

43.29                                   **ARTICLE 4**  
43.30                                   **PUBLIC SAFETY**

43.31 Section 1. Minnesota Statutes 2016, section 12.221, subdivision 6, is amended to read:

44.1           Subd. 6. **Disaster assistance contingency account; appropriation.** (a) A disaster  
44.2 assistance contingency account is created in the special revenue fund in the state treasury.  
44.3 Money in the disaster assistance contingency account is appropriated to the commissioner  
44.4 of public safety to provide:

44.5           (1) cost-share for federal assistance under section 12A.15, subdivision 1;

44.6           (2) state public disaster assistance to eligible applicants under chapter 12B;

44.7           (3) cost-share for federal assistance from the Federal Highway Administration emergency  
44.8 relief program under United States Code, title 23, section 125; and

44.9           (4) cost-share for federal assistance from the United States Department of Agriculture,  
44.10 Natural Resources Conservation Service emergency watershed protection program under  
44.11 United States Code, title 16, sections 2203 to 2205.

44.12           (b) For appropriations under paragraph (a), clause (1), the amount appropriated is 100  
44.13 percent of any nonfederal share for state agencies ~~and~~ local governments, and utility  
44.14 cooperatives. Money appropriated under paragraph (a), clause (1), may be used to pay all  
44.15 or a portion of the nonfederal share for publicly owned capital improvement projects.

44.16           (c) For appropriations under paragraph (a), clause (2), the amount appropriated is the  
44.17 amount required to pay eligible claims under chapter 12B, as certified by the commissioner  
44.18 of public safety.

44.19           (d) By January 15 of each year, the commissioner of management and budget shall  
44.20 submit a report to the chairs and ranking minority members of the house of representatives  
44.21 Ways and Means Committee and the senate Finance Committee detailing state disaster  
44.22 assistance appropriations and expenditures under this subdivision during the previous  
44.23 calendar year.

44.24           (e) The governor's budget proposal submitted to the legislature under section 16A.11  
44.25 must include recommended appropriations to the disaster assistance contingency account.  
44.26 The governor's appropriation recommendations must be informed by the commissioner of  
44.27 public safety's estimate of the amount of money that will be necessary to:

44.28 (1) provide 100 percent of the nonfederal share for state agencies ~~and~~ local governments,  
44.29 and utility cooperatives that will receive federal financial assistance from FEMA during  
44.30 the next biennium; and

44.31 (2) fully pay all eligible claims under chapter 12B.

44.32 (f) Notwithstanding section 16A.28:

45.1 (1) funds appropriated or transferred to the disaster assistance contingency account do  
45.2 not lapse but remain in the account until appropriated; and

45.3 (2) funds appropriated from the disaster assistance contingency account do not lapse  
45.4 and are available until expended.

45.5 Sec. 2. Minnesota Statutes 2016, section 12B.15, subdivision 2, is amended to read:

45.6 Subd. 2. **Applicant.** "Applicant" means a local government ~~or~~ state government agency,  
45.7 or utility cooperative that applies for state disaster assistance under this chapter.

45.8 Sec. 3. Minnesota Statutes 2016, section 152.105, is amended to read:

45.9 **152.105 DISPOSAL.**

45.10 Subdivision 1. **Disposal of controlled substances.** Controlled substances listed in section  
45.11 152.02, subdivisions 3 to 6, may be collected and disposed of only pursuant to the provisions  
45.12 of Code of Federal Regulations, title 21, parts 1300, 1301, 1304, 1305, 1307, and 1317, that  
45.13 are applicable to the disposal of controlled substances. Disposal of controlled substances  
45.14 and legend and nonlegend drugs must also comply with the requirements of section 116.07  
45.15 governing the disposal of hazardous waste, and the rules promulgated thereunder.

45.16 Subd. 2. **Sheriff to maintain collection receptacle.** The sheriff of each county shall  
45.17 maintain at least one collection receptacle for the disposal of noncontrolled substances,  
45.18 pharmaceutical controlled substances, and other legend drugs, as permitted by federal law.  
45.19 For purposes of this section, "legend drug" has the meaning given in section 151.01,  
45.20 subdivision 17. The collection receptacle must comply with federal law. In maintaining and  
45.21 operating the collection receptacle, the sheriff shall follow all applicable provisions of Code  
45.22 of Federal Regulations, title 21, parts 1300, 1301, 1304, 1305, 1307, and 1317.

45.23 Sec. 4. Minnesota Statutes 2016, section 169.791, is amended by adding a subdivision to  
45.24 read:

45.25 Subd. 6a. **Mandatory court appearance.** A mandatory court appearance is required if  
45.26 a person violates this section under circumstances involving a collision that caused bodily  
45.27 harm or damage to the property of another.

