

1.1 moves to amend H.F. No. 1030 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "ARTICLE 1
1.4 APPROPRIATIONS

1.5 Section 1. APPROPRIATIONS.

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

1.13		<u>APPROPRIATIONS</u>	
1.14		<u>Available for the Year</u>	
1.15		<u>Ending June 30</u>	
1.16		<u>2022</u>	<u>2023</u>

1.17 Sec. 2. SUPREME COURT

1.18	<u>Subdivision 1. Total Appropriation</u>	<u>\$</u>	<u>62,240,000</u>	<u>\$</u>	<u>62,800,000</u>
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1.19 The amounts that may be spent for each
1.20 purpose are specified in the following
1.21 subdivisions.

1.22	<u>Subd. 2. Supreme Court Operations</u>		<u>45,312,000</u>		<u>44,602,000</u>
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1.23 (a) Contingent Account

1.24 \$5,000 each year is for a contingent account
1.25 for expenses necessary for the normal

2.1 operation of the court for which no other
2.2 reimbursement is provided.

2.3 **(b) Insurance Cost Increases**

2.4 \$306,000 in fiscal year 2022 and \$661,000 in
2.5 fiscal year 2023 are to fund increases in
2.6 insurance costs.

2.7 **(c) Employee Compensation**

2.8 \$1,084,000 in fiscal year 2023 is for increased
2.9 compensation of three percent for employees
2.10 other than judges.

2.11 **(d) Minnesota Court Record Online**

2.12 **Application**

2.13 \$741,000 in fiscal year 2022 is to fund critical
2.14 improvements to the Minnesota Court Record
2.15 Online application. This is a onetime
2.16 appropriation.

2.17 **(e) Cybersecurity Program**

2.18 \$375,000 in fiscal year 2022 is to fund critical
2.19 improvements to the judiciary branch
2.20 cybersecurity program. This is a onetime
2.21 appropriation.

2.22 **(f) Courthouse Safety**

2.23 \$1,000,000 in fiscal year 2022 is for a
2.24 competitive grant program established by the
2.25 chief justice for the distribution of safe and
2.26 secure courthouse fund grants to governmental
2.27 entities responsible for providing or
2.28 maintaining a courthouse or other facility
2.29 where court proceedings are held. Grant
2.30 recipients must provide a 50 percent nonstate
2.31 match. This is a onetime appropriation and is
2.32 available until June 30, 2024.

3.1 **(g) Interpreter Compensation**

3.2 \$400,000 in fiscal year 2022 and \$400,000 in
3.3 fiscal year 2023 are to increase hourly fees
3.4 paid to qualified certified and uncertified
3.5 interpreters who are independent contractors
3.6 and assist persons disabled in communication
3.7 in legal proceedings.

3.8 **Subd. 3. Civil Legal Services** 16,928,000 18,198,000

3.9 **(a) Legal Services to Low-Income Clients**
3.10 **in Family Law Matters**

3.11 \$1,017,000 each year is to improve the access
3.12 of low-income clients to legal representation
3.13 in family law matters. This appropriation must
3.14 be distributed under Minnesota Statutes,
3.15 section 480.242, to the qualified legal services
3.16 program described in Minnesota Statutes,
3.17 section 480.242, subdivision 2, paragraph (a).
3.18 Any unencumbered balance remaining in the
3.19 first year does not cancel and is available in
3.20 the second year.

3.21 **(b) Base Adjustment**

3.22 The base appropriation for civil legal services
3.23 shall be \$18,387,000 in fiscal year 2024 and
3.24 beyond.

3.25 **Sec. 3. COURT OF APPEALS** \$ 13,234,000 \$ 13,495,000

3.26 **(a) Insurance Cost Increases**

3.27 \$71,000 in fiscal year 2022 and \$155,000 in
3.28 fiscal year 2023 are to fund increases in
3.29 insurance costs.

3.30 **(b) Employee Compensation**

4.1 \$1,084,000 in fiscal year 2023 is for increased
 4.2 compensation of three percent for employees
 4.3 other than judges.

4.4 Sec. 4. **DISTRICT COURTS** \$ 319,627,000 \$ 327,816,000

4.5 **(a) Insurance Cost Increases**

4.6 \$2,425,000 in fiscal year 2022 and \$5,232,000
 4.7 in fiscal year 2023 are to fund increases in
 4.8 insurance costs.

4.9 **(b) Employee Compensation**

4.10 \$5,382,000 in fiscal year 2023 is for increased
 4.11 compensation of three percent for employees
 4.12 other than judges.

4.13 Sec. 5. **GUARDIAN AD LITEM BOARD** \$ 22,206,000 \$ 22,889,000

4.14 Sec. 6. **TAX COURT** \$ 1,827,000 \$ 1,841,000

4.15 Sec. 7. **UNIFORM LAWS COMMISSION** \$ 100,000 \$ 100,000

4.16 Sec. 8. **BOARD ON JUDICIAL STANDARDS** \$ 580,000 \$ 586,000

4.17 **(a) Availability of Appropriation**

4.18 If the appropriation for either year is
 4.19 insufficient, the appropriation for the other
 4.20 fiscal year is available.

4.21 **(b) Major Disciplinary Actions**

4.22 \$125,000 each year is for special investigative
 4.23 and hearing costs for major disciplinary
 4.24 actions undertaken by the board. This
 4.25 appropriation does not cancel. Any
 4.26 unencumbered and unspent balances remain
 4.27 available for these expenditures until June 30,
 4.28 2025.

4.29 Sec. 9. **BOARD OF PUBLIC DEFENSE** \$ 109,770,000 \$ 112,468,000

4.30 **(a) Public Defense Corporations**

5.1 \$74,000 the first year and \$152,000 the second
5.2 year are for increases to public defense
5.3 corporations.

5.4 **(b) Postconviction Relief Petitions**

5.5 \$187,000 in fiscal year 2022 is for contract
5.6 attorneys to represent individuals who file
5.7 postconviction relief petitions.

5.8 Sec. 10. **HUMAN RIGHTS** **\$** **5,668,000** **\$** **5,768,000**

5.9 **Additional Staffing and Administrative**
5.10 **Costs**

5.11 \$345,000 in fiscal year 2022 and \$350,000 in
5.12 fiscal year 2023 are for improving caseload
5.13 processing, costs associated with prohibiting
5.14 rental discrimination, and staff and
5.15 administrative costs necessary to collect and
5.16 report on crimes of bias.

5.17 Sec. 11. **OFFICE OF THE STATE AUDITOR** **\$** **64,000** **\$** **30,000**

5.18 **Forfeiture Reporting**

5.19 \$64,000 in fiscal year 2022 and \$30,000 in
5.20 fiscal year 2023 are for costs associated with
5.21 forfeiture reporting requirements.

5.22 Sec. 12. **DEPARTMENT OF PUBLIC SAFETY** **\$** **24,000** **\$** **0**

5.23 **Forfeiture Notices**

5.24 \$24,000 in fiscal year 2022 is for costs for
5.25 technological upgrades required for generating
5.26 forfeiture notices and property receipts.

6.1 **ARTICLE 2**

6.2 **ACCESS TO COURTS; DISTRIBUTION OF FEES; DEADLINES**

6.3 Section 1. Minnesota Statutes 2020, section 2.722, subdivision 1, is amended to read:

6.4 Subdivision 1. **Description.** Effective July 1, 1959, the state is divided into ten judicial
6.5 districts composed of the following named counties, respectively, in each of which districts
6.6 judges shall be chosen as hereinafter specified:

6.7 1. Goodhue, Dakota, Carver, Le Sueur, McLeod, Scott, and Sibley; 36 judges; and four
6.8 permanent chambers shall be maintained in Red Wing, Hastings, Shakopee, and Glencoe
6.9 and one other shall be maintained at the place designated by the chief judge of the district;

6.10 2. Ramsey; 26 judges;

6.11 3. Wabasha, Winona, Houston, Rice, Olmsted, Dodge, Steele, Waseca, Freeborn, Mower,
6.12 and Fillmore; 23 judges; and permanent chambers shall be maintained in Faribault, Albert
6.13 Lea, Austin, Rochester, and Winona;

6.14 4. Hennepin; 60 judges;

6.15 5. Blue Earth, Watonwan, Lyon, Redwood, Brown, Nicollet, Lincoln, Cottonwood,
6.16 Murray, Nobles, Pipestone, Rock, Faribault, Martin, and Jackson; ~~16~~ 17 judges; and
6.17 permanent chambers shall be maintained in Marshall, Windom, Fairmont, New Ulm, and
6.18 Mankato;

6.19 6. Carlton, St. Louis, Lake, and Cook; 15 judges;

6.20 7. Benton, Douglas, Mille Lacs, Morrison, Otter Tail, Stearns, Todd, Clay, Becker, and
6.21 Wadena; 30 judges; and permanent chambers shall be maintained in Moorhead, Fergus
6.22 Falls, Little Falls, and St. Cloud;

6.23 8. Chippewa, Kandiyohi, Lac qui Parle, Meeker, Renville, Swift, Yellow Medicine, Big
6.24 Stone, Grant, Pope, Stevens, Traverse, and Wilkin; 11 judges; and permanent chambers
6.25 shall be maintained in Morris, Montevideo, and Willmar;

6.26 9. Norman, Polk, Marshall, Kittson, Red Lake, Roseau, Mahnomen, Pennington, Aitkin,
6.27 Itasca, Crow Wing, Hubbard, Beltrami, Lake of the Woods, Clearwater, Cass and
6.28 Koochiching; 24 judges; and permanent chambers shall be maintained in Crookston, Thief
6.29 River Falls, Bemidji, Brainerd, Grand Rapids, and International Falls; and

6.30 10. Anoka, Isanti, Wright, Sherburne, Kanabec, Pine, Chisago, and Washington; 45
6.31 judges; and permanent chambers shall be maintained in Anoka, Stillwater, and other places
6.32 designated by the chief judge of the district.

7.1 Sec. 2. Minnesota Statutes 2020, section 260C.163, subdivision 3, is amended to read:

7.2 Subd. 3. **Appointment of counsel.** (a) The child, parent, guardian or custodian has the
7.3 right to effective assistance of counsel in connection with a proceeding in juvenile court as
7.4 provided in this subdivision.

7.5 (b) Except in proceedings where the sole basis for the petition is habitual truancy, if the
7.6 child desires counsel but is unable to employ it, the court shall appoint counsel to represent
7.7 the child who is ten years of age or older under section 611.14, clause (4), or other counsel
7.8 at public expense.

7.9 (c) ~~Except in proceedings where the sole basis for the petition is habitual truancy, if the~~
7.10 ~~parent, guardian, or custodian desires counsel but is unable to employ it, the court shall~~
7.11 ~~appoint counsel to represent the parent, guardian, or custodian in any case in which it feels~~
7.12 ~~that such an appointment is appropriate if the person would be financially unable to obtain~~
7.13 ~~counsel under the guidelines set forth in section 611.17. In all juvenile protection proceedings~~
7.14 ~~where a child risks removal from the care of the child's parent, guardian, or custodian,~~
7.15 ~~including a child in need of protection or services petition, an action pursuing removal of~~
7.16 ~~a child from the child's home, a termination of parental rights petition, or a petition for any~~
7.17 ~~other permanency disposition under section 260C.515, if the parent, guardian, or custodian~~
7.18 ~~desires counsel and is eligible for counsel under section 611.17, the court shall appoint~~
7.19 ~~counsel to represent each parent, guardian, or custodian at the first hearing on the petition~~
7.20 ~~and at all stages of the proceedings.~~ Court appointed counsel shall be at county expense as
7.21 outlined in paragraph (h).

7.22 (d) In any proceeding where the subject of a petition for a child in need of protection or
7.23 services is ten years of age or older, the responsible social services agency shall, within 14
7.24 days after filing the petition or at the emergency removal hearing under section 260C.178,
7.25 subdivision 1, if the child is present, fully and effectively inform the child of the child's
7.26 right to be represented by appointed counsel upon request and shall notify the court as to
7.27 whether the child desired counsel. Information provided to the child shall include, at a
7.28 minimum, the fact that counsel will be provided without charge to the child, that the child's
7.29 communications with counsel are confidential, and that the child has the right to participate
7.30 in all proceedings on a petition, including the opportunity to personally attend all hearings.
7.31 The responsible social services agency shall also, within 14 days of the child's tenth birthday,
7.32 fully and effectively inform the child of the child's right to be represented by counsel if the
7.33 child reaches the age of ten years while the child is the subject of a petition for a child in
7.34 need of protection or services or is a child under the guardianship of the commissioner.

8.1 (e) In any proceeding where the sole basis for the petition is habitual truancy, the child,
8.2 parent, guardian, and custodian do not have the right to appointment of a public defender
8.3 or other counsel at public expense. However, before any out-of-home placement, including
8.4 foster care or inpatient treatment, can be ordered, the court must appoint a public defender
8.5 or other counsel at public expense in accordance with this subdivision.

8.6 (f) Counsel for the child shall not also act as the child's guardian ad litem.

8.7 (g) In any proceeding where the subject of a petition for a child in need of protection or
8.8 services is not represented by an attorney, the court shall determine the child's preferences
8.9 regarding the proceedings, including informing the child of the right to appointed counsel
8.10 and asking whether the child desires counsel, if the child is of suitable age to express a
8.11 preference.

8.12 (h) Court-appointed counsel for the parent, guardian, or custodian under this subdivision
8.13 is at county expense. If the county has contracted with counsel ~~meeting qualifications under~~
8.14 ~~paragraph (i)~~, the court shall appoint the counsel retained by the county, unless a conflict
8.15 of interest exists. If a conflict exists, after consulting with the chief judge of the judicial
8.16 district or the judge's designee, the county shall contract with competent counsel to provide
8.17 the necessary representation. ~~The court may appoint only one counsel at public expense for~~
8.18 ~~the first court hearing to represent the interests of the parents, guardians, and custodians,~~
8.19 ~~unless, at any time during the proceedings upon petition of a party, the court determines~~
8.20 ~~and makes written findings on the record that extraordinary circumstances exist that require~~
8.21 ~~counsel to be appointed to represent a separate interest of other parents, guardians, or~~
8.22 ~~eustodians subject to the jurisdiction of the juvenile court.~~

8.23 ~~(i) Counsel retained by the county under paragraph (h) must meet the qualifications~~
8.24 ~~established by the Judicial Council in at least one of the following: (1) has a minimum of~~
8.25 ~~two years' experience handling child protection cases; (2) has training in handling child~~
8.26 ~~protection cases from a course or courses approved by the Judicial Council; or (3) is~~
8.27 ~~supervised by an attorney who meets the minimum qualifications under clause (1) or (2).~~

8.28 EFFECTIVE DATE. This section is effective July 1, 2022, except the amendment
8.29 striking paragraph (i) is effective the day following final enactment.

8.30 Sec. 3. Minnesota Statutes 2020, section 357.021, subdivision 1a, is amended to read:

8.31 Subd. 1a. **Transmittal of fees to commissioner of management and budget.** (a) Every
8.32 person, including the state of Minnesota and all bodies politic and corporate, who shall
8.33 transact any business in the district court, shall pay to the court administrator of said court

9.1 the sundry fees prescribed in subdivision 2. Except as provided in paragraph (d), the court
9.2 administrator shall transmit the fees monthly to the commissioner of management and budget
9.3 for deposit in the state treasury and credit to the general fund. \$30 of each fee collected in
9.4 a dissolution action under subdivision 2, clause (1), must be deposited by the commissioner
9.5 of management and budget in the special revenue fund and is appropriated to the
9.6 commissioner of employment and economic development for the Minnesota Family
9.7 Resiliency Partnership under section 116L.96.

9.8 (b) In a county which has a screener-collector position, fees paid by a county pursuant
9.9 to this subdivision shall be transmitted monthly to the county treasurer, who shall apply the
9.10 fees first to reimburse the county for the amount of the salary paid for the screener-collector
9.11 position. The balance of the fees collected shall then be forwarded to the commissioner of
9.12 management and budget for deposit in the state treasury and credited to the general fund.

9.13 In a county in a judicial district under section 480.181, subdivision 1, paragraph (b), which
9.14 has a screener-collector position, the fees paid by a county shall be transmitted monthly to
9.15 the commissioner of management and budget for deposit in the state treasury and credited
9.16 to the general fund. A screener-collector position for purposes of this paragraph is an
9.17 employee whose function is to increase the collection of fines and to review the incomes
9.18 of potential clients of the public defender, in order to verify eligibility for that service.

9.19 (c) No fee is required under this section from the public authority or the party the public
9.20 authority represents in an action for:

9.21 (1) child support enforcement or modification, medical assistance enforcement, or
9.22 establishment of parentage in the district court, or in a proceeding under section 484.702;

9.23 (2) civil commitment under chapter 253B;

9.24 (3) the appointment of a public conservator or public guardian or any other action under
9.25 chapters 252A and 525;

9.26 (4) wrongfully obtaining public assistance under section 256.98 or 256D.07, or recovery
9.27 of overpayments of public assistance;

9.28 (5) court relief under chapters 260, 260A, 260B, and 260C;

9.29 (6) forfeiture of property under sections 169A.63 and 609.531 to 609.5317;

9.30 (7) recovery of amounts issued by political subdivisions or public institutions under
9.31 sections 246.52, 252.27, 256.045, 256.25, 256.87, 256B.042, 256B.14, 256B.15, 256B.37,
9.32 260B.331, and 260C.331, or other sections referring to other forms of public assistance;

9.33 (8) restitution under section 611A.04; or

10.1 (9) actions seeking monetary relief in favor of the state pursuant to section 16D.14,
10.2 subdivision 5.

10.3 (d) \$20 from each fee collected for child support modifications under subdivision 2,
10.4 clause (13), must be transmitted to the county treasurer for deposit in the county general
10.5 fund and \$35 from each fee shall be credited to the state general fund. The fees must be
10.6 used by the county to pay for child support enforcement efforts by county attorneys.

10.7 (e) No fee is required under this section from any federally recognized Indian Tribe or
10.8 its representative in an action for:

10.9 (1) child support enforcement or modification, medical assistance enforcement, or
10.10 establishment of parentage in the district court or in a proceeding under section 484.702;

10.11 (2) civil commitment under chapter 253B;

10.12 (3) the appointment of a public conservator or public guardian or any other action under
10.13 chapters 252A and 525; or

10.14 (4) court relief under chapters 260, 260A, 260B, 260C, and 260D.

10.15 Sec. 4. Minnesota Statutes 2020, section 477A.03, subdivision 2b, is amended to read:

10.16 Subd. 2b. **Counties.** (a) For aids payable in 2018 and 2019, the total aid payable under
10.17 section 477A.0124, subdivision 3, is \$103,795,000, of which \$3,000,000 shall be allocated
10.18 as required under Laws 2014, chapter 150, article 4, section 6. For aids payable in 2020,
10.19 the total aid payable under section 477A.0124, subdivision 3, is \$116,795,000, of which
10.20 \$3,000,000 shall be allocated as required under Laws 2014, chapter 150, article 4, section
10.21 6. For aids payable in 2021 through 2024, the total aid payable under section 477A.0124,
10.22 subdivision 3, is \$118,795,000, of which \$3,000,000 shall be allocated as required under
10.23 Laws 2014, chapter 150, article 4, section 6. For aids payable in 2025 and thereafter, the
10.24 total aid payable under section 477A.0124, subdivision 3, is \$115,795,000. ~~Each calendar~~
10.25 ~~year;~~ On or before the first installment date provided in section 477A.015, paragraph (a),
10.26 \$500,000 of this appropriation shall be ~~retained~~ transferred each year by the commissioner
10.27 of revenue to ~~make reimbursements to the commissioner of management and budget the~~
10.28 Board of Public Defense for ~~payments made~~ the payment of service under section 611.27.
10.29 ~~The reimbursements shall be to defray the additional costs associated with court-ordered~~
10.30 ~~counsel under section 611.27.~~ Any ~~retained~~ transferred amounts not used for reimbursement
10.31 expended or encumbered in a fiscal year shall be certified by the Board of Public Defense
10.32 to the commissioner of revenue on or before October 1 and shall be included in the next

11.1 ~~distribution certification~~ of county need aid ~~that is certified to the county auditors for the~~
 11.2 ~~purpose of property tax reduction for the next taxes payable year.~~

11.3 (b) For aids payable in 2018 and 2019, the total aid under section 477A.0124, subdivision
 11.4 4, is \$130,873,444. For aids payable in 2020, the total aid under section 477A.0124,
 11.5 subdivision 4, is \$143,873,444. For aids payable in 2021 and thereafter, the total aid under
 11.6 section 477A.0124, subdivision 4, is \$145,873,444. The commissioner of revenue shall
 11.7 transfer to the commissioner of management and budget \$207,000 annually for the cost of
 11.8 preparation of local impact notes as required by section 3.987, and other local government
 11.9 activities. The commissioner of revenue shall transfer to the commissioner of education
 11.10 \$7,000 annually for the cost of preparation of local impact notes for school districts as
 11.11 required by section 3.987. The commissioner of revenue shall deduct the amounts transferred
 11.12 under this paragraph from the appropriation under this paragraph. The amounts transferred
 11.13 are appropriated to the commissioner of management and budget and the commissioner of
 11.14 education respectively.

11.15 Sec. 5. Minnesota Statutes 2020, section 484.85, is amended to read:

11.16 **484.85 DISPOSITION OF FINES, FEES, AND OTHER MONEY; ACCOUNTS;**
 11.17 **RAMSEY COUNTY DISTRICT COURT.**

11.18 (a) In all cases prosecuted in Ramsey County District Court by an attorney for a
 11.19 municipality or subdivision of government within Ramsey County for violation of a statute;
 11.20 an ordinance; or a charter provision, rule, or regulation of a city; all fines, penalties, and
 11.21 forfeitures collected by the court administrator shall be deposited in the state treasury and
 11.22 distributed according to this paragraph. Except where a different disposition is provided by
 11.23 section 299D.03, subdivision 5, or other law, on or before the last day of each month, the
 11.24 court shall pay over all fines, penalties, and forfeitures collected by the court administrator
 11.25 during the previous month as follows:

11.26 ~~(1) for offenses committed within the city of St. Paul,~~ two-thirds paid to the treasurer
 11.27 ~~of the city of St. Paul~~ municipality or subdivision of government within Ramsey County
 11.28 and one-third credited to the state general fund; ~~and.~~

11.29 ~~(2) for offenses committed within any other municipality or subdivision of government~~
 11.30 ~~within Ramsey County, one-half paid to the treasurer of the municipality or subdivision of~~
 11.31 ~~government and one-half credited to the state general fund.~~

11.32 All other fines, penalties, and forfeitures collected by the district court shall be distributed
 11.33 by the courts as provided by law.

12.1 (b) Fines, penalties, and forfeitures shall be distributed as provided in paragraph (a)
12.2 when:

12.3 (1) a city contracts with the county attorney for prosecutorial services under section
12.4 484.87, subdivision 3; or

12.5 (2) the attorney general provides assistance to the city attorney under section 484.87,
12.6 subdivision 5.

12.7 **EFFECTIVE DATE.** This section is effective July 1, 2022.

12.8 Sec. 6. Minnesota Statutes 2020, section 590.01, subdivision 4, is amended to read:

12.9 Subd. 4. **Time limit.** (a) No petition for postconviction relief may be filed more than
12.10 two years after the later of:

12.11 (1) the entry of judgment of conviction or sentence if no direct appeal is filed; or

12.12 (2) an appellate court's disposition of petitioner's direct appeal.

