

Subject Public Safety Finance Bill

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Overview

This is the Public Safety finance bill.

Article 1: Public Safety Appropriations

This article appropriates money for the Minnesota Sentencing Guidelines Commission, Department of Public Safety, Peace Officer Standards and Training Board, Private Detective Board, Department of Corrections, Ombudsperson for Corrections, Clemency Review Commission, Department of Children Youth and Families, and Office of Higher Education. It also transfers money to the Minnesota Victims of Crime account and reduces an appropriation to the Department of Commerce.

This article includes appropriations for: increased staffing in the Financial Crimes and Fraud Section of the Bureau of Criminal Apprehension [H.F. 2432], prosecutorial and law enforcement training [H.F. 2017], intensive comprehensive peace officer education and training [H.F. 120], statewide public safety radio communication system equipment grants [H.F. 1814], the Philando Castile Memorial Training Fund [H.F. 1256], maltreatment reports related to fentanyl exposure [H.F. 897], training for peace officers on the use of force [H.F. 541], and programs that provide services to victims of crime [H.F. 1082].

Article 2: Public Safety Policy

This article includes provisions related to public safety policy.

Section	Description – Article 2: Public Safety Policy
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1	Definitions.
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	Makes a conforming change to include the definition of “fentanyl” in the section addressing methamphetamine crimes involving children and vulnerable adults. [H.F. 897]
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Section Description – Article 2: Public Safety Policy

- 2 Prohibited conduct.**

Prohibits knowingly causing or permitting a child or vulnerable adult to be exposed to, have contact with, or ingest fentanyl. Creates an exception for certain manufacturers and medical professionals when acting in a professional capacity. [H.F. 897]
- 3 Opiate antagonists.**

Requires the commissioner of corrections to maintain an ample supply of opiate antagonists (Narcan) in each correctional facility to enable staff to rapidly respond to opioid overdoses. Directs the commissioner, in consultation with the commissioner of health, to provide training to DOC employees on how to recognize the symptoms of an opioid overdose and administer opiate antagonists. [H.F. 1399]
- 4 Definitions.**

Delays the sunset on the authority of the commissioner of corrections and counties to impose correctional supervision fees on inmates until 2029. The bill modifies the 2023 legislature’s statutory timeline for phasing out correctional supervision fees, which currently establishes an August 1, 2027, sunset date. [H.F. 467]
- 5 Annual report.**

Makes a conforming change related to the delay on the sunset of the authority to impose correctional supervision fees. [H.F. 467]
- 6 Sunsetting supervision fees; sunset plan.**

Makes a conforming change related to the delay on the sunset of the authority to impose correctional supervision fees. [H.F. 467]
- 7 Grant contracts and programs administrative costs.**

Authorizes the commissioner of corrections to use a percentage of legislative appropriations for grants for the agency’s grant administration costs. [H.F. 2432]
- 8 Minnesota victims of crime account.**

Establishes the Minnesota victims of crime account in the special revenue fund. Provides that the account consists of money deposited into the account and any interest or earnings of the account. Appropriates money in the account to the commissioner of public safety to make grants to programs that provide services to victims of crime. Requires an annual report regarding money deposited into the account. Establishes an annual general fund transfer of \$2,000,000 into the account. [H.F. 1082]

Section Description – Article 2: Public Safety Policy

9 Charter school inspections; fees.

Directs the fire marshal to charge inspection fees to schools at a rate of \$.014 per square foot of the buildings requiring inspection. Current law directs the fire marshal to charge \$100 per school building inspected. [H.F. 2432]

10 Community supervision funding formula.

Adjusts the community supervision funding formula by requiring the felony and misdemeanor per diem rates to be multiplied by the three-year average total felony and misdemeanor populations. Under current law the per diem rates are multiplied by the felony and misdemeanor populations as reported in the most recent probation survey. [H.F. 1769]

11 Terms of license; fee; premarital education.

Increases civil marriage license fees by \$10. The fee increases from \$115 to \$125 or, if the parties qualify for a reduced fee after taking premarital education, from \$40 to \$50. [H.F. 1082]

12 Disposition of license fee.

Requires that \$10 from each marriage license fee be deposited in the Minnesota victims of crime account in the special revenue fund. [H.F. 1082]