45.28 Sec. 5. Minnesota Statutes 2016, section 169.792, subdivision 7, is amended to read:

45.29 Subd. 7. **License revocation.** Upon receiving the notification under subdivision 6 or  
45.30 notification of a conviction for violation of section 169.791, the commissioner shall revoke  
46.1 the person's driver's license or permit to drive. The revocation shall be effective beginning  
46.2 14 days after the date of notification by the district court administrator or officer to the  
46.3 Department of Public Safety. In order to be revoked, notice must have been mailed to the  
46.4 person by the commissioner at least ten days before the effective date of the revocation. If  
46.5 the person, before the effective date of the revocation, provides the commissioner or court  
46.6 with the proof of insurance or other verifiable insurance information as determined by the  
46.7 commissioner, establishing that the required insurance covered the vehicle at the time of  
46.8 the original demand, the revocation must not become effective. ~~Revocation based upon~~  
46.9 ~~receipt of a notification under subdivision 6 must be carried out regardless of the status or~~  
46.10 ~~disposition of any related criminal charge.~~ The person's driver's license or permit to drive  
46.11 shall be revoked for the longer of: (i) the period provided in section 169.797, subdivision  
46.12 4, paragraph (e) (f), including any rules adopted under that paragraph, or (ii) until the driver  
46.13 or owner files ~~proof of insurance~~ with the Department of Public Safety or judicial officer  
46.14 proof of insurance satisfactory to the commissioner of public safety. If proof is filed with  
46.15 the court under item (ii), the judicial officer must report the proof filing to the commissioner  
46.16 of public safety. A license must not be revoked more than once based upon the same demand  
46.17 for proof of insurance.

46.18 Sec. 6. Minnesota Statutes 2016, section 169.797, is amended by adding a subdivision to  
46.19 read:

46.20 Subd. 4b. **Mandatory court appearance.** A mandatory court appearance is required if  
46.21 a person violates this section under circumstances involving a collision that caused bodily  
46.22 harm or damage to the property of another.

46.23 Sec. 7. Minnesota Statutes 2016, section 169.80, subdivision 1, is amended to read:

46.24 Subdivision 1. **Limitations; misdemeanor.** (a) It is a misdemeanor for a person to drive  
46.25 or move, or for the owner to cause or knowingly permit to be driven or moved, on a highway  
46.26 a vehicle or vehicles of a size or weight exceeding the limitations stated in sections 169.80  
46.27 to 169.88, or otherwise in violation of sections 169.80 to 169.88, other than section 169.81,  
46.28 subdivision 5a, and the maximum size and weight of vehicles as prescribed in sections  
46.29 169.80 to 169.88 shall be lawful throughout this state, and local authorities shall have no  
46.30 power or authority to alter these limitations except as express authority may be granted in  
46.31 sections 169.80 to 169.88.

47.1 (b) When all the axles of a vehicle or combination of vehicles are weighed separately  
47.2 the sum of the weights of the axles so weighed shall be evidence of the total gross weight  
47.3 of the vehicle or combination of vehicles so weighed.

47.4 (c) When each of the axles of any group that contains two or more consecutive axles of  
47.5 a vehicle or combination of vehicles have been weighed separately the sum of the weights  
47.6 of the axles so weighed shall be evidence of the total gross weight on the group of axles so  
47.7 weighed.

47.8 (d) When, in any group of three or more consecutive axles of a vehicle or combination  
47.9 of vehicles any axles have been weighed separately and two or more axles consecutive to  
47.10 each other in the group have been weighed together, the sum of the weights of the axles  
47.11 weighed separately and the axles weighed together shall be evidence of the total gross weight  
47.12 of the group of axles so weighed.

47.13 (e) The provisions of sections 169.80 to 169.88 governing size, weight, and load ~~shall~~  
47.14 ~~do not apply to a fire apparatus, or to a vehicle operated under the terms of a special permit~~  
47.15 ~~issued as provided by law.~~

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

47.17 Sec. 8. Minnesota Statutes 2016, section 169.829, is amended by adding a subdivision to  
47.18 read:

47.19 Subd. 4. **Certain emergency vehicles.** The provisions of sections 169.80 to 169.88  
47.20 governing size, weight, and load do not apply to a fire apparatus, a police special response  
47.21 vehicle, or a licensed land emergency ambulance service vehicle.

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

47.23 Sec. 9. Minnesota Statutes 2016, section 169.99, subdivision 1c, is amended to read:

47.24 Subd. 1c. **Notice of surcharge.** All parts of the uniform traffic ticket must ~~give~~ provide  
47.25 conspicuous notice of the fact that:

47.26 (1) if convicted, the person to whom it was issued must pay a state-imposed surcharge  
47.27 under section 357.021, subdivision 6, and the current amount of the required surcharge;  
47.28 and

47.29 (2) programs, including diversion, may be available.

48.1 Sec. 10. Minnesota Statutes 2016, section 169.99, is amended by adding a subdivision to  
48.2 read:

48.3 Subd. 1d. **Collision.** In every charge of a violation of any provision of this chapter, the  
48.4 uniform traffic ticket shall contain a blank or space where the officer shall specify whether  
48.5 an offense involved a collision that caused bodily harm or damage to the property of another.

