

1.1 A bill for an act

1.2 relating to public safety; authorizing the commissioner of corrections to release

1.3 certain offenders during COVID-19 related peacetime emergencies; providing for

1.4 no-cost phone and video calls between inmates and authorized parties when

1.5 in-person visitation is canceled due to a health emergency; expanding disclosure

1.6 and access to prison, jail, and juvenile detention facility population numbers and

1.7 trends; requiring that COVID-19 test results for public safety workers be returned

1.8 promptly; requiring intent for the crimes of repeated harassing conduct; giving a

1.9 coroner or medical examiner access to the criminal justice data communications

1.10 network for purposes of identifying unknown deceased persons; amending

1.11 Minnesota Statutes 2018, sections 299C.46, subdivision 3; 609.79, subdivision 1;

1.12 609.795, subdivision 1; Minnesota Statutes 2019 Supplement, sections 504B.206,

1.13 subdivision 1; 609.749, subdivisions 2, 3; proposing coding for new law in

1.14 Minnesota Statutes, chapter 241; repealing Minnesota Statutes 2018, section

1.15 609.749, subdivision 1a; Minnesota Statutes 2019 Supplement, section 609.749,

1.16 subdivision 1.

1.17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.18 Section 1. **[241.017] PUBLIC ACCESS TO CORRECTIONAL FACILITY**

1.19 **POPULATION DATA.**

1.20 **Subdivision 1. Department of Corrections** The commissioner of corrections must

1.21 publish daily facility population data on the department's publicly accessible website. The

1.22 commissioner must retain daily population data on the agency's website for at least 12

1.23 months from the date it was posted.

1.24 **Subd. 2. Local correctional facilities.** The sheriff or chief executive officer of a local

1.25 correctional facility or juvenile detention facility must publish daily inmate population data

1.26 for the facility under the officer's control on the facility's publicly accessible website. The

1.27 sheriff or chief executive officer must retain daily population data on the facility's publicly

1.28 accessible website for at least 12 months from the date it was posted.

2.1 **EFFECTIVE DATE.** This section is effective 30 days after the date following final
2.2 enactment.

2.3 Sec. 2. Minnesota Statutes 2018, section 299C.46, subdivision 3, is amended to read:

2.4 Subd. 3. **Authorized use, fee.** (a) The criminal justice data communications network
2.5 shall be used exclusively by:

2.6 (1) criminal justice agencies in connection with the performance of duties required by
2.7 law;

2.8 (2) agencies investigating federal security clearances of individuals for assignment or
2.9 retention in federal employment with duties related to national security, as required by
2.10 United States Code, title 5, section 9101;

2.11 (3) other agencies to the extent necessary to provide for protection of the public or
2.12 property in a declared emergency or disaster situation;

2.13 (4) noncriminal justice agencies statutorily mandated, by state or national law, to conduct
2.14 checks into state databases prior to disbursing licenses or providing benefits;

2.15 (5) the public authority responsible for child support enforcement in connection with
2.16 the performance of its duties;

2.17 (6) the public defender, as provided in section 611.272;

2.18 (7) a county attorney or the attorney general, as the county attorney's designee, for the
2.19 purpose of determining whether a petition for the civil commitment of a proposed patient
2.20 as a sexual psychopathic personality or as a sexually dangerous person should be filed, and
2.21 during the pendency of the commitment proceedings;

2.22 (8) an agency of the state or a political subdivision whose access to systems or services
2.23 provided from or through the bureau is specifically authorized by federal law or regulation
2.24 or state statute; ~~and~~

2.25 (9) a court for access to data as authorized by federal law or regulation or state statute
2.26 and related to the disposition of a pending case; and

2.27 (10) a coroner or medical examiner to identify a deceased person as required by section
2.28 390.25.

2.29 (b) The commissioner of public safety shall establish a monthly network access charge
2.30 to be paid by each participating criminal justice agency. The network access charge shall
2.31 be a standard fee established for each terminal, computer, or other equipment directly

3.1 addressable by the data communications network, as follows: January 1, 1984 to December
3.2 31, 1984, \$40 connect fee per month; January 1, 1985 and thereafter, \$50 connect fee per
3.3 month.

