

55.12 **ARTICLE 6**  
55.13 **GENERAL CRIMINAL PROVISION**

**FROM SF 878, ARTICLE 1**

2.3 Section 1. **[5B.13] CRIMINAL PENALTY.**

2.4 When the performance of any act is prohibited under this chapter as of February  
2.5 1, 2015, but no criminal or civil penalty is provided, the commission of the act is a  
2.6 misdemeanor.

2.7 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to acts  
2.8 committed on or after that date.

55.14 Section 1. Minnesota Statutes 2014, section 13.82, subdivision 17, is amended to read:

55.15 Subd. 17. **Protection of identities.** A law enforcement agency or a law enforcement  
55.16 dispatching agency working under direction of a law enforcement agency shall withhold  
55.17 public access to data on individuals to protect the identity of individuals in the following  
55.18 circumstances:

55.19 (a) when access to the data would reveal the identity of an undercover law  
55.20 enforcement officer, as provided in section 13.43, subdivision 5;

55.21 (b) when access to the data would reveal the identity of a victim or alleged victim of  
55.22 criminal sexual conduct or ~~of a violation of~~ sex trafficking under section 609.322, 609.341  
55.23 to 609.3451, or 617.246, subdivision 2;

55.24 (c) when access to the data would reveal the identity of a paid or unpaid informant  
55.25 being used by the agency if the agency reasonably determines that revealing the identity of  
55.26 the informant would threaten the personal safety of the informant;

55.27 (d) when access to the data would reveal the identity of a victim of or witness to a  
55.28 crime if the victim or witness specifically requests not to be identified publicly, unless the  
55.29 agency reasonably determines that revealing the identity of the victim or witness would  
55.30 not threaten the personal safety or property of the individual;

55.31 (e) when access to the data would reveal the identity of a deceased person whose  
55.32 body was unlawfully removed from a cemetery in which it was interred;

56.1 (f) when access to the data would reveal the identity of a person who placed a call to a  
 56.2 911 system or the identity or telephone number of a service subscriber whose phone is used  
 56.3 to place a call to the 911 system and: (1) the agency determines that revealing the identity  
 56.4 may threaten the personal safety or property of any person; or (2) the object of the call is  
 56.5 to receive help in a mental health emergency. For the purposes of this paragraph, a voice  
 56.6 recording of a call placed to the 911 system is deemed to reveal the identity of the caller;

56.7 (g) when access to the data would reveal the identity of a juvenile witness and  
 56.8 the agency reasonably determines that the subject matter of the investigation justifies  
 56.9 protecting the identity of the witness; or

56.10 (h) when access to the data would reveal the identity of a mandated reporter under  
 56.11 section 609.456, 626.556, or 626.557.

56.12 Data concerning individuals whose identities are protected by this subdivision are  
 56.13 private data about those individuals. Law enforcement agencies shall establish procedures  
 56.14 to acquire the data and make the decisions necessary to protect the identity of individuals  
 56.15 described in clauses (c), (d), (f), and (g).

56.16 Sec. 2. Minnesota Statutes 2014, section 169.13, subdivision 1, is amended to read:

56.17 Subdivision 1. **Reckless driving.** (a) ~~Any person who drives any vehicle in such a~~  
 56.18 ~~manner as to indicate either a willful or a wanton disregard for the safety of persons or~~  
 56.19 ~~property is guilty of reckless driving and such reckless driving is a misdemeanor~~ A person  
 56.20 who drives a motor vehicle while aware of and consciously disregarding a substantial and  
 56.21 unjustifiable risk that the driving may result in harm to another or another's property is  
 56.22 guilty of reckless driving. The risk must be of such a nature and degree that disregard of it  
 56.23 constitutes a significant deviation from the standard of conduct that a reasonable person  
 56.24 would observe in the situation.

56.25 (b) A person shall not race any vehicle upon any street or highway of this state.  
 56.26 Any person who willfully compares or contests relative speeds by operating one or more  
 56.27 vehicles is guilty of racing, which constitutes reckless driving, whether or not the speed  
 56.28 contested or compared is in excess of the maximum speed prescribed by law.

56.29 (c) A person who violates paragraph (a) or (b) is guilty of a misdemeanor. A person  
 56.30 who violates paragraph (a) or (b) and causes great bodily harm or death to another is  
 56.31 guilty of a gross misdemeanor.

56.32 (d) For purposes of this section, "great bodily harm" has the meaning given in  
 56.33 section 609.02, subdivision 8.

### FROM SF 986

1.6 Section 1. Minnesota Statutes 2014, section 169.13, subdivision 1, is amended to read:

1.7 Subdivision 1. **Reckless driving.** (a) ~~Any person who drives any vehicle in such a~~  
 1.8 ~~manner as to indicate either a willful or a wanton disregard for the safety of persons or~~  
 1.9 ~~property is guilty of reckless driving and such reckless driving is a misdemeanor~~ A person  
 1.10 who drives a motor vehicle while aware of and consciously disregarding a substantial and  
 1.11 unjustifiable risk that the driving may result in harm to another or another's property is  
 1.12 guilty of reckless driving. The risk must be of such a nature and degree that disregard of it  
 1.13 constitutes a significant deviation from the standard of conduct that a reasonable person  
 1.14 would observe in the situation.

1.15 (b) A person shall not race any vehicle upon any street or highway of this state.  
 1.16 Any person who willfully compares or contests relative speeds by operating one or more  
 1.17 vehicles is guilty of racing, which constitutes reckless driving, whether or not the speed  
 1.18 contested or compared is in excess of the maximum speed prescribed by law.

1.19 (c) A person who violates paragraph (a) or (b) is guilty of a misdemeanor. A person  
 1.20 who violates paragraph (a) or (b) and causes great bodily harm or death to another is  
 1.21 guilty of a gross misdemeanor.

1.22 (d) For purposes of this section, "great bodily harm" has the meaning given in  
 1.23 section 609.02, subdivision 8.

56.34 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes  
 56.35 committed on or after that date.

57.1 Sec. 3. Minnesota Statutes 2014, section 169.13, subdivision 3, is amended to read:

57.2 Subd. 3. **Application.** (a) The provisions of this section apply, but are not limited in  
 57.3 application, to any person who drives any vehicle in the manner prohibited by this section:

57.4 (1) upon the ice of any lake, stream, or river, including but not limited to the ice of  
 57.5 any boundary water; or

57.6 (2) in a parking lot ordinarily used by or available to the public though not as a  
 57.7 matter of right, and a driveway connecting the parking lot with a street or highway.

57.8 (b) This section does not apply to:

57.9 (1) an authorized emergency vehicle, when responding to an emergency call or when  
 57.10 in pursuit of an actual or suspected violator;

57.11 (2) the emergency operation of any vehicle when avoiding imminent danger; or

57.12 (3) any raceway, racing facility, or other public event sanctioned by the appropriate  
 57.13 governmental authority.

57.14 (c) Nothing in this section or section 609.035 or 609.04 shall limit the power of the  
 57.15 state to prosecute or punish a person for conduct that constitutes any other crime under  
 57.16 any other law of this state.

57.17 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes  
 57.18 committed on or after that date.

57.19 Sec. 4. Minnesota Statutes 2014, section 169.475, subdivision 2, is amended to read:

57.20 Subd. 2. **Prohibition on use; penalty.** (a) No person may operate a motor vehicle  
 57.21 while using a wireless communications device to compose, read, or send an electronic  
 57.22 message, when the vehicle is in motion or a part of traffic.

57.23 (b) A person who is convicted of a second or subsequent violation under this section  
 57.24 must pay a fine of \$150 plus the amount specified in the uniform fine schedule established  
 57.25 by the Judicial Council.

2.1 Sec. 2. Minnesota Statutes 2014, section 169.13, subdivision 3, is amended to read:

2.2 Subd. 3. **Application.** (a) The provisions of this section apply, but are not limited in  
 2.3 application, to any person who drives any vehicle in the manner prohibited by this section:

2.4 (1) upon the ice of any lake, stream, or river, including but not limited to the ice of  
 2.5 any boundary water; or

2.6 (2) in a parking lot ordinarily used by or available to the public though not as a  
 2.7 matter of right, and a driveway connecting the parking lot with a street or highway.

2.8 (b) This section does not apply to:

2.9 (1) an authorized emergency vehicle, when responding to an emergency call or when  
 2.10 in pursuit of an actual or suspected violator;

2.11 (2) the emergency operation of any vehicle when avoiding imminent danger; or

2.12 (3) any raceway, racing facility, or other public event sanctioned by the appropriate  
 2.13 governmental authority.

2.14 (c) Nothing in this section or section 609.035 or 609.04 shall limit the power of the  
 2.15 state to prosecute or punish a person for conduct that constitutes any other crime under  
 2.16 any other law of this state.

#### FROM SF 406

22.1 Sec. 6. Minnesota Statutes 2014, section 169.475, subdivision 2, is amended to read:

22.2 Subd. 2. **Prohibition on use.** (a) No person may operate a motor vehicle while  
 22.3 using a wireless communications device to compose, read, or send an electronic message,  
 22.4 when the vehicle is in motion or a part of traffic.

22.5 (b) A person who violates paragraph (a) a second or subsequent time shall be  
 22.6 required to pay a fine of \$300.

57.26 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to  
57.27 violations committed on or after that date.

### FROM SF 1073

1.32 Section 1. Minnesota Statutes 2014, section 97B.066, subdivision 8, is amended to read:

1.33 Subd. 8. **Judicial review.** (a) Within ~~30~~ 60 days following receipt of a notice and  
1.34 order imposing sanctions under this section, a person may petition the court for review.  
2.1 The petition must be filed with the district court administrator in the county where the  
2.2 incident occurred giving rise to the test demand and refusal, together with proof of service  
2.3 of a copy on the commissioner and the prosecuting authority for misdemeanor offenses  
2.4 for the jurisdiction in which the incident occurred. A responsive pleading is not required  
2.5 of the commissioner of natural resources, and court fees may not be charged for the  
2.6 appearance of the representative of the commissioner in the matter.

2.7 (b) The petition must be captioned in the name of the person making the petition as  
2.8 petitioner and the commissioner as respondent. The petition must state specifically the  
2.9 grounds upon which the petitioner seeks rescission of the order imposing sanctions.

2.10 (c) The filing of the petition does not stay the revocation or prohibition against  
2.11 hunting. However, the filing of a petition stays imposition of the civil penalty. The judicial  
2.12 review shall be conducted according to the Rules of Civil Procedure.

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

2.14 Sec. 2. Minnesota Statutes 2014, section 97B.066, subdivision 9, is amended to read:

2.15 Subd. 9. **Hearing.** (a) A hearing under this section must be before a district court  
2.16 judge in the county where the incident occurred which gave rise to the test demand and  
2.17 refusal. The hearing must be to the court and may be conducted at the same time as  
2.18 hearings upon pretrial motions in the criminal prosecution under section 97B.065. The  
2.19 hearing must be recorded. The commissioner must be represented by the prosecuting  
2.20 authority for misdemeanor offenses for the jurisdiction in which the incident occurred  
2.21 which gave rise to the test demand and refusal.

2.22 (b) The hearing must be held at the earliest practicable date and in any event no later  
2.23 than 60 days following the filing of the petition for review. The reviewing court may order  
2.24 a temporary stay of the balance of the prohibition or revocation if the hearing has not been  
2.25 conducted within 60 days after filing of the petition, upon the application of the petitioner  
2.26 and upon terms the court deems proper.

2.27 (e) The scope of the hearing must be limited to the issues of:

2.28 (1) whether the officer had probable cause to believe that the person violated section 2.29 97B.065;

2.30 (2) whether one of the conditions in subdivision 1 existed;

2.31 (3) whether the person was informed as prescribed in subdivision 3; and

2.32 (4) whether the person refused to submit to testing.

2.33 (d) It is an affirmative defense for the petitioner to prove that, at the time of the

2.34 refusal, the petitioner's refusal to permit the test was based upon reasonable grounds any  
2.35 of the defenses described in section 169A.46.

3.1 (e) The court shall order that the prohibition or revocation be either sustained or

3.2 rescinded and shall either sustain or rescind the civil penalty. The court shall forward

3.3 a copy of the order to the commissioner.

3.4 (f) An affirmative defense authorized in paragraph (d) may not be raised unless

3.5 notice is given to the commissioner at least seven days before the hearing on the matter.

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

57.28 Sec. 5. Minnesota Statutes 2014, section 169A.03, subdivision 3, is amended to read:

57.29 Subd. 3. **Aggravating factor.** "Aggravating factor" includes:

57.30 (1) a qualified prior impaired driving incident within the ten years immediately  
57.31 preceding the current offense;

57.32 (2) having an alcohol concentration of ~~0.20~~ 0.16 or more as measured at the time, or  
57.33 within two hours of the time, of the offense; or

58.1 (3) having a child under the age of 16 in the motor vehicle at the time of the offense  
58.2 if the child is more than 36 months younger than the offender.

58.3 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes  
58.4 committed on or after that date.

58.5 Sec. 6. Minnesota Statutes 2014, section 169A.07, is amended to read:

58.6 **169A.07 FIRST-TIME DWI VIOLATOR; OFF-ROAD VEHICLE OR BOAT.**

3.7 Sec. 3. Minnesota Statutes 2014, section 169A.03, subdivision 3, is amended to read:

3.8 Subd. 3. **Aggravating factor.** "Aggravating factor" includes:

3.9 (1) a qualified prior impaired driving incident within the ten years immediately  
3.10 preceding the current offense;

3.11 (2) having an alcohol concentration of ~~0.20~~ 0.16 or more as measured at the time, or  
3.12 within two hours of the time, of the offense; or

3.13 (3) having a child under the age of 16 in the motor vehicle at the time of the offense  
3.14 if the child is more than 36 months younger than the offender.

3.15 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes  
3.16 committed on or after that date.

3.17 Sec. 4. Minnesota Statutes 2014, section 169A.07, is amended to read:

3.18 **169A.07 FIRST-TIME DWI VIOLATOR; OFF-ROAD VEHICLE OR BOAT.**

58.7 A person who violates section 169A.20 (driving while impaired) while using an  
 58.8 off-road recreational vehicle or motorboat and who does not have a qualified prior  
 58.9 impaired driving incident is subject only to the criminal penalty provided in section  
 58.10 169A.25 (second-degree driving while impaired), 169A.26 (third-degree driving while  
 58.11 impaired), or 169A.27 (fourth-degree driving while impaired); and loss of operating  
 58.12 privileges as provided in section 84.91, subdivision 1 (operation of snowmobiles or  
 58.13 all-terrain vehicles by persons under the influence of alcohol or controlled substances), or  
 58.14 86B.331, subdivision 1 (operation of motorboats while using alcohol or with a physical or  
 58.15 mental disability), whichever is applicable. The person is not subject to the provisions  
 58.16 of section 169A.275, subdivision 5, (submission to the level of care recommended in  
 58.17 chemical use assessment for repeat offenders and offenders with alcohol concentration of  
 58.18 ~~0.20~~ 0.16 or more); 169A.277 (long-term monitoring); 169A.285 (penalty assessment);  
 58.19 169A.44 (conditional release); 169A.54 (impaired driving convictions and adjudications;  
 58.20 administrative penalties); or 169A.54, subdivision 11 (chemical use assessment); the  
 58.21 license revocation sanctions of sections 169A.50 to 169A.53 (implied consent law); or the  
 58.22 plate impoundment provisions of section 169A.60 (administrative impoundment of plates).

