

SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION

S.F. No. 970

(SENATE AUTHORS: LIMMER, Mathews, Kiffmeyer, Duckworth and Latz)

DATE	D-PG	OFFICIAL STATUS
02/11/2021	341	Introduction and first reading Referred to Judiciary and Public Safety Finance and Policy
04/12/2021	2086a	Comm report: To pass as amended and re-refer to Finance
	2146	Rule 12.10: report of votes in committee
04/13/2021	2767	Authors added Mathews; Kiffmeyer; Duckworth; Latz
04/14/2021	2777a	Comm report: To pass as amended
	2779	Second reading
04/15/2021	2851a	Special Order: Amended
	2869	Third reading Passed
04/22/2021	3038	Returned from House with amendment
	3039	Senate not concur, conference committee of 5 requested
04/26/2021	3237	Senate conferees Limmer; Mathews; Johnson; Ingebrigtsen; Latz
04/27/2021	3963	House conferees Mariani; Becker-Finn; Moller; Frazier; Miller

- 1.1 A bill for an act
- 1.2 relating to public safety; amending law and appropriating money for courts,
- 1.3 Guardian Ad Litem Board, Uniform Laws Commission, Board on Judicial
- 1.4 Standards, Board of Public Defense, human rights, Sentencing Guidelines
- 1.5 Commission, public safety, Peace Officers Standards and Training Board, Private
- 1.6 Detective Board, corrections, ombudsperson for corrections, and other related
- 1.7 matters; authorizing the placement of pregnant and postpartum female inmates in
- 1.8 community-based programs; expanding the duties of the commissioner of
- 1.9 corrections relating to releasing offenders; reestablishing a Legislative Commission
- 1.10 on Data Practices and Personal Data Privacy; establishing a 911 telecommunicator
- 1.11 working group to establish statewide standards for training and certification;
- 1.12 directing the Sentencing Guidelines Commission to increase the rankings for
- 1.13 certain child pornography crimes in a specified manner; establishing the crime of
- 1.14 child torture; increasing penalties for certain human trafficking offenses; increasing
- 1.15 penalties for patrons of prostitutes; increasing penalties for certain trespassing
- 1.16 offenses; modifying and clarifying criminal sexual conduct provisions; creating a
- 1.17 new crime of sexual extortion; imposing criminal penalties; requiring reports and
- 1.18 studies; amending Minnesota Statutes 2020, sections 2.722, subdivision 1; 243.166,
- 1.19 subdivision 1b; 244.065; 299A.52, subdivision 2; 299C.80, subdivision 3;
- 1.20 340A.504, subdivision 7; 363A.36, subdivision 2; 363A.44, subdivision 2; 403.11,
- 1.21 subdivision 1; 477A.03, subdivision 2b; 609.1095, subdivision 1; 609.131,
- 1.22 subdivision 2; 609.2325; 609.322, subdivisions 1, 1a; 609.324, subdivisions 2, 4;
- 1.23 609.3241; 609.341, subdivisions 3, 7, 11, 12, 14, 15, by adding subdivisions;
- 1.24 609.342; 609.343; 609.344; 609.345; 609.3451; 609.3455; 609.3459; 609.347, by
- 1.25 adding a subdivision; 609.352, subdivision 4; 609.605, subdivision 2; 611.27,
- 1.26 subdivisions 9, 10, 11, 13, 15; 628.26; Laws 2017, chapter 95, article 3, section
- 1.27 30; Laws 2020, Seventh Special Session chapter 2, article 2, section 4; proposing
- 1.28 coding for new law in Minnesota Statutes, chapters 3; 241; 609; repealing
- 1.29 Minnesota Statutes 2020, section 609.324, subdivision 3.
- 1.30 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

- 1.31 **ARTICLE 1**
- 1.32 **APPROPRIATIONS**
- 1.33 Section 1. **APPROPRIATIONS.**

3.1 the distribution of safe and secure courthouse
 3.2 fund grants to governmental entities
 3.3 responsible for providing or maintaining a
 3.4 courthouse or other facility where court
 3.5 proceedings are held. Grant recipients must
 3.6 provide a 50 percent nonstate match. This
 3.7 appropriation is available until June 30, 2024.