12.13 (b) Notwithstanding paragraph (a), a court may hear a petition for postconviction relief
12.14 if:

12.15 (1) the petitioner establishes that a physical disability or mental disease precluded a
12.16 timely assertion of the claim;

12.17 (2) the petitioner alleges the existence of newly discovered evidence, including scientific
12.18 evidence, that could not have been ascertained by the exercise of due diligence by the
12.19 petitioner or petitioner's attorney within the two-year time period for filing a postconviction
12.20 petition, and the evidence is not cumulative to evidence presented at trial, is not for
12.21 impeachment purposes, and establishes by a clear and convincing standard that the petitioner
12.22 is innocent of the offense or offenses for which the petitioner was convicted;

12.23 (3) the petitioner asserts a new interpretation of federal or state constitutional or statutory
12.24 law by either the United States Supreme Court or a Minnesota appellate court and the
12.25 petitioner establishes that this interpretation is retroactively applicable to the petitioner's
12.26 case;

12.27 (4) the petition is brought pursuant to subdivision 3; ~~or~~

12.28 (5) the petitioner establishes to the satisfaction of the court that the petition is not frivolous
12.29 and is in the interests of justice; or

12.30 (6) the petitioner is either placed into immigration removal proceedings, or detained for
12.31 the purpose of removal from the United States, or received notice to report for removal, as

13.1 a result of a conviction that was obtained by relying on incorrect advice or absent advice
13.2 from counsel on immigration consequences.

13.3 (c) Any petition invoking an exception provided in paragraph (b) must be filed within
13.4 two years of the date the claim arises.

13.5 Sec. 7. Minnesota Statutes 2020, section 611.21, is amended to read:

13.6 **611.21 SERVICES OTHER THAN COUNSEL.**

13.7 (a) Counsel appointed by the court for an indigent defendant, or representing a defendant
13.8 who, at the outset of the prosecution, has an annual income not greater than 125 percent of
13.9 the poverty line established under United States Code, title 42, section 9902(2), may file
13.10 an ex parte application requesting investigative, expert, interpreter, or other services necessary
13.11 to an adequate defense in the case. Upon finding, after appropriate inquiry in an ex parte
13.12 proceeding, that the services are necessary and that the defendant is financially unable to
13.13 obtain them, the court shall authorize counsel to obtain the services on behalf of the
13.14 defendant. The court may establish a limit on the amount which may be expended or promised
13.15 for such services. The court may, in the interests of justice, and upon a finding that timely
13.16 procurement of necessary services could not await prior authorization, ratify such services
13.17 after they have been obtained, but such ratification shall be given only in unusual situations.
13.18 The court shall determine reasonable compensation for the services and direct payment by
13.19 the county in which the prosecution originated, to the organization or person who rendered
13.20 them, upon the filing of a claim for compensation supported by an affidavit specifying the
13.21 time expended, services rendered, and expenses incurred on behalf of the defendant, and
13.22 the compensation received in the same case or for the same services from any other source.

13.23 (b) The compensation to be paid to a person for such service rendered to a defendant
13.24 under this section, or to be paid to an organization for such services rendered by an employee,
13.25 may not exceed \$1,000, exclusive of reimbursement for expenses reasonably incurred,
13.26 unless payment in excess of that limit is certified by the court as necessary to provide fair
13.27 compensation for services of an unusual character or duration and the amount of the excess
13.28 payment is approved by the chief judge of the district. The chief judge of the judicial district
13.29 may delegate approval authority to an active district judge.

13.30 (c) If the court denies authorizing counsel to obtain services on behalf of the defendant,
13.31 the court shall make written findings of fact and conclusions of law that state the basis for
13.32 determining that counsel may not obtain services on behalf of the defendant. When the court
13.33 issues an order denying counsel the authority to obtain services, the defendant may appeal
13.34 immediately from that order to the court of appeals and may request an expedited hearing.

14.1 Sec. 8. Minnesota Statutes 2020, section 611.27, subdivision 9, is amended to read:

14.2 Subd. 9. **Request for other appointment of counsel.** The chief district public defender
14.3 ~~with the approval of~~ may request that the state public defender ~~may request that the chief~~
14.4 ~~judge of the district court, or a district court judge designated by the chief judge,~~ authorize
14.5 appointment of counsel other than the district public defender in such cases.

14.6 Sec. 9. Minnesota Statutes 2020, section 611.27, subdivision 10, is amended to read:

14.7 Subd. 10. **Addition of permanent staff.** The chief public defender may not request ~~the~~
14.8 ~~court~~ nor may the ~~court order~~ state public defender approve the addition of permanent staff
14.9 under subdivision 7.

14.10 Sec. 10. Minnesota Statutes 2020, section 611.27, subdivision 11, is amended to read:

14.11 Subd. 11. **Appointment of counsel.** If the ~~court~~ state public defender finds that the
14.12 provision of adequate legal representation, including associated services, is beyond the
14.13 ability of the district public defender to provide, the ~~court shall order~~ state public defender
14.14 may approve counsel to be appointed, with compensation and expenses to be paid under
14.15 the provisions of this subdivision and subdivision 7. Counsel in such cases shall be appointed
14.16 by the chief district public defender. ~~If the court issues an order denying the request, the~~
14.17 ~~court shall make written findings of fact and conclusions of law. Upon denial, the chief~~
14.18 ~~district public defender may immediately appeal the order denying the request to the court~~
14.19 ~~of appeals and may request an expedited hearing.~~

14.20 Sec. 11. Minnesota Statutes 2020, section 611.27, subdivision 13, is amended to read:

14.21 Subd. 13. **Correctional facility inmates.** All billings for services rendered and ordered
14.22 under subdivision 7 shall require the approval of the chief district public defender before
14.23 being forwarded ~~on a monthly basis~~ to the state public defender. In cases where adequate
14.24 representation cannot be provided by the district public defender and where counsel has
14.25 been ~~appointed under a court order~~ approved by the state public defender, the ~~state public~~
14.26 ~~defender~~ Board of Public Defense shall ~~forward to the commissioner of management and~~
14.27 ~~budget~~ pay all billings for services rendered under the court order. The commissioner shall
14.28 ~~pay for services~~ from county program aid ~~retained~~ transferred by the commissioner of
14.29 revenue for that purpose under section 477A.03, subdivision 2b, paragraph (a).

14.30 The costs of appointed counsel and associated services in cases arising from new criminal
14.31 charges brought against indigent inmates who are incarcerated in a Minnesota state
14.32 correctional facility are the responsibility of the state Board of Public Defense. In such cases

15.1 the state public defender may follow the procedures outlined in this section for obtaining
15.2 court-ordered counsel.

15.3 Sec. 12. Minnesota Statutes 2020, section 611.27, subdivision 15, is amended to read:

15.4 Subd. 15. **Costs of transcripts.** In appeal cases and postconviction cases where the
15.5 appellate public defender's office does not have sufficient funds to pay for transcripts and
15.6 other necessary expenses because it has spent or committed all of the transcript funds in its
15.7 annual budget, the ~~state public defender may forward to the commissioner of management~~
15.8 ~~and budget all billings for transcripts and other necessary expenses. The commissioner shall~~
15.9 Board of Public Defense may pay for these transcripts and other necessary expenses from
15.10 county program aid ~~retained~~ transferred by the commissioner of revenue for that purpose
15.11 under section 477A.03, subdivision 2b, paragraph (a).

15.12 ARTICLE 3

15.13 VICTIMS; CRIMINAL DEFENDANTS

15.14 Section 1. Minnesota Statutes 2020, section 5B.02, is amended to read:

15.15 **5B.02 DEFINITIONS.**

15.16 (a) For purposes of this chapter and unless the context clearly requires otherwise, the
15.17 definitions in this section have the meanings given them.

15.18 (b) "Address" means an individual's work address, school address, or residential street
15.19 address, as specified on the individual's application to be a program participant under this
15.20 chapter.

15.21 (c) "Applicant" means an adult, a parent or guardian acting on behalf of an eligible
15.22 minor, or a guardian acting on behalf of an incapacitated person, as defined in section
15.23 524.5-102.

15.24 (d) "Domestic violence" means an act as defined in section 518B.01, subdivision 2,
15.25 paragraph (a), and includes a threat of such acts committed against an individual in a domestic
15.26 situation, regardless of whether these acts or threats have been reported to law enforcement
15.27 officers.

15.28 (e) "Eligible person" means an adult, a minor, or an incapacitated person, as defined in
15.29 section 524.5-102 for whom there is good reason to believe (1) that the eligible person is a
15.30 victim of domestic violence, sexual assault, or harassment or stalking, or (2) that the eligible
15.31 person fears for the person's safety, the safety of another person who resides in the same
15.32 household, or the safety of persons on whose behalf the application is made. An individual

16.1 must reside in Minnesota in order to be an eligible person. A person registered or required
16.2 to register as a predatory offender under section 243.166 or 243.167, or the law of another
16.3 jurisdiction, is not an eligible person.

16.4 (f) "Mail" means first class letters and flats delivered via the United States Postal Service,
16.5 including priority, express, and certified mail, and excluding ~~packages, parcels, (1)~~
16.6 ~~periodicals, and catalogues, and (2) packages and parcels~~ unless they are clearly identifiable
16.7 as nonrefrigerated pharmaceuticals or clearly indicate that they are sent by the federal
16.8 government or a state or county government agency of the continental United States, Hawaii,
16.9 District of Columbia, or United States territories.

16.10 (g) "Program participant" means an individual certified as a program participant under
16.11 section 5B.03.

16.12 (h) "Harassment" or "stalking" means acts criminalized under section 609.749 and
16.13 includes a threat of such acts committed against an individual, regardless of whether these
16.14 acts or threats have been reported to law enforcement officers.

16.15 Sec. 2. Minnesota Statutes 2020, section 5B.05, is amended to read:

16.16 **5B.05 USE OF DESIGNATED ADDRESS.**

16.17 (a) When a program participant presents the address designated by the secretary of state
16.18 to any person or entity, that address must be accepted as the address of the program
16.19 participant. The person may not require the program participant to submit any address that
16.20 could be used to physically locate the participant either as a substitute or in addition to the
16.21 designated address, or as a condition of receiving a service or benefit, unless the service or
16.22 benefit would be impossible to provide without knowledge of the program participant's
16.23 physical location. Notwithstanding a person's or entity's knowledge of a program participant's
16.24 physical location, the person or entity must use the program participant's designated address
16.25 for all mail correspondence with the program participant.

16.26 (b) A program participant may use the address designated by the secretary of state as
16.27 the program participant's work address.

16.28 (c) The Office of the Secretary of State shall forward all mail sent to the designated
16.29 address to the proper program participants.

16.30 (d) If a program participant has notified a person in writing, on a form prescribed by the
16.31 program, that the individual is a program participant and of the requirements of this section,
16.32 the person must not knowingly disclose the program participant's name, home address, work
16.33 address, or school address, unless the person to whom the address is disclosed also lives,

17.1 works, or goes to school at the address disclosed, or the participant has provided written
17.2 consent to disclosure of the participant's name, home address, work address, or school
17.3 address for the purpose for which the disclosure will be made. This paragraph applies to
17.4 the actions and reports of guardians ad litem, except that guardians ad litem may disclose
17.5 the program participant's name. This paragraph does not apply to records of the judicial
17.6 branch governed by rules adopted by the supreme court or government entities governed
17.7 by section 13.045.

17.8 Sec. 3. Minnesota Statutes 2020, section 5B.10, subdivision 1, is amended to read:

17.9 Subdivision 1. **Display by landlord.** If a program participant has notified the program
17.10 participant's landlord in writing that the individual is a program participant and of the
17.11 requirements of this section, a local ordinance ~~or the landlord~~ must not require the display
17.12 of, and the landlord shall not display, the program participant's name at an address otherwise
17.13 protected under this chapter.

17.14 Sec. 4. Minnesota Statutes 2020, section 169.99, subdivision 1c, is amended to read:

17.15 Subd. 1c. **Notice of surcharge.** All parts of the uniform traffic ticket must ~~give~~ provide
17.16 conspicuous notice ~~of the fact~~ that, if convicted, the person to whom it was issued ~~must~~ may
17.17 be required to pay a state-imposed surcharge under section 357.021, subdivision 6, and the
17.18 current amount of the required surcharge.

17.19 **EFFECTIVE DATE.** This section is effective August 1, 2022. The changes to the
17.20 uniform traffic ticket described in this section must be reflected on the ticket the next time
17.21 it is revised.

17.22 Sec. 5. Minnesota Statutes 2020, section 169.99, is amended by adding a subdivision to
17.23 read:

17.24 Subd. 1d. **Financial hardship.** The first paragraph on the reverse side of the summons
17.25 on the uniform traffic ticket must include the following, or substantially similar, language:
17.26 "All or part of the cost of this summons may be waived on a showing of indigency or undue
17.27 hardship on you or your family. You may schedule a court appearance to request a waiver
17.28 based on your ability to pay by calling the Minnesota Court Payment Center (CPC) [followed
17.29 by the Court Payment Center telephone number]. For more information, call the CPC or
17.30 visit www.mncourts.gov/fines."

18.1 **EFFECTIVE DATE.** This section is effective August 1, 2022. The changes to the
18.2 uniform traffic ticket described in this section must be reflected on the ticket the next time
18.3 it is revised.

18.4 Sec. 6. Minnesota Statutes 2020, section 357.021, subdivision 6, is amended to read:

18.5 Subd. 6. **Surcharges on criminal and traffic offenders.** (a) Except as provided in this
18.6 ~~paragraph~~ subdivision, the court shall impose and the court administrator shall collect a \$75
18.7 surcharge on every person convicted of any felony, gross misdemeanor, misdemeanor, or
18.8 petty misdemeanor offense, other than a violation of a law or ordinance relating to vehicle
18.9 parking, for which there shall be a \$12 surcharge. When a defendant is convicted of more
18.10 than one offense in a case, the surcharge shall be imposed only once in that case. In the
18.11 Second Judicial District, the court shall impose, and the court administrator shall collect,
18.12 an additional \$1 surcharge on every person convicted of any felony, gross misdemeanor,
18.13 misdemeanor, or petty misdemeanor offense, including a violation of a law or ordinance
18.14 relating to vehicle parking, if the Ramsey County Board of Commissioners authorizes the
18.15 \$1 surcharge. The surcharge shall be imposed whether or not the person is sentenced to
18.16 imprisonment or the sentence is stayed. The surcharge shall not be imposed when a person
18.17 is convicted of a petty misdemeanor for which no fine is imposed.

18.18 ~~(b) If the court fails to impose a surcharge as required by this subdivision, the court~~
18.19 ~~administrator shall show the imposition of the surcharge, collect the surcharge, and correct~~
18.20 ~~the record.~~

18.21 ~~(e)~~ (b) The court may ~~not~~ reduce the amount or waive payment of the surcharge required
18.22 under this subdivision. ~~Upon~~ on a showing of indigency or undue hardship upon the convicted
18.23 person or the convicted person's immediate family, ~~the sentencing court may authorize~~
18.24 payment of the surcharge in installments. Additionally, the court may permit the defendant
18.25 to perform community work service in lieu of a surcharge.

18.26 ~~(d)~~ (c) The court administrator or other entity collecting a surcharge shall forward it to
18.27 the commissioner of management and budget.

18.28 ~~(e)~~ (d) If the convicted person is sentenced to imprisonment and has not paid the surcharge
18.29 before the term of imprisonment begins, the chief executive officer of the correctional
18.30 facility in which the convicted person is incarcerated shall collect the surcharge from any
18.31 earnings the inmate accrues from work performed in the facility or while on conditional
18.32 release. The chief executive officer shall forward the amount collected to the court
18.33 administrator or other entity collecting the surcharge imposed by the court.

19.1 ~~(f)~~ (e) A person who enters a diversion program, continuance without prosecution,
19.2 continuance for dismissal, or stay of adjudication for a violation of chapter 169 must pay
19.3 the surcharge described in this subdivision. A surcharge imposed under this paragraph shall
19.4 be imposed only once per case.

19.5 ~~(g)~~ (f) The surcharge does not apply to administrative citations issued pursuant to section
19.6 169.999.

19.7 **EFFECTIVE DATE.** This section is effective July 1, 2022.

19.8 Sec. 7. Minnesota Statutes 2020, section 609.101, subdivision 5, is amended to read:

19.9 Subd. 5. **Waiver prohibited; reduction and installment payments.** (a) The court may
19.10 not waive payment of the minimum fine required by this section.

19.11 (b) If the defendant qualifies for the services of a public defender or the court finds on
19.12 the record that the convicted person is indigent or that immediate payment of the fine would
19.13 create undue hardship for the convicted person or that person's immediate family, the court
19.14 may reduce the amount of the minimum fine to not less than \$50. Additionally, the court
19.15 may permit the defendant to perform community work service in lieu of a fine.

19.16 (c) The court also may authorize payment of the fine in installments.

19.17 (d) Before sentencing a person convicted of a felony, gross misdemeanor, misdemeanor,
19.18 or petty misdemeanor to pay money for a fine, fee, or surcharge, the court shall make a
19.19 finding on the record as to indigency or the convicted person's ability to comply with an
19.20 order to pay without undue hardship for the convicted person or that person's immediate
19.21 family. In determining indigency or whether the defendant is able to comply with an order
19.22 to pay a fine, fee, or surcharge without undue hardship to the convicted person or that
19.23 person's immediate family, the court shall consider:

19.24 (1) income;

19.25 (2) dependents;

19.26 (3) financial resources, including assets and liabilities;

19.27 (4) basic living expenses;

19.28 (5) receipt of means-tested public assistance program; and

19.29 (6) any special circumstances that may bear on the person's ability to pay.

20.1 (e) Paragraph (d) shall not apply when a conviction for a violation that is included on
20.2 the uniform fine schedule authorized under section 609.101, subdivision 4, is entered without
20.3 a hearing before the court.

20.4 **EFFECTIVE DATE.** This section is effective July 1, 2022.

20.5 Sec. 8. **[611A.95] CERTIFICATIONS FOR VICTIMS OF CRIMES.**

20.6 Subdivision 1. **Definitions.** For purposes of this section, the following terms have the
20.7 meanings given:

20.8 (1) "certifying entity" means a state or local law enforcement agency;

20.9 (2) "criminal activity" means qualifying criminal activity pursuant to section
20.10 101(a)(15)(U)(iii) of the Immigration and Nationality Act, and includes the attempt,
20.11 conspiracy, or solicitation to commit such crimes; and

20.12 (3) "certification" means any certification or statement required by federal immigration
20.13 law including, but not limited to, the information required by United States Code, title 8,
20.14 section 1184(p), and United States Code, title 8, section 1184(o), including current United
20.15 States Citizenship and Immigration Services Form I-918, Supplement B, and United States
20.16 Citizenship and Immigration Services Form I-914, Supplement B, and any successor forms.

20.17 Subd. 2. **Certification process.** (a) A certifying entity shall process a certification
20.18 requested by a victim of criminal activity or a representative of the victim, including but
20.19 not limited to the victim's attorney, family member, or domestic violence or sexual assault
20.20 violence advocate, within the time period prescribed in paragraph (b).

20.21 (b) A certifying entity shall process the certification within 90 days of request, unless
20.22 the victim is in removal proceedings, in which case the certification shall be processed
20.23 within 14 days of request. Requests for expedited certification must be affirmatively raised
20.24 at the time of the request.

20.25 (c) An active investigation, the filing of charges, or a prosecution or conviction are not
20.26 required for the victim of criminal activity to request and obtain the certification.

20.27 Subd. 3. **Certifying entity; designate agent.** (a) The head of a certifying entity shall
20.28 designate an agent to perform the following responsibilities:

20.29 (1) timely process requests for certification;

20.30 (2) provide outreach to victims of criminal activity to inform them of the entity's
20.31 certification process; and

21.1 (3) keep a written or electronic record of all certification requests and responses.

21.2 (b) All certifying entities shall implement a language access protocol for
21.3 non-English-speaking victims of criminal activity.

21.4 **Subd. 4. Disclosure prohibited; data classification.** (a) A certifying entity is prohibited
21.5 from disclosing the immigration status of a victim of criminal activity or representative
21.6 requesting the certification, except to comply with federal law or legal process, or if
21.7 authorized by the victim of criminal activity or representative requesting the certification.

21.8 (b) Data provided to a certifying entity under this section is classified as private data
21.9 pursuant to section 13.02, subdivision 12.

21.10 **EFFECTIVE DATE.** Subdivisions 1, 2, and 4 are effective the day following final
21.11 enactment. Subdivision 3 is effective July 1, 2021.

21.12 **Sec. 9. [634.045] JAILHOUSE WITNESSES.**

21.13 Subdivision 1. Definitions. (a) As used in this section, the following terms have the
21.14 meanings given.

21.15 (b) "Benefit" means any plea bargain, bail consideration, reduction or modification of
21.16 sentence, or any other leniency, immunity, financial payment, reward, or amelioration of
21.17 current or future conditions of incarceration offered or provided in connection with, or in
21.18 exchange for, testimony that is offered or provided by a jailhouse witness.

21.19 (c) "Jailhouse witness" means a person who (1) while incarcerated, claims to have
21.20 obtained information from a defendant in a criminal case or a person suspected to be the
21.21 perpetrator of an offense, and (2) offers or provides testimony concerning statements made
21.22 by that defendant or person suspected to be the perpetrator of an offense. It does not mean
21.23 a codefendant or confidential informant who does not provide testimony against a suspect
21.24 or defendant.

21.25 **Subd. 2. Use of and benefits provided to jailhouse witnesses; data collection.** (a)
21.26 Each county attorney shall report to the attorney general, in a form determined by the attorney
21.27 general:

21.28 (1) the name of the jailhouse witness and the district court file number of the case in
21.29 which that witness testified or planned to testify;

21.30 (2) the substance and use of any testimony of a jailhouse witness against the interest of
21.31 a suspect or defendant, regardless of whether such testimony is presented at trial; and

22.1 (3) the jailhouse witness's agreement to cooperate with the prosecution and any benefit
22.2 that the prosecutor has offered or may offer in the future to the jailhouse witness in connection
22.3 with the testimony.

22.4 (b) The attorney general shall maintain a statewide database containing the information
22.5 received pursuant to paragraph (a) for 20 years from the date that the jailhouse witness
22.6 information was entered into that statewide record.

22.7 (c) Data collected and maintained pursuant to this subdivision are classified as confidential
22.8 data on individuals, as defined in section 13.02, subdivision 3. Only the attorney general
22.9 may access the statewide record, but shall provide all information held on specific jailhouse
22.10 witnesses to a county attorney upon request.

22.11 Subd. 3. **Report on jailhouse witnesses.** By September 15 of each year, beginning in
22.12 2022, the attorney general shall publish on its website an annual report of the statewide
22.13 record of jailhouse witnesses required under subdivision 2. Information in the report must
22.14 be limited to summary data, as defined in section 13.02, subdivision 19, and must include:

22.15 (1) the total number of jailhouse witnesses tracked in the statewide record; and

22.16 (2) for each county, the number of new reports added pursuant to subdivision 2, paragraph
22.17 (a), over the previous fiscal year.

22.18 Subd. 4. **Disclosure of information regarding jailhouse witness.** (a) In addition to the
22.19 requirements for disclosures under rule 9 of the Rules of Criminal Procedure, and within
22.20 the timeframes established by that rule, a prosecutor must disclose the following information
22.21 to the defense about any jailhouse witness:

22.22 (1) the complete criminal history of the jailhouse witness, including any charges that
22.23 are pending or were reduced or dismissed as part of a plea bargain;

22.24 (2) any cooperation agreement with the jailhouse witness and any deal, promise,
22.25 inducement, or benefit that the state has made or intends to make in the future to the jailhouse
22.26 witness;

22.27 (3) whether, at any time, the jailhouse witness recanted any testimony or statement
22.28 implicating the suspect or defendant in the charged crime and, if so, the time and place of
22.29 the recantation, the nature of the recantation, and the names of the persons who were present
22.30 at the recantation;

22.31 (4) whether, at any time, the jailhouse witness made a statement implicating any other
22.32 person in the charged crime and, if so, the time and place of the statement, the nature of the
22.33 statement, and the names of the persons who were present at the statement; and

23.1 (5) information concerning other criminal cases in which the jailhouse witness has
23.2 testified, or offered to testify, against a suspect or defendant with whom the jailhouse witness
23.3 was imprisoned or confined, including any cooperation agreement, deal, promise, inducement,
23.4 or benefit that the state has made or intends to make in the future to the jailhouse witness.

