceed one year.~~

49.33 (f) As used in this subdivision, "correctional facility" means any facility, including a
49.34 group home, having a residential component, the primary purpose of which is to serve
49.35 persons placed therein by a court, court services department, parole authority, or other

50.1 ~~correctional agency having dispositional power over persons charged with, convicted, or~~
50.2 ~~adjudicated to be guilty or delinquent.~~

50.3 Sec. 6. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to
50.4 read:

50.5 Subd. 1a. **Correction order; conditional license.** (a) When the commissioner finds that
50.6 any facility described in subdivision 1, except foster care facilities for delinquent children
50.7 and youth as provided in subdivision 2, does not substantially conform to the minimum
50.8 standards established by the commissioner and is not making satisfactory progress toward
50.9 substantial conformance and the nonconformance does not present an imminent risk of
50.10 life-threatening harm or serious physical injury to the persons confined or incarcerated in
50.11 the facility, the commissioner shall promptly notify the facility administrator and the
50.12 governing board of the facility of the deficiencies and must issue a correction order or a
50.13 conditional license order that the deficiencies be remedied within a reasonable and specified
50.14 period of time.

50.15 The conditional license order may restrict the use of any facility which does not
50.16 substantially conform to minimum standards, including imposition of conditions limiting
50.17 operation of the facility or parts of the facility, reducing facility capacity, limiting intake,
50.18 limiting length of detention for individuals, or imposing detention limitations based on the
50.19 needs of the individuals being confined or incarcerated therein.

50.20 The correction order or conditional license order must clearly state the following:

50.21 (1) the specific minimum standards violated, noting the implicated rule or law;

50.22 (2) the findings that constitute a violation of minimum standards;

50.23 (3) the corrective action needed;

50.24 (4) time allowed to correct each violation; and

50.25 (5) if a license is made conditional, the length and terms of the conditional license, any
50.26 conditions limiting operation of the facility, and the reasons for making the license
50.27 conditional.

50.28 (b) The facility administrator may request review of the findings noted in the conditional
50.29 license order on the grounds that satisfactory progress toward substantial compliance with
50.30 minimum standards has been made, supported by evidence of correction, and, if appropriate,
50.31 may include a written schedule for compliance. The commissioner shall review the evidence
50.32 of correction and the progress made toward substantial compliance with minimum standards

51.1 within a reasonable period of time, not to exceed ten business days. When the commissioner
51.2 has assurance that satisfactory progress toward substantial compliance with minimum
51.3 standards is being made, the commissioner shall lift any conditions limiting operation of
51.4 the facility or parts of the facility or remove the conditional license order.

51.5 (c) Nothing in this section prohibits the commissioner from ordering a revocation under
51.6 subdivision 1b prior to issuing a correction order or conditional license order.

51.7 Sec. 7. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to
51.8 read:

51.9 Subd. 1b. **License revocation order.** (a) When, after due notice to the facility
51.10 administrator of the commissioner's intent to issue a revocation order, the commissioner
51.11 finds that any facility described in this subdivision, except county jails and lockups subject
51.12 to active condemnation proceedings or orders as provided in sections 641.26, 642.10, and
51.13 642.11, does not conform to minimum standards, or is not making satisfactory progress
51.14 toward substantial compliance with minimum standards, and the nonconformance does not
51.15 present an imminent risk of life-threatening harm or serious physical injury to the persons
51.16 confined or incarcerated in the facility, the commissioner may issue an order revoking the
51.17 license of that facility.

51.18 The notice of intent to issue a revocation order shall include:

51.19 (1) the citation to minimum standards that have been violated;

51.20 (2) the nature and severity of each violation;

51.21 (3) whether the violation is recurring or nonrecurring;

51.22 (4) the effect of the violation on persons confined or incarcerated in the correctional
51.23 facility;

51.24 (5) an evaluation of the risk of harm to persons confined or incarcerated in the correctional
51.25 facility;

51.26 (6) relevant facts, conditions, and circumstances concerning the operation of the licensed
51.27 facility, including at a minimum:

51.28 (i) specific facility deficiencies that endanger the health or safety of persons confined
51.29 or incarcerated in the correctional facility;

51.30 (ii) substantiated complaints relating to the correctional facility; or

52.1 (iii) any other evidence that the correctional facility is not in compliance with minimum
52.2 standards.

52.3 (b) The facility administrator must submit a written response within 30 days of receipt
52.4 of the notice of intent to issue a revocation order with any information related to errors in
52.5 the notice, ability to conform to minimum standards within a set period of time including
52.6 but not limited to a written schedule for compliance, and any other information the facility
52.7 administrator deems relevant for consideration by the commissioner. The written response
52.8 must also include a written plan indicating how the correctional facility will ensure the
52.9 transfer of confined or incarcerated individuals and records if the correctional facility closes.
52.10 Plans must specify arrangements the correctional facility will make to transfer confined or
52.11 incarcerated individuals to another licensed correctional facility for continuation of detention.

52.12 (c) When revoking a license, the commissioner shall consider the nature, chronicity, or
52.13 severity of the violation of law or rule and the effect of the violation on the health, safety,
52.14 or rights of persons confined or incarcerated in the correctional facility.

52.15 (d) If the facility administrator does not respond within 30 days to the notice of intent
52.16 to issue a revocation order or if the commissioner does not have assurance that satisfactory
52.17 progress toward substantial compliance with minimum standards will be made, the
52.18 commissioner shall issue a revocation order. The revocation order must be sent to the facility
52.19 administrator and the governing board of the facility, clearly stating:

52.20 (1) the specific minimum standards violated, noting the implicated rule or law;

52.21 (2) the findings that constitute a violation of minimum standards and the nature,
52.22 chronicity, or severity of those violations;

52.23 (3) the corrective action needed;

52.24 (4) any prior correction or conditional license orders issued to correct violations; and

52.25 (5) the date at which the license revocation shall take place.

52.26 A revocation order may authorize use until a certain date, not to exceed the duration of the
52.27 current license, unless a limited license is issued by the commissioner for purposes of
52.28 effectuating a facility closure and continued operation does not present an imminent risk
52.29 of life-threatening harm or is not likely to result in serious physical injury to the persons
52.30 confined or incarcerated in the facility.

52.31 (e) After revocation of the facility's licensure, that facility shall not be used until the
52.32 license is renewed. When the commissioner is satisfied that satisfactory progress toward
52.33 substantial compliance with minimum standards is being made, the commissioner may, at

53.1 the request of the facility administrator supported by a written schedule for compliance,
53.2 reinstate the license.

53.3 Sec. 8. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to
53.4 read:

53.5 Subd. 1c. **Temporary license suspension.** The commissioner shall act immediately to
53.6 temporarily suspend a license issued under this chapter if:

53.7 (1) the correctional facility's failure to comply with applicable minimum standards or
53.8 the conditions in the correctional facility pose an imminent risk of life-threatening harm or
53.9 serious physical injury to persons confined or incarcerated in the facility, staff, law
53.10 enforcement, visitors, or the public; and

53.11 (i) if the imminent risk of life-threatening harm or serious physical injury cannot be
53.12 promptly corrected through a different type of order under this section; and

53.13 (ii) the correctional facility cannot or has not corrected the violation giving rise to the
53.14 imminent risk of life-threatening harm or serious physical injury; or

53.15 (2) while the correctional facility continues to operate pending due notice and opportunity
53.16 for written response to the commissioner's notice of intent to issue an order of revocation,
53.17 the commissioner identifies one or more subsequent violations of minimum standards which
53.18 may adversely affect the health or safety of persons confined or incarcerated in the facility,
53.19 staff, law enforcement, visitors, or the public.

53.20 A notice stating the reasons for the immediate suspension informing the facility
53.21 administrator must be delivered by personal service to the correctional facility administrator
53.22 and the governing board of the facility.

53.23 Sec. 9. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to
53.24 read:

53.25 Subd. 1d. **Public notice of restriction, revocation, or suspension.** If the license of a
53.26 facility under this section is revoked or suspended, or use of the facility is restricted for any
53.27 reason under a conditional license order, the commissioner shall post the facility, the status
53.28 of the facility's license, and the reason for the restriction, revocation, or suspension publicly
53.29 and on the department's website.

54.1 Sec. 10. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision
54.2 to read:

54.3 Subd. 1e. **Reconsideration of orders; appeals.** (a) If the facility administrator believes
54.4 the correction order, conditional license order, or revocation order is in error, the facility
54.5 administrator may ask the Department of Corrections to reconsider the parts of the order or
54.6 action that are alleged to be in error. The request for reconsideration must:

54.7 (1) be made in writing;

54.8 (2) be postmarked and sent to the commissioner no later than 30 calendar days after
54.9 receipt of the correction order, conditional license order, or revocation order;

54.10 (3) specify the parts of the order that are alleged to be in error;

54.11 (4) explain why the correction order, conditional license order, or revocation order is in
54.12 error; and

54.13 (5) include documentation to support the allegation of error.

54.14 The commissioner shall issue a disposition within 60 days of receipt of the facility
54.15 administrator's response to correction, conditional license, or revocation order violations.

54.16 A request for reconsideration does not stay any provisions or requirements of the order.

54.17 (b) The facility administrator may request reconsideration of an order immediately
54.18 suspending a license. The request for reconsideration of an order immediately suspending
54.19 a license must be made in writing and sent by certified mail, personal service, or other means
54.20 expressly stated in the commissioner's order. If mailed, the request for reconsideration must
54.21 be postmarked and sent to the commissioner no later than five business days after the facility
54.22 administrator receives notice that the license has been immediately suspended. If a request
54.23 is made by personal service, it must be received by the commissioner no later than five
54.24 business days after the facility administrator received the order. The request for
54.25 reconsideration must:

54.26 (1) specify the parts of the order that are alleged to be in error;

54.27 (2) explain why they are in error; and

54.28 (3) include documentation to support the allegation of error.

54.29 A facility administrator and the governing board of the facility shall discontinue operation
54.30 of the correctional facility upon receipt of the commissioner's order to immediately suspend
54.31 the license.

55.1 (c) Within five business days of receipt of the facility administrator's timely request for
55.2 reconsideration of a temporary immediate suspension, the commissioner shall review the
55.3 request for reconsideration. The scope of the review shall be limited solely to the issue of
55.4 whether the temporary immediate suspension order should remain in effect pending the
55.5 written response to commissioner's notice of intent to issue a revocation order.

55.6 The commissioner's disposition of a request for reconsideration of correction, conditional
55.7 license, temporary immediate suspension, or revocation order is final and subject to appeal.
55.8 The facility administrator must request reconsideration as required by this section of any
55.9 correction, conditional license, temporary immediate suspension, or revocation order prior
55.10 to appeal.

55.11 No later than 60 days after the postmark date of the mailed notice of the commissioner's
55.12 decision on a request for reconsideration, the facility administrator may appeal the decision
55.13 by filing for a writ of certiorari with the court of appeals under section 606.01 and Minnesota
55.14 Rules of Civil Appellate Procedure, Rule 115.

55.15 Sec. 11. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision
55.16 to read:

55.17 Subd. 1f. **Report.** By February 15, 2022, and by February 15 each year thereafter, the
55.18 commissioner of corrections shall report to the chairs and ranking minority members of the
55.19 house of representatives and senate committees and divisions with jurisdiction over public
55.20 safety and judiciary on the status of the implementation of the provisions in this section
55.21 over the prior year, particularly the health and safety of individuals confined or incarcerated
55.22 in a state correctional facility and a facility licensed by the commissioner. This report shall
55.23 include but not be limited to data regarding:

55.24 (1) the number of confined or incarcerated persons who died while committed to the
55.25 custody of the facility, regardless of whether the death occurred at the facility or after
55.26 removal from the facility for medical care stemming from an incident or need for medical
55.27 care at the correctional facility, including aggregated demographic information and the
55.28 correctional facilities' most recent inspection reports and any corrective orders or conditional
55.29 licenses issued;

55.30 (2) the aggregated results of the death reviews by facility as required by subdivision 8,
55.31 including any implemented policy changes;

55.32 (3) the number of uses of force by facility staff on persons confined or incarcerated in
55.33 the correctional facility, including but not limited to whether those uses of force were

56.1 determined to be justified by the facility, for which the commissioner of corrections shall
56.2 consult with the Minnesota Sheriffs' Association and a representative from the Minnesota
56.3 Association of Community Corrections Act Counties who is responsible for the operations
56.4 of an adult correctional facility to develop criteria for reporting and define reportable uses
56.5 of force;

56.6 (4) the number of suicide attempts, number of people transported to a medical facility,
56.7 and number of people placed in segregation;

56.8 (5) the number of persons committed to the commissioner of corrections' custody that
56.9 the commissioner is housing in facilities licensed under subdivision 1, including but not
56.10 limited to:

56.11 (i) aggregated demographic data of those individuals;

56.12 (ii) length of time spent housed in a licensed correctional facility; and

56.13 (iii) any contracts the Department of Corrections has with correctional facilities to provide
56.14 housing; and

56.15 (6) summary data from state correctional facilities regarding complaints involving alleged
56.16 on-duty staff misconduct, including but not limited to the:

56.17 (i) total number of misconduct complaints and investigations;

56.18 (ii) total number of complaints by each category of misconduct, as defined by the
56.19 commissioner of corrections;

56.20 (iii) number of allegations dismissed as unfounded;

56.21 (iv) number of allegations dismissed on grounds that the allegation was unsubstantiated;
56.22 and

56.23 (v) number of allegations substantiated, any resulting disciplinary action, and the nature
56.24 of the discipline.

56.25 Sec. 12. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision
56.26 to read:

56.27 Subd. 1g. **Definition.** As used in this section, "correctional facility" means any facility,
56.28 including a group home, having a residential component, the primary purpose of which is
56.29 to serve persons placed therein by a court, court services department, parole authority, or
56.30 other correctional agency having dispositional power over persons charged with, convicted,
56.31 or adjudicated guilty or delinquent.

57.1 Sec. 13. Minnesota Statutes 2020, section 241.021, subdivision 2a, is amended to read:

57.2 Subd. 2a. **Affected municipality; notice.** The commissioner must not ~~issue~~ grant a
57.3 license without giving 30 calendar days' written notice to any affected municipality or other
57.4 political subdivision unless the facility has a licensed capacity of six or fewer persons and
57.5 is occupied by either the licensee or the group foster home parents. The notification must
57.6 be given before the license is first issuance of a license granted and annually after that time
57.7 if annual notification is requested in writing by any affected municipality or other political
57.8 subdivision. State funds must not be made available to or be spent by an agency or department
57.9 of state, county, or municipal government for payment to a foster care facility licensed under
57.10 subdivision 2 until the provisions of this subdivision have been complied with in full.

57.11 Sec. 14. Minnesota Statutes 2020, section 241.021, subdivision 2b, is amended to read:

57.12 Subd. 2b. **Licensing; facilities; juveniles from outside state.** The commissioner may
57.13 not:

57.14 (1) ~~issue~~ grant a license under this section to operate a correctional facility for the
57.15 detention or confinement of juvenile offenders if the facility accepts juveniles who reside
57.16 outside of Minnesota without an agreement with the entity placing the juvenile at the facility
57.17 that obligates the entity to pay the educational expenses of the juvenile; or

57.18 (2) renew a license under this section to operate a correctional facility for the detention
57.19 or confinement of juvenile offenders if the facility accepts juveniles who reside outside of
57.20 Minnesota without an agreement with the entity placing the juvenile at the facility that
57.21 obligates the entity to pay the educational expenses of the juvenile.

57.22 Sec. 15. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision
57.23 to read:

57.24 Subd. 2c. **Searches.** The commissioner shall not grant a license to any county,
57.25 municipality, or agency to operate a facility for the detention, care, and training of delinquent
57.26 children and youth unless the county, municipality, or agency institutes a policy strictly
57.27 prohibiting the visual inspection of breasts, buttocks, or genitalia of children and youth
57.28 received by the facility except during a health care procedure conducted by a medically
57.29 licensed person.

58.1 Sec. 16. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision
58.2 to read:

58.3 Subd. 2d. **Disciplinary room time.** The commissioner shall not grant a license to any
58.4 county, municipality, or agency to operate a facility for the detention, care, and training of
58.5 delinquent children and youth unless the county, municipality, or agency institutes a policy
58.6 strictly prohibiting the use of disciplinary room time for children and youth received by the
58.7 facility. Seclusion used in emergency situations as a response to imminent danger to the
58.8 resident or others, when less restrictive interventions are determined to be ineffective, is
58.9 not a violation of this subdivision.

58.10 Sec. 17. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision
58.11 to read:

58.12 Subd. 7. **Intake release of information.** All correctional facilities that confine or
58.13 incarcerate adults are required at intake to provide every person an authorization form to
58.14 release information related to their health or mental health condition and when that
58.15 information should be shared. This release form shall allow the individual to select if they
58.16 want to require the correctional facility to make attempts to contact the designated person
58.17 to facilitate the sharing of health condition information upon incapacitation or if the individual
58.18 becomes unable to communicate or direct the sharing of this information, so long as contact
58.19 information was provided and the incapacitated person or individual who is unable to
58.20 communicate or direct the sharing of this information is not subject to a court order
58.21 prohibiting contact with the designated person.

58.22 Sec. 18. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision
58.23 to read:

58.24 Subd. 8. **Death review teams.** In the event a correctional facility as defined in subdivision
58.25 1g receives information of the death of an individual while committed to the custody of the
58.26 facility, regardless of whether the death occurred at the facility or after removal from the
58.27 facility for medical care stemming from an incident or need for medical care at the
58.28 correctional facility, the administrator of the facility, minimally including a medical expert
58.29 of the facility's choosing who did not provide medical services to the individual, and, if
58.30 appropriate, a mental health expert, shall review the circumstances of the death and assess
58.31 for preventable mortality and morbidity, including recommendations for policy or procedure
58.32 change, within 90 days of death. The investigating law enforcement agency may provide
58.33 documentation, participate in, or provide documentation and participate in the review in

59.1 instances where criminal charges were not brought. A preliminary autopsy report must be
59.2 provided as part of the review and any subsequent autopsy findings as available. The facility
59.3 administrator shall provide notice to the commissioner of corrections via the Department
59.4 of Corrections detention information system that the correctional facility has conducted a
59.5 review and identify any recommendations for changes in policy, procedure, or training that
59.6 will be implemented. Any report or other documentation created for purposes of a facility
59.7 death review is confidential as defined in section 13.02, subdivision 3. Nothing in this
59.8 section relieves the facility administrator from complying with the notice of death to the
59.9 commissioner as required by subdivision 1, paragraph (a).

59.10 Sec. 19. Minnesota Statutes 2020, section 241.025, subdivision 1, is amended to read:

59.11 Subdivision 1. **Authorization.** The commissioner of corrections may appoint peace
59.12 officers, as defined in section 626.84, subdivision 1, paragraph (c), who shall serve in the
59.13 classified service subject to the provisions of section 43A.01, subdivision 2, and establish
59.14 a law enforcement agency, as defined in section 626.84, subdivision 1, paragraph (f), known
59.15 as the Department of Corrections Fugitive Apprehension Unit, to perform the duties necessary
59.16 to make statewide arrests under sections 629.30 and 629.34. The jurisdiction of the law
59.17 enforcement agency is ~~limited to~~ primarily the arrest of Department of Corrections'
59.18 discretionary and statutory released violators and Department of Corrections' escapees. The
59.19 Department of Corrections Fugitive Apprehension Unit may exercise general law enforcement
59.20 duties during the course of official duties, including carrying out law enforcement activities
59.21 in coordination with the law enforcement agency of jurisdiction, investigating criminal
59.22 offenses in agency-operated correctional facilities and surrounding property, and assisting
59.23 other law enforcement agencies upon request.

59.24 Sec. 20. Minnesota Statutes 2020, section 241.025, subdivision 2, is amended to read:

59.25 Subd. 2. **Limitations.** The initial processing of a person arrested by the fugitive
59.26 apprehension unit for an offense ~~within the agency's jurisdiction~~ is the responsibility of the
59.27 fugitive apprehension unit unless otherwise directed by the law enforcement agency with
59.28 primary jurisdiction. A subsequent investigation is the responsibility of the law enforcement
59.29 agency of the jurisdiction ~~in which a new crime is committed~~ unless the law enforcement
59.30 agency authorizes the fugitive apprehension unit to assume the subsequent investigation.
59.31 At the request of the primary jurisdiction, the fugitive apprehension unit may assist in
59.32 subsequent investigations or law enforcement efforts being carried out by the primary
59.33 jurisdiction. Persons arrested for violations that the fugitive apprehension unit determines

60.1 are not within the agency's jurisdiction must be referred to the appropriate local law
60.2 enforcement agency for further investigation or disposition.

60.3 Sec. 21. Minnesota Statutes 2020, section 241.025, subdivision 3, is amended to read:

60.4 Subd. 3. **Policies.** The fugitive apprehension unit must develop and file all policies
60.5 required under state law for law enforcement agencies. The fugitive apprehension unit also
60.6 must develop a policy for contacting law enforcement agencies in a city or county before
60.7 initiating any fugitive surveillance, investigation, or apprehension within the city or county.
60.8 ~~These policies must be filed with the board of peace officers standards and training by~~
60.9 ~~November 1, 2000.~~ Revisions of any of these policies must be filed with the board within
60.10 ten days of the effective date of the revision. The Department of Corrections shall train all
60.11 of its peace officers regarding the application of these policies.

60.12 Sec. 22. [241.067] RELEASE OF INMATES; DUTIES OF COMMISSIONER.

60.13 Subdivision 1. Duties upon release. When releasing an inmate from prison, the
60.14 commissioner shall:

60.15 (1) provide the inmate with a copy of the inmate's unofficial criminal history compiled
60.16 by the department and marked as unofficial;

60.17 (2) provide information to the inmate on how to obtain the inmate's full official criminal
60.18 history from the Bureau of Criminal Apprehension;

60.19 (3) provide general information to the inmate describing the laws and processes for
60.20 obtaining an expungement of the inmate's criminal record;

60.21 (4) provide general information on the inmate's right to vote;

60.22 (5) provide the inmate with current information on local career workforce centers in the
60.23 county in which the inmate will reside and, upon the inmate's request, other counties;

60.24 (6) provide the inmate with a record of the programs that the inmate completed while
60.25 in prison;

60.26 (7) provide the inmate with an accounting of any court-ordered payments, fines, and
60.27 fees owed by the inmate upon release of which the department has knowledge;

60.28 (8) provide assistance to the inmate in obtaining a Social Security card;

60.29 (9) provide the inmate with a medical discharge summary;

61.1 (10) provide the inmate with information on how the inmate may obtain a complete copy
61.2 of the inmate's medical record at no charge to the inmate; and

61.3 (11) provide the inmate with general information on the Supplemental Nutrition
61.4 Assistance Program (SNAP) benefits, eligibility criteria, and application process.

61.5 Subd. 2. **Assistance relating to birth certificate and identification cards.** (a) Upon
61.6 the request of an inmate, the commissioner shall assist the inmate in obtaining a copy of
61.7 the inmate's birth certificate at no cost to the inmate. This assistance does not apply to
61.8 inmates who (1) upon intake have six months or less remaining in their term of imprisonment,
61.9 (2) already have an accessible copy of their birth certificate available or other valid
61.10 identification, or (3) already have a valid photograph on file with the Department of Public
61.11 Safety that may be used as proof of identity for renewing an identification document.

61.12 (b) The commissioner, in collaboration with the Department of Public Safety, shall
61.13 facilitate the provision of a state identification card to an inmate at no cost to the inmate
61.14 under the same criteria described in paragraph (a) relating to birth certificates, provided the
61.15 inmate possesses the necessary qualifying documents to obtain the card.

61.16 (c) The commissioner shall inform inmates of the commissioner's duties under paragraphs
61.17 (a) and (b) upon intake and again upon the initiation of release planning.

61.18 Subd. 3. **Medical assistance or MinnesotaCare application.** At least 45 days before
61.19 the scheduled release of an inmate, the commissioner shall offer to assist the inmate in
61.20 completing an application for medical assistance or MinnesotaCare and shall provide the
61.21 assistance if the inmate accepts the offer.

61.22 Subd. 4. **Medications.** (a) When releasing an inmate from prison, the commissioner
61.23 shall provide the inmate with a one-month supply of any non-narcotic medications that have
61.24 been prescribed to the inmate and a prescription for a 30-day supply of these medications
61.25 that may be refilled twice.

61.26 (b) Paragraph (a) applies only to the extent the requirement is consistent with clinical
61.27 guidelines and permitted under state and federal law.

61.28 (c) Nothing in this subdivision overrides the requirements in section 244.054.

61.29 Subd. 5. **Exception; release violators.** With the exception of subdivision 4, this section
61.30 does not apply to inmates who are being imprisoned for a release violation. The requirements
61.31 in subdivision 4 apply to all inmates being released.

61.32 **EFFECTIVE DATE.** This section is effective September 1, 2021, except that the
61.33 requirement in subdivision 1, clause (10), is effective on July 1, 2022.

62.1 Sec. 23. **[241.068] HOMELESSNESS MITIGATION PLAN; ANNUAL REPORTING**
62.2 **ON HOMELESSNESS.**

62.3 **Subdivision 1. Homelessness mitigation plan; report.** (a) The commissioner of
62.4 corrections shall develop and implement a homelessness mitigation plan for individuals
62.5 released from prison. At minimum, the plan must include:

62.6 (1) redesigning of business practices and policies to boost efforts to prevent homelessness
62.7 for all persons released from prison;

62.8 (2) efforts to increase interagency and intergovernmental collaboration between state
62.9 and local governmental units to identify and leverage shared resources; and

62.10 (3) development of internal metrics for the agency to report on its progress towards
62.11 implementing the plan and achieving the plan's goals.

62.12 (b) The commissioner shall submit the plan to the chairs and ranking minority members
62.13 of the legislative committees having jurisdiction over criminal justice policy and finance
62.14 by October 31, 2022.

62.15 **Subd. 2. Reporting on individuals released to homelessness.** (a) By February 15 of
62.16 each year beginning in 2022, the commissioner shall report to the chairs and ranking minority
62.17 members of the legislative committees having jurisdiction over criminal justice policy and
62.18 finance the following information on adults, disaggregated by race, gender, and county of
62.19 release:

62.20 (1) the total number released to homelessness from prison;

62.21 (2) the total number released to homelessness by each Minnesota correctional facility;

62.22 (3) the total number released to homelessness by county of release; and

62.23 (4) the total number under supervised, intensive supervised, or conditional release
62.24 following release from prison who reported experiencing homelessness or a lack of housing
62.25 stability.

62.26 (b) Beginning with the 2024 report and continuing until the 2033 report, the commissioner
62.27 shall include in the report required under paragraph (a), information detailing progress,
62.28 measures, and challenges to the implementation of the homelessness mitigation plan required
62.29 by subdivision 1.

62.30 **EFFECTIVE DATE.** This section is effective July, 1, 2021.

63.1 Sec. 24. [241.82] OFFICE FOR MISSING AND MURDERED INDIGENOUS
63.2 RELATIVES.

63.3 Subdivision 1. Definitions. As used in this section, the following terms have the meanings
63.4 given.

63.5 (a) "Indigenous" means descended from people who were living in North America at
63.6 the time people from Europe began settling in North America.

63.7 (b) "Missing and murdered indigenous relatives" means missing and murdered indigenous
63.8 people.

63.9 (c) "Missing and Murdered Indigenous Women Task Force report" means the report
63.10 titled "Missing and Murdered Indigenous Women Task Force: a Report to the Minnesota
63.11 Legislature," published by the Wilder Research organization in December 2020.

63.12 Subd. 2. Duties. The office has the following duties:

63.13 (1) advocate in the legislature for legislation that will facilitate the accomplishment of
63.14 the mandates identified in the Missing and Murdered Indigenous Women Task Force report;

63.15 (2) advocate for state agencies to take actions to facilitate the accomplishment of the
63.16 mandates identified in the Missing and Murdered Indigenous Women Task Force report;

63.17 (3) develop recommendations for legislative and agency actions to address injustice in
63.18 the criminal justice system's response to the cases of missing and murdered indigenous
63.19 relatives;

63.20 (4) facilitate research to refine the mandates in the Missing and Murdered Indigenous
63.21 Women Task Force report and to assess the potential efficacy, feasibility, and impact of the
63.22 recommendations;

63.23 (5) develop tools and processes to evaluate the implementation and impact of the efforts
63.24 of the office;

63.25 (6) facilitate technical assistance for local and tribal law enforcement agencies during
63.26 active missing and murdered indigenous relatives cases;

63.27 (7) conduct case reviews and report on the results of case reviews for the following types
63.28 of missing and murdered indigenous relatives cases: cold cases for missing indigenous
63.29 people and death investigation review for cases of indigenous people ruled as suicide or
63.30 overdose under suspicious circumstances;

64.1 (8) conduct case reviews of the prosecution and sentencing for cases where a perpetrator
64.2 committed a violent or exploitative crime against an indigenous person. These case reviews
64.3 should identify those cases where the perpetrator is a repeat offender;

64.4 (9) prepare draft legislation as necessary to allow the office access to the data required
64.5 for the office to conduct the reviews required in this section and advocate for passage of
64.6 that legislation;

64.7 (10) review sentencing guidelines for missing and murdered indigenous women-related
64.8 crimes, recommend changes if needed, and advocate for consistent implementation of the
64.9 guidelines across Minnesota courts;

64.10 (11) develop and maintain communication with relevant divisions in the Department of
64.11 Public Safety regarding any cases involving missing and murdered indigenous relatives and
64.12 on procedures for investigating cases involving missing and murdered indigenous relatives;
64.13 and

64.14 (12) coordinate, as relevant, with the Bureau of Indian Affairs' Cold Case Office through
64.15 Operation Lady Justice and other federal efforts, as well as efforts in neighboring states and
64.16 Canada. This recommendation pertains to state efforts. Tribes are sovereign nations that
64.17 have the right to determine if and how they will coordinate with these other efforts.

64.18 Subd. 3. **Coordination with other organizations.** In fulfilling its duties the office may
64.19 coordinate, as useful, with stakeholder groups that were represented on the Missing and
64.20 Murdered Indigenous Women Task Force and state agencies that are responsible for the
64.21 systems that play a role in investigating, prosecuting, and adjudicating cases involving
64.22 violence committed against indigenous women, those who have a role in supporting or
64.23 advocating for missing or murdered indigenous women and the people who seek justice for
64.24 them, and those who represent the interests of indigenous people. This includes the following
64.25 entities: Minnesota Chiefs of Police Association; Minnesota Sheriffs' Association; Bureau
64.26 of Criminal Apprehension; Minnesota Police and Peace Officers Association; tribal law
64.27 enforcement; Minnesota County Attorneys Association; United States Attorney's Office;
64.28 juvenile courts; Minnesota Coroners' and Medical Examiners' Association; United States
64.29 Coast Guard; state agencies, including the Departments of Health, Human Services,
64.30 Education, Corrections, and Public Safety; the Minnesota Indian Affairs Council; service
64.31 providers who offer legal services, advocacy, and other services to indigenous women and
64.32 girls; the Minnesota Indian Women's Sexual Assault Coalition; Mending the Sacred Hoop;
64.33 Indian health organizations; indigenous women and girls who are survivors; the 11 tribal

65.1 nations that share geography with Minnesota; and organizations and leadership from urban
65.2 and statewide American Indian communities.

65.3 Subd. 4. **Executive director; staff.** (a) The governor must appoint an executive director
65.4 who is a person closely connected to a tribe or indigenous community and who is highly
65.5 knowledgeable about criminal investigations. The governor is encouraged to consider
65.6 candidates for appointment who are recommended by tribes and indigenous communities.
65.7 The executive director serves in the unclassified service.

65.8 (b) The executive director may select, appoint, and compensate out of available funds
65.9 assistants and employees as necessary to discharge the office's responsibilities. The executive
65.10 director may appoint an assistant executive director in the unclassified service.

65.11 (c) The executive director and full-time staff shall be members of the Minnesota State
65.12 Retirement Association.

65.13 Subd. 5. **Reports.** The office must report on measurable outcomes achieved to meet its
65.14 statutory duties, along with specific objectives and outcome measures proposed for the
65.15 following year. The office must submit the report by January 15 each year to the chairs and
65.16 ranking minority members of the house of representatives and the senate committees with
65.17 primary jurisdiction over public safety.

65.18 Subd. 6. **Budget.** The executive director must prepare and subject the biennial budget
65.19 of the office to the commissioner of management and budget in accordance with section
65.20 16A.10.

65.21 Subd. 7. **Grants.** The office may apply for and receive grants from public and private
65.22 entities for purposes of carrying out the office's duties under this section.

65.23 Subd. 8. **Access to data.** Notwithstanding section 13.384 or 13.85, the executive director
65.24 has access to corrections and detention data and medical data maintained by an agency and
65.25 classified as private data on individuals or confidential data on individuals when access to
65.26 the data is necessary for the office to perform its duties under this section.

65.27 Sec. 25. Minnesota Statutes 2020, section 243.52, is amended to read:

65.28 **243.52 DISCIPLINE; PREVENTION OF ESCAPE; DUTY TO REPORT.**

65.29 Subdivision 1. **Discipline and prevention of escape** If any inmate or person confined
65.30 or incarcerated in any adult correctional facility either under the control of the commissioner
65.31 of corrections or licensed by the commissioner of corrections under section 241.021 assaults
65.32 any correctional officer or any other person or inmate, the assaulted person may use force

66.1 in defense of the assault, except as limited in this section. If any ~~inmate~~ confined or
66.2 incarcerated person attempts to damage the buildings or appurtenances, resists the lawful
66.3 authority of any correctional officer, refuses to obey the correctional officer's reasonable
66.4 demands, or attempts to escape, the correctional officer may enforce obedience and discipline
66.5 or prevent escape by the use of force. If any ~~inmate~~ confined or incarcerated person resisting
66.6 lawful authority is wounded or killed by the use of force by the correctional officer or
66.7 assistants, that conduct is authorized under this section.

66.8 Subd. 2. Use of force. (a) Use of force must not be applied maliciously or sadistically
66.9 for the purpose of causing harm to a confined or incarcerated person.

66.10 (b) Unless the use of deadly force is justified in this section, a correctional officer working
66.11 in a correctional facility as defined in section 241.021 may not use any of the following
66.12 restraints:

66.13 (1) a choke hold;

66.14 (2) a prone restraint;

66.15 (3) tying all of a person's limbs together behind the person's back to render the person
66.16 immobile; or

66.17 (4) securing a person in any way that results in transporting the person face down in a
66.18 vehicle, except as directed by a medical professional.

66.19 (c) For the purposes of this subdivision, the following terms have the meanings given
66.20 them:

66.21 (1) "choke hold" means a method by which a person applies sufficient pressure to a
66.22 person to make breathing difficult or impossible, and includes but is not limited to any
66.23 pressure to the neck, throat, or windpipe that may prevent or hinder breathing or reduce
66.24 intake of air. Choke hold also means applying pressure to a person's neck on either side of
66.25 the windpipe, but not to the windpipe itself, to stop the flow of blood to the brain via the
66.26 carotid arteries;

66.27 (2) "prone restraint" means the use of manual restraint that places a person in a face-down
66.28 position; and

66.29 As used in this section, "use of force" means conduct which is defined by sections 609.06
66.30 ~~to 609.066.~~ (3) "deadly force" has the meaning given in section 609.066, subdivision 1.

67.1 (d) Use of deadly force is justified only if an objectively reasonable correctional officer
67.2 would believe, based on the totality of the circumstances known to the officer at the time
67.3 and without the benefit of hindsight, that deadly force is necessary:

67.4 (1) to protect the correctional officer or another from death or great bodily harm, provided
67.5 that the threat:

67.6 (i) can be articulated with specificity by the correctional officer;

67.7 (ii) is reasonably likely to occur absent action by the correctional officer; and

67.8 (iii) must be addressed through the use of deadly force without unreasonable delay; or

67.9 (2) to effect the capture or prevent the escape of a person when the officer reasonably
67.10 believes that the person will cause death or great bodily harm to another person under the
67.11 threat criteria in clause (1), unless immediately apprehended.

67.12 Subd. 3. **Duty to report.** (a) Regardless of tenure or rank, staff working in a correctional
67.13 facility as defined in section 241.021 who observe another employee engage in neglect or
67.14 use force that exceeds the degree of force permitted by law must report the incident in
67.15 writing as soon as practicable, but no later than 24 hours to the administrator of the
67.16 correctional facility that employs the reporting staff member.

67.17 (b) A staff member who fails to report neglect or excessive use of force within 24 hours
67.18 is subject to disciplinary action or sanction by the correctional facility that employs them.
67.19 Staff members shall suffer no reprisal for reporting another staff member engaged in
67.20 excessive use of force or neglect.

67.21 (c) For the purposes of this subdivision, neglect means:

67.22 (1) the knowing failure or omission to supply a person confined or incarcerated in the
67.23 facility with care or services, including but not limited to food, clothing, health care, or
67.24 supervision that is reasonable and necessary to obtain or maintain the person's physical or
67.25 mental health or safety; or

67.26 (2) the absence or likelihood of absence of care or services, including but not limited to
67.27 food, clothing, health care, or supervision necessary to maintain the physical and mental
67.28 health of the person that a reasonable person would deem essential for health, safety, or
67.29 comfort.

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

68.1 Sec. 26. **[243.95] PRIVATE PRISON CONTRACTS PROHIBITED.**

68.2 The commissioner may not contract with privately owned and operated prisons for the
68.3 care, custody, and rehabilitation of offenders committed to the custody of the commissioner.

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

68.5 Sec. 27. **[244.049] INDETERMINATE SENTENCE RELEASE BOARD.**

68.6 **Subdivision 1. Establishment; membership.** (a) The Indeterminate Sentence Release
68.7 Board is established to review eligible cases and make release decisions for inmates serving
68.8 indeterminate sentences under the authority of the commissioner.

68.9 (b) The board shall consist of five members as follows:

68.10 (1) four persons appointed by the governor from two recommendations of each of the
68.11 majority leaders and minority leaders of the house of representatives and the senate; and

68.12 (2) the commissioner of corrections who shall serve as chair.

68.13 (c) The members appointed from the legislative recommendations must meet the
68.14 following qualifications at a minimum:

68.15 (1) a bachelor's degree in criminology, corrections, or a related social science, or a law
68.16 degree;

68.17 (2) five years of experience in corrections, a criminal justice or community corrections
68.18 field, rehabilitation programming, behavioral health, or criminal law; and

68.19 (3) demonstrated knowledge of victim issues and correctional processes.

68.20 **Subd. 2. Terms; compensation.** (a) Members of the board shall serve four-year staggered
68.21 terms except that the terms of the initial members of the board must be as follows:

68.22 (1) two members must be appointed for terms that expire January 1, 2024; and

68.23 (2) two members must be appointed for terms that expire January 1, 2026.

68.24 (b) A member is eligible for reappointment.

68.25 (c) Vacancies on the board shall be filled in the same manner as the initial appointments
68.26 under subdivision 1.

68.27 (d) Member compensation and removal of members on the board shall be as provided
68.28 in section 15.0575.

68.29 **Subd. 3. Quorum; administrative duties.** (a) The majority of members constitutes a
68.30 quorum.

69.1 (b) The commissioner of corrections shall provide the board with personnel, supplies,
69.2 equipment, office space, and other administrative services necessary and incident to the
69.3 discharge of the functions of the board.

69.4 Subd. 4. **Limitation.** Nothing in this section supersedes the commissioner's authority
69.5 to revoke an inmate's release for a violation of the inmate's terms of release or impairs the
69.6 power of the Board of Pardons to grant a pardon or commutation in any case.

69.7 Subd. 5. **Report.** On or before February 15 each year, the board shall submit to the
69.8 legislative committees with jurisdiction over criminal justice policy a written report detailing
69.9 the number of inmates reviewed and identifying persons granted release in the preceding
69.10 year. The report shall also include the board's recommendations for policy modifications
69.11 that influence the board's duties.

69.12 Sec. 28. Minnesota Statutes 2020, section 244.05, subdivision 5, is amended to read:

69.13 Subd. 5. **Supervised release, life sentence.** (a) The ~~commissioner of corrections~~ board
69.14 may, under rules ~~promulgated~~ adopted by the commissioner and upon majority vote of the
69.15 board members, give supervised release to an inmate serving a mandatory life sentence
69.16 under section 609.185, paragraph (a), clause (3), (5), or (6); 609.3455, subdivision 3 or 4;
69.17 609.385; or Minnesota Statutes 2004, section 609.109, subdivision 3, after the inmate has
69.18 served the minimum term of imprisonment specified in subdivision 4.

69.19 (b) The ~~commissioner~~ board shall require the preparation of a community investigation
69.20 report and shall consider the findings of the report when making a supervised release decision
69.21 under this subdivision. The report shall reflect the sentiment of the various elements of the
69.22 community toward the inmate, both at the time of the offense and at the present time. The
69.23 report shall include the views of the sentencing judge, the prosecutor, any law enforcement
69.24 personnel who may have been involved in the case, and any successors to these individuals
69.25 who may have information relevant to the supervised release decision. The report shall also
69.26 include the views of the victim and the victim's family unless the victim or the victim's
69.27 family chooses not to participate.

69.28 (c) The commissioner shall make reasonable efforts to notify the victim, in advance, of
69.29 the time and place of the inmate's supervised release review hearing. The victim has a right
69.30 to submit an oral or written statement at the review hearing. The statement may summarize
69.31 the harm suffered by the victim as a result of the crime and give the victim's recommendation
69.32 on whether the inmate should be given supervised release at this time. The ~~commissioner~~
69.33 board must consider the victim's statement when making the supervised release decision.

70.1 (d) When considering whether to give supervised release to an inmate serving a life
 70.2 sentence under section 609.3455, subdivision 3 or 4, the ~~commissioner~~ board shall consider,
 70.3 at a minimum, the following: the risk the inmate poses to the community if released, the
 70.4 inmate's progress in treatment, the inmate's behavior while incarcerated, psychological or
 70.5 other diagnostic evaluations of the inmate, the inmate's criminal history, and any other
 70.6 relevant conduct of the inmate while incarcerated or before incarceration. The ~~commissioner~~
 70.7 board may not give supervised release to the inmate unless:

70.8 (1) while in prison:

70.9 (i) the inmate has successfully completed appropriate sex offender treatment;

70.10 (ii) the inmate has been assessed for chemical dependency needs and, if appropriate, has
 70.11 successfully completed chemical dependency treatment; and

70.12 (iii) the inmate has been assessed for mental health needs and, if appropriate, has
 70.13 successfully completed mental health treatment; and

70.14 (2) a comprehensive individual release plan is in place for the inmate that ensures that,
 70.15 after release, the inmate will have suitable housing and receive appropriate aftercare and
 70.16 community-based treatment. The comprehensive plan also must include a postprison
 70.17 employment or education plan for the inmate.

70.18 (e) As used in this subdivision:

70.19 (1) "board" means the Indeterminate Sentence Release Board under section 244.049;
 70.20 and

70.21 (2) "victim" means the individual who suffered harm as a result of the inmate's crime
 70.22 or, if the individual is deceased, the deceased's surviving spouse or next of kin.

70.23 Sec. 29. Minnesota Statutes 2020, section 244.065, is amended to read:

70.24 **244.065 PRIVATE EMPLOYMENT OF INMATES OR SPECIALIZED**
 70.25 **PROGRAMMING FOR PREGNANT INMATES OF STATE CORRECTIONAL**
 70.26 **INSTITUTIONS IN COMMUNITY.**

70.27 Subdivision 1. Work. When consistent with the public interest and the public safety,
 70.28 the commissioner of corrections may conditionally release an inmate to work at paid
 70.29 employment, seek employment, or participate in a vocational training or educational program,
 70.30 as provided in section 241.26, if the inmate has served at least one half of the term of
 70.31 imprisonment.