3.8 **(f) Neuropsychological Examination**
 3.9 **Feasibility Study.** \$30,000 the first year is for
 3.10 the neuropsychological examination feasibility
 3.11 study described in article 2, section 14.

3.12 **Subd. 3. Civil Legal Services** 16,620,000 16,620,000

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

3.25 **Sec. 3. COURT OF APPEALS** \$ 13,490,000 \$ 13,574,000

3.26 **Judges' Compensation.** Judges' compensation
 3.27 is increased by 2.5 percent in the first year.

3.28 **Sec. 4. DISTRICT COURTS** \$ 326,172,000 \$ 328,946,000

3.29 **(a) Judges' Compensation.** Judges'
 3.30 compensation is increased by 2.5 percent in
 3.31 the first year.

3.32 **(b) New Judgeship.** \$482,000 the first year
 3.33 and \$449,000 the second year are for a new
 3.34 judge unit in the Fifth Judicial District.

4.1	Sec. 5. <u>GUARDIAN AD LITEM BOARD</u>	\$	<u>22,576,000</u>	\$	<u>22,815,000</u>
4.2	Sec. 6. <u>TAX COURT</u>	\$	<u>1,827,000</u>	\$	<u>1,841,000</u>
4.3	Sec. 7. <u>UNIFORM LAWS COMMISSION</u>	\$	<u>100,000</u>	\$	<u>100,000</u>
4.4	Sec. 8. <u>BOARD ON JUDICIAL STANDARDS</u>	\$	<u>580,000</u>	\$	<u>586,000</u>
4.5	<u>If the appropriation for either year is</u>				
4.6	<u>insufficient, the appropriation for the other</u>				
4.7	<u>fiscal year is available.</u>				
4.8	<u>Major Disciplinary Actions.</u> \$125,000 each				
4.9	<u>year is for special investigative and hearing</u>				
4.10	<u>costs for major disciplinary actions undertaken</u>				
4.11	<u>by the board. This appropriation does not</u>				
4.12	<u>cancel. Any unencumbered and unspent</u>				
4.13	<u>balances remain available for these</u>				
4.14	<u>expenditures until June 30, 2025.</u>				
4.15	Sec. 9. <u>BOARD OF PUBLIC DEFENSE</u>	\$	<u>106,852,000</u>	\$	<u>106,930,000</u>
4.16	<u>Public Defense Corporations.</u> \$74,000 the				
4.17	<u>first year and \$152,000 the second year are</u>				
4.18	<u>for increases to public defense corporations.</u>				
4.19	Sec. 10. <u>SENTENCING GUIDELINES</u>	\$	<u>740,000</u>	\$	<u>765,000</u>
4.20	Sec. 11. <u>PUBLIC SAFETY</u>				
4.21	Subdivision 1. <u>Total Appropriation</u>	\$	<u>205,786,000</u>	\$	<u>204,412,000</u>
4.22	<u>Appropriations by Fund</u>				
4.23		<u>2022</u>	<u>2023</u>		
4.24	<u>General</u>	<u>123,277,000</u>	<u>121,846,000</u>		
4.25	<u>Special Revenue</u>	<u>14,436,000</u>	<u>14,502,000</u>		
4.26	<u>State Government</u>				
4.27	<u>Special Revenue</u>	<u>103,000</u>	<u>103,000</u>		
4.28	<u>Environmental</u>	<u>73,000</u>	<u>73,000</u>		
4.29	<u>911 Fund</u>	<u>67,897,000</u>	<u>67,888,000</u>		
4.30	<u>The amounts that may be spent for each</u>				
4.31	<u>purpose are specified in the following</u>				
4.32	<u>subdivisions.</u>				
4.33	Subd. 2. <u>Emergency Management</u>		<u>3,078,000</u>		<u>3,078,000</u>

5.1	<u>Appropriations by Fund</u>		
5.2	<u>General</u>	<u>3,005,000</u>	<u>3,005,000</u>
5.3	<u>Environmental</u>	<u>73,000</u>	<u>73,000</u>

5.4 **(a) Supplemental Nonprofit Security Grants**

5.5 \$225,000 each year is for supplemental
 5.6 nonprofit security grants under this paragraph.