23.5 (b) A prosecutor has a continuing duty of disclosure before and during trial. If, after the
23.6 omnibus hearing held pursuant to rule 11 of the Rules of Criminal Procedure, a prosecutor
23.7 discovers additional material, information, or witnesses subject to disclosure under this
23.8 subdivision, the prosecutor must promptly notify the court and defense counsel, or, if the
23.9 defendant is not represented, the defendant, of what was discovered. If the court finds that
23.10 the jailhouse witness was not known or that materials in paragraph (a) could not be discovered
23.11 or obtained by the state within that period with the exercise of due diligence, the court may
23.12 order that disclosure take place within a reasonable period. Upon good cause shown, the
23.13 court may continue the proceedings.

23.14 (c) If the prosecutor files a written certificate with the trial court that disclosing the
23.15 information described in paragraph (a) would subject the jailhouse witness or other persons
23.16 to physical harm or coercion, the court may order that the information must be disclosed to
23.17 the defendant's counsel but may limit disclosure to the defendant in a way that does not
23.18 unduly interfere with the defendant's right to prepare and present a defense, including limiting
23.19 disclosure to nonidentifying information.

23.20 Subd. 5. **Victim notification.** (a) A prosecutor shall make every reasonable effort to
23.21 notify a victim if the prosecutor has decided to offer or provide any of the following to a
23.22 jailhouse witness in exchange for, or as the result of, a jailhouse witness offering or providing
23.23 testimony against a suspect or defendant:

23.24 (1) reduction or dismissal of charges;

23.25 (2) a plea bargain;

23.26 (3) support for a modification of the amount or conditions of bail; or

23.27 (4) support for a motion to reduce or modify a sentence.

23.28 (b) Efforts to notify the victim should include, in order of priority: (1) contacting the
23.29 victim or a person designated by the victim by telephone; and (2) contacting the victim by
23.30 mail. If a jailhouse witness is still in custody, the notification attempt shall be made before
23.31 the jailhouse witness is released from custody.

23.32 (c) Whenever a prosecutor notifies a victim of domestic assault, criminal sexual conduct,
23.33 or harassment or stalking under this section, the prosecutor shall also inform the victim of

24.1 the method and benefits of seeking an order for protection under section 518B.01 or a
24.2 restraining order under section 609.748 and that the victim may seek an order without paying
24.3 a fee.

24.4 (d) The notification required under this subdivision is in addition to the notification
24.5 requirements and rights described in sections 611A.03, 611A.0315, 611A.039, and 611A.06.

24.6 **EFFECTIVE DATE.** This section is effective August 1, 2021.

24.7 **ARTICLE 4**

24.8 **HUMAN RIGHTS LAW**

24.9 Section 1. Minnesota Statutes 2020, section 13.552, is amended by adding a subdivision
24.10 to read:

24.11 Subd. 8. **Certificate of compliance for public contracts.** Access to data relating to
24.12 certificates of compliance for public contracts is governed by section 363A.36.

24.13 Sec. 2. **[62A.082] NONDISCRIMINATION IN ACCESS TO TRANSPLANTS.**

24.14 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have
24.15 the meanings given unless the context clearly requires otherwise.

24.16 (b) "Disability" has the meaning given in section 363A.03, subdivision 12.

24.17 (c) "Enrollee" means a natural person covered by a health plan or group health plan and
24.18 includes an insured, policy holder, subscriber, covered person, member, contract holder, or
24.19 certificate holder.

24.20 (d) "Organ transplant" means the transplantation or transfusion of a part of a human
24.21 body into the body of another for the purpose of treating or curing a medical condition.

24.22 Subd. 2. **Transplant discrimination prohibited.** A health plan or group health plan
24.23 that provides coverage for anatomical gifts, organ transplants, or related treatment and
24.24 services shall not:

24.25 (1) deny coverage to an enrollee based on the enrollee's disability;

24.26 (2) deny eligibility, or continued eligibility, to enroll or to renew coverage under the
24.27 terms of the health plan or group health plan solely for the purpose of avoiding the
24.28 requirements of this section;

25.1 (3) penalize or otherwise reduce or limit the reimbursement of a health care provider,
25.2 or provide monetary or nonmonetary incentives to a health care provider, to induce the
25.3 provider to provide care to a patient in a manner inconsistent with this section; or

25.4 (4) reduce or limit an enrollee's coverage benefits because of the enrollee's disability for
25.5 medical services and other services related to organ transplantation performed pursuant to
25.6 this section as determined in consultation with the enrollee's treating health care provider
25.7 and the enrollee.

25.8 Subd. 3. **Collective bargaining.** In the case of a group health plan maintained pursuant
25.9 to one or more collective bargaining agreements between employee representatives and one
25.10 or more employers, any plan amendment made pursuant to a collective bargaining agreement
25.11 relating to the plan which amends the plan solely to conform to any requirement imposed
25.12 pursuant to this section shall not be treated as a termination of the collective bargaining
25.13 agreement.

25.14 Subd. 4. **Coverage limitation.** Nothing in this section shall be deemed to require a health
25.15 plan or group health plan to provide coverage for a medically inappropriate organ transplant.

25.16 Sec. 3. Minnesota Statutes 2020, section 363A.02, subdivision 1, is amended to read:

25.17 Subdivision 1. **Freedom from discrimination.** (a) It is the public policy of this state to
25.18 secure for persons in this state, freedom from discrimination:

25.19 (1) in employment because of race, color, creed, religion, national origin, sex, marital
25.20 status, disability, status with regard to public assistance, sexual orientation, familial status,
25.21 and age;

25.22 (2) in housing and real property because of race, color, creed, religion, national origin,
25.23 sex, marital status, disability, status with regard to public assistance, sexual orientation, and
25.24 familial status;

25.25 (3) in public accommodations because of race, color, creed, religion, national origin,
25.26 sex, sexual orientation, and disability;

25.27 (4) in public services because of race, color, creed, religion, national origin, sex, marital
25.28 status, disability, sexual orientation, and status with regard to public assistance; and

25.29 (5) in education because of race, color, creed, religion, national origin, sex, marital status,
25.30 disability, status with regard to public assistance, sexual orientation, and age.

25.31 (b) Such discrimination threatens the rights and privileges of the inhabitants of this state
25.32 and menaces the institutions and foundations of democracy. It is also the public policy of

26.1 this state to protect all persons from wholly unfounded charges of discrimination. Nothing
26.2 in this chapter shall be interpreted as restricting the implementation of positive action
26.3 programs to combat discrimination.

26.4 Sec. 4. Minnesota Statutes 2020, section 363A.06, subdivision 1, is amended to read:

26.5 Subdivision 1. **Formulation of policies.** (a) The commissioner shall formulate policies
26.6 to effectuate the purposes of this chapter and shall do the following:

26.7 (1) exercise leadership under the direction of the governor in the development of human
26.8 rights policies and programs, and make recommendations to the governor and the legislature
26.9 for their consideration and implementation;

26.10 (2) establish and maintain a principal office in St. Paul, and any other necessary branch
26.11 offices at any location within the state;

26.12 (3) meet and function at any place within the state;

26.13 (4) employ attorneys, clerks, and other employees and agents as the commissioner may
26.14 deem necessary and prescribe their duties;

26.15 (5) to the extent permitted by federal law and regulation, utilize the records of the
26.16 Department of Employment and Economic Development of the state when necessary to
26.17 effectuate the purposes of this chapter;

26.18 (6) obtain upon request and utilize the services of all state governmental departments
26.19 and agencies;

26.20 (7) adopt suitable rules for effectuating the purposes of this chapter;

26.21 (8) issue complaints, receive and investigate charges alleging unfair discriminatory
26.22 practices, and determine whether or not probable cause exists for hearing;

26.23 (9) subpoena witnesses, administer oaths, take testimony, and require the production for
26.24 examination of any books or papers relative to any matter under investigation or in question
26.25 as the commissioner deems appropriate to carry out the purposes of this chapter;

26.26 (10) attempt, by means of education, conference, conciliation, and persuasion to eliminate
26.27 unfair discriminatory practices as being contrary to the public policy of the state;

26.28 (11) develop and conduct programs of formal and informal education designed to
26.29 eliminate discrimination and intergroup conflict by use of educational techniques and
26.30 programs the commissioner deems necessary;

27.1 (12) make a written report of the activities of the commissioner to the governor each
27.2 year;

27.3 (13) accept gifts, bequests, grants, or other payments public and private to help finance
27.4 the activities of the department;

27.5 (14) create such local and statewide advisory committees as will in the commissioner's
27.6 judgment aid in effectuating the purposes of the Department of Human Rights;

27.7 (15) develop such programs as will aid in determining the compliance throughout the
27.8 state with the provisions of this chapter, and in the furtherance of such duties, conduct
27.9 research and study discriminatory practices based upon race, color, creed, religion, national
27.10 origin, sex, age, disability, marital status, status with regard to public assistance, familial
27.11 status, sexual orientation, or other factors and develop accurate data on the nature and extent
27.12 of discrimination and other matters as they may affect housing, employment, public
27.13 accommodations, schools, and other areas of public life;

27.14 (16) develop and disseminate technical assistance to persons subject to the provisions
27.15 of this chapter, and to agencies and officers of governmental and private agencies;

27.16 (17) provide staff services to such advisory committees as may be created in aid of the
27.17 functions of the Department of Human Rights;

27.18 (18) make grants in aid to the extent that appropriations are made available for that
27.19 purpose in aid of carrying out duties and responsibilities; ~~and~~

27.20 (19) cooperate and consult with the commissioner of labor and industry regarding the
27.21 investigation of violations of, and resolution of complaints regarding section 363A.08,
27.22 subdivision 7; and

27.23 (20) solicit, receive, and compile reports from community organizations, school districts
27.24 and charter schools, and individuals regarding crimes a community member or community
27.25 organization believes are motivated by the victim's or another's actual or perceived race,
27.26 color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression,
27.27 age, national origin, marital status, status with regard to public assistance, familial status,
27.28 or disability as defined in section 363A.03, or because of the victim's actual or perceived
27.29 association with another person or group of a certain actual or perceived race, color, ethnicity,
27.30 religion, sex, gender, sexual orientation, gender identity, gender expression, age, national
27.31 origin, or disability as defined in section 363A.03, and develop data on the nature and extent
27.32 of crimes motivated by bias and include this information in the report required under clause

28.1 (12). The commissioner shall provide information on the department's website about when
28.2 and how a victim reports criminal conduct to a law enforcement agency.

28.3 In performing these duties, the commissioner shall give priority to those duties in clauses
28.4 (8), (9), and (10) and to the duties in section 363A.36.

28.5 (b) All gifts, bequests, grants, or other payments, public and private, accepted under
28.6 paragraph (a), clause (13), must be deposited in the state treasury and credited to a special
28.7 account. Money in the account is appropriated to the commissioner of human rights to help
28.8 finance activities of the department.

28.9 Sec. 5. Minnesota Statutes 2020, section 363A.08, subdivision 6, is amended to read:

28.10 Subd. 6. **Reasonable accommodation.** (a) Except when based on a bona fide occupational
28.11 qualification, it is an unfair employment practice for an employer with a number of part-time
28.12 or full-time employees for each working day in each of 20 or more calendar weeks in the
28.13 current or preceding calendar year equal to or greater than 25 effective July 1, 1992, and
28.14 equal to or greater than 15 effective July 1, 1994, an employment agency, or a labor
28.15 organization, not to ~~make~~ provide a reasonable accommodation to the known disability of
28.16 ~~a qualified disabled person or job applicant~~ for a job applicant or qualified employee with
28.17 a disability unless the employer, agency, or organization can demonstrate that the
28.18 accommodation would impose an undue hardship on the business, agency, or organization.
28.19 "Reasonable accommodation" means steps which must be taken to accommodate the known
28.20 physical or mental limitations of a qualified ~~disabled person~~ individual with a disability.
28.21 To determine the appropriate reasonable accommodation employer, agency, or organization
28.22 shall initiate an informal, interactive process with the individual with a disability in need
28.23 of the accommodation. This process should identify the limitations resulting from the
28.24 disability and any potential reasonable accommodations that could overcome those
28.25 limitations. "Reasonable accommodation" may include but is not limited to, nor does it
28.26 necessarily require: (1) making facilities readily accessible to and usable by ~~disabled persons~~
28.27 individuals with disabilities; and (2) job restructuring, modified work schedules, reassignment
28.28 to a vacant position, acquisition or modification of equipment or devices, and the provision
28.29 of aides on a temporary or periodic basis.

28.30 (b) In determining whether an accommodation would impose an undue hardship on the
28.31 operation of a business or organization, factors to be considered include:

28.32 (1) the overall size of the business or organization with respect to number of employees
28.33 or members and the number and type of facilities;

29.1 (2) the type of the operation, including the composition and structure of the work force,
29.2 and the number of employees at the location where the employment would occur;

29.3 (3) the nature and cost of the needed accommodation;

29.4 (4) the reasonable ability to finance the accommodation at each site of business; and

29.5 (5) documented good faith efforts to explore less restrictive or less expensive alternatives,
29.6 including consultation with the disabled person or with knowledgeable disabled persons or
29.7 organizations.

29.8 A prospective employer need not pay for an accommodation for a job applicant if it is
29.9 available from an alternative source without cost to the employer or applicant.

29.10 Sec. 6. Minnesota Statutes 2020, section 363A.08, is amended by adding a subdivision to
29.11 read:

29.12 Subd. 8. **Inquiries into pay history prohibited.** (a) "Pay history" as used in this
29.13 subdivision means any prior or current wage, salary, earnings, benefits, or any other
29.14 compensation about an applicant for employment.

29.15 (b) An employer, employment agency, or labor organization shall not inquire into,
29.16 consider, or require disclosure from any source the pay history of an applicant for
29.17 employment for the purpose of determining wages, salary, earnings, benefits, or other
29.18 compensation for that applicant. There is a rebuttable presumption that use of pay history
29.19 received on an applicant for employment to determine the future wages, salary, earnings,
29.20 benefits, or other compensation for that applicant is an unfair discriminatory employment
29.21 practice under subdivisions 1 to 3. The general prohibition against inquiring into the pay
29.22 history of an applicant does not apply if the job applicant's pay history is a matter of public
29.23 record under federal or state law, unless the employer, employment agency, or labor
29.24 organization sought access to those public records with the intent of obtaining pay history
29.25 of the applicant for the purpose of determining wages, salary, earnings, benefits, or other
29.26 compensation for that applicant.

29.27 (c) Nothing in this subdivision shall prevent an applicant for employment from voluntarily
29.28 and without prompting disclosing pay history for the purposes of negotiating wages, salary,
29.29 benefits, or other compensation. If an applicant for employment voluntarily and without
29.30 prompting discloses pay history to a prospective employer, employment agency, or labor
29.31 organization, nothing in this subdivision shall prohibit that employer, employment agency,
29.32 or labor organization from considering or acting on that voluntarily disclosed salary history

30.1 information to support a wage or salary higher than initially offered by the employer,
30.2 employment agency, or labor organization.

30.3 (d) Nothing in this subdivision limits, prohibits, or prevents a person from bringing a
30.4 charge, grievance, or any other cause of action alleging wage discrimination because of
30.5 race, color, creed, religion, national origin, sex, gender identity, marital status, status with
30.6 regard to public assistance, familial status, membership or activity in a local commission,
30.7 disability, sexual orientation, or age, as otherwise provided in this chapter.

30.8 (e) Nothing in this subdivision shall be construed to prevent an employer from:

30.9 (1) providing information about the wages, benefits, compensation, or salary offered in
30.10 relation to a position; or

30.11 (2) inquiring about or otherwise engaging in discussions with an applicant about the
30.12 applicant's expectations or requests with respect to wages, salary, benefits, or other
30.13 compensation.

30.14 **EFFECTIVE DATE.** This section is effective January 1, 2022. For employment covered
30.15 by collective bargaining agreements, this section is not effective until the date of
30.16 implementation of the applicable collective bargaining agreement that is after January 1,
30.17 2022.

30.18 Sec. 7. Minnesota Statutes 2020, section 363A.09, subdivision 1, is amended to read:

30.19 Subdivision 1. **Real property interest; action by owner, lessee, and others.** It is an
30.20 unfair discriminatory practice for an owner, lessee, sublessee, assignee, or managing agent
30.21 of, or other person having the right to sell, rent or lease any real property, or any agent of
30.22 any of these:

30.23 (1) to refuse to sell, rent, or lease or otherwise deny to or withhold from any person or
30.24 group of persons any real property because of race, color, creed, religion, national origin,
30.25 sex, marital status, status with regard to public assistance, participation in or requirements
30.26 of a public assistance program, disability, sexual orientation, or familial status; or

30.27 (2) to discriminate against any person or group of persons because of race, color, creed,
30.28 religion, national origin, sex, marital status, status with regard to public assistance,
30.29 participation in or requirements of a public assistance program, disability, sexual orientation,
30.30 or familial status in the terms, conditions or privileges of the sale, rental or lease of any real
30.31 property or in the furnishing of facilities or services in connection therewith, except that
30.32 nothing in this clause shall be construed to prohibit the adoption of reasonable rules intended

31.1 to protect the safety of minors in their use of the real property or any facilities or services
31.2 furnished in connection therewith; or

31.3 (3) in any transaction involving real property, to print, circulate or post or cause to be
31.4 printed, circulated, or posted any advertisement or sign, or use any form of application for
31.5 the purchase, rental or lease of real property, or make any record or inquiry in connection
31.6 with the prospective purchase, rental, or lease of real property which expresses, directly or
31.7 indirectly, any limitation, specification, or discrimination as to race, color, creed, religion,
31.8 national origin, sex, marital status, status with regard to public assistance, participation in
31.9 or requirements of a public assistance program, disability, sexual orientation, or familial
31.10 status, or any intent to make any such limitation, specification, or discrimination except that
31.11 nothing in this clause shall be construed to prohibit the advertisement of a dwelling unit as
31.12 available to adults-only if the person placing the advertisement reasonably believes that the
31.13 provisions of this section prohibiting discrimination because of familial status do not apply
31.14 to the dwelling unit.

31.15 Sec. 8. Minnesota Statutes 2020, section 363A.09, subdivision 2, is amended to read:

31.16 Subd. 2. **Real property interest; action by brokers, agents, and others.** (a) It is an
31.17 unfair discriminatory practice for a real estate broker, real estate salesperson, or employee,
31.18 or agent thereof:

31.19 (1) to refuse to sell, rent, or lease or to offer for sale, rental, or lease any real property
31.20 to any person or group of persons or to negotiate for the sale, rental, or lease of any real
31.21 property to any person or group of persons because of race, color, creed, religion, national
31.22 origin, sex, marital status, status with regard to public assistance, participation in or
31.23 requirements of a public assistance program, disability, sexual orientation, or familial status
31.24 or represent that real property is not available for inspection, sale, rental, or lease when in
31.25 fact it is so available, or otherwise deny or withhold any real property or any facilities of
31.26 real property to or from any person or group of persons because of race, color, creed, religion,
31.27 national origin, sex, marital status, status with regard to public assistance, participation in
31.28 or requirements of a public assistance program, disability, sexual orientation, or familial
31.29 status; or

31.30 (2) to discriminate against any person because of race, color, creed, religion, national
31.31 origin, sex, marital status, status with regard to public assistance, participation in or
31.32 requirements of a public assistance program, disability, sexual orientation, or familial status
31.33 in the terms, conditions or privileges of the sale, rental or lease of real property or in the
31.34 furnishing of facilities or services in connection therewith; or

32.1 (3) to print, circulate, or post or cause to be printed, circulated, or posted any
32.2 advertisement or sign, or use any form of application for the purchase, rental, or lease of
32.3 any real property or make any record or inquiry in connection with the prospective purchase,
32.4 rental or lease of any real property, which expresses directly or indirectly, any limitation,
32.5 specification or discrimination as to race, color, creed, religion, national origin, sex, marital
32.6 status, status with regard to public assistance, participation in or requirements of a public
32.7 assistance program, disability, sexual orientation, or familial status or any intent to make
32.8 any such limitation, specification, or discrimination except that nothing in this clause shall
32.9 be construed to prohibit the advertisement of a dwelling unit as available to adults-only if
32.10 the person placing the advertisement reasonably believes that the provisions of this section
32.11 prohibiting discrimination because of familial status do not apply to the dwelling unit.

32.12 (b) It is an unfair discriminatory practice for a landlord to furnish credit, services, or
32.13 rental accommodations that discriminate against any individual who is a recipient of federal,
32.14 state, or local public assistance, including medical assistance, or who is a tenant receiving
32.15 federal, state, or local housing subsidies, including rental assistance or rental supplements,
32.16 because the individual is such a recipient, or because of any requirement of such public
32.17 assistance, rental assistance, or housing subsidy program.

32.18 Sec. 9. Minnesota Statutes 2020, section 363A.09, is amended by adding a subdivision to
32.19 read:

32.20 Subd. 2a. **Definition; public assistance program.** For the purposes of this section,
32.21 "public assistance program" means federal, state, or local assistance, including but not
32.22 limited to rental assistance, rent supplements, and housing choice vouchers.

32.23 Sec. 10. Minnesota Statutes 2020, section 363A.28, subdivision 1, is amended to read:

32.24 Subdivision 1. **Actions.** Any person aggrieved by a violation of this chapter may bring
32.25 a civil action as provided in section 363A.33, subdivision 1, or may file a verified charge
32.26 with the commissioner or the commissioner's designated agent. A charge filed with the
32.27 commissioner must be in writing by hand, or electronically with an unsworn declaration
32.28 under penalty of perjury, on a form provided by the commissioner and signed by the charging
32.29 party. The charge must state the name of the person alleged to have committed an unfair
32.30 discriminatory practice and set out a summary of the details of the practice complained of.
32.31 The commissioner may require a charging party to provide the address of the person alleged
32.32 to have committed the unfair discriminatory practice, names of witnesses, documents, and
32.33 any other information necessary to process the charge. The commissioner may dismiss a

33.1 charge when the charging party fails to provide required information. The commissioner
33.2 within ten days of the filing shall serve a copy of the charge and a form for use in responding
33.3 to the charge upon the respondent personally, electronically with the receiving party's
33.4 consent, or by mail. The respondent shall file with the department a written response setting
33.5 out a summary of the details of the respondent's position relative to the charge within ~~20~~
33.6 30 days of receipt of the charge. If the respondent fails to respond with a written summary
33.7 of the details of the respondent's position within 30 days after service of the charge, and
33.8 service was consistent with rule 4 of the Rules of Civil Procedure, the commissioner, on
33.9 behalf of the complaining party, may bring an action for default in district court pursuant
33.10 to rule 55.01 of the Rules of Civil Procedure.

33.11 Sec. 11. Minnesota Statutes 2020, section 363A.28, subdivision 6, is amended to read:

33.12 Subd. 6. **Charge processing.** (a) Consistent with paragraph (h), the commissioner shall
33.13 promptly inquire into the truth of the allegations of the charge. The commissioner shall
33.14 make an immediate inquiry when a charge alleges actual or threatened physical violence.
33.15 The commissioner shall also make an ~~immediate~~ inquiry when it appears that a charge is
33.16 frivolous or without merit and shall dismiss those charges.

33.17 (b) The commissioner shall give priority to investigating and processing those charges,
33.18 in the order below, which the commissioner determines have the following characteristics:

33.19 (1) there is evidence of irreparable harm if immediate action is not taken;

33.20 (2) there is evidence that the respondent has intentionally engaged in a reprisal;

33.21 (3) a significant number of recent charges have been filed against the respondent;

33.22 (4) the respondent is a government entity;

33.23 (5) there is potential for broadly promoting the policies of this chapter; or

33.24 (6) the charge is supported by substantial and credible documentation, witnesses, or
33.25 other evidence.

33.26 The commissioner shall inform charging parties of these priorities and shall tell each
33.27 party if their charge is a priority case or not.

33.28 On other charges the commissioner shall make a determination within 12 months after
33.29 the charge was filed as to whether or not there is probable cause to credit the allegation of
33.30 unfair discriminatory practices.