3.4 (c) The commissioner of public safety is authorized to arrange for the connection of the
3.5 data communications network with the criminal justice information system of the federal
3.6 government, any state, or country for the secure exchange of information for any of the
3.7 purposes authorized in paragraph (a), clauses (1), (2), (3), (8) and (9).

3.8 (d) Prior to establishing a secure connection, a criminal justice agency that is not part
3.9 of the Minnesota judicial branch must:

3.10 (1) agree to comply with all applicable policies governing access to, submission of or
3.11 use of the data and Minnesota law governing the classification of the data;

3.12 (2) meet the bureau's security requirements;

3.13 (3) agree to pay any required fees; and

3.14 (4) conduct fingerprint-based state and national background checks on its employees
3.15 and contractors as required by the Federal Bureau of Investigation.

3.16 (e) Prior to establishing a secure connection, a criminal justice agency that is part of the
3.17 Minnesota judicial branch must:

3.18 (1) agree to comply with all applicable policies governing access to, submission of or
3.19 use of the data and Minnesota law governing the classification of the data to the extent
3.20 applicable and with the Rules of Public Access to Records of the Judicial Branch promulgated
3.21 by the Minnesota Supreme Court;

3.22 (2) meet the bureau's security requirements;

3.23 (3) agree to pay any required fees; and

3.24 (4) conduct fingerprint-based state and national background checks on its employees
3.25 and contractors as required by the Federal Bureau of Investigation.

3.26 (f) Prior to establishing a secure connection, a noncriminal justice agency must:

3.27 (1) agree to comply with all applicable policies governing access to, submission of or
3.28 use of the data and Minnesota law governing the classification of the data;

3.29 (2) meet the bureau's security requirements;

3.30 (3) agree to pay any required fees; and

4.1 (4) conduct fingerprint-based state and national background checks on its employees
4.2 and contractors.

4.3 (g) Those noncriminal justice agencies that do not have a secure network connection
4.4 yet receive data either retrieved over the secure network by an authorized criminal justice
4.5 agency or as a result of a state or federal criminal history records check shall conduct a
4.6 background check as provided in paragraph (h) of those individuals who receive and review
4.7 the data to determine another individual's eligibility for employment, housing, a license, or
4.8 another legal right dependent on a statutorily mandated background check.

4.9 (h) The background check required by paragraph (f) or (g) is accomplished by submitting
4.10 a request to the superintendent of the Bureau of Criminal Apprehension that includes a
4.11 signed, written consent for the Minnesota and national criminal history records check,
4.12 fingerprints, and the required fee. The superintendent may exchange the fingerprints with
4.13 the Federal Bureau of Investigation for purposes of obtaining the individual's national
4.14 criminal history record information.

4.15 The superintendent shall return the results of the national criminal history records check to
4.16 the noncriminal justice agency to determine if the individual is qualified to have access to
4.17 state and federal criminal history record information or the secure network. An individual
4.18 is disqualified when the state and federal criminal history record information show any of
4.19 the disqualifiers that the individual will apply to the records of others.

4.20 When the individual is to have access to the secure network, the noncriminal justice agency
4.21 shall review the criminal history of each employee or contractor with the Criminal Justice
4.22 Information Services systems officer at the bureau, or the officer's designee, to determine
4.23 if the employee or contractor qualifies for access to the secure network. The Criminal Justice
4.24 Information Services systems officer or the designee shall make the access determination
4.25 based on Federal Bureau of Investigation policy and Bureau of Criminal Apprehension
4.26 policy.