71.1 Subd. 2. **Pregnancy.** (a) In the furtherance of public interest and community safety, the
71.2 commissioner of corrections may conditionally release:

71.3 (1) for up to one year postpartum, an inmate who gave birth within eight months of the
71.4 date of commitment; and

71.5 (2) for the duration of the pregnancy and up to one year postpartum, an inmate who is
71.6 pregnant.

71.7 (b) The commissioner may conditionally release an inmate under paragraph (a) to
71.8 community-based programming for the purpose of participation in prenatal or postnatal
71.9 care programming and to promote mother-child bonding in addition to other programming
71.10 requirements as established by the commissioner, including evidence-based parenting skills
71.11 programming; working at paid employment; seeking employment; or participating in
71.12 vocational training, an educational program, or chemical dependency or mental health
71.13 treatment services.

71.14 (c) The commissioner shall develop policy and criteria to implement this subdivision
71.15 according to public safety and generally accepted correctional practice.

71.16 (d) By April 1 of each year, the commissioner shall report to the chairs and ranking
71.17 minority members of the house of representatives and senate committees with jurisdiction
71.18 over corrections on the number of inmates released and the duration of the release under
71.19 this subdivision for the prior calendar year.

71.20 Sec. 30. Minnesota Statutes 2020, section 244.19, subdivision 3, is amended to read:

71.21 **Subd. 3. Powers and duties.** All county probation officers serving a district court shall
71.22 act under the orders of the court in reference to any person committed to their care by the
71.23 court, and in the performance of their duties shall have the general powers of a peace officer;
71.24 and it shall be their duty to make such investigations with regard to any person as may be
71.25 required by the court before, during, or after the trial or hearing, and to furnish to the court
71.26 such information and assistance as may be required; to take charge of any person before,
71.27 during or after trial or hearing when so directed by the court, and to keep such records and
71.28 to make such reports to the court as the court may order.

71.29 All county probation officers serving a district court shall, in addition, provide probation
71.30 and parole services to wards of the commissioner of corrections resident in the counties
71.31 they serve, and shall act under the orders of said commissioner of corrections in reference
71.32 to any ward committed to their care by the commissioner of corrections.

72.1 All probation officers serving a district court shall, under the direction of the authority
72.2 having power to appoint them, initiate programs for the welfare of persons coming within
72.3 the jurisdiction of the court to prevent delinquency and crime and to rehabilitate within the
72.4 community persons who come within the jurisdiction of the court and are properly subject
72.5 to efforts to accomplish prevention and rehabilitation. They shall, under the direction of the
72.6 court, cooperate with all law enforcement agencies, schools, child welfare agencies of a
72.7 public or private character, and other groups concerned with the prevention of crime and
72.8 delinquency and the rehabilitation of persons convicted of crime and delinquency.

72.9 All probation officers serving a district court shall make monthly and annual reports to
72.10 the commissioner of corrections, on forms furnished by the commissioner, containing such
72.11 information on number of cases cited to the juvenile division of district court, offenses,
72.12 adjudications, dispositions, and related matters as may be required by the commissioner of
72.13 corrections. The reports shall include the information on individuals convicted as an extended
72.14 jurisdiction juvenile identified in section 241.016, subdivision 1, paragraph (c).

72.15 Sec. 31. Minnesota Statutes 2020, section 244.195, subdivision 2, is amended to read:

72.16 Subd. 2. **Detention pending hearing.** When it appears necessary to enforce discipline
72.17 or to prevent a person on conditional release from escaping or absconding from supervision,
72.18 a court services director has the authority to issue a written order directing any peace officer
72.19 or any probation officer in the state serving the district and juvenile courts to detain and
72.20 bring the person before the court or the commissioner, whichever is appropriate, for
72.21 disposition. If the person on conditional release commits a violation described in section
72.22 609.14, subdivision 1a, paragraph (a), the court services director must have a reasonable
72.23 belief that the order is necessary to prevent the person from escaping or absconding from
72.24 supervision or that the continued presence of the person in the community presents a risk
72.25 to public safety before issuing a written order. This written order is sufficient authority for
72.26 the peace officer or probation officer to detain the person for not more than 72 hours,
72.27 excluding Saturdays, Sundays, and holidays, pending a hearing before the court or the
72.28 commissioner.

72.29 Sec. 32. [260B.008] USE OF RESTRAINTS.

72.30 (a) As used in this section, "restraints" means a mechanical or other device that constrains
72.31 the movement of a person's body or limbs.

72.32 (b) Restraints may not be used on a child appearing in court in a proceeding under this
72.33 chapter unless the court finds that:

73.1 (1) the use of restraints is necessary:

73.2 (i) to prevent physical harm to the child or another; or

73.3 (ii) to prevent the child from fleeing in situations in which the child presents a substantial
73.4 risk of flight from the courtroom; and

73.5 (2) there are no less restrictive alternatives to restraints that will prevent flight or physical
73.6 harm to the child or another, including but not limited to the presence of court personnel,
73.7 law enforcement officers, or bailiffs.

73.8 The finding in clause (1), item (i), may be based, among other things, on the child having
73.9 a history of disruptive courtroom behavior or behavior while in custody for any current or
73.10 prior offense that has placed others in potentially harmful situations, or presenting a
73.11 substantial risk of inflicting physical harm on the child or others as evidenced by past
73.12 behavior. The court may take into account the physical structure of the courthouse in
73.13 assessing the applicability of the above factors to the individual child.

73.14 (c) The court shall be provided the child's behavior history and shall provide the child
73.15 an opportunity to be heard in person or through counsel before ordering the use of restraints.
73.16 If restraints are ordered, the court shall make findings of fact in support of the order.

73.17 (d) By April 1, 2022, each judicial district shall develop a protocol to address how to
73.18 implement and comply with this section. In developing the protocol, a district shall consult
73.19 with law enforcement agencies, prosecutors, public defenders within the district, and any
73.20 other entity deemed necessary by the district's chief judge.

73.21 **EFFECTIVE DATE.** Paragraphs (a), (b), and (c) are effective April 15, 2022. Paragraph
73.22 (d) is effective the day following final enactment.

73.23 Sec. 33. Minnesota Statutes 2020, section 260B.163, subdivision 1, is amended to read:

73.24 Subdivision 1. **General.** (a) Except for hearings arising under section 260B.425, hearings
73.25 on any matter shall be without a jury and may be conducted in an informal manner, except
73.26 that a child who is prosecuted as an extended jurisdiction juvenile has the right to a jury
73.27 trial on the issue of guilt. The rules of evidence promulgated pursuant to section 480.0591
73.28 and the law of evidence shall apply in adjudicatory proceedings involving a child alleged
73.29 to be delinquent, an extended jurisdiction juvenile, or a juvenile petty offender, and hearings
73.30 conducted pursuant to section 260B.125 except to the extent that the rules themselves provide
73.31 that they do not apply.

74.1 (b) When a continuance or adjournment is ordered in any proceeding, the court may
74.2 make any interim orders as it deems in the best interests of the minor in accordance with
74.3 the provisions of sections 260B.001 to 260B.421.

74.4 (c) Except as otherwise provided in this paragraph, the court shall exclude the general
74.5 public from hearings under this chapter and shall admit only those persons who, in the
74.6 discretion of the court, have a direct interest in the case or in the work of the court. The
74.7 court shall permit the victim of a child's delinquent act to attend any related delinquency
74.8 proceeding, except that the court may exclude the victim:

74.9 (1) as a witness under the Rules of Criminal Procedure; and

74.10 (2) from portions of a certification hearing to discuss psychological material or other
74.11 evidence that would not be accessible to the public.

74.12 The court shall open the hearings to the public in ~~delinquency or~~ extended jurisdiction
74.13 juvenile proceedings where the child is alleged to have committed an offense or has been
74.14 proven to have committed an offense that would be a felony if committed by an adult and
74.15 the child was at least 16 years of age at the time of the offense, except that the court may
74.16 exclude the public from portions of a certification hearing to discuss psychological material
74.17 or other evidence that would not be accessible to the public in an adult proceeding.

74.18 (d) In all delinquency cases a person named in the charging clause of the petition as a
74.19 person directly damaged in person or property shall be entitled, upon request, to be notified
74.20 by the court administrator in writing, at the named person's last known address, of (1) the
74.21 date of the certification or adjudicatory hearings, and (2) the disposition of the case.

74.22 Sec. 34. [260B.1755] ALTERNATIVE TO ARREST OF CERTAIN JUVENILE
74.23 OFFENDERS AUTHORIZED.

74.24 (a) A peace officer who has probable cause to believe that a child is a petty offender or
74.25 delinquent child may refer the child to a program, including restorative programs, that the
74.26 law enforcement agency with jurisdiction over the child deems appropriate.

74.27 (b) If a peace officer or law enforcement agency refers a child to a program under
74.28 paragraph (a), the peace officer or law enforcement agency may defer issuing a citation or
74.29 a notice to the child to appear in juvenile court, transmitting a report to the prosecuting
74.30 authority, or otherwise initiating a proceeding in juvenile court.

74.31 (c) After receiving notice that a child who was referred to a program under paragraph
74.32 (a) successfully completed that program, a peace officer or law enforcement agency shall
74.33 not issue a citation or a notice to the child to appear in juvenile court, transmit a report to

75.1 the prosecuting authority, or otherwise initiate a proceeding in juvenile court for the conduct
75.2 that formed the basis of the referral.

75.3 (d) This section does not apply to peace officers acting pursuant to an order or warrant
75.4 described in section 260B.175, subdivision 1, paragraph (a), or other court order to take a
75.5 child into custody.

75.6 Sec. 35. Minnesota Statutes 2020, section 260B.176, is amended by adding a subdivision
75.7 to read:

75.8 Subd. 1a. **Risk assessment instrument.** If a peace officer or probation or parole officer
75.9 who took a child into custody does not release the child as provided in subdivision 1, the
75.10 peace officer or probation or parole officer shall communicate with or deliver the child to
75.11 a juvenile secure detention facility to determine whether the child should be released or
75.12 detained. Before detaining a child, the supervisor of the facility shall use an objective and
75.13 racially, ethnically, and gender-responsive juvenile detention risk assessment instrument
75.14 developed by the commissioner of corrections, county, group of counties, or judicial district,
75.15 in consultation with the state coordinator or coordinators of the Minnesota Juvenile Detention
75.16 Alternatives Initiative. The risk assessment instrument must assess the likelihood that a
75.17 child released from preadjudication detention under this section or section 260B.178 would
75.18 endanger others or not return for a court hearing. The instrument must identify the appropriate
75.19 setting for a child who might endanger others or not return for a court hearing pending
75.20 adjudication, with either continued detention or placement in a noncustodial
75.21 community-based supervision setting. The instrument must also identify the type of
75.22 noncustodial community-based supervision setting necessary to minimize the risk that a
75.23 child who is released from custody will endanger others or not return for a court hearing.
75.24 If, after using the instrument, a determination is made that the child should be released, the
75.25 person taking the child into custody or the supervisor of the facility shall release the child
75.26 as provided in subdivision 1.

75.27 **EFFECTIVE DATE.** This section is effective August 15, 2022.

75.28 Sec. 36. Minnesota Statutes 2020, section 260B.176, subdivision 2, is amended to read:

75.29 Subd. 2. **Reasons for detention.** (a) If the child is not released as provided in subdivision
75.30 1, the person taking the child into custody shall notify the court as soon as possible of the
75.31 detention of the child and the reasons for detention.

76.1 (b) No child may be detained in a secure detention facility after being taken into custody
76.2 for a delinquent act as defined in section 260B.007, subdivision 6, unless the child is over
76.3 the age of 12.

76.4 ~~(b)~~ (c) No child may be detained in a juvenile secure detention facility or shelter care
76.5 facility longer than 36 hours, excluding Saturdays, Sundays, and holidays, after being taken
76.6 into custody for a delinquent act as defined in section 260B.007, subdivision 6, unless a
76.7 petition has been filed and the judge or referee determines pursuant to section 260B.178
76.8 that the child shall remain in detention.

76.9 ~~(c)~~ (d) No child may be detained in an adult jail or municipal lockup longer than 24
76.10 hours, excluding Saturdays, Sundays, and holidays, or longer than six hours in an adult jail
76.11 or municipal lockup in a standard metropolitan statistical area, after being taken into custody
76.12 for a delinquent act as defined in section 260B.007, subdivision 6, unless:

76.13 (1) a petition has been filed under section 260B.141; and

76.14 (2) a judge or referee has determined under section 260B.178 that the child shall remain
76.15 in detention.

76.16 After August 1, 1991, no child described in this paragraph may be detained in an adult
76.17 jail or municipal lockup longer than 24 hours, excluding Saturdays, Sundays, and holidays,
76.18 or longer than six hours in an adult jail or municipal lockup in a standard metropolitan
76.19 statistical area, unless the requirements of this paragraph have been met and, in addition, a
76.20 motion to refer the child for adult prosecution has been made under section 260B.125.

76.21 Notwithstanding this paragraph, continued detention of a child in an adult detention facility
76.22 outside of a standard metropolitan statistical area county is permissible if:

76.23 (i) the facility in which the child is detained is located where conditions of distance to
76.24 be traveled or other ground transportation do not allow for court appearances within 24
76.25 hours. A delay not to exceed 48 hours may be made under this clause; or

76.26 (ii) the facility is located where conditions of safety exist. Time for an appearance may
76.27 be delayed until 24 hours after the time that conditions allow for reasonably safe travel.
76.28 "Conditions of safety" include adverse life-threatening weather conditions that do not allow
76.29 for reasonably safe travel.

76.30 The continued detention of a child under clause (i) or (ii) must be reported to the
76.31 commissioner of corrections.

76.32 ~~(d)~~ (e) If a child described in paragraph ~~(c)~~ (d) is to be detained in a jail beyond 24 hours,
76.33 excluding Saturdays, Sundays, and holidays, the judge or referee, in accordance with rules

77.1 and procedures established by the commissioner of corrections, shall notify the commissioner
77.2 of the place of the detention and the reasons therefor. The commissioner shall thereupon
77.3 assist the court in the relocation of the child in an appropriate juvenile secure detention
77.4 facility or approved jail within the county or elsewhere in the state, or in determining suitable
77.5 alternatives. The commissioner shall direct that a child detained in a jail be detained after
77.6 eight days from and including the date of the original detention order in an approved juvenile
77.7 secure detention facility with the approval of the administrative authority of the facility. If
77.8 the court refers the matter to the prosecuting authority pursuant to section 260B.125, notice
77.9 to the commissioner shall not be required.

77.10 ~~(e)~~(f) When a child is detained for an alleged delinquent act in a state licensed juvenile
77.11 facility or program, or when a child is detained in an adult jail or municipal lockup as
77.12 provided in paragraph ~~(e)~~(d), the supervisor of the facility shall, if the child's parent or legal
77.13 guardian consents, have a children's mental health screening conducted with a screening
77.14 instrument approved by the commissioner of human services, unless a screening has been
77.15 performed within the previous 180 days or the child is currently under the care of a mental
77.16 health professional. The screening shall be conducted by a mental health practitioner as
77.17 defined in section 245.4871, subdivision 26, or a probation officer who is trained in the use
77.18 of the screening instrument. The screening shall be conducted after the initial detention
77.19 hearing has been held and the court has ordered the child continued in detention. The results
77.20 of the screening may only be presented to the court at the dispositional phase of the court
77.21 proceedings on the matter unless the parent or legal guardian consents to presentation at a
77.22 different time. If the screening indicates a need for assessment, the local social services
77.23 agency or probation officer, with the approval of the child's parent or legal guardian, shall
77.24 have a diagnostic assessment conducted, including a functional assessment, as defined in
77.25 section 245.4871.

77.26 Sec. 37. Minnesota Statutes 2020, section 260C.007, subdivision 6, is amended to read:

77.27 Subd. 6. **Child in need of protection or services.** "Child in need of protection or
77.28 services" means a child who is in need of protection or services because the child:

77.29 (1) is abandoned or without parent, guardian, or custodian;

77.30 (2)(i) has been a victim of physical or sexual abuse as defined in section 260E.03,
77.31 subdivision 18 or 20, (ii) resides with or has resided with a victim of child abuse as defined
77.32 in subdivision 5 or domestic child abuse as defined in subdivision 13, (iii) resides with or
77.33 would reside with a perpetrator of domestic child abuse as defined in subdivision 13 or child

78.1 abuse as defined in subdivision 5 or 13, or (iv) is a victim of emotional maltreatment as
78.2 defined in subdivision 15;

78.3 (3) is without necessary food, clothing, shelter, education, or other required care for the
78.4 child's physical or mental health or morals because the child's parent, guardian, or custodian
78.5 is unable or unwilling to provide that care;

78.6 (4) is without the special care made necessary by a physical, mental, or emotional
78.7 condition because the child's parent, guardian, or custodian is unable or unwilling to provide
78.8 that care;

78.9 (5) is medically neglected, which includes, but is not limited to, the withholding of
78.10 medically indicated treatment from an infant with a disability with a life-threatening
78.11 condition. The term "withholding of medically indicated treatment" means the failure to
78.12 respond to the infant's life-threatening conditions by providing treatment, including
78.13 appropriate nutrition, hydration, and medication which, in the treating physician's or advanced
78.14 practice registered nurse's reasonable medical judgment, will be most likely to be effective
78.15 in ameliorating or correcting all conditions, except that the term does not include the failure
78.16 to provide treatment other than appropriate nutrition, hydration, or medication to an infant
78.17 when, in the treating physician's or advanced practice registered nurse's reasonable medical
78.18 judgment:

78.19 (i) the infant is chronically and irreversibly comatose;

78.20 (ii) the provision of the treatment would merely prolong dying, not be effective in
78.21 ameliorating or correcting all of the infant's life-threatening conditions, or otherwise be
78.22 futile in terms of the survival of the infant; or

78.23 (iii) the provision of the treatment would be virtually futile in terms of the survival of
78.24 the infant and the treatment itself under the circumstances would be inhumane;

78.25 (6) is one whose parent, guardian, or other custodian for good cause desires to be relieved
78.26 of the child's care and custody, including a child who entered foster care under a voluntary
78.27 placement agreement between the parent and the responsible social services agency under
78.28 section 260C.227;

78.29 (7) has been placed for adoption or care in violation of law;

78.30 (8) is without proper parental care because of the emotional, mental, or physical disability,
78.31 or state of immaturity of the child's parent, guardian, or other custodian;

79.1 (9) is one whose behavior, condition, or environment is such as to be injurious or
79.2 dangerous to the child or others. An injurious or dangerous environment may include, but
79.3 is not limited to, the exposure of a child to criminal activity in the child's home;

79.4 (10) is experiencing growth delays, which may be referred to as failure to thrive, that
79.5 have been diagnosed by a physician and are due to parental neglect;

79.6 (11) is a sexually exploited youth;

79.7 (12) has committed a delinquent act or a juvenile petty offense before becoming ~~ten~~ 13
79.8 years old;

79.9 (13) is a runaway;

79.10 (14) is a habitual truant;

79.11 (15) has been found incompetent to proceed or has been found not guilty by reason of
79.12 mental illness or mental deficiency in connection with a delinquency proceeding, a
79.13 certification under section 260B.125, an extended jurisdiction juvenile prosecution, or a
79.14 proceeding involving a juvenile petty offense; or

79.15 (16) has a parent whose parental rights to one or more other children were involuntarily
79.16 terminated or whose custodial rights to another child have been involuntarily transferred to
79.17 a relative and there is a case plan prepared by the responsible social services agency
79.18 documenting a compelling reason why filing the termination of parental rights petition under
79.19 section 260C.503, subdivision 2, is not in the best interests of the child.

79.20 Sec. 38. Minnesota Statutes 2020, section 401.025, subdivision 1, is amended to read:

79.21 Subdivision 1. **Peace officers and probation officers serving CCA counties.** (a) When
79.22 it appears necessary to enforce discipline or to prevent a person on conditional release from
79.23 escaping or absconding from supervision, the chief executive officer or designee of a
79.24 community corrections agency in a CCA county has the authority to issue a written order
79.25 directing any peace officer or any probation officer in the state serving the district and
79.26 juvenile courts to detain and bring the person before the court or the commissioner, whichever
79.27 is appropriate, for disposition. If the person on conditional release commits a violation
79.28 described in section 609.14, subdivision 1a, paragraph (a), the chief executive officer or
79.29 designee must have a reasonable belief that the order is necessary to prevent the person
79.30 from escaping or absconding from supervision or that the continued presence of the person
79.31 in the community presents a risk to public safety before issuing a written order. This written
79.32 order is sufficient authority for the peace officer or probation officer to detain the person

80.1 for not more than 72 hours, excluding Saturdays, Sundays, and holidays, pending a hearing
80.2 before the court or the commissioner.

80.3 (b) The chief executive officer or designee of a community corrections agency in a CCA
80.4 county has the authority to issue a written order directing a peace officer or probation officer
80.5 serving the district and juvenile courts to release a person detained under paragraph (a)
80.6 within 72 hours, excluding Saturdays, Sundays, and holidays, without an appearance before
80.7 the court or the commissioner. This written order is sufficient authority for the peace officer
80.8 or probation officer to release the detained person.

80.9 (c) The chief executive officer or designee of a community corrections agency in a CCA
80.10 county has the authority to issue a written order directing any peace officer or any probation
80.11 officer serving the district and juvenile courts to detain any person on court-ordered pretrial
80.12 release who absconds from pretrial release or fails to abide by the conditions of pretrial
80.13 release. A written order issued under this paragraph is sufficient authority for the peace
80.14 officer or probation officer to detain the person.

80.15 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to violations
80.16 that occur on or after that date.

80.17 Sec. 39. Minnesota Statutes 2020, section 401.06, is amended to read:

80.18 **401.06 COMPREHENSIVE PLAN; STANDARDS OF ELIGIBILITY;**
80.19 **COMPLIANCE.**

80.20 No county or group of counties electing to provide correctional services pursuant to
80.21 sections 401.01 to 401.16 shall be eligible for the subsidy herein provided unless and until
80.22 its comprehensive plan shall have been approved by the commissioner. The commissioner
80.23 shall, pursuant to the Administrative Procedure Act, promulgate rules establishing standards
80.24 of eligibility for counties to receive funds under sections 401.01 to 401.16. To remain eligible
80.25 for subsidy counties shall maintain substantial compliance with the minimum standards
80.26 established pursuant to sections 401.01 to 401.16 and the policies and procedures governing
80.27 the services described in section 401.025 as prescribed by the commissioner. Counties shall
80.28 also be in substantial compliance with other correctional operating standards permitted by
80.29 law and established by the commissioner and shall report statistics required by the
80.30 commissioner including but not limited to information on individuals convicted as an
80.31 extended jurisdiction juvenile identified in section 241.016, subdivision 1, paragraph (c).
80.32 The commissioner shall review annually the comprehensive plans submitted by participating
80.33 counties, including the facilities and programs operated under the plans. The commissioner

81.1 is hereby authorized to enter upon any facility operated under the plan, and inspect books
81.2 and records, for purposes of recommending needed changes or improvements.

81.3 When the commissioner shall determine that there are reasonable grounds to believe
81.4 that a county or group of counties is not in substantial compliance with minimum standards,
81.5 at least 30 days' notice shall be given the county or counties and a hearing conducted by
81.6 the commissioner to ascertain whether there is substantial compliance or satisfactory progress
81.7 being made toward compliance. The commissioner may suspend all or a portion of any
81.8 subsidy until the required standard of operation has been met.

81.9 Sec. 40. Minnesota Statutes 2020, section 609.14, subdivision 1, is amended to read:

81.10 Subdivision 1. **Grounds.** (a) When it appears that the defendant has violated any of the
81.11 conditions of probation or intermediate sanction, or has otherwise been guilty of misconduct
81.12 which warrants the imposing or execution of sentence, the court may without notice revoke
81.13 the stay and direct that the defendant be taken into immediate custody. Revocation should
81.14 only be used as a last resort when rehabilitation has failed.

81.15 (b) When it appears that the defendant violated any of the conditions of probation during
81.16 the term of the stay, but the term of the stay has since expired, the defendant's probation
81.17 officer or the prosecutor may ask the court to initiate probation revocation proceedings
81.18 under the Rules of Criminal Procedure at any time within six months after the expiration
81.19 of the stay. The court also may initiate proceedings under these circumstances on its own
81.20 motion. If proceedings are initiated within this six-month period, the court may conduct a
81.21 revocation hearing and take any action authorized under rule 27.04 at any time during or
81.22 after the six-month period.

81.23 (c) Notwithstanding the provisions of section 609.135 or any law to the contrary, after
81.24 proceedings to revoke the stay have been initiated by a court order revoking the stay and
81.25 directing either that the defendant be taken into custody or that a summons be issued in
81.26 accordance with paragraph (a), the proceedings to revoke the stay may be concluded and
81.27 the summary hearing provided by subdivision 2 may be conducted after the expiration of
81.28 the stay or after the six-month period set forth in paragraph (b). The proceedings to revoke
81.29 the stay shall not be dismissed on the basis that the summary hearing is conducted after the
81.30 term of the stay or after the six-month period. The ability or inability to locate or apprehend
81.31 the defendant prior to the expiration of the stay or during or after the six-month period shall
81.32 not preclude the court from conducting the summary hearing unless the defendant
81.33 demonstrates that the delay was purposefully caused by the state in order to gain an unfair
81.34 advantage.

82.1 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to violations
82.2 that occur on or after that date.

82.3 Sec. 41. Minnesota Statutes 2020, section 609.14, is amended by adding a subdivision to
82.4 read:

82.5 **Subd. 1a. Violations where policies favor continued rehabilitation.** (a) Correctional
82.6 treatment is better provided through a community resource than through confinement, it
82.7 would not unduly depreciate the seriousness of the violation if probation was not revoked,
82.8 and the policies favoring probation outweigh the need for confinement if a person has not
82.9 previously violated a condition of probation or intermediate sanction and does any of the
82.10 following in violation of a condition imposed by the court:

82.11 (1) fails to abstain from the use of controlled substances without a valid prescription,
82.12 unless the person is under supervision for a violation of:

82.13 (i) section 169A.20;

82.14 (ii) 609.2112, subdivision 1, paragraph (a), clauses (2) to (6); or

82.15 (iii) 609.2113, subdivision 1, clauses (2) to (6), subdivision 2, clauses (2) to (6), or
82.16 subdivision 3, clauses (2) to (6);

82.17 (2) fails to abstain from the use of alcohol, unless the person is under supervision for a
82.18 violation of:

82.19 (i) section 169A.20;

82.20 (ii) 609.2112, subdivision 1, paragraph (a), clauses (2) to (6); or

82.21 (iii) 609.2113, subdivision 1, clauses (2) to (6), subdivision 2, clauses (2) to (6), or
82.22 subdivision 3, clauses (2) to (6);

82.23 (3) possesses drug paraphernalia in violation of section 152.092;

82.24 (4) fails to obtain or maintain employment;

82.25 (5) fails to pursue a course of study or vocational training;

82.26 (6) fails to report a change in employment, unless the person is prohibited from having
82.27 contact with minors and the employment would involve such contact;

82.28 (7) violates a curfew;

82.29 (8) fails to report contact with a law enforcement agency, unless the person was charged
82.30 with a misdemeanor, gross misdemeanor, or felony; or

83.1 (9) commits any offense for which the penalty is a petty misdemeanor.

83.2 (b) A violation by a person described in paragraph (a) does not warrant the imposition
83.3 or execution of sentence and the court may not direct that the person be taken into immediate
83.4 custody unless the court receives a written report, signed under penalty of perjury pursuant
83.5 to section 358.116, showing probable cause to believe the person violated probation and
83.6 establishing by a preponderance of the evidence that the continued presence of the person
83.7 in the community would present a risk to public safety. If the court does not direct that the
83.8 person be taken into custody, the court may request a supplemental report from the
83.9 supervising agent containing:

83.10 (1) the specific nature of the violation;

83.11 (2) the response of the person under supervision to the violation, if any; and

83.12 (3) the actions the supervising agent has taken or will take to address the violation.

83.13 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to violations
83.14 that occur on or after that date.

83.15 **Sec. 42. [641.015] PLACEMENT IN PRIVATE PRISONS PROHIBITED.**

83.16 Subdivision 1. **Placement prohibited.** After August 1, 2021, a sheriff shall not allow
83.17 inmates committed to the custody of the sheriff to be housed in facilities that are not owned
83.18 and operated by a local government, or a group of local units of government.

83.19 Subd. 2. **Contracts prohibited.** The county board may not authorize the sheriff to
83.20 contract with privately owned and operated prisons for the care, custody, and rehabilitation
83.21 of offenders committed to the custody of the sheriff.

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

83.23 Sec. 43. Laws 2017, chapter 95, article 3, section 30, is amended to read:

83.24 **Sec. 30. ALTERNATIVES TO INCARCERATION PILOT PROGRAM FUND.**

83.25 (a) Agencies providing supervision to offenders on probation, parole, or supervised
83.26 release are eligible for ~~grants~~ funding to facilitate access to community options including,
83.27 but not limited to, inpatient chemical dependency treatment for nonviolent controlled
83.28 substance offenders to address and correct behavior that is, or is likely to result in, a technical
83.29 violation of the conditions of release. For purposes of this section, "nonviolent controlled
83.30 substance offender" is a person who meets the criteria described under Minnesota Statutes,
83.31 section 244.0513, subdivision 2, clauses (1), (2), and (5), and "technical violation" means

84.1 a violation of a court order of probation, condition of parole, or condition of supervised
 84.2 release, except an allegation of a subsequent criminal act that is alleged in a formal complaint,
 84.3 citation, or petition.

84.4 (b) The Department of Corrections shall ~~establish criteria for selecting grant recipients~~
 84.5 ~~and the amount awarded to each grant recipient~~ issue annual funding of \$160,000 to each
 84.6 recipient.

84.7 (c) ~~By January 15, 2019,~~ The commissioner of corrections shall submit a an annual
 84.8 report to the chairs of the house of representatives and senate committees with jurisdiction
 84.9 over public safety policy and finance by January 15 of each year. At a minimum, the report
 84.10 must include:

84.11 ~~(1) the total number of grants issued under this program;~~

84.12 ~~(2) the average amount of each grant;~~

84.13 ~~(3)~~ (1) the community services accessed as a result of the grants funding;

84.14 ~~(4)~~ (2) a summary of the type of supervision offenders were under when a grant funding
 84.15 was used to help access a community option;

84.16 ~~(5)~~ (3) the number of individuals who completed, and the number who failed to complete,
 84.17 programs accessed as a result of this grant funding; and

84.18 ~~(6)~~ (4) the number of individuals who violated the terms of release following participation
 84.19 in a program accessed as a result of this grant funding, separating technical violations and
 84.20 new criminal offenses.;

84.21 (5) the number of individuals who completed or were discharged from probation after
 84.22 participating in the program;

84.23 (6) the number of individuals identified in clause (5) who committed a new offense after
 84.24 discharge from the program;

84.25 (7) identification of barriers nonviolent controlled substance offenders face in accessing
 84.26 community services and a description of how the program navigates those barriers; and

84.27 (8) identification of gaps in existing community services for nonviolent controlled
 84.28 substance offenders.

84.29 **Sec. 44. TASK FORCE ON AIDING AND ABETTING FELONY MURDER.**

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

85.1 (1) "aiding and abetting" means a person who is criminally liable for a crime committed
85.2 by another because that person intentionally aided, advised, hired, counseled, or conspired
85.3 with or otherwise procured the other to commit the crime; and

85.4 (2) "felony murder" means a violation of Minnesota Statutes, section 609.185, paragraph
85.5 (a), clause (2), (3), (5), (6), or (7); or 609.19, subdivision 2, clause (1).

85.6 Subd. 2. **Establishment.** The task force on aiding and abetting felony murder is
85.7 established to collect and analyze data on the charging, convicting, and sentencing of people
85.8 for aiding and abetting felony murder; assess whether current laws and practices promote
85.9 public safety and equity in sentencing; and make recommendations to the legislature.

85.10 Subd. 3. **Membership.** (a) The task force consists of the following members:

85.11 (1) two members of the house of representatives, one appointed by the speaker of the
85.12 house and one appointed by the minority leader;

85.13 (2) two members of the senate, one appointed by the majority leader and one appointed
85.14 by the minority leader;

85.15 (3) the commissioner of corrections or a designee;

85.16 (4) the executive director of the Minnesota Sentencing Guidelines Commission or a
85.17 designee;

85.18 (5) the attorney general or a designee;

85.19 (6) the state public defender or a designee;

85.20 (7) the statewide coordinator of the Violent Crime Coordinating Council;

85.21 (8) one defense attorney, appointed by the Minnesota Association of Criminal Defense
85.22 Lawyers;

85.23 (9) three county attorneys, appointed by the Minnesota County Attorneys Association;

85.24 (10) two members representing victims' rights organizations, appointed by the Office
85.25 of Justice Programs director in the Department of Public Safety;

85.26 (11) one member of a criminal justice advocacy organization, appointed by the governor;

85.27 (12) one member of a statewide civil rights organization, appointed by the governor;

85.28 (13) two impacted persons who are directly related to a person who has been convicted
85.29 of felony murder, appointed by the governor; and

86.1 (14) one person with expertise regarding the laws and practices of other states relating
86.2 to aiding and abetting felony murder, appointed by the governor.

86.3 (b) Appointments must be made no later than July 30, 2021.

86.4 (c) The legislative members identified in paragraph (a), clauses (1) and (2) shall serve
86.5 as ex officio, nonvoting member of the task force.

86.6 (d) Members shall serve without compensation.

86.7 (e) Members of the task force serve at the pleasure of the appointing authority or until
86.8 the task force expires. Vacancies shall be filled by the appointing authority consistent with
86.9 the qualifications of the vacating member required by this subdivision.

86.10 Subd. 4. **Officers; meetings.** (a) The task force shall elect a chair and vice-chair and
86.11 may elect other officers as necessary.

86.12 (b) The commissioner of corrections shall convene the first meeting of the task force no
86.13 later than August 1, 2021, and shall provide meeting space and administrative assistance
86.14 as necessary for the task force to conduct its work.

86.15 (c) The task force shall meet at least monthly or upon the call of its chair. The task force
86.16 shall meet sufficiently enough to accomplish the tasks identified in this section. Meetings
86.17 of the task force are subject to Minnesota Statutes, chapter 13D.

86.18 (d) To compile and analyze data, the task force shall request the cooperation and
86.19 assistance of local law enforcement agencies, the Minnesota Sentencing Guidelines
86.20 Commission, the judicial branch, the Bureau of Criminal Apprehension, county attorneys,
86.21 and tribal governments and may request the cooperation of academics and others with
86.22 experience and expertise in researching the impact of laws criminalizing aiding and abetting
86.23 felony murder.

86.24 Subd. 5. **Duties.** (a) The task force shall, at a minimum:

86.25 (1) collect and analyze data on charges, convictions, and sentences for aiding and abetting
86.26 felony murder;

86.27 (2) collect and analyze data on sentences for aiding and abetting felony murder in which
86.28 a person received a mitigated durational departure because the person played a minor or
86.29 passive role in the crime or participated under circumstances of coercion or duress;

86.30 (3) collect and analyze data on charges, convictions, and sentences for codefendants of
86.31 people sentenced for aiding and abetting felony murder;

86.32 (4) review relevant state statutes and state and federal court decisions;

87.1 (5) receive input from individuals who were convicted of aiding and abetting felony
87.2 murder;

87.3 (6) receive input from family members of individuals who were victims of felony murder;

87.4 (7) analyze the benefits and unintended consequences of Minnesota Statutes and practices
87.5 related to the charging, convicting, and sentencing of people for aiding and abetting felony
87.6 murder including but not limited to an analysis of whether current statutes and practice:

87.7 (i) promote public safety; and

87.8 (ii) properly punish people for their role in an offense; and

87.9 (8) make recommendations for legislative action, if any, on laws affecting:

87.10 (i) the collection and reporting of data; and

87.11 (ii) the charging, convicting, and sentencing of people for aiding and abetting felony
87.12 murder.

87.13 (b) At its discretion, the task force may examine, as necessary, other related issues
87.14 consistent with this section.

87.15 Subd. 6. **Report.** On or before January 15, 2022, the task force shall submit a report to
87.16 the chairs and ranking minority members of the house of representatives and senate
87.17 committees and divisions with jurisdiction over criminal sentencing on the findings and
87.18 recommendations of the task force.

87.19 Subd. 7. **Expiration.** The task force expires the day after submitting its report under
87.20 subdivision 6.

87.21 **EFFECTIVE DATE.** This section is effective July 1, 2021.

87.22 Sec. 45. **TITLE.**

87.23 Sections 5 to 12, 17, 18, and 25 shall be know as the "Hardel Sherrell Act."

87.24 Sec. 46. **CORRECTIONAL SUPERVISION WORKING GROUP; TRIBAL**
87.25 **GOVERNMENTS.**

87.26 Subdivision 1. **Establishment.** Recognizing the sovereignty of tribal governments and
87.27 the shared state and tribal interests in providing effective, responsive, and culturally relevant
87.28 correctional supervision and services, a working group is established to develop policy,
87.29 protocols, and procedures for Minnesota-based federally recognized Indian tribes to

88.1 participate in the Community Corrections Act subsidy program and make recommendations
88.2 to the legislature on changes to the law to allow for tribal supervision.

88.3 Subd. 2. **Duties.** The working group shall develop comprehensive recommendations
88.4 that allow a Minnesota-based federally recognized Indian tribe, as defined in United States
88.5 Code, title 25, section 450b(e), to qualify for a grant provided in Minnesota Statutes, section
88.6 401.01, by meeting and agreeing to the requirements in Minnesota Statutes, section 401.02,
88.7 subdivision 1, excluding the population requirement. The working group shall:

88.8 (1) develop statutory policy language that provides that interested tribal governments
88.9 may participate in the Community Corrections Act grant program;

88.10 (2) identify tribal Community Corrections Act supervision jurisdiction parameters such
88.11 as tribal lands, tribal enrollment, and recognized tribal affiliation;

88.12 (3) develop a court process for determining whether an individual shall receive
88.13 correctional supervision and services from a tribal Community Corrections Act authority;

88.14 (4) develop an effective and relevant formula for determining the amount of community
88.15 corrections aid to be paid to a participating tribal government; and

88.16 (5) develop legislation to establish conformance with all other requirements in the
88.17 Community Corrections Act.

88.18 Subd. 3. **Members.** The working group must include the following members:

88.19 (1) the commissioner of corrections, or designee;

88.20 (2) the commissioner of human services, or designee;

88.21 (3) the attorney general, or designee;

88.22 (4) a representative of each Minnesota-based federally recognized Indian tribe appointed
88.23 by each tribe;

88.24 (5) a representative appointed by the governor;

88.25 (6) a representative appointed by the speaker of the house;

88.26 (7) a representative appointed by the senate majority leader;

88.27 (8) a representative of the State Court Administrators Office appointed by the state court
88.28 administrator;

88.29 (9) Department of Corrections, executive officer of hearings and release;

88.30 (10) Department of Corrections, director of field services;

89.1 (11) a representative of the Minnesota Indian Affairs Council appointed by the council;
89.2 and

89.3 (12) one representative appointed by each of the following associations:

89.4 (i) the Minnesota Association of Community Corrections Act Counties;

89.5 (ii) the Minnesota Association of County Probation Officers;

89.6 (iii) the Minnesota Sheriff's Association;

89.7 (iv) the Minnesota County Attorney's Association; and

89.8 (v) the Association of Minnesota Counties.

89.9 Subd. 4. **Meetings.** The commissioner of corrections or a designee shall convene the
89.10 first meeting of the working group no later than October 15, 2021. Members of the working
89.11 group shall elect a chair from among the group's members at the first meeting, and the
89.12 commissioner of corrections or a designee shall serve as the working group's chair until a
89.13 chair is elected.

89.14 Subd. 5. **Compensation.** Members of the working group shall serve without
89.15 compensation.

89.16 Subd. 6. **Administrative support.** The commissioner of corrections shall provide
89.17 administrative support staff and meeting space for the working group.

89.18 Subd. 7. **Report.** The working group shall prepare and submit a report to the chairs of
89.19 the house of representatives and senate committees and divisions with jurisdiction over
89.20 public safety not later than March 15, 2022. The working group's report shall minimally
89.21 include statutory policy language that provides that interested tribal governments may
89.22 participate in the Community Corrections Act grant program.

89.23 Subd. 8. **Expiration.** The working group expires the earlier of March 16, 2022, or the
89.24 day after the working group submits the report under subdivision 7.

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

90.1 **ARTICLE 4**

90.2 **MINNESOTA REHABILITATION AND REINVESTMENT ACT**

90.3 Section 1. Minnesota Statutes 2020, section 244.03, is amended to read:

90.4 **244.03 REHABILITATIVE PROGRAMS.**

90.5 The commissioner shall ~~provide appropriate mental health programs and vocational and~~
 90.6 ~~educational programs with employment-related goals for inmates. The selection, design~~
 90.7 ~~and implementation of programs under this section shall be the sole responsibility of the~~
 90.8 ~~commissioner, acting within the limitations imposed by the funds appropriated for such~~
 90.9 ~~programs~~ develop, implement, and provide appropriate substance abuse treatment programs;
 90.10 sexual offender treatment programming; medical and mental health services; and vocational,
 90.11 employment and career, educational, and other rehabilitative programs for persons committed
 90.12 to the authority of the commissioner.

90.13 While evidence-based programs shall be prioritized, the selection, design, and
 90.14 implementation of programs under this section shall be the sole responsibility of the
 90.15 commissioner, acting within the limitations imposed by the funds appropriated for the
 90.16 programs under this section.

90.17 No action challenging the level of expenditures for programs authorized under this
 90.18 section, nor any action challenging the selection, design or implementation of these programs,
 90.19 including employee assignments, may be maintained by an ~~inmate~~ incarcerated person in
 90.20 any court in this state.

90.21 The commissioner may impose disciplinary sanctions upon any ~~inmate~~ incarcerated
 90.22 person who refuses to participate in rehabilitative programs.

90.23 **Sec. 2. [244.031] REHABILITATIVE NEED ASSESSMENT AND**
 90.24 **INDIVIDUALIZED PROGRAM PLAN REQUIRED.**

90.25 (a) The commissioner shall develop a comprehensive need assessment process for each
 90.26 person who is serving a fixed term of imprisonment in a state correctional facility on or
 90.27 after August 1, 2021, and has 365 days or more remaining until the person's scheduled
 90.28 supervised release date.

90.29 (b) Upon completion of the assessment process, the commissioner shall ensure the
 90.30 development of an individualized program plan, along with identified goals for every person
 90.31 committed to the authority of the Department of Corrections. The individualized program
 90.32 plan shall be holistic in nature in that it identifies intended outcomes for addressing the
 90.33 incarcerated person's needs and risk factors, the individual's identified strengths, and available

91.1 and needed community supports, including victim safety considerations as required in
91.2 section 244.0552, if applicable.

91.3 (c) When an individual is committed to the custody of the commissioner for a crime
91.4 resulting in harm against a person or persons, the commissioner shall provide opportunity
91.5 for input during the assessment and program plan process. Victim input may include a
91.6 summary of victim concerns relative to release, concerns related to victim safety during the
91.7 committed person's term of imprisonment, and requests for imposition of victim safety
91.8 protocols as additional conditions of imprisonment or supervised release.

91.9 (d) The commissioner shall consider victim input statements in program planning and
91.10 establishing conditions governing confinement or release.

91.11 (e) For an individual with less than 365 days remaining until the individual's supervised
91.12 release date, the commissioner, in consultation with the incarcerated individual, shall develop
91.13 a transition and release plan.