33.31 (c) If the commissioner determines after investigation that no probable cause exists to
33.32 credit the allegations of the unfair discriminatory practice, the commissioner shall, within

34.1 ten days of the determination, serve upon the charging party and respondent written notice
34.2 of the determination. Within ~~ten~~ 30 days after receipt of notice, the charging party may
34.3 request in writing, on forms prepared by the department, that the commissioner reconsider
34.4 the determination. The request shall contain a brief statement of the reasons for and new
34.5 evidence in support of the request for reconsideration. At the time of submission of the
34.6 request to the commissioner, the charging party shall deliver or mail to the respondent a
34.7 copy of the request for reconsideration. The commissioner shall reaffirm, reverse, or vacate
34.8 and remand for further consideration the determination of no probable cause within 20 days
34.9 after receipt of the request for reconsideration, and shall within ten days notify in writing
34.10 the charging party and respondent of the decision to reaffirm, reverse, or vacate and remand
34.11 for further consideration.

34.12 A decision by the commissioner that no probable cause exists to credit the allegations
34.13 of an unfair discriminatory practice shall not be appealed to the court of appeals pursuant
34.14 to section ~~363A.36~~ 363A.34 or sections 14.63 to 14.68.

34.15 (d) If the commissioner determines after investigation that probable cause exists to credit
34.16 the allegations of unfair discriminatory practices, the commissioner shall serve on the
34.17 respondent and the respondent's attorney if the respondent is represented by counsel, by
34.18 first class mail, or electronically with the receiving party's consent, a notice setting forth a
34.19 short plain written statement of the alleged facts which support the finding of probable cause
34.20 and an enumeration of the provisions of law allegedly violated. Within 30 days after receipt
34.21 of notice, the respondent may request in writing, on forms prepared by the department, that
34.22 the commissioner reconsider the determination. If the commissioner determines that attempts
34.23 to eliminate the alleged unfair practices through conciliation pursuant to subdivision 8 have
34.24 been or would be unsuccessful or unproductive, the commissioner ~~shall~~ may issue a complaint
34.25 and serve on the respondent, by registered or certified mail, or electronically with the
34.26 receiving party's consent, a written notice of hearing together with a copy of the complaint,
34.27 requiring the respondent to answer the allegations of the complaint at a hearing before an
34.28 administrative law judge at a time and place specified in the notice, not less than ten days
34.29 after service of said complaint. A copy of the notice shall be furnished to the charging party
34.30 and the attorney general.

34.31 (e) If, at any time after the filing of a charge, the commissioner has reason to believe
34.32 that a respondent has engaged in any unfair discriminatory practice, the commissioner may
34.33 file a petition in the district court in a county in which the subject of the complaint occurs,
34.34 or in a county in which a respondent resides or transacts business, seeking appropriate
34.35 temporary relief against the respondent, pending final determination of proceedings under

35.1 this chapter, including an order or decree restraining the respondent from doing or procuring
35.2 an act tending to render ineffectual an order the commissioner may enter with respect to
35.3 the complaint. The court shall have power to grant temporary relief or a restraining order
35.4 as it deems just and proper, but no relief or order extending beyond ten days shall be granted
35.5 except by consent of the respondent or after hearing upon notice to the respondent and a
35.6 finding by the court that there is reasonable cause to believe that the respondent has engaged
35.7 in a discriminatory practice. Except as modified by subdivisions 1 to 9 and section 363A.06,
35.8 subdivision 4, the Minnesota Rules of Civil Procedure shall apply to an application, and
35.9 the district court shall have authority to grant or deny the relief sought on conditions as it
35.10 deems just and equitable. All hearings under subdivisions 1 to 9 and section 363A.06,
35.11 subdivision 4, shall be given precedence as nearly as practicable over all other pending civil
35.12 actions.

35.13 (f) If a lessor, after engaging in a discriminatory practice defined in section 363A.09,
35.14 subdivision 1, clause (1), leases or rents a dwelling unit to a person who has no knowledge
35.15 of the practice or of the existence of a charge with respect to the practice, the lessor shall
35.16 be liable for actual damages sustained by a person by reason of a final order as provided in
35.17 subdivisions 1 to 9 and section 363A.06, subdivision 4, requiring the person to be evicted
35.18 from the dwelling unit.

35.19 (g) In any complaint issued under subdivisions 1 to 9 and section 363A.06, subdivision
35.20 4, the commissioner may seek relief for a class of individuals affected by an unfair
35.21 discriminatory practice occurring on or after a date one year prior to the filing of the charge
35.22 from which the complaint originates.

35.23 (h) The commissioner may adopt policies to determine which charges are processed and
35.24 the order in which charges are processed based on their particular social or legal significance,
35.25 administrative convenience, difficulty of resolution, or other standard consistent with the
35.26 provisions of this chapter.

35.27 (i) The chief administrative law judge shall adopt policies to provide sanctions for
35.28 intentional and frivolous delay caused by any charging party or respondent in an investigation,
35.29 hearing, or any other aspect of proceedings before the department under this chapter.

35.30 Sec. 12. Minnesota Statutes 2020, section 363A.31, subdivision 2, is amended to read:

35.31 Subd. 2. **Rescission of waiver.** A waiver or release of rights or remedies secured by this
35.32 chapter which purports to apply to claims arising out of acts or practices prior to, or
35.33 concurrent with, the execution of the waiver or release may be rescinded within 15 calendar
35.34 days of its execution, except that a waiver or release given in settlement of a claim filed

36.1 with the department or with another administrative agency or judicial body is valid and final
36.2 upon execution. A waiving or releasing party shall be informed in writing of the right to
36.3 rescind the waiver or release. To be effective, the rescission must be in writing and delivered
36.4 to the waived or released party ~~either~~ by hand, electronically with the receiving party's
36.5 consent, or by mail within the 15-day period. If delivered by mail, the rescission must be:

- 36.6 (1) postmarked within the 15-day period;
- 36.7 (2) properly addressed to the waived or released party; and
- 36.8 (3) sent by certified mail return receipt requested.

36.9 Sec. 13. Minnesota Statutes 2020, section 363A.33, subdivision 3, is amended to read:

36.10 Subd. 3. **Summons and complaints in a civil action.** A charging party bringing a civil
36.11 action shall mail by registered or certified mail, or electronically with the receiving party's
36.12 consent, a copy of the summons and complaint to the commissioner, and upon their receipt
36.13 the commissioner shall terminate all proceedings in the department relating to the charge.
36.14 No charge shall be filed or reinstated with the commissioner after a civil action relating
36.15 to the same unfair discriminatory practice has been brought unless the civil action has been
36.16 dismissed without prejudice.

36.17 Sec. 14. Minnesota Statutes 2020, section 363A.36, subdivision 1, is amended to read:

36.18 Subdivision 1. **Scope of application.** (a) ~~For all contracts for goods and services in~~
36.19 ~~excess of \$100,000, no department or agency of the state shall accept any bid or proposal~~
36.20 ~~for a contract or agreement from any business having more than 40 full-time employees~~
36.21 ~~within this state on a single working day during the previous 12 months, unless the~~
36.22 ~~commissioner is in receipt of the business' affirmative action plan for the employment of~~
36.23 ~~minority persons, women, and qualified disabled individuals. No department or agency of~~
36.24 ~~the state shall execute any such contract or agreement until the affirmative action plan has~~
36.25 ~~been approved by the commissioner. Receipt of a certificate of compliance issued by the~~
36.26 ~~commissioner shall signify that a firm or business has an affirmative action plan that has~~
36.27 ~~been approved by the commissioner. A certificate shall be valid for a period of four years.~~
36.28 No department, agency of the state, the Metropolitan Council, or agency subject to section
36.29 473.143, subdivision 1, shall execute a contract for goods or services in excess of \$100,000
36.30 with a business that has 40 or more full-time employees in this state or a state where the
36.31 business has its primary place of business on a single day during the prior 12 months, unless
36.32 the business has a workforce certificate from the commissioner of human rights or has
36.33 certified in writing that it is exempt. Determinations of exempt status shall be made by the

37.1 commissioner of human rights. A certificate is valid for four years. A municipality as defined
37.2 in section 466.01, subdivision 1, that receives state money for any reason is encouraged to
37.3 prepare and implement an affirmative action plan for the employment of minority persons,
37.4 people with disabilities, people of color, and women, and the qualified disabled and to
37.5 submit the plan to the commissioner.

37.6 ~~(b) This paragraph applies to a contract for goods or services in excess of \$100,000 to~~
37.7 ~~be entered into between a department or agency of the state and a business that is not subject~~
37.8 ~~to paragraph (a), but that has more than 40 full-time employees on a single working day~~
37.9 ~~during the previous 12 months in the state where the business has its primary place of~~
37.10 ~~business. A department or agency of the state may not execute a contract or agreement with~~
37.11 ~~a business covered by this paragraph unless the business has a certificate of compliance~~
37.12 ~~issued by the commissioner under paragraph (a) or the business certifies that it is in~~
37.13 ~~compliance with federal affirmative action requirements.~~

37.14 ~~(e)~~ (b) This section does not apply to contracts entered into by the State Board of
37.15 Investment for investment options under section 356.645.

37.16 ~~(d)~~ (c) The commissioner shall issue a certificate of compliance or notice of denial within
37.17 15 days of the application submitted by the business or firm.

37.18 **EFFECTIVE DATE.** This section is effective June 1, 2021, and applies to contracts
37.19 entered into on or after that date.

37.20 Sec. 15. Minnesota Statutes 2020, section 363A.36, subdivision 2, is amended to read:

37.21 Subd. 2. **Filing fee; account; appropriation.** The commissioner shall collect a \$150
37.22 \$250 fee for each certificate of compliance issued by the commissioner or the commissioner's
37.23 designated agent. The proceeds of the fee must be deposited in a human rights fee special
37.24 revenue account. Money in the account is appropriated to the commissioner to fund the cost
37.25 of issuing certificates and investigating grievances.

37.26 Sec. 16. Minnesota Statutes 2020, section 363A.36, subdivision 3, is amended to read:

37.27 Subd. 3. ~~Revocation of certificate~~ **Violations; remedies.** Certificates of compliance
37.28 may be suspended or revoked by the commissioner if a holder of a certificate has not made
37.29 a good faith effort to implement an affirmative action plan that has been approved by the
37.30 commissioner. If a contractor does not effectively implement an affirmative action plan
37.31 approved by the commissioner pursuant to subdivision 1, or fails to make a good faith effort

38.1 to do so, the commissioner may refuse to approve subsequent plans submitted by that firm
38.2 or business. The commissioner may impose fines or actions as follows:

38.3 (1) issue fines up to \$5,000 per violation; and

38.4 (2) suspend or revoke a certificate of compliance until the contractor has paid all
38.5 outstanding fines and otherwise complies with this section.

38.6 **EFFECTIVE DATE.** This section is effective July 1, 2021, for all current and future
38.7 certificate holders.

38.8 Sec. 17. Minnesota Statutes 2020, section 363A.36, subdivision 4, is amended to read:

38.9 Subd. 4. **Revocation of contract.** A contract awarded by a department or agency of the
38.10 state, the Metropolitan Council, or an agency subject to section 473.143, subdivision 1, may
38.11 be terminated or abridged by the ~~department or agency~~ awarding entity because of suspension
38.12 or revocation of a certificate based upon a contractor's failure to implement or make a good
38.13 faith effort to implement an affirmative action plan approved by the commissioner under
38.14 this section. If a contract is awarded to a person who does not have a contract compliance
38.15 certificate required under subdivision 1, the commissioner may void the contract on behalf
38.16 of the state.

38.17 **EFFECTIVE DATE.** This section is effective June 1, 2021, and applies to contracts
38.18 entered into on or after that date.

38.19 Sec. 18. Minnesota Statutes 2020, section 363A.36, is amended by adding a subdivision
38.20 to read:

38.21 Subd. 6. **Access to data.** Data submitted to the commissioner related to a certificate of
38.22 compliance are private data on individuals or nonpublic data with respect to persons other
38.23 than department employees. The commissioner's decision to issue, not issue, revoke, or
38.24 suspend or otherwise penalize a certificate holder of a certificate of compliance is public
38.25 data. Applications, forms, or similar documents submitted by a business seeking a certificate
38.26 of compliance are public data. The commissioner may disclose data classified as private or
38.27 nonpublic under this subdivision to other state agencies, statewide systems, and political
38.28 subdivisions for the purposes of achieving compliance with this section.

38.29 Sec. 19. Minnesota Statutes 2020, section 363A.44, subdivision 2, is amended to read:

38.30 Subd. 2. **Application.** (a) A business shall apply for an equal pay certificate by paying
38.31 a ~~\$150~~ \$250 filing fee and submitting an equal pay compliance statement to the

39.1 commissioner. The proceeds from the fees collected under this subdivision shall be deposited
39.2 in an equal pay certificate special revenue account. Money in the account is appropriated
39.3 to the commissioner for the purposes of this section. The commissioner shall issue an equal
39.4 pay certificate of compliance to a business that submits to the commissioner a statement
39.5 signed by the chairperson of the board or chief executive officer of the business:

39.6 (1) that the business is in compliance with Title VII of the Civil Rights Act of 1964,
39.7 Equal Pay Act of 1963, Minnesota Human Rights Act, and Minnesota Equal Pay for Equal
39.8 Work Law;

39.9 (2) that the average compensation for its female employees is not consistently below
39.10 the average compensation for its male employees within each of the major job categories
39.11 in the EEO-1 employee information report for which an employee is expected to perform
39.12 work under the contract, taking into account factors such as length of service, requirements
39.13 of specific jobs, experience, skill, effort, responsibility, working conditions of the job, or
39.14 other mitigating factors;

39.15 (3) that the business does not restrict employees of one sex to certain job classifications
39.16 and makes retention and promotion decisions without regard to sex;

39.17 (4) that wage and benefit disparities are corrected when identified to ensure compliance
39.18 with the laws cited in clause (1) and with clause (2); and

39.19 (5) how often wages and benefits are evaluated to ensure compliance with the laws cited
39.20 in clause (1) and with clause (2).

39.21 (b) The equal pay compliance statement shall also indicate whether the business, in
39.22 setting compensation and benefits, utilizes:

39.23 (1) a market pricing approach;

39.24 (2) state prevailing wage or union contract requirements;

39.25 (3) a performance pay system;

39.26 (4) an internal analysis; or

39.27 (5) an alternative approach to determine what level of wages and benefits to pay its
39.28 employees. If the business uses an alternative approach, the business must provide a
39.29 description of its approach.

39.30 (c) Receipt of the equal pay compliance statement by the commissioner does not establish
39.31 compliance with the laws set forth in paragraph (a), clause (1).

40.1 Sec. 20. Minnesota Statutes 2020, section 363A.44, subdivision 4, is amended to read:

40.2 Subd. 4. ~~Revocation of certificate~~ Violations; remedies. An equal pay certificate for
40.3 a business may be suspended or revoked by the commissioner when the business fails to
40.4 make a good-faith effort to comply with the laws identified in subdivision 2, paragraph (a),
40.5 clause (1), fails to make a good-faith effort to comply with this section, or has multiple
40.6 violations of this section or the laws identified in subdivision 2, paragraph (a), clause (1).
40.7 The commissioner may also issue a fine due to lack of compliance with this section of up
40.8 to \$5,000 per violation. The commissioner may suspend or revoke an equal pay certificate
40.9 until the business has paid all outstanding fines and otherwise complies with this section.
40.10 Prior to issuing a fine or suspending or revoking a certificate, the commissioner must first
40.11 have sought to conciliate with the business regarding wages and benefits due to employees.

40.12 EFFECTIVE DATE. This section is effective July 1, 2021, for all current and future
40.13 certificate holders.

40.14 Sec. 21. Minnesota Statutes 2020, section 363A.44, subdivision 9, is amended to read:

40.15 Subd. 9. **Access to data.** Data submitted to the commissioner related to equal pay
40.16 certificates are private data on individuals or nonpublic data with respect to persons other
40.17 than department employees. The commissioner's decision to issue, not issue, revoke, or
40.18 suspend or otherwise penalize a certificate holder of an equal pay certificate is public data.
40.19 Applications, forms, or similar documents submitted by a business seeking an equal pay
40.20 certificate are public data. The commissioner may disclose data classified as private or
40.21 nonpublic under this subdivision to other state agencies, statewide systems, and political
40.22 subdivisions for the purposes of achieving compliance with this section.

40.23 Sec. 22. [363A.50] NONDISCRIMINATION IN ACCESS TO TRANSPLANTS.

40.24 Subdivision 1. Definitions. (a) For purposes of this section, the following terms have
40.25 the meanings given unless the context clearly requires otherwise.

40.26 (b) "Anatomical gift" has the meaning given in section 525A.02, subdivision 4.

40.27 (c) "Auxiliary aids and services" include, but are not limited to:

40.28 (1) qualified interpreters or other effective methods of making aurally delivered materials
40.29 available to individuals with hearing impairments;

40.30 (2) qualified readers, taped texts, texts in accessible electronic format, or other effective
40.31 methods of making visually delivered materials available to individuals with visual
40.32 impairments;

41.1 (3) the provision of information in a format that is accessible for individuals with
41.2 cognitive, neurological, developmental, intellectual, or physical disabilities;

41.3 (4) the provision of supported decision-making services; and

41.4 (5) the acquisition or modification of equipment or devices.

41.5 (d) "Covered entity" means:

41.6 (1) any licensed provider of health care services, including licensed health care
41.7 practitioners, hospitals, nursing facilities, laboratories, intermediate care facilities, psychiatric
41.8 residential treatment facilities, institutions for individuals with intellectual or developmental
41.9 disabilities, and prison health centers; or

41.10 (2) any entity responsible for matching anatomical gift donors to potential recipients.

41.11 (e) "Disability" has the meaning given in section 363A.03, subdivision 12.

41.12 (f) "Organ transplant" means the transplantation or infusion of a part of a human body
41.13 into the body of another for the purpose of treating or curing a medical condition.

41.14 (g) "Qualified individual" means an individual who, with or without available support
41.15 networks, the provision of auxiliary aids and services, or reasonable modifications to policies
41.16 or practices, meets the essential eligibility requirements for the receipt of an anatomical
41.17 gift.

41.18 (h) "Reasonable modifications" include, but are not limited to:

41.19 (1) communication with individuals responsible for supporting an individual with
41.20 postsurgical and post-transplantation care, including medication; and

41.21 (2) consideration of support networks available to the individual, including family,
41.22 friends, and home and community-based services, including home and community-based
41.23 services funded through Medicaid, Medicare, another health plan in which the individual
41.24 is enrolled, or any program or source of funding available to the individual, in determining
41.25 whether the individual is able to comply with post-transplant medical requirements.

41.26 (i) "Supported decision making" has the meaning given in section 524.5-102, subdivision
41.27 16a.

41.28 Subd. 2. **Prohibition of discrimination.** (a) A covered entity may not, on the basis of
41.29 a qualified individual's mental or physical disability:

41.30 (1) deem an individual ineligible to receive an anatomical gift or organ transplant;

42.1 (2) deny medical or related organ transplantation services, including evaluation, surgery,
42.2 counseling, and postoperative treatment and care;

42.3 (3) refuse to refer the individual to a transplant center or other related specialist for the
42.4 purpose of evaluation or receipt of an anatomical gift or organ transplant;

42.5 (4) refuse to place an individual on an organ transplant waiting list or place the individual
42.6 at a lower-priority position on the list than the position at which the individual would have
42.7 been placed if not for the individual's disability; or

42.8 (5) decline insurance coverage for any procedure associated with the receipt of the
42.9 anatomical gift or organ transplant, including post-transplantation and postinfusion care.

42.10 (b) Notwithstanding paragraph (a), a covered entity may take an individual's disability
42.11 into account when making treatment or coverage recommendations or decisions, solely to
42.12 the extent that the physical or mental disability has been found by a physician, following
42.13 an individualized evaluation of the potential recipient, to be medically significant to the
42.14 provision of the anatomical gift or organ transplant. The provisions of this section may not
42.15 be deemed to require referrals or recommendations for, or the performance of, organ
42.16 transplants that are not medically appropriate given the individual's overall health condition.

42.17 (c) If an individual has the necessary support system to assist the individual in complying
42.18 with post-transplant medical requirements, an individual's inability to independently comply
42.19 with those requirements may not be deemed to be medically significant for the purposes of
42.20 paragraph (b).

42.21 (d) A covered entity must make reasonable modifications to policies, practices, or
42.22 procedures, when such modifications are necessary to make services such as
42.23 transplantation-related counseling, information, coverage, or treatment available to qualified
42.24 individuals with disabilities, unless the entity can demonstrate that making such modifications
42.25 would fundamentally alter the nature of such services.

42.26 (e) A covered entity must take such steps as may be necessary to ensure that no qualified
42.27 individual with a disability is denied services such as transplantation-related counseling,
42.28 information, coverage, or treatment because of the absence of auxiliary aids and services,
42.29 unless the entity can demonstrate that taking such steps would fundamentally alter the nature
42.30 of the services being offered or result in an undue burden. A covered entity is not required
42.31 to provide supported decision-making services.

43.1 (f) A covered entity must otherwise comply with the requirements of Titles II and III of
43.2 the Americans with Disabilities Act of 1990, the Americans with Disabilities Act
43.3 Amendments Act of 2008, and the Minnesota Human Rights Act.

43.4 (g) The provisions of this section apply to each part of the organ transplant process.

43.5 Subd. 3. Remedies. In addition to all other remedies available under this chapter, any
43.6 individual who has been subjected to discrimination in violation of this section may initiate
43.7 a civil action in a court of competent jurisdiction to enjoin violations of this section.

43.8 ARTICLE 5

43.9 CIVIL LAW

43.10 Section 1. Minnesota Statutes 2020, section 357.17, is amended to read:

43.11 **357.17 NOTARIES PUBLIC.**

43.12 (a) The maximum fees to be charged and collected by a notary public shall be as follows:

43.13 (1) for protest of nonpayment of note or bill of exchange or of nonacceptance of such
43.14 bill; where protest is legally necessary, and copy thereof, \$5;

43.15 (2) for every other protest and copy, \$5;

43.16 (3) for making and serving every notice of nonpayment of note or nonacceptance of bill
43.17 and copy thereof, \$5;

43.18 (4) for any affidavit or paper for which provision is not made herein, \$5 per folio, and
43.19 \$1 per folio for copies;

43.20 (5) for each oath administered, \$5;

43.21 (6) for acknowledgments of deeds and for other services authorized by law, the legal
43.22 fees allowed other officers for like services;

43.23 (7) for recording each instrument required by law to be recorded by the notary, \$5 per
43.24 folio.

43.25 (b) A notary public may charge a fee for performing a marriage in excess of the fees in
43.26 paragraph (a) if the notary is commissioned pursuant to chapter 359.

44.1 Sec. 2. Minnesota Statutes 2020, section 359.04, is amended to read:

44.2 **359.04 POWERS.**

44.3 Every notary public so appointed, commissioned, and qualified shall have power
44.4 throughout this state to administer all oaths required or authorized to be administered in
44.5 this state; to take and certify all depositions to be used in any of the courts of this state; to
44.6 take and certify all acknowledgments of deeds, mortgages, liens, powers of attorney, and
44.7 other instruments in writing or electronic records; to receive, make out, and record notarial
44.8 protests; to perform civil marriages consistent with this chapter and chapter 517; and to
44.9 perform online remote notarial acts in compliance with the requirements of sections 358.645
44.10 and 358.646.

44.11 Sec. 3. **[359.115] CIVIL MARRIAGE OFFICIANT.**

44.12 A notary public shall have the power to solemnize civil marriages throughout the state
44.13 if the notary public has filed a copy of the notary public's notary commission with the local
44.14 registrar of a county in this state. When a local registrar records a commission for a notary
44.15 public, the local registrar shall provide a certificate of filing to the notary whose commission
44.16 is recorded. A notary public shall endorse and record the county where the notary public's
44.17 commission is recorded upon each certificate of civil marriage granted by the notary.