13 Corporate offenders; penalty assessment required.

Requires a corporation sentenced for a criminal offense to pay an assessment in addition to any fine imposed by the court. The assessment is up to \$1,000,000 for felony offenses, \$250,000 for gross misdemeanors, and \$100,000 for misdemeanors. The court must impose an assessment of at least 30% of the maximum unless the defendant makes a showing of undue hardship. Identifies the factors a court must consider when determining the amount of an assessment. Requires any money collected to be deposited in the Minnesota victims of crime account. [H.F. 1082]

14 Victim services assessment.

Requires a person sentenced for certain criminal offenses to pay an assessment in addition to any fine imposed by the court. The assessment must be between \$500 and \$750 for a misdemeanor conviction and \$750 to \$1,000 for any other offense. Requires a waiver of the requirement for defendants who are indigent and authorizes a waiver for defendants who make a showing of hardship. Requires any money collected to be deposited in the Minnesota victims of crime account. [H.F. 1082]

15 Consecutive sentences for assaults committed by inmates.

Establishes consecutive or executed sentences for a person who commits an assault against a sheriff or sheriff's deputy while the person is an inmate of a county jail or other local correctional facility. If the person is serving an executed sentence for

Section Description – Article 2: Public Safety Policy

- another offense or receives an executed sentence for a charge that was pending while the person was in jail, the sentence must be executed and must be consecutive to the other sentence. If the person receives a probationary sentence for another offense, the sentence for the assault must be executed but may be concurrent to the other sentence. [H.F. 135]
- 16 **Solicitation, inducement, and promotion of prostitution; sex trafficking in the first degree.**
Establishes a mandatory minimum sentence of ten years for a person who commits the offense of sex trafficking in the first degree and a mandatory minimum sentence of 12 years for a person who commits an aggravated offense. Provides that the mandatory minimums apply unless the sentencing guidelines presume a longer sentence and states that sentencing a person without regard for the minimums constitutes a sentence departure. [H.F. 130]
- 17 **Forms.**
Provides a conforming change related to the delayed implementation date of the intensive comprehensive law enforcement education program. The section is effective retroactively from July 1, 2023. [H.F. 120]
- 18 **Intensive education and skills training program.**
Delays the required implementation date to develop an intensive comprehensive law enforcement education and training of two- and four-year college graduates from December 31, 2023, to December 31, 2026. The section is effective retroactively from July 1, 2023. [H.F. 120]
- 19 **Education providers; sites.**
Delays the requirement that the Board of Trustees of the Minnesota State Colleges and Universities designate at least two regionally diverse system campuses to provide intensive comprehensive law enforcement education and training of two- and four-year college graduates from December 31, 2023, to December 31, 2026. Removes the requirement that any private postsecondary institutions identified to provide the training be nonprofits. The section is effective retroactively from July 1, 2023. [H.F. 120]
- 20 **Limitations.**
Extends the statute of limitations for arson in the first degree to ten years. The current limitations period is five years. The change applies to offenses committed after the effective date and to cases where the five-year limitations period has not yet expired. [H.F. 764]

Article 3: Financial Crimes and Fraud Investigations

This article eliminates the Commerce Fraud Bureau and moves its duties to the Bureau of Criminal Apprehension (BCA) in the Department of Public Safety. It establishes a new Financial Crimes and Fraud Section within the BCA. [H.F. 2603]

Section	Description – Article 3: Financial Crimes and Fraud Investigations
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| 1 | Compensation for law enforcement officers.
Makes a conforming change related to transferring law enforcement officers and duties from the Department of Commerce to the BCA. |
| 2 | Duties.
Amends the duties of the commissioner of commerce to remove requirements related to criminal investigations consistent with the transfer of investigatory duties to the BCA. Amends the authority of the commissioner of commerce to clarify the continuing ability to perform certain investigations related to suspected insurance fraud. |
| 3 | Criminal insurance fraud investigations.
Establishes that the BCA must conduct investigations of insurance fraud. Requires Department of Commerce to notify the BCA when the department identifies insurance fraud-related crimes. |
| 4 | Insurance fraud prevention account.
Makes conforming changes to the fraud prevention account in the special revenue fund. Amends the source of funds and appropriates money in the account to the commissioner of public safety. |
| 5 | Assessment.
Amends the requirement that insurers authorized to sell insurance in the state remit an assessment to direct the assessment to the commissioner of public safety instead of the commissioner of commerce. Requires the commissioner of public safety to consult with the commissioner of commerce to calculate the amount of an assessment. |
| 6 | Investigations; health-related boards.
Makes a conforming change to replace the Commerce Fraud Bureau with the BCA consistent with the transfer of insurance fraud investigation duties. |
| 7 | Administrative penalty for insurance fraud.
Makes a conforming change related to renumbering the insurance fraud prevention account. |