48.6 Sec. 11. Minnesota Statutes 2016, section 171.24, is amended by adding a subdivision to  
48.7 read:

48.8 Subd. 4a. **Mandatory court appearance.** A court appearance is required if a person  
48.9 violates subdivision 1, 2, or 3 under circumstances involving a collision that caused bodily  
48.10 harm or damage to the property of another.

48.11 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to violations  
48.12 committed on or after that date.

48.13 Sec. 12. **[171.2405] LICENSE REINSTATEMENT DIVERSION PROGRAM.**

48.14 Subdivision 1. **Establishment.** A city or county may establish a license reinstatement  
48.15 diversion program for holders of class D drivers' licenses who have been charged with  
48.16 violating section 171.24, subdivision 1 or 2, but have not yet entered a plea in the  
48.17 proceedings. An individual charged with driving after revocation under section 171.24,  
48.18 subdivision 2, is eligible for diversion only if the revocation was due to a violation of section  
48.19 169.791; 169.797; 169A.52; 169A.54; 171.17, subdivision 1, paragraph (a), clause (6); or  
48.20 171.172. An individual who otherwise qualifies for the diversion program under this section  
48.21 and who is also canceled under section 171.24, subdivision 5, is eligible for the diversion  
48.22 program. An individual who otherwise qualifies for the diversion program under this section  
48.23 and who is also canceled under section 171.24, subdivision 5, is eligible for license  
48.24 reinstatement only if the individual complies with the requirements of section 171.306 and  
48.25 other applicable restrictions, including the ignition interlock device program. An individual  
48.26 who is a holder of a commercial driver's license or who has committed an offense in a  
48.27 commercial motor vehicle is not eligible to participate in the diversion program.

48.28 Subd. 2. **Contract.** Notwithstanding any law or ordinance to the contrary, a city or  
48.29 county may contract with a third party to create and administer the diversion program under  
48.30 this section.

49.1 Subd. 3. **Diversion of an individual.** A prosecutor for a participating city or county  
49.2 may, in consultation with the commissioner, determine whether to accept an individual for  
49.3 diversion. When making the determination, the prosecutor must consider:

49.4 (1) whether the individual has a record of driving without a valid license or other criminal  
49.5 record, or has previously participated in a diversion program;

49.6 (2) the strength of the evidence against the individual, along with any mitigating factors;  
49.7 and

49.8 (3) the apparent ability and willingness of the individual to participate in the diversion  
49.9 program and comply with program requirements.

49.10 Subd. 4. **Diversión driver's license.** (a) Notwithstanding any law to the contrary, the  
49.11 commissioner of public safety may issue a diversion driver's license to a person who is a  
49.12 participant in the diversion program, after receiving an application and payment of:

49.13 (1) the reinstatement fee under section 171.20, subdivision 4, by a participant whose  
49.14 driver's license has been suspended;

49.15 (2) the reinstatement fee under section 171.29, subdivision 2, paragraph (a), by a  
49.16 participant whose driver's license has been revoked under section 169.791; 169.797; or  
49.17 171.17, subdivision 1, paragraph (a), clause (6); or

49.18 (3) the reinstatement fee under section 171.29, subdivision 2, paragraph (a), by a  
49.19 participant whose driver's license has been revoked under section 169A.52 or 169A.54. The  
49.20 reinstatement fee and surcharge under section 171.29, subdivision 2, paragraph (b), also  
49.21 must be paid during the course of and as a condition of the diversion program.

49.22 (b) The commissioner may impose restrictions on a diversion driver's license that are  
49.23 suitable to the licensee's driving ability or applicable to the licensee as the commissioner  
49.24 deems appropriate to ensure the safe operation of a motor vehicle by the licensee. Restrictions  
49.25 may include but are not limited to participation in the ignition interlock device program  
49.26 under section 171.306.

49.27 (c) Payments of the reinstatement fee and surcharge under section 171.29, subdivision  
49.28 2, paragraph (b), made by participants in the diversion program must be applied first toward  
49.29 payment of the reinstatement fee and, after the reinstatement fee has been fully paid, toward  
49.30 payment of the surcharge. Each payment that is applied toward the reinstatement fee must  
49.31 be credited as provided in section 171.29, subdivision 2, paragraph (b), and each payment  
49.32 that is applied toward the surcharge must be credited as provided in section 171.29,  
50.1 subdivision 2, paragraphs (c) and (d). After the reinstatement fee and surcharge are satisfied,  
50.2 the participant must pay the program participation fee.

50.3 (d) Notwithstanding any law to the contrary, a diversion driver's license issued to a  
50.4 participant in the program must not be revoked or suspended for convictions entered due  
50.5 to payments made under subdivision 5.

50.6 Subd. 5. **Components of program.** (a) At a minimum, the diversion program must  
50.7 require individuals to:

50.8 (1) successfully attend and complete, at the individual's expense, educational classes  
50.9 that provide, among other things, information on driver's licensure;

50.10 (2) pay, under a schedule approved by the prosecutor, all required fees, fines, and charges  
50.11 that affect the individual's driver's license status, including applicable statutory license  
50.12 reinstatement fees and costs of participation in the program;

50.13 (3) comply with all traffic laws; and

50.14 (4) demonstrate compliance with motor vehicle insurance requirements.