44.18 Sec. 4. Minnesota Statutes 2020, section 517.04, is amended to read:

44.19 **517.04 PERSONS AUTHORIZED TO PERFORM CIVIL MARRIAGES.**

44.20 Civil marriages may be solemnized throughout the state by an individual who has attained
44.21 the age of 21 years and is a judge of a court of record, a retired judge of a court of record,
44.22 a court administrator, a retired court administrator with the approval of the chief judge of
44.23 the judicial district, a former court commissioner who is employed by the court system or
44.24 is acting pursuant to an order of the chief judge of the commissioner's judicial district, a
44.25 notary commissioned pursuant to chapter 359, the residential school superintendent of the
44.26 Minnesota State Academy for the Deaf and the Minnesota State Academy for the Blind, a
44.27 licensed or ordained minister of any religious denomination, or by any mode recognized in
44.28 section 517.18. For purposes of this section, a court of record includes the Office of
44.29 Administrative Hearings under section 14.48.

44.30 Sec. 5. Minnesota Statutes 2020, section 517.08, subdivision 1b, is amended to read:

44.31 Subd. 1b. **Term of license; fee; premarital education.** (a) The local registrar shall
44.32 examine upon oath the parties applying for a license relative to the legality of the

45.1 contemplated civil marriage. Examination upon oath of the parties under this section may
45.2 include contemporaneous video or audio transmission or receipt of a verified statement
45.3 signed by both parties attesting to the legality of the marriage. The local registrar may accept
45.4 civil marriage license applications, signed by both parties, by mail, facsimile, or electronic
45.5 filing. Both parties must present proof of age to the local registrar. ~~If one party is unable to~~
45.6 ~~appear in person, the party appearing may complete the absent applicant's information. The~~
45.7 ~~local registrar shall provide a copy of the civil marriage application to the party who is~~
45.8 ~~unable to appear, who must verify the accuracy of the appearing party's information in a~~
45.9 ~~notarized statement. The verification statement must be accompanied by a copy of proof of~~
45.10 ~~age of the party.~~ The civil marriage license must not be released until ~~the verification~~
45.11 ~~statement and~~ proof of age has been received by the local registrar. If the local registrar is
45.12 satisfied that there is no legal impediment to it, including the restriction contained in section
45.13 259.13, the local registrar shall issue the license, containing the full names of the parties
45.14 before and after the civil marriage, and county and state of residence, with the county seal
45.15 attached, and make a record of the date of issuance. The license shall be valid for a period
45.16 of six months. Except as provided in paragraph (b), the local registrar shall collect from the
45.17 applicant a fee of \$115 for administering the oath, issuing, recording, and filing all papers
45.18 required, and preparing and transmitting to the state registrar of vital records the reports of
45.19 civil marriage required by this section. If the license should not be used within the period
45.20 of six months due to illness or other extenuating circumstances, it may be surrendered to
45.21 the local registrar for cancellation, and in that case a new license shall issue upon request
45.22 of the parties of the original license without fee. A local registrar who knowingly issues or
45.23 signs a civil marriage license in any manner other than as provided in this section shall pay
45.24 to the parties aggrieved an amount not to exceed \$1,000.

45.25 (b) The civil marriage license fee for parties who have completed at least 12 hours of
45.26 premarital education is \$40. In order to qualify for the reduced license fee, the parties must
45.27 submit at the time of applying for the civil marriage license a statement that is signed, dated,
45.28 and notarized or marked with a church seal from the person who provided the premarital
45.29 education on their letterhead confirming that it was received. The premarital education must
45.30 be provided by a licensed or ordained minister or the minister's designee, a person authorized
45.31 to solemnize civil marriages under section 517.18, or a person authorized to practice marriage
45.32 and family therapy under section 148B.33. The education must include the use of a premarital
45.33 inventory and the teaching of communication and conflict management skills.

45.34 (c) The statement from the person who provided the premarital education under paragraph
45.35 (b) must be in the following form:

46.1 "I, (name of educator), confirm that (names of both
 46.2 parties) received at least 12 hours of premarital education that included the use of a premarital
 46.3 inventory and the teaching of communication and conflict management skills. I am a licensed
 46.4 or ordained minister, a person authorized to solemnize civil marriages under Minnesota
 46.5 Statutes, section 517.18, or a person licensed to practice marriage and family therapy under
 46.6 Minnesota Statutes, section 148B.33."

46.7 The names of the parties in the educator's statement must be identical to the legal names
 46.8 of the parties as they appear in the civil marriage license application. Notwithstanding
 46.9 section 138.17, the educator's statement must be retained for seven years, after which time
 46.10 it may be destroyed.

46.11 (d) If section 259.13 applies to the request for a civil marriage license, the local registrar
 46.12 shall grant the civil marriage license without the requested name change. Alternatively, the
 46.13 local registrar may delay the granting of the civil marriage license until the party with the
 46.14 conviction:

46.15 (1) certifies under oath that 30 days have passed since service of the notice for a name
 46.16 change upon the prosecuting authority and, if applicable, the attorney general and no
 46.17 objection has been filed under section 259.13; or

46.18 (2) provides a certified copy of the court order granting it. The parties seeking the civil
 46.19 marriage license shall have the right to choose to have the license granted without the name
 46.20 change or to delay its granting pending further action on the name change request.

46.21 **EFFECTIVE DATE.** This section is effective retroactively from January 1, 2021.

46.22 Sec. 6. Minnesota Statutes 2020, section 524.2-503, is amended to read:

46.23 **524.2-503 HARMLESS ERROR.**

46.24 (a) If a document or writing added upon a document was not executed in compliance
 46.25 with section 524.2-502, the document or writing is treated as if it had been executed in
 46.26 compliance with section 524.2-502 if the proponent of the document or writing establishes
 46.27 by clear and convincing evidence that the decedent intended the document or writing to
 46.28 constitute:

46.29 (1) the decedent's will;

46.30 (2) a partial or complete revocation of the will;

46.31 (3) an addition to or an alteration of the will; or

47.1 (4) a partial or complete revival of the decedent's formerly revoked will or of a formerly
47.2 revoked portion of the will.

47.3 (b) This section applies to documents and writings executed on or after March 13, 2020,
47.4 ~~but before February 15, 2021.~~

47.5 **EFFECTIVE DATE.** This section is effective retroactively from March 13, 2020, and
47.6 applies to documents and writings executed on or after March 13, 2020.

47.7 Sec. 7. Laws 2020, chapter 118, section 4, is amended to read:

47.8 Sec. 4. **FILING OF MORTGAGE OR DEED OF TRUST THROUGH 2020; PUBLIC**
47.9 **UTILITY.**

47.10 Notwithstanding Minnesota Statutes, section 507.327, ~~for the public utility subject to~~
47.11 ~~Minnesota Statutes, section 116C.7791,~~ the filing of the mortgage or deed of trust executed
47.12 between May 1, 2020, and ~~December 31, 2020~~ June 30, 2022, filed in the Office of the
47.13 Secretary of State under Minnesota Statutes, section ~~336.02~~ 336B.02, along with, or as part
47.14 of, the financing statement covering the fixtures, has the same effect, and is notice of the
47.15 rights and interests of the mortgagee or trustee in easements, other less than fee simple
47.16 interests in real estate, and fee simple interests in real estate ~~of the public utility~~ to the same
47.17 extent, as if the mortgage or deed of trust were duly recorded in the office of the county
47.18 recorder or duly registered in the office of the registrar of titles of the counties in which the
47.19 real estate is situated. The effectiveness of the filing terminates at the same time as provided
47.20 in Minnesota Statutes, section 336B.02, subdivision 3, for the termination of the effectiveness
47.21 of fixture filing. Any filing made in accordance with this section shall also be made with
47.22 the office of the county recorder, or duly registered in the office of the registrar of titles, of
47.23 the counties in which the real estate is situated.

47.24 **EFFECTIVE DATE.** This section is effective retroactively from December 30, 2020.

47.25 **ARTICLE 6**

47.26 **GOVERNMENT DATA PRACTICES**

47.27 Section 1. **[3.8844] LEGISLATIVE COMMISSION ON DATA PRACTICES.**

47.28 Subdivision 1. **Established.** The Legislative Commission on Data Practices and Personal
47.29 Data Privacy is created to study issues relating to government data practices and individuals'
47.30 personal data privacy rights and to review legislation impacting data practices, data security,

48.1 and personal data privacy. The commission is a continuation of the commission that was
48.2 established by Laws 2014, chapter 193, as amended, and which expired June 30, 2019.

48.3 Subd. 2. **Membership.** The commission consists of four senators appointed by the senate
48.4 Subcommittee on Committees of the Committee on Rules and Administration, and four
48.5 members of the house of representatives appointed by the speaker. Two members from each
48.6 chamber must be from the majority party in that chamber and two members from each
48.7 chamber must be from the minority party in that chamber. Each appointing authority must
48.8 make appointments as soon as possible after the beginning of the regular legislative session
48.9 in the odd-numbered year. The ranking senator from the majority party appointed to the
48.10 commission must convene the first meeting of a biennium by February 15 in the
48.11 odd-numbered year. The commission may elect up to four former legislators who have
48.12 demonstrated an interest in, or have a history of working in, the areas of government data
48.13 practices and personal data privacy to serve as nonvoting members of the commission. The
48.14 former legislators must not be registered lobbyists. All commission members shall serve
48.15 without compensation and without reimbursement for mileage, meals, or other expenses.

48.16 Subd. 3. **Terms; vacancies.** Members of the commission serve for terms beginning upon
48.17 appointment and ending at the beginning of the regular legislative session in the next
48.18 odd-numbered year. The appropriate appointing authority must fill a vacancy for a seat of
48.19 a current legislator for the remainder of the unexpired term.

48.20 Subd. 4. **Officers.** The commission must elect a chair and may elect other officers as it
48.21 determines are necessary. The chair alternates between a member of the senate and a member
48.22 of the house of representatives in January of each odd-numbered year.

48.23 Subd. 5. **Staff.** Legislative staff must provide administrative and research assistance to
48.24 the commission from existing resources. The Legislative Coordinating Commission may,
48.25 if funding is available, appoint staff to provide research assistance.

48.26 Subd. 6. **Duties.** The commission shall:

48.27 (1) review and provide the legislature with research and analysis of emerging issues
48.28 relating to government data practices and security and privacy of personal data;

48.29 (2) review and make recommendations on legislative proposals relating to the Minnesota
48.30 Government Data Practices Act; and

48.31 (3) review and make recommendations on legislative proposals impacting personal data
48.32 privacy rights, data security, and other related issues.

49.1 **EFFECTIVE DATE.** This section is effective the day following final enactment. Initial
49.2 members of the commission serve for a term ending in January 2023. A member of the
49.3 house of representatives shall serve as the first chair of the commission. A member of the
49.4 senate shall serve as chair of the commission beginning in January 2023.

49.5 Sec. 2. Minnesota Statutes 2020, section 13.045, subdivision 1, is amended to read:

49.6 Subdivision 1. **Definitions.** As used in this section:

49.7 (1) "program participant" has the meaning given in section 5B.02, paragraph (g);

49.8 (2) "location data" means ~~any data~~ the participant specifies that may be used to physically
49.9 locate a program participant, ~~including but not limited to~~ such as the program participant's
49.10 residential address, work address, ~~and~~ or school address, and that is collected, received, or
49.11 maintained by a government entity prior to the date a program participant's certification
49.12 expires, or the date the entity receives notice that the program participant has withdrawn
49.13 from the program, whichever is earlier;

49.14 (3) "identity data" means data that may be used to identify a program participant,
49.15 including the program participant's name, phone number, e-mail address, address designated
49.16 under chapter 5B, Social Security number, or driver's license number, and that is collected,
49.17 received, or maintained by a government entity before the date a program participant's
49.18 certification expires, or the date the entity receives notice that the program participant has
49.19 withdrawn from the program, whichever is earlier;

49.20 (4) "county recorder" means the county official who performs the functions of the county
49.21 recorder or registrar of titles to record a document as part of the county real estate document
49.22 recording system, regardless of title or office; and

49.23 (5) "real property records" means any record of data that is maintained ~~by a county~~ as
49.24 part of the county real estate document recording system for use by the public, data on
49.25 assessments, data on real or personal property taxation, and other data on real property.

49.26 Sec. 3. Minnesota Statutes 2020, section 13.045, subdivision 2, is amended to read:

49.27 Subd. 2. **Notification of certification.** (a) A program participant may ~~submit a notice,~~
49.28 ~~in writing, to~~ notify the responsible authority of any government entity other than the county
49.29 recorder in writing, on a form prescribed by the secretary of state, that the participant is
49.30 certified in the Safe at Home address confidentiality program pursuant to chapter 5B. The
49.31 notice must include the program participant's name, ~~names of other program participants~~
49.32 ~~in the household,~~ date of birth, address designated under chapter 5B, program participant

50.1 signature, signature of the participant's parent or guardian if the participant is a minor, date
50.2 the program participant's certification in the program expires, and any other information
50.3 specified by the secretary of state. A program participant may submit a subsequent notice
50.4 of certification, if the participant's certification is renewed. The contents of the notification
50.5 of certification are private data on individuals. A notice provided pursuant to this paragraph
50.6 is a request to protect location data unless the participant requests that specific identity data
50.7 also be protected.

50.8 (b) To affect real property records, ~~including but not limited to documents maintained~~
50.9 ~~in a public recording system, data on assessments and taxation, and other data on real~~
50.10 ~~property~~, a program participant must submit a real property notice in writing to the county
50.11 recorder in the county where the property identified in the real property notice is located.
50.12 To affect real property records maintained by any other government entity, a program
50.13 participant must submit a real property notice in writing to the other government entity's
50.14 responsible authority. A real property notice must be on a form prescribed by the secretary
50.15 of state and must include:

50.16 (1) the full legal name of the program participant, including middle name;

50.17 (2) the last four digits of the program participant's Social Security number;

50.18 (3) the participant's date of birth;

50.19 ~~(3)~~ (4) the designated address of the program participant as assigned by the secretary of
50.20 state, including lot number;

50.21 ~~(4) the date the program participant's certification in the program expires;~~

50.22 (5) the legal description and street address, if any, of the real property affected by the
50.23 notice;

50.24 (6) the address of the Office of the Secretary of State; and

50.25 (7) the signature of the program participant.

50.26 Only one parcel of real property may be included in each notice, but more than one notice
50.27 may be presented ~~to the county recorder. The county recorder~~ The recipient of the notice
50.28 may require a program participant to provide additional information necessary to identify
50.29 the records of the program participant or the real property described in the notice. A program
50.30 participant must submit a subsequent real property notice for the real property if the
50.31 participant's ~~certification is renewed~~ legal name changes. The real property notice is private
50.32 data on individuals.

51.1 Sec. 4. Minnesota Statutes 2020, section 13.045, subdivision 3, is amended to read:

51.2 Subd. 3. **Classification of identity and location data; amendment of records; sharing**
51.3 **and dissemination.** (a) Identity and location data ~~on~~ for which a program participant ~~who~~
51.4 ~~submits a notice~~ seeks protection under subdivision 2, paragraph (a), that are not otherwise
51.5 classified by law are private data on individuals. ~~Notwithstanding any provision of law to~~
51.6 ~~the contrary, private or confidential location data on a program participant who submits a~~
51.7 ~~notice under subdivision 2, paragraph (a), may not be shared with any other government~~
51.8 ~~entity or nongovernmental entity except as provided in paragraph (b).~~

51.9 (b) ~~Private or confidential location data on a program participant must not be shared or~~
51.10 ~~disclosed by a government entity~~ Notwithstanding any provision of law to the contrary,
51.11 private or confidential location data on a program participant who submits a notice under
51.12 subdivision 3, paragraph (a), may not be shared with any other government entity or
51.13 nongovernmental entity unless:

51.14 (1) the program participant has expressly consented in writing to sharing or dissemination
51.15 of the data for the purpose for which the sharing or dissemination will occur;

51.16 (2) the data are subject to sharing or dissemination pursuant to court order under section
51.17 13.03, subdivision 6;

51.18 (3) the data are subject to sharing pursuant to section 5B.07, subdivision 2;

51.19 (4) the location data related to county of residence are needed to provide public assistance
51.20 or other government services, or to allocate financial responsibility for the assistance or
51.21 services;

51.22 (5) the data are necessary to perform a government entity's health, safety, or welfare
51.23 functions, including the provision of emergency 911 services, the assessment and
51.24 investigation of child or vulnerable adult abuse or neglect, or the assessment or inspection
51.25 of services or locations for compliance with health, safety, or professional standards; or

51.26 (6) the data are necessary to aid an active law enforcement investigation of the program
51.27 participant.

51.28 (c) Data disclosed under paragraph (b), clauses (4) to (6), may be used only for the
51.29 purposes authorized in this subdivision and may not be further disclosed to any other person
51.30 or government entity. Government entities receiving or sharing private or confidential data
51.31 under this subdivision shall establish procedures to protect the data from further disclosure.

51.32 (d) Real property record data are governed by subdivision 4a.

52.1 (e) Notwithstanding sections 15.17 and 138.17, a government entity may amend records
 52.2 to replace a participant's location data with the participant's designated address.

52.3 Sec. 5. Minnesota Statutes 2020, section 13.045, subdivision 4a, is amended to read:

52.4 Subd. 4a. **Real property records.** (a) If a program participant submits a notice ~~to a~~
 52.5 ~~county recorder~~ under subdivision 2, paragraph (b), the ~~county recorder~~ government entity
 52.6 must not disclose the program participant's identity data in conjunction with the property
 52.7 identified in the written notice in the entity's real property records, unless:

52.8 (1) the program participant has consented to sharing or dissemination of the data for the
 52.9 purpose identified in a writing acknowledged by the program participant;

52.10 (2) the data are subject to sharing or dissemination pursuant to court order under section
 52.11 13.03, subdivision 6; ~~or~~

52.12 (3) the secretary of state authorizes the sharing or dissemination of the data under
 52.13 subdivision 4b for the purpose identified in the authorization; or

52.14 (4) the data is shared with a government entity subject to this chapter for the purpose of
 52.15 administering assessment and taxation laws.

52.16 This subdivision does not prevent ~~the~~ a county recorder from returning original documents
 52.17 to the individuals that submitted the documents for recording. This subdivision does not
 52.18 prevent the public disclosure of the participant's name and address designated under chapter
 52.19 5B in the county reception index if the participant's name and designated address are not
 52.20 disclosed in conjunction with location data. Each ~~county recorder~~ government entity shall
 52.21 establish procedures for recording or filing documents to comply with this subdivision.

52.22 These procedures may include masking identity or location data and making documents or
 52.23 certificates of title containing the data private and not viewable except as allowed by this
 52.24 paragraph. The procedure must comply with the requirements of chapters 386, 507, 508,
 52.25 and 508A and other laws as appropriate, to the extent these requirements do not conflict
 52.26 with this section. The procedures must provide public notice of the existence of recorded
 52.27 documents and certificates of title that are not publicly viewable and the provisions for
 52.28 viewing them under this subdivision. Notice that a document or certificate is private and
 52.29 viewable only under this subdivision or subdivision 4b is deemed constructive notice of the
 52.30 document or certificate.

52.31 (b) A real property notice is notice only to the county recorder. A notice that does not
 52.32 conform to the requirements of a real property notice under subdivision 2, paragraph (b),
 52.33 is not effective as a notice to the county recorder. On receipt of a real property notice, the

53.1 ~~county recorder~~ government entity shall provide a copy of the notice to the person who
53.2 maintains the property tax records in that ~~county jurisdiction~~, to the county's or municipality's
53.3 responsible authority, and provide a copy to the secretary of state at the address specified
53.4 by the secretary of state in the notice.

53.5 (c) Paragraph (a) applies only to the records recorded or filed concurrently with the real
53.6 property notice specified in subdivision 2, paragraph (b), and real property records affecting
53.7 the same real property created or recorded subsequent to the ~~county's~~ government entity's
53.8 receipt of the real property notice.

53.9 (d) The prohibition on disclosure in paragraph (a) continues until:

53.10 (1) the program participant has consented to the termination of the real property notice
53.11 in a writing acknowledged by the program participant. Notification under this paragraph
53.12 must be given by the government entity to the secretary of state within 90 days of the
53.13 termination;

53.14 (2) the real property notice is terminated pursuant to a court order. Notification under
53.15 this paragraph must be given by the government entity to the secretary of state within 90
53.16 days of the termination;

53.17 (3) the program participant no longer holds a record interest in the real property identified
53.18 in the real property notice. Notification under this paragraph must be given by the government
53.19 entity to the secretary of state within 90 days of the termination; or

53.20 (4) the secretary of state has given written notice to the ~~county recorder~~ government
53.21 entity who provided the secretary of state with a copy of a participant's real property notice
53.22 that the program participant's certification has terminated. Notification under this paragraph
53.23 must be given by the secretary of state within 90 days of the termination.

53.24 Upon termination of the prohibition of disclosure, the ~~county recorder~~ government entity
53.25 shall make publicly viewable all documents and certificates of title relative to the participant
53.26 that were previously partially or wholly private and not viewable.

53.27 Sec. 6. Minnesota Statutes 2020, section 13.32, subdivision 3, is amended to read:

53.28 Subd. 3. **Private data; when disclosure is permitted.** Except as provided in subdivision
53.29 5, educational data is private data on individuals and shall not be disclosed except as follows:

53.30 (a) pursuant to section 13.05;

53.31 (b) pursuant to a valid court order;

53.32 (c) pursuant to a statute specifically authorizing access to the private data;

54.1 (d) to disclose information in health, including mental health, and safety emergencies
54.2 pursuant to the provisions of United States Code, title 20, section 1232g(b)(1)(I) and Code
54.3 of Federal Regulations, title 34, section 99.36;

54.4 (e) pursuant to the provisions of United States Code, title 20, sections 1232g(b)(1),
54.5 (b)(4)(A), (b)(4)(B), (b)(1)(B), (b)(3), (b)(6), (b)(7), and (i), and Code of Federal Regulations,
54.6 title 34, sections 99.31, 99.32, 99.33, 99.34, 99.35, and 99.39;

54.7 (f) to appropriate health authorities to the extent necessary to administer immunization
54.8 programs and for bona fide epidemiologic investigations which the commissioner of health
54.9 determines are necessary to prevent disease or disability to individuals in the public
54.10 educational agency or institution in which the investigation is being conducted;

54.11 (g) when disclosure is required for institutions that participate in a program under title
54.12 IV of the Higher Education Act, United States Code, title 20, section 1092;

54.13 (h) to the appropriate school district officials to the extent necessary under subdivision
54.14 6, annually to indicate the extent and content of remedial instruction, including the results
54.15 of assessment testing and academic performance at a postsecondary institution during the
54.16 previous academic year by a student who graduated from a Minnesota school district within
54.17 two years before receiving the remedial instruction;

54.18 (i) to appropriate authorities as provided in United States Code, title 20, section
54.19 1232g(b)(1)(E)(ii), if the data concern the juvenile justice system and the ability of the
54.20 system to effectively serve, prior to adjudication, the student whose records are released;
54.21 provided that the authorities to whom the data are released submit a written request for the
54.22 data that certifies that the data will not be disclosed to any other person except as authorized
54.23 by law without the written consent of the parent of the student and the request and a record
54.24 of the release are maintained in the student's file;

54.25 (j) to volunteers who are determined to have a legitimate educational interest in the data
54.26 and who are conducting activities and events sponsored by or endorsed by the educational
54.27 agency or institution for students or former students;

54.28 (k) to provide student recruiting information, from educational data held by colleges
54.29 and universities, as required by and subject to Code of Federal Regulations, title 32, section
54.30 216;

54.31 (l) to the juvenile justice system if information about the behavior of a student who poses
54.32 a risk of harm is reasonably necessary to protect the health or safety of the student or other
54.33 individuals;

55.1 (m) with respect to Social Security numbers of students in the adult basic education
55.2 system, to Minnesota State Colleges and Universities and the Department of Employment
55.3 and Economic Development for the purpose and in the manner described in section 124D.52,
55.4 subdivision 7;

55.5 (n) to the commissioner of education for purposes of an assessment or investigation of
55.6 a report of alleged maltreatment of a student as mandated by chapter 260E. Upon request
55.7 by the commissioner of education, data that are relevant to a report of maltreatment and are
55.8 from charter school and school district investigations of alleged maltreatment of a student
55.9 must be disclosed to the commissioner, including, but not limited to, the following:

55.10 (1) information regarding the student alleged to have been maltreated;

55.11 (2) information regarding student and employee witnesses;

55.12 (3) information regarding the alleged perpetrator; and

55.13 (4) what corrective or protective action was taken, if any, by the school facility in response
55.14 to a report of maltreatment by an employee or agent of the school or school district;

55.15 (o) when the disclosure is of the final results of a disciplinary proceeding on a charge
55.16 of a crime of violence or nonforcible sex offense to the extent authorized under United
55.17 States Code, title 20, section 1232g(b)(6)(A) and (B) and Code of Federal Regulations, title
55.18 34, sections 99.31 (a)(13) and (14);

55.19 (p) when the disclosure is information provided to the institution under United States
55.20 Code, title 42, section 14071, concerning registered sex offenders to the extent authorized
55.21 under United States Code, title 20, section 1232g(b)(7); ~~or~~

55.22 (q) when the disclosure is to a parent of a student at an institution of postsecondary
55.23 education regarding the student's violation of any federal, state, or local law or of any rule
55.24 or policy of the institution, governing the use or possession of alcohol or of a controlled
55.25 substance, to the extent authorized under United States Code, title 20, section 1232g(i), and
55.26 Code of Federal Regulations, title 34, section 99.31 (a)(15), and provided the institution
55.27 has an information release form signed by the student authorizing disclosure to a parent.
55.28 The institution must notify parents and students about the purpose and availability of the
55.29 information release forms. At a minimum, the institution must distribute the information
55.30 release forms at parent and student orientation meetings; or

55.31 (r) with tribal nations about tribally enrolled or descendant students to the extent necessary
55.32 for the tribal nation and school district or charter school to support the educational attainment
55.33 of the student.