58.23 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes  
 58.24 committed on or after that date.

58.25 Sec. 7. Minnesota Statutes 2014, section 169A.275, subdivision 5, is amended to read:

58.26 Subd. 5. **Level of care recommended in chemical use assessment.** Unless the  
 58.27 court commits the person to the custody of the commissioner of corrections as provided in  
 58.28 section 169A.276 (mandatory penalties; felony violations), in addition to other penalties  
 58.29 required under this section, the court shall order a person to submit to the level of care  
 58.30 recommended in the chemical use assessment conducted under section 169A.70 (alcohol  
 58.31 safety program; chemical use assessments) if the person is convicted of violating section  
 58.32 169A.20 (driving while impaired) while having an alcohol concentration of ~~0.20~~ 0.16 or  
 59.1 more as measured at the time, or within two hours of the time, of the offense or if the  
 59.2 violation occurs within ten years of one or more qualified prior impaired driving incidents.

59.3 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes  
 59.4 committed on or after that date.

59.5 Sec. 8. Minnesota Statutes 2014, section 169A.285, subdivision 1, is amended to read:

59.6 Subdivision 1. **Authority; amount.** When a court sentences a person who violates  
 59.7 section 169A.20 (driving while impaired) while having an alcohol concentration of ~~0.20~~  
 59.8 0.16 or more as measured at the time, or within two hours of the time, of the violation,  
 59.9 the court may impose a penalty assessment of up to \$1,000. The court may impose this  
 59.10 assessment in addition to any other penalties or charges authorized under law.

3.19 A person who violates section 169A.20 (driving while impaired) while using an  
 3.20 off-road recreational vehicle or motorboat and who does not have a qualified prior  
 3.21 impaired driving incident is subject only to the criminal penalty provided in section  
 3.22 169A.25 (second-degree driving while impaired), 169A.26 (third-degree driving while  
 3.23 impaired), or 169A.27 (fourth-degree driving while impaired); and loss of operating  
 3.24 privileges as provided in section 84.91, subdivision 1 (operation of snowmobiles or  
 3.25 all-terrain vehicles by persons under the influence of alcohol or controlled substances), or  
 3.26 86B.331, subdivision 1 (operation of motorboats while using alcohol or with a physical or  
 3.27 mental disability), whichever is applicable. The person is not subject to the provisions  
 3.28 of section 169A.275, subdivision 5, (submission to the level of care recommended in  
 3.29 chemical use assessment for repeat offenders and offenders with alcohol concentration of  
 3.30 ~~0.20~~ 0.16 or more); 169A.277 (long-term monitoring); 169A.285 (penalty assessment);  
 3.31 169A.44 (conditional release); 169A.54 (impaired driving convictions and adjudications;  
 3.32 administrative penalties); or 169A.54, subdivision 11 (chemical use assessment); the  
 4.1 license revocation sanctions of sections 169A.50 to 169A.53 (implied consent law); or the  
 4.2 plate impoundment provisions of section 169A.60 (administrative impoundment of plates).

4.3 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes  
 4.4 committed on or after that date.

4.5 Sec. 5. Minnesota Statutes 2014, section 169A.275, subdivision 5, is amended to read:

4.6 Subd. 5. **Level of care recommended in chemical use assessment.** Unless the  
 4.7 court commits the person to the custody of the commissioner of corrections as provided in  
 4.8 section 169A.276 (mandatory penalties; felony violations), in addition to other penalties  
 4.9 required under this section, the court shall order a person to submit to the level of care  
 4.10 recommended in the chemical use assessment conducted under section 169A.70 (alcohol  
 4.11 safety program; chemical use assessments) if the person is convicted of violating section  
 4.12 169A.20 (driving while impaired) while having an alcohol concentration of ~~0.20~~ 0.16 or  
 4.13 more as measured at the time, or within two hours of the time, of the offense or if the  
 4.14 violation occurs within ten years of one or more qualified prior impaired driving incidents.

4.15 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes  
 4.16 committed on or after that date.

4.17 Sec. 6. Minnesota Statutes 2014, section 169A.285, subdivision 1, is amended to read:

4.18 Subdivision 1. **Authority; amount.** When a court sentences a person who violates  
 4.19 section 169A.20 (driving while impaired) while having an alcohol concentration of ~~0.20~~  
 4.20 0.16 or more as measured at the time, or within two hours of the time, of the violation,  
 4.21 the court may impose a penalty assessment of up to \$1,000. The court may impose this  
 4.22 assessment in addition to any other penalties or charges authorized under law.

59.11 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes  
 59.12 committed on or after that date.

4.23 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes  
 4.24 committed on or after that date.

4.25 Sec. 7. Minnesota Statutes 2014, section 169A.37, subdivision 1, is amended to read:

4.26 Subdivision 1. **Crime described.** It is a crime for a person:

4.27 (1) to fail to comply with an impoundment order under section 169A.60

4.28 (administrative plate impoundment);

4.29 (2) to file a false statement under section 169A.60, subdivision 7, 8, or 14;

4.30 (3) to operate a self-propelled motor vehicle on a street or highway when the vehicle

4.31 is subject to an impoundment order issued under section 169A.60, unless specially coded

4.32 plates have been issued for the vehicle pursuant to section 169A.60, subdivision 13;

5.1 (4) to fail to notify the commissioner of the impoundment order when requesting

5.2 new plates;

5.3 (5) who is subject to a plate impoundment order under section 169A.60, to drive,

5.4 operate, or be in control of any motor vehicle during the impoundment period, unless

5.5 the vehicle is employer-owned and is not required to be equipped with an ignition

5.6 interlock device pursuant to section 171.306, subdivision 4, paragraph (b), or Laws 2013,

5.7 chapter 127, section 70, or has specially coded plates issued pursuant to section 169A.60,

5.8 subdivision 13, and the person is validly licensed to drive; ~~or~~

5.9 (6) who is the transferee of a motor vehicle and who has signed a sworn statement

5.10 under section 169A.60, subdivision 14, to allow the previously registered owner to drive,

5.11 operate, or be in control of the vehicle during the impoundment period; or

5.12 (7) to intentionally remove all or a portion of or to otherwise obliterate or damage a

5.13 permanent sticker affixed on and invalidating a registration plate under section 169A.60,

5.14 subdivision 4.

5.15 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes

5.16 committed on or after that date.

5.17 Sec. 8. Minnesota Statutes 2014, section 169A.41, is amended by adding a subdivision

5.18 to read:

5.19 Subd. 5. **Disclosure of test results.** (a) Upon the request of the driver or the driver's

5.20 counsel, the results of a preliminary screening test must be disclosed to the requestor

5.21 immediately.

5.22 (b) A test result recorded in a digital or numerical manner must be disclosed in the  
5.23 same digital or numerical manner.

5.24 (c) If a peace officer does not comply with this subdivision, the test result may not  
5.25 be used in any proceeding under section 169A.53 or listed in subdivision 2.

5.26 (d) This subdivision applies only to persons who have been arrested for a violation  
5.27 of section 169A.20 to 169A.27, 169A.31, or 169A.33.

5.28 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to  
5.29 preliminary screening tests administered on or after that date.

59.13 Sec. 9. Minnesota Statutes 2014, section 169A.46, subdivision 1, is amended to read:

59.14 Subdivision 1. **Impairment occurred after driving ceased.** If proven by a  
59.15 preponderance of the evidence, it is an affirmative defense to a violation of section  
59.16 169A.20, subdivision 1, clause (5); 1a, clause (5); 1b, clause (5); or 1c, clause (5) (driving  
59.17 while impaired, alcohol concentration within two hours of driving), or 169A.20 by a person  
59.18 having an alcohol concentration of ~~0.20~~ 0.16 or more as measured at the time, or within  
59.19 two hours of the time, of the offense, that the defendant consumed a sufficient quantity of  
59.20 alcohol after the time of the violation and before the administration of the evidentiary test  
59.21 to cause the defendant's alcohol concentration to exceed the level specified in the applicable  
59.22 clause. Evidence that the defendant consumed alcohol after the time of the violation may  
59.23 not be admitted in defense to any alleged violation of section 169A.20, unless notice is  
59.24 given to the prosecution prior to the omnibus or pretrial hearing in the matter.

5.30 Sec. 9. Minnesota Statutes 2014, section 169A.46, is amended to read:

5.31 **169A.46 AFFIRMATIVE DEFENSES.**

5.32 Subdivision 1. **~~Impairment occurred~~ Consumption after driving ceased.** (a) If  
5.33 proven by a preponderance of the evidence, it is an affirmative defense to a violation of  
6.1 section 169A.20, subdivision 1, clause (5) or (6); 1a, clause (5); 1b, clause (5); or 1c,  
6.2 clause (5) (driving while impaired, alcohol concentration within two hours of driving), or  
6.3 169A.20 by a person having an alcohol concentration of ~~0.20~~ 0.16 or more as measured at  
6.4 the time, or within two hours of the time, of the offense, that the defendant consumed a  
6.5 sufficient quantity of alcohol after the time of the violation and before the administration  
6.6 of the evidentiary test to cause the defendant's alcohol concentration to exceed the level  
6.7 specified in the applicable clause. ~~Evidence that the defendant consumed alcohol after the~~  
6.8 ~~time of the violation may not be admitted in defense to any alleged violation of section~~  
6.9 ~~169A.20, unless notice is given to the prosecution prior to the omnibus or pretrial hearing~~  
6.10 ~~in the matter.~~

6.11 (b) If proven by a preponderance of the evidence, it is an affirmative defense to a  
6.12 violation of section 169A.20, subdivision 1, clauses (1) to (4); 1a, clauses (1) to (4); 1b,  
6.13 clauses (1) to (4); or 1c, clauses (1) to (4), that the defendant was not under the influence  
6.14 at the time of the violation and consumed a sufficient quantity of alcohol, controlled  
6.15 substance, or hazardous substance, or a combination of those elements, after the time of  
6.16 the violation to cause the defendant to be under the influence.

6.17 Subd. 2. **~~Impairment from Prescription drug.~~** If proven by a preponderance of  
6.18 the evidence, it is an affirmative defense to a violation of section 169A.20 subdivision 1,  
6.19 clause (7) (presence of Schedule I or II controlled substance); 1a, clause (6); 1b, clause (6);  
6.20 or 1c, clause (6), that the defendant used the controlled substance according to the terms  
6.21 of a prescription issued for the defendant in accordance with sections 152.11 and 152.12.

6.22 Subd. 3. **Reasonable grounds to refuse test.** If proven by a preponderance of the  
6.23 evidence, it is an affirmative defense to a violation of section 169A.20, subdivision 2  
6.24 (driving while impaired, test refusal offense), that the defendant's refusal to permit the  
6.25 test was based upon reasonable grounds.



59.25 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes  
 59.26 committed on or after that date.

6.26 Subd. 4. **Necessity.** If proven by a preponderance of the evidence, it is an affirmative  
 6.27 defense to a violation of section 169A.20 (driving while impaired) that the defendant's  
 6.28 conduct was a result of necessity.

6.29 Subd. 5. **Notice required.** An affirmative defense described in this section may  
 6.30 not be raised unless notice is given to the prosecution prior to the omnibus or pretrial  
 6.31 hearing in the matter.

6.32 **EFFECTIVE DATE.** This section is effective the day following final enactment,  
 6.33 except that the alcohol concentration threshold change in subdivision 1, paragraph (a), is  
 6.34 effective August 1, 2015, and applies to crimes committed on or after that date.

6.35 Sec. 10. Minnesota Statutes 2014, section 169A.53, subdivision 2, is amended to read:

7.1 Subd. 2. **Petition for judicial review.** (a) Within ~~30~~ 60 days following receipt of a  
 7.2 notice and order of revocation or disqualification pursuant to section 169A.52 (revocation  
 7.3 of license for test failure or refusal), a person may petition the court for review. The  
 7.4 petition must be filed with the district court administrator in the county where the alleged  
 7.5 offense occurred, together with proof of service of a copy on the commissioner, and  
 7.6 accompanied by the standard filing fee for civil actions. Responsive pleading is not  
 7.7 required of the commissioner, and court fees must not be charged for the appearance of  
 7.8 the commissioner in the matter.

7.9 (b) The petition must:

7.10 (1) be captioned in the full name of the person making the petition as petitioner and  
 7.11 the commissioner as respondent;

7.12 (2) include the petitioner's date of birth, driver's license number, and date of the  
 7.13 offense; and

7.14 (3) state with specificity the grounds upon which the petitioner seeks rescission of  
 7.15 the order of revocation, disqualification, or denial.

7.16 (c) The filing of the petition does not stay the revocation, disqualification, or denial.  
 7.17 The reviewing court may order a stay of the balance of the revocation or disqualification if  
 7.18 the hearing has not been conducted within 60 days after filing of the petition upon terms  
 7.19 the court deems proper.

7.20 (d) Judicial reviews must be conducted according to the Rules of Civil Procedure,  
 7.21 except that prehearing discovery is mandatory and is limited to:

7.22 (1) the notice of revocation;

7.23 (2) the test record or, in the case of blood or urine tests, the certificate of analysis;

7.24 (3) the peace officer's certificate and any accompanying documentation submitted by  
 7.25 the arresting officer to the commissioner; and

59.27 Sec. 10. Minnesota Statutes 2014, section 169A.53, subdivision 3, is amended to read:

59.28 Subd. 3. **Judicial hearing; issues, order, appeal.** (a) A judicial review hearing  
59.29 under this section must be before a district judge in any county in the judicial district  
59.30 where the alleged offense occurred. The hearing is to the court and may be conducted at  
59.31 the same time and in the same manner as hearings upon pretrial motions in the criminal  
59.32 prosecution under section 169A.20 (driving while impaired), if any. The hearing must be  
60.1 recorded. The commissioner shall appear and be represented by the attorney general or  
60.2 through the prosecuting authority for the jurisdiction involved. The hearing must be held  
60.3 at the earliest practicable date, and in any event no later than 60 days following the filing  
60.4 of the petition for review. The judicial district administrator shall establish procedures to  
60.5 ensure efficient compliance with this subdivision. To accomplish this, the administrator  
60.6 may, whenever possible, consolidate and transfer review hearings among the locations  
60.7 within the judicial district where terms of district court are held.