5.7 Nonprofit organizations whose applications
 5.8 for funding through the Federal Emergency
 5.9 Management Agency's nonprofit security grant
 5.10 program have been approved by the Division
 5.11 of Homeland Security and Emergency
 5.12 Management are eligible for grants under this
 5.13 paragraph. No additional application shall be
 5.14 required for grants under this paragraph, and
 5.15 an application for a grant from the federal
 5.16 program is also an application for funding
 5.17 from the state supplemental program.

5.18 Eligible organizations may receive grants of
 5.19 up to \$75,000, except that the total received
 5.20 by any individual from both the federal
 5.21 nonprofit security grant program and the state
 5.22 supplemental nonprofit security grant program
 5.23 shall not exceed \$75,000. Grants shall be
 5.24 awarded in an order consistent with the
 5.25 ranking given to applicants for the federal
 5.26 nonprofit security grant program. No grants
 5.27 under the state supplemental nonprofit security
 5.28 grant program shall be awarded until the
 5.29 announcement of the recipients and the
 5.30 amount of the grants awarded under the federal
 5.31 nonprofit security grant program.

5.32 The commissioner may use up to one percent
 5.33 of the appropriation received under this
 5.34 paragraph to pay costs incurred by the
 5.35 department in administering the supplemental

6.1 nonprofit security grant program. These
 6.2 appropriations are onetime.

6.3 **(b) School Safety Center**

6.4 \$250,000 each year is for two school safety
 6.5 specialists at the Minnesota School Safety
 6.6 Center.

6.7 **Subd. 3. Criminal Apprehension** 76,481,000 75,293,000

	<u>Appropriations by Fund</u>	
6.8		
6.9	<u>General</u>	<u>76,474,000</u> <u>75,286,000</u>
6.10	<u>State Government</u>	
6.11	<u>Special Revenue</u>	<u>7,000</u> <u>7,000</u>

6.12 **(a) DWI Lab Analysis**

6.13 \$2,429,000 each year is for staff and operating
 6.14 costs for laboratory analysis related to
 6.15 driving-while-impaired cases.

6.16 **(b) Use of Trunk Highway Funds;**

6.17 **Department of Public Safety**

6.18 Payment of expenses related to forensic
 6.19 science services and other activities of the
 6.20 Bureau of Criminal Apprehension do not
 6.21 further a highway purpose under Minnesota
 6.22 Statutes, section 161.20, subdivision 3, and
 6.23 under article 14, sections 5, 6, and 9 of the
 6.24 Minnesota Constitution. The commissioner of
 6.25 public safety must not expend money from
 6.26 the trunk highway fund for any purpose of the
 6.27 Bureau of Criminal Apprehension.

6.28 **(c) Civil Unrest**

6.29 \$539,000 the first year is for costs related to
 6.30 responding to civil unrest.

6.31 **(d) Body Worn Cameras**

6.32 \$397,000 the first year and \$205,000 the
 6.33 second year are for the purchase,

7.1 implementation, and maintenance of body
7.2 worn cameras.

7.3 **(e) Cybersecurity**

7.4 \$2,611,000 the first year and \$2,500,000 the
7.5 second year are for staff, hardware, and
7.6 software to upgrade critical network
7.7 infrastructure and support cybersecurity
7.8 compliance with standards set by the Federal
7.9 Bureau of Investigation. The base for this is
7.10 \$1,002,000 in fiscal years 2024 and 2025.

7.11 **(f) Rapid DNA Program**

7.12 \$285,000 each year is for the Rapid DNA
7.13 Program.

7.14 **(g) Additional Forensic Scientist**

7.15 \$128,000 the first year and \$113,000 the
7.16 second year are for one additional forensic
7.17 scientist.

7.18 **(h) Criminal Alert Network**

7.19 \$200,000 the first year is for the criminal alert
7.20 network to increase membership, reduce the
7.21 registration fee, and create additional alert
7.22 categories, including at a minimum a dementia
7.23 and Alzheimer's disease specific category.

7.24 **(i) Additional Special Agent**

7.25 \$160,000 each year is for one additional
7.26 special agent. This is a onetime appropriation.

7.27 **(j) Predatory Offender Statutory**

7.28 **Framework Working Group**

7.29 \$131,000 the first year is to convene,
7.30 administer, and implement the predatory
7.31 offender statutory framework working group
7.32 described in article 4, section 22.