56.1 **Sec. 7. [13.3655] ATTORNEY GENERAL DATA CODED ELSEWHERE.**

56.2 Subdivision 1. **Scope.** The sections referred to in this section are codified outside this
56.3 chapter. Those sections classify attorney general data as other than public, place restrictions
56.4 on access to government data, or involve data sharing.

56.5 Subd. 2. **Jailhouse witnesses.** Data collected and maintained by the attorney general
56.6 regarding jailhouse witnesses are governed by section 634.045.

56.7 **EFFECTIVE DATE.** This section is effective August 1, 2021.

56.8 Sec. 8. Minnesota Statutes 2020, section 13.7931, is amended by adding a subdivision to
56.9 read:

56.10 Subd. 1b. **Data on individuals who are minors.** Data on individuals who are minors
56.11 that are collected, created, received, maintained, or disseminated by the Department of
56.12 Natural Resources are classified under section 84.0873.

56.13 Sec. 9. Minnesota Statutes 2020, section 13.82, is amended by adding a subdivision to
56.14 read:

56.15 Subd. 33. **Mental health care data.** (a) Mental health data received from the welfare
56.16 system as described in section 13.46, subdivision 7, are classified as described in that section.

56.17 (b) Data received from a provider as described in section 144.294 are classified as
56.18 described in that section.

56.19 (c) Health records received from a provider are governed by section 144.293.

56.20 (d) The following data on individuals created or collected by law enforcement agencies
56.21 are private data on individuals, unless the data become criminal investigative data, in which
56.22 the data are classified by subdivision 7 of this section:

56.23 (1) medications taken by an individual;

56.24 (2) mental illness diagnoses;

56.25 (3) the psychological or psychosocial history of an individual;

56.26 (4) risk factors or potential triggers related to an individual's mental health;

56.27 (5) mental health or social service providers serving an individual; and

56.28 (6) data pertaining to the coordination of social service or mental health care on behalf
56.29 of an individual, including the scheduling of appointments, responses from providers, and
56.30 follow-up.

57.1 (e) Data classified as private by paragraph (d) of this subdivision may be shared with
57.2 the welfare system, as defined in section 13.46, subdivision 1, paragraph (c), to coordinate
57.3 necessary services on behalf of the subject of the data.

57.4 (f) Nothing in this subdivision shall be construed to alter the classification of data
57.5 classified by subdivision 2, 3, or 6 of this section.

57.6 Sec. 10. Minnesota Statutes 2020, section 13.824, subdivision 6, is amended to read:

57.7 Subd. 6. **Biennial audit.** (a) In addition to the log required under subdivision 5, the law
57.8 enforcement agency must maintain records showing the date and time automated license
57.9 plate reader data were collected and the applicable classification of the data. The law
57.10 enforcement agency shall arrange for an independent, biennial audit of the records to
57.11 determine whether data currently in the records are classified, how the data are used, whether
57.12 they are destroyed as required under this section, and to verify compliance with subdivision
57.13 7. If the commissioner of administration believes that a law enforcement agency is not
57.14 complying with this section or other applicable law, the commissioner may order a law
57.15 enforcement agency to arrange for additional independent audits. Data in the records required
57.16 under this paragraph are classified as provided in subdivision 2.

57.17 (b) The results of the audit are public. The commissioner of administration shall review
57.18 the results of the audit. If the commissioner determines that there is a pattern of substantial
57.19 noncompliance with this section by the law enforcement agency, the agency must
57.20 immediately suspend operation of all automated license plate reader devices until the
57.21 commissioner has authorized the agency to reinstate their use. An order of suspension under
57.22 this paragraph may be issued by the commissioner, upon review of the results of the audit,
57.23 review of the applicable provisions of this chapter, and after providing the agency a
57.24 reasonable opportunity to respond to the audit's findings.

57.25 (c) A report summarizing the results of each audit must be provided to the commissioner
57.26 of administration, to the ~~chair~~ chairs and ranking minority members of the committees of
57.27 the house of representatives and the senate with jurisdiction over data practices and public
57.28 safety issues, and to the Legislative Commission on Data Practices and Personal Data Privacy
57.29 no later than 30 days following completion of the audit.

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

58.1 Sec. 11. Minnesota Statutes 2020, section 13.825, subdivision 9, is amended to read:

58.2 Subd. 9. **Biennial audit.** (a) A law enforcement agency must maintain records showing
58.3 the date and time portable recording system data were collected and the applicable
58.4 classification of the data. The law enforcement agency shall arrange for an independent,
58.5 biennial audit of the data to determine whether data are appropriately classified according
58.6 to this section, how the data are used, and whether the data are destroyed as required under
58.7 this section, and to verify compliance with subdivisions 7 and 8. If the governing body with
58.8 jurisdiction over the budget of the agency determines that the agency is not complying with
58.9 this section or other applicable law, the governing body may order additional independent
58.10 audits. Data in the records required under this paragraph are classified as provided in
58.11 subdivision 2.

58.12 (b) The results of the audit are public, except for data that are otherwise classified under
58.13 law. The governing body with jurisdiction over the budget of the law enforcement agency
58.14 shall review the results of the audit. If the governing body determines that there is a pattern
58.15 of substantial noncompliance with this section, the governing body must order that operation
58.16 of all portable recording systems be suspended until the governing body has authorized the
58.17 agency to reinstate their use. An order of suspension under this paragraph may only be made
58.18 following review of the results of the audit and review of the applicable provisions of this
58.19 chapter, and after providing the agency and members of the public a reasonable opportunity
58.20 to respond to the audit's findings in a public meeting.

58.21 (c) A report summarizing the results of each audit must be provided to the governing
58.22 body with jurisdiction over the budget of the law enforcement agency ~~and~~₂ to the Legislative
58.23 Commission on Data Practices and Personal Data Privacy, and to the chairs and ranking
58.24 minority members of the committees of the house of representatives and the senate with
58.25 jurisdiction over data practices and public safety issues no later than 60 days following
58.26 completion of the audit.

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

58.28 Sec. 12. Minnesota Statutes 2020, section 13.856, subdivision 3, is amended to read:

58.29 Subd. 3. **Public data.** The following closed case data maintained by the ombudsperson
58.30 are classified as public data pursuant to section 13.02, subdivision 15:

58.31 (1) client name;

58.32 (2) client location; and

58.33 (3) the inmate identification number assigned by the Department of Corrections.

59.1 Sec. 13. [84.0873] DATA ON INDIVIDUALS WHO ARE MINORS.

59.2 (a) When the Department of Natural Resources collects, creates, receives, maintains, or
59.3 disseminates the following data on individuals who the department knows are minors, the
59.4 data are considered private data on individuals, as defined in section 13.02, subdivision 12,
59.5 except for data classified as public data according to section 13.43:

59.6 (1) name;

59.7 (2) date of birth;

59.8 (3) Social Security number;

59.9 (4) telephone number;

59.10 (5) e-mail address;

59.11 (6) physical or mailing address;

59.12 (7) location data;

59.13 (8) online account access information;

59.14 (9) data associated with the location of electronic devices; and

59.15 (10) other data that would identify participants who have registered for events, programs,
59.16 or classes sponsored by the Department of Natural Resources.

59.17 (b) Data about minors classified under this section maintain their classification as private
59.18 data on individuals after the individual is no longer a minor.

59.19 Sec. 14. Minnesota Statutes 2020, section 144.225, subdivision 7, is amended to read:

59.20 Subd. 7. **Certified birth or death record.** (a) The state registrar or local issuance office
59.21 shall issue a certified birth or death record or a statement of no vital record found to an
59.22 individual upon the individual's proper completion of an attestation provided by the
59.23 commissioner and payment of the required fee:

59.24 (1) to a person who ~~has a tangible interest in the requested vital record. A person who~~
59.25 ~~has a tangible interest~~ is:

59.26 (i) the subject of the vital record;

59.27 (ii) a child of the subject;

59.28 (iii) the spouse of the subject;

59.29 (iv) a parent of the subject;

- 60.1 (v) the grandparent or grandchild of the subject;
- 60.2 (vi) if the requested record is a death record, a sibling of the subject;
- 60.3 ~~(vii) the party responsible for filing the vital record;~~
- 60.4 ~~(viii)~~ (vii) the legal custodian, guardian or conservator, or health care agent of the subject;
- 60.5 ~~(ix)~~ (viii) a personal representative, by sworn affidavit of the fact that the certified copy
- 60.6 is required for administration of the estate;
- 60.7 ~~(x)~~ (ix) a successor of the subject, as defined in section 524.1-201, if the subject is
- 60.8 deceased, by sworn affidavit of the fact that the certified copy is required for administration
- 60.9 of the estate;
- 60.10 ~~(xi)~~ (x) if the requested record is a death record, a trustee of a trust by sworn affidavit
- 60.11 of the fact that the certified copy is needed for the proper administration of the trust;
- 60.12 ~~(xii)~~ (xi) a person or entity who demonstrates that a certified vital record is necessary
- 60.13 for the determination or protection of a personal or property right, pursuant to rules adopted
- 60.14 by the commissioner; or
- 60.15 ~~(xiii)~~ (xii) an adoption agency in order to complete confidential postadoption searches
- 60.16 as required by section 259.83;
- 60.17 (2) to any local, state, tribal, or federal governmental agency upon request if the certified
- 60.18 vital record is necessary for the governmental agency to perform its authorized duties;
- 60.19 (3) to an attorney representing the subject of the vital record or another person listed in
- 60.20 clause (1), upon evidence of the attorney's license;
- 60.21 (4) pursuant to a court order issued by a court of competent jurisdiction. For purposes
- 60.22 of this section, a subpoena does not constitute a court order; or
- 60.23 (5) to a representative authorized by a person under clauses (1) to (4).
- 60.24 (b) The state registrar or local issuance office shall also issue a certified death record to
- 60.25 an individual described in paragraph (a), clause (1), items (ii) to ~~(viii)~~ (xi), if, on behalf of
- 60.26 the individual, a licensed mortician furnishes the registrar with a properly completed
- 60.27 attestation in the form provided by the commissioner within 180 days of the time of death
- 60.28 of the subject of the death record. This paragraph is not subject to the requirements specified
- 60.29 in Minnesota Rules, part 4601.2600, subpart 5, item B.

61.1 Sec. 15. [611A.95] CERTIFICATIONS FOR VICTIMS OF CRIMES.

61.2 Subdivision 1. Definitions. For purposes of this section, the following terms have the
61.3 meanings given:

61.4 (1) "certifying entity" means a state or local law enforcement agency;

61.5 (2) "criminal activity" means qualifying criminal activity pursuant to section
61.6 101(a)(15)(U)(iii) of the Immigration and Nationality Act, and includes the attempt,
61.7 conspiracy, or solicitation to commit such crimes; and

61.8 (3) "certification" means any certification or statement required by federal immigration
61.9 law including but not limited to the information required by United States Code, title 8,
61.10 section 1184(p), and United States Code, title 8, section 1184(o), including current United
61.11 States Citizenship and Immigration Services Form I-918, Supplement B, and United States
61.12 Citizenship and Immigration Services Form I-914, Supplement B, and any successor forms.

61.13 Subd. 2. Certification process. (a) A certifying entity shall process a certification
61.14 requested by a victim of criminal activity or a representative of the victim, including but
61.15 not limited to the victim's attorney, family member, or domestic violence or sexual assault
61.16 violence advocate, within the time period prescribed in paragraph (b).

61.17 (b) A certifying entity shall process the certification within 90 days of request, unless
61.18 the victim is in removal proceedings, in which case the certification shall be processed
61.19 within 14 days of the request. Requests for expedited certification must be affirmatively
61.20 raised at the time of the request.

61.21 (c) An active investigation, the filing of charges, or a prosecution or conviction are not
61.22 required for the victim of criminal activity to request and obtain the certification.

61.23 Subd. 3. Certifying entity; designate agent. (a) The head of a certifying entity shall
61.24 designate an agent to perform the following responsibilities:

61.25 (1) timely process requests for certification;

61.26 (2) provide outreach to victims of criminal activity to inform them of the entity's
61.27 certification process; and

61.28 (3) keep a written or electronic record of all certification requests and responses.

61.29 (b) All certifying entities shall implement a language access protocol for
61.30 non-English-speaking victims of criminal activity.

61.31 Subd. 4. Disclosure prohibited; data classification. (a) A certifying entity is prohibited
61.32 from disclosing the immigration status of a victim of criminal activity or a representative

62.1 requesting the certification, except to comply with federal law or legal process, or if
62.2 authorized by the victim of criminal activity or the representative requesting the certification.

62.3 (b) Data provided to a certifying entity under this section is classified as private data
62.4 pursuant to section 13.02, subdivision 12.

62.5 **EFFECTIVE DATE.** Subdivisions 1, 2, and 4 are effective the day following final
62.6 enactment. Subdivision 3 is effective July 1, 2021.

62.7 Sec. 16. **INITIAL APPOINTMENTS AND MEETINGS.**

62.8 Appointing authorities for the Legislative Commission on Data Practices under Minnesota
62.9 Statutes, section 3.8844, must make initial appointments by June 1, 2021. The speaker of
62.10 the house of representatives must designate one member of the commission to convene the
62.11 first meeting of the commission by June 15, 2021.

62.12 **ARTICLE 7**

62.13 **FORFEITURE**

62.14 Section 1. Minnesota Statutes 2020, section 169A.63, subdivision 1, is amended to read:

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

62.17 (b) "Appropriate agency" means a law enforcement agency that has the authority to
62.18 make an arrest for a violation of a designated offense or to require a test under section
62.19 169A.51 (chemical tests for intoxication).

62.20 (c) "Asserting person" means a person, other than the driver alleged to have committed
62.21 a designated offense, claiming an ownership interest in a vehicle that has been seized or
62.22 restrained under this section.

62.23 ~~(e)~~ (d) "Claimant" means an owner of a motor vehicle or a person claiming a leasehold
62.24 or security interest in a motor vehicle.

62.25 ~~(d)~~ (e) "Designated license revocation" includes a license revocation under section
62.26 169A.52 (license revocation for test failure or refusal) or 171.177 (revocation; search warrant)
62.27 or a license disqualification under section 171.165 (commercial driver's license
62.28 disqualification) resulting from a violation of section 169A.52 or 171.177; within ten years
62.29 of the first of two or more qualified prior impaired driving incidents.

62.30 ~~(e)~~ (f) "Designated offense" includes:

63.1 (1) a violation of section 169A.20 (driving while impaired) under the circumstances
 63.2 described in section 169A.24 (first-degree driving while impaired), ~~or 169A.25~~
 63.3 ~~(second-degree driving while impaired)~~; or

63.4 (2) a violation of section 169A.20 or an ordinance in conformity with it: within ten years
 63.5 of the first of two qualified prior impaired driving incidents.

63.6 ~~(i) by a person whose driver's license or driving privileges have been canceled as inimical~~
 63.7 ~~to public safety under section 171.04, subdivision 1, clause (10), and not reinstated; or~~

63.8 ~~(ii) by a person who is subject to a restriction on the person's driver's license under~~
 63.9 ~~section 171.09 (commissioner's license restrictions), which provides that the person may~~
 63.10 ~~not use or consume any amount of alcohol or a controlled substance.~~

63.11 ~~(f)~~ (g) "Family or household member" means:

63.12 (1) a parent, stepparent, or guardian;

63.13 (2) any of the following persons related by blood, marriage, or adoption: brother, sister,
 63.14 stepbrother, stepsister, first cousin, aunt, uncle, nephew, niece, grandparent,
 63.15 great-grandparent, great-uncle, great-aunt; or

63.16 (3) persons residing together or persons who regularly associate and communicate with
 63.17 one another outside of a workplace setting.

63.18 ~~(g)~~ (h) "Motor vehicle" and "vehicle" do not include a vehicle which is stolen or taken
 63.19 in violation of the law.

63.20 ~~(h)~~ (i) "Owner" means a person legally entitled to possession, use, and control of a motor
 63.21 vehicle, including a lessee of a motor vehicle if the lease agreement has a term of 180 days
 63.22 or more. There is a rebuttable presumption that a person registered as the owner of a motor
 63.23 vehicle according to the records of the Department of Public Safety is the legal owner. For
 63.24 purposes of this section, if a motor vehicle is owned jointly by two or more people, each
 63.25 owner's interest extends to the whole of the vehicle and is not subject to apportionment.

63.26 ~~(i)~~ (j) "Prosecuting authority" means the attorney in the jurisdiction in which the
 63.27 designated offense occurred who is responsible for prosecuting violations of a designated
 63.28 offense or a designee. If a state agency initiated the forfeiture, and the attorney responsible
 63.29 for prosecuting the designated offense declines to pursue forfeiture, the Attorney General's
 63.30 Office or its designee may initiate forfeiture under this section.

64.1 ~~(j)~~ (k) "Security interest" means a bona fide security interest perfected according to
64.2 section 168A.17, subdivision 2, based on a loan or other financing that, if a vehicle is
64.3 required to be registered under chapter 168, is listed on the vehicle's title.

64.4 **EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to seizures
64.5 that take place on or after that date.

64.6 Sec. 2. Minnesota Statutes 2020, section 169A.63, subdivision 7, is amended to read:

64.7 Subd. 7. **Limitations on vehicle forfeiture.** (a) A vehicle is presumed subject to forfeiture
64.8 under this section if:

64.9 (1) the driver is convicted of the designated offense upon which the forfeiture is based;
64.10 or

64.11 ~~(2) the driver fails to appear for a scheduled court appearance with respect to the~~
64.12 ~~designated offense charged and fails to voluntarily surrender within 48 hours after the time~~
64.13 ~~required for appearance; or~~

64.14 ~~(3)~~ (2) the driver's conduct results in a designated license revocation and the driver fails
64.15 to seek judicial review of the revocation in a timely manner as required by section 169A.53,
64.16 subdivision 2, (petition for judicial review), or the license revocation is judicially reviewed
64.17 and sustained under section 169A.53, subdivision 2.

64.18 (b) A vehicle encumbered by a security interest perfected according to section 168A.17,
64.19 subdivision 2, or subject to a lease that has a term of 180 days or more, is subject to the
64.20 interest of the secured party or lessor unless the party or lessor had knowledge of or consented
64.21 to the act upon which the forfeiture is based. However, when the proceeds of the sale of a
64.22 seized vehicle do not equal or exceed the outstanding loan balance, the appropriate agency
64.23 shall remit all proceeds of the sale to the secured party after deducting the agency's costs
64.24 for the seizure, tow, storage, forfeiture, and sale of the vehicle. If the sale of the vehicle is
64.25 conducted in a commercially reasonable manner consistent with the provisions of section
64.26 336.9-610, the agency is not liable to the secured party for any amount owed on the loan in
64.27 excess of the sale proceeds. The validity and amount of a nonperfected security interest
64.28 must be established by its holder by clear and convincing evidence.

64.29 (c) Notwithstanding paragraph (b), the secured party's or lessor's interest in a vehicle is
64.30 not subject to forfeiture based solely on the secured party's or lessor's knowledge of the act
64.31 or omission upon which the forfeiture is based if the secured party or lessor demonstrates
64.32 by clear and convincing evidence that the party or lessor took reasonable steps to terminate
64.33 use of the vehicle by the offender.

65.1 ~~(d) A motor vehicle is not subject to forfeiture under this section if any of its owners~~
65.2 ~~who petition the court can demonstrate by clear and convincing evidence that the petitioning~~
65.3 ~~owner did not have actual or constructive knowledge that the vehicle would be used or~~
65.4 ~~operated in any manner contrary to law or that the petitioning owner took reasonable steps~~
65.5 ~~to prevent use of the vehicle by the offender. If the offender is a family or household member~~
65.6 ~~of any of the owners who petition the court and has three or more prior impaired driving~~
65.7 ~~convictions, the petitioning owner is presumed to know of any vehicle use by the offender~~
65.8 ~~that is contrary to law. "Vehicle use contrary to law" includes, but is not limited to, violations~~
65.9 ~~of the following statutes:~~

65.10 ~~(1) section 171.24 (violations; driving without valid license);~~

65.11 ~~(2) section 169.791 (criminal penalty for failure to produce proof of insurance);~~

65.12 ~~(3) section 171.09 (driving restrictions; authority, violations);~~

65.13 ~~(4) section 169A.20 (driving while impaired);~~

65.14 ~~(5) section 169A.33 (underage drinking and driving); and~~

65.15 ~~(6) section 169A.35 (open bottle law).~~

65.16 **EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to seizures
65.17 that take place on or after that date.

65.18 Sec. 3. Minnesota Statutes 2020, section 169A.63, is amended by adding a subdivision to
65.19 read:

65.20 Subd. 7a. **Innocent owner.** (a) An asserting person may bring an innocent owner claim
65.21 by notifying the prosecuting authority in writing and within 60 days of the service of the
65.22 notice of seizure.

65.23 (b) Upon receipt of notice pursuant to paragraph (a), the prosecuting authority may
65.24 release the vehicle to the asserting person. If the prosecuting authority proceeds with the
65.25 forfeiture, the prosecuting authority must, within 30 days, file a separate complaint in the
65.26 name of the jurisdiction pursuing the forfeiture against the vehicle, describing the vehicle,
65.27 specifying that the vehicle was used in the commission of a designated offense or was used
65.28 in conduct resulting in a designated license revocation, and specifying the time and place
65.29 of the vehicle's unlawful use. The complaint may be filed in district court or conciliation
65.30 court and the filing fee is waived.

65.31 (c) A complaint filed by the prosecuting authority must be served on the asserting person
65.32 and on any other registered owners. Service may be made by certified mail at the address

66.1 listed in the Department of Public Safety's computerized motor vehicle registration records
66.2 or by any means permitted by court rules.

66.3 (d) The hearing on the complaint shall, to the extent practicable, be held within 30 days
66.4 of the filing of the petition. The court may consolidate the hearing on the complaint with a
66.5 hearing on any other complaint involving a claim of an ownership interest in the same
66.6 vehicle.

66.7 (e) At a hearing held pursuant to this subdivision, the prosecuting authority must:

66.8 (1) prove by a preponderance of the evidence that the seizure was incident to a lawful
66.9 arrest or a lawful search; and

66.10 (2) certify that the prosecuting authority has filed, or intends to file, charges against the
66.11 driver for a designated offense or that the driver has a designated license revocation.

66.12 (f) At a hearing held pursuant to this subdivision, the asserting person must prove by a
66.13 preponderance of the evidence that the asserting person:

66.14 (1) has an actual ownership interest in the vehicle; and

66.15 (2) did not have actual or constructive knowledge that the vehicle would be used or
66.16 operated in any manner contrary to law or that the asserting person took reasonable steps
66.17 to prevent use of the vehicle by the alleged offender.