60.8 (b) The scope of the hearing is limited to the issues in clauses (1) to ~~(4)~~ (11):

60.9 (1) Did the peace officer have probable cause to believe the person was driving,  
60.10 operating, or in physical control of a motor vehicle or commercial motor vehicle in  
60.11 violation of section 169A.20 (driving while impaired)?

60.12 (2) Was the person lawfully placed under arrest for violation of section 169A.20?

60.13 (3) Was the person involved in a motor vehicle accident or collision resulting in  
60.14 property damage, personal injury, or death?

60.15 (4) Did the person refuse to take a screening test provided for by section 169A.41  
60.16 (preliminary screening test)?

60.17 (5) If the screening test was administered, did the test indicate an alcohol  
60.18 concentration of 0.08 or more?

60.19 (6) At the time of the request for the test, did the peace officer inform the person  
60.20 of the person's rights and the consequences of taking or refusing the test as required by  
60.21 section 169A.51, subdivision 2?

60.22 (7) Did the person refuse to permit the test?

7.26 (4) disclosure of potential witnesses, including experts, and the basis of their  
7.27 testimony.

7.28 Other types of discovery are available only upon order of the court.

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

7.30 Sec. 11. Minnesota Statutes 2014, section 169A.53, subdivision 3, is amended to read:

7.31 Subd. 3. **Judicial hearing; issues, order, appeal.** (a) A judicial review hearing  
7.32 under this section must be before a district judge in any county in the judicial district  
7.33 where the alleged offense occurred. The hearing is to the court and may be conducted at  
7.34 the same time and in the same manner as hearings upon pretrial motions in the criminal  
7.35 prosecution under section 169A.20 (driving while impaired), if any. The hearing must be  
8.1 recorded. The commissioner shall appear and be represented by the attorney general or  
8.2 through the prosecuting authority for the jurisdiction involved. The hearing must be held  
8.3 at the earliest practicable date, and in any event no later than 60 days following the filing  
8.4 of the petition for review. The judicial district administrator shall establish procedures to  
8.5 ensure efficient compliance with this subdivision. To accomplish this, the administrator  
8.6 may, whenever possible, consolidate and transfer review hearings among the locations  
8.7 within the judicial district where terms of district court are held.

8.8 (b) In addition to any constitutional challenges, the scope of the hearing is limited to  
8.9 the issues in clauses (1) to ~~(4)~~ (11):

8.10 (1) Did the peace officer have probable cause to believe the person was driving,  
8.11 operating, or in physical control of a motor vehicle or commercial motor vehicle in  
8.12 violation of section 169A.20 (driving while impaired)?

8.13 (2) Was the person driving, operating, or in physical control of a motor vehicle?

8.14 ~~(2)~~ (3) Was the person lawfully placed under arrest for violation of section 169A.20?

8.15 ~~(3)~~ (4) Was the person involved in a motor vehicle accident or collision resulting in  
8.16 property damage, personal injury, or death?

8.17 ~~(4)~~ (5) Did the person refuse to take a screening test provided for by section 169A.41  
8.18 (preliminary screening test)?

8.19 ~~(5)~~ (6) If the screening test was administered, did the test indicate an alcohol  
8.20 concentration of 0.08 or more?

8.21 ~~(6)~~ (7) At the time of the request for the test, did the peace officer inform the person  
8.22 of the person's rights and the consequences of taking or refusing the test as required by  
8.23 section 169A.51, subdivision 2?

60.23 (8) If a test was taken by a person driving, operating, or in physical control of a  
60.24 motor vehicle, did the test results indicate at the time of testing:

60.25 (i) an alcohol concentration of 0.08 or more; or

60.26 (ii) the presence of a controlled substance listed in Schedule I or II or its metabolite,  
60.27 other than marijuana or tetrahydrocannabinols?

60.28 (9) If a test was taken by a person driving, operating, or in physical control of a  
60.29 commercial motor vehicle, did the test results indicate an alcohol concentration of 0.04 or  
60.30 more at the time of testing?

60.31 (10) Was the testing method used valid and reliable and were the test results  
60.32 accurately evaluated?

60.33 (11) Did the person prove the defense of necessity?

60.34 (c) It is an affirmative defense for the petitioner to prove that, at the time of the  
60.35 refusal, the petitioner's refusal to permit the test was based upon reasonable grounds.

61.1 (d) Certified or otherwise authenticated copies of laboratory or medical personnel  
61.2 reports, records, documents, licenses, and certificates are admissible as substantive  
61.3 evidence.

61.4 (e) The court shall order that the revocation or disqualification be either rescinded or  
61.5 sustained and forward the order to the commissioner. The court shall file its order within 14  
61.6 days following the hearing. If the revocation or disqualification is sustained, the court shall  
61.7 also forward the person's driver's license or permit to the commissioner for further action by  
61.8 the commissioner if the license or permit is not already in the commissioner's possession.

61.9 (f) Any party aggrieved by the decision of the reviewing court may appeal the  
61.10 decision as provided in the Rules of Appellate Procedure.

61.11 (g) The civil hearing under this section shall not give rise to an estoppel on any  
61.12 issues arising from the same set of circumstances in any criminal prosecution.

61.13 (h) It is an affirmative defense for the petitioner to prove a necessity.

8.24 ~~(7)~~ (8) Did the person refuse to permit the test?

8.25 ~~(8)~~ (9) If a test was taken by a person driving, operating, or in physical control of a  
8.26 motor vehicle, did the test results indicate at the time of testing:

8.27 (i) an alcohol concentration of 0.08 or more; or

8.28 (ii) the presence of a controlled substance listed in Schedule I or II or its metabolite,  
8.29 other than marijuana or tetrahydrocannabinols?

8.30 ~~(9)~~ (10) If a test was taken by a person driving, operating, or in physical control of  
8.31 a commercial motor vehicle, did the test results indicate an alcohol concentration of  
8.32 0.04 or more at the time of testing?

8.33 ~~(10)~~ (11) Was the testing method used valid and reliable and were the test results  
8.34 accurately evaluated?

9.1 (c) It is an affirmative defense for the petitioner to prove ~~that, at the time of the~~  
9.2 ~~refusal, the petitioner's refusal to permit the test was based upon reasonable grounds~~ any  
9.3 of the defenses described in section 169A.46.

9.4 (d) Certified or otherwise authenticated copies of laboratory or medical personnel  
9.5 reports, records, documents, licenses, and certificates are admissible as substantive  
9.6 evidence.

9.7 (e) The court shall order that the revocation or disqualification be either rescinded or  
9.8 sustained and forward the order to the commissioner. The court shall file its order within 14  
9.9 days following the hearing. If the revocation or disqualification is sustained, the court shall  
9.10 also forward the person's driver's license or permit to the commissioner for further action by  
9.11 the commissioner if the license or permit is not already in the commissioner's possession.

9.12 (f) Any party aggrieved by the decision of the reviewing court may appeal the  
9.13 decision as provided in the Rules of Appellate Procedure.

9.14 (g) The civil hearing under this section shall not give rise to an estoppel on any  
9.15 issues arising from the same set of circumstances in any criminal prosecution.

9.16 (h) An affirmative defense authorized in paragraph (c) may not be raised unless  
9.17 notice is given to the commissioner at least seven days before the hearing on the matter.

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

9.19 Sec. 12. Minnesota Statutes 2014, section 169A.55, subdivision 2, is amended to read:

9.20 Subd. 2. **Reinstatement of driving privileges; notice.** Upon expiration of a period  
9.21 of revocation under section 169A.52 (license revocation for test failure or refusal) or  
9.22 169A.54 (impaired driving convictions and adjudications; administrative penalties), the  
9.23 commissioner shall notify the person of the terms upon which driving privileges can be  
9.24 reinstated, and new registration plates issued, which terms are: (1) ~~successful completion~~  
9.25 ~~of an examination and proof of compliance with any terms of alcohol treatment or~~  
9.26 counseling previously prescribed, if any; and (2) any other requirements imposed by  
9.27 the commissioner and applicable to that particular case. The commissioner shall notify  
9.28 the owner of a motor vehicle subject to an impoundment order under section 169A.60  
9.29 (administrative impoundment of plates) as a result of the violation of the procedures for  
9.30 obtaining new registration plates, if the owner is not the violator. The commissioner  
9.31 shall also notify the person that if driving is resumed without reinstatement of driving  
9.32 privileges or without valid registration plates and registration certificate, the person will  
9.33 be subject to criminal penalties.

9.34 Sec. 13. Minnesota Statutes 2014, section 169A.55, subdivision 5, is amended to read:

10.1 Subd. 5. **Reinstatement of driving privileges; certain criminal vehicular**  
10.2 **operation offenses.** A person whose driver's license has been revoked under section  
10.3 171.17, subdivision 1, paragraph (a), clause (1) (revocation, criminal vehicular operation),  
10.4 or suspended under section 171.187 (suspension, criminal vehicular operation), for a  
10.5 violation of section 609.2113, subdivision 1, clause (2), item (i) or (iii), (3), or (4),  
10.6 subdivision 2, clause (2), item (i) or (iii), (3), or (4), or subdivision 3, clause (2), item  
10.7 (i) or (iii), (3), or (4); or section 609.2114, subdivision 2, clause (2), item (i) or (iii)  
10.8 (criminal vehicular operation, alcohol-related provisions); or Minnesota Statutes 2013,  
10.9 section 609.21, subdivision 1, clause (2), item (i) or (iii), (3), or (4) (criminal vehicular  
10.10 operation, alcohol-related provisions); resulting in bodily harm, substantial bodily harm,  
10.11 or great bodily harm, shall not be eligible for reinstatement of driving privileges until the  
10.12 person has submitted to the commissioner verification of the use of ignition interlock for  
10.13 the applicable time period specified in those sections. To be eligible for reinstatement  
10.14 under this subdivision, a person shall utilize an ignition interlock device that meets the  
10.15 performance standards and certification requirements under subdivision 4, paragraph (c).

10.16 Sec. 14. Minnesota Statutes 2014, section 169A.60, subdivision 4, is amended to read:

10.17 Subd. 4. **Peace officer as agent for notice of impoundment.** On behalf of the  
10.18 commissioner, a peace officer issuing a notice of intent to revoke and of revocation for a  
10.19 plate impoundment violation shall also serve a notice of intent to impound and an order of  
10.20 impoundment. On behalf of the commissioner, a peace officer who is arresting a person  
10.21 for or charging a person with a plate impoundment violation described in subdivision 1,  
10.22 paragraph (d), clause (5), shall also serve a notice of intent to impound and an order of  
10.23 impoundment. If the vehicle involved in the plate impoundment violation is accessible  
10.24 to the officer at the time the impoundment order is issued, the officer shall seize the  
10.25 registration plates subject to the impoundment order. The officer shall destroy all plates  
10.26 seized or impounded under this section. Alternatively, the officer may invalidate the plates  
10.27 by affixing a permanent sticker on them. The officer shall send to the commissioner  
10.28 copies of the notice of intent to impound and the order of impoundment and a notice that  
10.29 registration plates impounded and seized under this section have been destroyed or have  
10.30 been affixed with the permanent sticker.

10.31 Sec. 15. Minnesota Statutes 2014, section 169A.60, subdivision 5, is amended to read:

10.32 Subd. 5. **Temporary permit.** If the motor vehicle is registered to the violator  
10.33 and the plate impoundment violation is predicated on the results of a chemical test of  
10.34 the violator's breath or on a refusal to submit to a chemical test, the officer shall issue a  
11.1 temporary vehicle permit that is valid for ~~seven~~ 14 days when the officer issues the notices  
11.2 under subdivision 4. The temporary permit is valid for 45 days if the violator submits to a  
11.3 chemical test of the violator's blood or urine. If the motor vehicle is registered in the name  
11.4 of another, the officer shall issue a temporary vehicle permit that is valid for 45 days when  
11.5 the notices are issued under subdivision 3. The permit must be in a form determined by  
11.6 the registrar and whenever practicable must be posted on the left side of the inside rear  
11.7 window of the vehicle. A permit is valid only for the vehicle for which it is issued.

11.8 Sec. 16. Minnesota Statutes 2014, section 169A.60, subdivision 10, is amended to read:

11.9 Subd. 10. **Petition for judicial review.** (a) Within ~~30~~ 60 days following receipt of  
11.10 a notice and order of impoundment under this section, a person may petition the court  
11.11 for review. The petition must include proof of service of a copy of the petition on the  
11.12 commissioner. The petition must include the petitioner's date of birth, driver's license  
11.13 number, and date of the plate impoundment violation, as well as the name of the violator  
11.14 and the law enforcement agency that issued the plate impoundment order. The petition  
11.15 must state with specificity the grounds upon which the petitioner seeks rescission of the  
11.16 order for impoundment. The petition may be combined with any petition filed under  
11.17 section 169A.53 (administrative and judicial review of license revocation).

11.18 (b) Except as otherwise provided in this section, the judicial review and hearing are  
11.19 governed by section 169A.53 and must take place at the same time as any judicial review  
11.20 of the person's license revocation under section 169A.53. The filing of the petition does  
11.21 not stay the impoundment order. The reviewing court may order a stay of the balance of  
11.22 the impoundment period if the hearing has not been conducted within 60 days after filing  
11.23 of the petition upon terms the court deems proper. The court shall order either that the  
11.24 impoundment be rescinded or sustained, and forward the order to the commissioner. The  
11.25 court shall file its order within 14 days following the hearing.

11.26 (c) In addition to the issues described in section 169A.53, subdivision 3 (judicial  
11.27 review of license revocation), the scope of a hearing under this subdivision is limited to:

11.28 (1) if the impoundment is based on a plate impoundment violation described in  
11.29 subdivision 1, paragraph (d), clause (3) or (4), whether the peace officer had probable  
11.30 cause to believe the violator committed the plate impoundment violation and whether the  
11.31 evidence demonstrates that the plate impoundment violation occurred; and

11.32 (2) for all other cases, whether the peace officer had probable cause to believe the  
11.33 violator committed the plate impoundment violation.

11.34 (d) In a hearing under this subdivision, the following records are admissible in  
11.35 evidence:

12.1 (1) certified copies of the violator's driving record; and

12.2 (2) certified copies of vehicle registration records bearing the violator's name.

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

12.4 Sec. 17. Minnesota Statutes 2014, section 169A.60, subdivision 13, is amended to read:

12.5 Subd. 13. **Special registration plates.** (a) At any time during the effective period of  
12.6 an impoundment order, a violator or registered owner may apply to the commissioner for  
12.7 new registration plates, which must bear a special series of numbers or letters so as to be  
12.8 readily identified by traffic law enforcement officers. The commissioner may authorize  
12.9 the issuance of special plates if:

12.10 (1) the violator has a qualified licensed driver whom the violator must identify;

12.11 (2) the violator or registered owner has a limited license issued under section 171.30;

12.12 (3) the registered owner is not the violator and the registered owner has a valid or  
12.13 limited driver's license;

12.14 (4) a member of the registered owner's household has a valid driver's license; or

12.15 (5) the violator has been reissued a valid driver's license.