91.14 **Sec. 3. [244.032] EARNED INCENTIVE RELEASE.**

91.15 (a) For the purposes of this section, "earned incentive release" means release credit that
91.16 is earned and subtracted from the term of imprisonment for completion of objectives
91.17 established by an incarcerated person's individualized program plan.

91.18 (b) To encourage and support rehabilitation when consistent with public interest and
91.19 public safety, the commissioner of corrections, in consultation with the Minnesota County
91.20 Attorney's Association, Minnesota Board of Public Defense, Minnesota Association of
91.21 Community Corrections Act Counties, Minnesota Indian Women's Sexual Assault Coalition,
91.22 Violence Free Minnesota, Minnesota Coalition Against Sexual Assault, Minnesota Alliance
91.23 on Crime, the Minnesota Sheriff's Association, Minnesota Chiefs of Police Association,
91.24 and the Minnesota Police and Peace Officers Association, shall establish policy providing
91.25 for earned incentive release credit and forfeiture of the credit as part of the term of
91.26 imprisonment. The policy shall:

91.27 (1) provide circumstances upon which an incarcerated person may earn incentive release
91.28 credits, including participation in rehabilitative programming as required under section
91.29 244.031; and

91.30 (2) address those circumstances where (i) the capacity to provide treatment programming
91.31 in the correctional facility is diminished but the services are available to the community,
91.32 and (ii) the conditions under which the incarcerated person could be released to the

92.1 community-based resource but remain subject to commitment to the commissioner and
92.2 considered for earned incentive release credit.

92.3 (c) The commissioner shall also develop a policy establishing a process for assessing
92.4 and addressing any systemic and programmatic gender and racial disparities that may be
92.5 identified in the award of earned incentive release credits.

92.6 **Sec. 4. [244.033] APPLICATION OF EARNED INCENTIVE RELEASE CREDIT.**

92.7 (a) Earned incentive release credits shall be subtracted from the term of imprisonment
92.8 but shall not be added the person's supervised release term. The maximum amount of earned
92.9 incentive release credit that can be earned and subtracted from the term of imprisonment is
92.10 17 percent of the term of imprisonment, but in no case shall the credit reduce the term of
92.11 imprisonment to less than one-half of the incarcerated person's executed sentence.

92.12 (b) The earned incentive release program is separate and distinct from other legislatively
92.13 authorized release programs, including the challenge incarceration program, work release,
92.14 conditional medical release, or Conditional Release of Nonviolent Controlled Substance
92.15 Offenders program, which may have unique statutory requirements and obligations.

92.16 **Sec. 5. [244.034] CERTAIN OFFENSES INELIGIBLE FOR EARNED INCENTIVE**
92.17 **RELEASE CREDIT.**

92.18 (a) A person committed to the commissioner for any of the following offenses shall be
92.19 ineligible for earned incentive release credit under sections 244.031 to 244.033:

92.20 (1) section 609.185, first degree murder, or 609.19, murder in the second degree;

92.21 (2) section 609.195, murder in the third degree, or 609.221, assault in the first degree;

92.22 (3) section 609.342, first degree criminal sexual conduct, 609.343, second degree criminal
92.23 sexual conduct, or 609.344, third degree criminal sexual conduct, if the offense was
92.24 committed with force or violence;

92.25 (4) section 609.3455, subdivision 5, dangerous sex offenders, where the court shall
92.26 specify a minimum term of imprisonment, based on the sentencing guidelines or any
92.27 applicable mandatory minimum sentence, that must be served before the offender may be
92.28 considered for supervised release;

92.29 (5) section 609.229, subdivision 4, paragraph (b), crimes committed for the benefit of
92.30 a gang where any person convicted and sentenced as required by section 609.229, subdivision

93.1 4, paragraph (a), is not eligible for probation, parole, discharge, work release, or supervised
93.2 release until that person has served the full term of imprisonment as provided by law;

93.3 (6) section 152.026 where a person with a mandatory minimum sentence imposed for
93.4 a first or second degree controlled substance crime is not eligible for probation, parole,
93.5 discharge, or supervised release until that person has served the full term of imprisonment
93.6 as provided by law;

93.7 (7) a person who was convicted in any other jurisdiction of a crime and the person's
93.8 supervision was transferred to this state;

93.9 (8) section 243.166, subdivision 5, paragraph (e), predatory offender registration;

93.10 (9) section 609.11, subdivision 6, use of firearm or dangerous weapon during the
93.11 commission of certain offenses;

93.12 (10) section 609.221, subdivision 2, paragraph (b), use of deadly force against a peace
93.13 officer, prosecutor, judge, or correctional employee;

93.14 (11) section 609.2231, subdivision 3a, paragraph (d), assault against secure treatment
93.15 personnel; and

93.16 (12) a person subject to a conditional release term under section 609.3455, subdivisions
93.17 6 and 7, whether on the present offense or previous offense for which a term of conditional
93.18 release remains.

93.19 (b) Persons serving life sentences, persons given indeterminate sentences for crimes
93.20 committed on or before April 30, 1980, or persons subject to good time under section 244.04,
93.21 or similar laws are ineligible for earned incentive release credit.

93.22 Sec. 6. Minnesota Statutes 2020, section 244.05, subdivision 1b, is amended to read:

93.23 Subd. 1b. **Supervised release; offenders who commit crimes on or after August 1,**
93.24 **1993.** (a) Except as provided in subdivisions 4 and 5, every inmate sentenced to prison for
93.25 a felony offense committed on or after August 1, 1993, shall serve a supervised release term
93.26 upon completion of the inmate's term of imprisonment and any disciplinary confinement
93.27 period imposed by the commissioner due to the inmate's violation of any disciplinary rule
93.28 adopted by the commissioner or refusal to participate in a rehabilitative program required
93.29 under section 244.03. The amount of time the inmate serves on supervised release shall be
93.30 equal in length to the amount of time remaining in the inmate's executed sentence after the
93.31 inmate has served the term of imprisonment reduced by any earned incentive release credit
93.32 and any disciplinary confinement period imposed by the commissioner.

94.1 (b) No inmate who violates a disciplinary rule or refuses to participate in a rehabilitative
94.2 program as required under section 244.03 shall be placed on supervised release until the
94.3 inmate has served the disciplinary confinement period for that disciplinary sanction or until
94.4 the inmate is discharged or released from punitive ~~segregation~~ restrictive housing
94.5 confinement, whichever is later. The imposition of a disciplinary confinement period shall
94.6 be considered to be a disciplinary sanction imposed upon an inmate, and the procedure for
94.7 imposing the disciplinary confinement period and the rights of the inmate in the procedure
94.8 shall be those in effect for the imposition of other disciplinary sanctions at each state
94.9 correctional institution.

94.10 Sec. 7. [244.0551] EARNED COMPLIANCE CREDIT AND SUPERVISION
94.11 ABATEMENT STATUS.

94.12 (a) For the purposes of this section, the following terms have the meanings given them:

94.13 (1) "supervision abatement status" means an end to active correctional supervision of a
94.14 supervised individual without effect on the legal expiration date of the executed sentence
94.15 less any earned incentive release credit; and

94.16 (2) "earned compliance credit" means a one-month reduction from the period of active
94.17 supervision of the supervised release term for every two months that a supervised individual
94.18 exhibits compliance with the conditions and goals of the individual's supervision plan.

94.19 (b) The commissioner of corrections shall adopt policy providing for earned compliance
94.20 credit and forfeiture of the credit. The commissioner shall adjust the period of an individual's
94.21 supervised release term for earned compliance credits accrued under a program created
94.22 under this section. Once a combination of time served, earned incentive credit, along with
94.23 a term of supervision and earned compliance credits equal the supervised release term, the
94.24 commissioner shall place the individual on supervision abatement status.

94.25 (c) A person whose period of active supervision has been completely reduced as a result
94.26 of earned compliance credits shall remain on supervision abatement status until the expiration
94.27 of the executed sentence, less any earned incentive release credit. If an individual is on
94.28 supervision abatement status and is charged with a new presumptive commit felony-level
94.29 crime against a person, the commissioner may return the individual to active supervision
94.30 and impose any additional sanctions, up to and including revocation from supervised release
94.31 and return to the custody of the commissioner.

94.32 (d) A person who is placed on supervision abatement status under this section may not
94.33 be required to regularly report to a supervised release agent or pay a supervision fee but

95.1 must continue to obey all laws, report any new criminal charges, and abide by section
95.2 243.1605 before seeking written authorization to relocate to another state.

95.3 (e) This section does not apply to persons serving life sentences, persons given
95.4 indeterminate sentences for crimes committed on or before April 30, 1980, or persons subject
95.5 to good time under section 244.04, or similar laws.

95.6 **Sec. 8. [244.0552] VICTIM INPUT.**

95.7 When an individual is committed to the custody of the commissioner for a crime of
95.8 violence and is eligible for earned incentive release credit under section 244.032, the
95.9 commissioner shall make reasonable efforts to notify the victim of the committed person's
95.10 eligibility for earned incentive release. Victim input may include a summary of victim
95.11 concerns relative to earned incentive release eligibility, concerns related to victim safety
95.12 during the committed person's term of imprisonment, and requests for imposition of victim
95.13 safety protocols as additional conditions of imprisonment or supervised release.

95.14 The commissioner shall consider victim input statements in establishing requirements
95.15 governing conditions of release. The commissioner shall provide the name and telephone
95.16 number of the local victim agency serving the jurisdiction of release to any victim providing
95.17 input on earned incentive release.

95.18 **Sec. 9. [244.0553] VICTIM NOTIFICATION.**

95.19 Nothing in sections 244.031 to 244.033 or 244.0551 to 244.0554 limits any victim
95.20 notification obligations of the commissioner of corrections required by statute related to a
95.21 change in custody status, committing offense, end of confinement review, or notification
95.22 registration.

95.23 **Sec. 10. [244.0554] INTERSTATE COMPACT.**

95.24 As may be allowed by compact requirements established in section 243.1605, a person
95.25 subject to supervision on a Minnesota sentence in another state under the Interstate Compact
95.26 for Adult Offender Supervision may be eligible for supervision abatement status pursuant
95.27 to this chapter only if they meet eligibility criteria as established in this section and certified
95.28 by a supervising entity in another state.

96.1 Sec. 11. **[244.0555] REALLOCATION OF EARNED INCENTIVE RELEASE**
96.2 **SAVINGS.**

96.3 **Subdivision 1. Definitions.** (a) For the purposes of this section the terms in this
96.4 subdivision have the meanings given them.

96.5 (b) "Commissioner" means the commissioner of corrections.

96.6 (c) "Offender daily cost" means the actual nonsalary expenditures, including
96.7 encumbrances as of July 31 following the end of the fiscal year, from the Department of
96.8 Corrections expense budgets for case management, food preparation, food provisions,
96.9 offender personal support including clothing, linen and other personal supplies, transportation,
96.10 dental care, nursing services, and professional technical contracted health care services.

96.11 (d) "Incarcerated days saved" means the number of days of an incarcerated person's
96.12 original sentence minus the number of actual days served, excluding days not served due
96.13 to death or as a result of time earned in the Challenge Incarceration Program under sections
96.14 244.17 to 244.173.

96.15 (e) "Earned incentive release per day cost savings" means the calculation of the total
96.16 actual expenses identified in paragraph (c) divided by the average daily population, divided
96.17 by 365 days, which reflects the daily cost per person.

96.18 (f) "Earned incentive release savings" means the calculation of the offender daily cost
96.19 multiplied by the number of incarcerated days saved for the period of one fiscal year.

96.20 **Subd. 2. Establishment of reallocation revenue account.** The reallocation of earned
96.21 incentive release savings account is established in the special revenue fund in the state
96.22 treasury. Funds in the account are appropriated to the commissioner and shall be expended
96.23 in accordance with the allocation established in subdivision 5, once the requirements of
96.24 subdivision 3 are met. Funds in the account are available until expended.

96.25 **Subd. 3. Certification of earned incentive release savings.** On or before the final
96.26 closeout date of each fiscal year, the commissioner shall certify to Minnesota Management
96.27 and Budget the earned incentive release savings from the previous fiscal year. The
96.28 commissioner shall provide the detailed calculation substantiating the savings amount,
96.29 including accounting system-generated data where possible, supporting the offender daily
96.30 cost and the incarcerated days saved.

96.31 **Subd. 4. Savings to be transferred to the reallocation revenue account.** After the
96.32 certification in subdivision 3 is completed, the commissioner shall transfer funds from the

97.1 appropriation from which the savings occurred to the reallocation revenue account according
97.2 to the allocation in subdivision 5. Transfers shall occur before the final closeout each year.

97.3 Subd. 5. **Distribution of reallocation funds.** The commissioner shall distribute funds
97.4 as follows:

97.5 (1) 25 percent shall be transferred to the Office of Justice Programs in the Department
97.6 of Public Safety for crime victim services;

97.7 (2) 25 percent shall be transferred to the Community Corrections Act subsidy
97.8 appropriation and to the Department of Corrections for supervised release and intensive
97.9 supervision services, based upon a three-year average of the release jurisdiction of supervised
97.10 releasees and intensive supervised releasees across the state;

97.11 (3) 25 percent shall be transferred to the Department of Corrections for grants to develop
97.12 and invest in community-based services that support the identified needs of correctionally
97.13 involved individuals or individuals at risk of criminal justice system involvement, and for
97.14 sustaining the operation of evidence-based programming in state and local correctional
97.15 facilities; and

97.16 (4) 25 percent shall be transferred to the general fund.

97.17 **Sec. 12. [244.0556] REPORTING REQUIRED.**

97.18 (a) Beginning January 15, 2022, and by January 15 each year thereafter for a period of
97.19 ten years, the commissioner of corrections shall provide a report to the chairs and ranking
97.20 minority members of the house of representatives and senate committees and divisions with
97.21 jurisdiction over public safety and judiciary on the status of the requirements in this section
97.22 for the previous fiscal year. The report shall also be provided to the sitting president of the
97.23 Minnesota Association of Community Corrections Act Counties and the executive directors
97.24 of the Minnesota Sentencing Guidelines Commission, the Minnesota Indian Women's Sexual
97.25 Assault Coalition, the Minnesota Alliance on Crime, Violence Free Minnesota, the Minnesota
97.26 Coalition Against Sexual Assault, and the Minnesota County Attorney Association. The
97.27 report shall include but not be limited to:

97.28 (1) a qualitative description of program development; implementation status; identified
97.29 implementation or operational challenges; strategies identified to mitigate and ensure that
97.30 the program does not create or exacerbate gender, racial, and ethnic disparities; the number,
97.31 reason, and background of those in the prison population deemed ineligible for participation
97.32 in the program; and proposed mechanisms for projecting future program savings and
97.33 reallocation of savings;

98.1 (2) the number of persons granted earned incentive release, the total number of days of
 98.2 incentive release earned, a summary of committing offenses for those individuals who
 98.3 earned incentive release, the most recent calculated per diem, and the demographic data for
 98.4 all persons eligible for earned incentive release and the reasons and demographic data of
 98.5 those eligible individuals for whom earned incentive release was unearned or denied;

98.6 (3) the number of persons who earned supervision abatement status, the total number
 98.7 of days of supervision abatement earned, the committing offenses for those individuals
 98.8 granted supervision abatement status, the number of revocations for reoffense while on
 98.9 supervision abatement status, and the demographic data for all persons eligible for, considered
 98.10 for, granted, or denied supervision abatement status and the reasons supervision abatement
 98.11 status was unearned or denied; and

98.12 (4) the number of victims who submitted input, the number of referrals to local
 98.13 victim-serving agencies, and a summary of the kinds of victim services requested.

98.14 (b) The commissioner shall solicit feedback on victim-related operational concerns as
 98.15 it relates to the application earned incentive release and supervision abatement status options
 98.16 from the Minnesota Indian Women's Sexual Assault Coalition, Minnesota Alliance on
 98.17 Crime, Minnesota Coalition Against Sexual Assault, and Violence Free Minnesota. A
 98.18 summary of the feedback from these organizations shall be included in the annual report
 98.19 under paragraph (a).

98.20 (c) The commissioner shall direct the Department of Corrections' research unit to perform
 98.21 regular evaluation of the earned incentive release program and publish findings on the
 98.22 Department of Corrections' website and in the annual report under paragraph (a).

98.23 **Sec. 13. EFFECTIVE DATE.**

98.24 Sections 1 to 12 are effective August 1, 2021, and apply to persons sentenced to a fixed
 98.25 executed sentence or to persons serving a fixed term of imprisonment in a state correctional
 98.26 facility on or after that date.

98.27 **ARTICLE 5**

98.28 **CRIMINAL SEXUAL CONDUCT REFORM**

98.29 Section 1. Minnesota Statutes 2020, section 609.2325, is amended to read:

98.30 **609.2325 CRIMINAL ABUSE.**

98.31 Subdivision 1. **Crimes.** ~~(a)~~ A caregiver who, with intent to produce physical or mental
 98.32 pain or injury to a vulnerable adult, subjects a vulnerable adult to any aversive or deprivation

99.1 procedure, unreasonable confinement, or involuntary seclusion, is guilty of criminal abuse
99.2 and may be sentenced as provided in subdivision 3.

99.3 This ~~paragraph~~ subdivision does not apply to therapeutic conduct.

99.4 ~~(b) A caregiver, facility staff person, or person providing services in a facility who~~
99.5 ~~engages in sexual contact or penetration, as defined in section 609.341, under circumstances~~
99.6 ~~other than those described in sections 609.342 to 609.345, with a resident, patient, or client~~
99.7 ~~of the facility is guilty of criminal abuse and may be sentenced as provided in subdivision~~
99.8 ~~3.~~

99.9 Subd. 2. **Exemptions.** For the purposes of this section, a vulnerable adult is not abused
99.10 for the sole reason that:

99.11 (1) the vulnerable adult or a person with authority to make health care decisions for the
99.12 vulnerable adult under sections 144.651, 144A.44, chapter 145B, 145C, or 252A, or sections
99.13 253B.03 or 524.5-101 to 524.5-502, refuses consent or withdraws consent, consistent with
99.14 that authority and within the boundary of reasonable medical practice, to any therapeutic
99.15 conduct, including any care, service, or procedure to diagnose, maintain, or treat the physical
99.16 or mental condition of the vulnerable adult or, where permitted under law, to provide nutrition
99.17 and hydration parenterally or through intubation; this paragraph does not enlarge or diminish
99.18 rights otherwise held under law by:

99.19 (i) a vulnerable adult or a person acting on behalf of a vulnerable adult, including an
99.20 involved family member, to consent to or refuse consent for therapeutic conduct; or

99.21 (ii) a caregiver to offer or provide or refuse to offer or provide therapeutic conduct; or

99.22 (2) the vulnerable adult, a person with authority to make health care decisions for the
99.23 vulnerable adult, or a caregiver in good faith selects and depends upon spiritual means or
99.24 prayer for treatment or care of disease or remedial care of the vulnerable adult in lieu of
99.25 medical care, provided that this is consistent with the prior practice or belief of the vulnerable
99.26 adult or with the expressed intentions of the vulnerable adult; ~~or.~~ .

99.27 ~~(3) the vulnerable adult, who is not impaired in judgment or capacity by mental or~~
99.28 ~~emotional dysfunction or undue influence, engages in consensual sexual contact with: (i) a~~
99.29 ~~person, including a facility staff person, when a consensual sexual personal relationship~~
99.30 ~~existed prior to the caregiving relationship; or (ii) a personal care attendant, regardless of~~
99.31 ~~whether the consensual sexual personal relationship existed prior to the caregiving~~
99.32 ~~relationship.~~

100.1 Subd. 3. **Penalties.** ~~(a)~~ A person who violates subdivision 1, ~~paragraph (a),~~ may be
100.2 sentenced as follows:

100.3 (1) if the act results in the death of a vulnerable adult, imprisonment for not more than
100.4 15 years or payment of a fine of not more than \$30,000, or both;

100.5 (2) if the act results in great bodily harm, imprisonment for not more than ten years or
100.6 payment of a fine of not more than \$20,000, or both;

100.7 (3) if the act results in substantial bodily harm or the risk of death, imprisonment for not
100.8 more than five years or payment of a fine of not more than \$10,000, or both; or

100.9 (4) in other cases, imprisonment for not more than one year or payment of a fine of not
100.10 more than \$3,000, or both.

100.11 ~~(b) A person who violates subdivision 1, paragraph (b), may be sentenced to imprisonment~~
100.12 ~~for not more than one year or to payment of a fine of not more than \$3,000, or both.~~

100.13 Sec. 2. Minnesota Statutes 2020, section 609.341, subdivision 3, is amended to read:

100.14 Subd. 3. **Force.** "Force" means either: (1) the infliction, by the actor of bodily harm; or
100.15 (2) the attempted infliction, or threatened infliction by the actor of bodily harm or commission
100.16 or threat of any other crime by the actor against the complainant or another, which (a) causes
100.17 the complainant to reasonably believe that the actor has the present ability to execute the
100.18 threat and (b) if the actor does not have a significant relationship to the complainant, also
100.19 causes the complainant to submit.

100.20 Sec. 3. Minnesota Statutes 2020, section 609.341, subdivision 7, is amended to read:

100.21 Subd. 7. **Mentally incapacitated.** "Mentally incapacitated" means:

100.22 (1) that a person under the influence of alcohol, a narcotic, anesthetic, or any other
100.23 substance, administered to that person without the person's agreement, lacks the judgment
100.24 to give a reasoned consent to sexual contact or sexual penetration; or

100.25 (2) that a person is under the influence of an intoxicating substance to a degree that
100.26 renders them incapable of consenting or incapable of appreciating, understanding, or
100.27 controlling the person's conduct.

100.28 Sec. 4. Minnesota Statutes 2020, section 609.341, subdivision 11, is amended to read:

100.29 Subd. 11. **Sexual contact.** (a) "Sexual contact," for the purposes of sections 609.343,
100.30 subdivision 1, clauses (a) to ~~(f)~~ (e), and subdivision 1a, clauses (a) to (f) and (i), and 609.345,

101.1 subdivision 1, clauses (a) to ~~(e)~~, (d) and ~~(h)~~ to ~~(p)~~ (i), and subdivision 1a, clauses (a) to (e),
101.2 (h), and (i), includes any of the following acts committed without the complainant's consent,
101.3 except in those cases where consent is not a defense, and committed with sexual or aggressive
101.4 intent:

101.5 (i) the intentional touching by the actor of the complainant's intimate parts, or

101.6 (ii) the touching by the complainant of the actor's, the complainant's, or another's intimate
101.7 parts effected by a person in a current or recent position of authority, or by coercion, or by
101.8 inducement if the complainant is under ~~13~~ 14 years of age or mentally impaired, or

101.9 (iii) the touching by another of the complainant's intimate parts effected by coercion or
101.10 by a person in a current or recent position of authority, or

101.11 (iv) in any of the cases above, the touching of the clothing covering the immediate area
101.12 of the intimate parts, or

101.13 (v) the intentional touching with seminal fluid or sperm by the actor of the complainant's
101.14 body or the clothing covering the complainant's body.

101.15 (b) "Sexual contact," for the purposes of sections 609.343, subdivision ~~1~~ 1a, clauses (g)
101.16 and (h), and 609.345, subdivision ~~1~~ 1a, clauses (f) and (g), includes any of the following
101.17 acts committed with sexual or aggressive intent:

101.18 (i) the intentional touching by the actor of the complainant's intimate parts;

101.19 (ii) the touching by the complainant of the actor's, the complainant's, or another's intimate
101.20 parts;

101.21 (iii) the touching by another of the complainant's intimate parts;

101.22 (iv) in any of the cases listed above, touching of the clothing covering the immediate
101.23 area of the intimate parts; or

101.24 (v) the intentional touching with seminal fluid or sperm by the actor of the complainant's
101.25 body or the clothing covering the complainant's body.

101.26 (c) "Sexual contact with a person under ~~13~~ 14" means the intentional touching of the
101.27 complainant's bare genitals or anal opening by the actor's bare genitals or anal opening with
101.28 sexual or aggressive intent or the touching by the complainant's bare genitals or anal opening
101.29 of the actor's or another's bare genitals or anal opening with sexual or aggressive intent.

102.1 Sec. 5. Minnesota Statutes 2020, section 609.341, subdivision 12, is amended to read:

102.2 Subd. 12. **Sexual penetration.** "Sexual penetration" means any of the following acts
102.3 committed without the complainant's consent, except in those cases where consent is not a
102.4 defense, whether or not emission of semen occurs:

102.5 (1) sexual intercourse, cunnilingus, fellatio, or anal intercourse; or

102.6 (2) any intrusion however slight into the genital or anal openings:

102.7 (i) of the complainant's body by any part of the actor's body or any object used by the
102.8 actor for this purpose;

102.9 (ii) of the complainant's body by any part of the body of the complainant, by any part
102.10 of the body of another person, or by any object used by the complainant or another person
102.11 for this purpose, when effected by a person in a current or recent position of authority, or
102.12 by coercion, or by inducement if the child is under ~~13~~ 14 years of age or mentally impaired;
102.13 or

102.14 (iii) of the body of the actor or another person by any part of the body of the complainant
102.15 or by any object used by the complainant for this purpose, when effected by a person in a
102.16 current or recent position of authority, or by coercion, or by inducement if the child is under
102.17 ~~13~~ 14 years of age or mentally impaired.

102.18 Sec. 6. Minnesota Statutes 2020, section 609.341, subdivision 14, is amended to read:

102.19 Subd. 14. **Coercion.** "Coercion" means the use by the actor of words or circumstances
102.20 that cause the complainant reasonably to fear ~~that the actor will inflict~~ the infliction of bodily
102.21 harm upon the complainant or another, or the use by the actor of confinement, or superior
102.22 size or strength, against the complainant ~~that causes the complainant to submit to sexual~~
102.23 ~~penetration or contact against the complainant's will~~ to accomplish the act. Proof of coercion
102.24 does not require proof of a specific act or threat.

102.25 Sec. 7. Minnesota Statutes 2020, section 609.341, subdivision 15, is amended to read:

102.26 Subd. 15. **Significant relationship.** "Significant relationship" means a situation in which
102.27 the actor is:

102.28 (1) the complainant's parent, stepparent, or guardian;

102.29 (2) any of the following persons related to the complainant by blood, marriage, or
102.30 adoption: brother, sister, stepbrother, stepsister, first cousin, aunt, uncle, nephew, niece,
102.31 grandparent, great-grandparent, great-uncle, great-aunt; ~~or~~

103.1 (3) an adult who jointly resides intermittently or regularly in the same dwelling as the
103.2 complainant and who is not the complainant's spouse; or

103.3 (4) an adult who is or was involved in a significant romantic or sexual relationship with
103.4 the parent of a complainant.

103.5 Sec. 8. Minnesota Statutes 2020, section 609.341, is amended by adding a subdivision to
103.6 read:

103.7 Subd. 24. **Prohibited occupational relationship.** A "prohibited occupational
103.8 relationship" exists when the actor is in one of the following occupations and the act takes
103.9 place under the specified circumstances:

103.10 (1) the actor performed massage or other bodywork for hire, the sexual penetration or
103.11 sexual contact occurred during or immediately before or after the actor performed or was
103.12 hired to perform one of those services for the complainant, and the sexual penetration or
103.13 sexual contact was nonconsensual; or

103.14 (2) the actor and the complainant were in one of the following occupational relationships
103.15 at the time of the act. Consent by the complainant is not a defense:

103.16 (i) the actor was a psychotherapist, the complainant was the actor's patient, and the sexual
103.17 penetration or sexual contact occurred during a psychotherapy session or during a period
103.18 of time when the psychotherapist-patient relationship was ongoing;

103.19 (ii) the actor was a psychotherapist and the complainant was the actor's former patient
103.20 who was emotionally dependent on the actor;

103.21 (iii) the actor was or falsely impersonated a psychotherapist, the complainant was the
103.22 actor's patient or former patient, and the sexual penetration or sexual contact occurred by
103.23 means of therapeutic deception;

103.24 (iv) the actor was or falsely impersonated a provider of medical services to the
103.25 complainant and the sexual penetration or sexual contact occurred by means of deception
103.26 or false representation that the sexual penetration or sexual contact was for a bona fide
103.27 medical purpose;

103.28 (v) the actor was or falsely impersonated a member of the clergy, the complainant was
103.29 not married to the actor, the complainant met with the actor in private seeking or receiving
103.30 religious or spiritual advice, aid, or comfort from the actor, and the sexual penetration or
103.31 sexual contact occurred during the course of the meeting or during a period of time when
103.32 the meetings were ongoing;

104.1 (vi) the actor provided special transportation service to the complainant and the sexual
104.2 penetration or sexual contact occurred during or immediately before or after the actor
104.3 transported the complainant;

104.4 (vii) the actor was or falsely impersonated a peace officer, as defined in section 626.84,
104.5 the actor physically or constructively restrained the complainant or the complainant did not
104.6 reasonably feel free to leave the actor's presence, and the sexual penetration or sexual contact
104.7 was not pursuant to a lawful search or lawful use of force;

104.8 (viii) the actor was an employee, independent contractor, or volunteer of a state, county,
104.9 city, or privately operated adult or juvenile correctional system, or secure treatment facility,
104.10 or treatment facility providing services to clients civilly committed as mentally ill and
104.11 dangerous, sexually dangerous persons, or sexual psychopathic personalities, including but
104.12 not limited to jails, prisons, detention centers, or work release facilities, and the complainant
104.13 was a resident of a facility or under supervision of the correctional system;

104.14 (ix) the complainant was enrolled in a secondary school and:

104.15 (A) the actor was a licensed educator employed or contracted to provide service for the
104.16 school at which the complainant was a student;

104.17 (B) the actor was age 18 or older and at least 48 months older than the complainant and
104.18 was employed or contracted to provide service for the secondary school at which the
104.19 complainant was a student; or

104.20 (C) the actor was age 18 or older and at least 48 months older than the complainant, and
104.21 was a licensed educator employed or contracted to provide services for an elementary,
104.22 middle, or secondary school;

104.23 (x) the actor was a caregiver, facility staff person, or person providing services in a
104.24 facility, as defined under section 609.232, subdivision 3, and the complainant was a
104.25 vulnerable adult who was a resident, patient, or client of the facility who was impaired in
104.26 judgment or capacity by mental or emotional dysfunction or undue influence; or

104.27 (xi) the actor was a caregiver, facility staff person, or person providing services in a
104.28 facility, and the complainant was a resident, patient, or client of the facility. This clause
104.29 does not apply if a consensual sexual personal relationship existed prior to the caregiving
104.30 relationship or if the actor was a personal care attendant.

105.1 Sec. 9. Minnesota Statutes 2020, section 609.341, is amended by adding a subdivision to
105.2 read:

105.3 Subd. 25. Caregiver. "Caregiver" has the meaning given in section 609.232, subdivision
105.4 2.

105.5 Sec. 10. Minnesota Statutes 2020, section 609.341, is amended by adding a subdivision
105.6 to read:

105.7 Subd. 26. Facility. "Facility" has the meaning given in section 609.232, subdivision 3.

105.8 Sec. 11. Minnesota Statutes 2020, section 609.341, is amended by adding a subdivision
105.9 to read:

105.10 Subd. 27. Vulnerable adult. "Vulnerable adult" has the meaning given in section
105.11 609.232, subdivision 11.

105.12 Sec. 12. Minnesota Statutes 2020, section 609.342, is amended to read:

105.13 **609.342 CRIMINAL SEXUAL CONDUCT IN THE FIRST DEGREE.**

105.14 Subdivision 1. **Adult victim; crime defined.** A person who engages in sexual penetration
105.15 with another person, ~~or in sexual contact with a person under 13 years of age as defined in~~
105.16 ~~section 609.341, subdivision 11, paragraph (e),~~ is guilty of criminal sexual conduct in the
105.17 first degree if any of the following circumstances exists:

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

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

105.25 ~~(e)~~ (a) circumstances existing at the time of the act cause the complainant to have a
105.26 reasonable fear of imminent great bodily harm to the complainant or another;

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

106.1 ~~(e)~~ (c) the actor causes personal injury to the complainant, and ~~either~~ any of the following
106.2 circumstances exist:

106.3 ~~(i)~~ the actor uses ~~force or~~ coercion to accomplish the act; ~~or~~

106.4 (ii) the actor uses force, as defined in section 609.341, subdivision 3, clause (2); or

106.5 ~~(ii)~~ (iii) the actor knows or has reason to know that the complainant is mentally impaired,
106.6 mentally incapacitated, or physically helpless;

106.7 (d) the actor uses force as defined in section 609.341, subdivision 3, clause (1); or

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

106.10 (i) the actor or an accomplice uses force or coercion to cause the complainant to submit;
106.11 or

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

106.16 ~~(g) the actor has a significant relationship to the complainant and the complainant was~~
106.17 ~~under 16 years of age at the time of the act. Neither mistake as to the complainant's age nor~~
106.18 ~~consent to the act by the complainant is a defense; or~~

106.19 ~~(h) the actor has a significant relationship to the complainant, the complainant was under~~
106.20 ~~16 years of age at the time of the act, and:~~

106.21 ~~(i) the actor or an accomplice used force or coercion to accomplish the act;~~

106.22 ~~(ii) the complainant suffered personal injury; or~~

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

106.24 ~~Neither mistake as to the complainant's age nor consent to the act by the complainant is~~
106.25 ~~a defense.~~

106.26 Subd. 1a. **Victim under the age of 18; crime defined.** A person who engages in
106.27 penetration with anyone under 18 years of age or sexual contact with a person under 14
106.28 years of age as defined in section 609.341, subdivision 11, paragraph (c), is guilty of criminal
106.29 sexual conduct in the first degree if any of the following circumstances exists:

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

107.1 (b) the actor is armed with a dangerous weapon or any article used or fashioned in a
107.2 manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses
107.3 or threatens to use the weapon or article to cause the complainant to submit;

107.4 (c) the actor causes personal injury to the complainant, and any of the following
107.5 circumstances exist:

107.6 (i) the actor uses coercion to accomplish the act;

107.7 (ii) the actor uses force, as defined in section 609.341, subdivision 3, clause (2); or

107.8 (iii) the actor knows or has reason to know that the complainant is mentally impaired,
107.9 mentally incapacitated, or physically helpless;

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

107.12 (i) the actor or an accomplice uses force or coercion to cause the complainant to submit;
107.13 or

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

107.17 (e) the complainant is under 14 years of age and the actor is more than 36 months older
107.18 than the complainant. Neither mistake as to the complainant's age nor consent to the act by
107.19 the complainant is a defense;

107.20 (f) the complainant is at least 14 years of age but less than 16 years of age and:

107.21 (i) the actor is more than 36 months older than the complainant; and

107.22 (ii) the actor is in a current or recent position of authority over the complainant.

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

107.25 (g) the complainant was under 16 years of age at the time of the act and the actor has a
107.26 significant relationship to the complainant. Neither mistake as to the complainant's age nor
107.27 consent to the act by the complainant is a defense;

107.28 (h) the complainant was under 16 years of age at the time of the act, and the actor has
107.29 a significant relationship to the complainant and any of the following circumstances exist:

107.30 (i) the actor or an accomplice used force or coercion to accomplish the act;

107.31 (ii) the complainant suffered personal injury; or

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

108.2 Neither mistake as to the complainant's age nor consent to the act by the complainant is a
108.3 defense; or

108.4 (i) the actor uses force, as defined in section 609.341, subdivision 3, clause (1).

108.5 Subd. 2. **Penalty.** (a) Except as otherwise provided in section 609.3455; or Minnesota
108.6 Statutes 2004, section 609.109, a person convicted under subdivision 1 or subdivision 1a
108.7 may be sentenced to imprisonment for not more than 30 years or to a payment of a fine of
108.8 not more than \$40,000, or both.

108.9 (b) Unless a longer mandatory minimum sentence is otherwise required by law or the
108.10 Sentencing Guidelines provide for a longer presumptive executed sentence, the court shall
108.11 presume that an executed sentence of 144 months must be imposed on an offender convicted
108.12 of violating this section. Sentencing a person in a manner other than that described in this
108.13 paragraph is a departure from the Sentencing Guidelines.

108.14 (c) A person convicted under this section is also subject to conditional release under
108.15 section 609.3455.

108.16 Subd. 3. **Stay.** Except when imprisonment is required under section 609.3455; or
108.17 Minnesota Statutes 2004, section 609.109, if a person is convicted under subdivision 1 1a,
108.18 clause (g), the court may stay imposition or execution of the sentence if it finds that:

108.19 (a) a stay is in the best interest of the complainant or the family unit; and

108.20 (b) a professional assessment indicates that the offender has been accepted by and can
108.21 respond to a treatment program.

108.22 If the court stays imposition or execution of sentence, it shall include the following as
108.23 conditions of probation:

108.24 (1) incarceration in a local jail or workhouse;

108.25 (2) a requirement that the offender complete a treatment program; and

108.26 (3) a requirement that the offender have no unsupervised contact with the complainant
108.27 until the offender has successfully completed the treatment program unless approved by
108.28 the treatment program and the supervising correctional agent.

109.1 Sec. 13. Minnesota Statutes 2020, section 609.343, is amended to read:

109.2 **609.343 CRIMINAL SEXUAL CONDUCT IN THE SECOND DEGREE.**

109.3 Subdivision 1. **Adult victim; crime defined.** A person who engages in sexual contact
109.4 with another person is guilty of criminal sexual conduct in the second degree if any of the
109.5 following circumstances exists:

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

109.10 ~~(b) the complainant is at least 13 but less than 16 years of age and the actor is more than~~
109.11 ~~48 months older than the complainant and in a current or recent position of authority over~~
109.12 ~~the complainant. Neither mistake as to the complainant's age nor consent to the act by the~~
109.13 ~~complainant is a defense;~~

109.14 ~~(e)~~ (a) circumstances existing at the time of the act cause the complainant to have a
109.15 reasonable fear of imminent great bodily harm to the complainant or another;

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

109.19 ~~(e)~~ (c) the actor causes personal injury to the complainant, and ~~either~~ any of the following
109.20 circumstances exist:

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

109.22 (ii) the actor uses force, as defined in section 609.341, subdivision 3, clause (2); or

109.23 ~~(ii)~~ (iii) the actor knows or has reason to know that the complainant is mentally impaired,
109.24 mentally incapacitated, or physically helpless;

109.25 (d) the actor uses force as defined in section 609.341, subdivision 3, clause (1); or

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

109.28 (i) the actor or an accomplice uses force or coercion to cause the complainant to submit;
109.29 or

109.30 (ii) the actor or an accomplice is armed with a dangerous weapon or any article used or
109.31 fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous

110.1 weapon and uses or threatens to use the weapon or article to cause the complainant to
110.2 submit;

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

110.6 ~~(h) the actor has a significant relationship to the complainant, the complainant was under~~
110.7 ~~16 years of age at the time of the sexual contact, and:~~

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

110.9 ~~(ii) the complainant suffered personal injury; or~~

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

110.11 ~~Neither mistake as to the complainant's age nor consent to the act by the complainant is~~
110.12 ~~a defense.~~

110.13 Subd. 1a. **Victim under the age of 18; crime defined.** A person who engages in sexual
110.14 contact with anyone under 18 years of age is guilty of criminal sexual conduct in the second
110.15 degree if any of the following circumstances exists:

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

110.18 (b) the actor is armed with a dangerous weapon or any article used or fashioned in a
110.19 manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses
110.20 or threatens to use the dangerous weapon to cause the complainant to submit;

110.21 (c) the actor causes personal injury to the complainant, and any of the following
110.22 circumstances exist:

110.23 (i) the actor uses coercion to accomplish the sexual contact;

110.24 (ii) the actor uses force, as defined in section 609.341, subdivision 3, clause (2); or

110.25 (iii) the actor knows or has reason to know that the complainant is mentally impaired,
110.26 mentally incapacitated, or physically helpless;

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

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

110.30 or

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

111.4 (e) the complainant is under 14 years of age and the actor is more than 36 months older
111.5 than the complainant. Neither mistake as to the complainant's age nor consent to the act by
111.6 the complainant is a defense. In a prosecution under this clause, the state is not required to
111.7 prove that the sexual contact was coerced;

111.8 (f) the complainant is at least 14 but less than 16 years of age and the actor is more than
111.9 36 months older than the complainant and in a current or recent position of authority over
111.10 the complainant. Neither mistake as to the complainant's age nor consent to the act by the
111.11 complainant is a defense;

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

111.15 (h) the actor has a significant relationship to the complainant, the complainant was under
111.16 16 years of age at the time of the sexual contact, and:

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

111.18 (ii) the complainant suffered personal injury; or

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

111.20 Neither mistake as to the complainant's age nor consent to the act by the complainant is a
111.21 defense; or

111.22 (i) the actor uses force, as defined in section 609.341, subdivision 3, clause (1).

111.23 Subd. 2. **Penalty.** (a) Except as otherwise provided in section 609.3455; or Minnesota
111.24 Statutes 2004, section 609.109, a person convicted under subdivision 1 or subdivision 1a
111.25 may be sentenced to imprisonment for not more than 25 years or to a payment of a fine of
111.26 not more than \$35,000, or both.

111.27 (b) Unless a longer mandatory minimum sentence is otherwise required by law or the
111.28 Sentencing Guidelines provide for a longer presumptive executed sentence, the court shall
111.29 presume that an executed sentence of 90 months must be imposed on an offender convicted
111.30 of violating subdivision 1, clause (a), (b), (c), (d), or (e), ~~(f)~~, or subdivision 1a, clause (a),
111.31 (b), (c), (d), ~~or~~ (h), or (i). Sentencing a person in a manner other than that described in this
111.32 paragraph is a departure from the Sentencing Guidelines.

112.1 (c) A person convicted under this section is also subject to conditional release under
112.2 section 609.3455.

112.3 Subd. 3. **Stay.** Except when imprisonment is required under section 609.3455; or
112.4 Minnesota Statutes 2004, section 609.109, if a person is convicted under subdivision ~~1~~ 1a,
112.5 clause (g), the court may stay imposition or execution of the sentence if it finds that:

112.6 (a) a stay is in the best interest of the complainant or the family unit; and

112.7 (b) a professional assessment indicates that the offender has been accepted by and can
112.8 respond to a treatment program.

112.9 If the court stays imposition or execution of sentence, it shall include the following as
112.10 conditions of probation:

112.11 (1) incarceration in a local jail or workhouse;

112.12 (2) a requirement that the offender complete a treatment program; and

112.13 (3) a requirement that the offender have no unsupervised contact with the complainant
112.14 until the offender has successfully completed the treatment program unless approved by
112.15 the treatment program and the supervising correctional agent.

112.16 Sec. 14. Minnesota Statutes 2020, section 609.344, is amended to read:

112.17 **609.344 CRIMINAL SEXUAL CONDUCT IN THE THIRD DEGREE.**

112.18 Subdivision 1. **Adult victim; crime defined.** A person who engages in sexual penetration
112.19 with another person is guilty of criminal sexual conduct in the third degree if any of the
112.20 following circumstances exists:

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

112.24 ~~(b) the complainant is at least 13 but less than 16 years of age and the actor is more than
112.25 24 months older than the complainant. In any such case if the actor is no more than 120
112.26 months older than the complainant, it shall be an affirmative defense, which must be proved
112.27 by a preponderance of the evidence, that the actor reasonably believes the complainant to
112.28 be 16 years of age or older. In all other cases, mistake as to the complainant's age shall not
112.29 be a defense. Consent by the complainant is not a defense;~~

112.30 ~~(c)~~ (a) the actor uses force or coercion to accomplish the penetration;

113.1 ~~(d)~~ (b) the actor knows or has reason to know that the complainant is mentally impaired,
113.2 mentally incapacitated, or physically helpless;

113.3 (c) the actor uses force, as defined in section 609.341, subdivision 3, clause (2); or

113.4 (d) at the time of the act, the actor is in a prohibited occupational relationship with the
113.5 complainant.