50.15 (b) An individual accepted into the diversion program is eligible to apply for a diversion  
50.16 driver's license.

50.17 Subd. 6. **Termination of participation in diversion program.** (a) An individual's  
50.18 participation in the diversion program may terminate when:

50.19 (1) during participation in the program, the individual is guilty of a moving traffic  
50.20 violation or failure to provide vehicle insurance for an offense that occurred after the  
50.21 individual attended the education class under subdivision 5, paragraph (a), clause (1);

50.22 (2) the third-party administrator of the diversion program informs the court and the  
50.23 commissioner that the individual no longer satisfies the conditions of the diversion program;  
50.24 or

50.25 (3) the third-party administrator informs the court, the prosecutor, and the commissioner  
50.26 of public safety that the individual has met all conditions of the diversion program, including,  
50.27 at a minimum, satisfactory fulfillment of the components under subdivision 5.

50.28 (b) Upon termination of an individual's participation in the diversion program, the  
50.29 commissioner must cancel the individual's diversion driver's license.

50.30 (c) Upon receiving notice under paragraph (a), clause (3), the court must dismiss the  
50.31 charge or the prosecutor must decline to prosecute the individual.

51.1 (d) The original charge against the individual for violating section 171.24 may be  
51.2 reinstated against an individual if the individual's diversion program participation terminates  
51.3 under paragraph (a), clause (1) or (2).

51.4 (e) The commissioner must reinstate the driver's license of an individual whose diversion  
51.5 program participation terminates under paragraph (a), clause (3).

51.6 (f) If an individual terminates diversion program participation under paragraph (a), clause  
51.7 (1) or (2), or voluntarily leaves the diversion program, the third-party administrator must  
51.8 retain any fees paid under subdivision 4 for a period of five years from the termination date.  
51.9 If the individual returns to the diversion program within the five-year period, the retained  
51.10 fees may be applied to the subsequent diversion program participation. If the individual  
51.11 does not return to the program within the five-year period, the returned fees are forfeited  
51.12 to the third-party administrator.

51.13 Subd. 7. **Biennial report.** (a) By February 1 of each even-numbered year, each city and  
51.14 county that participates in the diversion program must report to the legislative committees  
51.15 with jurisdiction over transportation and the judiciary concerning the results of the program.  
51.16 The report must be made available electronically and, upon request, in print. The report  
51.17 must include, without limitation, the effect of the program on:

51.18 (1) recidivism rates for participants in the diversion program;

51.19 (2) payment of the fees and fines collected in the diversion program to cities, counties,  
51.20 and the state;

51.21 (3) educational support provided to participants in the diversion program; and

51.22 (4) the total number of participants in the diversion program, including the number of  
51.23 participants who have terminated from the program under clauses (1) to (3).

51.24 (b) The report must include recommendations regarding legislative changes, as  
51.25 appropriate.

51.26 **EFFECTIVE DATE.** This section is effective July 1, 2020, or the day following the  
51.27 date the Minnesota Licensing and Registration System is first used for driver's license  
51.28 transactions, whichever is earlier.

51.29 Sec. 13. Minnesota Statutes 2016, section 299A.55, subdivision 2, is amended to read:



51.30 Subd. 2. **Railroad and pipeline safety account.** (a) A railroad and pipeline safety  
51.31 account is created in the special revenue fund. The account consists of funds collected under  
51.32 subdivision 4 and funds donated, allotted, transferred, or otherwise provided to the account.

52.1 (b) ~~\$104,000~~ \$114,000 is annually appropriated from the railroad and pipeline safety  
52.2 account to the commissioner of the Pollution Control Agency for environmental protection  
52.3 activities related to railroad discharge preparedness under chapter 115E.

52.4 (c) \$500,000 is annually appropriated from the railroad and pipeline safety account to  
52.5 the commissioner of the Department of Transportation for improving safety at railroad grade  
52.6 crossings.

52.7 (d) Following the appropriation in ~~paragraph~~ paragraphs (b) and (c), the remaining  
52.8 money in the account is annually appropriated to the commissioner of public safety for the  
52.9 purposes specified in subdivision 3.

52.10 Sec. 14. Minnesota Statutes 2016, section 299A.55, subdivision 3, is amended to read:

52.11 Subd. 3. **Allocation of funds.** (a) Subject to funding appropriated for this subdivision,  
52.12 the commissioner shall provide funds for training and response preparedness related to (1)  
52.13 derailments, discharge incidents, or spills involving trains carrying oil or other hazardous  
52.14 substances, and (2) pipeline discharge incidents or spills involving oil or other hazardous  
52.15 substances.

52.16 (b) The commissioner shall allocate available funds as follows:

52.17 (1) ~~\$100,000~~ \$1,586,000 annually for emergency response teams and hazmat and  
52.18 chemical assessment teams; and

52.19 (2) the remaining amount to the Board of Firefighter Training and Education under  
52.20 section 299N.02 and the Division of Homeland Security and Emergency Management.