12.16 (b) The commissioner may not issue new registration plates for that vehicle subject  
12.17 to plate impoundment for a period of at least one year from the date of the impoundment  
12.18 order. In addition, if the owner is the violator, new registration plates may not be issued  
12.19 for the vehicle unless the person has been reissued a valid driver's license in accordance  
12.20 with chapter 171.

12.21 (c) A violator may not apply for new registration plates for a vehicle at any time  
12.22 before the person's driver's license is reinstated.

12.23 (d) The commissioner may issue the special plates on payment of a \$50 fee for each  
12.24 vehicle for which special plates are requested.

12.25 (e) Paragraphs (a) to (d) notwithstanding, the commissioner must issue upon  
12.26 request new registration plates for a vehicle for which the registration plates have been  
12.27 impounded if:

12.28 (1) the impoundment order is rescinded;

12.29 (2) the vehicle is transferred in compliance with subdivision 14; or

12.30 (3) the vehicle is transferred to a Minnesota automobile dealer licensed under  
12.31 section 168.27, a financial institution that has submitted a repossession affidavit, or a  
12.32 government agency; or

12.33 (4) the violator becomes a program participant in the ignition interlock program  
12.34 under section 171.306.

13.1 Sec. 18. Minnesota Statutes 2014, section 169A.63, is amended by adding a  
13.2 subdivision to read:

13.3 Subd. 13. **Exception.** (a) This section does not apply if the driver who committed the  
13.4 designated offense or whose conduct resulted in the designated license revocation becomes  
13.5 a program participant in the ignition interlock program under section 171.306 within 60  
13.6 days following service of the Notice of Seizure and Intent to Forfeit under this section.

13.7 (b) Notwithstanding paragraph (a), if the program participant described in paragraph  
13.8 (a) subsequently operates the motor vehicle to commit a designated offense or in a manner  
13.9 that results in a designated license revocation, the vehicle must be seized and summarily  
13.10 forfeited.

13.11 (c) Paragraph (b) applies only if the described subsequent vehicle operation occurs  
13.12 before the participant has been restored to full driving privileges or within three years of  
13.13 the original designated offense or designated license revocation, whichever occurs latest.

13.14 Sec. 19. Minnesota Statutes 2014, section 171.09, subdivision 1, is amended to read:

13.15 Subdivision 1. **Authority; violations.** (a) The commissioner, when good cause  
13.16 appears, may impose restrictions suitable to the licensee's driving ability or other  
13.17 restrictions applicable to the licensee as the commissioner may determine to be appropriate  
13.18 to assure the safe operation of a motor vehicle by the licensee.

13.19 (b) Pursuant to Code of Federal Regulations, title 49, section 383.95, if an applicant  
13.20 for a commercial driver's license either does not successfully complete the air brake  
13.21 component of the knowledge test, or does not successfully complete the skills test  
13.22 in a vehicle equipped with air brakes as such tests are prescribed in Code of Federal  
13.23 Regulations, title 49, part 384, the department shall indicate on the class C, class B,  
13.24 or class A commercial driver's license, if issued, that the individual is restricted from  
13.25 operating a commercial motor vehicle equipped with air brakes.

13.26 (c) The commissioner shall restrict the operating privileges of a holder of a class  
13.27 A, class B, or class C commercial driver's license in accordance with Code of Federal  
13.28 Regulations, title 49, sections 383.73 and 383.95.

13.29 (d) The commissioner may restrict the operating privileges of a holder of a class  
13.30 A, class B, or class C commercial driver's license to the extent that the restrictions  
13.31 are authorized by section 221.0314, subdivision 3 or 3a, or rules adopted under those  
13.32 subdivisions or section 221.031.

13.33 (e) Upon receiving satisfactory evidence of any violation of the restrictions on the  
13.34 license, the commissioner may suspend or revoke the license. A license suspension under  
13.35 this section is subject to section 171.18, subdivisions 2 and 3.

14.1 (f) A person who drives, operates, or is in physical control of a motor vehicle while  
14.2 in violation of the restrictions imposed in a restricted driver's license issued to that person  
14.3 under this section is guilty of a crime as follows:

14.4 (1) if the restriction relates to the possession or consumption of alcohol or controlled  
14.5 substances, the person is guilty of a gross misdemeanor; or

14.6 (2) if the restriction relates to another matter, the person is guilty of a misdemeanor.

14.7 (g) It is a misdemeanor for a person who holds a restricted license issued under  
14.8 section 171.306 to drive, operate, or be in physical control of any motor vehicle that is  
14.9 not equipped with a functioning ignition interlock device certified by the commissioner.  
14.10 Notwithstanding section 609.101, subdivision 4, the Judicial Council may not add a  
14.11 violation of this paragraph to the Statewide Payables List.

14.12 Sec. 20. Minnesota Statutes 2014, section 171.29, subdivision 1, is amended to read:



14.13 Subdivision 1. **Examination required.** (a) No person whose driver's license has  
14.14 been revoked by reason of conviction, plea of guilty, or forfeiture of bail not vacated,  
14.15 under section 169.791, 169.797, 171.17, or 171.172, or revoked under section 169.792 or  
14.16 ~~169A.52~~ shall be issued another license unless and until that person shall have successfully  
14.17 passed an examination as required by the commissioner of public safety. This subdivision  
14.18 does not apply to an applicant for early reinstatement under section 169.792, subdivision 7a.

14.19 (b) The requirement to successfully pass the examination described in paragraph  
14.20 (a) does not apply to a person whose driver's license has been revoked because of an  
14.21 impaired driving offense.

14.22 Sec. 21. Minnesota Statutes 2014, section 171.29, subdivision 2, is amended to read:

14.23 Subd. 2. **Reinstatement fees and surcharges allocated and appropriated.** (a) An  
14.24 individual whose driver's license has been revoked as provided in subdivision 1, except  
14.25 under section 169A.52, 169A.54, 609.2112, 609.2113, or 609.2114, or Minnesota Statutes  
14.26 2012, section 609.21, must pay a \$30 fee before the driver's license is reinstated.

14.27 (b) A person whose driver's license has been revoked as provided in subdivision 1  
14.28 under section 169A.52, 169A.54, 609.2112, 609.2113, or 609.2114, or Minnesota Statutes  
14.29 2012, section 609.21, must pay a \$250 fee plus a \$430 surcharge before the driver's license  
14.30 is reinstated, except as provided in paragraph (f). The \$250 fee is to be credited as follows:

14.31 (1) Twenty percent must be credited to the driver services operating account in the  
14.32 special revenue fund as specified in section 299A.705.

14.33 (2) Sixty-seven percent must be credited to the general fund.

15.1 (3) Eight percent must be credited to a separate account to be known as the Bureau  
15.2 of Criminal Apprehension account. Money in this account is annually appropriated to the  
15.3 commissioner of public safety and the appropriated amount must be apportioned 80 percent  
15.4 for laboratory costs and 20 percent for carrying out the provisions of section 299C.065.

15.5 (4) Five percent must be credited to a separate account to be known as the vehicle  
15.6 forfeiture account, which is created in the special revenue fund. The money in the account  
15.7 is annually appropriated to the commissioner for costs of handling vehicle forfeitures.

15.8 (c) The revenue from \$50 of the surcharge must be credited to a separate account  
15.9 to be known as the traumatic brain injury and spinal cord injury account. The revenue  
15.10 from \$50 of the surcharge on a reinstatement under paragraph (f) is credited from the  
15.11 first installment payment to the traumatic brain injury and spinal cord injury account.  
15.12 The money in the account is annually appropriated to the commissioner of health to be  
15.13 used as follows: 83 percent for contracts with a qualified community-based organization  
15.14 to provide information, resources, and support to assist persons with traumatic brain  
15.15 injury and their families to access services, and 17 percent to maintain the traumatic  
15.16 brain injury and spinal cord injury registry created in section 144.662. For the purposes  
15.17 of this paragraph, a "qualified community-based organization" is a private, not-for-profit  
15.18 organization of consumers of traumatic brain injury services and their family members.  
15.19 The organization must be registered with the United States Internal Revenue Service under  
15.20 section 501(c)(3) as a tax-exempt organization and must have as its purposes:

15.21 (1) the promotion of public, family, survivor, and professional awareness of the  
15.22 incidence and consequences of traumatic brain injury;

15.23 (2) the provision of a network of support for persons with traumatic brain injury,  
15.24 their families, and friends;

15.25 (3) the development and support of programs and services to prevent traumatic  
15.26 brain injury;

15.27 (4) the establishment of education programs for persons with traumatic brain injury;  
15.28 and

15.29 (5) the empowerment of persons with traumatic brain injury through participation  
15.30 in its governance.

15.31 A patient's name, identifying information, or identifiable medical data must not be  
15.32 disclosed to the organization without the informed voluntary written consent of the patient  
15.33 or patient's guardian or, if the patient is a minor, of the parent or guardian of the patient.

15.34 (d) The remainder of the surcharge must be credited to a separate account to be  
15.35 known as the remote electronic alcohol-monitoring program account. The commissioner  
16.1 shall transfer the balance of this account to the commissioner of management and budget  
16.2 on a monthly basis for deposit in the general fund.

16.3 (e) When these fees are collected by a licensing agent, appointed under section  
16.4 171.061, a handling charge is imposed in the amount specified under section 171.061,  
16.5 subdivision 4. The reinstatement fees and surcharge must be deposited in an approved  
16.6 depository as directed under section 171.061, subdivision 4.

16.7 (f) A person whose driver's license has been revoked as provided in subdivision  
16.8 1 under section 169A.52 or 169A.54 ~~and who the court certifies as being financially~~  
16.9 ~~eligible for a public defender under section 611.17,~~ may choose to pay 50 percent and an  
16.10 additional \$25 of the total amount of the surcharge and 50 percent of the fee required under  
16.11 paragraph (b) to reinstate the person's driver's license, provided the person meets all other  
16.12 requirements of reinstatement. If a person chooses to pay 50 percent of the total and an  
16.13 additional \$25, the driver's license must expire after ~~two years~~ one year. Upon expiration,  
16.14 the person must pay an additional 50 percent less \$25 of the total to extend the license for  
16.15 an additional ~~two~~ three years, provided the person is otherwise still eligible for the license.  
16.16 After this final payment of the surcharge and fee, the license may be renewed on a standard  
16.17 schedule, as provided under section 171.27. A handling charge may be imposed for each  
16.18 installment payment. Revenue from the handling charge is credited to the driver services  
16.19 operating account in the special revenue fund and is appropriated to the commissioner.

16.20 (g) Any person making installment payments under paragraph (f), whose driver's  
16.21 license subsequently expires, or is canceled, revoked, or suspended before payment of  
16.22 100 percent of the surcharge and fee, must pay the outstanding balance due for the initial  
16.23 reinstatement before the driver's license is subsequently reinstated. Upon payment of  
16.24 the outstanding balance due for the initial reinstatement, the person may pay any new  
16.25 surcharge and fee imposed under paragraph (b) in installment payments as provided  
16.26 under paragraph (f).

16.27 **EFFECTIVE DATE.** This section is effective July 1, 2015.

16.28 Sec. 22. Minnesota Statutes 2014, section 171.30, subdivision 1, is amended to read:

16.29 Subdivision 1. **Conditions of issuance.** (a) The commissioner may issue a limited  
16.30 license to the driver under the conditions in paragraph (b) in any case where a person's  
16.31 license has been:

16.32 (1) suspended under section 171.18, 171.173, 171.186, or 171.187;

16.33 (2) revoked, canceled, or denied under section:

16.34 (i) 169.792;

16.35 (ii) 169.797;

17.1 (iii) 169A.52:

17.2 (A) subdivision 3, paragraph (a), clause (1) or (2); or

17.3 ~~(B) subdivision 3, paragraph (a), clause (4), (5), or (6), if in compliance with section~~  
17.4 ~~171.306;~~

17.5 ~~(C)~~ (B) subdivision 4, paragraph (a), clause (1) or (2), if the test results indicate an  
17.6 alcohol concentration of less than twice the legal limit;

17.7 ~~(D) subdivision 4, paragraph (a), clause (4), (5), or (6), if in compliance with section 17.8 171.306;~~

17.9 (iv) 171.17; or

17.10 (v) 171.172; or

17.11 (3) revoked, canceled, or denied under section 169A.54:

17.12 (i) subdivision 1, clause (1), if the test results indicate an alcohol concentration

17.13 of less than twice the legal limit;

17.14 (ii) subdivision 1, clause (2); or

17.15 ~~(iii) subdivision 1, clause (5), (6), or (7), if in compliance with section 171.306; or~~

17.16 ~~(iv)~~ (iii) subdivision 2, if the person does not have a qualified prior impaired driving

17.17 incident as defined in section 169A.03, subdivision 22, on the person's record, and the test

17.18 results indicate an alcohol concentration of less than twice the legal limit.

17.19 (b) The following conditions for a limited license under paragraph (a) include:

17.20 (1) if the driver's livelihood or attendance at a chemical dependency treatment or

17.21 counseling program depends upon the use of the driver's license;

17.22 (2) if the use of a driver's license by a homemaker is necessary to prevent the

17.23 substantial disruption of the education, medical, or nutritional needs of the family of

17.24 the homemaker; or

17.25 (3) if attendance at a postsecondary institution of education by an enrolled student of

17.26 that institution depends upon the use of the driver's license.

17.27 (c) The commissioner in issuing a limited license may impose such conditions and

17.28 limitations as in the commissioner's judgment are necessary to the interests of the public

17.29 safety and welfare including reexamination as to the driver's qualifications. The license

17.30 may be limited to the operation of particular vehicles, to particular classes and times of

17.31 operation, and to particular conditions of traffic. The commissioner may require that an

17.32 applicant for a limited license affirmatively demonstrate that use of public transportation

17.33 or carpooling as an alternative to a limited license would be a significant hardship.

17.34 (d) For purposes of this subdivision:

18.1 (1) "homemaker" refers to the person primarily performing the domestic tasks in a

18.2 household of residents consisting of at least the person and the person's dependent child

18.3 or other dependents; and

18.4 (2) "twice the legal limit" means an alcohol concentration of two times the limit

18.5 specified in section 169A.20, subdivision 1, clause (5).

18.6 (e) The limited license issued by the commissioner shall clearly indicate the  
18.7 limitations imposed and the driver operating under the limited license shall have the  
18.8 license in possession at all times when operating as a driver.

18.9 (f) In determining whether to issue a limited license, the commissioner shall consider  
18.10 the number and the seriousness of prior convictions and the entire driving record of the  
18.11 driver and shall consider the number of miles driven by the driver annually.