113.6 Subd. 1a. **Victim under the age of 18; crime defined.** A person who engages in sexual
113.7 penetration with anyone under 18 years of age is guilty of criminal sexual conduct in the
113.8 third degree if any of the following circumstances exists:

113.9 (a) the complainant is under 14 years of age and the actor is no more than 36 months
113.10 older than the complainant. Neither mistake as to the complainant's age nor consent to the
113.11 act by the complainant shall be a defense;

113.12 (b) the complainant is at least 14 but less than 16 years of age and the actor is more than
113.13 36 months older than the complainant. In any such case if the actor is no more than 60
113.14 months older than the complainant, it shall be an affirmative defense, which must be proved
113.15 by a preponderance of the evidence, that the actor reasonably believes the complainant to
113.16 be 16 years of age or older. In all other cases, mistake as to the complainant's age shall not
113.17 be a defense. Consent by the complainant is not a defense;

113.18 (c) the actor uses coercion to accomplish the penetration;

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

113.21 (e) the complainant is at least 16 but less than 18 years of age and the actor is more than
113.22 ~~48~~ 36 months older than the complainant and in a current or recent position of authority
113.23 over the complainant. Neither mistake as to the complainant's age nor consent to the act by
113.24 the complainant is a defense;

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

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

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

113.31 (ii) the complainant suffered personal injury; or

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

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

114.3 ~~(h) the actor is a psychotherapist and the complainant is a patient of the psychotherapist~~
114.4 ~~and the sexual penetration occurred:~~ the actor uses force, as defined in section 609.341,
114.5 subdivision 3, clause (2); or

114.6 (i) at the time of the act, the actor is in a prohibited occupational relationship with the
114.7 complainant.

114.8 ~~(i) during the psychotherapy session; or~~

114.9 ~~(ii) outside the psychotherapy session if an ongoing psychotherapist-patient relationship~~
114.10 ~~exists.~~

114.11 ~~Consent by the complainant is not a defense;~~

114.12 ~~(i) the actor is a psychotherapist and the complainant is a former patient of the~~
114.13 ~~psychotherapist and the former patient is emotionally dependent upon the psychotherapist;~~

114.14 ~~(j) the actor is a psychotherapist and the complainant is a patient or former patient and~~
114.15 ~~the sexual penetration occurred by means of therapeutic deception. Consent by the~~
114.16 ~~complainant is not a defense;~~

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

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

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

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

114.28 ~~(m) the actor is an employee, independent contractor, or volunteer of a state, county,~~
114.29 ~~city, or privately operated adult or juvenile correctional system, or secure treatment facility,~~
114.30 ~~or treatment facility providing services to clients civilly committed as mentally ill and~~
114.31 ~~dangerous, sexually dangerous persons, or sexual psychopathic personalities, including, but~~
114.32 ~~not limited to, jails, prisons, detention centers, or work release facilities, and the complainant~~

115.1 ~~is a resident of a facility or under supervision of the correctional system. Consent by the~~
115.2 ~~complainant is not a defense;~~

115.3 ~~(n) the actor provides or is an agent of an entity that provides special transportation~~
115.4 ~~service, the complainant used the special transportation service, and the sexual penetration~~
115.5 ~~occurred during or immediately before or after the actor transported the complainant. Consent~~
115.6 ~~by the complainant is not a defense;~~

115.7 ~~(o) the actor performs massage or other bodywork for hire, the complainant was a user~~
115.8 ~~of one of those services, and nonconsensual sexual penetration occurred during or~~
115.9 ~~immediately before or after the actor performed or was hired to perform one of those services~~
115.10 ~~for the complainant; or~~

115.11 ~~(p) the actor is a peace officer, as defined in section 626.84, and the officer physically~~
115.12 ~~or constructively restrains the complainant or the complainant does not reasonably feel free~~
115.13 ~~to leave the officer's presence. Consent by the complainant is not a defense. This paragraph~~
115.14 ~~does not apply to any penetration of the mouth, genitals, or anus during a lawful search.~~

115.15 Subd. 2. **Penalty.** Except as otherwise provided in section 609.3455, a person convicted
115.16 under subdivision 1 or subdivision 1a may be sentenced:

115.17 (1) to imprisonment for not more than 15 years or to a payment of a fine of not more
115.18 than \$30,000, or both; or

115.19 (2) if the person was convicted under subdivision ~~1~~ 1a, paragraph (b), and if the actor
115.20 was no more than 48 months but more than 24 months older than the complainant, to
115.21 imprisonment for not more than five years or a fine of not more than \$30,000, or both.

115.22 A person convicted under this section is also subject to conditional release under section
115.23 609.3455.

115.24 Subd. 3. **Stay.** Except when imprisonment is required under section 609.3455; or
115.25 Minnesota Statutes 2004, section 609.109, if a person is convicted under subdivision ~~1~~ 1a,
115.26 clause (f), the court may stay imposition or execution of the sentence if it finds that:

115.27 (a) a stay is in the best interest of the complainant or the family unit; and

115.28 (b) a professional assessment indicates that the offender has been accepted by and can
115.29 respond to a treatment program.

115.30 If the court stays imposition or execution of sentence, it shall include the following as
115.31 conditions of probation:

115.32 (1) incarceration in a local jail or workhouse;

- 116.1 (2) a requirement that the offender complete a treatment program; and
- 116.2 (3) a requirement that the offender have no unsupervised contact with the complainant
- 116.3 until the offender has successfully completed the treatment program unless approved by
- 116.4 the treatment program and the supervising correctional agent.

116.5 Sec. 15. Minnesota Statutes 2020, section 609.345, is amended to read:

116.6 **609.345 CRIMINAL SEXUAL CONDUCT IN THE FOURTH DEGREE.**

116.7 Subdivision 1. Adult victim; crime defined. A person who engages in sexual contact

116.8 with another person is guilty of criminal sexual conduct in the fourth degree if any of the

116.9 following circumstances exists:

116.10 ~~(a) the complainant is under 13 years of age and the actor is no more than 36 months~~

116.11 ~~older than the complainant. Neither mistake as to the complainant's age or consent to the~~

116.12 ~~act by the complainant is a defense. In a prosecution under this clause, the state is not~~

116.13 ~~required to prove that the sexual contact was coerced;~~

116.14 ~~(b) the complainant is at least 13 but less than 16 years of age and the actor is more than~~

116.15 ~~48 months older than the complainant or in a current or recent position of authority over~~

116.16 ~~the complainant. Consent by the complainant to the act is not a defense. In any such case,~~

116.17 ~~if the actor is no more than 120 months older than the complainant, it shall be an affirmative~~

116.18 ~~defense which must be proved by a preponderance of the evidence that the actor reasonably~~

116.19 ~~believes the complainant to be 16 years of age or older. In all other cases, mistake as to the~~

116.20 ~~complainant's age shall not be a defense;~~

116.21 ~~(e)~~ (a) the actor uses force or coercion to accomplish the sexual contact;

116.22 ~~(d)~~ (b) the actor knows or has reason to know that the complainant is mentally impaired,

116.23 mentally incapacitated, or physically helpless;

116.24 (c) the actor uses force, as defined in section 609.341, subdivision 3, clause (2); or

116.25 (d) at the time of the act, the actor is in a prohibited occupational relationship with the

116.26 complainant.

116.27 Subd. 1a. **Victim under the age of 18; crime defined.** A person who engages in sexual

116.28 contact with anyone under 18 years of age is guilty of criminal sexual conduct in the fourth

116.29 degree if any of the following circumstances exists:

116.30 (a) the complainant is under 14 years of age and the actor is no more than 36 months

116.31 older than the complainant. Neither mistake as to the complainant's age or consent to the

117.1 act by the complainant is a defense. In a prosecution under this clause, the state is not
117.2 required to prove that the sexual contact was coerced;

117.3 (b) the complainant is at least 14 but less than 16 years of age and the actor is more than
117.4 36 months older than the complainant or in a current or recent position of authority over
117.5 the complainant. Consent by the complainant to the act is not a defense.

117.6 Mistake of age is not a defense unless actor is less than 60 months older. In any such case,
117.7 if the actor is no more than 60 months older than the complainant, it shall be an affirmative
117.8 defense which must be proved by a preponderance of the evidence that the actor reasonably
117.9 believes the complainant to be 16 years of age or older. In all other cases, mistake as to the
117.10 complainant's age shall not be a defense;

117.11 (c) the actor uses coercion to accomplish the sexual contact;

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

117.14 (e) the complainant is at least 16 but less than 18 years of age and the actor is more than
117.15 48 36 months older than the complainant and in a current or recent position of authority
117.16 over the complainant. Neither mistake as to the complainant's age nor consent to the act by
117.17 the complainant is a defense;

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

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

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

117.24 (ii) the complainant suffered personal injury; or

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

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

117.28 (h) ~~the actor is a psychotherapist and the complainant is a patient of the psychotherapist~~
117.29 ~~and the sexual contact occurred:~~ the actor uses force, as defined in section 609.341,
117.30 subdivision 3, clause (2); or

117.31 (i) at the time of the act, the actor is in a prohibited occupational relationship with the
117.32 complainant.

- 118.1 ~~(i) during the psychotherapy session; or~~
- 118.2 ~~(ii) outside the psychotherapy session if an ongoing psychotherapist-patient relationship~~
118.3 ~~exists. Consent by the complainant is not a defense;~~
- 118.4 ~~(i) the actor is a psychotherapist and the complainant is a former patient of the~~
118.5 ~~psychotherapist and the former patient is emotionally dependent upon the psychotherapist;~~
- 118.6 ~~(j) the actor is a psychotherapist and the complainant is a patient or former patient and~~
118.7 ~~the sexual contact occurred by means of therapeutic deception. Consent by the complainant~~
118.8 ~~is not a defense;~~
- 118.9 ~~(k) the actor accomplishes the sexual contact by means of deception or false representation~~
118.10 ~~that the contact is for a bona fide medical purpose. Consent by the complainant is not a~~
118.11 ~~defense;~~
- 118.12 ~~(l) the actor is or purports to be a member of the clergy, the complainant is not married~~
118.13 ~~to the actor, and:~~
- 118.14 ~~(i) the sexual contact occurred during the course of a meeting in which the complainant~~
118.15 ~~sought or received religious or spiritual advice, aid, or comfort from the actor in private; or~~
- 118.16 ~~(ii) the sexual contact occurred during a period of time in which the complainant was~~
118.17 ~~meeting on an ongoing basis with the actor to seek or receive religious or spiritual advice,~~
118.18 ~~aid, or comfort in private. Consent by the complainant is not a defense;~~
- 118.19 ~~(m) the actor is an employee, independent contractor, or volunteer of a state, county,~~
118.20 ~~city, or privately operated adult or juvenile correctional system, or secure treatment facility,~~
118.21 ~~or treatment facility providing services to clients civilly committed as mentally ill and~~
118.22 ~~dangerous, sexually dangerous persons, or sexual psychopathic personalities, including, but~~
118.23 ~~not limited to, jails, prisons, detention centers, or work release facilities, and the complainant~~
118.24 ~~is a resident of a facility or under supervision of the correctional system. Consent by the~~
118.25 ~~complainant is not a defense;~~
- 118.26 ~~(n) the actor provides or is an agent of an entity that provides special transportation~~
118.27 ~~service, the complainant used the special transportation service, the complainant is not~~
118.28 ~~married to the actor, and the sexual contact occurred during or immediately before or after~~
118.29 ~~the actor transported the complainant. Consent by the complainant is not a defense;~~
- 118.30 ~~(o) the actor performs massage or other bodywork for hire, the complainant was a user~~
118.31 ~~of one of those services, and nonconsensual sexual contact occurred during or immediately~~
118.32 ~~before or after the actor performed or was hired to perform one of those services for the~~
118.33 ~~complainant; or~~

119.1 ~~(p) the actor is a peace officer, as defined in section 626.84, and the officer physically~~
119.2 ~~or constructively restrains the complainant or the complainant does not reasonably feel free~~
119.3 ~~to leave the officer's presence. Consent by the complainant is not a defense.~~

119.4 Subd. 2. **Penalty.** Except as otherwise provided in section 609.3455, a person convicted
119.5 under subdivision 1 or subdivision 1a may be sentenced to imprisonment for not more than
119.6 ten years or to a payment of a fine of not more than \$20,000, or both. A person convicted
119.7 under this section is also subject to conditional release under section 609.3455.

119.8 Subd. 3. **Stay.** Except when imprisonment is required under section 609.3455; or
119.9 Minnesota Statutes 2004, section 609.109, if a person is convicted under subdivision ~~1~~ 1a,
119.10 clause (f), the court may stay imposition or execution of the sentence if it finds that:

119.11 (a) a stay is in the best interest of the complainant or the family unit; and

119.12 (b) a professional assessment indicates that the offender has been accepted by and can
119.13 respond to a treatment program.

119.14 If the court stays imposition or execution of sentence, it shall include the following as
119.15 conditions of probation:

119.16 (1) incarceration in a local jail or workhouse;

119.17 (2) a requirement that the offender complete a treatment program; and

119.18 (3) a requirement that the offender have no unsupervised contact with the complainant
119.19 until the offender has successfully completed the treatment program unless approved by
119.20 the treatment program and the supervising correctional agent.

119.21 Sec. 16. Minnesota Statutes 2020, section 609.3451, is amended to read:

119.22 **609.3451 CRIMINAL SEXUAL CONDUCT IN THE FIFTH DEGREE.**

119.23 Subdivision 1. **Sexual penetration; crime defined.** A person is guilty of criminal sexual
119.24 conduct in the fifth degree: if the person engages in nonconsensual sexual penetration.

119.25 Subd. 1a. **Sexual contact; child present; crime defined.** A person is guilty of criminal
119.26 sexual conduct in the fifth degree if:

119.27 (1) ~~if~~ the person engages in nonconsensual sexual contact; or

119.28 (2) the person engages in masturbation or lewd exhibition of the genitals in the presence
119.29 of a minor under the age of 16, knowing or having reason to know the minor is present.

119.30 For purposes of this section, "sexual contact" has the meaning given in section 609.341,
119.31 subdivision 11, paragraph (a), clauses (i), (iv), and (v). Sexual contact also includes the

120.1 intentional removal or attempted removal of clothing covering the complainant's intimate
120.2 parts or undergarments, and the nonconsensual touching by the complainant of the actor's
120.3 intimate parts, effected by the actor, if the action is performed with sexual or aggressive
120.4 intent.

120.5 Subd. 2. **Gross misdemeanor.** A person convicted under subdivision ~~1~~ 1a may be
120.6 sentenced to imprisonment for not more than one year or to a payment of a fine of not more
120.7 than \$3,000, or both.

120.8 Subd. 3. **Felony.** (a) A person is guilty of a felony and may be sentenced to imprisonment
120.9 for not more than two years or to payment of a fine of not more than \$10,000, or both, if
120.10 the person violates subdivision 1.

120.11 (b) A person is guilty of a felony and may be sentenced to imprisonment for not more
120.12 than seven years or to payment of a fine of not more than \$14,000, or both, if the person
120.13 violates ~~this section~~ subdivision 1 or 1a within ~~seven~~ ten years of:

120.14 (1) conviction or adjudication under subdivision 1; or

120.15 (2) a previous conviction or adjudication for violating subdivision ~~1~~ 1a, clause (2), a
120.16 ~~crime described in paragraph (b)~~, or a statute from another state in conformity with any of
120.17 these offenses; or

120.18 ~~(2)~~ (3) the first of two or more previous convictions for violating subdivision ~~1~~ 1a, clause
120.19 (1), or a statute from another state in conformity with this offense.

120.20 ~~(b)~~ (c) A previous conviction for violating section 609.342; 609.343; 609.344; 609.345;
120.21 609.3453; 617.23, subdivision 2, clause (2), or subdivision 3; or 617.247 may be used to
120.22 enhance a criminal penalty as provided in paragraph (a).

120.23 Sec. 17. Minnesota Statutes 2020, section 609.3455, is amended to read:

120.24 **609.3455 DANGEROUS SEX OFFENDERS; LIFE SENTENCES; CONDITIONAL**
120.25 **RELEASE.**

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

120.28 (b) "Conviction" includes a conviction as an extended jurisdiction juvenile under section
120.29 260B.130 for a violation of, or an attempt to violate, section 609.342, 609.343, 609.344, ~~or~~
120.30 609.3453, or 609.3458, if the adult sentence has been executed.

120.31 (c) "Extreme inhumane conditions" mean situations where, either before or after the
120.32 sexual penetration or sexual contact, the offender knowingly causes or permits the

121.1 complainant to be placed in a situation likely to cause the complainant severe ongoing
121.2 mental, emotional, or psychological harm, or causes the complainant's death.

121.3 (d) A "heinous element" includes:

121.4 (1) the offender tortured the complainant;

121.5 (2) the offender intentionally inflicted great bodily harm upon the complainant;

121.6 (3) the offender intentionally mutilated the complainant;

121.7 (4) the offender exposed the complainant to extreme inhumane conditions;

121.8 (5) the offender was armed with a dangerous weapon or any article used or fashioned
121.9 in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and
121.10 used or threatened to use the weapon or article to cause the complainant to submit;

121.11 (6) the offense involved sexual penetration or sexual contact with more than one victim;

121.12 (7) the offense involved more than one perpetrator engaging in sexual penetration or
121.13 sexual contact with the complainant; or

121.14 (8) the offender, without the complainant's consent, removed the complainant from one
121.15 place to another and did not release the complainant in a safe place.

121.16 (e) "Mutilation" means the intentional infliction of physical abuse designed to cause
121.17 serious permanent disfigurement or permanent or protracted loss or impairment of the
121.18 functions of any bodily member or organ, where the offender relishes the infliction of the
121.19 abuse, evidencing debasement or perversion.

121.20 (f) A conviction is considered a "previous sex offense conviction" if the offender was
121.21 convicted and sentenced for a sex offense before the commission of the present offense.

121.22 (g) A conviction is considered a "prior sex offense conviction" if the offender was
121.23 convicted of committing a sex offense before the offender has been convicted of the present
121.24 offense, regardless of whether the offender was convicted for the first offense before the
121.25 commission of the present offense, and the convictions involved separate behavioral
121.26 incidents.

121.27 (h) "Sex offense" means any violation of, or attempt to violate, section 609.342, 609.343,
121.28 609.344, 609.345, 609.3451, 609.3453, 609.3458, or any similar statute of the United States,
121.29 this state, or any other state.

121.30 (i) "Torture" means the intentional infliction of extreme mental anguish, or extreme
121.31 psychological or physical abuse, when committed in an especially depraved manner.

122.1 (j) An offender has "two previous sex offense convictions" only if the offender was
 122.2 convicted and sentenced for a sex offense committed after the offender was earlier convicted
 122.3 and sentenced for a sex offense and both convictions preceded the commission of the present
 122.4 offense of conviction.

122.5 Subd. 2. **Mandatory life sentence without release; egregious first-time and repeat**
 122.6 **offenders.** (a) Notwithstanding the statutory maximum penalty otherwise applicable to the
 122.7 offense, the court shall sentence a person convicted under section 609.342, subdivision 1,
 122.8 paragraph (a), (b), (c), (d), or (e), ~~(f), or (h)~~; ~~or~~ 609.342, subdivision 1a, clause (a), (b), (c),
 122.9 (d), (h), or (i); 609.343, subdivision 1, paragraph (a), (b), (c), (d), or (e), ~~(f)~~; ~~or (h)~~ 609.343,
 122.10 subdivision 1a, clause (a), (b), (c), (d), (h), or (i), to life without the possibility of release
 122.11 if:

122.12 (1) the fact finder determines that two or more heinous elements exist; or

122.13 (2) the person has a previous sex offense conviction for a violation of section 609.342,
 122.14 609.343, ~~or~~ 609.344, 609.3458, and the fact finder determines that a heinous element
 122.15 exists for the present offense.

122.16 (b) A fact finder may not consider a heinous element if it is an element of the underlying
 122.17 specified violation of section 609.342 or 609.343. In addition, when determining whether
 122.18 two or more heinous elements exist, the fact finder may not use the same underlying facts
 122.19 to support a determination that more than one element exists.

122.20 Subd. 3. **Mandatory life sentence for egregious first-time offenders.** (a)
 122.21 Notwithstanding the statutory maximum penalty otherwise applicable to the offense, the
 122.22 court shall sentence a person to imprisonment for life if the person is convicted under section
 122.23 609.342, subdivision 1, paragraph (a), (b), (c), (d), or (e), ~~(f), or (h)~~, ~~or~~ 609.342, subdivision
 122.24 1a, clause (a), (b), (c), (d), (h), or (i); 609.343, subdivision 1, paragraph (a), (b), (c), (d), or
 122.25 (e), ~~(f), or (h)~~; ~~or~~ 609.343, subdivision 1a, clause (a), (b), (c), (d), (h), or (i); and the fact
 122.26 finder determines that a heinous element exists.

122.27 (b) The fact finder may not consider a heinous element if it is an element of the underlying
 122.28 specified violation of section 609.342 or 609.343.

122.29 Subd. 3a. **Mandatory sentence for certain engrained offenders.** (a) A court shall
 122.30 commit a person to the commissioner of corrections for a period of time that is not less than
 122.31 double the presumptive sentence under the sentencing guidelines and not more than the
 122.32 statutory maximum, or if the statutory maximum is less than double the presumptive sentence,
 122.33 for a period of time that is equal to the statutory maximum, if:

123.1 (1) the court is imposing an executed sentence on a person convicted of committing or
123.2 attempting to commit a violation of section 609.342, 609.343, 609.344, 609.345, ~~or~~ 609.3453,
123.3 or 609.3458;

123.4 (2) the fact finder determines that the offender is a danger to public safety; and

123.5 (3) the fact finder determines that the offender's criminal sexual behavior is so engrained
123.6 that the risk of reoffending is great without intensive psychotherapeutic intervention or other
123.7 long-term treatment or supervision extending beyond the presumptive term of imprisonment
123.8 and supervised release.

123.9 (b) The fact finder shall base its determination that the offender is a danger to public
123.10 safety on any of the following factors:

123.11 (1) the crime involved an aggravating factor that would justify a durational departure
123.12 from the presumptive sentence under the sentencing guidelines;

123.13 (2) the offender previously committed or attempted to commit a predatory crime or a
123.14 violation of section 609.224 or 609.2242, including:

123.15 (i) an offense committed as a juvenile that would have been a predatory crime or a
123.16 violation of section 609.224 or 609.2242 if committed by an adult; or

123.17 (ii) a violation or attempted violation of a similar law of any other state or the United
123.18 States; or

123.19 (3) the offender planned or prepared for the crime prior to its commission.

123.20 (c) As used in this section, "predatory crime" has the meaning given in section 609.341,
123.21 subdivision 22.

123.22 **Subd. 4. Mandatory life sentence; repeat offenders.** (a) Notwithstanding the statutory
123.23 maximum penalty otherwise applicable to the offense, the court shall sentence a person to
123.24 imprisonment for life if the person is convicted of violating section 609.342, 609.343,
123.25 609.344, 609.345, ~~or~~ 609.3453, or 609.3458 and:

123.26 (1) the person has two previous sex offense convictions;

123.27 (2) the person has a previous sex offense conviction and:

123.28 (i) the fact finder determines that the present offense involved an aggravating factor that
123.29 would provide grounds for an upward durational departure under the sentencing guidelines
123.30 other than the aggravating factor applicable to repeat criminal sexual conduct convictions;

124.1 (ii) the person received an upward durational departure from the sentencing guidelines
124.2 for the previous sex offense conviction; or

124.3 (iii) the person was sentenced under this section or Minnesota Statutes 2004, section
124.4 609.108, for the previous sex offense conviction; or

124.5 (3) the person has two prior sex offense convictions, and the fact finder determines that
124.6 the prior convictions and present offense involved at least three separate victims, and:

124.7 (i) the fact finder determines that the present offense involved an aggravating factor that
124.8 would provide grounds for an upward durational departure under the sentencing guidelines
124.9 other than the aggravating factor applicable to repeat criminal sexual conduct convictions;

124.10 (ii) the person received an upward durational departure from the sentencing guidelines
124.11 for one of the prior sex offense convictions; or

124.12 (iii) the person was sentenced under this section or Minnesota Statutes 2004, section
124.13 609.108, for one of the prior sex offense convictions.

124.14 (b) Notwithstanding paragraph (a), a court may not sentence a person to imprisonment
124.15 for life for a violation of section 609.345, unless the person's previous or prior sex offense
124.16 convictions that are being used as the basis for the sentence are for violations of section
124.17 609.342, 609.343, 609.344, ~~or~~ 609.3453, or 609.3458, or any similar statute of the United
124.18 States, this state, or any other state.

124.19 **Subd. 5. Life sentences; minimum term of imprisonment.** At the time of sentencing
124.20 under subdivision 3 or 4, the court shall specify a minimum term of imprisonment, based
124.21 on the sentencing guidelines or any applicable mandatory minimum sentence, that must be
124.22 served before the offender may be considered for supervised release.

124.23 **Subd. 6. Mandatory ten-year conditional release term.** Notwithstanding the statutory
124.24 maximum sentence otherwise applicable to the offense and unless a longer conditional
124.25 release term is required in subdivision 7, when a court commits an offender to the custody
124.26 of the commissioner of corrections for a violation of section 609.342, 609.343, 609.344,
124.27 609.345, ~~or~~ 609.3453, or 609.3458, the court shall provide that, after the offender has been
124.28 released from prison, the commissioner shall place the offender on conditional release for
124.29 ten years.

124.30 **Subd. 7. Mandatory lifetime conditional release term.** (a) When a court sentences an
124.31 offender under subdivision 3 or 4, the court shall provide that, if the offender is released
124.32 from prison, the commissioner of corrections shall place the offender on conditional release
124.33 for the remainder of the offender's life.

125.1 (b) Notwithstanding the statutory maximum sentence otherwise applicable to the offense,
125.2 when the court commits an offender to the custody of the commissioner of corrections for
125.3 a violation of section 609.342, 609.343, 609.344, 609.345, ~~or~~ 609.3453, or 609.3458, and
125.4 the offender has a previous or prior sex offense conviction, the court shall provide that, after
125.5 the offender has been released from prison, the commissioner shall place the offender on
125.6 conditional release for the remainder of the offender's life.

125.7 (c) Notwithstanding paragraph (b), an offender may not be placed on lifetime conditional
125.8 release for a violation of section 609.345, unless the offender's previous or prior sex offense
125.9 conviction is for a violation of section 609.342, 609.343, 609.344, ~~or~~ 609.3453, or 609.3458,
125.10 or any similar statute of the United States, this state, or any other state.

125.11 **Subd. 8. Terms of conditional release; applicable to all sex offenders.** (a) The
125.12 provisions of this subdivision relating to conditional release apply to all sex offenders
125.13 sentenced to prison for a violation of section 609.342, 609.343, 609.344, 609.345, ~~or~~
125.14 609.3453, or 609.3458. Except as provided in this subdivision, conditional release of sex
125.15 offenders is governed by provisions relating to supervised release. The commissioner of
125.16 corrections may not dismiss an offender on conditional release from supervision until the
125.17 offender's conditional release term expires.

125.18 (b) The conditions of release may include successful completion of treatment and aftercare
125.19 in a program approved by the commissioner, satisfaction of the release conditions specified
125.20 in section 244.05, subdivision 6, and any other conditions the commissioner considers
125.21 appropriate. The commissioner shall develop a plan to pay the cost of treatment of a person
125.22 released under this subdivision. The plan may include co-payments from offenders,
125.23 third-party payers, local agencies, or other funding sources as they are identified. This
125.24 section does not require the commissioner to accept or retain an offender in a treatment
125.25 program. Before the offender is placed on conditional release, the commissioner shall notify
125.26 the sentencing court and the prosecutor in the jurisdiction where the offender was sentenced
125.27 of the terms of the offender's conditional release. The commissioner also shall make
125.28 reasonable efforts to notify the victim of the offender's crime of the terms of the offender's
125.29 conditional release.

125.30 (c) If the offender fails to meet any condition of release, the commissioner may revoke
125.31 the offender's conditional release and order that the offender serve all or a part of the
125.32 remaining portion of the conditional release term in prison. An offender, while on supervised
125.33 release, is not entitled to credit against the offender's conditional release term for time served
125.34 in confinement for a violation of release.

126.1 Subd. 9. **Applicability.** The provisions of this section do not affect the applicability of
126.2 Minnesota Statutes 2004, section 609.108, to crimes committed before August 1, 2005, or
126.3 the validity of sentences imposed under Minnesota Statutes 2004, section 609.108.

126.4 Subd. 10. **Presumptive executed sentence for repeat sex offenders.** Except as provided
126.5 in subdivision 2, 3, 3a, or 4, if a person is convicted under sections 609.342 to 609.345 or
126.6 609.3453 within 15 years of a previous sex offense conviction, the court shall commit the
126.7 defendant to the commissioner of corrections for not less than three years, nor more than
126.8 the maximum sentence provided by law for the offense for which convicted, notwithstanding
126.9 sections 242.19, 243.05, 609.11, 609.12, and 609.135. The court may stay the execution of
126.10 the sentence imposed under this subdivision only if it finds that a professional assessment
126.11 indicates the offender is accepted by and can respond to treatment at a long-term inpatient
126.12 program exclusively treating sex offenders and approved by the commissioner of corrections.
126.13 If the court stays the execution of a sentence, it shall include the following as conditions of
126.14 probation:

126.15 (1) incarceration in a local jail or workhouse; and

126.16 (2) a requirement that the offender successfully complete the treatment program and
126.17 aftercare as directed by the court.

126.18 Sec. 18. **[609.3458] SEXUAL EXTORTION.**

126.19 **Subdivision 1. Crime defined.** (a) A person who engages in sexual contact with another
126.20 person and compels the other person to submit to the contact by making any of the following
126.21 threats, directly or indirectly, is guilty of sexual extortion:

126.22 (1) a threat to withhold or harm the complainant's trade, business, profession, position,
126.23 employment, or calling;

126.24 (2) a threat to make or cause to be made a criminal charge against the complainant,
126.25 whether true or false;

126.26 (3) a threat to report the complainant's immigration status to immigration or law
126.27 enforcement authorities;

126.28 (4) a threat to disseminate private sexual images of the complainant as specified in
126.29 section 617.261, nonconsensual dissemination of private sexual images;

126.30 (5) a threat to expose information that the actor knows the complainant wishes to keep
126.31 confidential; or

127.1 (6) a threat to withhold complainant's housing, or to cause complainant a loss or
127.2 disadvantage in the complainant's housing, or a change in the cost of complainant's housing.

127.3 (b) A person who engages in sexual penetration with another person and compels the
127.4 other person to submit to such penetration by making any of the following threats, directly
127.5 or indirectly, is guilty of sexual extortion:

127.6 (1) a threat to withhold or harm the complainant's trade, business, profession, position,
127.7 employment, or calling;

127.8 (2) a threat to make or cause to be made a criminal charge against the complainant,
127.9 whether true or false;

127.10 (3) a threat to report the complainant's immigration status to immigration or law
127.11 enforcement authorities;

127.12 (4) a threat to disseminate private sexual images of the complainant as specified in
127.13 section 617.261, nonconsensual dissemination of private sexual images;

127.14 (5) a threat to expose information that the actor knows the complainant wishes to keep
127.15 confidential; or

127.16 (6) a threat to withhold complainant's housing, or to cause complainant a loss or
127.17 disadvantage in the complainant's housing, or a change in the cost of complainant's housing.

127.18 Subd. 2. **Penalty.** (a) A person is guilty of a felony and may be sentenced to imprisonment
127.19 for not more than ten years or to payment of a fine of not more than \$20,000, or both, if the
127.20 person violates subdivision 1, paragraph (a).

127.21 (b) A person is guilty of a felony and may be sentenced to imprisonment for not more
127.22 than 15 years or to payment of a fine of not more than \$30,000, or both, if the person violates
127.23 subdivision 1, paragraph (b).

127.24 (c) A person convicted under this section is also subject to conditional release under
127.25 section 609.3455.

127.26 Subd. 3. **No attempt charge.** Notwithstanding section 609.17, no person may be charged
127.27 with or convicted of an attempt to commit a violation of this section.

127.28 Sec. 19. **PREDATORY OFFENDER STATUTORY FRAMEWORK WORKING**
127.29 **GROUP; REPORT.**

127.30 Subdivision 1. **Direction.** By September 1, 2021, the commissioner of public safety
127.31 shall convene a working group to comprehensively assess the predatory offender statutory

128.1 framework. The commissioner shall invite representatives from the Department of
128.2 Corrections with specific expertise on juvenile justice reform, city and county prosecuting
128.3 agencies, statewide crime victim coalitions, the Minnesota judicial branch, the Minnesota
128.4 Board of Public Defense, private criminal defense attorneys, the Department of Public
128.5 Safety, the Department of Human Services, the Sentencing Guidelines Commission, state
128.6 and local law enforcement agencies, and other interested parties to participate in the working
128.7 group. The commissioner shall ensure that the membership of the working group is balanced
128.8 among the various representatives and reflects a broad spectrum of viewpoints, and is
128.9 inclusive of marginalized communities as well as victim and survivor voices.

128.10 Subd. 2. **Duties.** The working group must examine and assess the predatory offender
128.11 registration (POR) laws, including, but not limited to, the requirements placed on offenders,
128.12 the crimes for which POR is required, the method by which POR requirements are applied
128.13 to offenders, and the effectiveness of the POR system in achieving its stated purpose.
128.14 Governmental agencies that hold POR data shall provide the working group with public
128.15 POR data upon request. The working group is encouraged to request the assistance of the
128.16 state court administrator's office to obtain relevant POR data maintained by the court system.

128.17 Subd. 3. **Report to legislature.** The commissioner shall file a report detailing the working
128.18 group's findings and recommendations with the chairs and ranking minority members of
128.19 the house of representatives and senate committees and divisions having jurisdiction over
128.20 public safety and judiciary policy and finance by January 15, 2022.

128.21 Sec. 20. **REVISOR INSTRUCTION.**

128.22 The revisor of statutes shall make necessary cross-reference changes and remove statutory
128.23 cross-references in Minnesota Statutes to conform with this act. The revisor may make
128.24 technical and other necessary changes to language and sentence structure to preserve the
128.25 meaning of the text.

128.26 Sec. 21. **REPEALER.**

128.27 Minnesota Statutes 2020, sections 609.293, subdivisions 1 and 5; 609.34; and 609.36,
128.28 are repealed.

129.1

ARTICLE 6

129.2

CRIMINAL AND SENTENCING PROVISIONS

129.3 Section 1. Minnesota Statutes 2020, section 244.09, is amended by adding a subdivision
129.4 to read:

129.5 Subd. 15. Report on sentencing adjustments. The Sentencing Guidelines Commission
129.6 shall include in its annual report to the legislature a summary and analysis of sentence
129.7 adjustments issued under section 609.133. At a minimum, the summary and analysis must
129.8 include information on the counties where a sentencing adjustment was granted and on the
129.9 race, sex, and age of individuals who received a sentence adjustment.

129.10 Sec. 2. Minnesota Statutes 2020, section 609.03, is amended to read:

129.11 **609.03 PUNISHMENT WHEN NOT OTHERWISE FIXED.**

129.12 If a person is convicted of a crime for which no punishment is otherwise provided the
129.13 person may be sentenced as follows:

129.14 (1) If the crime is a felony, to imprisonment for not more than five years or to payment
129.15 of a fine of not more than \$10,000, or both; or

129.16 (2) If the crime is a gross misdemeanor, to imprisonment for not more than ~~one year~~
129.17 364 days or to payment of a fine of not more than \$3,000, or both; or

129.18 (3) If the crime is a misdemeanor, to imprisonment for not more than 90 days or to
129.19 payment of a fine of not more than \$1,000, or both; or

129.20 (4) If the crime is other than a misdemeanor and a fine is imposed but the amount is not
129.21 specified, to payment of a fine of not more than \$1,000, or to imprisonment for a specified
129.22 term of not more than six months if the fine is not paid.

129.23 EFFECTIVE DATE. This section is effective the day following final enactment and
129.24 applies to offenders receiving a gross misdemeanor sentence before, on, or after that date.

129.25 Sec. 3. [609.0342] MAXIMUM PUNISHMENT FOR GROSS MISDEMEANORS.

129.26 Any law of this state that provides for a maximum sentence of imprisonment of one year
129.27 or is defined as a gross misdemeanor shall be deemed to provide for a maximum fine of
129.28 \$3,000 and a maximum sentence of imprisonment of 364 days.

129.29 EFFECTIVE DATE. This section is effective the day following final enactment and
129.30 applies to offenders receiving a gross misdemeanor sentence before, on, or after that date.

130.1 Sec. 4. [609.1056] MILITARY VETERANS; CRIMES COMMITTED BECAUSE
130.2 OF CONDITIONS RESULTING FROM SERVICE; DISCHARGE AND DISMISSAL.

130.3 Subdivision 1. Definitions. As used in this section, the following terms have the meanings
130.4 given:

130.5 (1) "applicable condition" means sexual trauma, traumatic brain injury, posttraumatic
130.6 stress disorder, substance abuse, or a mental health condition;

130.7 (2) "eligible offense" means any misdemeanor or gross misdemeanor, and any felony
130.8 that is ranked at severity level 7 or lower or D7 or lower on the Sentencing Guidelines grid;

130.9 (3) "pretrial diversion" means the decision of a prosecutor to refer a defendant to a
130.10 diversion program on condition that the criminal charges against the defendant shall be
130.11 dismissed after a specified period of time, or the case shall not be charged, if the defendant
130.12 successfully completes the program of treatment recommended by the United States
130.13 Department of Veterans Affairs or a local, state, federal, or private nonprofit treatment
130.14 program; and

130.15 (4) "veterans treatment court program" means a program that has the following essential
130.16 characteristics:

130.17 (i) the integration of services in the processing of cases in the judicial system;

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

130.20 (iii) early identification and prompt placement of eligible participants in the program;

130.21 (iv) access to a continuum of alcohol, controlled substance, mental health, and other
130.22 related treatment and rehabilitative services;

130.23 (v) careful monitoring of treatment and services provided to program participants;

130.24 (vi) a coordinated strategy to govern program responses to participants' compliance;

130.25 (vii) ongoing judicial interaction with program participants;

130.26 (viii) monitoring and evaluation of program goals and effectiveness;

130.27 (ix) continuing interdisciplinary education to promote effective program planning,
130.28 implementation, and operations;

130.29 (x) development of partnerships with public agencies and community organizations,
130.30 including the United States Department of Veterans Affairs; and

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

131.3 Subd. 2. **Deferred prosecution.** (a) The court shall defer prosecution for an eligible
131.4 offense committed by a defendant who was, or currently is, a member of the United States
131.5 military as provided in this subdivision. The court shall do this at the request of the defendant
131.6 upon a finding of guilty after trial or upon a guilty plea.

131.7 (b) A defendant who requests to be sentenced under this subdivision shall release or
131.8 authorize access to military service reports and records relating to the alleged applicable
131.9 condition. The court must file the records as confidential and designate that they remain
131.10 sealed, except as provided in this paragraph. In addition, the court may request, through
131.11 existing resources, an assessment of the defendant. The defendant, through existing records
131.12 or licensed professional evaluation, shall establish the diagnosis of the condition, that it was
131.13 caused by military service, and that the offense was committed as a result of the condition.
131.14 The court, on its own motion or the prosecutor's, with notice to defense counsel, may order
131.15 the defendant to furnish to the court for in-camera review or to the prosecutor copies of all
131.16 medical and military service reports and records previously or subsequently made concerning
131.17 the defendant's condition and the condition's connection to service.

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

131.24 (d) If the court makes the determination described in paragraph (c), the court shall,
131.25 without entering a judgment of guilty, defer further proceedings and place the defendant
131.26 on probation upon such reasonable conditions as it may require and for a period not to
131.27 exceed the maximum period provided by law. A court may extend a defendant's term of
131.28 probation pursuant to section 609.135, subdivision 2, paragraphs (g) and (h). Conditions
131.29 ordered by the court must include treatment, services, rehabilitation, and education sufficient
131.30 so that if completed, the defendant would be eligible for discharge and dismissal under
131.31 subdivision 3. In addition, the court shall order that the defendant undergo a chemical use
131.32 assessment that includes a recommended level of care for the defendant in accordance with
131.33 the criteria contained in rules adopted by the commissioner of human services under section
131.34 254A.03, subdivision 3.

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

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

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

132.11 (h) The court, when issuing an order under this subdivision that a defendant attend an
132.12 established treatment program, shall give preference to a treatment program that has a history
132.13 of successfully treating veterans who suffer from applicable conditions caused by military
132.14 service, including but not limited to programs operated by the United States Department of
132.15 Defense or Veterans Affairs.

132.16 (i) The court and any assigned treatment program shall collaborate with, when available,
132.17 the county veterans service officer and the United States Department of Veterans Affairs
132.18 to maximize benefits and services provided to the defendant.

132.19 (j) If available in the county or judicial district having jurisdiction over the case, the
132.20 defendant may be supervised by a veterans treatment court program under subdivision 5.
132.21 If there is a veterans treatment court that meets the requirements of subdivision 5 in the
132.22 county in which the defendant resides or works, supervision of the defendant may be
132.23 transferred to that county or judicial district veterans treatment court program. Upon the
132.24 defendant's successful or unsuccessful completion of the program, the veterans treatment
132.25 court program shall communicate this information to the court of original jurisdiction for
132.26 further action.

132.27 (k) Sentencing pursuant to this subdivision waives any right to administrative review
132.28 pursuant to section 169A.53, subdivision 1, or judicial review pursuant to section 169A.53,
132.29 subdivision 2, for a license revocation or cancellation imposed pursuant to section 169A.52,
132.30 and also waives any right to administrative review pursuant to section 171.177, subdivision
132.31 10, or judicial review pursuant to section 171.177, subdivision 11, for a license revocation
132.32 or cancellation imposed pursuant to section 171.177, if that license revocation or cancellation
132.33 is the result of the same incident that is being sentenced.

133.1 Subd. 3. Discharge and dismissal. (a) Upon the expiration of the period of the defendant's
133.2 probation the court shall hold a hearing to discharge the defendant from probation and
133.3 determine whether to dismiss the proceedings against a defendant who received a deferred
133.4 sentence under subdivision 2. The hearing shall be scheduled so that the parties have adequate
133.5 time to prepare and present arguments regarding the issue of dismissal. The parties may
133.6 submit written arguments to the court prior to the date of the hearing and may make oral
133.7 arguments before the court at the hearing. The defendant must be present at the hearing
133.8 unless excused under Minnesota Rules of Criminal Procedure, rule 26.03, subdivision 1,
133.9 clause (3).

133.10 (b) The court shall provide notice to any identifiable victim of the offense at least 15
133.11 days before the hearing is held. Notice to victims of the offense under this subdivision must
133.12 specifically inform the victim of the right to submit an oral or written statement to the court
133.13 at the time of the hearing describing the harm suffered by the victim as a result of the crime
133.14 and the victim's recommendation on whether dismissal should be granted or denied. The
133.15 judge shall consider the victim's statement when making a decision. If a victim notifies the
133.16 prosecutor of an objection to dismissal and is not present at the hearing, the prosecutor shall
133.17 make the objections known to the court.

133.18 (c) The court shall dismiss proceedings against a defendant if the court finds by clear
133.19 and convincing evidence that the defendant:

133.20 (1) is in substantial compliance with the conditions of probation;

133.21 (2) has successfully participated in court-ordered treatment and services to address the
133.22 applicable condition caused by military service;

133.23 (3) does not represent a danger to the health or safety of victims or others; and

133.24 (4) has demonstrated significant benefit from court-ordered education, treatment, or
133.25 rehabilitation to clearly show that a discharge and dismissal under this subdivision is in the
133.26 interests of justice.