8.1	<u>Subd. 4. Fire Marshal</u>		<u>8,752,000</u>	<u>8,818,000</u>
8.2		<u>Appropriations by Fund</u>		
8.3	<u>General</u>	<u>178,000</u>	<u>178,000</u>	
8.4	<u>Special Revenue</u>	<u>8,574,000</u>	<u>8,640,000</u>	

8.5 The special revenue fund appropriation is from
 8.6 the fire safety account in the special revenue
 8.7 fund and is for activities under Minnesota
 8.8 Statutes, section 299F.012.

8.9 **(a) Inspections**

8.10 \$300,000 each year is from the fire safety
 8.11 account in the special revenue fund for
 8.12 inspection of nursing homes and boarding care
 8.13 facilities.

8.14 **(b) Hazmat and Chemical Assessment**

8.15 **Teams**

8.16 \$950,000 the first year and \$850,000 the
 8.17 second year are from the fire safety account
 8.18 in the special revenue fund. These amounts
 8.19 must be used to fund the hazardous materials
 8.20 and chemical assessment teams. Of this
 8.21 amount, \$100,000 the first year is for cases
 8.22 for which there is no identified responsible
 8.23 party. The base appropriation is \$950,000 in
 8.24 fiscal year 2024 and \$850,000 in fiscal year
 8.25 2025.

8.26 **(c) Bomb Squad Reimbursements**

8.27 \$50,000 each year is from the general fund for
 8.28 reimbursements to local governments for
 8.29 bomb squad services.

8.30 **(d) Emergency Response Teams**

8.31 \$675,000 each year is from the fire safety
 8.32 account in the special revenue fund to maintain
 8.33 four emergency response teams: one under the

9.1 jurisdiction of the St. Cloud Fire Department
 9.2 or a similarly located fire department if
 9.3 necessary; one under the jurisdiction of the
 9.4 Duluth Fire Department; one under the
 9.5 jurisdiction of the St. Paul Fire Department;
 9.6 and one under the jurisdiction of the Moorhead
 9.7 Fire Department.

9.8 **Subd. 5. Firefighter Training and Education**
 9.9 **Board**

5,792,000

5,792,000

9.10 Appropriations by Fund

9.11 Special Revenue 5,792,000 5,792,000

9.12 The special revenue fund appropriation is from
 9.13 the fire safety account in the special revenue
 9.14 fund and is for activities under Minnesota
 9.15 Statutes, section 299F.012.

9.16 **(a) Firefighter Training and Education**

9.17 \$4,500,000 each year is for firefighter training
 9.18 and education.

9.19 **(b) Task Force 1**

9.20 \$975,000 each year is for the Minnesota Task
 9.21 Force 1.

9.22 **(c) Air Rescue**

9.23 \$317,000 each year is for the Minnesota Air
 9.24 Rescue Team.

9.25 **(d) Unappropriated Revenue**

9.26 Any additional unappropriated money
 9.27 collected in fiscal year 2021 is appropriated
 9.28 to the commissioner of public safety for the
 9.29 purposes of Minnesota Statutes, section
 9.30 299F.012. The commissioner may transfer
 9.31 appropriations and base amounts between
 9.32 activities in this subdivision.

9.33 **Subd. 6. Alcohol and Gambling Enforcement**

2,590,000

2,497,000

10.1	<u>Appropriations by Fund</u>		
10.2	<u>General</u>	<u>2,520,000</u>	<u>2,427,000</u>
10.3	<u>Special Revenue</u>	<u>70,000</u>	<u>70,000</u>
10.4	<u>\$70,000 each year is from the lawful gambling</u>		
10.5	<u>regulation account in the special revenue fund.</u>		
10.6	<u>(a) Legal Costs</u>		
10.7	<u>\$93,000 the first year is for legal costs</u>		
10.8	<u>associated with Alexis Bailly Vineyard, Inc.</u>		
10.9	<u>v. Harrington.</u>		
10.10	<u>(b) Body Worn Cameras</u>		
10.11	<u>\$16,000 each year is for the purchase,</u>		
10.12	<u>implementation, and maintenance of body</u>		
10.13	<u>worn cameras.</u>		
10.14	<u>Subd. 7. Office of Justice Programs</u>	<u>41,196,000</u>	<u>41,046,000</u>
10.15	<u>Appropriations by Fund</u>		
10.16	<u>General</u>	<u>41,100,000</u>	<u>40,950,000</u>
10.17	<u>State Government</u>		
10.18	<u>Special Revenue</u>	<u>96,000</u>	<u>96,000</u>
10.19	<u>(a) Administration Costs</u>		
10.20	<u>Of the grant funds appropriated in this</u>		
10.21	<u>subdivision, up to \$1,026,000 each year may</u>		
10.22	<u>be used by the commissioner to administer the</u>		
10.23	<u>grant programs.</u>		
10.24	<u>(b) Improving Retention in Domestic</u>		
10.25	<u>Violence Programs</u>		
10.26	<u>\$150,000 the first year is to develop an open</u>		
10.27	<u>and competitive grant process to award a grant</u>		
10.28	<u>to establish a pilot project to increase the rate</u>		
10.29	<u>at which participants voluntarily complete a</u>		
10.30	<u>person-centered, trauma-informed violence</u>		
10.31	<u>prevention program by addressing the social</u>		
10.32	<u>and economic barriers that inhibit program</u>		