52.21 (c) Prior to making allocations under paragraph (b), the commissioner shall consult with  
52.22 the Fire Service Advisory Committee under section 299F.012, subdivision 2.

52.23 (d) The commissioner and the entities identified in paragraph (b), clause (2), shall  
52.24 prioritize uses of funds based on:

52.25 (1) firefighter training needs;

52.26 (2) community risk from discharge incidents or spills;

- 52.27 (3) geographic balance; and
- 52.28 (4) recommendations of the Fire Service Advisory Committee.
- 52.29 (e) The following are permissible uses of funds provided under this subdivision:
- 52.30 (1) training costs, which may include, but are not limited to, training curriculum, trainers,  
52.31 trainee overtime salary, other personnel overtime salary, and tuition;
- 53.1 (2) costs of gear and equipment related to hazardous materials readiness, response, and  
53.2 management, which may include, but are not limited to, original purchase, maintenance,  
53.3 and replacement;
- 53.4 (3) supplies related to the uses under clauses (1) and (2); and
- 53.5 (4) emergency preparedness planning and coordination.
- 53.6 (f) Notwithstanding paragraph (b), clause (2), from funds in the railroad and pipeline  
53.7 safety account provided for the purposes under this subdivision, the commissioner may  
53.8 retain a balance in the account for budgeting in subsequent fiscal years.
- 53.9 Sec. 15. Minnesota Statutes 2016, section 299A.55, subdivision 4, is amended to read:
- 53.10 Subd. 4. **Assessments.** (a) If the account balance in the railroad and pipeline safety  
53.11 account is below \$1,000,000 at any point during a fiscal year, the commissioner of public  
53.12 safety shall annually assess \$2,500,000 to railroad and pipeline companies based on the  
53.13 formula specified in paragraph (b). By June 1 annually, the commissioner must notify  
53.14 railroad and pipeline companies regarding the next fiscal year's assessment. The  
53.15 commissioner shall deposit funds collected under this subdivision in the railroad and pipeline  
53.16 safety account under subdivision 2.
- 53.17 (b) The assessment for each railroad is 50 percent of the total annual assessment amount,  
53.18 divided in equal proportion between applicable rail carriers based on route miles operated  
53.19 in Minnesota. The assessment for each pipeline company is 50 percent of the total annual  
53.20 assessment amount, divided in equal proportion between companies based on the yearly  
53.21 aggregate gallons of oil and hazardous substance transported by pipeline in Minnesota.
- 53.22 (c) The assessments under this subdivision expire July 1, ~~2017~~ 2019, and after July 1,  
53.23 2017, and the commissioner of the Office of Management and Budget confirms that sufficient  
53.24 funds are available in the railroad and pipeline safety account, a supplemental appropriation  
53.25 of \$100,000 shall be made annually pursuant to the requirements of subdivision 2, paragraph  
53.26 (c).

**SEE SENATE LANGUAGE ARTICLE 1, SECTION 11, SUBDIVISION 2,  
PARAGRAPH (C), FOR SUPPLEMENTAL NONPROFIT SECURITY  
GRANT PROGRAM INFORMATION**

53.27 Sec. 16. [299A.625] SUPPLEMENTAL NONPROFIT SECURITY GRANT  
53.28 PROGRAM.

53.29 Subdivision 1. Establishment. A supplemental nonprofit security grant program is  
53.30 established. The Division of Homeland Security and Emergency Management shall  
53.31 administer the program.

54.1 Subd. 2. Eligibility and application. Nonprofit organizations whose applications for  
54.2 funding through the Federal Emergency Management Agency's nonprofit security grant  
54.3 program have been approved by the Division of Homeland Security and Emergency  
54.4 Management are eligible for grants under this section. No additional application shall be  
54.5 required for grants under this section, and an application for a grant from the federal program  
54.6 is also an application for funding from the state supplemental program.

54.7 Subd. 3. Amount, preference, and timing of grants. Organizations meeting the  
54.8 eligibility requirements of subdivision 2 may receive grants of up to \$75,000, except that  
54.9 the total received by any individual from both the federal nonprofit security grant program  
54.10 and the state supplemental nonprofit security grant program shall not exceed \$75,000. Grants  
54.11 shall be awarded in an order consistent with the ranking given to applicants for the federal  
54.12 nonprofit security grant program. No grants under the state supplemental nonprofit security  
54.13 grant program shall be awarded until the announcement of the recipients and the amount  
54.14 of the grants awarded under the federal nonprofit security grant program.

54.15 Subd. 4. Administrative costs. The commissioner may use up to one percent, on an  
54.16 annual basis, of the appropriation received under this section to pay costs incurred by the  
54.17 department in administering the supplemental nonprofit security grant program.

54.18 Sec. 17. Minnesota Statutes 2016, section 299C.46, subdivision 6, is amended to read:

54.19 Subd. 6. Orders for protection and no contact orders. (a) As used in this subdivision,  
54.20 "no contact orders" include orders issued as pretrial orders under section 629.72, subdivision  
54.21 2, orders under section 629.75, and orders issued as probationary or sentencing orders at  
54.22 the time of disposition in a criminal domestic abuse case.