66.18 (g) If the court determines that the state met both burdens under paragraph (e) and the
66.19 asserting person failed to meet any burden under paragraph (f), the court shall order that
66.20 the vehicle remains subject to forfeiture under this section.

66.21 (h) The court shall order that the vehicle is not subject to forfeiture under this section
66.22 and shall order the vehicle returned to the asserting person if it determines that:

66.23 (1) the state failed to meet any burden under paragraph (e);

66.24 (2) the asserting person proved both elements under paragraph (f); or

66.25 (3) clauses (1) and (2) apply.

66.26 (i) If the court determines that the asserting person is an innocent owner and orders the
66.27 vehicle returned to the innocent owner, an entity in possession of the vehicle is not required
66.28 to release it until the innocent owner pays:

66.29 (1) the reasonable costs of the towing, seizure, and storage of the vehicle incurred before
66.30 the innocent owner provided the notice required under paragraph (a); and

67.1 (2) any reasonable costs of storage of the vehicle incurred more than two weeks after
67.2 an order issued under paragraph (h).

67.3 **EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to seizures
67.4 that take place on or after that date.

67.5 Sec. 4. Minnesota Statutes 2020, section 169A.63, subdivision 8, is amended to read:

67.6 Subd. 8. **Administrative forfeiture procedure.** (a) A motor vehicle used to commit a
67.7 designated offense or used in conduct resulting in a designated license revocation is subject
67.8 to administrative forfeiture under this subdivision.

67.9 (b) Within 60 days from when a motor vehicle is seized under subdivision 2, or within
67.10 a reasonable time after seizure, the appropriate agency shall serve the driver or operator of
67.11 the vehicle with a notice of the seizure and intent to forfeit the vehicle. Additionally, when
67.12 a motor vehicle is seized under subdivision 2, or within a reasonable time after that, all
67.13 persons known to have an ownership, possessory, or security interest in the vehicle must
67.14 be notified of the seizure and the intent to forfeit the vehicle. For those vehicles required to
67.15 be registered under chapter 168, the notification to a person known to have a security interest
67.16 in the vehicle is required only if the vehicle is registered under chapter 168 and the interest
67.17 is listed on the vehicle's title. Upon motion by the appropriate agency or prosecuting
67.18 authority, a court may extend the time period for sending notice for a period not to exceed
67.19 90 days for good cause shown. Notice mailed by certified mail to the address shown in
67.20 Department of Public Safety records is sufficient notice to the registered owner of the
67.21 vehicle. For motor vehicles not required to be registered under chapter 168, notice mailed
67.22 by certified mail to the address shown in the applicable filing or registration for the vehicle
67.23 is sufficient notice to a person known to have an ownership, possessory, or security interest
67.24 in the vehicle. Otherwise, notice may be given in the manner provided by law for service
67.25 of a summons in a civil action.

67.26 (c) The notice must be in writing and contain:

67.27 (1) a description of the vehicle seized;

67.28 (2) the date of seizure; and

67.29 (3) notice of the right to obtain judicial review of the forfeiture and of the procedure for
67.30 obtaining that judicial review, printed in English. This requirement does not preclude the
67.31 appropriate agency from printing the notice in other languages in addition to English.

67.32 Substantially the following language must appear conspicuously in the notice:

68.1 "WARNING: If you were the person arrested when the property was seized, you will
68.2 automatically lose the above-described property and the right to be heard in court if you do
68.3 not file a lawsuit and serve the prosecuting authority within 60 days. You may file your
68.4 lawsuit in conciliation court if the property is worth \$15,000 or less; otherwise, you must
68.5 file in district court. You may do not have to pay a filing fee for your lawsuit ~~if you are~~
68.6 ~~unable to afford the fee. You do not have to pay a conciliation court fee if your property is~~
68.7 ~~worth less than \$500.~~

68.8 WARNING: If you have an ownership interest in the above-described property and were
68.9 not the person arrested when the property was seized, you will automatically lose the
68.10 above-described property and the right to be heard in court if you do not notify the
68.11 prosecuting authority of your interest in writing within 60 days."

68.12 (d) If notice is not sent in accordance with paragraph (b), and no time extension is granted
68.13 or the extension period has expired, the appropriate agency shall return the ~~property vehicle~~
68.14 ~~to the person from whom the property was seized, if known~~ owner. An agency's return of
68.15 property due to lack of proper notice does not restrict the agency's authority to commence
68.16 a forfeiture proceeding at a later time. ~~The agency shall not be required to return contraband~~
68.17 ~~or other property that the person from whom the property was seized may not legally possess.~~

68.18 (e) Within 60 days following service of a notice of seizure and forfeiture under this
68.19 subdivision, a claimant may file a demand for a judicial determination of the forfeiture. The
68.20 demand must be in the form of a civil complaint and must be filed with the court
68.21 administrator in the county in which the seizure occurred, together with proof of service of
68.22 a copy of the complaint on the prosecuting authority having jurisdiction over the forfeiture;
68.23 ~~including the standard filing fee for civil actions unless the petitioner has the right to sue~~
68.24 ~~in forma pauperis under section 563.01.~~ The claimant may serve the complaint by certified
68.25 mail or any means permitted by court rules. If the value of the seized property is \$15,000
68.26 or less, the claimant may file an action in conciliation court for recovery of the seized vehicle.
68.27 A copy of the conciliation court statement of claim must be served personally or by mail
68.28 on the prosecuting authority having jurisdiction over the forfeiture, ~~as well as on the~~
68.29 ~~appropriate agency that initiated the forfeiture,~~ within 60 days following service of the
68.30 notice of seizure and forfeiture under this subdivision. ~~If the value of the seized property is~~
68.31 ~~less than \$500,~~ The claimant does not have to pay the ~~conciliation~~ court filing fee.

68.32 No responsive pleading is required of the prosecuting authority and no court fees may
68.33 be charged for the prosecuting authority's appearance in the matter. The prosecuting authority
68.34 may appear for the appropriate agency. Pleadings, filings, and methods of service are
68.35 governed by the Rules of Civil Procedure.

69.1 (f) The complaint must be captioned in the name of the claimant as plaintiff and the
69.2 seized vehicle as defendant, and must state with specificity the grounds on which the claimant
69.3 alleges the vehicle was improperly seized, the claimant's interest in the vehicle seized, and
69.4 any affirmative defenses the claimant may have. Notwithstanding any law to the contrary,
69.5 an action for the return of a vehicle seized under this section may not be maintained by or
69.6 on behalf of any person who has been served with a notice of seizure and forfeiture unless
69.7 the person has complied with this subdivision.

69.8 (g) If the claimant makes a timely demand for a judicial determination under this
69.9 subdivision, the forfeiture proceedings must be conducted as provided under subdivision
69.10 9.

69.11 **EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to seizures
69.12 that take place on or after that date.

69.13 Sec. 5. Minnesota Statutes 2020, section 169A.63, subdivision 9, is amended to read:

69.14 Subd. 9. **Judicial forfeiture procedure.** (a) This subdivision governs judicial
69.15 determinations of the forfeiture of a motor vehicle used to commit a designated offense or
69.16 used in conduct resulting in a designated license revocation. An action for forfeiture is a
69.17 civil in rem action and is independent of any criminal prosecution. All proceedings are
69.18 governed by the Rules of Civil Procedure.

69.19 (b) If no demand for judicial determination of the forfeiture is pending, the prosecuting
69.20 authority may, in the name of the jurisdiction pursuing the forfeiture, file a separate complaint
69.21 against the vehicle, describing it, specifying that it was used in the commission of a
69.22 designated offense or was used in conduct resulting in a designated license revocation, and
69.23 specifying the time and place of its unlawful use.

69.24 (c) The prosecuting authority may file an answer to a properly served demand for judicial
69.25 determination, including an affirmative counterclaim for forfeiture. The prosecuting authority
69.26 is not required to file an answer.

69.27 (d) A judicial determination under this subdivision must be held at the earliest practicable
69.28 date, and in any event no later than 180 days following the filing of the demand by the
69.29 claimant. If a related criminal proceeding is pending, the hearing shall not be held until the
69.30 conclusion of the criminal proceedings. The district court administrator shall schedule the
69.31 hearing as soon as practicable after the conclusion of the criminal prosecution. The district
69.32 court administrator shall establish procedures to ensure efficient compliance with this
69.33 subdivision. The hearing is to the court without a jury.

70.1 (e) There is a presumption that a vehicle seized under this section is subject to forfeiture
70.2 if the prosecuting authority establishes that the vehicle was used in the commission of a
70.3 designated offense or designated license revocation. A claimant bears the burden of proving
70.4 any affirmative defense raised.

70.5 (f) If the forfeiture is based on the commission of a designated offense and the person
70.6 charged with the designated offense appears in court as required and is not convicted of the
70.7 offense, the court shall order the property returned to the person legally entitled to it upon
70.8 that person's compliance with the redemption requirements of section 169A.42. If the
70.9 forfeiture is based on a designated license revocation, and the license revocation is rescinded
70.10 under section 169A.53, subdivision 3 (judicial review hearing, issues, order, appeal), the
70.11 court shall order the property returned to the person legally entitled to it upon that person's
70.12 compliance with the redemption requirements of section 169A.42.

70.13 (g) If the lawful ownership of the vehicle used in the commission of a designated offense
70.14 or used in conduct resulting in a designated license revocation can be determined and the
70.15 owner makes the demonstration required under subdivision 7, paragraph (d) 7a, the vehicle
70.16 must be returned immediately upon the owner's compliance with the redemption requirements
70.17 of section 169A.42.

70.18 (h) If the court orders the return of a seized vehicle under this subdivision it ~~must order~~
70.19 ~~that filing fees be reimbursed to the person who filed the demand for judicial determination.~~
70.20 ~~In addition, the court~~ may order sanctions under section 549.211 (sanctions in civil actions).
70.21 Any ~~reimbursement fees or~~ sanctions must be paid from other forfeiture proceeds of the
70.22 law enforcement agency and prosecuting authority involved and in the same proportion as
70.23 distributed under subdivision 10, paragraph (b).

70.24 **EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to seizures
70.25 that take place on or after that date.

70.26 Sec. 6. Minnesota Statutes 2020, section 169A.63, subdivision 10, is amended to read:

70.27 Subd. 10. **Disposition of forfeited vehicle.** (a) If the vehicle is administratively forfeited
70.28 under subdivision 8, or if the court finds under subdivision 9 that the vehicle is subject to
70.29 forfeiture under subdivisions 6 and 7, the appropriate agency shall:

70.30 (1) sell the vehicle and distribute the proceeds under paragraph (b); or

70.31 (2) keep the vehicle for official use. If the agency keeps a forfeited motor vehicle for
70.32 official use, it shall make reasonable efforts to ensure that the motor vehicle is available for
70.33 use by the agency's officers who participate in the drug abuse resistance education program.

71.1 (b) The proceeds from the sale of forfeited vehicles, after payment of seizure, towing,
71.2 storage, forfeiture, and sale expenses, and satisfaction of valid liens against the property,
71.3 must be distributed as follows:

71.4 (1) 70 percent of the proceeds must be forwarded to the appropriate agency for deposit
71.5 as a supplement to the state or local agency's operating fund or similar fund for use in
71.6 DWI-related enforcement, training, and education, crime prevention, equipment, or capital
71.7 expenses; and

71.8 (2) 30 percent of the money or proceeds must be forwarded to the prosecuting authority
71.9 that handled the forfeiture for deposit as a supplement to its operating fund or similar fund
71.10 for prosecutorial purposes, training, education, crime prevention, equipment, or capital
71.11 expenses. For purposes of this subdivision, the prosecuting authority shall not include
71.12 privately contracted prosecutors of a local political subdivision and, in those events, the
71.13 forfeiture proceeds shall be forwarded to the political subdivision where the forfeiture was
71.14 handled for the purposes identified in clause (1).

71.15 (c) If a vehicle is sold under paragraph (a), the appropriate agency shall not sell the
71.16 vehicle to: (1) an officer or employee of the agency that seized the property or to a person
71.17 related to the officer or employee by blood or marriage; or (2) the prosecuting authority or
71.18 any individual working in the same office or a person related to the authority or individual
71.19 by blood or marriage.

71.20 (d) Sales of forfeited vehicles under this section must be conducted in a commercially
71.21 reasonable manner.

71.22 (e) If a vehicle is forfeited administratively under this section and no demand for judicial
71.23 determination is made, the appropriate agency shall provide the prosecuting authority with
71.24 a copy of the forfeiture or evidence receipt, the notice of seizure and intent to forfeit, a
71.25 statement of probable cause for forfeiture of the property, and a description of the property
71.26 and its estimated value. Upon review and certification by the prosecuting authority that (1)
71.27 the appropriate agency provided a receipt in accordance with subdivision 2, paragraph (c),
71.28 (2) the appropriate agency served notice in accordance with subdivision 8, and (3) probable
71.29 cause for forfeiture exists based on the officer's statement, the appropriate agency may
71.30 dispose of the property in any of the ways listed in this subdivision.

71.31 **EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to seizures
71.32 that take place on or after that date.

72.1 Sec. 7. Minnesota Statutes 2020, section 169A.63, subdivision 13, is amended to read:

72.2 Subd. 13. **Exception.** (a) A forfeiture proceeding is stayed and the vehicle must be
72.3 returned if the driver ~~who committed a designated offense or whose conduct resulted in a~~
72.4 ~~designated license revocation~~ becomes a program participant in the ignition interlock program
72.5 under section 171.306 at any time before the motor vehicle is forfeited, ~~the forfeiture~~
72.6 ~~proceeding is stayed and the vehicle must be returned~~ and any of the following apply:

72.7 (1) the driver committed a designated offense other than a violation of section 169A.20
72.8 under the circumstances described in section 169A.24; or

72.9 (2) the driver is accepted into a treatment court dedicated to changing the behavior of
72.10 alcohol- and other drug-dependent offenders arrested for driving while impaired.

72.11 (b) Notwithstanding paragraph (a), the vehicle whose forfeiture was stayed in paragraph
72.12 (a) may be seized and the forfeiture action may proceed under this section if the program
72.13 participant described in paragraph (a):

72.14 (1) subsequently operates a motor vehicle:

72.15 (i) to commit a violation of section 169A.20 (driving while impaired);

72.16 (ii) in a manner that results in a license revocation under section 169A.52 (license
72.17 revocation for test failure or refusal) or 171.177 (revocation; search warrant) or a license
72.18 disqualification under section 171.165 (commercial driver's license disqualification) resulting
72.19 from a violation of section 169A.52 or 171.177;

72.20 (iii) after tampering with, circumventing, or bypassing an ignition interlock device; or

72.21 (iv) without an ignition interlock device at any time when the driver's license requires
72.22 such device; or

72.23 (2) either voluntarily or involuntarily ceases to participate in the program for more than
72.24 30 days, or fails to successfully complete it as required by the Department of Public Safety
72.25 due to:

72.26 (i) two or more occasions of the participant's driving privileges being withdrawn for
72.27 violating the terms of the program, unless the withdrawal is determined to be caused by an
72.28 error of the department or the interlock provider; or

72.29 (ii) violating the terms of the contract with the provider as determined by the provider;
72.30 or

72.31 (3) if forfeiture was stayed after the driver entered a treatment court, the driver ceases
72.32 to be a participant in the treatment court for any reason.

73.1 (c) Paragraph (b) applies only if the described conduct occurs before the participant has
73.2 been restored to full driving privileges or within three years of the original designated offense
73.3 or designated license revocation, whichever occurs latest.

73.4 (d) The requirement in subdivision 2, paragraph (b), that device manufacturers provide
73.5 a discounted rate to indigent program participants applies also to device installation under
73.6 this subdivision.

73.7 (e) An impound or law enforcement storage lot operator must allow an ignition interlock
73.8 manufacturer sufficient access to the lot to install an ignition interlock device under this
73.9 subdivision.

73.10 (f) Notwithstanding paragraph (a), an entity in possession of the vehicle is not required
73.11 to release it until the reasonable costs of the towing, seizure, and storage of the vehicle have
73.12 been paid by the vehicle owner.

73.13 (g) At any time prior to the vehicle being forfeited, the appropriate agency may require
73.14 that the owner or driver of the vehicle ~~give security or post bond payable to the appropriate~~
73.15 ~~agency in an amount equal to the retail value~~ surrender the title of the seized vehicle. ~~If this~~
73.16 ~~occurs, any future forfeiture action against the vehicle must instead proceed against the~~
73.17 ~~security as if it were the vehicle.~~

73.18 ~~(h) The appropriate agency may require an owner or driver to give security or post bond~~
73.19 ~~payable to the agency in an amount equal to the retail value of the vehicle, prior to releasing~~
73.20 ~~the vehicle from the impound lot to install an ignition interlock device.~~

73.21 ~~(i)~~ (h) If an event described in paragraph (b) occurs in a jurisdiction other than the one
73.22 in which the original forfeitable event occurred, and the vehicle is subsequently forfeited,
73.23 the proceeds shall be divided equally, after payment of seizure, towing, storage, forfeiture,
73.24 and sale expenses and satisfaction of valid liens against the vehicle, among the appropriate
73.25 agencies and prosecuting authorities in each jurisdiction.

73.26 ~~(j)~~ (i) Upon successful completion of the program, the stayed forfeiture proceeding is
73.27 terminated or dismissed and any vehicle, security, or bond held by an agency must be
73.28 returned to the owner of the vehicle.

73.29 ~~(k)~~ (j) A claimant of a vehicle for which a forfeiture action was stayed under paragraph
73.30 (a) but which later proceeds under paragraph (b), may file a demand for judicial forfeiture
73.31 as provided in subdivision 8, in which case the forfeiture proceedings must be conducted
73.32 as provided in subdivision 9.

74.1 **EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to seizures
74.2 that take place on or after that date.

74.3 Sec. 8. Minnesota Statutes 2020, section 169A.63, is amended by adding a subdivision to
74.4 read:

74.5 Subd. 14. **Subsequent unlawful use of seized vehicle; immunity.** An appropriate
74.6 agency or prosecuting authority, including but not limited to any peace officer as defined
74.7 in section 626.84, subdivision 1, paragraph (c); prosecutor; or employee of an appropriate
74.8 agency or prosecuting authority who, in good faith and within the course and scope of the
74.9 official duties of the person or entity, returns a vehicle seized under this chapter to the owner
74.10 pursuant to this section shall be immune from criminal or civil liability regarding any event
74.11 arising out of the subsequent unlawful or unauthorized use of the motor vehicle.

74.12 **EFFECTIVE DATE.** This section is effective January 1, 2022.

74.13 Sec. 9. Minnesota Statutes 2020, section 609.531, subdivision 1, is amended to read:

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

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

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

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

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

74.24 (e) "Appropriate agency" means the Bureau of Criminal Apprehension, the Department
74.25 of Commerce Fraud Bureau, the Minnesota Division of Driver and Vehicle Services, the
74.26 Minnesota State Patrol, a county sheriff's department, the Three Rivers Park District ~~park~~
74.27 ~~rangers~~ Department of Public Safety, the Department of Natural Resources Division of
74.28 Enforcement, the University of Minnesota Police Department, the Department of Corrections
74.29 Fugitive Apprehension Unit, a city, metropolitan transit, or airport police department; or a
74.30 multijurisdictional entity established under section 299A.642 or 299A.681.

74.31 (f) "Designated offense" includes:

75.1 (1) for weapons used: any violation of this chapter, chapter 152 or 624;
75.2 (2) for driver's license or identification card transactions: any violation of section 171.22;
75.3 and

75.4 (3) for all other purposes: a felony violation of, or a felony-level attempt or conspiracy
75.5 to violate, section 325E.17; 325E.18; 609.185; 609.19; 609.195; 609.2112; 609.2113;
75.6 609.2114; 609.221; 609.222; 609.223; 609.2231; 609.2335; 609.24; 609.245; 609.25;
75.7 609.255; 609.282; 609.283; 609.322; 609.342, subdivision 1, clauses (a) to (f); 609.343,
75.8 subdivision 1, clauses (a) to (f); 609.344, subdivision 1, clauses (a) to (e), and (h) to (j);
75.9 609.345, subdivision 1, clauses (a) to (e), and (h) to (j); 609.352; 609.42; 609.425; 609.466;
75.10 609.485; 609.487; 609.52; 609.525; 609.527; 609.528; 609.53; 609.54; 609.551; 609.561;
75.11 609.562; 609.563; 609.582; 609.59; 609.595; 609.611; 609.631; 609.66, subdivision 1e;
75.12 609.671, subdivisions 3, 4, 5, 8, and 12; 609.687; 609.821; 609.825; 609.86; 609.88; 609.89;
75.13 609.893; 609.895; 617.246; 617.247; or a gross misdemeanor or felony violation of section
75.14 609.891 or 624.7181; or any violation of section 609.324; or a felony violation of, or a
75.15 felony-level attempt or conspiracy to violate, Minnesota Statutes 2012, section 609.21.

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

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

75.19 (i) "Asserting person" means a person, other than the driver alleged to have used a vehicle
75.20 in the transportation or exchange of a controlled substance intended for distribution or sale,
75.21 claiming an ownership interest in a vehicle that has been seized or restrained under this
75.22 section.

75.23 **EFFECTIVE DATE.** This section is effective January 1, 2022.

75.24 Sec. 10. Minnesota Statutes 2020, section 609.531, is amended by adding a subdivision
75.25 to read:

75.26 **Subd. 9. Transfer of forfeitable property to federal government.** The appropriate
75.27 agency shall not directly or indirectly transfer property subject to forfeiture under sections
75.28 609.531 to 609.5318 to a federal agency if the transfer would circumvent state law.

75.29 **EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to seizures
75.30 that take place on or after that date.

76.1 Sec. 11. Minnesota Statutes 2020, section 609.5311, subdivision 2, is amended to read:

76.2 Subd. 2. **Associated property.** (a) All personal property, and real and personal property,
76.3 other than homestead property exempt from seizure under section 510.01, that has been
76.4 used, or is intended for use, or has in any way facilitated, in whole or in part, the
76.5 manufacturing, compounding, processing, delivering, importing, cultivating, exporting,
76.6 transporting, or exchanging of contraband or a controlled substance that has not been lawfully
76.7 manufactured, distributed, dispensed, and acquired is an instrument or represents the proceeds
76.8 of a controlled substance offense is subject to forfeiture under this section, except as provided
76.9 in subdivision 3.

76.10 (b) The Department of Corrections Fugitive Apprehension Unit shall not seize real
76.11 property for the purposes of forfeiture under paragraph (a).

76.12 (c) Money is the property of an appropriate agency and may be seized and recovered by
76.13 the appropriate agency if:

76.14 (1) the money is used by an appropriate agency, or furnished to a person operating on
76.15 behalf of an appropriate agency, to purchase or attempt to purchase a controlled substance;
76.16 and

76.17 (2) the appropriate agency records the serial number or otherwise marks the money for
76.18 identification.

76.19 As used in this paragraph, "money" means United States currency and coin; the currency
76.20 and coin of a foreign country; a bank check, cashier's check, or traveler's check; a prepaid
76.21 credit card; cryptocurrency; or a money order.

76.22 **EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to seizures
76.23 that take place on or after that date.

76.24 Sec. 12. Minnesota Statutes 2020, section 609.5311, subdivision 3, is amended to read:

76.25 Subd. 3. **Limitations on forfeiture of certain property associated with controlled**
76.26 **substances.** (a) A conveyance device is subject to forfeiture under this section only if the
76.27 retail value of the controlled substance is ~~\$75~~ \$100 or more and the conveyance device is
76.28 associated with a felony-level controlled substance crime was used in the transportation or
76.29 exchange of a controlled substance intended for distribution or sale.

76.30 (b) Real property is subject to forfeiture under this section only if the retail value of the
76.31 controlled substance or contraband is \$2,000 or more.