133.27 (d) In determining the interests of justice, the court shall consider, among other factors,
133.28 all of the following:

133.29 (1) the defendant's completion and degree of participation in education, treatment, and
133.30 rehabilitation as ordered by the court;

133.31 (2) the defendant's progress in formal education;

133.32 (3) the defendant's development of career potential;

134.1 (4) the defendant's leadership and personal responsibility efforts;

134.2 (5) the defendant's contribution of service in support of the community;

134.3 (6) the level of harm to the community from the offense; and

134.4 (7) the statement of the victim, if any.

134.5 (e) If the court finds that the defendant does not qualify for discharge and dismissal
134.6 under paragraph (c), the court shall enter an adjudication of guilt and proceed as otherwise
134.7 provided in law, including as provided in subdivision 4.

134.8 (f) Discharge and dismissal under this subdivision shall be without court adjudication
134.9 of guilt, but a not public record of the discharge and dismissal shall be retained by the Bureau
134.10 of Criminal Apprehension for the purpose of use by the courts in determining the merits of
134.11 subsequent proceedings against the defendant. The not public record may also be opened
134.12 only upon court order for purposes of a criminal investigation, prosecution, or sentencing.
134.13 Upon request by law enforcement, prosecution, or corrections authorities, the bureau shall
134.14 notify the requesting party of the existence of the not public record and the right to seek a
134.15 court order to open the not public record under this paragraph. The court shall forward a
134.16 record of any discharge and dismissal under this subdivision to the bureau, which shall
134.17 make and maintain the not public record of the discharge and dismissal. The discharge and
134.18 dismissal shall not be deemed a conviction for purposes of disqualifications or disabilities
134.19 imposed by law upon conviction of a crime or for any other purpose. For purposes of this
134.20 paragraph, "not public" has the meaning given in section 13.02, subdivision 8a.

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

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

134.29 (1) the defendant suffered from an applicable condition at the time of the offense;

134.30 (2) the applicable condition was caused by service in the United States military; and

134.31 (3) the offense was committed as a result of the applicable condition;

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

135.4 **Subd. 5. Optional veterans treatment court program; procedures for eligible**
135.5 **defendants.** A county or judicial district may supervise probation under this section through
135.6 a veterans treatment court, using county veterans service officers appointed under sections
135.7 197.60 to 197.606, United States Department of Veterans Affairs veterans justice outreach
135.8 specialists, probation agents, and any other rehabilitative resources available to the court.

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

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

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

135.16 Sec. 5. Minnesota Statutes 2020, section 609.1095, subdivision 1, is amended to read:

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

135.19 (b) "Conviction" means any of the following accepted and recorded by the court: a plea
135.20 of guilty, a verdict of guilty by a jury, or a finding of guilty by the court. The term includes
135.21 a conviction by any court in Minnesota or another jurisdiction.

135.22 (c) "Prior conviction" means a conviction that occurred before the offender committed
135.23 the next felony resulting in a conviction and before the offense for which the offender is
135.24 being sentenced under this section.

135.25 (d) "Violent crime" means a violation of or an attempt or conspiracy to violate any of
135.26 the following laws of this state or any similar laws of the United States or any other state:
135.27 sections 152.137; 609.165; 609.185; 609.19; 609.195; 609.20; 609.205; 609.2112; 609.2113;
135.28 609.2114; 609.221; 609.222; 609.223; 609.228; 609.235; 609.24; 609.245; 609.25; 609.255;
135.29 609.2661; 609.2662; 609.2663; 609.2664; 609.2665; 609.267; 609.2671; 609.268; 609.322;
135.30 609.342; 609.343; 609.344; 609.345; 609.498, subdivision 1; 609.561; 609.562; 609.582,
135.31 subdivision 1; 609.66, subdivision 1e; 609.687; and 609.855, subdivision 5; any provision
135.32 of sections 609.229; 609.377; 609.378; 609.749; and 624.713 that is punishable by a felony

136.1 penalty; or any provision of chapter 152 that is punishable by a maximum sentence of 15
136.2 years or more; or Minnesota Statutes 2012, section 609.21.

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

136.5 Sec. 6. Minnesota Statutes 2020, section 609.115, is amended by adding a subdivision to
136.6 read:

136.7 Subd. 11. **Disability impact statement.** (a) When a defendant appears in court and is
136.8 convicted of a crime, the court shall inquire whether the defendant is an individual with a
136.9 disability. For the purposes of this subdivision, "disability" has the meaning given in the
136.10 Americans with Disabilities Act of 1990, as amended by the Americans with Disabilities
136.11 Act Amendment Act of 2008, United States Code, Title 42, section 12102.

136.12 (b) If the defendant is an individual with a disability and may be sentenced to a term of
136.13 imprisonment, the court:

136.14 (1) may order that the presentence investigator preparing the report under subdivision
136.15 1 prepare an impact statement that addresses the impact on a person's disability including
136.16 but not limited to health, housing, family, employment effect of benefits, and potential for
136.17 abuse if the defendant is sentenced to a term of imprisonment, for the purpose of providing
136.18 the court with information regarding sentencing options other than a term of imprisonment;

136.19 (2) must consider the impact statement in imposing a sentence; and

136.20 (3) must consider the least restrictive environment to meet the state's penal objective.

136.21 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to individuals
136.22 convicted of a crime on or after that date.

136.23 Sec. 7. Minnesota Statutes 2020, section 609.115, is amended by adding a subdivision to
136.24 read:

136.25 Subd. 12. **Traumatic brain injury.** (a) When a defendant appears in court and is
136.26 convicted of a felony, the court shall inquire whether the defendant has a history of stroke,
136.27 traumatic brain injury, or fetal alcohol spectrum disorder.

136.28 (b) If the defendant has a history of stroke, traumatic brain injury, or fetal alcohol
136.29 spectrum disorder and the court believes that the offender may have a mental impairment
136.30 that caused the offender to lack substantial capacity for judgment when the offense was
136.31 committed, the court shall order that the offender undergo a neuropsychological examination

137.1 unless the offender has had a recent examination as described in paragraph (c). The report
137.2 prepared under subdivision 1 shall contain the results of the examination ordered by the
137.3 court or the recent examination and the officer preparing the report may consult with any
137.4 medical provider, mental health professional, or other agency or person with suitable
137.5 knowledge or experience for the purpose of providing the court with information regarding
137.6 treatment and case management options available to the defendant.

137.7 (c) An updated neuropsychological examination is not required under this subdivision
137.8 if:

137.9 (1) the person had a previous examination when the person was at least 25 years of age;

137.10 (2) the examination took place at least 18 months after the person's most recent stroke
137.11 or traumatic brain injury; and

137.12 (3) the examination took place within the previous three years.

137.13 (d) At sentencing, the court may consider any relevant information including but not
137.14 limited to the information provided pursuant to paragraph (b) and the recommendations of
137.15 any diagnosing or treating medical providers or mental health professionals to determine
137.16 whether the offender, because of mental impairment resulting from a stroke, traumatic brain
137.17 injury, or fetal alcohol spectrum disorder, lacked substantial capacity for judgment when
137.18 the offense was committed.

137.19 Sec. 8. Minnesota Statutes 2020, section 609.131, subdivision 2, is amended to read:

137.20 Subd. 2. **Certain violations excepted.** Subdivision 1 does not apply to a misdemeanor
137.21 violation of section 169A.20; 171.09, subdivision 1, paragraph (g); 171.306, subdivision
137.22 6; 609.224; 609.2242; 609.226; ~~609.324, subdivision 3~~; 609.52; or 617.23, or an ordinance
137.23 that conforms in substantial part to any of those sections. A violation described in this
137.24 subdivision must be treated as a misdemeanor unless the defendant consents to the
137.25 certification of the violation as a petty misdemeanor.

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

137.28 Sec. 9. **[609.133] SENTENCE ADJUSTMENT.**

137.29 Subdivision 1. **Definition.** As used in this section, "prosecutor" means the attorney
137.30 general, county attorney, or city attorney responsible for the prosecution of individuals
137.31 charged with a crime.

138.1 Subd. 2. **Prosecutor-initiated sentence adjustment.** The prosecutor responsible for
138.2 the prosecution of an individual convicted of a crime may commence a proceeding to adjust
138.3 the sentence of that individual at any time after the initial sentencing provided the prosecutor
138.4 does not seek to increase the period of confinement or, if the individual is serving a stayed
138.5 sentence, increase the period of supervision.

138.6 Subd. 3. **Review by prosecutor.** (a) Prosecutors may review individual cases at their
138.7 discretion.

138.8 (b) Prior to filing a petition under this section, a prosecutor shall make a reasonable and
138.9 good faith effort to seek input from any identifiable victim and shall consider the impact
138.10 an adjusted sentence would have on the victim.

138.11 (c) The commissioner of corrections, a supervising agent, or an offender may request
138.12 that a prosecutor review an individual case. A prosecutor is not required to respond to a
138.13 request.

138.14 Subd. 4. **Petition; contents; fee.** (a) A petition for sentence adjustment shall include
138.15 the following:

138.16 (1) the full name of the individual on whose behalf the petition is being brought and, to
138.17 the extent possible, all other legal names or aliases by which the individual has been known
138.18 at any time;

138.19 (2) the individual's date of birth;

138.20 (3) the individual's address;

138.21 (4) a brief statement of the reason the prosecutor is seeking a sentence adjustment for
138.22 the individual;

138.23 (5) the details of the offense for which an adjustment is sought, including:

138.24 (i) the date and jurisdiction of the occurrence;

138.25 (ii) either the names of any victims or that there were no identifiable victims;

138.26 (iii) whether there is a current order for protection, restraining order, or other no contact
138.27 order prohibiting the individual from contacting the victims or whether there has ever been
138.28 a prior order for protection or restraining order prohibiting the individual from contacting
138.29 the victims;

138.30 (iv) the court file number; and

138.31 (v) the date of conviction;

139.1 (6) what steps the individual has taken since the time of the offense toward personal
139.2 rehabilitation, including treatment, work, good conduct within correctional facilities, or
139.3 other personal history that demonstrates rehabilitation;

139.4 (7) the individual's criminal conviction record indicating all convictions for
139.5 misdemeanors, gross misdemeanors, or felonies in this state, and for all comparable
139.6 convictions in any other state, federal court, or foreign country, whether the convictions
139.7 occurred before or after the conviction for which an adjustment is sought;

139.8 (8) the individual's criminal charges record indicating all prior and pending criminal
139.9 charges against the individual in this state or another jurisdiction, including all criminal
139.10 charges that have been continued for dismissal, stayed for adjudication, or were the subject
139.11 of pretrial diversion; and

139.12 (9) to the extent known, all prior requests by the individual, whether for the present
139.13 offense or for any other offenses in this state or any other state or federal court, for pardon,
139.14 return of arrest records, or expungement or sealing of a criminal record, whether granted
139.15 or not, and all stays of adjudication or imposition of sentence involving the petitioner.

139.16 (b) The filing fee for a petition brought under this section shall be waived.

139.17 Subd. 5. **Service of petition.** (a) The prosecutor shall serve the petition for sentence
139.18 adjustment on the individual on whose behalf the petition is being brought.

139.19 (b) The prosecutor shall make a good faith and reasonable effort to notify any person
139.20 determined to be a victim of the offense for which adjustment is sought of the existence of
139.21 a petition. Notification under this paragraph does not constitute a violation of an existing
139.22 order for protection, restraining order, or other no contact order.

139.23 (c) Notice to victims of the offense under this subdivision must:

139.24 (1) specifically inform the victim of the right to object, orally or in writing, to the
139.25 proposed adjustment of sentence; and

139.26 (2) inform the victims of the right to be present and to submit an oral or written statement
139.27 at the hearing described in subdivision 6.

139.28 (d) If a victim notifies the prosecutor of an objection to the proposed adjustment of
139.29 sentence and is not present when the court considers the sentence adjustment, the prosecutor
139.30 shall make these objections known to the court.

139.31 Subd. 6. **Hearing.** (a) The court shall hold a hearing on the petition no sooner than 60
139.32 days after service of the petition. The hearing shall be scheduled so that the parties have

140.1 adequate time to prepare and present arguments regarding the issue of sentence adjustment.
140.2 The parties may submit written arguments to the court prior to the date of the hearing and
140.3 may make oral arguments before the court at the hearing. The individual on whose behalf
140.4 the petition has been brought must be present at the hearing, unless excused under Minnesota
140.5 Rules of Criminal Procedure, rule 26.03, subdivision 1, clause (3).

140.6 (b) A victim of the offense for which sentence adjustment is sought has a right to submit
140.7 an oral or written statement to the court at the time of the hearing describing the harm
140.8 suffered by the victim as a result of the crime and the victim's recommendation on whether
140.9 adjustment should be granted or denied. The judge shall consider the victim's statement
140.10 when making a decision.

140.11 (c) Representatives of the Department of Corrections, supervising agents, community
140.12 treatment providers, and any other individual with relevant information may submit an oral
140.13 or written statement to the court at the time of the hearing.

140.14 Subd. 7. **Nature of remedy; standard.** (a) The court shall determine whether there are
140.15 substantial and compelling reasons to adjust the individual's sentence. In making this
140.16 determination, the court shall consider what impact, if any, a sentence adjustment would
140.17 have on public safety, including whether an adjustment would promote the rehabilitation
140.18 of the individual, properly reflect the severity of the underlying offense, or reduce sentencing
140.19 disparities. In making this determination, the court may consider factors relating to both the
140.20 offender and the offense, including but not limited to:

140.21 (1) the individual's performance on probation or supervision;

140.22 (2) the individual's disciplinary record during any period of incarceration;

140.23 (3) records of any rehabilitation efforts made by the individual since the date of offense
140.24 and any plan to continue those efforts in the community;

140.25 (4) evidence that remorse, age, diminished physical condition, or any other factor has
140.26 significantly reduced the likelihood that the individual will commit a future offense;

140.27 (5) the amount of time the individual has served in custody or under supervision; and

140.28 (6) significant changes in law or sentencing practice since the date of offense.

140.29 (b) Notwithstanding any law to the contrary, if the court determines that there are
140.30 substantial and compelling reasons to adjust the individual's sentence, the court may modify
140.31 the sentence in any way provided the adjustment does not:

141.1 (1) increase the period of confinement or, if the individual is serving a stayed sentence,
141.2 increase the period of supervision;

141.3 (2) reduce or eliminate the amount of court-ordered restitution; or

141.4 (3) reduce or eliminate a term of conditional release required by law when a court
141.5 commits an offender to the custody of the commissioner of corrections.

141.6 The court may stay imposition or execution of sentence pursuant to section 609.135.

141.7 (c) A sentence adjustment is not a valid basis to vacate the judgment of conviction, enter
141.8 a judgment of conviction for a different offense, or impose sentence for any other offense.

141.9 (d) The court shall state in writing or on the record the reasons for its decision on the
141.10 petition. If the court grants a sentence adjustment, it shall cause a sentencing worksheet as
141.11 provided in section 609.115, subdivision 1, to be completed and forwarded to the Sentencing
141.12 Guidelines Commission. The sentencing worksheet shall clearly indicate that it is for a
141.13 sentence adjustment.

141.14 Subd. 8. Appeals. An order issued under this section shall not be considered a final
141.15 judgment, but shall be treated as an order imposing or staying a sentence.

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

141.17 Sec. 10. Minnesota Statutes 2020, section 609.2231, subdivision 4, is amended to read:

141.18 Subd. 4. **Assaults motivated by bias.** (a) Whoever assaults another in whole or in part
141.19 because of the victim's or another's actual or perceived race, color, ethnicity, religion, sex,
141.20 gender, sexual orientation, gender identity, gender expression, age, national origin, or
141.21 disability as defined in section 363A.03, ~~age, or national origin~~ or because of the victim's
141.22 actual or perceived association with another person or group of a certain actual or perceived
141.23 race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender
141.24 expression, age, national origin, or disability as defined in section 363A.03, may be sentenced
141.25 to imprisonment for not more than one year or to payment of a fine of not more than \$3,000,
141.26 or both.

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

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

142.1 Sec. 11. Minnesota Statutes 2020, section 609.2233, is amended to read:

142.2 **609.2233 FELONY ASSAULT MOTIVATED BY BIAS; INCREASED**
142.3 **STATUTORY MAXIMUM SENTENCE.**

142.4 A person who violates section 609.221, 609.222, or 609.223 because of the victim's or
142.5 another person's actual or perceived race, color, ethnicity, religion, sex, gender, sexual
142.6 orientation, gender identity, gender expression, age, national origin, or disability as defined
142.7 in section 363A.03, age, or national origin or because of the victim's actual or perceived
142.8 association with another person or group of a certain actual or perceived race, color, ethnicity,
142.9 religion, sex, gender, sexual orientation, gender identity, gender expression, age, national
142.10 origin, or disability as defined in section 363A.03, is subject to a statutory maximum penalty
142.11 of 25 percent longer than the maximum penalty otherwise applicable.

142.12 Sec. 12. Minnesota Statutes 2020, section 609.322, subdivision 1, is amended to read:

142.13 Subdivision 1. **Solicitation, inducement, and promotion of prostitution; sex trafficking**
142.14 **in the first degree.** (a) Whoever, while acting other than as a prostitute or patron,
142.15 intentionally does any of the following may be sentenced to imprisonment for not more
142.16 than ~~20~~ 25 years or to payment of a fine of not more than \$50,000, or both:

142.17 (1) solicits or induces an individual under the age of 18 years to practice prostitution;

142.18 (2) promotes the prostitution of an individual under the age of 18 years;

142.19 (3) receives profit, knowing or having reason to know that it is derived from the
142.20 prostitution, or the promotion of the prostitution, of an individual under the age of 18 years;
142.21 or

142.22 (4) engages in the sex trafficking of an individual under the age of 18 years.

142.23 (b) Whoever violates paragraph (a) or subdivision 1a may be sentenced to imprisonment
142.24 for not more than ~~25~~ 30 years or to payment of a fine of not more than \$60,000, or both, if
142.25 one or more of the following aggravating factors are present:

142.26 (1) the offender has committed a prior qualified human trafficking-related offense;

142.27 (2) the offense involved a sex trafficking victim who suffered bodily harm during the
142.28 commission of the offense;

142.29 (3) the time period that a sex trafficking victim was held in debt bondage or forced labor
142.30 or services exceeded 180 days; or

142.31 (4) the offense involved more than one sex trafficking victim.

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

143.3 Sec. 13. Minnesota Statutes 2020, section 609.322, subdivision 1a, is amended to read:

143.4 Subd. 1a. **Solicitation, inducement, and promotion of prostitution; sex trafficking**
143.5 **in the second degree.** Whoever, while acting other than as a prostitute or patron, intentionally
143.6 does any of the following may be sentenced to imprisonment for not more than ~~15~~ 20 years
143.7 or to payment of a fine of not more than \$40,000, or both:

143.8 (1) solicits or induces an individual to practice prostitution;

143.9 (2) promotes the prostitution of an individual;

143.10 (3) receives profit, knowing or having reason to know that it is derived from the
143.11 prostitution, or the promotion of the prostitution, of an individual; or

143.12 (4) engages in the sex trafficking of an individual.

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

143.15 Sec. 14. Minnesota Statutes 2020, section 609.324, subdivision 1, is amended to read:

143.16 Subdivision 1. **Engaging in, hiring, or agreeing to hire minor to engage in**
143.17 **prostitution; penalties.** (a) Whoever intentionally does any of the following may be
143.18 sentenced to imprisonment for not more than 20 years or to payment of a fine of not more
143.19 than \$40,000, or both:

143.20 (1) engages in prostitution with an individual under the age of ~~13~~ 14 years;

143.21 (2) hires or offers or agrees to hire an individual under the age of ~~13~~ 14 years to engage
143.22 in sexual penetration or sexual contact; or

143.23 (3) hires or offers or agrees to hire an individual who the actor reasonably believes to
143.24 be under the age of ~~13~~ 14 years to engage in sexual penetration or sexual contact.

143.25 (b) Whoever intentionally does any of the following may be sentenced to imprisonment
143.26 for not more than ten years or to payment of a fine of not more than \$20,000, or both:

143.27 (1) engages in prostitution with an individual under the age of 16 years but at least ~~13~~
143.28 14 years;

143.29 (2) hires or offers or agrees to hire an individual under the age of 16 years but at least
143.30 ~~13~~ 14 years to engage in sexual penetration or sexual contact; or

144.1 (3) hires or offers or agrees to hire an individual who the actor reasonably believes to
144.2 be under the age of 16 years but at least 13 years to engage in sexual penetration or sexual
144.3 contact.

144.4 (c) Whoever intentionally does any of the following may be sentenced to imprisonment
144.5 for not more than five years or to payment of a fine of not more than \$10,000, or both:

144.6 (1) engages in prostitution with an individual under the age of 18 years but at least 16
144.7 years;

144.8 (2) hires or offers or agrees to hire an individual under the age of 18 years but at least
144.9 16 years to engage in sexual penetration or sexual contact; or

144.10 (3) hires or offers or agrees to hire an individual who the actor reasonably believes to
144.11 be under the age of 18 years but at least 16 years to engage in sexual penetration or sexual
144.12 contact.

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

144.15 Sec. 15. Minnesota Statutes 2020, section 609.324, subdivision 2, is amended to read:

144.16 Subd. 2. **Patrons of prostitution in public place; penalty for patrons.** (a) Whoever,
144.17 while acting as a patron, intentionally does any of the following ~~while in a public place~~ is
144.18 guilty of a gross misdemeanor:

144.19 (1) engages in prostitution with an individual 18 years of age or older; or

144.20 (2) hires, offers to hire, or agrees to hire an individual 18 years of age or older to engage
144.21 in sexual penetration or sexual contact.

144.22 Except as otherwise provided in subdivision 4, a person who is convicted of violating this
144.23 subdivision must, at a minimum, be sentenced to pay a fine of at least \$1,500.

144.24 (b) Whoever violates the provisions of this subdivision within ten years of a previous
144.25 conviction for violating this section or section 609.322 is guilty of a felony and may be
144.26 sentenced to imprisonment for not more than five years or to payment of a fine of not more
144.27 than \$10,000, or both.

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

145.1 Sec. 16. Minnesota Statutes 2020, section 609.324, subdivision 4, is amended to read:

145.2 Subd. 4. **Community service in lieu of minimum fine.** The court may order a person
145.3 convicted of violating subdivision 2 ~~or 3~~ to perform community work service in lieu of all
145.4 or a portion of the minimum fine required under those subdivisions if the court makes
145.5 specific, written findings that the convicted person is indigent or that payment of the fine
145.6 would create undue hardship for the convicted person or that person's immediate family.
145.7 Community work service ordered under this subdivision is in addition to any mandatory
145.8 community work service ordered under subdivision 3.

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

145.11 Sec. 17. Minnesota Statutes 2020, section 609.3241, is amended to read:

145.12 **609.3241 PENALTY ASSESSMENT AUTHORIZED.**

145.13 (a) When a court sentences an adult convicted of violating section 609.27, 609.282,
145.14 609.283, 609.322, 609.324, 609.33, 609.352, 617.246, 617.247, or 617.293, while acting
145.15 other than as a prostitute, the court shall impose an assessment of not less than \$500 and
145.16 not more than \$750 for a misdemeanor violation of section 609.27, a violation of section
145.17 609.324, subdivision 2, ~~a misdemeanor violation of section 609.324, subdivision 3~~, a violation
145.18 of section 609.33, or a violation of section 617.293; otherwise the court shall impose an
145.19 assessment of not less than \$750 and not more than \$1,000. The assessment shall be
145.20 distributed as provided in paragraph (c) and is in addition to the surcharge required by
145.21 section 357.021, subdivision 6.

145.22 (b) The court may not waive payment of the minimum assessment required by this
145.23 section. If the defendant qualifies for the services of a public defender or the court finds on
145.24 the record that the convicted person is indigent or that immediate payment of the assessment
145.25 would create undue hardship for the convicted person or that person's immediate family,
145.26 the court may reduce the amount of the minimum assessment to not less than \$100. The
145.27 court also may authorize payment of the assessment in installments.

145.28 (c) The assessment collected under paragraph (a) must be distributed as follows:

145.29 (1) 40 percent of the assessment shall be forwarded to the political subdivision that
145.30 employs the arresting officer for use in enforcement, training, and education activities related
145.31 to combating sexual exploitation of youth, or if the arresting officer is an employee of the
145.32 state, this portion shall be forwarded to the commissioner of public safety for those purposes
145.33 identified in clause (3);

146.1 (2) 20 percent of the assessment shall be forwarded to the prosecuting agency that handled
146.2 the case for use in training and education activities relating to combating sexual exploitation
146.3 activities of youth; and

146.4 (3) 40 percent of the assessment must be forwarded to the commissioner of health to be
146.5 deposited in the safe harbor for youth account in the special revenue fund and are
146.6 appropriated to the commissioner for distribution to crime victims services organizations
146.7 that provide services to sexually exploited youth, as defined in section 260C.007, subdivision
146.8 31.

146.9 (d) A safe harbor for youth account is established as a special account in the state treasury.

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

146.12 Sec. 18. Minnesota Statutes 2020, section 609.352, subdivision 4, is amended to read:

146.13 Subd. 4. **Penalty.** A person convicted under subdivision 2 or 2a is guilty of a felony and
146.14 may be sentenced to imprisonment for not more than ~~three~~ five years, or to payment of a
146.15 fine of not more than ~~\$5,000~~ \$10,000, or both.

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

146.18 Sec. 19. Minnesota Statutes 2020, section 609.527, subdivision 3, is amended to read:

146.19 Subd. 3. **Penalties.** A person who violates subdivision 2 may be sentenced as follows:

146.20 (1) if the offense involves a single direct victim and the total, combined loss to the direct
146.21 victim and any indirect victims is \$250 or less, the person may be sentenced as provided in
146.22 section 609.52, subdivision 3, clause (5);

146.23 (2) if the offense involves a single direct victim and the total, combined loss to the direct
146.24 victim and any indirect victims is more than \$250 but not more than \$500, the person may
146.25 be sentenced as provided in section 609.52, subdivision 3, clause (4);

146.26 (3) if the offense involves two or three direct victims or the total, combined loss to the
146.27 direct and indirect victims is more than \$500 but not more than \$2,500, the person may be
146.28 sentenced as provided in section 609.52, subdivision 3, clause (3);

146.29 (4) if the offense involves more than three but not more than seven direct victims, or if
146.30 the total combined loss to the direct and indirect victims is more than \$2,500, the person
146.31 may be sentenced as provided in section 609.52, subdivision 3, clause (2); ~~and~~

147.1 (5) if the offense involves eight or more direct victims²; or if the total, combined loss to
147.2 the direct and indirect victims is more than \$35,000²; or, the person may be sentenced as
147.3 provided in section 609.52, subdivision 3, clause (1); and

147.4 (6) if the offense is related to possession or distribution of pornographic work in violation
147.5 of section 617.246 or 617.247²; the person may be sentenced as provided in section 609.52,
147.6 subdivision 3, clause (1).

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

147.9 Sec. 20. Minnesota Statutes 2020, section 609.595, subdivision 1a, is amended to read:

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

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

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

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

147.27 (4) was motivated in whole or in part by an intent to intimidate or harm an individual
147.28 or group of individuals because of the victim's actual or perceived association with another
147.29 person or group of a certain actual or perceived race, color, ethnicity, religion, sex, gender,
147.30 sexual orientation, gender identity, gender expression, age, national origin, or disability as
147.31 defined in section 363A.03.

147.32 (b) In any prosecution under paragraph (a), the value of property damaged by the
147.33 defendant in violation of that paragraph within any six-month period may be aggregated

148.1 and the defendant charged accordingly in applying this section. When two or more offenses
148.2 are committed by the same person in two or more counties, the accused may be prosecuted
148.3 in any county in which one of the offenses was committed for all of the offenses aggregated
148.4 under this paragraph.

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

148.7 Sec. 21. Minnesota Statutes 2020, section 609.595, subdivision 2, is amended to read:

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

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

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

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

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

148.32 (4) was motivated in whole or in part by an intent to intimidate or harm an individual
148.33 or group of individuals because of the victim's actual or perceived association with another

149.1 person or group of a certain actual or perceived race, color, ethnicity, religion, sex, gender,
149.2 sexual orientation, gender identity, gender expression, age, national origin, or disability as
149.3 defined in section 363A.03.

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

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

149.12 Sec. 22. Minnesota Statutes 2020, section 609.605, subdivision 2, is amended to read:

149.13 Subd. 2. **Gross misdemeanor.** Whoever trespasses upon the grounds of a facility
149.14 providing emergency shelter services for battered women, as defined under section 611A.31,
149.15 subdivision 3, or providing comparable services for sex trafficking victims, as defined under
149.16 section 609.321, subdivision 7b, or of a facility providing transitional housing for battered
149.17 women and their children or sex trafficking victims and their children, without claim of
149.18 right or consent of one who has right to give consent, and refuses to depart from the grounds
149.19 of the facility on demand of one who has right to give consent, is guilty of a gross
149.20 misdemeanor.

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

149.23 Sec. 23. Minnesota Statutes 2020, section 609.66, subdivision 1e, is amended to read:

149.24 Subd. 1e. **Felony; drive-by shooting.** (a) ~~Whoever,~~ A person is guilty of a felony who,
149.25 while in or having just exited from a motor vehicle, recklessly discharges a firearm at or
149.26 toward ~~another:~~

149.27 (1) an unoccupied motor vehicle or a building is guilty of a felony and may be sentenced
149.28 to imprisonment for not more than three years or to payment of a fine of not more than
149.29 \$6,000, or both;

149.30 (2) an occupied motor vehicle or building; or

149.31 (3) a person.

150.1 (b) ~~Any person who violates this subdivision by firing at or toward a person, or an~~
150.2 ~~occupied building or motor vehicle, may be sentenced~~ A person convicted under paragraph
150.3 (a), clause (1), may be sentenced to imprisonment for not more than three years or to payment
150.4 of a fine of not more than \$6,000, or both. A person convicted under paragraph (a), clause
150.5 (2) or (3), may be sentenced to imprisonment for not more than ten years or to payment of
150.6 a fine of not more than \$20,000, or both.

150.7 (c) For purposes of this subdivision, "motor vehicle" has the meaning given in section
150.8 609.52, subdivision 1, and "building" has the meaning given in section 609.581, subdivision
150.9 2.

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

150.12 Sec. 24. Minnesota Statutes 2020, section 609.749, subdivision 3, is amended to read:

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

150.16 (1) commits any offense described in subdivision 2 because of the victim's or another's
150.17 actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender
150.18 identity, gender expression, age, national origin, or disability as defined in section 363A.03,
150.19 ~~age, or national origin~~ or because of the victim's actual or perceived association with another
150.20 person or group of a certain actual or perceived race, color, ethnicity, religion, sex, gender,
150.21 sexual orientation, gender identity, gender expression, age, national origin, or disability as
150.22 defined in section 363A.03;

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

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

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

150.31 (5) commits any offense described in subdivision 2 against a victim under the age of
150.32 18, if the actor is more than 36 months older than the victim.

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

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

151.8 Sec. 25. Minnesota Statutes 2020, section 609A.01, is amended to read:

151.9 **609A.01 EXPUNGEMENT OF CRIMINAL RECORDS.**

151.10 This chapter provides the grounds and procedures for expungement of criminal records
151.11 under section 13.82; 152.18, subdivision 1; 299C.11, where expungement is automatic under
151.12 section 609A.015, or a petition is authorized under section 609A.02, subdivision 3; or other
151.13 applicable law. The remedy available is limited to a court order sealing the records and
151.14 prohibiting the disclosure of their existence or their opening except under court order or
151.15 statutory authority. Nothing in this chapter authorizes the destruction of records or their
151.16 return to the subject of the records.

151.17 EFFECTIVE DATE. This section is effective August 1, 2023.

151.18 Sec. 26. **[609A.015] AUTOMATIC EXPUNGEMENT OF RECORDS.**

151.19 Subdivision 1. Eligibility; dismissal; exoneration. A person who is the subject of a
151.20 criminal record or delinquency record is eligible for a grant of expungement relief without
151.21 the filing of a petition:

151.22 (1) upon the dismissal and discharge of proceedings against a person under section
151.23 152.18, subdivision 1, for violation of section 152.024, 152.025, or 152.027 for possession
151.24 of a controlled substance;

151.25 (2) if the person was arrested and all charges were dismissed prior to a determination
151.26 of probable cause; or

151.27 (3) if all pending actions or proceedings were resolved in favor of the person. For
151.28 purposes of this chapter, a verdict of not guilty by reason of mental illness is not a resolution
151.29 in favor of the person. For purposes of this chapter, an action or proceeding is resolved in
151.30 favor of the person if the petitioner received an order under section 590.11 determining that
151.31 the person is eligible for compensation based on exoneration.

152.1 Subd. 2. Eligibility; diversion and stay of adjudication. A person is eligible for a grant
152.2 of expungement relief if the person has successfully completed the terms of a diversion
152.3 program or stay of adjudication and has not been petitioned or charged with a new crime
152.4 for one year immediately following completion of the diversion program or stay of
152.5 adjudication.

152.6 Subd. 3. Eligibility; certain criminal and delinquency proceedings. (a) A person is
152.7 eligible for a grant of expungement relief if the person:

152.8 (1) was adjudicated delinquent for, convicted of, or received a stayed sentence for a
152.9 qualifying offense;

152.10 (2) has not been convicted of a new crime in Minnesota during the applicable waiting
152.11 period immediately following discharge of the disposition or sentence for the crime;

152.12 (3) is not incarcerated or charged with an offense in Minnesota at the time the person
152.13 reaches the end of the applicable waiting period; and

152.14 (4) has not been convicted of a new crime in any other jurisdiction during the applicable
152.15 waiting period immediately following discharge of the disposition or sentence for the crime,
152.16 if the qualifying offense was a felony.

152.17 (b) As used in this subdivision, "qualifying offense" means an adjudication, conviction,
152.18 or stayed sentence for:

152.19 (1) any petty misdemeanor offense other than a violation of a traffic regulation relating
152.20 to the operation or parking of motor vehicles;

152.21 (2) any misdemeanor offense other than:

152.22 (i) section 169A.27 (fourth-degree driving while impaired);

152.23 (ii) section 518B.01, subdivision 14 (violation of an order for protection);

152.24 (iii) section 609.224 (assault in the fifth degree);

152.25 (iv) section 609.2242 (domestic assault);

152.26 (v) section 609.748 (violation of a harassment restraining order);

152.27 (vi) section 609.78 (interference with emergency call);

152.28 (vii) section 609.79 (obscene or harassing phone calls);

152.29 (viii) section 617.23 (indecent exposure); or

152.30 (ix) section 629.75 (violation of domestic abuse no contact order);

- 153.1 (3) any gross misdemeanor offense other than:
- 153.2 (i) section 169A.25 (second-degree driving while impaired);
- 153.3 (ii) section 169A.26 (third-degree driving while impaired);
- 153.4 (iii) section 518B.01, subdivision 14 (violation of an order for protection);
- 153.5 (iv) section 609.2231 (assault in the fourth degree);
- 153.6 (v) section 609.224 (assault in the fifth degree);
- 153.7 (vi) section 609.2242 (domestic assault);
- 153.8 (vii) section 609.233 (criminal neglect);
- 153.9 (viii) section 609.3451 (criminal sexual conduct in the fifth degree);
- 153.10 (ix) section 609.377 (malicious punishment of child);
- 153.11 (x) section 609.485 (escape from custody);
- 153.12 (xi) section 609.498 (tampering with witness);
- 153.13 (xii) section 609.582, subdivision 4 (burglary in the fourth degree);
- 153.14 (xiii) section 609.746 (interference with privacy);
- 153.15 (xiv) section 609.748 (violation of a harassment restraining order);
- 153.16 (xv) section 609.749 (harassment; stalking);
- 153.17 (xvi) section 609.78 (interference with emergency call);
- 153.18 (xvii) section 617.23 (indecent exposure);
- 153.19 (xviii) section 617.261 (nonconsensual dissemination of private sexual images); or
- 153.20 (xix) section 629.75 (violation of domestic abuse no contact order); and
- 153.21 (4) any of the following felony offenses:
- 153.22 (i) section 152.025 (controlled substance crime in the fifth degree);
- 153.23 (ii) section 152.097 (simulated controlled substances);
- 153.24 (iii) section 256.98 (wrongfully obtaining assistance; theft);
- 153.25 (iv) section 256.984 (false declaration in assistance application);
- 153.26 (v) any offense sentenced under section 609.52, subdivision 3, clause (3)(a) (theft of
- 153.27 \$5,000 or less);

- 154.1 (vi) any offense sentenced under section 609.528, subdivision 3, clause (3) (possession
154.2 or sale of stolen or counterfeit check);
- 154.3 (vii) section 609.529 (mail theft);
- 154.4 (viii) section 609.53 (receiving stolen property);
- 154.5 (ix) any offense sentenced under section 609.535, subdivision 2a, paragraph (a), clause
154.6 (1) (dishonored check over \$500);
- 154.7 (x) section 609.59 (possession of burglary tools);
- 154.8 (xi) section 609.595, subdivision 1, clauses (3) to (5) (criminal damage to property);
- 154.9 (xii) section 609.63 (forgery);
- 154.10 (xiii) any offense sentenced under section 609.631, subdivision 4, clause (3)(a) (check
154.11 forgery \$2,500 or less); and
- 154.12 (xiv) any offense sentenced under section 609.821, subdivision 3, paragraph (a), clause
154.13 (1), item (iii) (financial transaction card fraud).
- 154.14 (c) As used in this subdivision, "applicable waiting period" means:
- 154.15 (1) if the offense was a petty misdemeanor or a misdemeanor, two years;
- 154.16 (2) if the offense was a gross misdemeanor, four years; and
- 154.17 (3) if the offense was a felony, five years.
- 154.18 (d) Offenses ineligible for a grant of expungement under this section remain ineligible
154.19 if deemed to be for a misdemeanor pursuant to section 609.13, subdivision 1, clause (2) or
154.20 subdivision 2, clause (2).
- 154.21 Subd. 4. **Notice.** (a) The court shall notify a person who may become eligible for an
154.22 automatic expungement under this section of that eligibility at any hearing where the court
154.23 dismisses and discharges proceedings against a person under section 152.18, subdivision
154.24 1, for violation of section 152.024, 152.025, or 152.027 for possession of a controlled
154.25 substance; concludes that all pending actions or proceedings were resolved in favor of the
154.26 person; grants a person's placement into a diversion program; or sentences a person or
154.27 otherwise imposes a consequence for a qualifying offense.
- 154.28 (b) To the extent possible, prosecutors, defense counsel, supervising agents, and
154.29 coordinators or supervisors of a diversion program shall notify a person who may become
154.30 eligible for an automatic expungement under this section of that eligibility.

155.1 (c) If any party gives notification under this subdivision, the notification shall inform
155.2 the person that:

155.3 (1) an expunged record of a conviction may be opened for purposes of a background
155.4 study by the Department of Human Services under section 245C.08 and for purposes of a
155.5 background check by the Professional Educator Licensing and Standards Board as required
155.6 under section 122A.18, subdivision 8; and

155.7 (2) the person can file a petition to expunge the record and request that it be directed to
155.8 the commissioner of human services and the Professional Educator Licensing and Standards
155.9 Board.

155.10 Subd. 5. **Bureau of Criminal Apprehension to identify eligible persons and grant**
155.11 **expungement relief.** (a) The Bureau of Criminal Apprehension shall identify adjudications
155.12 and convictions that qualify for a grant of expungement relief pursuant to this subdivision
155.13 or subdivision 1, 2, or 3.

155.14 (b) The Bureau of Criminal Apprehension shall grant expungement relief to qualifying
155.15 persons and seal its own records without requiring an application, petition, or motion.

155.16 (c) Nonpublic criminal records maintained by the Bureau of Criminal Apprehension and
155.17 subject to a grant of expungement relief shall display a notation stating "expungement relief
155.18 granted pursuant to section 609A.015."

155.19 (d) The Bureau of Criminal Apprehension shall inform the judicial branch of all cases
155.20 for which expungement relief was granted pursuant to this section. Notification may be
155.21 through electronic means and may be made in real time or in the form of a monthly report.
155.22 Upon receipt of notice, the judicial branch shall seal all records relating to an arrest,
155.23 indictment or information, trial, verdict, or dismissal and discharge for any case in which
155.24 expungement relief was granted.

155.25 (e) The Bureau of Criminal Apprehension shall inform each agency, other than the
155.26 Department of Human Services and Department of Health, and jurisdiction whose records
155.27 are affected by the grant of expungement relief. Notification may be through electronic
155.28 means and may be made in real time or in the form of a monthly report. Each notified agency
155.29 shall seal all records relating to an arrest, indictment or information, trial, verdict, or dismissal
155.30 and discharge for any case in which expungement relief was granted.

155.31 (f) Data on the person whose offense has been expunged under this subdivision are
155.32 private data on individuals as defined in section 13.02.

156.1 (g) The prosecuting attorney shall notify the victim that an offense qualifies for automatic
156.2 expungement under this section in the manner provided in section 611A.03, subdivisions
156.3 1 and 2.

156.4 (h) In any subsequent prosecution of a person granted expungement relief, the expunged
156.5 criminal record may be pleaded and has the same effect as if the relief had not been granted.

156.6 (i) The Bureau of Criminal Apprehension is directed to develop a system to provide
156.7 criminal justice agencies with uniform statewide access to criminal records sealed by
156.8 expungement.

156.9 (j) At sentencing, the prosecuting agency with jurisdiction over the criminal record may
156.10 ask the court to prohibit the Bureau of Criminal Apprehension from granting expungement
156.11 relief under this section. The court shall grant the request upon a showing of clear and
156.12 convincing evidence that the interests of the public and public safety outweigh the
156.13 disadvantages to the defendant of not sealing the record.

156.14 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to individuals
156.15 with dismissals, discharges, or resolutions described in subdivision 1; who successfully
156.16 complete diversion as described in subdivision 2; or who are adjudicated delinquent for,
156.17 convicted of, or receive a stayed sentence for a qualifying offense as described in subdivision
156.18 3 on or after that date and retroactively to individuals:

156.19 (1) with dismissals, discharges, or resolutions described in subdivision 1 that take place
156.20 on or after August 1, 2021;

156.21 (2) who successfully complete diversion as described in subdivision 2 on or after August
156.22 1, 2021; or

156.23 (3) adjudicated delinquent for, convicted of, or who received a stayed sentence for a
156.24 qualifying offense described in paragraph (b), clause (1), (2), or (3) on or after August 1,
156.25 2021.

156.26 Sec. 27. Minnesota Statutes 2020, section 609A.02, is amended by adding a subdivision
156.27 to read:

156.28 Subd. 2a. **Expungement of arrest.** A petition may be filed under section 609A.03 to
156.29 seal all records relating to an arrest if:

156.30 (1) the prosecuting authority declined to file any charges and a grand jury did not return
156.31 an indictment; and

157.1 (2) the applicable limitations period under section 628.26 has expired, and no indictment
157.2 or complaint was found or made and filed against the person.

157.3 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to individuals
157.4 arrested on or after that date.