54.23 (b) The data communications network must include orders for protection issued under  
54.24 section 518B.01 ~~and~~ harassment restraining orders, and no contact orders issued against  
54.25 adults and juveniles. A no contact order must be accompanied by a photograph of the

54.26 offender for the purpose of enforcement of the order, if a photograph is available and verified  
54.27 by the court to be an image of the defendant.

54.28 (c) Data from orders for protection, harassment restraining orders, or no contact orders  
54.29 and data entered by law enforcement to assist in the enforcement of those orders are classified  
54.30 as private data on individuals as defined in section 13.02, subdivision 12. Data about the  
54.31 offender can be shared with the victim for purposes of enforcement of the order.

55.1 Sec. 18. Minnesota Statutes 2016, section 609.748, subdivision 3, is amended to read:

55.2 Subd. 3. **Contents of petition; hearing; notice.** (a) A petition for relief must allege  
55.3 facts sufficient to show the following:

55.4 (1) the name of the alleged harassment victim;

55.5 (2) the name of the respondent; and

55.6 (3) that the respondent has engaged in harassment.

55.7 A petition for relief must state whether the petitioner has had a previous restraining order  
55.8 in effect against the respondent. The petition shall be accompanied by an affidavit made  
55.9 under oath stating the specific facts and circumstances from which relief is sought. The  
55.10 court shall provide simplified forms and clerical assistance to help with the writing and  
55.11 filing of a petition under this section and shall advise the petitioner of the right to sue in  
55.12 forma pauperis under section 563.01. The court shall advise the petitioner of the right to  
55.13 request a hearing. If the petitioner does not request a hearing, the court shall advise the  
55.14 petitioner that the respondent may request a hearing and that notice of the hearing date and  
55.15 time will be provided to the petitioner by mail at least five days before the hearing. Upon  
55.16 receipt of the petition and a request for a hearing by the petitioner, the court shall order a  
55.17 hearing. Personal service must be made upon the respondent not less than five days before  
55.18 the hearing. If personal service cannot be completed in time to give the respondent the  
55.19 minimum notice required under this paragraph, the court may set a new hearing date. Nothing  
55.20 in this section shall be construed as requiring a hearing on a matter that has no merit.

55.21 (b) Notwithstanding paragraph (a), the order for a hearing and a temporary order issued  
55.22 under subdivision 4 may be served on the respondent by means of a one-week published  
55.23 notice under section 645.11, if:

55.24 (1) the petitioner files an affidavit with the court stating that an attempt at personal  
55.25 service made by a ~~sheriff~~ peace officer was unsuccessful because the respondent is avoiding  
55.26 service by concealment or otherwise; and

55.27 (2) a copy of the petition and order for hearing and any temporary restraining order has  
55.28 been mailed to the respondent at the respondent's residence or place of business, if the  
55.29 respondent is an organization, or the respondent's residence or place of business is not known  
55.30 to the petitioner.

55.31 (c) Regardless of the method of service, if the respondent is a juvenile, whenever possible,  
55.32 the court also shall have notice of the pendency of the case and of the time and place of the  
56.1 hearing served by mail at the last known address upon any parent or guardian of the juvenile  
56.2 respondent who is not the petitioner.

56.3 (d) A request for a hearing under this subdivision must be made within 20 days of service  
56.4 of the petition.

56.5 Sec. 19. Minnesota Statutes 2016, section 609.748, subdivision 3a, is amended to read:

56.6 Subd. 3a. **Filing fee; cost of service.** The filing fees for a restraining order under this  
56.7 section are waived for the petitioner if the petition alleges acts that would constitute a  
56.8 violation of section 609.749, subdivision 2, 3, 4, or 5, or sections 609.342 to 609.3451. The  
56.9 court administrator and ~~the sheriff of any county~~ any peace officer in this state shall perform  
56.10 their duties relating to service of process without charge to the petitioner. The court shall  
56.11 direct payment of the reasonable costs of service of process if served by a private process  
56.12 server when ~~the sheriff~~ a peace officer is unavailable or if service is made by publication.  
56.13 The court may direct a respondent to pay to the court administrator the petitioner's filing  
56.14 fees and reasonable costs of service of process if the court determines that the respondent  
56.15 has the ability to pay the petitioner's fees and costs.

56.16 Sec. 20. Minnesota Statutes 2016, section 609.748, subdivision 5, is amended to read:

56.17 Subd. 5. **Restraining order.** (a) The court may issue a restraining order that provides  
56.18 any or all of the following:

56.19 (1) orders the respondent to cease or avoid the harassment of another person; or

56.20 (2) orders the respondent to have no contact with another person.

56.21 (b) The court may issue an order under paragraph (a) if all of the following occur:

56.22 (1) the petitioner has filed a petition under subdivision 3;

56.23 (2) ~~the sheriff~~ a peace officer has served respondent with a copy of the temporary  
56.24 restraining order obtained under subdivision 4, and with notice of the right to request a  
56.25 hearing, or service has been made by publication under subdivision 3, paragraph (b); and

56.26 (3) the court finds at the hearing that there are reasonable grounds to believe that the  
56.27 respondent has engaged in harassment.