18.12 (g) If the person's driver's license or permit to drive has been revoked under  
18.13 section 169.792 or 169.797, the commissioner may only issue a limited license to the  
18.14 person after the person has presented an insurance identification card, policy, or written  
18.15 statement indicating that the driver or owner has insurance coverage satisfactory to  
18.16 the commissioner of public safety. The commissioner of public safety may require  
18.17 the insurance identification card provided to satisfy this subdivision be certified by the  
18.18 insurance company to be noncancelable for a period not to exceed 12 months.

18.19 (h) The limited license issued by the commissioner to a person under section  
18.20 171.186, subdivision 4, must expire 90 days after the date it is issued. The commissioner  
18.21 must not issue a limited license to a person who previously has been issued a limited  
18.22 license under section 171.186, subdivision 4.

18.23 (i) The commissioner shall not issue a limited driver's license to any person  
18.24 described in section 171.04, subdivision 1, clause (6), (7), (8), (11), or (14).

18.25 (j) The commissioner shall not issue a class A, class B, or class C limited license.

18.26 Sec. 23. Minnesota Statutes 2014, section 171.30, subdivision 2a, is amended to read:

18.27 Subd. 2a. **Other waiting periods.** Notwithstanding subdivision 2, a limited license  
18.28 shall not be issued for a period of:

18.29 (1) 15 days, to a person whose license or privilege has been revoked or suspended  
18.30 for a first violation of section 169A.20, sections 169A.50 to 169A.53, or a statute or  
18.31 ordinance from another state in conformity with either of those sections; or

18.32 (2) one year, to a person whose license or privilege has been revoked or suspended  
 18.33 for committing manslaughter resulting from the operation of a motor vehicle, committing  
 18.34 criminal vehicular homicide or injury under section 609.21, subdivision 1, clause (1),  
 18.35 (2), item (ii), (5), (6), (7), or (8), committing criminal vehicular homicide under section  
 19.1 609.21, subdivision 1, clause (2), item (i) or (iii), (3), or (4), 609.212, subdivision 1,  
 19.2 clause (1), (2), item (ii), (5), (6), (7), or (8), 609.213, subdivision 1, clause (1), (2),  
 19.3 item (ii), (5), (6), (7), or (8), subdivision 2, clause (1), (2), item (ii), (5), (6), (7), or (8),  
 19.4 or subdivision 3, clause (1), (2), item (ii), (5), (6), (7), or (8), or 609.214, subdivision  
 19.5 1, clause (1), (2), item (ii), (5), (6), (7), or (8), or subdivision 2, clause (1), (2), item (ii),  
 19.6 (5), (6), (7), or (8), or Minnesota Statutes 2013, section 609.21, subdivision 1, clause (1),  
 19.7 (2), item (ii), (5), (6), (7), or (8), committing criminal vehicular homicide under section  
 19.8 609.212, subdivision 1, clause (2), item (i) or (iii), (3), or (4), or 609.214, subdivision  
 19.9 1, clause (2), item (i) or (iii), (3), or (4), or Minnesota Statutes 2013, section 609.21,  
 19.10 subdivision 1, clause (2), item (i) or (iii), (3), or (4), or violating a statute or ordinance  
 19.11 from another state in conformity with either of those offenses.

19.12 Sec. 24. Minnesota Statutes 2014, section 171.30, subdivision 5, is amended to read:

19.13 Subd. 5. **Exception; criminal vehicular operation.** Notwithstanding subdivision 1,  
 19.14 the commissioner may not issue a limited license to a person whose driver's license has been  
 19.15 suspended or revoked due to a violation of section 609.213, subdivision 1, clause (2), item  
 19.16 (i) or (iii), (3), or (4), subdivision 2, clause (2), item (i) or (iii), (3), or (4), or subdivision 3,  
 19.17 clause (2), item (i) or (iii), (3), or (4); or 609.214, subdivision 2, clause (2), item (i) or (iii),  
 19.18 (3), or (4); or Minnesota Statutes 2013, section 609.21, subdivision 1, clause (2), item (i)  
 19.19 or (iii), (3), or (4); resulting in bodily harm, substantial bodily harm, or great bodily harm.

19.20 Sec. 25. Minnesota Statutes 2014, section 171.306, subdivision 1, is amended to read:

19.21 Subdivision 1. **Definitions.** (a) As used in this section, the terms in this subdivision  
 19.22 have the meanings given them.

19.23 (b) "Ignition interlock device" or "device" means equipment that is designed to  
 19.24 measure breath alcohol concentration and to prevent a motor vehicle's ignition from being  
 19.25 started by a person whose breath alcohol concentration measures 0.02 or higher on the  
 19.26 equipment.

19.27 (c) "Program participant" means a person who has qualified to take part in the  
 19.28 ignition interlock program under this section, and whose driver's license has been:

19.29 (1) revoked, canceled, or denied under section 169A.52, 169A.54, or 171.04,  
 19.30 subdivision 1, clause (10); or

19.31 (2) revoked under section 171.17, subdivision 1, paragraph (a), clause (1), or  
19.32 suspended under section 171.187, for a violation of section 609.2113, subdivision 1,  
19.33 clause (2), item (i) or (iii), (3), or (4); subdivision 2, clause (2), item (i) or (iii), (3), or  
19.34 (4); or subdivision 3, clause (2), item (i) or (iii), (3), or (4); or 609.2114, subdivision  
20.1 2, clause (2), item (i) or (iii), (3), or (4); or Minnesota Statutes 2013, section 609.21,  
20.2 subdivision 1, clause (2), item (i) or (iii), (3), or (4); resulting in bodily harm, substantial  
20.3 bodily harm, or great bodily harm.

20.4 (d) "Qualified prior impaired driving incident" has the meaning given in section  
20.5 169A.03, subdivision 22.

20.6 Sec. 26. Minnesota Statutes 2014, section 171.306, subdivision 2, is amended to read:

20.7 Subd. 2. **Performance standards; certification; manufacturer requirements.**

20.8 (a) The commissioner shall establish performance standards and a process for certifying  
20.9 devices used in the ignition interlock program. The manufacturer of a device must  
20.10 apply annually for certification of the device by submitting the form prescribed by the  
20.11 commissioner. The commissioner shall require manufacturers of certified devices to:

20.12 (1) provide device installation, servicing, and monitoring to indigent program  
20.13 participants at a discounted rate, according to the standards established by the  
20.14 commissioner; and

20.15 (2) include in an ignition interlock device contract a provision that a program  
20.16 participant who voluntarily terminates participation in the program is only liable for  
20.17 servicing and monitoring costs incurred during the time the device is installed on the  
20.18 motor vehicle, regardless of whether the term of the contract has expired.

20.19 (b) The commissioner shall require a program participant seeking a reduced rate  
20.20 based on indigency to submit a sworn statement affirming that the proof of the participant's  
20.21 indigency is accurate. The commissioner shall notify the participant of the criminal  
20.22 penalty in subdivision 6, paragraph (c), for submitting false information for this purpose.  
20.23 If the commissioner determines that the statement contains false material information, the  
20.24 commissioner shall deny the participant the discounted rate.

20.25 Sec. 27. Minnesota Statutes 2014, section 171.306, subdivision 4, is amended to read:

20.26 Subd. 4. **Issuance of restricted license.** (a) The commissioner shall issue a class  
20.27 D driver's license, subject to the applicable limitations and restrictions of this section,  
20.28 to a program participant who meets the requirements of this section and the program  
20.29 guidelines. The commissioner shall not issue a license unless the program participant has  
20.30 provided satisfactory proof that:

20.31 (1) a certified ignition interlock device has been installed on the participant's motor  
20.32 vehicle at an installation service center designated by the device's manufacturer; and

20.33 (2) the participant has insurance coverage on the vehicle equipped with the ignition  
20.34 interlock device.

21.1 If the participant has previously been convicted of violating section 169.791, 169.793,  
21.2 or 169.797, or the participant's license has previously been suspended or canceled under  
21.3 section 169.792 or 169.797, the commissioner shall require the participant to present an  
21.4 insurance identification card, policy, or written statement as proof of insurance coverage;  
21.5 and may require the insurance identification card provided be that is certified by the  
21.6 insurance company to be noncancelable for a period not to exceed 12 months.

21.7 (b) A license issued under authority of this section must contain a restriction  
21.8 prohibiting the program participant from driving, operating, or being in physical control of  
21.9 any motor vehicle not equipped with a functioning ignition interlock device certified by  
21.10 the commissioner. A participant may drive an employer-owned vehicle not equipped with  
21.11 an interlock device while in the normal course and scope of employment duties pursuant  
21.12 to the program guidelines established by the commissioner and with the employer's  
21.13 written consent.

21.14 (c) A program participant whose driver's license has been: (1) revoked under section  
21.15 169A.52, subdivision 3, paragraph (a), clause (1), (2), or (3), or subdivision 4, paragraph  
21.16 (a), clause (1), (2), or (3), or section 169A.54, subdivision 1, clause (1), (2), (3), or (4); or  
21.17 (2) revoked under section 171.17, subdivision 1, paragraph (a), clause (1), or suspended  
21.18 under section 171.187, for a violation of section 609.2113, subdivision 1, clause (2), item  
21.19 (i) or (iii), (3), or (4); subdivision 2, clause (2), item (i) or (iii), (3), or (4); or subdivision  
21.20 3, clause (2), item (i) or (iii), (3), or (4); or 609.2114, subdivision 2, clause (2), item (i) or  
21.21 (iii), (3), or (4); or Minnesota Statutes 2013, section 609.21, subdivision 1, clause (2),  
21.22 item (i) or (iii), (3), or (4); resulting in bodily harm, substantial bodily harm, or great  
21.23 bodily harm, where the participant has fewer than two qualified prior impaired driving  
21.24 incidents within the past ten years or fewer than three qualified prior impaired driving  
21.25 incidents ever; may apply for conditional reinstatement of the driver's license, subject to  
21.26 the ignition interlock restriction.

21.27 (d) A program participant whose driver's license has been: (1) revoked, canceled,  
21.28 or denied under section 169A.52, subdivision 3, paragraph (a), clause (4), (5), or (6), or  
21.29 subdivision 4, paragraph (a), clause (4), (5), or (6), or section 169A.54, subdivision 1,  
21.30 clause (5), (6), or (7); or (2) revoked under section 171.17, subdivision 1, paragraph  
21.31 (a), clause (1), or suspended under section 171.187, for a violation of section 609.2113,  
21.32 subdivision 1, clause (2), item (i) or (iii), (3), or (4); subdivision 2, clause (2), item (i)  
21.33 or (iii), (3), or (4); or subdivision 3, clause (2), item (i) or (iii), (3), or (4); or 609.2114,  
21.34 subdivision 2, clause (2), item (i) or (iii), (3), or (4); or Minnesota Statutes 2013, section  
21.35 609.21, subdivision 1, clause (2), item (i) or (iii), (3), or (4); resulting in bodily harm,  
21.36 substantial bodily harm, or great bodily harm, where the participant has two or more  
22.1 qualified prior impaired driving incidents within the past ten years or three or more qualified  
22.2 prior impaired driving incidents ever; may apply for a limited conditional reinstatement of  
22.3 the driver's license, subject to the ignition interlock restriction, if the program participant  
22.4 is enrolled in a licensed chemical dependency treatment or rehabilitation program as  
22.5 recommended in a chemical use assessment; and if the participant meets the other



~~22.6 applicable requirements of section 171.30. After completing~~ As a prerequisite to eligibility  
~~22.7 for eventual reinstatement of full driving privileges, a participant whose chemical use~~  
~~22.8 assessment recommended treatment or rehabilitation shall complete~~ a licensed chemical  
~~22.9 dependency treatment or rehabilitation program and one year of limited license use~~  
~~22.10 without violating the ignition interlock restriction, the conditions of limited license use, or~~  
~~22.11 program guidelines, the participant may apply for conditional reinstatement of the driver's~~  
~~22.12 license, subject to the ignition interlock restriction. If the program participant's ignition~~  
~~22.13 interlock device subsequently registers a positive breath alcohol concentration of 0.02 or~~  
~~22.14 higher, the commissioner shall cancel the driver's license, and the program participant~~  
~~22.15 may apply for another limited license according to this paragraph extend the time period~~  
~~22.16 that the participant must participate in the program until the participant has reached the~~  
~~22.17 required abstinence period described in section 169A.55, subdivision 4.~~

22.18 (e) Notwithstanding any statute or rule to the contrary, the commissioner has  
 22.19 authority to determine when a program participant is eligible for restoration of full driving  
 22.20 privileges, except that the commissioner shall not reinstate full driving privileges until the  
 22.21 program participant has met all applicable prerequisites for reinstatement under section  
 22.22 169A.55 and until the program participant's device has registered no positive breath  
 22.23 alcohol concentrations of 0.02 or higher during the preceding 90 days.

22.24 Sec. 28. Minnesota Statutes 2014, section 171.306, subdivision 5, is amended to read:

22.25 Subd. 5. **Penalties; program violations.** (a) If a program participant tampers with,  
 22.26 circumvents, or bypasses a device; drives, operates, or exercises physical control over  
 22.27 a motor vehicle not equipped with a device certified by the commissioner; ~~violates a~~  
 22.28 ~~condition of a limited license issued under subdivision 4 and section 171.30;~~ or violates  
 22.29 the program guidelines of subdivision 3, the commissioner shall extend the person's  
 22.30 revocation period under section 169A.52 or 169A.54 by:

22.31 (1) 180 days for a first violation;

22.32 (2) one year for a second violation; or

22.33 (3) 545 days for a third and each subsequent violation.

22.34 (b) Notwithstanding paragraph (a), the commissioner may terminate participation  
 22.35 in the program by any person when, in the commissioner's judgment, termination is  
 23.1 necessary to the interests of public safety and welfare. In the event of termination, the  
 23.2 commissioner shall not reduce the applicable revocation period under section 169A.52 or  
 23.3 169A.54 by the amount of time during which the person possessed a ~~limited or~~ restricted  
 23.4 driver's license issued under the authority of subdivision 4.

23.5 Sec. 29. Minnesota Statutes 2014, section 171.306, subdivision 6, is amended to read:

23.6 Subd. 6. **Penalties; tampering.** (a) A person who lends, rents, or leases a motor  
23.7 vehicle that is not equipped with a functioning ignition interlock device certified by the  
23.8 commissioner to a person with a license issued under this section knowing that the person  
23.9 is subject to the ignition interlock restriction is guilty of a misdemeanor.

23.10 (b) A person who tampers with, circumvents, or bypasses the ignition interlock  
23.11 device, or assists another to tamper with, circumvent, or bypass the device, is guilty of a  
23.12 misdemeanor except when the action was taken for emergency purposes or for mechanical  
23.13 repair, and the person limited to the use of an ignition interlock device does not operate  
23.14 the motor vehicle while the device is disengaged.

23.15 (c) A program participant who knowingly submits false material information to an  
23.16 ignition interlock device manufacturer or the commissioner of public safety relating to the  
23.17 participant's eligibility for a discounted rate based on indigency is guilty of a misdemeanor.