157.5 Sec. 28. Minnesota Statutes 2020, section 609A.02, subdivision 3, is amended to read:

157.6 Subd. 3. **Certain criminal proceedings.** (a) A petition may be filed under section
157.7 609A.03 to seal all records relating to an arrest, indictment or information, trial, or verdict
157.8 if the records are not subject to section 299C.11, subdivision 1, paragraph (b), and if:

157.9 (1) all pending actions or proceedings were resolved in favor of the petitioner. For
157.10 purposes of this chapter, a verdict of not guilty by reason of mental illness is not a resolution
157.11 in favor of the petitioner. For the purposes of this chapter, an action or proceeding is resolved
157.12 in favor of the petitioner, if the petitioner received an order under section 590.11 determining
157.13 that the petitioner is eligible for compensation based on exoneration;

157.14 (2) the petitioner has successfully completed the terms of a diversion program or stay
157.15 of adjudication and has not been charged with a new crime for at least one year since
157.16 completion of the diversion program or stay of adjudication;

157.17 (3) the petitioner was convicted of or received a stayed sentence for a petty misdemeanor
157.18 or misdemeanor and has not been convicted of a new crime for at least two years since
157.19 discharge of the sentence for the crime;

157.20 (4) the petitioner was convicted of or received a stayed sentence for a gross misdemeanor
157.21 and has not been convicted of a new crime for at least four years since discharge of the
157.22 sentence for the crime; or

157.23 (5) the petitioner was convicted of or received a stayed sentence for a felony violation
157.24 of an offense listed in paragraph (b), and has not been convicted of a new crime for at least
157.25 five years since discharge of the sentence for the crime.

157.26 (b) Paragraph (a), clause (5), applies to the following offenses:

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

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

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

157.30 (4) section 152.025 (controlled substance in the fifth degree); or 152.097 (sale of
157.31 simulated controlled substance);

- 158.1 (5) section 168A.30, subdivision 1 (certificate of title false information); or 169.09,
158.2 subdivision 14, paragraph (a), clause (2) (accident resulting in great bodily harm);
- 158.3 (6) chapter 201; 203B; or 204C (voting violations);
- 158.4 (7) section 228.45; 228.47; 228.49; 228.50; or 228.51 (false bill of lading);
- 158.5 (8) section 256.98 (wrongfully obtaining assistance);
- 158.6 (9) section 256.984 (false declaration in assistance application);
- 158.7 ~~(9)~~ (10) section 296A.23, subdivision 2 (willful evasion of fuel tax);
- 158.8 ~~(10)~~ (11) section 297D.09, subdivision 1 (failure to affix stamp on scheduled substances);
- 158.9 ~~(11)~~ (12) section 297G.19 (liquor taxation); or 340A.701 (unlawful acts involving liquor);
- 158.10 ~~(12)~~ (13) section 325F.743 (precious metal dealers); or 325F.755, subdivision 7 (prize
158.11 notices and solicitations);
- 158.12 ~~(13)~~ (14) section 346.155, subdivision 10 (failure to control regulated animal);
- 158.13 ~~(14)~~ (15) section 349.2127; or 349.22 (gambling regulations);
- 158.14 ~~(15)~~ (16) section 588.20 (contempt);
- 158.15 ~~(16)~~ (17) section 609.27, subdivision 1, clauses (2) to (5) (coercion);
- 158.16 ~~(17)~~ (18) section 609.31 (leaving state to evade establishment of paternity);
- 158.17 ~~(18)~~ (19) section 609.485, subdivision 4, paragraph (a), clause (2) or (4) (escape from
158.18 civil commitment for mental illness);
- 158.19 ~~(19)~~ (20) section 609.49 (failure to appear in court);
- 158.20 ~~(20)~~ (21) section 609.52, subdivision 3, clause (3)(a) (theft of \$5,000 or less), or other
158.21 theft offense that is sentenced under this provision; 609.52, subdivision 3, clause (2) (theft
158.22 of \$5,000 to \$35,000); or 609.52, subdivision 3a, clause (1) (theft of \$1,000 or less with
158.23 risk of bodily harm);
- 158.24 ~~(21)~~ (22) section 609.525 (bringing stolen goods into state);
- 158.25 ~~(22)~~ (23) section 609.526, subdivision 2, clause (2) (metal dealer receiving stolen goods);
- 158.26 ~~(23)~~ (24) section 609.527, subdivision 5b (possession or use of scanning device or
158.27 reencoder); 609.528, subdivision 3, clause (3) (possession or sale of stolen or counterfeit
158.28 check); or 609.529 (mail theft);
- 158.29 ~~(24)~~ (25) section 609.53 (receiving stolen goods);

- 159.1 ~~(25)~~ (26) section 609.535, subdivision 2a, paragraph (a), clause (1) (dishonored check
159.2 over \$500);
- 159.3 ~~(26)~~ (27) section 609.54, clause (1) (embezzlement of public funds \$2,500 or less);
- 159.4 ~~(27)~~ (28) section 609.551 (rustling and livestock theft);
- 159.5 ~~(28)~~ (29) section 609.5641, subdivision 1a, paragraph (a) (wildfire arson);
- 159.6 ~~(29)~~ (30) section 609.576, subdivision 1, clause (3), item (iii) (negligent fires);
- 159.7 (31) section 609.59 (possession of burglary or theft tools);
- 159.8 ~~(30)~~ (32) section 609.595, subdivision 1, clauses (3) to (5), ~~and subdivision 1a, paragraph~~
159.9 ~~(a) (criminal damage to property)~~;
- 159.10 ~~(31)~~ (33) section 609.597, subdivision 3, clause (3) (assaulting or harming police horse);
- 159.11 ~~(32)~~ (34) section 609.625 (aggravated forgery); 609.63 (forgery); 609.631, subdivision
159.12 4, clause (3)(a) (check forgery \$2,500 or less); 609.635 (obtaining signature by false
159.13 pretense); 609.64 (recording, filing forged instrument); or 609.645 (fraudulent statements);
- 159.14 ~~(33)~~ (35) section 609.65, clause (1) (false certification by notary); or 609.651, subdivision
159.15 4, paragraph (a) (lottery fraud);
- 159.16 ~~(34)~~ (36) section 609.652 (fraudulent driver's license and identification card);
- 159.17 ~~(35)~~ (37) section 609.66, subdivision 1a, paragraph (a) (discharge of firearm; silencer);
159.18 or 609.66, subdivision 1b (furnishing firearm to minor);
- 159.19 ~~(36)~~ (38) section 609.662, subdivision 2, paragraph (b) (duty to render aid);
- 159.20 ~~(37)~~ (39) section 609.686, subdivision 2 (tampering with fire alarm);
- 159.21 ~~(38)~~ (40) section 609.746, subdivision 1, paragraph (e) (interference with privacy;
159.22 subsequent violation or minor victim);
- 159.23 ~~(39)~~ (41) section 609.80, subdivision 2 (interference with cable communications system);
- 159.24 ~~(40)~~ (42) section 609.821, subdivision 2 (financial transaction card fraud);
- 159.25 ~~(41)~~ (43) section 609.822 (residential mortgage fraud);
- 159.26 ~~(42)~~ (44) section 609.825, subdivision 2 (bribery of participant or official in contest);
- 159.27 ~~(43)~~ (45) section 609.855, subdivision 2, paragraph (c), clause (1) (interference with
159.28 transit operator);
- 159.29 ~~(44)~~ (46) section 609.88 (computer damage); or 609.89 (computer theft);

160.1 ~~(45)~~ (47) section 609.893, subdivision 2 (telecommunications and information services
160.2 fraud);

160.3 ~~(46)~~ (48) section 609.894, subdivision 3 or 4 (cellular counterfeiting);

160.4 ~~(47)~~ (49) section 609.895, subdivision 3, paragraph (a) or (b) (counterfeited intellectual
160.5 property);

160.6 ~~(48)~~ (50) section 609.896 (movie pirating);

160.7 ~~(49)~~ (51) section 624.7132, subdivision 15, paragraph (b) (transfer pistol to minor);
160.8 624.714, subdivision 1a (pistol without permit; subsequent violation); or 624.7141,
160.9 subdivision 2 (transfer of pistol to ineligible person); or

160.10 ~~(50)~~ (52) section 624.7181 (rifle or shotgun in public by minor).

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

160.12 Sec. 29. Minnesota Statutes 2020, section 609A.025, is amended to read:

160.13 **609A.025 NO PETITION REQUIRED IN CERTAIN CASES WITH**
160.14 **PROSECUTOR AGREEMENT AND NOTIFICATION.**

160.15 (a) If the prosecutor agrees to the sealing of a criminal record, the court shall seal the
160.16 criminal record for a person described in section 609A.02, subdivision 3, without the filing
160.17 of a petition unless it determines that the interests of the public and public safety in keeping
160.18 the record public outweigh the disadvantages to the subject of the record in not sealing it.
160.19 The prosecutor shall inform the court whether the context and circumstances of the underlying
160.20 crime indicate a nexus between the criminal record to be expunged and the person's status
160.21 as a crime victim and, if so, request that the court make the appropriate findings to support
160.22 the relief described in section 609A.03, subdivision 6a.

160.23 (b) At least 90 days before agreeing to the sealing of a record under this section, the
160.24 prosecutor shall make a good faith effort to notify any identifiable victims of the offense
160.25 of the intended agreement and the opportunity to object to the agreement.

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

160.29 (d) A prosecutor shall agree to the sealing of a criminal record for a person described
160.30 in section 609A.02, subdivision 2a, unless substantial and compelling reasons exist to object
160.31 to the sealing.

161.1 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to agreements
161.2 to the sealing of a criminal record entered into by a prosecutor on or after that date.

161.3 Sec. 30. Minnesota Statutes 2020, section 609A.03, subdivision 5, is amended to read:

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

161.8 (1) sealing the record; and

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

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

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

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

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

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

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

161.22 (5) aggravating or mitigating factors relating to the underlying crime, including the
161.23 petitioner's level of participation and context and circumstances of the underlying crime;

161.24 (6) the reasons for the expungement, including the petitioner's attempts to obtain
161.25 employment, housing, or other necessities;

161.26 (7) the petitioner's criminal record;

161.27 (8) the petitioner's record of employment and community involvement;

161.28 (9) the recommendations of interested law enforcement, prosecutorial, and corrections
161.29 officials;

162.1 (10) the recommendations of victims or whether victims of the underlying crime were
162.2 minors;

162.3 (11) the amount, if any, of restitution outstanding, past efforts made by the petitioner
162.4 toward payment, and the measures in place to help ensure completion of restitution payment
162.5 after expungement of the record if granted; and

162.6 (12) other factors deemed relevant by the court.

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

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

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

162.17 Sec. 31. Minnesota Statutes 2020, section 609A.03, subdivision 7, is amended to read:

162.18 Subd. 7. **Limitations of order effective before January 1, 2015.** (a) Upon issuance of
162.19 an expungement order related to a charge supported by probable cause, the DNA samples
162.20 and DNA records held by the Bureau of Criminal Apprehension and collected under authority
162.21 other than section 299C.105, shall not be sealed, returned to the subject of the record, or
162.22 destroyed.

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

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

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

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

162.31 (4) the Bureau of Criminal Apprehension shall include summary entries of expunged
162.32 records in all nonpublic criminal histories it generates for use by criminal justice agencies.

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

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

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

163.9 Sec. 32. Minnesota Statutes 2020, section 609A.03, subdivision 7a, is amended to read:

163.10 Subd. 7a. **Limitations of order effective January 1, 2015, and later.** (a) Upon issuance
163.11 of an expungement order related to a charge supported by probable cause, the DNA samples
163.12 and DNA records held by the Bureau of Criminal Apprehension and collected under authority
163.13 other than section 299C.105 shall not be sealed, returned to the subject of the record, or
163.14 destroyed.

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

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

163.20 (2) when a criminal justice agency seeks access to a record that was sealed under section
163.21 609A.02, subdivision 3, paragraph (a), clause (1), or 609A.015, subdivision 1, clause (3),
163.22 after an acquittal or a court order dismissing for lack of probable cause, for purposes of a
163.23 criminal investigation, prosecution, or sentencing, the requesting agency must obtain an ex
163.24 parte court order after stating a good-faith basis to believe that opening the record may lead
163.25 to relevant information;

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

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

164.1 (5) an expunged record of a conviction may be opened for purposes of a background
164.2 check required under section 122A.18, subdivision 8, unless the court order for expungement
164.3 is directed specifically to the Professional Educator Licensing and Standards Board or the
164.4 licensing division of the Department of Education; ~~and~~

164.5 (6) the court may order an expunged record opened upon request by the victim of the
164.6 underlying offense if the court determines that the record is substantially related to a matter
164.7 for which the victim is before the court;

164.8 (7) a prosecutor may request, and the district court shall provide, certified records of
164.9 conviction for a record expunged pursuant to sections 609A.015, 609A.02, and 609A.025,
164.10 and the certified records of conviction may be disclosed and introduced in criminal court
164.11 proceedings as provided by the rules of court and applicable law;

164.12 (8) the Bureau of Criminal Apprehension shall include summary entries of expunged
164.13 records in all nonpublic criminal histories it generates for use by criminal justice agencies;
164.14 and

164.15 (9) the subject of an expunged record may request, and the court shall provide, certified
164.16 or uncertified records of conviction for a record expunged pursuant to sections 609A.015,
164.17 609A.02, and 609A.025.

164.18 (c) An agency or jurisdiction subject to an expungement order shall maintain the record
164.19 in a manner that provides access to the record by a criminal justice agency under paragraph
164.20 (b), clause (1) or (2), but notifies the recipient that the record has been sealed. The Bureau
164.21 of Criminal Apprehension shall notify the commissioner of human services, the Professional
164.22 Educator Licensing and Standards Board, or the licensing division of the Department of
164.23 Education of the existence of a sealed record and of the right to obtain access under paragraph
164.24 (b), clause (4) or (5). Upon request, the agency or jurisdiction subject to the expungement
164.25 order shall provide access to the record to the commissioner of human services, the
164.26 Professional Educator Licensing and Standards Board, or the licensing division of the
164.27 Department of Education under paragraph (b), clause (4) or (5).

164.28 (d) An expunged record that is opened or exchanged under this subdivision remains
164.29 subject to the expungement order in the hands of the person receiving the record.

164.30 (e) A criminal justice agency that receives an expunged record under paragraph (b),
164.31 clause (1) or (2), must maintain and store the record in a manner that restricts the use of the
164.32 record to the investigation, prosecution, or sentencing for which it was obtained.

165.1 (f) For purposes of this section, a "criminal justice agency" means a court or government
165.2 agency that performs the administration of criminal justice under statutory authority.

165.3 (g) This subdivision applies to expungement orders subject to its limitations and effective
165.4 on or after January 1, 2015.

165.5 **EFFECTIVE DATE.** This section is effective August 1, 2021, except that paragraph
165.6 (b), clause (8) is effective August 1, 2023.

165.7 Sec. 33. Minnesota Statutes 2020, section 609A.03, subdivision 9, is amended to read:

165.8 Subd. 9. **Stay of order; appeal.** An expungement order issued under this section shall
165.9 be stayed automatically for 60 days after the order is filed and, if the order is appealed,
165.10 during the appeal period. A person or an agency or jurisdiction whose records would be
165.11 affected by the order may appeal the order within 60 days of service of notice of filing of
165.12 the order. An agency or jurisdiction or its officials or employees need not file a cost bond
165.13 or supersedeas bond in order to further stay the proceedings or file an appeal.

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

165.15 Sec. 34. Minnesota Statutes 2020, section 611A.03, subdivision 1, is amended to read:

165.16 Subdivision 1. **Plea agreements; notification of victim.** Prior to the entry of the factual
165.17 basis for a plea pursuant to a plea agreement recommendation, a prosecuting attorney shall
165.18 make a reasonable and good faith effort to inform the victim of:

165.19 (1) the contents of the plea agreement recommendation, including the amount of time
165.20 recommended for the defendant to serve in jail or prison if the court accepts the agreement;
165.21 ~~and~~

165.22 (2) the right to be present at the sentencing hearing and at the hearing during which the
165.23 plea is presented to the court and to express orally or in writing, at the victim's option, any
165.24 objection to the agreement or to the proposed disposition. If the victim is not present when
165.25 the court considers the recommendation, but has communicated objections to the prosecuting
165.26 attorney, the prosecuting attorney shall make these objections known to the court; and

165.27 (3) the eligibility of the offense for automatic expungement pursuant to section 609A.015,
165.28 and the victim's right to express to the court orally or in writing, at the victim's option, any
165.29 objection to a grant of expungement relief. If the victim is not present, but has communicated
165.30 objections to the prosecuting attorney, the prosecuting attorney shall make these objections
165.31 known to the court.

166.1 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to plea
166.2 agreements entered into on or after that date.

166.3 Sec. 35. **TASK FORCE ON THE CONTENTS AND USE OF PRESENTENCE**
166.4 **INVESTIGATION REPORTS AND IMPOSITION OF CONDITIONS OF**
166.5 **PROBATION.**

166.6 Subdivision 1. **Establishment.** The task force on the contents and use of presentence
166.7 investigation reports and imposition of conditions of probation is established to review the
166.8 statutory requirements in Minnesota Statutes, section 609.115, for the content of presentence
166.9 investigation reports and determine whether that level of information is useful and necessary
166.10 in all cases; determine whether presentence investigation reports should be required in all
166.11 cases or only a subset of cases; collect and analyze data on the conditions of probation
166.12 ordered by courts; assess whether current practices promote public safety and equity in
166.13 sentencing; and make recommendations to the legislature.

166.14 Subd. 2. **Membership.** (a) The task force consists of the following members:

166.15 (1) two members of the house of representatives, one appointed by the speaker of the
166.16 house and one appointed by the minority leader;

166.17 (2) two members of the senate, one appointed by the majority leader and one appointed
166.18 by the minority leader;

166.19 (3) the commissioner of corrections or a designee;

166.20 (4) two district court judges of which one shall be a judge in a metropolitan county and
166.21 one shall be a judge in a county other than a metropolitan county, appointed by the chief
166.22 justice of the supreme court;

166.23 (5) the chair of the Minnesota Sentencing Guidelines Commission or a designee;

166.24 (6) the state public defender or a designee;

166.25 (7) one county attorney, appointed by the Minnesota County Attorneys Association; and

166.26 (8) three probation officers including one employee of the Department of Corrections,
166.27 one employee of a county that takes part in the Community Corrections Act, and one
166.28 employee of a county that does not take part in the Community Corrections Act, appointed
166.29 by the commissioner of corrections.

166.30 (b) As used in this section, "metropolitan county" has the meaning given in Minnesota
166.31 Statutes, section 473.121, subdivision 4.

167.1 (c) Appointments must be made no later than July 30, 2021.

167.2 (d) Members shall serve without compensation.

167.3 (e) Members of the task force serve at the pleasure of the appointing authority or until
167.4 the task force expires. Vacancies shall be filled by the appointing authority consistent with
167.5 the qualifications of the vacating member required by this subdivision.

167.6 Subd. 3. **Officers; meetings.** (a) The task force shall elect a chair and vice-chair and
167.7 may elect other officers as necessary.

167.8 (b) The commissioner of corrections shall convene the first meeting of the task force no
167.9 later than August 1, 2021, and shall provide meeting space and administrative assistance
167.10 as necessary for the task force to conduct its work.

167.11 (c) The task force shall meet at least monthly or upon the call of its chair. The task force
167.12 shall meet sufficiently enough to accomplish the tasks identified in this section. Meetings
167.13 of the task force are subject to Minnesota Statutes, chapter 13D.

167.14 (d) To compile and analyze data, the task force may request the cooperation and assistance
167.15 of local law enforcement agencies, the Minnesota Sentencing Guidelines Commission, the
167.16 judicial branch, the Bureau of Criminal Apprehension, county attorneys, and Tribal
167.17 governments, academics, and others with experience and expertise in researching probation
167.18 and criminal sentences.

167.19 Subd. 4. **Duties.** (a) The task force shall, at a minimum:

167.20 (1) collect and analyze available data on how often presentence investigation reports
167.21 are filed with the court, and in which types of cases;

167.22 (2) review and discuss whether presentence investigation reports should be required in
167.23 all felony cases, and make recommendations to the legislature;

167.24 (3) review and discuss the required content of presentence investigation reports, determine
167.25 whether that level of detail is needed in every case, and consider recommendations for
167.26 changing the required content;

167.27 (4) collect and analyze available data on conditions of probation imposed by courts;

167.28 (5) assess what factors courts consider when imposing conditions of probation;

167.29 (6) determine what data is available to show whether particular conditions of probation
167.30 are effective in promoting public safety and rehabilitation of an offender;

168.1 (7) determine whether conditions of probation are consistent across geographic and
168.2 demographic groups and, if not, how they differ;

168.3 (8) determine the most effective methods to provide a court with relevant information
168.4 to establish appropriate conditions of probation;

168.5 (9) review relevant state statutes and state and federal court decisions; and

168.6 (10) make recommendations for legislative action, if any, on laws affecting presentence
168.7 investigation reports and appropriate conditions of probation.

168.8 (b) At its discretion, the task force may examine, as necessary, other related issues
168.9 consistent with this section.

168.10 Subd. 5. **Report.** On or before January 15, 2023, the task force shall submit a report to
168.11 the chairs and ranking minority members of the house of representatives and senate
168.12 committees and divisions with jurisdiction over criminal sentencing on the findings and
168.13 recommendations of the task force.

168.14 Subd. 6. **Expiration.** The task force expires the day after submitting its report under
168.15 subdivision 5.

168.16 Sec. 36. **TITLE.**

168.17 Sections 24 to 33 may be referred to as the "Clean Slate Act."

168.18 Sec. 37. **SENTENCING GUIDELINES MODIFICATION.**

168.19 The Sentencing Guidelines Commission shall comprehensively review and consider
168.20 modifying how the Sentencing Guidelines and the sex offender grid address the crimes
168.21 described in Minnesota Statutes, section 609.322.

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

168.23 Sec. 38. **REVISOR INSTRUCTION.**

168.24 In Minnesota Statutes, the revisor of statutes shall substitute "364 days" for "one year"
168.25 consistent with the change in this act. The revisor shall also make other technical changes
168.26 resulting from the change of term to the statutory language if necessary to preserve the
168.27 meaning of the text.

168.28 Sec. 39. **REPEALER.**

168.29 Minnesota Statutes 2020, section 609.324, subdivision 3, is repealed.

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

169.3 **ARTICLE 7**

169.4 **PUBLIC SAFETY**

169.5 Section 1. Minnesota Statutes 2020, section 169A.55, subdivision 2, is amended to read:

169.6 Subd. 2. **Reinstatement of driving privileges; notice.** Upon expiration of a period of
169.7 revocation under section 169A.52 (license revocation for test failure or refusal), 169A.54
169.8 (impaired driving convictions and adjudications; administrative penalties), or 171.177
169.9 (revocation; search warrant), the commissioner shall notify the person of the terms upon
169.10 which driving privileges can be reinstated, and new registration plates issued, which terms
169.11 are: (1) ~~successful completion of an examination and~~ proof of compliance with any terms
169.12 of alcohol treatment or counseling previously prescribed, if any; and (2) any other
169.13 requirements imposed by the commissioner and applicable to that particular case. The
169.14 commissioner shall notify the owner of a motor vehicle subject to an impoundment order
169.15 under section 169A.60 (administrative impoundment of plates) as a result of the violation
169.16 of the procedures for obtaining new registration plates, if the owner is not the violator. The
169.17 commissioner shall also notify the person that if driving is resumed without reinstatement
169.18 of driving privileges or without valid registration plates and registration certificate, the
169.19 person will be subject to criminal penalties.

169.20 Sec. 2. Minnesota Statutes 2020, section 169A.55, subdivision 4, is amended to read:

169.21 Subd. 4. **Reinstatement of driving privileges; multiple incidents.** (a) A person whose
169.22 driver's license has been revoked as a result of an offense listed under clause (2), shall not
169.23 be eligible for reinstatement of driving privileges without an ignition interlock restriction
169.24 until the commissioner certifies that either:

169.25 (1) the person did not own or lease a vehicle at the time of the offense or at any time
169.26 between the time of the offense and the driver's request for reinstatement, or commit a
169.27 violation of chapter 169, 169A, or 171 between the time of the offense and the driver's
169.28 request for reinstatement or at the time of the arrest for the offense listed under clause (2),
169.29 item (i), subitem (A) or (B), or (ii), subitem (A) or (B), as based on:

169.30 (i) a request by the person for reinstatement, on a form to be provided by the Department
169.31 of Public Safety;

169.32 (ii) the person's attestation under penalty of perjury; and

170.1 (iii) the submission by the driver of certified copies of vehicle registration records and
170.2 driving records for the period from the arrest until the driver seeks reinstatement of driving
170.3 privileges; or

170.4 (2) the person used the ignition interlock device and complied with section 171.306 for
170.5 a period of not less than:

170.6 (i) one year, for a person whose driver's license was revoked for:

170.7 (A) an offense occurring within ten years of a qualified prior impaired driving incident;
170.8 or

170.9 (B) an offense occurring after two qualified prior impaired driving incidents; or

170.10 (ii) two years, for a person whose driver's license was revoked for:

170.11 (A) an offense occurring under clause (i), subitem (A) or (B), and the test results indicated
170.12 an alcohol concentration of twice the legal limit or more; or

170.13 (B) an offense occurring under clause (i), subitem (A) or (B), and the current offense is
170.14 for a violation of section 169A.20, subdivision 2.

170.15 ~~(a)~~ (b) A person whose driver's license has been canceled or denied as a result of three
170.16 or more qualified impaired driving incidents shall not be eligible for reinstatement of driving
170.17 privileges without an ignition interlock restriction until the person:

170.18 (1) has completed rehabilitation according to rules adopted by the commissioner or been
170.19 granted a variance from the rules by the commissioner; and

170.20 (2) has submitted verification of abstinence from alcohol and controlled substances
170.21 under paragraph (c), as evidenced by the person's use of an ignition interlock device or other
170.22 chemical monitoring device approved by the commissioner.

170.23 ~~(b)~~ (c) The verification of abstinence must show that the person has abstained from the
170.24 use of alcohol and controlled substances for a period of not less than:

170.25 (1) three years, for a person whose driver's license was canceled or denied for an offense
170.26 occurring within ten years of the first of two qualified prior impaired driving incidents, or
170.27 occurring after three qualified prior impaired driving incidents;

170.28 (2) four years, for a person whose driver's license was canceled or denied for an offense
170.29 occurring within ten years of the first of three qualified prior impaired driving incidents; or

170.30 (3) six years, for a person whose driver's license was canceled or denied for an offense
170.31 occurring after four or more qualified prior impaired driving incidents.

171.1 ~~(e) The commissioner shall establish performance standards and a process for certifying~~
171.2 ~~chemical monitoring devices. The standards and procedures are not rules and are exempt~~
171.3 ~~from chapter 14, including section 14.386.~~

171.4 Sec. 3. Minnesota Statutes 2020, section 169A.60, subdivision 13, is amended to read:

171.5 Subd. 13. **Special registration plates.** (a) At any time during the effective period of an
171.6 impoundment order, a violator or registered owner may apply to the commissioner for new
171.7 registration plates, which must bear a special series of numbers or letters so as to be readily
171.8 identified by traffic law enforcement officers. The commissioner may authorize the issuance
171.9 of special plates if:

171.10 (1) the violator has a qualified licensed driver whom the violator must identify;

171.11 (2) the violator or registered owner has a limited license issued under section 171.30;

171.12 (3) the registered owner is not the violator and the registered owner has a valid or limited
171.13 driver's license;

171.14 (4) a member of the registered owner's household has a valid driver's license; or

171.15 (5) the violator has been reissued a valid driver's license.

171.16 (b) The commissioner may not issue new registration plates for that vehicle subject to
171.17 plate impoundment for a period of at least one year from the date of the impoundment order.
171.18 In addition, if the owner is the violator, new registration plates may not be issued for the
171.19 vehicle unless the person has been reissued a valid driver's license in accordance with chapter
171.20 171.

171.21 (c) A violator may not apply for new registration plates for a vehicle at any time before
171.22 the person's driver's license is reinstated.

171.23 (d) The commissioner may issue the special plates on payment of a \$50 fee for each
171.24 vehicle for which special plates are requested.

171.25 (e) Paragraphs (a) to (d) notwithstanding, the commissioner must issue upon request
171.26 new registration plates for a any vehicle owned by a violator or registered owner for which
171.27 the registration plates have been impounded if:

171.28 (1) the impoundment order is rescinded;

171.29 (2) the vehicle is transferred in compliance with subdivision 14; or

172.1 (3) the vehicle is transferred to a Minnesota automobile dealer licensed under section
172.2 168.27, a financial institution that has submitted a repossession affidavit, or a government
172.3 agency.

172.4 (f) Paragraphs (a) to (d) notwithstanding, the commissioner, upon request and payment
172.5 of a \$100 fee for each vehicle for which special plates are requested, must issue new
172.6 registration plates for any vehicle owned by a violator or registered owner for which the
172.7 registration plates have been impounded if the violator becomes a program participant in
172.8 the ignition interlock program under section 171.306.

172.9 Sec. 4. Minnesota Statutes 2020, section 171.29, subdivision 1, is amended to read:

172.10 Subdivision 1. **Examination required.** (a) No person whose driver's license has been
172.11 revoked by reason of conviction, plea of guilty, or forfeiture of bail not vacated, under
172.12 section 169.791, 169.797, 171.17, or 171.172, or revoked under section 169.792, ~~169A.52,~~
172.13 ~~or 171.177~~ shall be issued another license unless and until that person shall have successfully
172.14 passed an examination as required by the commissioner of public safety. This subdivision
172.15 does not apply to an applicant for early reinstatement under section 169.792, subdivision
172.16 7a.

172.17 (b) The requirement to successfully pass the examination described in paragraph (a)
172.18 does not apply to a person whose driver's license has been revoked because of an impaired
172.19 driving offense.

172.20 Sec. 5. Minnesota Statutes 2020, section 171.30, subdivision 1, is amended to read:

172.21 Subdivision 1. **Conditions of issuance.** (a) The commissioner may issue a limited license
172.22 to the driver under the conditions in paragraph (b) in any case where a person's license has
172.23 been:

172.24 (1) suspended under section 171.18, 171.173, 171.186, or 171.187;

172.25 (2) revoked, canceled, or denied under section:

172.26 (i) 169.792;

172.27 (ii) 169.797;

172.28 (iii) 169A.52:

172.29 (A) subdivision 3, paragraph (a), clause (1) or (2); or

172.30 ~~(B) subdivision 3, paragraph (a), clause (4), (5), or (6), if in compliance with section~~
172.31 ~~171.306;~~

173.1 ~~(C)~~ (B) subdivision 4, paragraph (a), clause (1) or (2), if the test results indicate an
 173.2 alcohol concentration of less than twice the legal limit;

173.3 ~~(D) subdivision 4, paragraph (a), clause (4), (5), or (6), if in compliance with section~~
 173.4 ~~171.306;~~

173.5 (iv) 171.17; or

173.6 (v) 171.172;

173.7 (3) revoked, canceled, or denied under section 169A.54:

173.8 (i) subdivision 1, clause (1), if the test results indicate an alcohol concentration of less
 173.9 than twice the legal limit;

173.10 (ii) subdivision 1, clause (2); or

173.11 ~~(iii) subdivision 1, clause (5), (6), or (7), if in compliance with section 171.306; or~~

173.12 ~~(iv)~~ (iii) subdivision 2, if the person does not have a qualified prior impaired driving
 173.13 incident as defined in section 169A.03, subdivision 22, on the person's record, and the test
 173.14 results indicate an alcohol concentration of less than twice the legal limit; or

173.15 (4) revoked, canceled, or denied under section 171.177:

173.16 (i) subdivision 4, paragraph (a), clause (1) or (2); or

173.17 ~~(ii) subdivision 4, paragraph (a), clause (4), (5), or (6), if in compliance with section~~
 173.18 ~~171.306;~~

173.19 ~~(iii)~~ (ii) subdivision 5, paragraph (a), clause (1) or (2), if the test results indicate an
 173.20 alcohol concentration of less than twice the legal limit; ~~or.~~

173.21 ~~(iv) subdivision 5, paragraph (a), clause (4), (5), or (6), if in compliance with section~~
 173.22 ~~171.306.~~

173.23 (b) The following conditions for a limited license under paragraph (a) include:

173.24 (1) if the driver's livelihood or attendance at a chemical dependency treatment or
 173.25 counseling program depends upon the use of the driver's license;

173.26 (2) if the use of a driver's license by a homemaker is necessary to prevent the substantial
 173.27 disruption of the education, medical, or nutritional needs of the family of the homemaker;
 173.28 or

173.29 (3) if attendance at a postsecondary institution of education by an enrolled student of
 173.30 that institution depends upon the use of the driver's license.

174.1 (c) The commissioner in issuing a limited license may impose such conditions and
174.2 limitations as in the commissioner's judgment are necessary to the interests of the public
174.3 safety and welfare including reexamination as to the driver's qualifications. The license may
174.4 be limited to the operation of particular vehicles, to particular classes and times of operation,
174.5 and to particular conditions of traffic. The commissioner may require that an applicant for
174.6 a limited license affirmatively demonstrate that use of public transportation or carpooling
174.7 as an alternative to a limited license would be a significant hardship.

174.8 (d) For purposes of this subdivision:

174.9 (1) "homemaker" refers to the person primarily performing the domestic tasks in a
174.10 household of residents consisting of at least the person and the person's dependent child or
174.11 other dependents; and

174.12 (2) "twice the legal limit" means an alcohol concentration of two times the limit specified
174.13 in section 169A.20, subdivision 1, clause (5).

174.14 (e) The limited license issued by the commissioner shall clearly indicate the limitations
174.15 imposed and the driver operating under the limited license shall have the license in possession
174.16 at all times when operating as a driver.

174.17 (f) In determining whether to issue a limited license, the commissioner shall consider
174.18 the number and the seriousness of prior convictions and the entire driving record of the
174.19 driver and shall consider the number of miles driven by the driver annually.

174.20 (g) If the person's driver's license or permit to drive has been revoked under section
174.21 169.792 or 169.797, the commissioner may only issue a limited license to the person after
174.22 the person has presented an insurance identification card, policy, or written statement
174.23 indicating that the driver or owner has insurance coverage satisfactory to the commissioner
174.24 of public safety. The commissioner of public safety may require the insurance identification
174.25 card provided to satisfy this subdivision be certified by the insurance company to be
174.26 noncancelable for a period not to exceed 12 months.

174.27 (h) The limited license issued by the commissioner to a person under section 171.186,
174.28 subdivision 4, must expire 90 days after the date it is issued. The commissioner must not
174.29 issue a limited license to a person who previously has been issued a limited license under
174.30 section 171.186, subdivision 4.

174.31 (i) The commissioner shall not issue a limited driver's license to any person described
174.32 in section 171.04, subdivision 1, clause (6), (7), (8), (11), or (14).

174.33 (j) The commissioner shall not issue a class A, class B, or class C limited license.

175.1 Sec. 6. Minnesota Statutes 2020, section 171.306, subdivision 2, is amended to read:

175.2 Subd. 2. **Performance standards; certification; manufacturer and provider**

175.3 **requirements.** (a) The commissioner shall establish performance standards and a process
175.4 for certifying devices used in the ignition interlock program, except that the commissioner
175.5 may not establish standards that, directly or indirectly, require devices to use or enable
175.6 location tracking capabilities without a court order.

175.7 (b) The manufacturer of a device must apply annually for certification of the device by
175.8 submitting the form prescribed by the commissioner. The commissioner shall require
175.9 manufacturers of certified devices to:

175.10 (1) provide device installation, servicing, and monitoring to indigent program participants
175.11 at a discounted rate, according to the standards established by the commissioner; ~~and~~

175.12 (2) include in an ignition interlock device contract a provision that a program participant
175.13 who voluntarily terminates participation in the program is only liable for servicing and
175.14 monitoring costs incurred during the time the device is installed on the motor vehicle,
175.15 regardless of whether the term of the contract has expired; and

175.16 (3) include in an ignition interlock device contract a provision that requires manufacturers
175.17 of certified devices to pay any towing or repair costs caused by device failure or malfunction,
175.18 or by damage caused during device installation, servicing, or monitoring.

175.19 (c) The manufacturer of a certified device must include with an ignition interlock device
175.20 contract a separate notice to the program participant regarding any location tracking
175.21 capabilities of the device.

175.22 Sec. 7. Minnesota Statutes 2020, section 171.306, subdivision 4, is amended to read:

175.23 Subd. 4. **Issuance of restricted license.** (a) The commissioner shall issue a class D
175.24 driver's license, subject to the applicable limitations and restrictions of this section, to a
175.25 program participant who meets the requirements of this section and the program guidelines.
175.26 The commissioner shall not issue a license unless the program participant has provided
175.27 satisfactory proof that:

175.28 (1) a certified ignition interlock device has been installed on the participant's motor
175.29 vehicle at an installation service center designated by the device's manufacturer; and

175.30 (2) the participant has insurance coverage on the vehicle equipped with the ignition
175.31 interlock device. If the participant has previously been convicted of violating section 169.791,
175.32 169.793, or 169.797 or the participant's license has previously been suspended or canceled

176.1 under section 169.792 or 169.797, the commissioner shall require the participant to present
176.2 an insurance identification card, ~~policy, or written statement as proof of insurance coverage,~~
176.3 ~~and may require the insurance identification card provided be~~ that is certified by the insurance
176.4 company to be noncancelable for a period not to exceed 12 months.

176.5 (b) A license issued under authority of this section must contain a restriction prohibiting
176.6 the program participant from driving, operating, or being in physical control of any motor
176.7 vehicle not equipped with a functioning ignition interlock device certified by the
176.8 commissioner. A participant may drive an employer-owned vehicle not equipped with an
176.9 interlock device while in the normal course and scope of employment duties pursuant to
176.10 the program guidelines established by the commissioner and with the employer's written
176.11 consent.

176.12 (c) A program participant whose driver's license has been: (1) revoked under section
176.13 169A.52, subdivision 3, paragraph (a), clause (1), (2), or (3), or subdivision 4, paragraph
176.14 (a), clause (1), (2), or (3); 169A.54, subdivision 1, clause (1), (2), (3), or (4); or 171.177,
176.15 subdivision 4, paragraph (a), clause (1), (2), or (3), or subdivision 5, paragraph (a), clause
176.16 (1), (2), or (3); or (2) revoked under section 171.17, subdivision 1, paragraph (a), clause
176.17 (1), or suspended under section 171.187, for a violation of section 609.2113, subdivision
176.18 1, clause (2), item (i) or (iii), (3), or (4); subdivision 2, clause (2), item (i) or (iii), (3), or
176.19 (4); or subdivision 3, clause (2), item (i) or (iii), (3), or (4); or 609.2114, subdivision 2,
176.20 clause (2), item (i) or (iii), (3), or (4), resulting in bodily harm, substantial bodily harm, or
176.21 great bodily harm, where the participant has fewer than two qualified prior impaired driving
176.22 incidents within the past ten years or fewer than three qualified prior impaired driving
176.23 incidents ever; may apply for conditional reinstatement of the driver's license, subject to
176.24 the ignition interlock restriction.

176.25 (d) A program participant whose driver's license has been: (1) revoked, canceled, or
176.26 denied under section 169A.52, subdivision 3, paragraph (a), clause (4), (5), or (6), or
176.27 subdivision 4, paragraph (a), clause (4), (5), or (6); 169A.54, subdivision 1, clause (5), (6),
176.28 or (7); or 171.177, subdivision 4, paragraph (a), clause (4), (5), or (6), or subdivision 5,
176.29 paragraph (a), clause (4), (5), or (6); or (2) revoked under section 171.17, subdivision 1,
176.30 paragraph (a), clause (1), or suspended under section 171.187, for a violation of section
176.31 609.2113, subdivision 1, clause (2), item (i) or (iii), (3), or (4); subdivision 2, clause (2),
176.32 item (i) or (iii), (3), or (4); or subdivision 3, clause (2), item (i) or (iii), (3), or (4); or
176.33 609.2114, subdivision 2, clause (2), item (i) or (iii), (3), or (4), resulting in bodily harm,
176.34 substantial bodily harm, or great bodily harm, where the participant has two or more qualified
176.35 prior impaired driving incidents within the past ten years or three or more qualified prior

177.1 impaired driving incidents ever; may apply for a ~~limited~~ conditional reinstatement of the
177.2 driver's license, subject to the ignition interlock restriction, if the program participant is
177.3 enrolled in a licensed chemical dependency treatment or rehabilitation program as
177.4 recommended in a chemical use assessment, ~~and if the participant meets the other applicable~~
177.5 ~~requirements of section 171.30. After completing.~~ As a prerequisite to eligibility for eventual
177.6 reinstatement of full driving privileges, a participant whose chemical use assessment
177.7 recommended treatment or rehabilitation shall complete a licensed chemical dependency
177.8 treatment or rehabilitation program and one year of limited license use without violating
177.9 the ignition interlock restriction, the conditions of limited license use, or program guidelines,
177.10 ~~the participant may apply for conditional reinstatement of the driver's license, subject to the~~
177.11 ~~ignition interlock restriction.~~ If the program participant's ignition interlock device
177.12 subsequently registers a positive breath alcohol concentration of 0.02 or higher, the
177.13 commissioner shall ~~cancel the driver's license, and the program participant may apply for~~
177.14 ~~another limited license according to this paragraph.~~ extend the time period that the participant
177.15 must participate in the program until the participant has reached the required abstinence
177.16 period described in section 169A.55, subdivision 4.

177.17 (e) Notwithstanding any statute or rule to the contrary, the commissioner has authority
177.18 to determine when a program participant is eligible for restoration of full driving privileges,
177.19 except that the commissioner shall not reinstate full driving privileges until the program
177.20 participant has met all applicable prerequisites for reinstatement under section 169A.55 and
177.21 until the program participant's device has registered no positive breath alcohol concentrations
177.22 of 0.02 or higher during the preceding 90 days.

177.23 Sec. 8. Minnesota Statutes 2020, section 241.01, subdivision 3a, is amended to read:

177.24 Subd. 3a. **Commissioner, powers and duties.** The commissioner of corrections has the
177.25 following powers and duties:

177.26 (a) To accept persons committed to the commissioner by the courts of this state for care,
177.27 custody, and rehabilitation.

177.28 (b) To determine the place of confinement of committed persons in a correctional facility
177.29 or other facility of the Department of Corrections and to prescribe reasonable conditions
177.30 and rules for their employment, conduct, instruction, and discipline within or outside the
177.31 facility. Inmates shall not exercise custodial functions or have authority over other inmates.

177.32 (c) To administer the money and property of the department.

177.33 (d) To administer, maintain, and inspect all state correctional facilities.

178.1 (e) To transfer authorized positions and personnel between state correctional facilities
178.2 as necessary to properly staff facilities and programs.

178.3 (f) To utilize state correctional facilities in the manner deemed to be most efficient and
178.4 beneficial to accomplish the purposes of this section, but not to close the Minnesota
178.5 Correctional Facility-Stillwater or the Minnesota Correctional Facility-St. Cloud without
178.6 legislative approval. The commissioner may place juveniles and adults at the same state
178.7 minimum security correctional facilities, if there is total separation of and no regular contact
178.8 between juveniles and adults, except contact incidental to admission, classification, and
178.9 mental and physical health care.

178.10 (g) To organize the department and employ personnel the commissioner deems necessary
178.11 to discharge the functions of the department, including a chief executive officer for each
178.12 facility under the commissioner's control who shall serve in the unclassified civil service
178.13 and may, under the provisions of section 43A.33, be removed only for cause.

178.14 (h) To define the duties of these employees and to delegate to them any of the
178.15 commissioner's powers, duties and responsibilities, subject to the commissioner's control
178.16 and the conditions the commissioner prescribes.

178.17 (i) To annually develop a comprehensive set of goals and objectives designed to clearly
178.18 establish the priorities of the Department of Corrections. This report shall be submitted to
178.19 the governor commencing January 1, 1976. The commissioner may establish ad hoc advisory
178.20 committees.

178.21 (j) To perform these duties with the goal of promoting public safety. Promoting public
178.22 safety includes the promotion of human rights. "Public safety" means reducing or preventing
178.23 crime while maintaining the basic rights, freedoms, and privileges that belong to every
178.24 person including the right to dignity, fairness, equality, respect, and freedom from
178.25 discrimination, and is achieved by preferring the use of community services to imprisonment
178.26 or other confinement unless confinement is necessary to protect the public, promoting the
178.27 rehabilitation of those convicted through the provision of evidence-based programming and
178.28 services, and imposing sanctions that are the least restrictive necessary to achieve
178.29 accountability, address the harm for the offense, and ensure victim safety.