56.28 A restraining order may be issued only against the respondent named in the petition; except  
56.29 that if the respondent is an organization, the order may be issued against and apply to all of  
56.30 the members of the organization. If the court finds that the petitioner has had two or more  
56.31 previous restraining orders in effect against the same respondent or the respondent has  
57.1 violated a prior or existing restraining order on two or more occasions, relief granted by the  
57.2 restraining order may be for a period of up to 50 years. In all other cases, relief granted by  
57.3 the restraining order must be for a fixed period of not more than two years. When a referee  
57.4 presides at the hearing on the petition, the restraining order becomes effective upon the  
57.5 referee's signature.

57.6 (c) An order issued under this subdivision must be personally served upon the respondent.

57.7 (d) If the court orders relief for a period of up to 50 years under paragraph (a), the  
57.8 respondent named in the restraining order may request to have the restraining order vacated  
57.9 or modified if the order has been in effect for at least five years and the respondent has not  
57.10 violated the order. Application for relief under this paragraph must be made in the county  
57.11 in which the restraining order was issued. Upon receipt of the request, the court shall set a  
57.12 hearing date. Personal service must be made upon the petitioner named in the restraining  
57.13 order not less than 30 days before the date of the hearing. At the hearing, the respondent  
57.14 named in the restraining order has the burden of proving by a preponderance of the evidence  
57.15 that there has been a material change in circumstances and that the reasons upon which the  
57.16 court relied in granting the restraining order no longer apply and are unlikely to occur. If  
57.17 the court finds that the respondent named in the restraining order has met the burden of  
57.18 proof, the court may vacate or modify the order. If the court finds that the respondent named  
57.19 in the restraining order has not met the burden of proof, the court shall deny the request and  
57.20 no request may be made to vacate or modify the restraining order until five years have  
57.21 elapsed from the date of denial. An order vacated or modified under this paragraph must  
57.22 be personally served on the petitioner named in the restraining order.

57.23 Sec. 21. Minnesota Statutes 2016, section 609.748, is amended by adding a subdivision  
57.24 to read:

57.25 Subd. 5a. **Short-form notification.** (a) In lieu of personal service of a harassment  
57.26 restraining order, a peace officer may serve a person with a short-form notification. The  
57.27 short-form notification must include the following clauses: the respondent's name; the  
57.28 respondent's date of birth, if known; the petitioner's name; the names of other protected  
57.29 parties; the date and county in which the temporary restraining order or restraining order  
57.30 was filed; the court file number; the hearing date and time, if known; the conditions that

57.31 apply to the respondent, either in checklist form or handwritten; and the name of the judge  
57.32 who signed the order.

57.33 The short-form notification must be in bold print in the following form:

58.1 "The restraining order is now enforceable. A copy of the restraining order is available  
58.2 at your nearest law enforcement office or district court. You are subject to arrest and may  
58.3 be charged with a misdemeanor, gross misdemeanor, or felony if you violate any of the  
58.4 terms of the restraining order or this short-form notification."

58.5 (b) Upon verification of the identity of the respondent and the existence of an unserved  
58.6 harassment restraining order against the respondent, a law enforcement officer may detain  
58.7 the respondent for a reasonable time necessary to complete and serve the short-form  
58.8 notification.

58.9 (c) When service is made by short-form notification, it may be proved by the affidavit  
58.10 of the law enforcement officer making the service.

58.11 (d) For service under this section only, service upon an individual may occur at any  
58.12 time, including Sundays and legal holidays.

58.13 (e) The superintendent of the Bureau of Criminal Apprehension shall provide the short  
58.14 form to law enforcement agencies.

58.15 **EFFECTIVE DATE.** This section is effective 30 days following publication of a notice  
58.16 on the Bureau of Criminal Apprehension's website that a computer system is available to  
58.17 send harassment restraining order data from the Minnesota judicial branch to law  
58.18 enforcement.

58.19 Sec. 22. Minnesota Statutes 2016, section 609.748, is amended by adding a subdivision  
58.20 to read:

58.21 Subd. 5b. **Service by others.** In addition to peace officers, corrections officers, including  
58.22 but not limited to probation officers, court services officers, parole officers, and employees  
58.23 of jails or correctional facilities, may serve a temporary restraining order or restraining  
58.24 order.

58.25 Sec. 23. Minnesota Statutes 2016, section 624.714, subdivision 17, is amended to read:

58.26 Subd. 17. **Posting; trespass.** (a) A person carrying a firearm on or about his or her person  
58.27 or clothes under a permit or otherwise who remains at a private establishment knowing that  
58.28 the operator of the establishment or its agent has made a reasonable request that firearms

58.29 not be brought into the establishment may be ordered to leave the premises. A person who  
58.30 fails to leave when so requested is guilty of a petty misdemeanor. The fine for a first offense  
58.31 must not exceed \$25. Notwithstanding section 609.531, a firearm carried in violation of  
58.32 this subdivision is not subject to forfeiture.