23.18 (d) Notwithstanding section 609.101, subdivision 4, the Judicial Council may not  
23.19 add a violation of this subdivision to the Statewide Payables List.

23.20 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes  
23.21 committed on or after that date.

23.22 Sec. 30. Minnesota Statutes 2014, section 609.2111, is amended to read:  
23.23 **609.2111 DEFINITIONS; AFFIRMATIVE DEFENSES.**

23.24 Subdivision 1. **Definitions.** (a) For purposes of sections 609.2111 to 609.2114, the  
23.25 terms defined in this subdivision have the meanings given them.

23.26 (b) "Motor vehicle" has the meaning given in section 609.52, subdivision 1, and  
23.27 includes attached trailers.

23.28 (c) "Controlled substance" has the meaning given in section 152.01, subdivision 4.

23.29 (d) "Hazardous substance" means any chemical or chemical compound that is listed  
23.30 as a hazardous substance in rules adopted under chapter 182.

23.31 Subd. 2. **Affirmative defenses.** (a) If proven by a preponderance of the evidence, it  
23.32 is an affirmative defense to a violation of section 609.2112, subdivision 1, clause (3) or  
23.33 (4); section 609.2113, subdivision 1, clause (3) or (4); subdivision 2, clause (3) or (4); or  
24.1 subdivision 3, clause (3) or (4); or section 609.2114, subdivision 1, clause (3) or (4); or  
24.2 subdivision 2, clause (3) or (4), that the defendant consumed a sufficient quantity of alcohol  
24.3 after the time of the violation and before the administration of the evidentiary test to cause  
24.4 the defendant's alcohol concentration to exceed the level specified in the applicable clause.

24.5 (b) If proven by a preponderance of the evidence, it is an affirmative defense to  
24.6 a violation of section 609.2112, subdivision 1, clause (2) or (5); section 609.2113,  
24.7 subdivision 1, clause (2) or (5); subdivision 2, clause (2) or (5); or subdivision 3, clause  
24.8 (2) or (5); or section 609.2114, subdivision 1, clause (2) or (5); or subdivision 2, clause (2)  
24.9 or (5), that the defendant consumed a sufficient quantity of alcohol, controlled substance,  
24.10 or hazardous substance, or a combination of those elements, after the time of the violation  
24.11 to cause the defendant to be under the influence.

24.12 (c) If proven by a preponderance of the evidence, it is an affirmative defense to a  
24.13 violation of section 609.2112, subdivision 1, clause (6); section 609.2113, subdivision 1,  
24.14 clause (6); subdivision 2, clause (6); or subdivision 3, clause (6); or section 609.2114,  
24.15 subdivision 1, clause (6); or subdivision 2, clause (6), that the defendant used the  
24.16 controlled substance according to the terms of a prescription issued for the defendant in  
24.17 accordance with sections 152.11 and 152.12.

24.18 (d) If proven by a preponderance of the evidence, it is an affirmative defense to a  
24.19 violation of section 609.2112, 609.2113, or 609.2114 that the defendant's conduct was a  
24.20 result of necessity.

24.21 (e) An affirmative defense described in this subdivision may not be raised unless  
24.22 notice is given to the prosecution prior to the omnibus or pretrial hearing in the matter.

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

24.24 Sec. 31. **LIMITATION; CONSTRUCTION.**

24.25 The affirmative defense changes in this bill are limited to driving while impaired  
24.26 and criminal vehicular operation-related proceedings. A court may not construe these  
24.27 amendments as addressing or limiting the applicability of affirmative defenses in other  
24.28 criminal or civil proceedings.

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

24.30 Sec. 32. **REPEALER.**

24.31 Minnesota Statutes 2014, sections 609.2112, subdivision 2; 609.2113, subdivision 4;  
24.32 and 609.2114, subdivision 4, are repealed.

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

61.14 Sec. 11. Minnesota Statutes 2014, section 243.166, subdivision 1b, is amended to read:

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

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

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

61.21 (ii) kidnapping under section 609.25;

61.22 (iii) criminal sexual conduct under section 609.342; 609.343; 609.344; 609.345;

61.23 609.3451, subdivision 3; or 609.3453; or

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

61.25 (v) interference with privacy under section 609.746, subdivision 1a;

61.26 (2) the person was charged with or petitioned for a violation of, or attempt to  
61.27 violate, or aiding, abetting, or conspiring to commit criminal abuse in violation of section  
61.28 609.2325, subdivision 1, paragraph (b); false imprisonment in violation of section  
61.29 609.255, subdivision 2; solicitation, inducement, or promotion of the prostitution of a  
61.30 minor or engaging in the or sex trafficking of a minor in violation of section 609.322; a  
61.31 prostitution offense involving a minor under the age of 13 years in violation of section  
61.32 609.324, subdivision 1, paragraph (a); soliciting a minor to engage in sexual conduct in  
61.33 violation of section 609.352, subdivision 2 or 2a, clause (1); using a minor in a sexual  
61.34 performance in violation of section 617.246; or possessing pornographic work involving a  
62.1 minor in violation of section 617.247, and convicted of or adjudicated delinquent for that  
62.2 offense or another offense arising out of the same set of circumstances;

62.3 (3) the person was sentenced as a patterned sex offender under section 609.3455,

62.4 subdivision 3a; or

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

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

62.10 (1) the person was charged with or petitioned for an offense in another state that  
62.11 would be a violation of a law described in paragraph (a) if committed in this state and  
62.12 convicted of or adjudicated delinquent for that offense or another offense arising out  
62.13 of the same set of circumstances;

62.14 (2) the person enters this state to reside, work, or attend school, or enters this state

62.15 and remains for 14 days or longer; and

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

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

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

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

62.30 (1) the person was charged with or petitioned for a felony violation or attempt to  
62.31 violate any of the offenses listed in paragraph (a), clause (1), or a similar law of another  
62.32 state or the United States, or the person was charged with or petitioned for a violation of  
62.33 any of the offenses listed in paragraph (a), clause (2), or a similar law of another state or  
62.34 the United States;

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

63.4 (3) the person was committed pursuant to a court commitment order under section  
63.5 253B.18 or a similar law of another state or the United States.

63.6 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes  
63.7 committed on or after that date.

63.8 Sec. 12. Minnesota Statutes 2014, section 609.1095, subdivision 1, is amended to read:

63.9 Subdivision 1. **Definitions.** (a) As used in this section, the following terms have  
63.10 the meanings given.

63.11 (b) "Conviction" means any of the following accepted and recorded by the court: a  
63.12 plea of guilty, a verdict of guilty by a jury, or a finding of guilty by the court. The term  
63.13 includes a conviction by any court in Minnesota or another jurisdiction.

63.14 (c) "Prior conviction" means a conviction that occurred before the offender  
63.15 committed the next felony resulting in a conviction and before the offense for which the  
63.16 offender is being sentenced under this section.

63.17 (d) "Violent crime" means a violation of or an attempt or conspiracy to violate  
63.18 any of the following laws of this state or any similar laws of the United States or any  
63.19 other state: sections 152.137; 609.165; 609.185; 609.19; 609.195; 609.20; 609.205;  
63.20 609.2112; 609.2113; 609.2114; 609.221; 609.222; 609.223; 609.228; 609.235; 609.24;  
63.21 609.245; 609.25; 609.255; 609.2661; 609.2662; 609.2663; 609.2664; 609.2665; 609.267;  
63.22 609.2671; 609.268; 609.322; 609.342; 609.343; 609.344; 609.345; 609.498, subdivision 1;  
63.23 609.561; 609.562; 609.582, subdivision 1; 609.66, subdivision 1e; 609.687; and 609.855,  
63.24 subdivision 5; any provision of sections 609.229; 609.377; 609.378; 609.749; and 624.713  
63.25 that is punishable by a felony penalty; or any provision of chapter 152 that is punishable  
63.26 by a maximum sentence of 15 years or more; or Minnesota Statutes 2012, section 609.21.

63.27 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes  
63.28 committed on or after that date.

63.29 Sec. 13. Minnesota Statutes 2014, section 609.2111, is amended to read:

63.30 **609.2111 DEFINITIONS.**

63.31 (a) For purposes of sections 609.2111 to 609.2114, the terms defined in this  
63.32 subdivision have the meanings given them.

64.1 (b) "Motor vehicle" has the meaning given in section 609.52, subdivision 1, and  
64.2 includes attached trailers.

64.3 (c) "Controlled substance" has the meaning given in section 152.01, subdivision 4.

64.4 (d) "Hazardous substance" means any chemical or chemical compound that is listed  
64.5 as a hazardous substance in rules adopted under chapter 182.

64.6 (e) "Qualified prior driving offense" includes a prior conviction:

64.7 (1) for a violation of section 169A.20 under the circumstances described in section  
64.8 169A.24, 169A.25, or 169A.26;

64.9 (2) for a violation of section 169A.20 under the circumstances described in section  
64.10 169A.27 and involving damage to property;

64.11 (3) for a violation of section 169.13 involving damage to property or resulting in  
64.12 bodily harm to or the death of another;

64.13 (4) under section 609.2112, subdivision 1, paragraph (a), clauses (2) to (6);

64.14 609.2113, subdivision 1, clauses (2) to (6); 2, clauses (2) to (6); or 3, clauses (2) to (6); or

64.15 609.2114, subdivision 1, paragraph (a), clauses (2) to (6);

64.16 (5) under Minnesota Statutes 2012, section 609.21, subdivision 1, clauses (2) to (6); or

64.17 (6) under Minnesota Statutes 2006, section 609.21, subdivision 1, clauses (2) to (6);  
64.18 2, clauses (2) to (6); 2a, clauses (2) to (6); 2b, clauses (2) to (6); 3, clauses (2) to (6); or 4,  
64.19 clauses (2) to (6).

64.20 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes  
64.21 committed on or after that date.

64.22 Sec. 14. Minnesota Statutes 2014, section 609.2112, subdivision 1, is amended to read:

64.23 Subdivision 1. **Criminal vehicular homicide.** (a) Except as provided in  
64.24 paragraph (b), a person is guilty of criminal vehicular homicide and may be sentenced  
64.25 to imprisonment for not more than ten years or to payment of a fine of not more than  
64.26 \$20,000, or both, if the person causes the death of a human being not constituting murder  
64.27 or manslaughter as a result of operating a motor vehicle:

64.28 (1) in a grossly negligent manner;

64.29 (2) in a negligent manner while under the influence of:

64.30 (i) alcohol;

64.31 (ii) a controlled substance; or

64.32 (iii) any combination of those elements;

64.33 (3) while having an alcohol concentration of 0.08 or more;

64.34 (4) while having an alcohol concentration of 0.08 or more, as measured within  
64.35 two hours of the time of driving;

65.1 (5) in a negligent manner while knowingly under the influence of a hazardous  
65.2 substance;

65.3 (6) in a negligent manner while any amount of a controlled substance listed in  
65.4 Schedule I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is  
65.5 present in the person's body;

65.6 (7) where the driver who causes the collision leaves the scene of the collision in  
65.7 violation of section 169.09, subdivision 1 or 6; or

65.8 (8) where the driver had actual knowledge that a peace officer had previously issued a  
65.9 citation or warning that the motor vehicle was defectively maintained, the driver had actual  
65.10 knowledge that remedial action was not taken, the driver had reason to know that the defect  
65.11 created a present danger to others, and the death was caused by the defective maintenance.

65.12 (b) If a person is sentenced under paragraph (a) for a violation under paragraph (a),  
65.13 clauses (2) to (6), occurring within ten years of a qualified prior driving offense, the  
65.14 statutory maximum sentence of imprisonment is 15 years.

65.15 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes  
65.16 committed on or after that date.

65.17 Sec. 15. Minnesota Statutes 2014, section 609.2114, subdivision 1, is amended to read:

65.18 Subdivision 1. **Death to an unborn child.** (a) Except as provided in paragraph (b),

65.19 a person is guilty of criminal vehicular operation resulting in death to an unborn child

65.20 and may be sentenced to imprisonment for not more than ten years or to payment of a

65.21 fine of not more than \$20,000, or both, if the person causes the death of an unborn child

65.22 as a result of operating a motor vehicle:

65.23 (1) in a grossly negligent manner;

65.24 (2) in a negligent manner while under the influence of:

65.25 (i) alcohol;

65.26 (ii) a controlled substance; or

65.27 (iii) any combination of those elements;

65.28 (3) while having an alcohol concentration of 0.08 or more;

65.29 (4) while having an alcohol concentration of 0.08 or more, as measured within

65.30 two hours of the time of driving;

65.31 (5) in a negligent manner while knowingly under the influence of a hazardous

65.32 substance;

65.33 (6) in a negligent manner while any amount of a controlled substance listed in

65.34 Schedule I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is

65.35 present in the person's body;

66.1 (7) where the driver who causes the accident leaves the scene of the accident in

66.2 violation of section 169.09, subdivision 1 or 6; or

66.3 (8) where the driver had actual knowledge that a peace officer had previously issued a

66.4 citation or warning that the motor vehicle was defectively maintained, the driver had actual

66.5 knowledge that remedial action was not taken, the driver had reason to know that the defect

66.6 created a present danger to others, and the injury was caused by the defective maintenance.

66.7 (b) If a person is sentenced under paragraph (a) for a violation under paragraph (a),

66.8 clauses (2) to (6), occurring within ten years of a qualified prior driving offense, the

66.9 statutory maximum sentence of imprisonment is 15 years.

66.10 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes

66.11 committed on or after that date.



**FROM SF 1120**

66.12 Sec. 16. Minnesota Statutes 2014, section 609.2231, subdivision 3a, is amended to read:

66.13 Subd. 3a. **Secure treatment facility personnel.** (a) As used in this subdivision,  
66.14 "secure treatment facility" ~~has the meaning given~~ includes facilities listed in section  
66.15 sections 253B.02, subdivision 18a, and 253D.02, subdivision 13.

66.16 (b) Whoever, while committed under chapter 253D, Minnesota Statutes 2012,  
66.17 section 253B.185, or Minnesota Statutes 1992, section 526.10, commits either of the  
66.18 following acts against an employee or other individual who provides care or treatment at a  
66.19 secure treatment facility while the person is engaged in the performance of a duty imposed  
66.20 by law, policy, or rule is guilty of a felony and may be sentenced to imprisonment for not  
66.21 more than two years or to payment of a fine of not more than \$4,000, or both:

66.22 (1) assaults the person and inflicts demonstrable bodily harm; or

66.23 (2) intentionally throws or otherwise transfers bodily fluids or feces at or onto the  
66.24 person.

66.25 (c) Whoever, while committed under section 253B.18, or admitted under the  
66.26 provision of section 253B.10, subdivision 1, commits either of the following acts against  
66.27 an employee or other individual who supervises and works directly with patients at a  
66.28 secure treatment facility while the person is engaged in the performance of a duty imposed  
66.29 by law, policy, or rule is guilty of a felony and may be sentenced to imprisonment for not  
66.30 more than two years or to payment of a fine of not more than \$4,000, or both:

66.31 (1) assaults the person and inflicts demonstrable bodily harm; or

66.32 (2) intentionally throws or otherwise transfers bodily fluids or feces at or onto the  
66.33 person.