11.1 completion. This appropriation is available
11.2 until June 30, 2024.

11.3 The grant recipient shall have an established
11.4 program for individuals who have been
11.5 identified as using abusive behaviors within
11.6 a home or community setting. The established
11.7 program must apply evidence-based
11.8 interventions to equip participants with skills
11.9 and techniques to stop abusive behaviors as
11.10 they occur and prevent them from happening
11.11 in the future.

11.12 The pilot project shall address financial,
11.13 transportation, food, housing, or social support
11.14 barriers in order to increase the rate of
11.15 participants completing the program. Money
11.16 may be used to advance program capacity,
11.17 reduce the administrative burden on program
11.18 staff, secure participant consent for
11.19 assessment, enhance measurement and
11.20 evaluation of the program, and provide other
11.21 services and support to increase the rate of
11.22 program completion while maintaining low
11.23 recidivism rates.

11.24 By January 15, 2023, the grant recipient shall
11.25 provide a report to the Office of Justice
11.26 Programs identifying:

11.27 (1) the number of individuals, including the
11.28 age, race, and sex of those individuals, who
11.29 were admitted into the program before and
11.30 after the pilot project began;

11.31 (2) the number of individuals, including the
11.32 age, race, and sex of those individuals, who
11.33 completed the program before and after the
11.34 pilot project began;

- 12.1 (3) the number of individuals, including the
12.2 age, race, and sex of those individuals, who
12.3 left the program prior to completion before
12.4 and after the pilot project began;
- 12.5 (4) information on whether the individuals
12.6 were members of a two-parent or single-parent
12.7 home; and
- 12.8 (5) any other relevant measurement and
12.9 evaluation of the pilot project, including
12.10 information related to social and economic
12.11 barriers that impact program completion rates.
- 12.12 By January 15, 2024, the grant recipient shall
12.13 provide a report to the Office of Justice
12.14 Programs identifying the domestic violence
12.15 recidivism rate of individuals who completed
12.16 the program, including the age, race, and sex
12.17 of those individuals, before and after the pilot
12.18 project began.
- 12.19 By February 15, 2024, the Office of Justice
12.20 Programs shall compile the information
12.21 received from the grant recipient and provide
12.22 that compilation to the senate and house of
12.23 representatives committees and divisions with
12.24 jurisdiction over public safety.
- 12.25 (c) VCETs
- 12.26 \$1,000,000 each year is for additional violent
12.27 crime enforcement teams. The base for this is
12.28 \$1,000,000 in fiscal years 2024 and 2025.
- 12.29 Of this amount, \$250,000 each year is a
12.30 onetime appropriation for a team to address
12.31 criminal activities in and around metropolitan
12.32 transit lines. This team must include members
12.33 from the Hennepin County Sheriff's Office,
12.34 the Ramsey County Sheriff's Office, the St.

13.1 Paul Police Department, the Minneapolis
 13.2 Police Department, and the Metropolitan
 13.3 Transit Police Department. The Hennepin
 13.4 County Sheriff's Office shall serve as the
 13.5 team's fiscal agent. By February 1, 2022, the
 13.6 commissioner shall report to the chairs and
 13.7 ranking minority members of the legislative
 13.8 committees with jurisdiction over criminal
 13.9 justice policy and funding on the activities of
 13.10 the team. The report must detail the impact
 13.11 the team had on reducing criminal activity in
 13.12 and around metropolitan transit lines and
 13.13 recommend whether to fund the team in the
 13.14 future or whether the money for this would be
 13.15 better directed towards other violent crime
 13.16 enforcement teams.