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

4.28 Sec. 3. Minnesota Statutes 2019 Supplement, section 504B.206, subdivision 1, is amended
4.29 to read:

4.30 Subdivision 1. **Right to terminate; procedure.** (a) A tenant to a residential lease may
4.31 terminate a lease agreement in the manner provided in this section without penalty or liability,
4.32 if the tenant or another authorized occupant fears imminent violence after being subjected
4.33 to:

5.1 (1) domestic abuse, as that term is defined under section 518B.01, subdivision 2;

5.2 (2) criminal sexual conduct under sections 609.342 to 609.3451; or

5.3 (3) ~~harass, as that term is defined~~ harassment under section 609.749, ~~subdivision 1.~~

5.4 (b) The tenant must provide signed and dated advance written notice to the landlord:

5.5 (1) stating the tenant fears imminent violence from a person as indicated in a qualifying
5.6 document against the tenant or an authorized occupant if the tenant or authorized occupant
5.7 remains in the leased premises;

5.8 (2) stating that the tenant needs to terminate the tenancy;

5.9 (3) providing the date by which the tenant will vacate; and

5.10 (4) providing written instructions for the disposition of any remaining personal property
5.11 in accordance with section 504B.271.

5.12 (c) The written notice must be delivered before the termination of the tenancy by mail,
5.13 fax, or in person, and be accompanied by a qualifying document.

5.14 (d) The landlord may request that the tenant disclose the name of the perpetrator and, if
5.15 a request is made, inform the tenant that the landlord seeks disclosure to protect other tenants
5.16 in the building. The tenant may decline to provide the name of the perpetrator for safety
5.17 reasons. Disclosure shall not be a precondition of terminating the lease.

5.18 (e) The tenancy terminates, including the right of possession of the premises, as provided
5.19 in subdivision 3.

5.20 **EFFECTIVE DATE.** This section is effective August 1, 2020.

5.21 Sec. 4. Minnesota Statutes 2019 Supplement, section 609.749, subdivision 2, is amended
5.22 to read:

5.23 Subd. 2. **Harassment crimes.** (a) As used in this subdivision, the following terms have
5.24 the meanings given:

5.25 (1) "family or household members" has the meaning given in section 518B.01, subdivision
5.26 2, paragraph (b);

5.27 (2) "personal information" has the meaning given in section 617.261, subdivision 7,
5.28 paragraph (f); and

5.29 (3) "sexual act" has the meaning given in section 617.261, subdivision 7, paragraph (g).

6.1 (b) A person who ~~harasses another by committing~~ commits any of the ~~following~~ acts
6.2 listed in paragraph (c) is guilty of a gross misdemeanor if the person, with the intent to kill,
6.3 injure, harass, or intimidate another person:

6.4 (1) places the other person in reasonable fear of substantial bodily harm;

6.5 (2) places the person in reasonable fear that the person's family or household members
6.6 will be subject to substantial bodily harm; or

6.7 (3) causes, attempts to cause, or would reasonably be expected to cause substantial
6.8 emotional distress to the other person.

6.9 (c) A person commits harassment under this section if the person:

6.10 (1) directly or indirectly, or through third parties, manifests a purpose or intent to injure
6.11 the person, property, or rights of another by the commission of an unlawful act;

6.12 (2) follows, monitors, or pursues another, whether in person or through any available
6.13 technological or other means;

6.14 (3) returns to the property of another if the actor is without claim of right to the property
6.15 or consent of one with authority to consent;

6.16 (4) repeatedly makes telephone calls, sends text messages, or induces a victim to make
6.17 telephone calls to the actor, whether or not conversation ensues;

6.18 (5) makes or causes the telephone of another repeatedly or continuously to ring;

6.19 (6) repeatedly mails or delivers or causes the delivery by any means, including
6.20 electronically, of letters, telegrams, messages, packages, through assistive devices for people
6.21 with vision impairments or hearing loss, or any communication made through any available
6.22 technologies or other objects;

6.23 (7) knowingly makes false allegations against a peace officer concerning the officer's
6.24 performance of official duties with intent to influence or tamper with the officer's
6.25 performance of official duties; or

6.26 (8) uses another's personal information, without consent, to invite, encourage, or solicit
6.27 a third party to engage in a sexual act with the person.