178.30 Sec. 9. Minnesota Statutes 2020, section 243.166, subdivision 1b, is amended to read:

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

178.32 (1) the person was charged with or petitioned for a felony violation of or attempt to
178.33 violate, or aiding, abetting, or conspiracy to commit, any of the following, and convicted

179.1 of or adjudicated delinquent for that offense or another offense arising out of the same set
179.2 of circumstances:

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

179.4 (ii) kidnapping under section 609.25;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

180.18 (c) A person also shall register under this section if the person was committed pursuant
180.19 to a court commitment order under Minnesota Statutes 2012, section 253B.185, chapter
180.20 253D, Minnesota Statutes 1992, section 526.10, or a similar law of another state or the
180.21 United States, regardless of whether the person was convicted of any offense.

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

180.23 (1) the person was charged with or petitioned for a felony violation or attempt to violate
180.24 any of the offenses listed in paragraph (a), clause (1), or a similar law of another state or
180.25 the United States, or the person was charged with or petitioned for a violation of any of the
180.26 offenses listed in paragraph (a), clause (2), or a similar law of another state or the United
180.27 States;

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

180.31 (3) the person was committed pursuant to a court commitment order under section
180.32 253B.18 or a similar law of another state or the United States.

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

181.3 Sec. 10. Minnesota Statutes 2020, section 243.166, subdivision 4b, is amended to read:

181.4 Subd. 4b. **Health care facility; notice of status.** (a) For the purposes of this subdivision:

181.5 (1) "health care facility" means a facility:

181.6 (i) licensed by the commissioner of health as a hospital, boarding care home or supervised
181.7 living facility under sections 144.50 to 144.58, or a nursing home under chapter 144A;

181.8 (ii) registered by the commissioner of health as a housing with services establishment
181.9 as defined in section 144D.01; or

181.10 (iii) licensed by the commissioner of human services as a residential facility under
181.11 chapter 245A to provide adult foster care, adult mental health treatment, chemical dependency
181.12 treatment to adults, or residential services to persons with disabilities; ~~and~~

181.13 (2) "home care provider" has the meaning given in section 144A.43; and

181.14 (3) "hospice provider" has the meaning given in section 144A.75.

181.15 (b) Prior to admission to a health care facility or home care services from a home care
181.16 provider or hospice services from a hospice provider, a person required to register under
181.17 this section shall disclose to:

181.18 (1) the health care facility employee or the home care provider or hospice provider
181.19 processing the admission the person's status as a registered predatory offender under this
181.20 section; and

181.21 (2) the person's corrections agent, or if the person does not have an assigned corrections
181.22 agent, the law enforcement authority with whom the person is currently required to register,
181.23 that admission will occur.

181.24 (c) A law enforcement authority or corrections agent who receives notice under paragraph
181.25 (b) or who knows that a person required to register under this section is planning to be
181.26 admitted and receive, or has been admitted and is receiving health care at a health care
181.27 facility or home care services from a home care provider or hospice services from a hospice
181.28 provider, shall notify the administrator of the facility or the home care provider or the hospice
181.29 provider and deliver a fact sheet to the administrator or provider containing the following
181.30 information: (1) name and physical description of the offender; (2) the offender's conviction
181.31 history, including the dates of conviction; (3) the risk level classification assigned to the
181.32 offender under section 244.052, if any; and (4) the profile of likely victims.

182.1 (d) Except for a hospital licensed under sections 144.50 to 144.58, if a health care facility
182.2 receives a fact sheet under paragraph (c) that includes a risk level classification for the
182.3 offender, and if the facility admits the offender, the facility shall distribute the fact sheet to
182.4 all residents at the facility. If the facility determines that distribution to a resident is not
182.5 appropriate given the resident's medical, emotional, or mental status, the facility shall
182.6 distribute the fact sheet to the patient's next of kin or emergency contact.

182.7 (e) If a home care provider or hospice provider receives a fact sheet under paragraph (c)
182.8 that includes a risk level classification for the offender, the provider shall distribute the fact
182.9 sheet to any individual who will provide direct services to the offender before the individual
182.10 begins to provide the service.

182.11 Sec. 11. Minnesota Statutes 2020, section 244.09, subdivision 5, is amended to read:

182.12 Subd. 5. **Promulgation of Sentencing Guidelines.** The commission shall promulgate
182.13 Sentencing Guidelines for the district court. The guidelines shall be based on reasonable
182.14 offense and offender characteristics. The guidelines promulgated by the commission shall
182.15 be advisory to the district court and shall establish:

182.16 (1) the circumstances under which imprisonment of an offender is proper; and

182.17 (2) a presumptive, fixed sentence for offenders for whom imprisonment is proper, based
182.18 on each appropriate combination of reasonable offense and offender characteristics. The
182.19 guidelines shall provide for an increase of 20 percent and a decrease of 15 percent in the
182.20 presumptive, fixed sentence.

182.21 The Sentencing Guidelines promulgated by the commission may also establish appropriate
182.22 sanctions for offenders for whom imprisonment is not proper. Any guidelines promulgated
182.23 by the commission establishing sanctions for offenders for whom imprisonment is not proper
182.24 shall make specific reference to noninstitutional sanctions, including but not limited to the
182.25 following: payment of fines, day fines, restitution, community work orders, work release
182.26 programs in local facilities, community based residential and nonresidential programs,
182.27 incarceration in a local correctional facility, and probation and the conditions thereof.

182.28 Although the Sentencing Guidelines are advisory to the district court, the court shall
182.29 follow the procedures of the guidelines when it pronounces sentence in a proceeding to
182.30 which the guidelines apply by operation of statute. Sentencing pursuant to the Sentencing
182.31 Guidelines is not a right that accrues to a person convicted of a felony; it is a procedure
182.32 based on state public policy to maintain uniformity, proportionality, rationality, and
182.33 predictability in sentencing.

183.1 In establishing and modifying the Sentencing Guidelines, the primary consideration of
183.2 the commission shall be public safety. Promoting public safety includes the promotion of
183.3 human rights. "Public safety" means reducing or preventing crime while maintaining the
183.4 basic rights, freedoms, and privileges that belong to every person including the right to
183.5 dignity, fairness, equality, respect, and freedom from discrimination, and is achieved by
183.6 preferring the use of community services to imprisonment or other confinement unless
183.7 confinement is necessary to protect the public, promoting the rehabilitation of those convicted
183.8 through the provision of evidence-based programming and services, and imposing sanctions
183.9 that are the least restrictive necessary to achieve accountability, address the harm for the
183.10 offense, and ensure victim safety. The commission shall also consider current sentencing
183.11 and release practices; correctional resources, including but not limited to the capacities of
183.12 local and state correctional facilities; and the long-term negative impact of the crime on the
183.13 community.

183.14 The provisions of sections 14.001 to 14.69 do not apply to the promulgation of the
183.15 Sentencing Guidelines, and the Sentencing Guidelines, including severity levels and criminal
183.16 history scores, are not subject to review by the legislative commission to review
183.17 administrative rules. However, the commission shall adopt rules pursuant to sections 14.001
183.18 to 14.69 which establish procedures for the promulgation of the Sentencing Guidelines,
183.19 including procedures for the promulgation of severity levels and criminal history scores,
183.20 and these rules shall be subject to review by the Legislative Coordinating Commission.

183.21 Sec. 12. Minnesota Statutes 2020, section 299A.01, subdivision 2, is amended to read:

183.22 Subd. 2. **Duties of commissioner.** (a) The duties of the commissioner shall include the
183.23 following:

183.24 (1) the coordination, development and maintenance of services contracts with existing
183.25 state departments and agencies assuring the efficient and economic use of advanced business
183.26 machinery including computers;

183.27 (2) the execution of contracts and agreements with existing state departments for the
183.28 maintenance and servicing of vehicles and communications equipment, and the use of related
183.29 buildings and grounds;

183.30 (3) the development of integrated fiscal services for all divisions, and the preparation
183.31 of an integrated budget for the department;

183.32 (4) the publication and award of grant contracts with state agencies, local units of
183.33 government, and other entities for programs that will benefit the safety of the public; and

184.1 (5) the establishment of a planning bureau within the department.

184.2 (b) The commissioner shall exercise these duties with the goal of promoting public
184.3 safety. Promoting public safety includes the promotion of human rights. "Public safety"
184.4 means reducing or preventing crime while maintaining the basic rights, freedoms, and
184.5 privileges that belong to every person including the right to dignity, fairness, equality,
184.6 respect, and freedom from discrimination, and is achieved by engaging in practices that
184.7 include promoting community cohesion, employing meaningful problem-solving strategies,
184.8 and utilizing the least restrictive sanctions or interventions necessary to reduce or repair
184.9 harm, ensure victim safety, and ensure accountability for offending.

184.10 **Sec. 13. [299A.011] ACCEPTANCE OF PRIVATE FUNDS; APPROPRIATION.**

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

184.16 Sec. 14. Minnesota Statutes 2020, section 299A.52, subdivision 2, is amended to read:

184.17 Subd. 2. **Expense recovery.** The commissioner shall assess the responsible person for
184.18 the regional hazardous materials response team costs of response. The commissioner may
184.19 bring an action for recovery of unpaid costs, reasonable attorney fees, and any additional
184.20 court costs. Any funds received by the commissioner under this subdivision are appropriated
184.21 to the commissioner to pay for costs for which the funds were received. Any remaining
184.22 funds at the end of the biennium shall be transferred to the Fire Safety Account.

184.23 Sec. 15. Minnesota Statutes 2020, section 299A.55, is amended to read:

184.24 **299A.55 RAILROAD AND PIPELINE SAFETY; OIL AND OTHER HAZARDOUS**
184.25 **MATERIALS.**

184.26 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have
184.27 the meanings given them.

184.28 (b) "Applicable rail carrier" means a railroad company that is subject to an assessment
184.29 under section 219.015, subdivision 2.

184.30 (c) "Hazardous substance" has the meaning given in section 115B.02, subdivision 8.

184.31 (d) "Oil" has the meaning given in section 115E.01, subdivision 8.

185.1 (e) "Pipeline company" means any individual, partnership, association, or public or
185.2 private corporation who owns and operates pipeline facilities and is required to show specific
185.3 preparedness under section 115E.03, subdivision 2.

185.4 Subd. 2. **Railroad and pipeline safety account.** (a) A railroad and pipeline safety
185.5 account is created in the special revenue fund. The account consists of funds collected under
185.6 subdivision 4 and funds donated, allotted, transferred, or otherwise provided to the account.

185.7 ~~(b) \$104,000 is annually appropriated from the railroad and pipeline safety account to~~
185.8 ~~the commissioner of the Pollution Control Agency for environmental protection activities~~
185.9 ~~related to railroad discharge preparedness under chapter 115E.~~

185.10 ~~(c) \$600,000 in fiscal year 2018 and \$600,000 in fiscal year 2019 are appropriated from~~
185.11 ~~the railroad and pipeline safety account to the commissioner of transportation for improving~~
185.12 ~~safety at railroad grade crossings.~~

185.13 ~~(d) Following the appropriation in paragraphs (b) and (c), the remaining money in the~~
185.14 ~~account is~~ (b) Funds are annually appropriated to the commissioner of public safety for the
185.15 purposes specified in subdivision 3.

185.16 Subd. 3. **Allocation of funds.** (a) Subject to funding appropriated for this subdivision,
185.17 the commissioner shall provide funds for training and response preparedness related to (1)
185.18 derailments, discharge incidents, or spills involving trains carrying oil or other hazardous
185.19 substances, and (2) pipeline discharge incidents or spills involving oil or other hazardous
185.20 substances.

185.21 (b) The commissioner shall allocate available funds as follows:

185.22 ~~(1) \$100,000 annually for emergency response teams; and~~

185.23 ~~(2) the remaining amount to the Board of Firefighter Training and Education under~~
185.24 ~~section 299N.02 and the Division of Homeland Security and Emergency Management.~~

185.25 (1) \$225,000 for existing full-time equivalent and on-call funding at the Department of
185.26 Public Safety, State Fire Marshal Division;

185.27 (2) \$122,000 for program operating expenses;

185.28 (3) \$128,000 transferred to the Minnesota Pollution Control Agency for program
185.29 operating expenses;

185.30 (4) \$125,000 for Minnesota Board of Firefighter Training and Education training
185.31 programs for fire departments;

186.1 (5) \$200,000 to facilitate and support trainings and exercises for State Emergency

186.2 Response Teams;

186.3 (6) \$200,000 to support local planning;

186.4 (7) \$200,000 to replace state hazmat response team equipment;

186.5 (8) \$700,000 for capital equipment and vehicle replacement; and

186.6 (9) \$600,000 transferred to the Department of Transportation for statewide rail crossing
186.7 improvements.

186.8 (c) Prior to making allocations under paragraph (b), the commissioner shall consult with
186.9 the Fire Service Advisory Committee under section 299F.012, subdivision 2.

186.10 (d) The commissioner and the entities identified in paragraph (b), clause (2), shall
186.11 prioritize uses of funds based on:

186.12 (1) firefighter training needs;

186.13 (2) community risk from discharge incidents or spills;

186.14 (3) geographic balance; and

186.15 (4) recommendations of the Fire Service Advisory Committee.

186.16 (e) The following are permissible uses of funds provided under this subdivision:

186.17 (1) training costs, which may include, but are not limited to, training curriculum, trainers,
186.18 trainee overtime salary, other personnel overtime salary, and tuition;

186.19 (2) costs of gear and equipment related to hazardous materials readiness, response, and
186.20 management, which may include, but are not limited to, original purchase, maintenance,
186.21 and replacement;

186.22 (3) supplies related to the uses under clauses (1) and (2); and

186.23 (4) emergency preparedness planning and coordination.

186.24 (f) Notwithstanding paragraph (b), clause (2), from funds in the railroad and pipeline
186.25 safety account provided for the purposes under this subdivision, the commissioner may
186.26 retain a balance in the account for budgeting in subsequent fiscal years.

186.27 **Subd. 4. Assessments.** (a) The commissioner of public safety shall annually assess
186.28 \$2,500,000 to railroad and pipeline companies based on the formula specified in paragraph
186.29 (b). The commissioner shall deposit funds collected under this subdivision in the railroad
186.30 and pipeline safety account under subdivision 2.

187.1 (b) The assessment for each railroad is 50 percent of the total annual assessment amount,
187.2 divided in equal proportion between applicable rail carriers based on route miles operated
187.3 in Minnesota. The assessment for each pipeline company is 50 percent of the total annual
187.4 assessment amount, divided in equal proportion between companies based on the yearly
187.5 aggregate gallons of oil and hazardous substance transported by pipeline in Minnesota.

187.6 ~~(c) The assessments under this subdivision expire July 1, 2017.~~

187.7 Sec. 16. [299A.625] INNOVATION IN COMMUNITY SAFETY.

187.8 Subdivision 1. Definitions. (a) As used in this section, the following terms have the
187.9 meanings given.

187.10 (b) "Civilian review board" means a board, commission, or other oversight body created
187.11 to provide civilian oversight of the conduct of peace officers and law enforcement agencies.

187.12 (c) "Local commission" has the meaning given in section 363A.03, subdivision 23.

187.13 (d) "Metropolitan area" has the meaning given in section 473.121, subdivision 2.

187.14 (e) "Targeted area" means one or more contiguous census tracts as reported in the most
187.15 recently completed decennial census published by the United States Bureau of the Census
187.16 that has a poverty rate of at least 20 percent and which experiences a disproportionately
187.17 high rate of violent crime.

187.18 Subd. 2. Innovation in community safety; coordinator; qualifications. (a) The
187.19 commissioner of public safety shall appoint a coordinator to work in the Office of Justice
187.20 Programs in the Department of Public Safety to direct a targeted, community-centered
187.21 response to violence. The coordinator shall serve in the unclassified service.

187.22 (b) The coordinator shall have experience:

187.23 (1) living in a targeted area;

187.24 (2) providing direct services to victims or others in communities impacted by violence;

187.25 (3) writing or reviewing grant applications;

187.26 (4) building coalitions within the African-American community and other communities
187.27 that have experienced systemic discrimination; and

187.28 (5) leading a nonprofit organization.

187.29 Subd. 3. Coordinator; duties. The coordinator shall work with community members
187.30 to develop a strategy to address violence within targeted areas and promote community
187.31 healing and recovery. Additionally, the coordinator shall:

188.1 (1) serve as a liaison between the office and the councils created in sections 3.922 and
188.2 15.0145;

188.3 (2) provide technical assistance or navigation services to individuals seeking to apply
188.4 for grants issued by the office;

188.5 (3) identify targeted areas;

188.6 (4) organize and provide technical assistance to local grant advisory boards;

188.7 (5) assist local grant advisory boards in soliciting applications for grants;

188.8 (6) develop simplified grant application materials;

188.9 (7) identify effective forms of community-led intervention to promote public safety;

188.10 (8) encourage the use of restorative justice programs including but not limited to
188.11 sentencing circles; and

188.12 (9) administer grants.

188.13 Subd. 4. **Innovation in community safety grants.** (a) Pursuant to the decisions of
188.14 community grant advisory boards, the coordinator shall issue grants to organizations in
188.15 targeted areas for the purposes identified in this subdivision. The coordinator may prioritize
188.16 targeted areas, determine which targeted areas are eligible for grants, and establish the total
188.17 amount of money available for grants in each targeted area provided that an eligible targeted
188.18 area must receive at least \$1,000,000 for grants. In prioritizing targeted areas, the director
188.19 shall prioritize areas that have the highest rates of violent crime.

188.20 (b) Recipients of youth, young adult, and family antiviolence outreach program grants
188.21 may work with other organizations including but not limited to law enforcement, state and
188.22 local public agencies, interfaith organizations, nonprofit organizations, and African immigrant
188.23 and African American community organizations and stakeholders; may focus on African
188.24 immigrant and African American youth and young adults; and must:

188.25 (1) identify behaviors indicating that an individual is vulnerable to committing or being
188.26 the victim of bullying or interfamily, community, or domestic abuse;

188.27 (2) identify and assess factors and influences, including but not limited to family
188.28 dysfunction and cultural disengagement, that make youth and young adults, vulnerable to
188.29 recruitment by violent organizations;

188.30 (3) develop strategies to reduce and eliminate abusive and bullying behaviors among
188.31 youth and adults;

189.1 (4) develop and implement strategies to reduce and eliminate the factors and influences
189.2 that make youth and young adults vulnerable to recruitment by violent organizations;

189.3 (5) develop strategies, programs, and services to educate parents and other family
189.4 members to recognize and address behaviors indicating that youth are being recruited by
189.5 violent organizations; and

189.6 (6) in collaboration with public entities and other community and private organizations
189.7 that provide services to at-risk youth and families, develop strategies, programs, and services
189.8 to reduce and eliminate bullying, abusive behavior, and the vulnerability of youth to
189.9 recruitment by violent organizations including, but not limited to:

189.10 (i) expressive and receptive communications programs including music, art, theater,
189.11 dance, and play designed to teach and develop appropriate skills for interfaith family
189.12 communication;

189.13 (ii) development of protective skills and positive coping skills to deal with bullying,
189.14 domestic abuse and interfaith family violence, and violent confrontations in the community;

189.15 (iii) culturally appropriate individual and family counseling focusing on communication
189.16 and interpersonal relations with the family and, when appropriate, the African immigrant
189.17 and African American community;

189.18 (iv) after-school and summer programs for youth and young adults that are structured
189.19 and include components offering physical recreation, sports, mentorship, education
189.20 enrichment, art, music, and social activities that are culturally appropriate;

189.21 (v) individual and family-oriented financial planning and management skill building;

189.22 (vi) culturally appropriate individual and family counseling focusing on education and
189.23 employment counseling; and

189.24 (vii) information regarding, and direct links to, entities that provide employment skills
189.25 training, job search and placement, and employment support activities and services.

189.26 (c) Recipients of grants to implement the Minnesota SafeStreets program must work
189.27 with other organizations and persons in the community to develop community-based
189.28 responses to violence that:

189.29 (1) use and adapt critical incident response methods which have been identified as best
189.30 practices in the field including violence prevention, situational de-escalation, mitigation of
189.31 trauma, and restorative justice;

- 190.1 (2) provide targeted interventions to prevent the escalation of violence after the occurrence
190.2 of serious incidents, such as a shooting, murder, or other violent crime;
- 190.3 (3) de-escalate violence with the use of community-based interventions designed to
190.4 prevent conflict from becoming violent;
- 190.5 (4) provide an alternative to adjudication through a restorative justice model for persons
190.6 who commit lower level offenses;
- 190.7 (5) develop working relationships with community providers to enable young people to
190.8 care for themselves and their families in healthy and empowered ways; and
- 190.9 (6) culminate in a collective action plan which, at a minimum, includes the following:
- 190.10 (i) increased educational opportunities;
- 190.11 (ii) meaningful workforce opportunities;
- 190.12 (iii) leadership-based entrepreneurial and social enterprise opportunities;
- 190.13 (iv) expanded mental health and chemical health services; and
- 190.14 (v) access to critically needed human and social services.
- 190.15 (d) Recipients of grants to promote community healing must provide programs and direct
190.16 intervention to promote wellness and healing justice and may use funds for:
- 190.17 (1) programmatic and community care support for wellness and healing justice
190.18 practitioners;
- 190.19 (2) the establishment and expansion of community organizations that provide wellness
190.20 and healing justice services;
- 190.21 (3) placing wellness and healing justice practitioners in organizations that provide direct
190.22 service to black, indigenous, and people of color communities in Minnesota;
- 190.23 (4) providing healing circles;
- 190.24 (5) establishing and expanding Community Coach Certification programs to train
190.25 community healers and establish a long-term strategy to build the infrastructure for
190.26 community healers to be available during times of tragedy; or
- 190.27 (6) restorative justice programs including but not limited to sentencing circles.
- 190.28 (e) Recipients of grants to establish or maintain co-responder teams must partner with
190.29 local units of government or Tribal governments to do any of the following:

191.1 (1) develop and establish independent crisis-response teams to de-escalate volatile
191.2 situations;

191.3 (2) respond to situations involving a mental health crisis;

191.4 (3) promote community-based efforts designed to enhance community safety and
191.5 wellness; or

191.6 (4) support community-based strategies to interrupt, intervene in, or respond to violence.

191.7 (f) Recipients of grants to establish or maintain community-based mental health and
191.8 social service centers must provide direct services to community members in targeted areas.

191.9 Subd. 5. **Appropriation; distribution.** (a) Of the amount appropriated for grants issued
191.10 pursuant to subdivision 4, two-thirds shall be distributed in the metropolitan area and
191.11 one-third shall be distributed outside the metropolitan area.

191.12 (b) No grant recipient shall receive more than \$1,000,000 each year.

191.13 Subd. 6. **Community grant advisory boards; members.** (a) The coordinator shall work
191.14 with the chair or director of a local commission, civilian review board, or similar organization
191.15 to establish a community grant advisory board within a targeted area.

191.16 (b) Community grant advisory boards shall review grant applications and direct the
191.17 coordinator to award grants to approved applicants.

191.18 (c) The chair or director of a local commission, civilian review board, or similar
191.19 organization shall serve as the chair of a community grant advisory board.

191.20 (d) A community grant advisory board shall include the chair and at least four but not
191.21 more than six other members.

191.22 (e) The membership of community grant advisory boards shall reflect the demographic
191.23 makeup of the targeted area and the members, other than the chair, must reside in the targeted
191.24 area over which a board has jurisdiction. A majority of the members of a board must provide
191.25 direct services to victims or others in the targeted area as a part of the person's employment
191.26 or regular volunteer work.

191.27 (f) Community grant advisory board members may not accept gifts, donations, or any
191.28 other thing of value from applicants.

191.29 Subd. 7. **Community grant advisory board; procedure.** (a) Community grant advisory
191.30 boards shall provide notice of available grants and application materials for organizations
191.31 or individuals to apply for grants.

192.1 (b) Community grant advisory boards shall establish reasonable application deadlines
192.2 and review grant applications. Boards may interview applicants and invite presentations.

192.3 (c) Community grant advisory boards shall determine which applicants will receive
192.4 funds and the amount of those funds, and shall inform the coordinator of their decisions.

192.5 Sec. 17. [299A.783] STATEWIDE ANTITRAFFICKING INVESTIGATION
192.6 COORDINATION.

192.7 Subdivision 1. Antitrafficking investigation coordinator. The commissioner of public
192.8 safety must appoint a statewide antitrafficking investigation coordinator who shall work in
192.9 the Office of Justice Programs. The coordinator must be a current or former law enforcement
192.10 officer or prosecutor with experience investigating or prosecuting trafficking-related offenses.
192.11 The coordinator must also have knowledge of services available to and Safe Harbor response
192.12 for victims of sex trafficking and sexual exploitation and Minnesota's child welfare system
192.13 response. The coordinator serves at the pleasure of the commissioner in the unclassified
192.14 service.

192.15 Subd. 2. Coordinator's responsibilities. The coordinator shall have the following duties:

192.16 (1) develop, coordinate, and facilitate training for law enforcement officers, prosecutors,
192.17 courts, child welfare workers, social service providers, medical providers, and other
192.18 community members;

192.19 (2) establish standards for approved training and review compliance with those standards;

192.20 (3) coordinate and monitor multijurisdictional sex trafficking task forces;

192.21 (4) review, develop, promote, and monitor compliance with investigative protocols to
192.22 assure that law enforcement officers and prosecutors engage in best practices;

192.23 (5) provide technical assistance and advice related to the investigation and prosecution
192.24 of trafficking offenses and the treatment of victims;

192.25 (6) promote the efficient use of resources by addressing issues of deconfliction, providing
192.26 advice regarding questions of jurisdiction, and promoting the sharing of data between entities
192.27 investigating and prosecuting trafficking offenses;

192.28 (7) assist in the appropriate distribution of grants;

192.29 (8) perform other duties necessary to ensure effective and efficient investigation and
192.30 prosecution of trafficking-related offenses; and

193.1 (9) coordinate with other federal, state, and local agencies to ensure multidisciplinary
193.2 responses to trafficking and exploitation of youth in Minnesota.

193.3 Sec. 18. [299A.86] MINNESOTA HEALS.

193.4 (a) The Minnesota Heals Initiative is established in the Department of Public Safety to
193.5 provide:

193.6 (1) grants to community healing networks;

193.7 (2) resources for families after an officer-involved death; and

193.8 (3) a statewide critical incident stress management service.

193.9 (b) The commissioner of public safety shall establish and maintain a Statewide Critical
193.10 Incident Stress Management Service Office for first responders. The office shall manage a
193.11 mental health and wellness program for first responders including but not limited to regular
193.12 trainings and education videos, self-assessment tools, and professional guidance and
193.13 coaching. The office shall establish response teams across the state; provide support and
193.14 technical assistance in establishing mutual aid requests; and develop and implement new
193.15 trainings, services, online resources, and meetings. The office shall also maintain a referral
193.16 program.

193.17 (c) The Office of Justice Programs shall administer a grant program to fund community
193.18 healing networks to sustain trauma-informed responses to promote healing after critical
193.19 events and natural disasters. Grants are for culturally, trauma-informed training and for
193.20 coordinating a statewide response network of trainers and responders in collaboration with
193.21 local or Tribal governments, or both governments in impacted areas.

193.22 The Office of Justice Programs shall establish and maintain a fund to reimburse costs
193.23 related to funeral and burial expenses, cultural healing ceremonies, and mental health and
193.24 trauma healing services for family members impacted by officer-involved deaths.

193.25 Sec. 19. Minnesota Statutes 2020, section 299C.80, subdivision 3, is amended to read:

193.26 Subd. 3. **Additional duty.** (a) The unit shall investigate all criminal sexual conduct
193.27 cases:

193.28 (1) involving peace officers, including criminal sexual conduct cases involving chief
193.29 law enforcement officers; and

193.30 (2) where a member of the Minnesota National Guard is the victim, the accused is a
193.31 member of the Minnesota National Guard, and the incident occurred in Minnesota.

194.1 (b) The unit shall assist the agency investigating an alleged sexual assault of a member
194.2 of the Minnesota National Guard by another member of the Minnesota National Guard that
194.3 occurred in a jurisdiction outside of the state, if the investigating agency requests assistance
194.4 from the unit.

194.5 (c) The unit may also investigate conflict of interest cases involving peace officers.

194.6 Sec. 20. Minnesota Statutes 2020, section 340A.504, subdivision 7, is amended to read:

194.7 Subd. 7. **Sales after 1:00 a.m.; permit fee.** (a) No licensee may sell intoxicating liquor
194.8 or 3.2 percent malt liquor on-sale between the hours of 1:00 a.m. and 2:00 a.m. unless the
194.9 licensee has obtained a permit from the commissioner. Application for the permit must be
194.10 on a form the commissioner prescribes. Permits are effective for one year from date of
194.11 issuance. For retailers of intoxicating liquor, the fee for the permit is based on the licensee's
194.12 gross receipts from on-sales of alcoholic beverages in the 12 months prior to the month in
194.13 which the permit is issued, and is at the following rates:

194.14 (1) up to \$100,000 in gross receipts, \$300;

194.15 (2) over \$100,000 but not over \$500,000 in gross receipts, \$750; and

194.16 (3) over \$500,000 in gross receipts, \$1,000.

194.17 For a licensed retailer of intoxicating liquor who did not sell intoxicating liquor at on-sale
194.18 for a full 12 months prior to the month in which the permit is issued, the fee is \$200. For a
194.19 retailer of 3.2 percent malt liquor, the fee is \$200.

194.20 (b) The commissioner shall deposit all permit fees received under this subdivision in
194.21 the alcohol enforcement account in the ~~special revenue~~ general fund.

194.22 (c) Notwithstanding any law to the contrary, the commissioner of revenue may furnish
194.23 to the commissioner the information necessary to administer and enforce this subdivision.

194.24 Sec. 21. Minnesota Statutes 2020, section 403.11, subdivision 1, is amended to read:

194.25 Subdivision 1. **Emergency telecommunications service fee; account.** (a) Each customer
194.26 of a wireless or wire-line switched or packet-based telecommunications service provider
194.27 connected to the public switched telephone network that furnishes service capable of
194.28 originating a 911 emergency telephone call is assessed a fee based upon the number of
194.29 wired or wireless telephone lines, or their equivalent, to cover the costs of ongoing
194.30 maintenance and related improvements for trunking and central office switching equipment
194.31 for 911 emergency telecommunications service, to offset administrative and staffing costs

195.1 of the commissioner related to managing the 911 emergency telecommunications service
195.2 program, to make distributions provided for in section 403.113, and to offset the costs,
195.3 including administrative and staffing costs, incurred by the State Patrol Division of the
195.4 Department of Public Safety in handling 911 emergency calls made from wireless phones.

195.5 (b) Money remaining in the 911 emergency telecommunications service account after
195.6 all other obligations are paid must not cancel and is carried forward to subsequent years
195.7 and may be appropriated from time to time to the commissioner to provide financial
195.8 assistance to counties for the improvement of local emergency telecommunications services.

195.9 (c) The fee may not be ~~less than eight cents nor more than 65 cents a month until June~~
195.10 ~~30, 2008, not less than eight cents nor more than 75 cents a month until June 30, 2009, not~~
195.11 ~~less than eight cents nor more than 85 cents a month until June 30, 2010, and not less than~~
195.12 ~~eight cents nor more than 95 cents a month on or after July 1, 2010, for each customer access~~
195.13 line or other basic access service, including trunk equivalents as designated by the Public
195.14 Utilities Commission for access charge purposes and including wireless telecommunications
195.15 services. With the approval of the commissioner of management and budget, the
195.16 commissioner of public safety shall establish the amount of the fee within the limits specified
195.17 and inform the companies and carriers of the amount to be collected. When the revenue
195.18 bonds authorized under section 403.27, subdivision 1, have been fully paid or defeased, the
195.19 commissioner shall reduce the fee to reflect that debt service on the bonds is no longer
195.20 needed. The commissioner shall provide companies and carriers a minimum of 45 days'
195.21 notice of each fee change. The fee must be the same for all customers, except that the fee
195.22 imposed under this subdivision does not apply to prepaid wireless telecommunications
195.23 service, which is instead subject to the fee imposed under section 403.161, subdivision 1,
195.24 paragraph (a).

195.25 (d) The fee must be collected by each wireless or wire-line telecommunications service
195.26 provider subject to the fee. Fees are payable to and must be submitted to the commissioner
195.27 monthly before the 25th of each month following the month of collection, except that fees
195.28 may be submitted quarterly if less than \$250 a month is due, or annually if less than \$25 a
195.29 month is due. Receipts must be deposited in the state treasury and credited to a 911
195.30 emergency telecommunications service account in the special revenue fund. The money in
195.31 the account may only be used for 911 telecommunications services.

195.32 (e) Competitive local exchanges carriers holding certificates of authority from the Public
195.33 Utilities Commission are eligible to receive payment for recurring 911 services.

196.1 Sec. 22. **[604A.06] AID TO SEXUAL ASSAULT VICTIM.**

196.2 **Subdivision 1. Person seeking assistance; immunity from prosecution.** (a) A person
196.3 acting in good faith who contacts a 911 operator or first responder to report that a sexual
196.4 assault victim is in need of assistance may not be charged or prosecuted for:

196.5 (1) the possession, sharing, or use of a controlled substance under 152.025, or possession
196.6 of drug paraphernalia; and

196.7 (2) if the person is under the age of 21 years, the possession, purchase, or consumption
196.8 of alcoholic beverages under section 340A.503.

196.9 (b) A person qualifies for the immunities provided in this subdivision only if:

196.10 (1) the evidence for the charge or prosecution was obtained as a result of the person's
196.11 seeking assistance for a sexual assault victim; and

196.12 (2) the person seeks assistance for a sexual assault victim who is in need of assistance
196.13 for an immediate health or safety concern, provided that the person who seeks the assistance
196.14 is the first person to seek the assistance, provides a name and contact information, and
196.15 remains on the scene until assistance arrives or is provided.

196.16 (c) This subdivision applies to one or two persons acting in concert with the person
196.17 initiating contact provided all the requirements of paragraphs (a) and (b) are met.

196.18 **Subd. 2. Person experiencing sexual assault; immunity from prosecution.** (a) A
196.19 sexual assault victim who is in need of assistance may not be charged or prosecuted for:

196.20 (1) the possession, sharing, or use of a controlled substance under section 152.025, or
196.21 possession of drug paraphernalia; and

196.22 (2) if the victim is under the age of 21 years, the possession, purchase, or consumption
196.23 of alcoholic beverages under section 340A.503.

196.24 (b) A victim qualifies for the immunities provided in this subdivision only if the evidence
196.25 for the charge or prosecution was obtained as a result of the request for assistance related
196.26 to the sexual assault.

196.27 **Subd. 3. Persons on probation or release.** A person's pretrial release, probation,
196.28 furlough, supervised release, or parole shall not be revoked based on an incident for which
196.29 the person would be immune from prosecution under subdivision 1 or 2.

196.30 **Subd. 4. Effect on other criminal prosecutions.** (a) The act of providing assistance to
196.31 a sexual assault victim may be used as a mitigating factor in a criminal prosecution for
196.32 which immunity is not provided.

197.1 (b) Nothing in this section shall:

197.2 (1) be construed to bar the admissibility of any evidence obtained in connection with
197.3 the investigation and prosecution of other crimes or violations committed by a person who
197.4 otherwise qualifies for limited immunity under this section;

197.5 (2) preclude prosecution of a person on the basis of evidence obtained from an
197.6 independent source;

197.7 (3) be construed to limit, modify, or remove any immunity from liability currently
197.8 available to public entities, public employees by law, or prosecutors; or

197.9 (4) prevent probation officers from conducting drug or alcohol testing of persons on
197.10 pretrial release, probation, furlough, supervised release, or parole.

197.11 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to actions
197.12 arising from incidents occurring on or after that date.

197.13 Sec. 23. Minnesota Statutes 2020, section 609.3459, is amended to read:

197.14 **609.3459 LAW ENFORCEMENT; REPORTS OF SEXUAL ASSAULTS.**

197.15 (a) A victim of any violation of sections 609.342 to 609.3453 may initiate a law
197.16 enforcement investigation by contacting any law enforcement agency, regardless of where
197.17 the crime may have occurred. The agency must prepare a summary of the allegation and
197.18 provide the person with a copy of it. The agency must begin an investigation of the facts,
197.19 or, if the suspected crime was committed in a different jurisdiction, refer the matter along
197.20 with the summary to the law enforcement agency where the suspected crime was committed
197.21 for an investigation of the facts. If the agency learns that both the victim and the accused
197.22 are members of the Minnesota National Guard, the agency receiving the report must refer
197.23 the matter along with the summary to the Bureau of Criminal Apprehension for investigation
197.24 pursuant to section 299C.80.

197.25 (b) If a law enforcement agency refers the matter to the law enforcement agency where
197.26 the crime was committed, it need not include the allegation as a crime committed in its
197.27 jurisdiction for purposes of information that the agency is required to provide to the
197.28 commissioner of public safety pursuant to section 299C.06, but must confirm that the other
197.29 law enforcement agency has received the referral.

197.30 Sec. 24. Minnesota Statutes 2020, section 626.843, subdivision 1, is amended to read:

197.31 Subdivision 1. **Rules required.** (a) The board shall adopt rules with respect to:

- 198.1 (1) the certification of postsecondary schools to provide programs of professional peace
198.2 officer education;
- 198.3 (2) minimum courses of study and equipment and facilities to be required at each certified
198.4 school within the state;
- 198.5 (3) minimum qualifications for coordinators and instructors at certified schools offering
198.6 a program of professional peace officer education located within this state;
- 198.7 (4) minimum standards of physical, mental, and educational fitness which shall govern
198.8 the admission to professional peace officer education programs and the licensing of peace
198.9 officers within the state, by any state, county, municipality, or joint or contractual
198.10 combination thereof, including members of the Minnesota State Patrol;
- 198.11 (5) board-approved continuing education courses that ensure professional competence
198.12 of peace officers and part-time peace officers;
- 198.13 (6) minimum standards of conduct which would affect the individual's performance of
198.14 duties as a peace officer. These standards shall be established and published. The board
198.15 shall review the minimum standards of conduct described in this clause for possible
198.16 modification in 1998 and every three years after that time;
- 198.17 (7) a set of educational learning objectives that must be met within a certified school's
198.18 professional peace officer education program. These learning objectives must concentrate
198.19 on the knowledge, skills, and abilities deemed essential for a peace officer. Education in
198.20 these learning objectives shall be deemed satisfactory for the completion of the minimum
198.21 basic training requirement;
- 198.22 (8) the establishment and use by any political subdivision or state law enforcement
198.23 agency that employs persons licensed by the board of procedures for investigation and
198.24 resolution of allegations of misconduct by persons licensed by the board. The procedures
198.25 shall be in writing and shall be established on or before October 1, 1984;
- 198.26 (9) the issues that must be considered by each political subdivision and state law
198.27 enforcement agency that employs persons licensed by the board in establishing procedures
198.28 under section 626.5532 to govern the conduct of peace officers who are in pursuit of a
198.29 vehicle being operated in violation of section 609.487, and requirements for the training of
198.30 peace officers in conducting pursuits. The adoption of specific procedures and requirements
198.31 is within the authority of the political subdivision or agency;

199.1 (10) supervision of part-time peace officers and requirements for documentation of hours
199.2 worked by a part-time peace officer who is on active duty. These rules shall be adopted by
199.3 December 31, 1993;

199.4 (11) citizenship requirements for peace officers and part-time peace officers;

199.5 (12) driver's license requirements for peace officers and part-time peace officers; and

199.6 (13) such other matters as may be necessary consistent with sections 626.84 to 626.863.
199.7 Rules promulgated by the attorney general with respect to these matters may be continued
199.8 in force by resolution of the board if the board finds the rules to be consistent with sections
199.9 626.84 to 626.863.

199.10 (b) In adopting and enforcing the rules described under paragraph (a), the board shall
199.11 prioritize the goal of promoting public safety. Promoting public safety includes the promotion
199.12 of human rights. "Public safety" means reducing or preventing crime while maintaining the
199.13 basic rights, freedoms, and privileges that belong to every person including the right to
199.14 dignity, fairness, equality, respect, and freedom from discrimination, and is achieved by
199.15 engaging in practices that include promoting community cohesion, employing meaningful
199.16 problem-solving strategies, and utilizing the least restrictive sanctions or interventions
199.17 necessary to reduce or repair harm, ensure victim safety, and ensure accountability for
199.18 offending.

199.19 Sec. 25. Minnesota Statutes 2020, section 628.26, is amended to read:

199.20 **628.26 LIMITATIONS.**

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

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

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

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

200.1 (e) Indictments or complaints for violation of sections 609.322 and 609.342 to 609.345;
200.2 ~~if the victim was under the age of 18 years at the time the offense was committed, shall~~ may
200.3 be found or made and filed in the proper court within the later of nine years after the
200.4 commission of the offense or three years after the offense was reported to law enforcement
200.5 authorities at any time after the commission of the offense.

200.6 ~~(f) Notwithstanding the limitations in paragraph (e), indictments or complaints for~~
200.7 ~~violation of sections 609.322 and 609.342 to 609.344 may be found or made and filed in~~
200.8 ~~the proper court at any time after commission of the offense, if physical evidence is collected~~
200.9 ~~and preserved that is capable of being tested for its DNA characteristics. If this evidence is~~
200.10 ~~not collected and preserved and the victim was 18 years old or older at the time of the~~
200.11 ~~offense, the prosecution must be commenced within nine years after the commission of the~~
200.12 ~~offense.~~

200.13 ~~(g)~~ (f) Indictments or complaints for violation of sections 609.466 and 609.52, subdivision
200.14 2, paragraph (a), clause (3), item (iii), shall be found or made and filed in the proper court
200.15 within six years after the commission of the offense.

200.16 ~~(h)~~ (g) Indictments or complaints for violation of section 609.2335, 609.52, subdivision
200.17 2, paragraph (a), clause (3), items (i) and (ii), (4), (15), or (16), 609.631, or 609.821, where
200.18 the value of the property or services stolen is more than \$35,000, or for violation of section
200.19 609.527 where the offense involves eight or more direct victims or the total combined loss
200.20 to the direct and indirect victims is more than \$35,000, shall be found or made and filed in
200.21 the proper court within five years after the commission of the offense.

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

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

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

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

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

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

201.9 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to violations
 201.10 committed on or after that date and to crimes committed before that date if the limitations
 201.11 period for the crime did not expire before August 1, 2021.

201.12 Sec. 26. Laws 2016, chapter 189, article 4, section 7, is amended to read:

201.13 **Sec. 7. PUBLIC SAFETY** **\$ -0- \$ 6,100,000**

201.14 Appropriations by Fund

201.15 General -0- 1,600,000

201.16 Trunk Highway -0- 4,500,000

201.17 The amounts that may be spent for each
 201.18 purpose are specified in the following
 201.19 paragraphs.

201.20 **(a) DNA Laboratory**

201.21 \$630,000 is for the Bureau of Criminal
 201.22 Apprehension DNA laboratory, including the
 201.23 addition of six forensic scientists. The base
 201.24 for this activity is \$1,000,000 in each of the
 201.25 fiscal years 2018 and 2019 for eight forensic
 201.26 scientists.

201.27 **(b) Children In Need of Services or in**
 201.28 **Out-Of-Home Placement**

201.29 \$150,000 is for a grant to an organization that
 201.30 provides legal representation to children in
 201.31 need of protection or services and children in
 201.32 out-of-home placement. The grant is

202.1 contingent upon a match in an equal amount
 202.2 from nonstate funds. The match may be in
 202.3 kind, including the value of volunteer attorney
 202.4 time, or in cash, or in a combination of the
 202.5 two.