13.17 **Subd. 8. Emergency Communication Networks** 67,897,000 67,888,000

13.18 This appropriation is from the state
 13.19 government special revenue fund for 911
 13.20 emergency telecommunications services.

13.21 This appropriation includes funds for
 13.22 information technology project services and
 13.23 support subject to the provisions of Minnesota
 13.24 Statutes, section 16E.0466. Any ongoing
 13.25 information technology costs shall be
 13.26 incorporated into the service level agreement
 13.27 and shall be paid to the Office of MN.IT
 13.28 Services by the Department of Public Safety
 13.29 under the rates and mechanism specified in
 13.30 that agreement.

13.31 **(a) Public Safety Answering Points**
 13.32 \$27,328,000 the first year and \$28,011,000
 13.33 the second year shall be distributed as
 13.34 provided in Minnesota Statutes, section

- 14.1 403.113, subdivision 2. The base for this is
14.2 \$28,011,000 in fiscal years 2024 and 2025.
- 14.3 **(b) Medical Resource Communication Centers**
- 14.4 \$683,000 the first year is for grants to the
14.5 Minnesota Emergency Medical Services
14.6 Regulatory Board for the Metro East and
14.7 Metro West Medical Resource
14.8 Communication Centers that were in operation
14.9 before January 1, 2000.
- 14.10 **(c) ARMER State Backbone Operating**
14.11 **Costs**
- 14.12 \$9,675,000 each year is transferred to the
14.13 commissioner of transportation for costs of
14.14 maintaining and operating the statewide radio
14.15 system backbone.
- 14.16 **(d) ARMER Improvements**
- 14.17 \$1,000,000 each year is to the Statewide
14.18 Emergency Communications Board for
14.19 improvements to those elements of the
14.20 statewide public safety radio and
14.21 communication system that support mutual
14.22 aid communications and emergency medical
14.23 services or provide interim enhancement of
14.24 public safety communication interoperability
14.25 in those areas of the state where the statewide
14.26 public safety radio and communication system
14.27 is not yet implemented, and grants to local
14.28 units of government to further the strategic
14.29 goals set forth by the Statewide Emergency
14.30 Communications Board strategic plan.
- 14.31 **(e) 911 Telecommunicator Working Group**

16.1 **(b) Identification Cards, Medications, and**
 16.2 **Homelessness Mitigation Plan**

16.3 \$60,000 the first year and \$48,000 the second
 16.4 year are to implement the duties required in
 16.5 Minnesota Statutes, sections 241.067 and
 16.6 241.068.

16.7 **(c) Institutions Base Budget**

16.8 The general fund base for Department of
 16.9 Corrections institutions is \$465,368,000 in
 16.10 fiscal year 2024 and \$466,044,000 in fiscal
 16.11 year 2025.

16.12 **Subd. 3. Community Services** 138,033,000 138,033,000

16.13 **(a) Community Corrections Act Subsidy**
 16.14 **Increase**

16.15 \$1,250,000 each year is added to the
 16.16 Community Corrections Act subsidy, as
 16.17 described in Minnesota Statutes, section
 16.18 401.14.

16.19 **(b) County Probation Officers**
 16.20 **Reimbursement Increase**

16.21 \$350,000 each year is for county probation
 16.22 officers reimbursement, as described in
 16.23 Minnesota Statutes, section 244.19,
 16.24 subdivision 6.

16.25 **(c) Alternatives to Incarceration Program**

16.26 \$320,000 each year is for funding to Crow
 16.27 Wing County and Wright County to facilitate
 16.28 access to community treatment options under
 16.29 the alternatives to incarceration program
 16.30 described in Laws 2017, chapter 95, article 3,
 16.31 section 30, as amended by article 2, section
 16.32 12.