6.28 ~~For purposes of this clause, "personal information" and "sexual act" have the meanings~~
6.29 ~~given in section 617.261, subdivision 7.~~

6.30 **EFFECTIVE DATE.** This section is effective August 1, 2020, and applies to crimes
6.31 committed on or after that date.

7.1 Sec. 5. Minnesota Statutes 2019 Supplement, section 609.749, subdivision 3, is amended
7.2 to read:

7.3 Subd. 3. **Aggravated violations.** (a) A person who commits any of the following acts
7.4 is guilty of a felony and may be sentenced to imprisonment for not more than five years or
7.5 to payment of a fine of not more than \$10,000, or both:

7.6 (1) commits any offense described in subdivision 2 because of the victim's or another's
7.7 actual or perceived race, color, religion, sex, sexual orientation, disability as defined in
7.8 section 363A.03, age, or national origin;

7.9 (2) commits any offense described in subdivision 2 by falsely impersonating another;

7.10 (3) commits any offense described in subdivision 2 and possesses a dangerous weapon
7.11 at the time of the offense;

7.12 (4) ~~harasses another, as defined in subdivision 1,~~ commits any offense described in
7.13 subdivision 2 with intent to influence or otherwise tamper with a juror or a judicial proceeding
7.14 or with intent to retaliate against a judicial officer, as defined in section 609.415, or a
7.15 prosecutor, defense attorney, or officer of the court, because of that person's performance
7.16 of official duties in connection with a judicial proceeding; or

7.17 (5) commits any offense described in subdivision 2 against a victim under the age of
7.18 18, if the actor is more than 36 months older than the victim.

7.19 (b) A person who commits any offense described in subdivision 2 against a victim under
7.20 the age of 18, if the actor is more than 36 months older than the victim, and the act is
7.21 committed with sexual or aggressive intent, is guilty of a felony and may be sentenced to
7.22 imprisonment for not more than ten years or to payment of a fine of not more than \$20,000,
7.23 or both.

7.24 **EFFECTIVE DATE.** This section is effective August 1, 2020, and applies to crimes
7.25 committed on or after that date.

7.26 Sec. 6. Minnesota Statutes 2018, section 609.79, subdivision 1, is amended to read:

7.27 Subdivision 1. **Crime defined; obscene call.** Whoever,

7.28 (1) by means of a telephone,

7.29 (i) makes any comment, request, suggestion or proposal which is obscene, lewd, or
7.30 lascivious,

8.1 (ii) with the intent to harass or intimidate another person, repeatedly makes telephone
8.2 calls, whether or not conversation ensues, ~~with intent to abuse, disturb, or cause distress~~
8.3 and thereby places the other person in reasonable fear of substantial bodily harm; places
8.4 the person in reasonable fear that the person's family or household members will be subject
8.5 to substantial bodily harm; or causes, attempts to cause, or would reasonably be expected
8.6 to cause substantial emotional distress to the other person, or

8.7 (iii) with the intent to harass or intimidate any person at the called or notified number,
8.8 makes or causes the telephone of another to repeatedly or continuously to ring, ~~with intent~~
8.9 ~~to abuse, disturb, or cause distress in any person at the called number~~ or receive electronic
8.10 notifications and thereby places the other person in reasonable fear of substantial bodily
8.11 harm; places the person in reasonable fear that the person's family or household members
8.12 will be subject to substantial bodily harm; or causes, attempts to cause, or would reasonably
8.13 be expected to cause substantial emotional distress to the other person, or

8.14 (2) having control of a telephone, knowingly permits it to be used for any purpose
8.15 prohibited by this section,
8.16 shall be guilty of a misdemeanor.

8.17 **EFFECTIVE DATE.** This section is effective August 1, 2020, and applies to crimes
8.18 committed on or after that date.