Section Description – Article 3: Financial Crimes and Fraud Investigations

- 8 **Authorized person.**
Makes a conforming change consistent with eliminating the law enforcement duties at the Department of Commerce.
- 9 **Notice to and cooperation with the Bureau of Criminal Apprehension.**
Makes conforming changes consistent with the transfer of insurance fraud investigations from the Department of Commerce to the BCA.
- 10 **Tolling of time periods.**
Makes conforming changes consistent with the transfer of insurance fraud investigations from the Department of Commerce to the BCA.
- 11 **Reward for information.**
Makes a conforming change consistent with the transfer of insurance fraud investigations from the Department of Commerce to the BCA.
- 12 **Review.**
Authorizes the commissioner of commerce to share an insurer's antifraud plan with the BCA.
- 13 **Other law enforcement authority.**
Makes a conforming change consistent with the transfer of insurance fraud investigations from the Department of Commerce to the BCA.
- 14 **Automobile theft prevention program.**
Makes conforming changes consistent with the transfer of insurance fraud investigations from the Department of Commerce to the BCA. Directs the commissioner to transfer unobligated balances in the auto theft prevention account to the insurance fraud prevention account.
- 15 **Use of data.**
Makes a conforming change consistent with the transfer of insurance fraud investigations from the Department of Commerce to the BCA.
- 16 **Data privacy.**
Makes a conforming change consistent with the transfer of insurance fraud investigations from the Department of Commerce to the BCA.
- 17 **Automobile theft prevention account.**
Amends a reference to the insurance fraud prevention account based on renumbering that provision.

Section Description – Article 3: Financial Crimes and Fraud Investigations

18 Financial Crimes and Fraud Section.

Subd. 1. Definitions. Defines “fraud involving state funded or administered programs or services” and other terms for the purposes of this new section.

Subd. 2. Financial Crimes and Fraud Section. Requires the superintendent of the BCA to operate a Financial Crimes and Fraud Section to perform investigations into suspected insurance fraud, financial crimes, wage theft, and fraud involving state funded or administered programs or services.

Subd. 3. Duties. Establishes the duties of the Financial Crimes and Fraud Section including reviewing reports and conducting investigations related to insurance fraud, wage theft, and other financial crimes.

Subd. 4. Mandatory referral; duty to investigate. Requires state agencies to refer all suspected fraudulent activity of \$100,000 or more to the Financial Crimes and Fraud Section unless federal law requires a referral to the Medicaid Fraud Control Unit. Directs the section to perform appropriate investigations and determine necessary actions. Authorizes the attorney general to refer suspected fraudulent activity to the section.

Subd. 5. Discretionary referral. Authorizes state agencies to refer suspected fraudulent behavior involving amounts of less than \$100,000 to the Financial Crimes and Fraud Section.

Subd. 6. Data-sharing authorized. Authorizes agencies to share data related to fraudulent activity, including data classified as not public, with the Financial Crimes and Fraud Section. Authorizes the section to share active criminal investigative data concerning insurance fraud with the Department of Commerce.

Subd. 7. State agency reporting. Directs every state agency to submit an annual report to the Financial Crimes and Fraud Section describing fraud involving money or programs the agency oversees that totals \$10,000 or more. States that the subdivision does not apply to information obtained by the attorney general when acting in a civil or criminal law enforcement capacity.

Subd. 8. Annual report. Requires the superintendent of the BCA to report to the commissioner of public safety, governor, and legislature on the activities of the Financial Crimes and Fraud Section in the previous year. Also requires agencies to report to the superintendent regarding referrals to the state Medicaid Fraud Control Unit every two years.