77.1 (c) Property used by any person as a common carrier in the transaction of business as a
77.2 common carrier is subject to forfeiture under this section only if the owner of the property
77.3 is a consenting party to, or is privy to, the use or intended use of the property as described
77.4 in subdivision 2.

77.5 (d) Property is subject to forfeiture under this section only if its owner was privy to the
77.6 use or intended use described in subdivision 2, or the unlawful use or intended use of the
77.7 property otherwise occurred with the owner's knowledge or consent.

77.8 (e) Forfeiture under this section of a conveyance device or real property encumbered by
77.9 a bona fide security interest is subject to the interest of the secured party unless the secured
77.10 party had knowledge of or consented to the act or omission upon which the forfeiture is
77.11 based. A person claiming a security interest bears the burden of establishing that interest
77.12 by clear and convincing evidence.

77.13 (f) Forfeiture under this section of real property is subject to the interests of a good faith
77.14 purchaser for value unless the purchaser had knowledge of or consented to the act or omission
77.15 upon which the forfeiture is based.

77.16 (g) Notwithstanding paragraphs (d), (e), and (f), property is not subject to forfeiture
77.17 based solely on the owner's or secured party's knowledge of the unlawful use or intended
77.18 use of the property if: (1) the owner or secured party took reasonable steps to terminate use
77.19 of the property by the offender; or (2) the property is real property owned by the parent of
77.20 the offender, unless the parent actively participated in, or knowingly acquiesced to, a violation
77.21 of chapter 152, or the real property constitutes proceeds derived from or traceable to a use
77.22 described in subdivision 2.

77.23 (h) Money is subject to forfeiture under this section only if it has a total value of \$1,500
77.24 or more or there is probable cause to believe that the money was exchanged for the purchase
77.25 of a controlled substance. As used in this paragraph, "money" means United States currency
77.26 and coin; the currency and coin of a foreign country; a bank check, cashier's check, or
77.27 traveler's check; a prepaid credit card; cryptocurrency; or a money order.

77.28 ~~(h)~~ (i) The Department of Corrections Fugitive Apprehension Unit shall not seize a
77.29 conveyance device or real property, for the purposes of forfeiture under paragraphs (a) to
77.30 (g).

77.31 (j) Nothing in this subdivision prohibits the seizure, with or without warrant, of any
77.32 property or thing for the purpose of being produced as evidence on any trial or for any other
77.33 lawful purpose.

78.1 **EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to seizures
 78.2 that take place on or after that date.

78.3 Sec. 13. Minnesota Statutes 2020, section 609.5311, subdivision 4, is amended to read:

78.4 Subd. 4. **Records; proceeds.** (a) All books, records, and research products and materials,
 78.5 including formulas, microfilm, tapes, and data that are used, or intended for use in the
 78.6 manner described in subdivision 2 are subject to forfeiture.

78.7 ~~(b) All property, real and personal, that represents proceeds derived from or traceable~~
 78.8 ~~to a use described in subdivision 2 is subject to forfeiture.~~

78.9 **EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to seizures
 78.10 that take place on or after that date.

78.11 Sec. 14. Minnesota Statutes 2020, section 609.5314, subdivision 1, is amended to read:

78.12 Subdivision 1. **Property subject to administrative forfeiture; presumption.** (a) The
 78.13 following are ~~presumed to be~~ subject to administrative forfeiture under this section:

78.14 (1) all money totaling \$1,500 or more, precious metals, and precious stones found in
 78.15 proximity to: that there is probable cause to believe represent the proceeds of a controlled
 78.16 substance offense;

78.17 ~~(i) controlled substances;~~

78.18 ~~(ii) forfeitable drug manufacturing or distributing equipment or devices; or~~

78.19 ~~(iii) forfeitable records of manufacture or distribution of controlled substances;~~

78.20 (2) all money found in proximity to controlled substances when there is probable cause
 78.21 to believe that the money was exchanged for the purchase of a controlled substance;

78.22 ~~(2)~~ (3) all conveyance devices containing controlled substances with a retail value of
 78.23 \$100 or more if ~~possession or sale of the controlled substance would be a felony under~~
 78.24 ~~chapter 152~~ there is probable cause to believe that the conveyance device was used in the
 78.25 transportation or exchange of a controlled substance intended for distribution or sale; and

78.26 ~~(3)~~ (4) all firearms, ammunition, and firearm accessories found:

78.27 (i) in a conveyance device used or intended for use to commit or facilitate the commission
 78.28 of a felony offense involving a controlled substance;

78.29 (ii) on or in proximity to a person from whom a felony amount of controlled substance
 78.30 is seized; or

79.1 (iii) on the premises where a controlled substance is seized and in proximity to the
79.2 controlled substance, if possession or sale of the controlled substance would be a felony
79.3 under chapter 152.

79.4 (b) The Department of Corrections Fugitive Apprehension Unit shall not seize items
79.5 listed in paragraph (a), clauses ~~(2)~~ (3) and ~~(3)~~ (4), for the purposes of forfeiture.

79.6 (c) ~~A claimant of the property bears the burden to rebut this presumption.~~ Money is the
79.7 property of an appropriate agency and may be seized and recovered by the appropriate
79.8 agency if:

79.9 (1) the money is used by an appropriate agency, or furnished to a person operating on
79.10 behalf of an appropriate agency, to purchase or attempt to purchase a controlled substance;
79.11 and

79.12 (2) the appropriate agency records the serial number or otherwise marks the money for
79.13 identification.

79.14 (d) As used in this section, "money" means United States currency and coin; the currency
79.15 and coin of a foreign country; a bank check, cashier's check, or traveler's check; a prepaid
79.16 credit card; cryptocurrency; or a money order.

79.17 **EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to seizures
79.18 that take place on or after that date.

79.19 Sec. 15. Minnesota Statutes 2020, section 609.5314, is amended by adding a subdivision
79.20 to read:

79.21 Subd. 1a. **Innocent owner.** (a) Any person, other than the defendant driver, alleged to
79.22 have used a vehicle in the transportation or exchange of a controlled substance intended for
79.23 distribution or sale, claiming an ownership interest in a vehicle that has been seized or
79.24 restrained under this section may assert that right by notifying the prosecuting authority in
79.25 writing and within 60 days of the service of the notice of seizure.

79.26 (b) Upon receipt of notice pursuant to paragraph (a), the prosecuting authority may
79.27 release the vehicle to the asserting person. If the prosecuting authority proceeds with the
79.28 forfeiture, the prosecuting authority must, within 30 days, file a separate complaint in the
79.29 name of the jurisdiction pursuing the forfeiture against the vehicle, describing the vehicle,
79.30 specifying that the vehicle was used in the transportation or exchange of a controlled
79.31 substance intended for distribution or sale, and specifying the time and place of the vehicle's
79.32 unlawful use. The complaint may be filed in district court or conciliation court and the filing
79.33 fee is waived.

80.1 (c) A complaint filed by the prosecuting authority must be served on the asserting person
80.2 and on any other registered owners. Service may be made by certified mail at the address
80.3 listed in the Department of Public Safety's computerized motor vehicle registration records
80.4 or by any means permitted by court rules.

80.5 (d) The hearing on the complaint shall, to the extent practicable, be held within 30 days
80.6 of the filing of the petition. The court may consolidate the hearing on the complaint with a
80.7 hearing on any other complaint involving a claim of an ownership interest in the same
80.8 vehicle.

80.9 (e) At a hearing held pursuant to this subdivision, the state must prove by a preponderance
80.10 of the evidence that:

80.11 (1) the seizure was incident to a lawful arrest or a lawful search; and

80.12 (2) the vehicle was used in the transportation or exchange of a controlled substance
80.13 intended for distribution or sale.

80.14 (f) At a hearing held pursuant to this subdivision, the asserting person must prove by a
80.15 preponderance of the evidence that the asserting person:

80.16 (1) has an actual ownership interest in the vehicle; and

80.17 (2) did not have actual or constructive knowledge that the vehicle would be used or
80.18 operated in any manner contrary to law or that the asserting person took reasonable steps
80.19 to prevent use of the vehicle by the alleged offender.

80.20 (g) If the court determines that the state met both burdens under paragraph (e) and the
80.21 asserting person failed to meet any burden under paragraph (f), the court shall order that
80.22 the vehicle remains subject to forfeiture under this section.

80.23 (h) The court shall order that the vehicle is not subject to forfeiture under this section
80.24 and shall order the vehicle returned to the asserting person if it determines that:

80.25 (1) the state failed to meet any burden under paragraph (e);

80.26 (2) the asserting person proved both elements under paragraph (f); or

80.27 (3) clauses (1) and (2) apply.

80.28 (i) If the court determines that the asserting person is an innocent owner and orders the
80.29 vehicle returned to the innocent owner, an entity in possession of the vehicle is not required
80.30 to release the vehicle until the innocent owner pays:

81.1 (1) the reasonable costs of the towing, seizure, and storage of the vehicle incurred before
81.2 the innocent owner provided the notice required under paragraph (a); and

81.3 (2) any reasonable costs of storage of the vehicle incurred more than two weeks after
81.4 an order issued under paragraph (h).

81.5 **EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to seizures
81.6 that take place on or after that date.

81.7 Sec. 16. Minnesota Statutes 2020, section 609.5314, subdivision 2, is amended to read:

81.8 Subd. 2. **Administrative forfeiture procedure.** (a) Forfeiture of property described in
81.9 subdivision 1 that does not exceed \$50,000 in value is governed by this subdivision. Within
81.10 60 days from when seizure occurs, all persons known to have an ownership, possessory, or
81.11 security interest in seized property must be notified of the seizure and the intent to forfeit
81.12 the property. In the case of a motor vehicle required to be registered under chapter 168,
81.13 notice mailed by certified mail to the address shown in Department of Public Safety records
81.14 is deemed sufficient notice to the registered owner. The notification to a person known to
81.15 have a security interest in seized property required under this paragraph applies only to
81.16 motor vehicles required to be registered under chapter 168 and only if the security interest
81.17 is listed on the vehicle's title. Upon motion by the appropriate agency or the prosecuting
81.18 authority, a court may extend the time period for sending notice for a period not to exceed
81.19 90 days for good cause shown.

81.20 (b) Notice may otherwise be given in the manner provided by law for service of a
81.21 summons in a civil action. The notice must be in writing and contain:

81.22 (1) a description of the property seized;

81.23 (2) the date of seizure; and

81.24 (3) notice of the right to obtain judicial review of the forfeiture and of the procedure for
81.25 obtaining that judicial review, printed in English. This requirement does not preclude the
81.26 appropriate agency from printing the notice in other languages in addition to English.

81.27 Substantially the following language must appear conspicuously in the notice:

81.28 "WARNING: If you were the person arrested when the property was seized, you will
81.29 automatically lose the above-described property and the right to be heard in court if you do
81.30 not file a lawsuit and serve the prosecuting authority within 60 days. You may file your
81.31 lawsuit in conciliation court if the property is worth \$15,000 or less; otherwise, you must
81.32 file in district court. You ~~may~~ do not have to pay a filing fee for your lawsuit if you are

82.1 ~~unable to afford the fee. You do not have to pay a conciliation court fee if your property is~~
82.2 ~~worth less than \$500.~~

82.3 WARNING: If you have an ownership interest in the above-described property and were
82.4 not the person arrested when the property was seized, you will automatically lose the
82.5 above-described property and the right to be heard in court if you do not notify the
82.6 prosecuting authority of your interest in writing within 60 days."

82.7 (c) If notice is not sent in accordance with paragraph (a), and no time extension is granted
82.8 or the extension period has expired, the appropriate agency shall return the property to the
82.9 person from whom the property was seized, if known. An agency's return of property due
82.10 to lack of proper notice does not restrict the agency's authority to commence a forfeiture
82.11 proceeding at a later time. The agency shall not be required to return contraband or other
82.12 property that the person from whom the property was seized may not legally possess.

82.13 EFFECTIVE DATE. This section is effective January 1, 2022, and applies to seizures
82.14 that take place on or after that date.

82.15 Sec. 17. Minnesota Statutes 2020, section 609.5314, subdivision 3, is amended to read:

82.16 Subd. 3. **Judicial determination.** (a) Within 60 days following service of a notice of
82.17 seizure and forfeiture under this section, a claimant may file a demand for a judicial
82.18 determination of the forfeiture. The demand must be in the form of a civil complaint and
82.19 must be filed with the court administrator in the county in which the seizure occurred,
82.20 together with proof of service of a copy of the complaint on the prosecuting authority for
82.21 that county, ~~and the standard filing fee for civil actions unless the petitioner has the right~~
82.22 ~~to sue in forma pauperis under section 563.01.~~ The claimant may serve the complaint on
82.23 the prosecuting authority by any means permitted by court rules. If the value of the seized
82.24 property is \$15,000 or less, the claimant may file an action in conciliation court for recovery
82.25 of the seized property. ~~If the value of the seized property is less than \$500,~~ The claimant
82.26 does not have to pay the ~~conciliation~~ court filing fee. No responsive pleading is required of
82.27 the prosecuting authority and no court fees may be charged for the prosecuting authority's
82.28 appearance in the matter. The district court administrator shall schedule the hearing as soon
82.29 as practicable after, and in any event no later than 90 days following, the conclusion of the
82.30 criminal prosecution. The proceedings are governed by the Rules of Civil Procedure.

82.31 (b) The complaint must be captioned in the name of the claimant as plaintiff and the
82.32 seized property as defendant, and must state with specificity the grounds on which the
82.33 claimant alleges the property was improperly seized and the plaintiff's interest in the property
82.34 seized. Notwithstanding any law to the contrary, an action for the return of property seized

83.1 under this section may not be maintained by or on behalf of any person who has been served
83.2 with a notice of seizure and forfeiture unless the person has complied with this subdivision.

83.3 (c) If the claimant makes a timely demand for judicial determination under this
83.4 subdivision, the appropriate agency must conduct the forfeiture under section 609.531,
83.5 subdivision 6a. The limitations and defenses set forth in section 609.5311, subdivision 3,
83.6 apply to the judicial determination.

83.7 (d) If a demand for judicial determination of an administrative forfeiture is filed under
83.8 this subdivision and the court orders the return of the seized property, ~~the court shall order~~
83.9 ~~that filing fees be reimbursed to the person who filed the demand. In addition,~~ the court
83.10 may order sanctions under section 549.211. If the court orders payment of these costs, they
83.11 must be paid from forfeited money or proceeds from the sale of forfeited property from the
83.12 appropriate law enforcement and prosecuting agencies in the same proportion as they would
83.13 be distributed under section 609.5315, subdivision 5.

83.14 **EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to seizures
83.15 that take place on or after that date.

83.16 Sec. 18. Minnesota Statutes 2020, section 609.5315, subdivision 5, is amended to read:

83.17 Subd. 5. **Distribution of money.** The money or proceeds from the sale of forfeited
83.18 property, after payment of seizure, storage, forfeiture, and sale expenses, and satisfaction
83.19 of valid liens against the property, must be distributed as follows:

83.20 (1) 70 percent of the money or proceeds must be forwarded to the appropriate agency
83.21 for deposit as a supplement to the agency's operating fund or similar fund for use in law
83.22 enforcement, training, education, crime prevention, equipment, or capital expenses;

83.23 (2) 20 percent of the money or proceeds must be forwarded to the prosecuting authority
83.24 that handled the forfeiture for deposit as a supplement to its operating fund or similar fund
83.25 for prosecutorial purposes, training, education, crime prevention, equipment, or capital
83.26 expenses; and

83.27 (3) the remaining ten percent of the money or proceeds must be forwarded within 60
83.28 days after resolution of the forfeiture to the state treasury and credited to the general fund.
83.29 Any local police relief association organized under chapter 423 which received or was
83.30 entitled to receive the proceeds of any sale made under this section before the effective date
83.31 of Laws 1988, chapter 665, sections 1 to 17, shall continue to receive and retain the proceeds
83.32 of these sales.

84.1 **EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to seizures
84.2 that take place on or after that date.

84.3 Sec. 19. Minnesota Statutes 2020, section 609.5315, subdivision 5b, is amended to read:

84.4 Subd. 5b. **Disposition of certain forfeited proceeds; trafficking of persons; report**
84.5 **required.** (a) Except as provided in subdivision 5c, for forfeitures resulting from violations
84.6 of section 609.282, 609.283, or 609.322, the money or proceeds from the sale of forfeited
84.7 property, after payment of seizure, storage, forfeiture, and sale expenses, and satisfaction
84.8 of valid liens against the property, must be distributed as follows:

84.9 (1) 40 percent of the proceeds must be forwarded to the appropriate agency for deposit
84.10 as a supplement to the agency's operating fund or similar fund for use in law enforcement;

84.11 (2) 20 percent of the proceeds must be forwarded to the prosecuting authority that handled
84.12 the forfeiture for deposit as a supplement to its operating fund or similar fund for
84.13 prosecutorial purposes; and

84.14 (3) the remaining 40 percent of the proceeds must be forwarded to the commissioner of
84.15 health and are appropriated to the commissioner for distribution to crime victims services
84.16 organizations that provide services to victims of trafficking offenses.

84.17 ~~(b) By February 15 of each year, the commissioner of public safety shall report to the~~
84.18 ~~chairs and ranking minority members of the senate and house of representatives committees~~
84.19 ~~or divisions having jurisdiction over criminal justice funding on the money collected under~~
84.20 ~~paragraph (a), clause (3). The report must indicate the following relating to the preceding~~
84.21 ~~calendar year:~~

84.22 ~~(1) the amount of money appropriated to the commissioner;~~

84.23 ~~(2) how the money was distributed by the commissioner; and~~

84.24 ~~(3) what the organizations that received the money did with it.~~

84.25 **EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to seizures
84.26 that take place on or after that date.

84.27 Sec. 20. Minnesota Statutes 2020, section 609.5315, subdivision 6, is amended to read:

84.28 Subd. 6. **Reporting requirement.** (a) For each forfeiture occurring in the state regardless
84.29 of the authority for it and including forfeitures pursued under federal law, the appropriate
84.30 agency and the prosecuting authority shall provide a written record of the forfeiture incident
84.31 to the state auditor. The record shall include:

- 85.1 (1) the amount forfeited;
- 85.2 (2) the statutory authority for the forfeiture, ~~its~~;
- 85.3 (3) the date, of the forfeiture;
- 85.4 (4) a brief description of the circumstances involved, ~~and~~;
- 85.5 (5) whether the forfeiture was contested;
- 85.6 (6) whether the defendant was convicted pursuant to a plea agreement or a trial;
- 85.7 (7) whether there was a forfeiture settlement agreement;
- 85.8 (8) whether the property was sold, destroyed, or retained by an appropriate agency;
- 85.9 (9) the gross revenue from the disposition of the forfeited property;
- 85.10 (10) an estimate of the total costs to the agency to store the property in an impound lot,
- 85.11 evidence room, or other location; pay for the time and expenses of an appropriate agency
- 85.12 and prosecuting authority to litigate forfeiture cases; and sell or dispose of the forfeited
- 85.13 property;
- 85.14 (11) the net revenue, determined by subtracting the costs identified under clause (10)
- 85.15 from the gross revenue identified in clause (9), the appropriate agency received from the
- 85.16 disposition of forfeited property;
- 85.17 (12) if any property was retained by an appropriate agency, the purpose for which it is
- 85.18 used;
- 85.19 (13) for controlled substance and driving while impaired forfeitures, ~~the record shall~~
- 85.20 ~~indicate~~ whether the forfeiture was initiated as an administrative or a judicial forfeiture.
- 85.21 ~~The record shall also list;~~
- 85.22 (14) the number of firearms forfeited and the make, model, and serial number of each
- 85.23 firearm forfeited. ~~The record shall indicate;~~ and
- 85.24 (15) how the property was or is to be disposed of.
- 85.25 (b) An appropriate agency or the prosecuting authority shall report to the state auditor
- 85.26 all instances in which property seized for forfeiture is returned to its owner either because
- 85.27 forfeiture is not pursued or for any other reason.
- 85.28 (c) Each appropriate agency and prosecuting authority shall provide a written record
- 85.29 regarding the proceeds of forfeited property, including proceeds received through forfeiture
- 85.30 under state and federal law. The record shall include:

86.1 (1) the total amount of money or proceeds from the sale of forfeited property obtained
86.2 or received by an appropriate agency or prosecuting authority in the previous reporting
86.3 period;

86.4 (2) the manner in which each appropriate agency and prosecuting authority expended
86.5 money or proceeds from the sale of forfeited property in the previous reporting period,
86.6 including the total amount expended in the following categories:

86.7 (i) drug abuse, crime, and gang prevention programs;

86.8 (ii) victim reparations;

86.9 (iii) gifts or grants to crime victim service organizations that provide services to sexually
86.10 exploited youth;

86.11 (iv) gifts or grants to crime victim service organizations that provide services to victims
86.12 of trafficking offenses;

86.13 (v) investigation costs, including but not limited to witness protection, informant fees,
86.14 and controlled buys;

86.15 (vi) court costs and attorney fees;

86.16 (vii) salaries, overtime, and benefits, as permitted by law;

86.17 (viii) professional outside services, including but not limited to auditing, court reporting,
86.18 expert witness fees, outside attorney fees, and membership fees paid to trade associations;

86.19 (ix) travel, meals, and conferences;

86.20 (x) training and continuing education;

86.21 (xi) other operating expenses, including but not limited to office supplies, postage, and
86.22 printing;

86.23 (xii) capital expenditures, including but not limited to vehicles, firearms, equipment,
86.24 computers, and furniture;

86.25 (xiii) gifts or grants to nonprofit or other programs, indicating the recipient of the gift
86.26 or grant; and

86.27 (xiv) any other expenditure, indicating the type of expenditure and, if applicable, the
86.28 recipient of any gift or grant;

86.29 (3) the total value of seized and forfeited property held by an appropriate agency and
86.30 not sold or otherwise disposed of; and

87.1 (4) a statement from the end of each year showing the balance of any designated forfeiture
87.2 accounts maintained by an appropriate agency or prosecuting authority.

87.3 (~~e~~) (d) Reports under paragraphs (a) and (b) shall be made on a ~~monthly~~ quarterly basis
87.4 in a manner prescribed by the state auditor and reports under paragraph (c) shall be made
87.5 on an annual basis in a manner prescribed by the state auditor. The state auditor shall report
87.6 annually to the legislature on the nature and extent of forfeitures-, including the information
87.7 provided by each appropriate agency or prosecuting authority under paragraphs (a) to (c).
87.8 Summary data on seizures, forfeitures, and expenditures of forfeiture proceeds shall be
87.9 disaggregated by each appropriate agency and prosecuting authority. The report shall be
87.10 made public on the state auditor's website.

87.11 (~~d~~) (e) For forfeitures resulting from the activities of multijurisdictional law enforcement
87.12 entities, the entity on its own behalf shall report the information required in this subdivision.

87.13 (~~e~~) (f) The prosecuting authority is not required to report information required by this
87.14 subdivision paragraph (a) or (b) unless the prosecuting authority has been notified by the
87.15 state auditor that the appropriate agency has not reported it.

87.16 **EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to seizures
87.17 that take place on or after that date.

87.18 **Sec. 21. RECIDIVISM STUDY.**

87.19 The legislative auditor shall conduct or contract with an independent third-party vendor
87.20 to conduct a comprehensive program audit on the efficacy of forfeiture and the use of ignition
87.21 interlock in cases involving an alleged violation of Minnesota Statutes, section 169A.20.
87.22 The audit shall assess the financial impact of the programs, the efficacy in reducing
87.23 recidivism, and the impacts, if any, on public safety. The audit shall be conducted in
87.24 accordance with generally accepted government auditing standards issued by the United
87.25 States Government Accountability Office. The legislative auditor shall complete the audit
87.26 no later than August 1, 2024, and shall report the results of the audit to the chairs and ranking
87.27 minority members of the legislative committees and divisions with jurisdiction over public
87.28 safety by January 15, 2025.

87.29 **EFFECTIVE DATE.** This section is effective January 1, 2022.

87.30 **Sec. 22. REPEALER.**

87.31 Minnesota Statutes 2020, section 609.5317, is repealed.

87.32 **EFFECTIVE DATE.** This section is effective January 1, 2022."

88.1 Amend the title accordingly