8.19 Sec. 7. Minnesota Statutes 2018, section 609.795, subdivision 1, is amended to read:

8.20 Subdivision 1. **Misdemeanors.** Whoever does any of the following is guilty of a
8.21 misdemeanor:

8.22 (1) knowing that the actor does not have the consent of either the sender or the addressee,
8.23 intentionally opens any sealed letter, telegram, or package addressed to another; or

8.24 (2) knowing that a sealed letter, telegram, or package has been opened without the
8.25 consent of either the sender or addressee, intentionally publishes any of the contents thereof;
8.26 or

8.27 (3) ~~with the intent to abuse, disturb, or cause distress~~ harass or intimidate another person,
8.28 repeatedly mails or delivers or causes the delivery by any means, including electronically,
8.29 of letters, telegrams, or packages and thereby places the other person in reasonable fear of
8.30 substantial bodily harm; places the person in reasonable fear that the person's family or
8.31 household members will be subject to substantial bodily harm; or causes, attempts to cause,
8.32 or would reasonably be expected to cause substantial emotional distress to the other person.

9.1 **EFFECTIVE DATE.** This section is effective August 1, 2020, and applies to crimes
9.2 committed on or after that date.

9.3 Sec. 8. **TEMPORARY EMERGENCY POWERS; COMMISSIONER OF**
9.4 **CORRECTIONS.**

9.5 Subdivision 1. **Applicability.** The powers granted in this section apply beginning on
9.6 the date a peacetime public health emergency is declared by the governor pursuant to
9.7 Minnesota Statutes, section 12.31, in response to a potential or actual outbreak of COVID-19.
9.8 The powers expire when the declaration of the peacetime public health emergency expires.
9.9 For purposes of this section, "peacetime public health emergency" means any peacetime
9.10 emergency declared by the governor in an executive order that relates to the infectious
9.11 disease known as COVID-19.

9.12 Subd. 2. **Temporary powers granted; limitations.** The commissioner of corrections
9.13 is granted temporary powers described and limited by this section to protect the health and
9.14 safety of state correctional employees and inmates as well as the public. The temporary
9.15 powers granted to the commissioner in this section may only be used to prepare for, prevent,
9.16 or respond to an outbreak of COVID-19.

9.17 Subd. 3. **Authority to grant early conditional release to certain offenders.** (a)
9.18 Notwithstanding any law to the contrary, the commissioner may place an inmate who has
9.19 180 days or less to serve in the inmate's term of imprisonment on early conditional release.
9.20 The commissioner shall only grant early conditional release under this subdivision to inmates
9.21 who the commissioner determines are a low risk to reoffend and do not present a foreseeable
9.22 risk to public safety.

9.23 (b) To be eligible for early release under this subdivision, an inmate must submit an
9.24 application for early release to the commissioner that contains: (1) a release plan; (2) a
9.25 specific address where the offender will reside; and (3) the name and date of birth for each
9.26 person living at the designated residence. An inmate is eligible to submit an application
9.27 under this subdivision when the inmate has 225 or less days to serve before the inmate's
9.28 supervised release date.

9.29 (c) Before the commissioner releases an inmate under the authority granted in this
9.30 subdivision, the commissioner must complete the notification process, including notice to
9.31 victims who requested notice of the inmate's release, and the end of confinement review
9.32 process, if required by statute.

10.1 (d) The commissioner must approve or deny a request filed under this subdivision within
10.2 60 days of receipt. The commissioner's decision on an inmate's request is not subject to
10.3 appeal.

10.4 (e) The conditions of release granted under this section are governed by the statutes and
10.5 rules governing supervised release, except that release may be rescinded without hearing
10.6 by the commissioner if the commissioner determines that continuation of the conditional
10.7 release poses a danger to the public or to an individual. If the commissioner rescinds an
10.8 offender's conditional release, the offender shall be returned to prison and shall serve the
10.9 remaining portion of the offender's term of imprisonment.

10.10 (f) Conditional release granted pursuant to this subdivision does not initiate any
10.11 conditional release period mandated by statute and imposed at the inmate's sentencing.

10.12 (g) The conditional release authority granted in this subdivision is in addition to any
10.13 other conditional release authority granted to the commissioner.