66.34 ~~(e)~~ (d) The court shall commit a person convicted of violating ~~paragraph (b)~~ this  
66.35 subdivision to the custody of the commissioner of corrections for not less than one year  
67.1 and one day. The court may not, on its own motion or the prosecutor's motion, sentence a  
67.2 person without regard to this paragraph. A person convicted and sentenced as required by  
67.3 this paragraph is not eligible for probation, parole, discharge, work release, or supervised  
67.4 release, until that person has served the full term of imprisonment as provided by law,  
67.5 notwithstanding the provisions of sections 241.26, 242.19, 243.05, 244.04, 609.12, and  
67.6 609.135.

1.6 Section 1. Minnesota Statutes 2014, section 609.2231, subdivision 3a, is amended to  
1.7 read:

1.8 Subd. 3a. **Secure treatment facility personnel.** (a) As used in this subdivision,  
1.9 "secure treatment facility" ~~has the meaning given~~ includes facilities listed in section  
1.10 sections 253B.02, subdivision 18a, and 253D.02, subdivision 13.

1.11 (b) Whoever, while committed under chapter 253D, Minnesota Statutes 2012,  
1.12 section 253B.185, or Minnesota Statutes 1992, section 526.10, commits either of the  
1.13 following acts against an employee or other individual who provides care or treatment at a  
1.14 secure treatment facility while the person is engaged in the performance of a duty imposed  
1.15 by law, policy, or rule is guilty of a felony and may be sentenced to imprisonment for not  
1.16 more than two years or to payment of a fine of not more than \$4,000, or both:

1.17 (1) assaults the person and inflicts demonstrable bodily harm; or

1.18 (2) intentionally throws or otherwise transfers bodily fluids or feces at or onto the  
1.19 person.

1.20 (c) Whoever, while committed under section 253B.18, or admitted under the  
1.21 provision of section 253B.10, subdivision 1, commits either of the following acts against  
1.22 an employee or other individual who supervises and works directly with patients at a  
1.23 secure treatment facility while the person is engaged in the performance of a duty imposed  
2.1 by law, policy, or rule, is guilty of a felony and may be sentenced to imprisonment for not  
2.2 more than two years or to payment of a fine of not more than \$4,000, or both:

2.3 (1) assaults the person and inflicts demonstrable bodily harm; or

2.4 (2) intentionally throws or otherwise transfers urine, blood, semen, or feces onto  
2.5 the person.

2.6 ~~(e)~~ (d) The court shall commit a person convicted of violating paragraph (b) to the  
2.7 custody of the commissioner of corrections for not less than one year and one day. The  
2.8 court may not, on its own motion or the prosecutor's motion, sentence a person without  
2.9 regard to this paragraph. A person convicted and sentenced as required by this paragraph  
2.10 is not eligible for probation, parole, discharge, work release, or supervised release, until  
2.11 that person has served the full term of imprisonment as provided by law, notwithstanding  
2.12 the provisions of sections 241.26, 242.19, 243.05, 244.04, 609.12, and 609.135.

67.7 ~~(d)~~ (e) Notwithstanding the statutory maximum sentence provided in ~~paragraph (b)~~  
 67.8 this subdivision, when a court sentences a person to the custody of the commissioner of  
 67.9 corrections for a violation of ~~paragraph (b)~~ this subdivision, the court shall provide that  
 67.10 after the person has been released from prison, the commissioner shall place the person on  
 67.11 conditional release for five years. The terms of conditional release are governed by sections  
 67.12 244.05 and 609.3455, subdivision 6, 7, or 8; and Minnesota Statutes 2004, section 609.109.

67.13 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes  
 67.14 committed on or after that date.

67.15 Sec. 17. Minnesota Statutes 2014, section 609.2232, is amended to read:

67.16 **609.2232 CONSECUTIVE SENTENCES FOR ASSAULTS COMMITTED BY**  
 67.17 **STATE PRISON OR PUBLIC INSTITUTION INMATES.**

67.18 If an inmate of a state correctional facility or an inmate receiving medical assistance  
 67.19 services while an inpatient in a medical institution under section 256B.055, subdivision  
 67.20 14, paragraph (c), is convicted of violating section 609.221, 609.222, 609.223, 609.2231,  
 67.21 or 609.224, while confined in the facility or while in the medical institution, the sentence  
 67.22 imposed for the assault shall be executed and run consecutively to any unexpired portion  
 67.23 of the offender's earlier sentence. The inmate is not entitled to credit against the sentence  
 67.24 imposed for the assault for time served in confinement for the earlier sentence. The inmate  
 67.25 shall serve the sentence for the assault in a state correctional facility even if the assault  
 67.26 conviction was for a misdemeanor or gross misdemeanor.

67.27 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes  
 67.28 committed on or after that date.

67.29 Sec. 18. Minnesota Statutes 2014, section 609.324, subdivision 1, is amended to read:

67.30 Subdivision 1. **Engaging in, hiring, or agreeing to hire minor to engage in**  
 67.31 **prostitution; penalties.** (a) Whoever intentionally does any of the following may be  
 67.32 sentenced to imprisonment for not more than 20 years or to payment of a fine of not  
 67.33 more than \$40,000, or both:

68.1 (1) engages in prostitution with an individual under the age of 13 years; or

68.2 (2) hires or offers or agrees to hire an individual under the age of 13 years to engage  
 68.3 in sexual penetration or sexual contact.

68.4 (b) Whoever intentionally does any of the following may be sentenced to  
 68.5 imprisonment for not more than ten years or to payment of a fine of not more than  
 68.6 \$20,000, or both:

2.13 ~~(d)~~ (e) Notwithstanding the statutory maximum sentence provided in paragraph (b),  
 2.14 when a court sentences a person to the custody of the commissioner of corrections for a  
 2.15 violation of paragraph (b), the court shall provide that after the person has been released  
 2.16 from prison, the commissioner shall place the person on conditional release for five  
 2.17 years. The terms of conditional release are governed by sections 244.05 and 609.3455,  
 2.18 subdivision 6, 7, or 8; and Minnesota Statutes 2004, section 609.109.

2.19 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes  
 2.20 committed on or after that date.

68.7 (1) engages in prostitution with an individual under the age of 16 years but at least  
68.8 13 years; or

68.9 (2) hires or offers or agrees to hire an individual under the age of 16 years but at  
68.10 least 13 years to engage in sexual penetration or sexual contact.

68.11 (c) Whoever intentionally does any of the following may be sentenced to  
68.12 imprisonment for not more than five years or to payment of a fine of not more than  
68.13 \$10,000, or both:

68.14 (1) engages in prostitution with an individual under the age of 18 years but at least  
68.15 16 years; or

68.16 (2) hires or offers or agrees to hire an individual under the age of 18 years but at  
68.17 least 16 years to engage in sexual penetration or sexual contact; or

68.18 (3) hires or offers or agrees to hire an individual who the actor reasonably believes  
68.19 to be under the age of 18 years to engage in sexual penetration or sexual contact.

68.20 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes  
68.21 committed on or after that date.

68.22 Sec. 19. Minnesota Statutes 2014, section 609.325, is amended by adding a subdivision  
68.23 to read:

68.24 Subd. 3a. **No defense; undercover operative.** The fact that an undercover operative  
68.25 or law enforcement officer was involved in the detection or investigation of an offense  
68.26 shall not be a defense to a prosecution under section 609.324.

68.27 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes  
68.28 committed on or after that date.

68.29 Sec. 20. Minnesota Statutes 2014, section 609.325, subdivision 4, is amended to read:

68.30 Subd. 4. **Affirmative defense.** It is an affirmative defense to a charge under section  
68.31 609.324, subdivision 6 or 7, if the defendant proves by a preponderance of the evidence  
68.32 that the defendant is a labor trafficking victim, as defined in section 609.281, or a sex  
68.33 trafficking victim, as defined in section 609.321, and that the defendant committed the act  
69.1 ~~only under compulsion by another who by explicit or implicit threats created a reasonable~~  
69.2 ~~apprehension in the mind of the defendant that if the defendant did not commit the act,~~  
69.3 ~~the person would inflict bodily harm upon the defendant~~ acts underlying the charge as a  
69.4 result of being a labor trafficking or sex trafficking victim.

69.5 Sec. 21. Minnesota Statutes 2014, section 609.3451, subdivision 1, is amended to read:

69.6 Subdivision 1. **Crime defined.** A person is guilty of criminal sexual conduct  
69.7 in the fifth degree:

69.8 (1) if the person engages in nonconsensual sexual contact; or

69.9 (2) the person engages in masturbation or lewd exhibition of the genitals in the  
69.10 presence of a minor under the age of 16, knowing or having reason to know the minor  
69.11 is present.

69.12 For purposes of this section, "sexual contact" has the meaning given in section  
69.13 609.341, subdivision 11, paragraph (a), clauses (i) ~~and~~ (iv), and (v), but does not include  
69.14 the intentional touching of the clothing covering the immediate area of the buttocks.  
69.15 Sexual contact also includes the intentional removal or attempted removal of clothing  
69.16 covering the complainant's intimate parts or undergarments, and the nonconsensual  
69.17 touching by the complainant of the actor's intimate parts, effected by the actor, if the action  
69.18 is performed with sexual or aggressive intent.

69.19 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes  
69.20 committed on or after that date.

69.21 Sec. 22. Minnesota Statutes 2014, section 609.3471, is amended to read:

69.22 **609.3471 RECORDS PERTAINING TO VICTIM IDENTITY**

69.23 **CONFIDENTIAL.**

69.24 Notwithstanding any provision of law to the contrary, no data contained in records or  
69.25 reports relating to petitions, complaints, or indictments issued pursuant to section 609.322,  
69.26 609.342, 609.343, 609.344, 609.345, or 609.3453, which specifically identifies a victim  
69.27 who is a minor shall be accessible to the public, except by order of the court. Nothing  
69.28 in this section authorizes denial of access to any other data contained in the records or  
69.29 reports, including the identity of the defendant.

69.30 Sec. 23. Minnesota Statutes 2014, section 609.475, is amended to read:

69.31 **609.475 IMPERSONATING OFFICER.**

70.1 Whoever falsely impersonates a police ~~or military~~ officer, active or reserve  
70.2 component military service member, veteran, or public official with intent to mislead  
70.3 another into believing that the impersonator is actually such officer, service member,  
70.4 veteran, or official is guilty of a misdemeanor.

70.5 Sec. 24. Minnesota Statutes 2014, section 609.531, subdivision 1, is amended to read:

70.6 Subdivision 1. **Definitions.** For the purpose of sections 609.531 to 609.5318, the  
70.7 following terms have the meanings given them.

70.8 (a) "Conveyance device" means a device used for transportation and includes, but  
70.9 is not limited to, a motor vehicle, trailer, snowmobile, airplane, and vessel and any  
70.10 equipment attached to it. The term "conveyance device" does not include property which  
70.11 is, in fact, itself stolen or taken in violation of the law.

70.12 (b) "Weapon used" means a dangerous weapon as defined under section 609.02,  
70.13 subdivision 6, that the actor used or had in possession in furtherance of a crime.

70.14 (c) "Property" means property as defined in section 609.52, subdivision 1, clause (1).

70.15 (d) "Contraband" means property which is illegal to possess under Minnesota law.

70.16 (e) "Appropriate agency" means the Bureau of Criminal Apprehension, the  
70.17 Department of Commerce Fraud Bureau, the Minnesota Division of Driver and Vehicle  
70.18 Services, the Minnesota State Patrol, a county sheriff's department, the Three Rivers Park  
70.19 District park rangers, the Department of Natural Resources Division of Enforcement, the  
70.20 University of Minnesota Police Department, the Department of Corrections Fugitive  
70.21 Apprehension Unit, a city, metropolitan transit, or airport police department; or a  
70.22 multijurisdictional entity established under section 299A.642 or 299A.681.

70.23 (f) "Designated offense" includes:

70.24 (1) for weapons used: any violation of this chapter, chapter 152 or 624;

70.25 (2) for driver's license or identification card transactions: any violation of section  
70.26 171.22; and

70.27 (3) for all other purposes: a felony violation of, or a felony-level attempt or  
70.28 conspiracy to violate, section 325E.17; 325E.18; 609.185; 609.19; 609.195; 609.21;  
70.29 609.221; 609.222; 609.223; 609.2231; 609.2335; 609.24; 609.245; 609.25; 609.255;  
70.30 609.282; 609.283; 609.322; 609.342, subdivision 1, clauses (a) to (f); 609.343, subdivision  
70.31 1, clauses (a) to (f); 609.344, subdivision 1, clauses (a) to (e), and (h) to (j); 609.345,  
70.32 subdivision 1, clauses (a) to (e), and (h) to (j); 609.352; 609.42; 609.425; 609.466;  
70.33 609.485; 609.487; 609.52; 609.525; 609.527; 609.528; 609.53; 609.54; 609.551; 609.561;  
70.34 609.562; 609.563; 609.582; 609.59; 609.595; 609.611; 609.631; 609.66, subdivision 1e;  
70.35 609.671, subdivisions 3, 4, 5, 8, and 12; 609.687; 609.821; 609.825; 609.86; 609.88;  
71.1 609.89; 609.893; 609.895; 617.246; 617.247; or a gross misdemeanor or felony violation  
71.2 of section 609.891 or 624.7181; or any violation of section 609.324.

71.3 (g) "Controlled substance" has the meaning given in section 152.01, subdivision 4.

71.4 (h) "Prosecuting authority" means the attorney who is responsible for prosecuting an  
71.5 offense that is the basis for a forfeiture under sections 609.531 to 609.5318.

71.6 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes

71.7 committed on or after that date.

71.8 Sec. 25. **[609.5634] REAL OR PERSONAL PROPERTY ARSON RESULTING  
71.9 IN BODILY HARM.**

71.10 Subdivision 1. **Penalty; felony.** Whoever, by means of fire or explosives,

71.11 intentionally sets fire to or burns any real or personal property and the fire or explosion

71.12 proximately causes bodily harm to any person, including a public safety officer performing

71.13 official duties, shall be sentenced as follows:

71.14 (1) if the injury results in great bodily harm, the person shall be sentenced to

71.15 imprisonment for not more than 20 years or to payment of a fine of not more than \$20,000,

71.16 or both;

71.17 (2) if the injury results in substantial bodily harm, the person shall be sentenced

71.18 to imprisonment for not more than ten years or to payment of a fine of not more than

71.19 \$15,000, or both; and

71.20 (3) if the injury results in demonstrable bodily harm, the person shall be sentenced

71.21 to imprisonment for not more than five years or to payment of a fine of not more than

71.22 \$10,000, or both.