202.6 **(c) Sex Trafficking**

202.7 \$820,000 is for grants to state and local units
 202.8 of government for the following purposes:

202.9 (1) to support new or existing
 202.10 multijurisdictional entities to investigate sex
 202.11 trafficking crimes; and

202.12 (2) to provide technical assistance for sex
 202.13 trafficking crimes, including ~~training and~~ case
 202.14 consultation, to law enforcement agencies
 202.15 statewide.

202.16 **(d) State Patrol**

202.17 \$4,500,000 is from the trunk highway fund to
 202.18 recruit, hire, train, and equip a State Patrol
 202.19 Academy. This amount is added to the
 202.20 appropriation in Laws 2015, chapter 75, article
 202.21 1, section 5, subdivision 3. The base
 202.22 appropriation from the trunk highway fund
 202.23 for patrolling highways in each of fiscal years
 202.24 2018 and 2019 is \$87,492,000, which includes
 202.25 \$4,500,000 each year for a State Patrol
 202.26 Academy.

202.27 Sec. 27. Laws 2017, chapter 95, article 1, section 11, subdivision 7, is amended to read:

202.28	Subd. 7. Office of Justice Programs	39,580,000	40,036,000
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202.29	Appropriations by Fund		
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202.30	General	39,484,000	39,940,000
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202.31	State Government		
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202.32	Special Revenue	96,000	96,000
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202.33 **(a) OJP Administration Costs**

203.1 Up to 2.5 percent of the grant funds
203.2 appropriated in this subdivision may be used
203.3 by the commissioner to administer the grant
203.4 program.

203.5 **(b) Combating Terrorism Recruitment**

203.6 \$250,000 each year is for grants to local law
203.7 enforcement agencies to develop strategies
203.8 and make efforts to combat the recruitment of
203.9 Minnesota residents by terrorist organizations
203.10 such as ISIS and al-Shabaab. This is a onetime
203.11 appropriation.

203.12 **(c) Sex Trafficking Prevention Grants**

203.13 \$180,000 each year is for grants to state and
203.14 local units of government for the following
203.15 purposes:

203.16 (1) to support new or existing
203.17 multijurisdictional entities to investigate sex
203.18 trafficking crimes; and

203.19 (2) to provide technical assistance, including
203.20 ~~training and~~ case consultation, to law
203.21 enforcement agencies statewide.

203.22 **(d) Pathway to Policing Reimbursement Grants**

203.23 \$400,000 the second year is for reimbursement
203.24 grants to local units of government that operate
203.25 pathway to policing programs intended to
203.26 bring persons with nontraditional backgrounds
203.27 into law enforcement. Applicants for
203.28 reimbursement grants may receive up to 50
203.29 percent of the cost of compensating and
203.30 training pathway to policing participants.

203.31 Reimbursement grants shall be proportionally
203.32 allocated based on the number of grant
203.33 applications approved by the commissioner.

204.1 Sec. 28. Laws 2020, Seventh Special Session chapter 2, article 2, section 4, is amended
204.2 to read:

204.3 **Sec. 4. TRANSFER; ALCOHOL ENFORCEMENT ACCOUNT.**

204.4 ~~(a) By July 15, 2021, the commissioner of public safety must certify to the commissioner~~
204.5 ~~of management and budget the amount of permit fees waived under section 3, clause (2),~~
204.6 ~~during the period from January 1, 2021, to June 30, 2021, and the commissioner of~~
204.7 ~~management and budget must transfer the certified amount from the general fund to the~~
204.8 ~~alcohol enforcement account in the special revenue fund established under Minnesota~~
204.9 ~~Statutes, section 299A.706.~~

204.10 ~~(b) By January 15, 2022, the commissioner of public safety must certify to the~~
204.11 ~~commissioner of management and budget the amount of permit fees waived under section~~
204.12 ~~3, clause (2), during the period from July 1, 2021, to December 31, 2021, and the~~
204.13 ~~commissioner of management and budget must transfer the certified amount from the general~~
204.14 ~~fund to the alcohol enforcement account in the special revenue fund established under~~
204.15 ~~Minnesota Statutes, section 299A.706.~~

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

204.17 **Sec. 29. SURVIVOR SUPPORT AND PREVENTION GRANTS.**

204.18 **Subdivision 1. Meeting victim needs; grants.** The Office of Justice Programs shall
204.19 award grants directly to victim survivors of crime to support their needs and mitigate the
204.20 impacts of crime on those individuals, and shall award grants to meet emerging or unmet
204.21 needs impacting victims of crime.

204.22 **Subd. 2. Eligibility and awards.** (a) For grants awarded directly to victim survivors,
204.23 the director shall establish the eligibility requirements and mechanisms for distribution of
204.24 funds in consultation with Violence Free Minnesota, the Minnesota Coalition Against Sexual
204.25 Assault, Minnesota Alliance on Crime, the Minnesota Indian Women Sexual Assault
204.26 Coalition, and Sacred Hoop Coalition. Eligibility requirements shall prioritize victim
204.27 survivors based on economic need; whether the victim survivor is a member of an
204.28 underserved population; whether the person was a victim of sexual assault, domestic violence,
204.29 child abuse, or other violent crime; and whether the victim was a juvenile.

204.30 (b) For grants to meet emerging or unmet needs impacting victims of crime, the director
204.31 shall award grants to individuals or organizations who provide direct support to victims
204.32 including, but not limited to, providing support for immediate and emerging needs for

205.1 victims of crime or for domestic abuse transformative justice programs. The director shall
205.2 prioritize applicants seeking to establish, maintain, or expand services to underserved
205.3 populations.

205.4 (c) Of the amount appropriated for survivor support and prevention grants, at least 30
205.5 percent must be provided directly to victim survivors pursuant to paragraph (a) and at least
205.6 30 percent must be awarded to individuals or organizations providing support to victims
205.7 pursuant to paragraph (b).

205.8 Subd. 3. **Report.** (a) By January 15 of each odd-numbered year the director shall submit
205.9 a report to the legislative committees with jurisdiction over public safety on the survivor
205.10 support and prevention grants. At a minimum, the report shall include the following:

205.11 (1) the total number of grants issued directly to victim survivors;

205.12 (2) the average amount of money provided directly to victim survivors;

205.13 (3) summary demographic information of recipients of direct financial assistance,
205.14 including the age, sex, and race of the recipients;

205.15 (4) summary information identifying the crimes committed against the recipients of
205.16 direct assistance;

205.17 (5) summary information identifying the counties in which recipients of direct assistance
205.18 resided at the time they received a grant;

205.19 (6) the total number of grants issued to individuals or organizations providing support
205.20 for crime victims;

205.21 (7) the amount of grants issued to individuals or organizations providing support for
205.22 crime victims; and

205.23 (8) the services provided by the grant recipients provided support for crime victims.

205.24 (b) If the director enters into an agreement with any other organization for the distribution
205.25 of funds, the director shall require that organization to provide the information identified
205.26 in paragraph (a).

205.27 Sec. 30. **TASK FORCE ON MISSING AND MURDERED AFRICAN AMERICAN**
205.28 **WOMEN.**

205.29 Subdivision 1. **Creation and duties.** (a) The Task Force on Missing and Murdered
205.30 African American Women is established to advise the commissioner of public safety and
205.31 report to the legislature on recommendations to reduce and end violence against African

206.1 American women and girls in Minnesota. The task force may also serve as a liaison between
206.2 the commissioner and agencies and nonprofit, nongovernmental organizations that provide
206.3 legal, social, or other community services to victims, victims' families, and victims'
206.4 communities.

206.5 (b) The Task Force on Missing and Murdered African American Women must examine
206.6 and report on the following:

206.7 (1) the systemic causes behind violence that African American women and girls
206.8 experience, including patterns and underlying factors that explain why disproportionately
206.9 high levels of violence occur against African American women and girls, including
206.10 underlying historical, social, economic, institutional, and cultural factors which may
206.11 contribute to the violence;

206.12 (2) appropriate methods for tracking and collecting data on violence against African
206.13 American women and girls, including data on missing and murdered African American
206.14 women and girls;

206.15 (3) policies and institutions such as policing, child welfare, coroner practices, and other
206.16 governmental practices that impact violence against African American women and girls
206.17 and the investigation and prosecution of crimes of gender violence against African American
206.18 people;

206.19 (4) measures necessary to address and reduce violence against African American women
206.20 and girls; and

206.21 (5) measures to help victims, victims' families, and victims' communities prevent and
206.22 heal from violence that occurs against African American women and girls.

206.23 (c) At its discretion, the task force may examine other related issues consistent with this
206.24 section as necessary.

206.25 Subd. 2. **Membership.** (a) To the extent practicable, the Task Force on Missing and
206.26 Murdered African American Women shall consist of the following individuals, or their
206.27 designees, who are knowledgeable in crime victims' rights or violence protection and, unless
206.28 otherwise specified, members shall be appointed by the commissioner of public safety:

206.29 (1) two members of the senate, one appointed by the majority leader and one appointed
206.30 by the minority leader;

206.31 (2) two members of the house of representatives, one appointed by the speaker of the
206.32 house and one appointed by the minority leader;

- 207.1 (3) two representatives from among the following:
- 207.2 (i) the Minnesota Chiefs of Police Association;
- 207.3 (ii) the Minnesota Sheriffs' Association;
- 207.4 (iii) the Bureau of Criminal Apprehension; or
- 207.5 (iv) the Minnesota Police and Peace Officers Association;
- 207.6 (4) one or more representatives from among the following:
- 207.7 (i) the Minnesota County Attorneys Association;
- 207.8 (ii) the United States Attorney's Office; or
- 207.9 (iii) a judge or attorney working in juvenile court;
- 207.10 (5) a county coroner or a representative from a statewide coroner's association or a
- 207.11 representative of the Department of Health; and
- 207.12 (6) three or more representatives from among the following:
- 207.13 (i) a statewide or local organization that provides legal services to African American
- 207.14 women and girls;
- 207.15 (ii) a statewide or local organization that provides advocacy or counseling for African
- 207.16 American women and girls who have been victims of violence;
- 207.17 (iii) a statewide or local organization that provides services to African American women
- 207.18 and girls; or
- 207.19 (iv) an African American woman who is a survivor of gender violence.
- 207.20 (b) In making appointments under paragraph (a), the commissioner of public safety shall
- 207.21 consult with the Council for Minnesotans of African Heritage.
- 207.22 (c) Appointments to the task force must be made by September 1, 2021.
- 207.23 (d) Members are eligible for compensation and expense reimbursement consistent with
- 207.24 Minnesota Statutes, section 15.059, subdivision 3.
- 207.25 (e) Members of the task force serve at the pleasure of the appointing authority or until
- 207.26 the task force expires. Vacancies in commissioner-appointed positions shall be filled by the
- 207.27 commissioner consistent with the qualifications of the vacating member required by this
- 207.28 subdivision.
- 207.29 Subd. 3. **Officers; meetings.** (a) The task force shall elect a chair and vice-chair and
- 207.30 may elect other officers as necessary.

208.1 (b) The commissioner of public safety shall convene the first meeting of the task force
208.2 no later than October 1, 2021, and shall provide meeting space and administrative assistance
208.3 as necessary for the task force to conduct its work.

208.4 (c) The task force shall meet at least quarterly, or upon the call of its chair, and may
208.5 hold meetings throughout the state. The task force shall meet sufficiently enough to
208.6 accomplish the tasks identified in this section. Meetings of the task force are subject to
208.7 Minnesota Statutes, chapter 13D.

208.8 (d) To accomplish its duties, the task force shall seek out and enlist the cooperation and
208.9 assistance of nonprofit, nongovernmental organizations that provide legal, social, or other
208.10 community services to victims, victims' families, and victims' communities; community
208.11 and advocacy organizations working with the African American community; and academic
208.12 researchers and experts, specifically those specializing in violence against African American
208.13 women and girls, those representing diverse communities disproportionately affected by
208.14 violence against women and girls, or those focusing on issues related to gender violence
208.15 and violence against African American women and girls. Meetings of the task force may
208.16 include reports from, or information provided by, those individuals or groups.

208.17 Subd. 4. **Report.** On or before December 15, 2022, the task force shall report to the
208.18 chairs and ranking minority members of the legislative committees with jurisdiction over
208.19 public safety, human services, and state government on the work of the task force. The
208.20 report must contain the task force's findings and recommendations and shall include
208.21 institutional policies and practices, or proposed institutional policies and practices, that are
208.22 effective in reducing gender violence and increasing the safety of African American women
208.23 and girls; recommendations for appropriate tracking and collecting of data on violence
208.24 against African American women and girls; and recommendations for legislative action to
208.25 reduce and end violence against African American women and girls and help victims and
208.26 communities heal from gender violence and violence against African American women and
208.27 girls.

208.28 Subd. 5. **Expiration.** The task force expires upon submission of the report required
208.29 under subdivision 4.

ARTICLE 8

CHILD PROTECTION BACKGROUND CHECKS

209.1

209.2

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

209.4

299C.60 CITATION.

209.5

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

209.7

209.8

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

209.9

209.10

209.11

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

209.12

(1) Minnesota Department of Human Services;

209.13

(2) Minnesota Department of Health; and

209.14

(3) Professional Educator Licensing and Standards Board.

209.15

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

209.16

209.17

209.18

209.19

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

209.20

209.21

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

209.22

209.23

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

209.24

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

209.25

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

209.26

209.27

209.28

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

210.1 (2) a violation of section 152.021, subdivision 1, clause (4); 152.022, subdivision 1,
210.2 clause (5) or (6); 152.023, subdivision 1, clause (3) or (4); 152.023, subdivision 2, clause
210.3 (4) or (6); or 152.024, subdivision 1, clause (2), (3), or (4).

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

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

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

210.9 (2) who:

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

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

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

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

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

210.20 **Subd. 8d. National criminal history background check system.** "National criminal
210.21 history background check system" means the criminal history record system maintained by
210.22 the Federal Bureau of Investigation based on fingerprint identification or any other method
210.23 of positive identification.

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

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

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

211.2 Subdivision 1. **Generally.** The superintendent shall develop procedures in accordance
211.3 with United States Code, title 34, section 40102, to enable a ~~children's service provider~~
211.4 qualified entity to request a background check to determine whether a ~~children's service~~
211.5 ~~worker~~ covered worker is the subject of any reported conviction for a background check
211.6 crime. ~~The superintendent shall perform the background check by retrieving and reviewing~~
211.7 ~~data on background check crimes.~~ The superintendent is authorized to exchange fingerprints
211.8 with the Federal Bureau of Investigation for purposes of ~~a criminal history~~ the background
211.9 check. The superintendent shall recover the cost of a background check through a fee charged
211.10 ~~the children's service provider~~ to the qualified entity and make reasonable efforts to respond
211.11 to the inquiry within 15 business days.

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

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

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

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

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

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

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

211.31 (1) completes and signs a statement that:

- 212.1 (i) contains the name, address, and date of birth appearing on a valid identification
 212.2 document, as defined in United States Code, title 18, section 1028, of the covered individual;
- 212.3 (ii) the covered individual has not been convicted of a crime and, if the covered individual
 212.4 has been convicted of a crime, contains a description of the crime and the particulars of the
 212.5 conviction;
- 212.6 (iii) notifies the covered individual that the entity may request a background check under
 212.7 subdivision 1;
- 212.8 (iv) notifies the covered individual of the covered individual's rights under subdivision
 212.9 3; and
- 212.10 (v) notifies the covered individual that prior to the completion of the background check
 212.11 the qualified entity may choose to deny the covered individual access to a person to whom
 212.12 the qualified entity provides care; and
- 212.13 (2) if requesting a national criminal history background check, provides a set of
 212.14 fingerprints.

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

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

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

212.21 ~~(1) the right to be informed that a children's service provider will request a background~~
 212.22 ~~check on the children's service worker;~~

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

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

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

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

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

213.5 ~~(5) the right to be informed by the children's service provider if the children's service~~
 213.6 ~~worker's application to be employed with, volunteer with, be an independent contractor for,~~
 213.7 ~~or be an owner of a children's service provider, or to continue as an employee, volunteer,~~
 213.8 ~~independent contractor, or owner, has been denied because of the superintendent's response;~~
 213.9 ~~and~~

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

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

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

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

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

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

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

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

213.30 Subd. 6. **Admissibility of evidence.** Evidence or proof that a background check of a
 213.31 volunteer was not requested under sections 299C.60 to 299C.64 by a ~~children's service~~

214.1 ~~provider~~ qualified entity is not admissible in evidence in any litigation against a nonprofit
214.2 or charitable organization.

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

214.4 **299C.63 EXCEPTION; OTHER LAWS.**

214.5 The superintendent is not required to respond to a background check request concerning
214.6 a ~~children's service worker~~ covered individual who, as a condition of occupational licensure
214.7 or employment, is subject to the background study requirements imposed by any statute or
214.8 rule other than sections 299C.60 to 299C.64. ~~A background check performed on a licensee,
214.9 license applicant, or employment applicant under this section does not satisfy the
214.10 requirements of any statute or rule other than sections 299C.60 to 299C.64, that provides
214.11 for background study of members of an individual's particular occupation.~~

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

214.13 **299C.72 MINNESOTA CRIMINAL HISTORY CHECKS.**

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

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

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

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

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

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

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

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

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

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

215.6 (b) An authorized law enforcement agency may conduct a criminal history check of an
215.7 individual who is an applicant for employment ~~or~~ current employee, applicant for licensure,
215.8 or current licensee. Prior to conducting the criminal history check, the authorized law
215.9 enforcement agency must receive the informed consent of the individual.

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

215.15 ARTICLE 9

215.16 CRIME VICTIM REIMBURSEMENTS

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

215.18 **611A.51 TITLE.**

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

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

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

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

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

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

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

- 216.1 (1) the offender;
- 216.2 (2) the government of the United States or any agency thereof, a state or any of its
216.3 political subdivisions, or an instrumentality of two or more states, unless the law providing
216.4 for the benefits or advantages makes them excess or secondary to benefits under sections
216.5 611A.51 to 611A.68;
- 216.6 (3) Social Security, Medicare, and Medicaid;
- 216.7 (4) state required temporary nonoccupational disability insurance;
- 216.8 (5) workers' compensation;
- 216.9 (6) wage continuation programs of any employer;
- 216.10 (7) proceeds of a contract of insurance payable to the victim for economic loss sustained
216.11 because of the crime;
- 216.12 (8) a contract providing prepaid hospital and other health care services, or benefits for
216.13 disability;
- 216.14 (9) any private source as a voluntary donation or gift; or
- 216.15 (10) proceeds of a lawsuit brought as a result of the crime.
- 216.16 The term does not include a life insurance contract.

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

216.18 **611A.53 ~~REPARATIONS~~ REIMBURSEMENT AWARDS PROHIBITED.**

216.19 Subdivision 1. **Generally.** Except as provided in subdivisions 1a and 2, the following
216.20 persons shall be entitled to ~~reparations~~ reimbursement upon a showing by a preponderance
216.21 of the evidence that the requirements for ~~reparations~~ reimbursement have been met:

- 216.22 (1) a victim who has incurred economic loss;
- 216.23 (2) a dependent who has incurred economic loss;
- 216.24 (3) the estate of a deceased victim if the estate has incurred economic loss;
- 216.25 (4) any other person who has incurred economic loss by purchasing any of the products,
216.26 services, and accommodations described in section 611A.52, subdivision 8, for a victim;
- 216.27 (5) the guardian, guardian ad litem, conservator or authorized agent of any of these
216.28 persons.

217.1 Subd. 1a. **Providers; limitations.** No hospital, medical organization, health care provider,
217.2 or other entity that is not an individual may qualify for reparations under subdivision 1,
217.3 clause (4). If a hospital, medical organization, health care provider, or other entity that is
217.4 not an individual qualifies for ~~reparations~~ reimbursement under subdivision 1, clause (5),
217.5 because it is a guardian, guardian ad litem, conservator, or authorized agent, any ~~reparations~~
217.6 reimbursement to which it is entitled must be made payable solely or jointly to the victim,
217.7 if alive, or to the victim's estate or successors, if the victim is deceased.

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

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

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

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

217.27 (2) the victim or claimant failed or refused to cooperate fully with the police and other
217.28 law enforcement officials, based on a review of information available from law enforcement,
217.29 prosecutors, and other professionals familiar with the case;

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

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

218.1 (5) no claim was filed with the board within three years of victim's injury or death; except
218.2 that (i) if the claimant was unable to file a claim within that period, then the claim can be
218.3 made within three years of the time when a claim could have been filed; and (ii) if the
218.4 victim's injury or death was not reasonably discoverable within three years of the injury or
218.5 death, then the claim can be made within three years of the time when the injury or death
218.6 is reasonably discoverable. The following circumstances do not render a claimant unable
218.7 to file a claim for the purposes of this clause: (A) lack of knowledge of the existence of the
218.8 Minnesota Crime Victims ~~Reparations~~ Reimbursement Act, (B) the failure of a law
218.9 enforcement agency to provide information or assistance to a potential claimant under
218.10 section 611A.66, (C) the incompetency of the claimant if the claimant's affairs were being
218.11 managed during that period by a guardian, guardian ad litem, conservator, authorized agent,
218.12 or parent, or (D) the fact that the claimant is not of the age of majority; or

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

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

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

218.18 **611A.54 AMOUNT OF ~~REPARATIONS~~ REIMBURSEMENT.**

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

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

218.24 (2) ~~reparations~~ reimbursement shall be denied or reduced to the extent, if any, that the
218.25 board deems reasonable because of the contributory misconduct of the claimant or of a
218.26 victim through whom the claimant claims. Contributory misconduct may not be based on
218.27 current or past affiliation with any particular group; and

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

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

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

219.2 **611A.55 CRIME VICTIMS ~~REPARATIONS~~ REIMBURSEMENT BOARD.**

219.3 Subdivision 1. **Creation of board.** There is created in the Department of Public Safety,
219.4 for budgetary and administrative purposes, the Crime Victims ~~Reparations~~ Reimbursement
219.5 Board, which shall consist of five members appointed by the commissioner of public safety.
219.6 One of the members shall be designated as chair by the commissioner of public safety and
219.7 serve as such at the commissioner's pleasure. At least one member shall be a medical or
219.8 osteopathic physician licensed to practice in this state, and at least one member shall be a
219.9 victim, as defined in section 611A.01.

219.10 Subd. 2. **Membership, terms and compensation.** The membership terms, compensation,
219.11 removal of members, and filling of vacancies on the board shall be as provided in section
219.12 15.0575.

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

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

219.15 **611A.56 POWERS AND DUTIES OF BOARD.**

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

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

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

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

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

219.29 Subd. 2. **Powers.** In addition to exercising any powers specified elsewhere in sections
219.30 611A.51 to 611A.68 or other law, the board upon its own motion or the motion of a claimant
219.31 or the attorney general may:

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

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

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

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

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

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

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

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

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

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

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

220.29 Subd. 6. **Data.** Claims for ~~reparations~~ reimbursement and supporting documents and
220.30 reports are investigative data and subject to the provisions of section 13.39 until the claim
220.31 is paid, denied, withdrawn, or abandoned. Following the payment, denial, withdrawal, or

221.1 abandonment of a claim, the claim and supporting documents and reports are private data
221.2 on individuals as defined in section 13.02, subdivision 12; provided that the board may
221.3 forward any ~~reparations~~ reimbursement claim forms, supporting documents, and reports to
221.4 local law enforcement authorities for purposes of implementing section 611A.67.

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

221.6 **611A.60 REPARATIONS REIMBURSEMENT; HOW PAID.**

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

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

221.15 **611A.61 SUBROGATION.**

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

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

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

222.2 **611A.612 CRIME VICTIMS ACCOUNT.**

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

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

222.10 **611A.66 LAW ENFORCEMENT AGENCIES; DUTY TO INFORM VICTIMS**
222.11 **OF RIGHT TO FILE CLAIM.**

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

222.15 Law enforcement agencies shall assist the board in performing its duties under sections
222.16 611A.51 to 611A.68. Law enforcement agencies within ten days after receiving a request
222.17 from the board shall supply the board with requested reports, notwithstanding any provisions
222.18 to the contrary in chapter 13, and including reports otherwise maintained as confidential or
222.19 not open to inspection under section 260B.171 or 260C.171. All data released to the board
222.20 retains the data classification that it had in the possession of the law enforcement agency.

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

222.22 Subd. 2a. **Notice and payment of proceeds to board required.** A person that enters
222.23 into a contract with an offender convicted in this state, and a person that enters into a contract
222.24 in this state with an offender convicted in this state or elsewhere within the United States,
222.25 must comply with this section if the person enters into the contract during the ten years after
222.26 the offender is convicted of a crime or found not guilty by reason of insanity. If an offender
222.27 is imprisoned or committed to an institution following the conviction or finding of not guilty
222.28 by reason of insanity, the ten-year period begins on the date of the offender's release. A
222.29 person subject to this section must notify the Crime Victims ~~Reparations~~ Reimbursement
222.30 Board of the existence of the contract immediately upon its formation, and pay over to the
222.31 board money owed to the offender or the offender's representatives by virtue of the contract
222.32 according to the following proportions:

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

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

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

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

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

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

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

223.20 (1) claims for ~~reparations~~ reimbursement to which the victim is entitled under sections
223.21 611A.51 to 611A.68 and for which the victim has not yet received an award from the board;

223.22 (2) claims for ~~reparations~~ reimbursement to which the victim would have been entitled
223.23 under sections 611A.51 to 611A.68, but for the \$50,000 maximum limit contained in section
223.24 611A.54, clause (3); and

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

223.27 The victim must file the claim within five years of the date on which the board received
223.28 payment under this section. The board shall determine the victim's claim in accordance with
223.29 the procedures contained in sections 611A.57 to 611A.63. An award made by the board
223.30 under this subdivision must be paid from the money received by virtue of the offender's
223.31 contract that remains after a deduction or allocation, if any, has been made under subdivision
223.32 4 or 4a.

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

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

224.6 (1) money remain after deductions and allocations have been made under subdivisions
224.7 4 and 4a, and claims have been paid under subdivision 4b; or

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

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

224.12 Sec. 19. **REVISOR INSTRUCTION.**

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

224.18

ARTICLE 10

224.19

CRIME VICTIM NOTIFICATION

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

224.21 Subd. 5a. **Victim notification of petition and release; right to submit statement.** (a)
224.22 As used in this subdivision:

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

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

225.1 (3) "convicted" and "conviction" have the meanings given in section 609.02, subdivision
225.2 5, and also include juvenile court adjudications, findings under Minnesota Rules of Criminal
225.3 Procedure, rule 20.02, that the elements of a crime have been proved, and findings in
225.4 commitment cases under this section or chapter 253D that an act or acts constituting a crime
225.5 occurred or were part of their course of harmful sexual conduct.

225.6 (b) A county attorney who files a petition to commit a person under this section or chapter
225.7 253D shall make a reasonable effort to provide prompt notice of filing the petition to any
225.8 victim of a crime for which the person was convicted. In addition, the county attorney shall
225.9 make a reasonable effort to promptly notify the victim of the resolution of the petition and
225.10 the process for requesting notification of an individual's change in status as provided in
225.11 paragraph (c).

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

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

225.32 ~~(d) This subdivision applies only to victims who have requested notification through~~
225.33 ~~the Department of Corrections electronic victim notification system, or by contacting, in~~
225.34 ~~writing, the county attorney in the county where the conviction for the crime occurred. A~~
225.35 ~~request for notice under this subdivision received by the commissioner of corrections through~~

226.1 ~~the Department of Corrections electronic victim notification system shall be promptly~~
226.2 ~~forwarded to the prosecutorial authority with jurisdiction over the offense to which the~~
226.3 ~~notice relates or, following commitment, the head of the state-operated treatment program~~
226.4 ~~or head of the treatment facility. A county attorney who receives a request for notification~~
226.5 ~~under this paragraph following commitment shall promptly forward the request to the~~
226.6 ~~commissioner of human services.~~

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

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

226.11 Subd. 2. **Notice of filing petition.** A county attorney who files a petition to commit a
226.12 person under this chapter shall make a reasonable effort to provide prompt notice of filing
226.13 the petition to any victim of a crime for which the person was convicted or was listed as a
226.14 victim in the petition of commitment. In addition, the county attorney shall make a reasonable
226.15 and good faith effort to promptly notify the victim of the resolution of the petition process
226.16 for requesting the notification of an individual's change in status as provided in section
226.17 253D.14, subdivision 3.

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

226.20 Subd. 2a. **Requesting notification.** A victim may request notification of an individual's
226.21 discharge or release as outlined in subdivision 3 by submitting a written request for
226.22 notification to the executive director of the facility in which the individual is confined. The
226.23 Department of Corrections or a county attorney who receives a request for notification from
226.24 a victim under this section following an individual's civil commitment shall promptly forward
226.25 the request to the executive director of the treatment facility in which the individual is
226.26 confined.

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

226.28 Subd. 3. **Notice of discharge or release.** Before provisionally discharging, discharging,
226.29 granting pass-eligible status, approving a pass plan, or otherwise permanently or temporarily
226.30 releasing a person committed under this chapter from a treatment facility, the executive
226.31 director shall make a reasonable effort to notify any victim of a crime for which the person
226.32 was convicted that the person may be discharged or released and that the victim has a right

227.1 to submit a written statement regarding decisions of the executive director, or special review
227.2 board, with respect to the person. To the extent possible, the notice must be provided at
227.3 least 14 days before any special review board hearing or before a determination on a pass
227.4 plan. Notwithstanding section 611A.06, subdivision 4, the commissioner shall provide the
227.5 judicial appeal panel with victim information in order to comply with the provisions of this
227.6 chapter. The judicial appeal panel shall ensure that the data on victims remains private as
227.7 provided for in section 611A.06, subdivision 4. This subdivision applies only to victims
227.8 who have submitted a written request for notification as provided in subdivision 2a.

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

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

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

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

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

227.23 and

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

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

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

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

228.2 Subdivision 1. **Notice of release required.** (a) The commissioner of corrections or other
228.3 custodial authority shall make a good faith effort to notify the victim that the offender is to
228.4 be released from imprisonment or incarceration, including release on extended furlough
228.5 and for work release; ~~released~~ and release from a juvenile correctional facility; ~~released~~
228.6 ~~from a facility in which the offender was confined due to incompetency, mental illness, or~~
228.7 ~~mental deficiency, or commitment under section 253B.18 or chapter 253D;~~₂ or if the
228.8 offender's custody status is reduced, ~~if the victim has mailed to the commissioner of~~
228.9 ~~corrections or.~~ These notices shall only be provided to victims who have submitted a written
228.10 request for notification to the head of the county correctional facility in which the offender
228.11 is confined ~~a written request for this notice, or the victim has made~~ if committed to the
228.12 Department of Corrections, submitted a written request for this notice to the commissioner
228.13 of corrections or electronic request through the Department of Corrections electronic victim
228.14 notification system. The good faith effort to notify the victim must occur prior to the
228.15 offender's release or when the offender's custody status is reduced. For a victim of a felony
228.16 crime against the person for which the offender was sentenced to imprisonment for more
228.17 than 18 months, the good faith effort to notify the victim must occur 60 days before the
228.18 offender's release.

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

228.24 Sec. 7. **REPEALER.**

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

228.26 ARTICLE 11

228.27 EMERGENCY RESPONSE AND FIRE SAFETY

228.28 Section 1. **[299F.0115] EXEMPTION FOR MEMBERS OF FEDERALLY**
228.29 **RECOGNIZED TRIBES.**

228.30 (a) The state fire marshal shall issue building-specific waivers for elements of the State
228.31 Fire Code that conflict with a federally recognized tribe's religious beliefs, traditional building
228.32 practices, or established teachings. Both individual members of federally recognized tribes,

229.1 direct lineal descendents of federally recognized tribes, and organizations of members of
229.2 federally recognized tribes may apply for these waivers.

229.3 (b) Waivers may only be granted for the following types of buildings:

229.4 (1) traditional residential buildings that will be used solely by an individual applicant's
229.5 household or an organizational applicant's members;

229.6 (2) meeting houses; and

229.7 (3) one-room educational buildings.

229.8 (c) To obtain a waiver, an applicant must apply to the state fire marshal on a form
229.9 established by the state fire marshal. The application must:

229.10 (1) identify the building the waiver will apply to;

229.11 (2) identify the tribe the applicant is a member of; and

229.12 (3) declare that requirements of the State Fire Code conflict with religious beliefs,
229.13 traditional building practices, or established teachings of the identified tribe, which the
229.14 applicant adheres to.

229.15 (d) Any building for which a waiver is granted may not be sold or leased until:

229.16 (1) the building is brought into compliance with the version of the State Fire Code in
229.17 force at the time of the sale or lease; or

229.18 (2) the prospective buyer or lessee to which the building is being sold or leased to obtains
229.19 a waiver under this section for the building.

229.20 **Sec. 2. [299F.3605] PETROLEUM REFINERIES.**

229.21 (a) As used in this section, "petroleum refinery" has the meaning given in section
229.22 115C.02, subdivision 10a.

229.23 (b) By January 1, 2022, each petroleum refinery operating in the state shall maintain or
229.24 contract for a full-time paid on-site fire department regularly charged with the responsibility
229.25 of providing fire protection to the refinery that is sufficiently trained, equipped, and staffed
229.26 to respond to fires at the refinery and to conduct inspections and employee training to prevent
229.27 fires.

229.28 **Sec. 3. Minnesota Statutes 2020, section 299N.04, subdivision 1, is amended to read:**

229.29 **Subdivision 1. Examination; requirements.** (a) The board must appoint an organization
229.30 ~~that is accredited by the International Fire Service Accreditation Congress~~ to prepare and

230.1 administer firefighter certification examinations. Firefighter certification examinations must
 230.2 be designed to ensure and demonstrate competency that meets ~~the applicable~~ NFPA 1001
 230.3 ~~standard or a national standard in areas including but not limited to:~~ standards.

230.4 ~~(1) fire prevention;~~

230.5 ~~(2) fire suppression; and~~

230.6 ~~(3) hazardous materials operations.~~

230.7 ~~(b) Certification must be obtained by the individual demonstrating competency in fire~~
 230.8 ~~prevention and protection under the NFPA 1001 standard.~~

230.9 ~~(e)~~ (b) Nothing in this section shall be construed to prohibit any requirement imposed
 230.10 by a local fire department for more comprehensive training.

230.11 Sec. 4. Minnesota Statutes 2020, section 299N.04, is amended by adding a subdivision to
 230.12 read:

230.13 Subd. 1a. **Firefighter Certification Board; appointments; duties.** (a) By July 1, 2022,
 230.14 the commissioner shall appoint a Firefighter Certification Board consisting of 18 members
 230.15 as recommended by the following organizations:

230.16 (1) one member recommended by the Minnesota State Fire Chiefs Association;

230.17 (2) one member recommended by the Minnesota State Fire Department Association;

230.18 (3) one member recommended by the Minnesota Chapter of the International Association
 230.19 of Arson Investigators;

230.20 (4) one member recommended by the Fire Marshals Association of Minnesota;

230.21 (5) one member recommended by the State Fire Marshal Division;

230.22 (6) one member recommended by the Minnesota State Fire Training Program
 230.23 Coordinator's Group;

230.24 (7) two members recommended by Minnesota Professional Fire Fighters;

230.25 (8) one member recommended by a private fire training organization;

230.26 (9) one member recommended by regional fire training academies;

230.27 (10) five members recommended by the regional director of Greater Minnesota Fire
 230.28 Service;

230.29 (11) one member recommended by the League of Minnesota Cities;

231.1 (12) one member recommended by the Minnesota Association of Townships; and

231.2 (13) one public member not affiliated or associated with any member or interest,
231.3 appointed by the commissioner.

231.4 (b) Each member shall serve an initial term of two years. The commissioner shall appoint
231.5 at least eight members from outside the metropolitan area.

231.6 (c) Appointed members serve without compensation.

231.7 (d) By January 1, 2023, the board must be accredited by the International Fire Service
231.8 Accreditation Congress and begin to carry out the following duties:

231.9 (1) establish qualifications for, appoint, and train examiners to conduct both the written
231.10 and skills tests required for firefighter certification;

231.11 (2) maintain a list of examiners that have met the qualifications;

231.12 (3) develop and maintain a program to determine and certify the competency of and
231.13 issue certificates to individuals who pass examinations based on the NFPA fire service
231.14 professional qualifications and other standards approved by the certification assembly;

231.15 (4) make recommendations to the legislature to improve the quality of firefighter training;

231.16 (5) conduct studies and surveys and make reports to the commissioner; and

231.17 (6) conduct other activities as necessary to carry out these duties.

231.18 (e) The commissioner shall provide the necessary staff and support to the board and may
231.19 charge back any costs related to the board to the special account created in subdivision 4.

231.20 Sec. 5. Minnesota Statutes 2020, section 299N.04, subdivision 2, is amended to read:

231.21 Subd. 2. **Eligibility for certification examination.** Except as provided in subdivision
231.22 3, any person may take the firefighter certification examination who has successfully
231.23 completed the following:

231.24 (1)(i) a firefighter course from a postsecondary educational institution, an accredited
231.25 institution of higher learning, or another entity that teaches a course that has been approved
231.26 by the board; or (ii) an apprenticeship or cadet program maintained by a Minnesota fire
231.27 department that has been approved by the ~~board~~ Board of Firefighter Training and Education;
231.28 and

231.29 (2) a skills-oriented basic training course.

232.1 Sec. 6. Minnesota Statutes 2020, section 299N.04, is amended by adding a subdivision to
232.2 read:

232.3 Subd. 4. Revenues. (a) The board and its programs shall be funded through fees collected
232.4 from individuals who apply for certification and for certification renewal.

232.5 (b) A firefighter certification account is created in the special revenue fund. The account
232.6 consists of the fees collected under this section and any other money donated, allotted,
232.7 transferred, or otherwise provided to the account. Money in the account is annually
232.8 appropriated to the commissioner to pay costs incurred under this section.

232.9 (c) The board may accept funding from the fire safety account established in section
232.10 297I.06 for special or distinctive projects.

232.11 (d) The board shall recommend a certification fee schedule to the commissioner. The
232.12 commissioner shall set the fee on an annual basis to coincide with the state's fiscal year.

232.13 Sec. 7. Minnesota Statutes 2020, section 299N.04, is amended by adding a subdivision to
232.14 read:

232.15 Subd. 5. Definitions. (a) Unless otherwise indicated, for purposes of this section, the
232.16 terms in this subdivision have the meanings given.

232.17 (b) "Board" means the Firefighter Certification Board established under subdivision 1a.

232.18 (c) "Commissioner" means the commissioner of public safety.

232.19 Sec. 8. **[326B.125] EXEMPTION FOR MEMBERS OF FEDERALLY RECOGNIZED**
232.20 **TRIBES.**

232.21 (a) The commissioner of labor and industry shall issue building-specific waivers for
232.22 elements of the State Building Code that conflict with a federally recognized tribe's religious
232.23 beliefs, traditional building practices, or established teachings. Both individual members
232.24 of federally recognized tribes, direct lineal descendents of federally recognized tribes, and
232.25 organizations of members of federally recognized tribes may apply for these waivers.

232.26 (b) Waivers may only be granted for the following types of buildings:

232.27 (1) traditional residential buildings that will be used solely by an individual applicant's
232.28 household or an organizational applicant's members;

232.29 (2) meeting houses; and

232.30 (3) one-room educational buildings.

233.1 (c) To obtain a waiver, an applicant must apply to the commissioner on a form established
233.2 by the commissioner. The application must:

233.3 (1) identify the building the waiver will apply to;

233.4 (2) identify the tribe the applicant is a member of; and

233.5 (3) declare that requirements of the State Building Code conflict with religious beliefs,
233.6 traditional building practices, or established teachings of the identified tribe, which the
233.7 applicant adheres to.

233.8 (d) Any building for which a waiver is granted may not be sold or leased until:

233.9 (1) the building is brought into compliance with the version of the State Building Code
233.10 in force at the time of the sale or lease; or

233.11 (2) the prospective buyer or lessee to which the building is being sold or leased to obtains
233.12 a waiver under this section for the building.

233.13 Sec. 9. Minnesota Statutes 2020, section 403.03, subdivision 1, is amended to read:

233.14 Subdivision 1. **Emergency response services.** Services available through a 911 system
233.15 must include police, firefighting, and emergency medical and ambulance services. Other
233.16 emergency and civil defense services may be incorporated into the 911 system at the
233.17 discretion of the public agency operating the public safety answering point. The 911 system
233.18 ~~may~~ shall include a referral to mental health crisis teams, ~~where available~~ when appropriate.

233.19 Sec. 10. **911 TELECOMMUNICATOR WORKING GROUP.**

233.20 Subdivision 1. **Membership.** (a) The commissioner of public safety shall convene a 911
233.21 telecommunicator working group that consists of the commissioner, or a designee, and one
233.22 representative of each of the following organizations:

233.23 (1) the Minnesota Chiefs of Police Association;

233.24 (2) the Minnesota Sheriffs' Association;

233.25 (3) the Minnesota Police and Peace Officers Association;

233.26 (4) the Emergency Communications Network;

233.27 (5) the Minnesota State Fire Chiefs Association;

233.28 (6) the Association of Minnesota Counties;

233.29 (7) the League of Minnesota Cities;

- 234.1 (8) tribal dispatchers;
- 234.2 (9) the Metropolitan Emergency Services Board;
- 234.3 (10) the Emergency Medical Services Regulatory Board;
- 234.4 (11) the Statewide Emergency Communications Board;
- 234.5 (12) each of the Statewide Emergency Communications Board's seven regional boards;
- 234.6 (13) mental health crisis team providers; and
- 234.7 (14) the Minnesota Association of Public Safety Communications Officials (MN APCO)
- 234.8 and the National Emergency Number Association of Minnesota (NENA of MN).
- 234.9 (b) The organizations specified in paragraph (a) shall provide the commissioner with a
- 234.10 designated member to serve on the working group by June 15, 2021. The commissioner
- 234.11 shall appoint these members to the working group. Appointments to the working group
- 234.12 must be made by July 1, 2021.
- 234.13 Subd. 2. **Duties; report.** The working group must submit a report to the chairs and
- 234.14 ranking minority members of the legislative committees with jurisdiction over public safety
- 234.15 policy and finance by January 15, 2022. The report must:
- 234.16 (1) recommend a statutory definition of 911 telecommunicators;
- 234.17 (2) recommend minimum training and continuing education standards for certification
- 234.18 of 911 telecommunicators;
- 234.19 (3) recommend standards for certification of 911 telecommunicators;
- 234.20 (4) recommend funding options for mandated 911 telecommunicators training;
- 234.21 (5) recommend best practices in incident response command structure for the state's first
- 234.22 responders to implement that do not violate either the United States or Minnesota
- 234.23 Constitutions, after reviewing the various incident response command structures used in
- 234.24 the field across the nation and world; and
- 234.25 (6) provide other recommendations the working group deems appropriate.
- 234.26 Subd. 3. **First meeting; chair.** The commissioner of public safety must convene the
- 234.27 first meeting of the working group by August 1, 2021. At the first meeting, the members
- 234.28 must elect a chair. The working group may conduct meetings remotely. The chair shall be
- 234.29 responsible for document management of materials for the working group.
- 234.30 Subd. 4. **Compensation; reimbursement.** Members serve without compensation.

- 235.1 Subd. 5. **Administrative support.** The commissioner of public safety must provide
- 235.2 administrative support to the working group.
- 235.3 Subd. 6. **Expiration.** The working group expires January 15, 2022.
- 235.4 **EFFECTIVE DATE.** This section is effective the day following final enactment.
- 235.5 Sec. 11. **TITLE.**
- 235.6 Section 9 shall be known as "Travis's Law."
- 235.7 Amend the title accordingly