Section Description – Article 3: Financial Crimes and Fraud Investigations

Subd. 9. Funding allocation. Appropriates money for an assessment in subdivision 10 (which is not included in the section) for investigation of insurance fraud and related crimes.

Effective date. States the subdivisions 1, 2, 3, 6, and 9 are effective July 1, 2025. Subdivisions 4, 5, 7, and 8 are effective January 1, 2026.

19 Definitions.

Makes a conforming change to remove the Commerce Fraud Bureau from the definition of “law enforcement agency” in the section related to the Comprehensive Incident-Based Reporting System.

20 Definitions.

Makes a conforming change to remove the Commerce Fraud Bureau from the definition of “appropriate agency” in the section related to forfeiture of property in forfeiture provisions.

21 Peace officer.

Makes a conforming change by removing a reference to the Commerce Fraud Bureau from the definition of “peace officer.”

22 Definitions.

Makes a conforming change by removing a reference to the Commerce Fraud Bureau from the definition of “peace officer.”

23 Revisor instruction.

Directs the revisor of statutes to renumber existing statutory provisions in chapter 45 to place them in chapter 299C consistent with the transfer of duties from the Department of Commerce to the Department of Public Safety.

24 Repealer.

Repeals section 45.0135, subdivisions 2a, 2c, 2d, 2e, 2f, 3, 4, and 5. Also repeals section 325E.21, subdivision 2b.

Article 4: Corrections Policy

This article contains policies that impact programming in state correctional facilities and community supervision practices. [H.F. 2432]

Section Description – Article 4: Corrections Policy

- 1 Community supervision funding; eligibility for funding formula.**
Conforming change related to Tribal supervision funding reform proposed in this article.
- 2 Commissioner of corrections; reimbursing CPO jurisdiction.**
Authorizes the agency to keep funding for services it provides to counties rather than distributing the funds to the county and later requesting reimbursement for the services provided to the counties.
- 3 Commissioner duties for non-CPO jurisdiction.**
Conforming changes related to the streamlining of how the commissioner funds supervision services provided to counties.
- 4 Department of Corrections annual reporting.**
Authorizes the agency to keep funding for services it provides to counties rather than distributing the funds to the county and later requesting reimbursement for the services provided to the counties. Requires the commissioner to provide an annual accounting report to the counties of how supervision funds were spent.
- 5 Probation; felony supervision.**
Conforming change related to Tribal supervision funding reform proposed in this article.
- 6 Rulemaking authority; technical assistance.**
Extends the commissioner’s obligation to provide technical assistance to counties and Tribal Nations to instances when abbreviated supervision plans are authorized.
- 7 Community supervision funding formula.**
Conforming change related to Tribal supervision funding reform proposed in this article.
- 8 Interstate transfer unit.**
Allows the cost of the interstate transfer unit to be shared across every county – pro-rated based on their share of the most recent probation population survey. This change is intended to equitably share the financial burden of managing interstate supervision transfers if shared fairly. (The Interstate Transfer Unit oversees transfers of supervision under the Interstate Compact for Adult Offender Supervision.)
- 9 Policy items.**
Conforming change related to Tribal supervision funding reform proposed in this article.

Section Description – Article 4: Corrections Policy

10 Nonparticipating Tribal Nations.

Specifies how the \$250,000 set aside for each Tribal Nation to provide community supervision and reentry services is paid out. Proposes distributing the funds in the same manner that county supervision funding is distributed. Clarifies which purposes the funds may be used for and requires an abbreviated comprehensive plan be submitted to the agency for how these funds will be used.

11 Paying subsidy to CCA and non-CCA jurisdictions.

Conforming change.

12 Formula review.

Revises the commissioner's obligation to review the community supervision formula from an annual requirement to a biennial duty.

13 Felony offense; reporting fictitious emergency resulting in response to the home of certain officials.

Expands the definition of "correctional employee" in the SWATTING law to include supervision agents and office staff who are exposed to similar risks of retribution that correctional officers are.

14 Mental health unit pilot program.

Extends the Mental Health Unit (MHU) pilot program, created in 2023, until August 1, 2027. MHU allows counties to transfer individuals with serious mental illnesses who are incarcerated in local jails to the MHU at MCF-Oak Park Heights for housing and treatment. In order to broaden eligibility for transfer, amends the transfer process from consensual transfers to referrals from a licensed mental health professional.



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