59.1 (b) As used in this subdivision, the terms in this paragraph have the meanings given.

59.2 (1) "Reasonable request" means a request made under the following circumstances:

59.3 (i) the requester has prominently posted a conspicuous sign at every entrance to the  
59.4 establishment containing the following language: "(INDICATE IDENTITY OF OPERATOR)  
59.5 BANS GUNS IN THESE PREMISES."; or

59.6 (ii) the requester or the requester's agent personally informs the person that guns are  
59.7 prohibited in the premises and demands compliance.

59.8 (2) "Prominently" means readily visible and within four feet laterally of the entrance  
59.9 with the bottom of the sign at a height of four to six feet above the floor.

59.10 (3) "Conspicuous" means lettering in black arial typeface at least 1-1/2 inches in height  
59.11 against a bright contrasting background that is at least 187 square inches in area.

59.12 (4) "Private establishment" means a building, structure, or portion thereof that is owned,  
59.13 leased, controlled, or operated by a nongovernmental entity for a nongovernmental purpose.

59.14 (c) The owner or operator of a private establishment may not prohibit the lawful carry  
59.15 or possession of firearms in a parking facility or parking area.

59.16 (d) The owner or operator of a private establishment may not prohibit the lawful carry  
59.17 or possession of firearms by a peace officer, as defined in section 626.84, subdivision 1,  
59.18 paragraph (c), within the private establishment or deny the officer access thereto, except  
59.19 when specifically authorized by statute.

59.20 ~~(e)~~ (e) This subdivision does not apply to private residences. The lawful possessor of a  
59.21 private residence may prohibit firearms, and provide notice thereof, in any lawful manner.

59.22 ~~(f)~~ (f) A landlord may not restrict the lawful carry or possession of firearms by tenants  
59.23 or their guests.

59.24 ~~(g)~~ (g) Notwithstanding any inconsistent provisions in section 609.605, this subdivision  
59.25 sets forth the exclusive criteria to notify a permit holder when otherwise lawful firearm



59.26 possession is not allowed in a private establishment and sets forth the exclusive penalty for  
59.27 such activity.

59.28 ~~(g) This subdivision does not apply to:~~

59.29 ~~(1) an active licensed peace officer; or~~

59.30 ~~(2) a security guard acting in the course and scope of employment.~~

60.1 Sec. 24. [626.8469] TRAINING IN CRISIS RESPONSE, CONFLICT  
60.2 MANAGEMENT, AND CULTURAL DIVERSITY.

60.3 Subdivision 1. **In-service training required.** Beginning July 1, 2018, the chief law  
60.4 enforcement officer of every state and local law enforcement agency shall provide in-service  
60.5 training in crisis intervention and mental illness crises; conflict management and mediation;  
60.6 and recognizing and valuing community diversity and cultural differences to include implicit  
60.7 bias training to every peace officer and part-time peace officer employed by the agency.  
60.8 The training shall comply with learning objectives developed and approved by the board  
60.9 and shall meet board requirements for board-approved continuing education credit. The  
60.10 training shall consist of at least 16 continuing education credits within an officer's three-year  
60.11 licensing cycle. Each peace officer with a license renewal date after June 30, 2018, is not  
60.12 required to complete this training until the officer's next full three-year licensing cycle.

60.13 Subd. 2. **Record keeping required.** The head of every local and state law enforcement  
60.14 agency shall maintain written records of the agency's compliance with the requirements of  
60.15 subdivision 1. The documentation is subject to periodic review by the board, and shall be  
60.16 made available to the board at its request.

60.17 Subd. 3. **Licensing sanctions; injunctive relief.** The board may impose licensing  
60.18 sanctions and seek injunctive relief under section 214.11 for failure to comply with the  
60.19 requirements of this section.

60.20 Sec. 25. Laws 2009, chapter 59, article 3, section 4, subdivision 9, as amended by Laws  
60.21 2010, chapter 197, section 1, Laws 2011, chapter 87, section 1, subdivision 9, and Laws  
60.22 2013, chapter 127, section 60, is amended to read:

60.23 Subd. 9. **Sunset; transition.** A city or county participating in this pilot program may  
60.24 accept an individual for diversion into the pilot program ~~until June 30, 2017. The~~ and the  
60.25 third party administering the diversion program may collect and disburse fees collected  
60.26 pursuant to subdivision 6, paragraph (a), clause (2), ~~through December 31, 2018~~ until the  
60.27 day following the date the permanent diversion program established under Minnesota  
60.28 Statutes, section 171.2405, is effective, at which time the pilot program under this section  
60.29 expires. An individual participating in but who has not completed the pilot program on the

- 60.30 date the pilot program expires is automatically transferred and enrolled in the permanent  
60.31 diversion program under Minnesota Statutes, section 171.2405, and credited for any fees  
60.32 paid or activities completed under the pilot program.
- 60.33 **EFFECTIVE DATE.** This section is effective the day following final enactment.