17.1	<u>Subd. 4. Operations Support</u>		<u>29,777,000</u>	<u>29,777,000</u>
17.2	<u>\$600,000 each year is to increase support for</u>			
17.3	<u>ongoing technology needs.</u>			
17.4	<u>Sec. 16. OMBUDSPERSON FOR</u>			
17.5	<u>CORRECTIONS</u>	<u>\$</u>	<u>659,000</u>	<u>\$</u>
17.6	<u>Sec. 17. LEGISLATIVE COORDINATING</u>			
17.7	<u>COMMISSION</u>	<u>\$</u>	<u>60,000</u>	<u>\$</u>
17.8	<u>\$60,000 each year is for the Legislative</u>			
17.9	<u>Commission on Data Practices under</u>			
17.10	<u>Minnesota Statutes, section 3.8844.</u>			
17.11	<u>Sec. 18. DISASTER CONTINGENCY</u>			
17.12	<u>ACCOUNT</u>			
17.13	<u>\$20,000,000 the first year is to the</u>			
17.14	<u>commissioner of public safety for transfer to</u>			
17.15	<u>the disaster assistance contingency account</u>			
17.16	<u>established under Minnesota Statutes, section</u>			
17.17	<u>12.221, subdivision 6.</u>			
17.18	<u>Sec. 19. CANCELLATION; FISCAL YEAR 2021</u>			
17.19	<u>(a) Alcohol and Gambling Enforcement</u>			
17.20	<u>\$132,000 of the fiscal year 2021 general fund</u>			
17.21	<u>appropriation under Laws 2019, First Special</u>			
17.22	<u>Session chapter 5, article 1, section 12,</u>			
17.23	<u>subdivision 6, is canceled.</u>			
17.24	<u>(b) Office of Justice Programs</u>			
17.25	<u>\$213,000 of the fiscal year 2021 general fund</u>			
17.26	<u>appropriation under Laws 2019, First Special</u>			
17.27	<u>Session chapter 5, article 1, section 12,</u>			
17.28	<u>subdivision 7, is canceled.</u>			

18.1

ARTICLE 2

18.2

BUDGET-RELATED CHANGES

18.3 Section 1. Minnesota Statutes 2020, section 299A.52, subdivision 2, is amended to read:

18.4 Subd. 2. **Expense recovery.** The commissioner shall assess the responsible person for
18.5 the regional hazardous materials response team costs of response. The commissioner may
18.6 bring an action for recovery of unpaid costs, reasonable attorney fees, and any additional
18.7 court costs. Any funds received by the commissioner under this subdivision are appropriated
18.8 to the commissioner to pay for costs for which the funds were received. Any remaining
18.9 funds at the end of the biennium shall be transferred to the Fire Safety Account.

18.10 Sec. 2. Minnesota Statutes 2020, section 340A.504, subdivision 7, is amended to read:

18.11 Subd. 7. **Sales after 1:00 a.m.; permit fee.** (a) No licensee may sell intoxicating liquor
18.12 or 3.2 percent malt liquor on-sale between the hours of 1:00 a.m. and 2:00 a.m. unless the
18.13 licensee has obtained a permit from the commissioner. Application for the permit must be
18.14 on a form the commissioner prescribes. Permits are effective for one year from date of
18.15 issuance. For retailers of intoxicating liquor, the fee for the permit is based on the licensee's
18.16 gross receipts from on-sales of alcoholic beverages in the 12 months prior to the month in
18.17 which the permit is issued, and is at the following rates:

18.18 (1) up to \$100,000 in gross receipts, \$300;

18.19 (2) over \$100,000 but not over \$500,000 in gross receipts, \$750; and

18.20 (3) over \$500,000 in gross receipts, \$1,000.

18.21 For a licensed retailer of intoxicating liquor who did not sell intoxicating liquor at on-sale
18.22 for a full 12 months prior to the month in which the permit is issued, the fee is \$200. For a
18.23 retailer of 3.2 percent malt liquor, the fee is \$200.

18.24 (b) The commissioner shall deposit all permit fees received under this subdivision in
18.25 the alcohol enforcement account in the ~~special revenue~~ general fund.

18.26 (c) Notwithstanding any law to the contrary, the commissioner of revenue may furnish
18.27 to the commissioner the information necessary to administer and enforce this subdivision.