10.14 Subd. 4. **Inmate communications.** (a) The commissioner shall not charge a fee to
10.15 inmates for telephone calls and video conferences with persons who would otherwise be
10.16 approved by the commissioner to enter a correctional facility for an in-person visit if:

10.17 (1) the commissioner prohibits in-person visitation during the peacetime health
10.18 emergency; and

10.19 (2) funds are available to the commissioner for this purpose.

10.20 (b) The commissioner may place reasonable limits on the frequency and duration of
10.21 telephone calls and video conferences provided to inmates at no cost under this subdivision.

10.22 Subd. 5. **Report.** Within 180 days of the expiration of the declaration of the peacetime
10.23 public health emergency, the commissioner shall submit a report to the members of the
10.24 legislative committees and divisions with jurisdiction over public safety policy and finance
10.25 regarding the temporary powers that were exercised under this section. The report must also
10.26 include a timeline as to when temporary powers were exercised and an explanation as to
10.27 why the exercise of temporary powers was necessary.

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

10.29 Sec. 9. **COVID-19 TESTING OF PUBLIC SAFETY SPECIALISTS.**

10.30 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have
10.31 the definitions provided.

10.32 (b) "Public safety specialist" includes:

- 11.1 (1) a peace officer defined in Minnesota Statutes, section 626.84, subdivision 1, paragraph
11.2 (c) or (d);
- 11.3 (2) a correction officer employed at a correctional facility and charged with maintaining
11.4 the safety, security, discipline, and custody of inmates at the facility;
- 11.5 (3) an individual employed on a full-time basis by the state or by a fire department of a
11.6 governmental subdivision of the state, who is engaged in any of the following duties:
- 11.7 (i) firefighting;
- 11.8 (ii) emergency motor vehicle operation;
- 11.9 (iii) investigation into the cause and origin of fires;
- 11.10 (iv) the provision of emergency medical services; or
- 11.11 (v) hazardous material responder;
- 11.12 (4) a legally enrolled member of a volunteer fire department or member of an independent
11.13 nonprofit firefighting corporation who is engaged in the hazards of firefighting;
- 11.14 (5) a probation officer, supervised release agent, or other qualified person employed in
11.15 supervising offenders;
- 11.16 (6) a reserve police officer or a reserve deputy sheriff while acting under the supervision
11.17 and authority of a political subdivision;
- 11.18 (7) a driver or attendant with a licensed basic or advanced life-support transportation
11.19 service who is engaged in providing emergency care;
- 11.20 (8) a first responder who is certified by the Emergency Medical Services Regulatory
11.21 Board to perform basic emergency skills before the arrival of a licensed ambulance service
11.22 and who is a member of an organized service recognized by a local political subdivision to
11.23 respond to medical emergencies to provide initial medical care before the arrival of an
11.24 ambulance;
- 11.25 (9) a person, other than a state trooper, employed by the commissioner of public safety
11.26 and assigned to the State Patrol, whose primary employment duty is either Capitol security
11.27 or the enforcement of commercial motor vehicle laws and regulations; and
- 11.28 (10) domestic abuse and victim advocates.
- 11.29 (c) "Health care provider" means a physician licensed under Minnesota Statutes, chapter
11.30 147, a physician assistant licensed under Minnesota Statutes, chapter 147A and practicing
11.31 within the authorized scope of practice, an advanced practice registered nurse licensed under

12.1 Minnesota Statutes, chapter 148 and practicing within the authorized scope of practice, or
12.2 a health care facility licensed under Minnesota Statutes, chapter 144 or 144A.

12.3 (d) "COVID-19" means the infectious disease known as COVID-19.

12.4 Subd. 2. **Testing.** When a health care provider tests a public safety specialist for
12.5 COVID-19, the health care provider shall notify the public safety specialist of whether the
12.6 person has tested positive or negative for COVID-19 as soon as possible.

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

12.8 Sec. 10. **REPEALER.**

12.9 Minnesota Statutes 2018, section 609.749, subdivision 1a, is repealed.

12.10 Minnesota Statutes 2019 Supplement, section 609.749, subdivision 1, is repealed.