71.23 Subd. 2. **Definitions.** (a) As used in this section, "personal property" does not

71.24 include items where fire is involved in its normally intended use or repair, such as the wick

71.25 of a candle, solder or flux in the act of welding, or logs in a campfire.

71.26 (b) As used in this section, "public safety officer" has the meaning given in section

71.27 299A.41, subdivision 4.

71.28 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes

71.29 committed on or after that date.

71.30 Sec. 26. Minnesota Statutes 2014, section 609.564, is amended to read:

71.31 **609.564 EXCLUDED FIRES.**

72.1 A person does not violate section 609.561, 609.562, 609.563, 609.5634, or 609.5641

72.2 if the person sets a fire pursuant to a validly issued license or permit or with written

72.3 permission from the fire department of the jurisdiction where the fire occurs.

72.4 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes

72.5 committed on or after that date.

72.6 Sec. 27. Minnesota Statutes 2014, section 609.5641, subdivision 1a, is amended to read:

72.7 Subd. 1a. **Penalty; felonies.** (a) Except as provided in paragraphs (b), (c), and (d), a

72.8 person who violates subdivision 1 may be sentenced to imprisonment for not more than

72.9 five years or to payment of a fine of not more than \$10,000, or both.

72.10 (b) A person who violates subdivision 1 where the fire threatens to damage or  
72.11 damages in excess of five buildings or dwellings, burns 500 acres or more, or damages  
72.12 crops in excess of \$100,000, may be sentenced to imprisonment for not more than ten  
72.13 years or to payment of a fine of not more than \$15,000, or both.

72.14 (c) A person who violates subdivision 1 where the fire threatens to damage or  
72.15 damages in excess of 100 buildings or dwellings, burns 1,500 acres or more, or damages  
72.16 crops in excess of \$250,000, may be sentenced to imprisonment for not more than 20 years  
72.17 or to payment of a fine of not more than \$25,000, or both.

72.18 (d) A person who violates subdivision 1 where the fire causes another person to  
72.19 suffer ~~demonstrable~~ bodily harm may be sentenced to ~~imprisonment for not more than~~  
72.20 ~~ten years or to payment of a fine of \$15,000, or both~~ as provided in section 609.5634,  
72.21 subdivision 1, clauses (1) to (3).

72.22 (e) For purposes of this section, a building or dwelling is threatened when there is a  
72.23 probability of damage to the building or dwelling requiring evacuation for safety of life.

72.24 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes  
72.25 committed on or after that date.

72.26 Sec. 28. **[609.688] ADULTERATION BY BODILY FLUID.**

72.27 Subdivision 1. **Definition.** (a) As used in this section, the following terms have  
72.28 the meanings given.

72.29 (b) "Adulterates" is the intentional adding of a bodily fluid to a substance.

72.30 (c) "Bodily fluid" means the blood, seminal fluid, vaginal fluid, urine, or feces of  
72.31 a human.

73.1 Subd. 2. **Crime.** (a) Whoever adds saliva to any substance that the person knows or  
73.2 should know is intended for human consumption and another person ingests the substance  
73.3 without knowledge of the saliva being added is guilty of a misdemeanor.

73.4 (b) Whoever adulterates any substance that the person knows or should know is  
73.5 intended for human consumption is guilty of a misdemeanor.

73.6 (c) Whoever violates paragraph (b) and another person ingests the adulterated  
73.7 substance without knowledge of the adulteration is guilty of a gross misdemeanor.

73.8 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes  
73.9 committed on or after that date.

73.10 Sec. 29. Minnesota Statutes 2014, section 609.746, is amended by adding a subdivision  
73.11 to read:

73.12 Subd. 1a. **Nonconsensual photographs and videos.** (a) A person who knowingly  
73.13 takes a photograph, records a digital image, makes a video record, or transmits live video  
73.14 of another person, without that person's consent, in a restroom, locker room, or changing  
73.15 room is guilty of a crime and may be sentenced as provided in paragraphs (c), (d), and (e).

73.16 (b) A person who knowingly disseminates, or permits to be disseminated, a  
73.17 photograph, digital image, video record, or live video that the person knows to have been  
73.18 made or transmitted in violation of paragraph (a) or subdivision 1 is guilty of a crime and  
73.19 may be sentenced as provided in paragraphs (f), (g), and (h).

73.20 (c) Except as provided in paragraphs (d) and (e), a person who violates paragraph (a)  
73.21 is guilty of a gross misdemeanor.

73.22 (d) A person who violates paragraph (a) and the victim is a minor under the age of  
73.23 18 is guilty of a felony and may be sentenced to imprisonment for not more than 36  
73.24 months or to payment of a fine of not more than \$10,000, or both.

73.25 (e) A person who violates paragraph (a) and who is required to register as a predatory  
73.26 offender under the laws of this state or another jurisdiction is guilty of a felony and may  
73.27 be sentenced to imprisonment for not more than 36 months or to payment of a fine of  
73.28 not more than \$10,000, or both.

73.29 (f) Except as provided in paragraphs (g) and (h), a person who violates paragraph (b)  
73.30 is guilty of a felony and may be sentenced to imprisonment for not more than 36 months  
73.31 or to payment of a fine of not more than \$10,000, or both.

73.32 (g) A person who violates paragraph (b) and the victim is a minor under the age of  
73.33 18 is guilty of a felony and may be sentenced to imprisonment for not more than 60  
73.34 months or to payment of a fine of not more than \$20,000, or both.

74.1 (h) A person who violates paragraph (b) and who is required to register as a  
74.2 predatory offender under the laws of this state or another jurisdiction is guilty of a felony  
74.3 and may be sentenced to imprisonment for not more than 60 months or to payment of  
74.4 a fine of not more than \$20,000, or both.

74.5 (i) This subdivision does not apply to:

74.6 (1) law enforcement officers or corrections investigators, or to those acting under  
74.7 their direction, while engaged in the performance of their lawful duties; or

74.8 (2) the owner of a commercial establishment and the owner's employees if the owner  
74.9 has posted conspicuous signs warning that the premises are under surveillance by the  
74.10 owner or the owner's employees and the recording and dissemination of a photograph,  
74.11 digital image, video record, or live video are necessary to protect the safety of employees  
74.12 or customers or to secure the establishment's property, including merchandise.



74.13 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes  
74.14 committed on or after that date.

74.15 Sec. 30. Minnesota Statutes 2014, section 609.765, is amended to read:

74.16 **609.765 CRIMINAL DEFAMATION.**

74.17 Subdivision 1. **Definition.** Defamatory matter is anything which exposes a person  
74.18 or a group, class or association to hatred, contempt, ridicule, degradation or disgrace in  
74.19 society, or injury to business or occupation.

74.20 Subd. 2. **Acts constituting.** Whoever with knowledge of its false and defamatory  
74.21 character orally, in writing or by any other means, communicates any false and defamatory  
74.22 matter to a third person without the consent of the person defamed is guilty of criminal  
74.23 defamation and may be sentenced to imprisonment for not more than one year or to  
74.24 payment of a fine of not more than \$3,000, or both.

74.25 Subd. 3. **Justification.** Violation of subdivision 2 is justified if:

74.26 ~~(1) the defamatory matter is true and is communicated with good motives and for~~  
74.27 ~~justifiable ends; or~~

74.28 ~~(2)~~ (1) the communication is absolutely privileged; or

74.29 ~~(3)~~ (2) the communication consists of fair comment made in good faith with respect  
74.30 to persons participating in matters of public concern; or

74.31 ~~(4)~~ (3) the communication consists of a fair and true report or a fair summary of any  
74.32 judicial, legislative or other public or official proceedings; or

75.1 ~~(5)~~ (4) the communication is between persons each having an interest or duty with  
75.2 respect to the subject matter of the communication and is made with intent to further  
75.3 such interest or duty.

75.4 Subd. 4. **Testimony required.** No person shall be convicted on the basis of an oral  
75.5 communication of defamatory matter except upon the testimony of at least two other  
75.6 persons that they heard and understood the oral statement as defamatory or upon a plea  
75.7 of guilty.

75.8 Sec. 31. Minnesota Statutes 2014, section 611A.26, subdivision 1, is amended to read:

75.9 Subdivision 1. **Polygraph prohibition.** No law enforcement agency or prosecutor  
75.10 shall require that a complainant of a criminal sexual conduct or sex trafficking offense  
75.11 submit to a polygraph examination as part of or a condition to proceeding with the  
75.12 investigation, charging, or prosecution of such offense.

75.13 Sec. 32. Minnesota Statutes 2014, section 611A.26, subdivision 6, is amended to read:

75.14 Subd. 6. **Definitions.** For the purposes of this section, the following terms have  
75.15 the meanings given.

75.16 (a) "Criminal sexual conduct" means a violation of section 609.342, 609.343,  
75.17 609.344, 609.345, or 609.3451.

75.18 (b) "Sex trafficking" means a violation of section 609.322.

75.19 (c) "Complainant" means a person reporting to have been subjected to criminal  
75.20 sexual conduct or sex trafficking.

75.21 (e) (d) "Polygraph examination" means any mechanical or electrical instrument or  
75.22 device of any type used or allegedly used to examine, test, or question individuals for  
75.23 the purpose of determining truthfulness.

75.24 Sec. 33. Minnesota Statutes 2014, section 617.242, subdivision 6, is amended to read:

75.25 Subd. 6. **Restrictions on ownership or management by persons convicted of**  
75.26 **certain crimes.** A person who has been convicted of one of the following offenses may  
75.27 not operate or manage an adult business establishment for three years after discharge of  
75.28 the sentence for the offense, or a similar offense in another state or jurisdiction:

75.29 (1) prostitution or sex trafficking under section 609.321; 609.322; 609.324; or  
75.30 609.3242;

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

75.32 (3) solicitation of children under section 609.352;

75.33 (4) indecent exposure under section 617.23;

76.1 (5) distribution or exhibition of obscene materials and performances under section  
76.2 617.241;

76.3 (6) use of a minor in a sexual performance under section 617.246; or

76.4 (7) possession of pornographic work involving minors under section 617.247.

76.5 Sec. 34. Minnesota Statutes 2014, section 628.26, is amended to read:

76.6 **628.26 LIMITATIONS.**

76.7 (a) Indictments or complaints for any crime resulting in the death of the victim may  
76.8 be found or made at any time after the death of the person killed.

76.9 (b) Indictments or complaints for a violation of section 609.25 may be found or  
76.10 made at any time after the commission of the offense.

76.11 (c) Indictments or complaints for violation of section 609.282 may be found or made  
76.12 at any time after the commission of the offense if the victim was under the age of 18 at  
76.13 the time of the offense.

76.14 (d) Indictments or complaints for violation of section 609.282 where the victim  
76.15 was 18 years of age or older at the time of the offense, or 609.42, subdivision 1, clause  
76.16 (1) or (2), shall be found or made and filed in the proper court within six years after  
76.17 the commission of the offense.

76.18 (e) Indictments or complaints for violation of sections 609.322 and 609.342 to  
76.19 609.345, if the victim was under the age of 18 years at the time the offense was committed,  
76.20 shall be found or made and filed in the proper court within the later of nine years after  
76.21 the commission of the offense or three years after the offense was reported to law  
76.22 enforcement authorities.

76.23 (f) Notwithstanding the limitations in paragraph (e), indictments or complaints for  
76.24 violation of sections 609.322 and 609.342 to 609.344 may be found or made and filed  
76.25 in the proper court at any time after commission of the offense, if physical evidence is  
76.26 collected and preserved that is capable of being tested for its DNA characteristics. If  
76.27 this evidence is not collected and preserved and the victim was 18 years old or older  
76.28 at the time of the offense, the prosecution must be commenced within nine years after  
76.29 the commission of the offense.

76.30 (g) Indictments or complaints for violation of sections 609.466 and 609.52,  
76.31 subdivision 2, clause (3), item (iii), shall be found or made and filed in the proper court  
76.32 within six years after the commission of the offense.

76.33 (h) Indictments or complaints for violation of section 609.2335, 609.52, subdivision  
76.34 2, clause (3), items (i) and (ii), (4), (15), or (16), 609.631, or 609.821, where the value of  
77.1 the property or services stolen is more than \$35,000, shall be found or made and filed in  
77.2 the proper court within five years after the commission of the offense.

77.3 (i) Except for violations relating to false material statements, representations or  
77.4 omissions, indictments or complaints for violations of section 609.671 shall be found or  
77.5 made and filed in the proper court within five years after the commission of the offense.

77.6 (j) Indictments or complaints for violation of sections 609.561 to 609.563, shall  
77.7 be found or made and filed in the proper court within five years after the commission  
77.8 of the offense.

77.9 (k) In all other cases, indictments or complaints shall be found or made and filed in  
77.10 the proper court within three years after the commission of the offense.

77.11 (l) The limitations periods contained in this section shall exclude any period of time  
77.12 during which the defendant was not an inhabitant of or usually resident within this state.

77.13 (m) The limitations periods contained in this section for an offense shall not include  
77.14 any period during which the alleged offender participated under a written agreement in a  
77.15 pretrial diversion program relating to that offense.

77.16 (n) The limitations periods contained in this section shall not include any period  
 77.17 of time during which physical evidence relating to the offense was undergoing DNA  
 77.18 analysis, as defined in section 299C.155, unless the defendant demonstrates that the  
 77.19 prosecuting or law enforcement agency purposefully delayed the DNA analysis process in  
 77.20 order to gain an unfair advantage.

77.21 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes  
 77.22 committed on or after that date and to crimes committed before that date if the limitations  
 77.23 period for the crime did not expire before August 1, 2015.

### FROM SF 878, ARTICLE 1

20.12 Sec. 23. Minnesota Statutes 2014, section 645.241, is amended to read:  
 20.13 **645.241 PUNISHMENT FOR PROHIBITED ACTS.**

20.14 ~~(a) Except as provided in paragraph (b),~~ When the performance of any act is  
 20.15 prohibited by a statute, and no penalty for the violation of the same shall be imposed in  
 20.16 any statute, the doing of such act shall be a petty misdemeanor.

20.17 ~~(b) When the performance of any act is prohibited by a statute enacted or amended~~  
 20.18 ~~after September 1, 2014, and no penalty for the violation of the same shall be imposed in~~  
 20.19 ~~any statute, the doing of such act shall be a petty misdemeanor.~~

20.20 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to acts  
 20.21 committed on or after that date.

77.24 Sec. 35. **JACQUELYN DEVNEY AND THOMAS CONSIDINE ROADWAY**  
 77.25 **SAFETY ACT.**

77.26 Sections 2 and 3 may be cited as the Jacquelyn Devney and Thomas Considine  
 77.27 Roadway Safety Act.

77.28 Sec. 36. **REVISOR'S INSTRUCTION.**

77.29 The revisor of statutes shall make cross-reference changes in Minnesota Statutes  
 77.30 consistent with re-coding changes made in sections 14 and 15.