18.28 Sec. 3. Minnesota Statutes 2020, section 363A.36, subdivision 2, is amended to read:

18.29 Subd. 2. **Filing fee; account; appropriation.** The commissioner shall collect a ~~\$150~~
18.30 \$250 fee for each certificate of compliance issued by the commissioner or the commissioner's
18.31 designated agent. The proceeds of the fee must be deposited in a human rights fee special

19.1 revenue account. Money in the account is appropriated to the commissioner to fund the cost
19.2 of issuing certificates and investigating grievances.

19.3 **EFFECTIVE DATE.** This section is effective for applications received on or after July
19.4 1, 2021.

19.5 Sec. 4. Minnesota Statutes 2020, section 363A.44, subdivision 2, is amended to read:

19.6 Subd. 2. **Application.** (a) A business shall apply for an equal pay certificate by paying
19.7 a ~~\$150~~ \$250 filing fee and submitting an equal pay compliance statement to the
19.8 commissioner. The proceeds from the fees collected under this subdivision shall be deposited
19.9 in an equal pay certificate special revenue account. Money in the account is appropriated
19.10 to the commissioner for the purposes of this section. The commissioner shall issue an equal
19.11 pay certificate of compliance to a business that submits to the commissioner a statement
19.12 signed by the chairperson of the board or chief executive officer of the business:

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

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

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

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

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

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

19.30 (1) a market pricing approach;

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

19.32 (3) a performance pay system;

20.1 (4) an internal analysis; or

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

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

20.7 **EFFECTIVE DATE.** This section is effective for applications received on or after July
 20.8 1, 2021.

20.9 Sec. 5. Minnesota Statutes 2020, section 403.11, subdivision 1, is amended to read:

20.10 Subdivision 1. **Emergency telecommunications service fee; account.** (a) Each customer
 20.11 of a wireless or wire-line switched or packet-based telecommunications service provider
 20.12 connected to the public switched telephone network that furnishes service capable of
 20.13 originating a 911 emergency telephone call is assessed a fee based upon the number of
 20.14 wired or wireless telephone lines, or their equivalent, to cover the costs of ongoing
 20.15 maintenance and related improvements for trunking and central office switching equipment
 20.16 for 911 emergency telecommunications service, to offset administrative and staffing costs
 20.17 of the commissioner related to managing the 911 emergency telecommunications service
 20.18 program, to make distributions provided for in section 403.113, and to offset the costs,
 20.19 including administrative and staffing costs, incurred by the State Patrol Division of the
 20.20 Department of Public Safety in handling 911 emergency calls made from wireless phones.

20.21 (b) Money remaining in the 911 emergency telecommunications service account after
 20.22 all other obligations are paid must not cancel and is carried forward to subsequent years
 20.23 and may be appropriated from time to time to the commissioner to provide financial
 20.24 assistance to counties for the improvement of local emergency telecommunications services.

20.25 (c) The fee may not be ~~less than eight cents nor more than 65 cents a month until June~~
 20.26 ~~30, 2008, not less than eight cents nor more than 75 cents a month until June 30, 2009, not~~
 20.27 ~~less than eight cents nor more than 85 cents a month until June 30, 2010, and not less than~~
 20.28 ~~eight cents nor more than 95 cents a month on or after July 1, 2010, for each customer access~~
 20.29 line or other basic access service, including trunk equivalents as designated by the Public
 20.30 Utilities Commission for access charge purposes and including wireless telecommunications
 20.31 services. With the approval of the commissioner of management and budget, the
 20.32 commissioner of public safety shall establish the amount of the fee within the limits specified
 20.33 and inform the companies and carriers of the amount to be collected. When the revenue

21.1 bonds authorized under section 403.27, subdivision 1, have been fully paid or defeased, the
 21.2 commissioner shall reduce the fee to reflect that debt service on the bonds is no longer
 21.3 needed. The commissioner shall provide companies and carriers a minimum of 45 days'
 21.4 notice of each fee change. The fee must be the same for all customers, except that the fee
 21.5 imposed under this subdivision does not apply to prepaid wireless telecommunications
 21.6 service, which is instead subject to the fee imposed under section 403.161, subdivision 1,
 21.7 paragraph (a).

21.8 (d) The fee must be collected by each wireless or wire-line telecommunications service
 21.9 provider subject to the fee. Fees are payable to and must be submitted to the commissioner
 21.10 monthly before the 25th of each month following the month of collection, except that fees
 21.11 may be submitted quarterly if less than \$250 a month is due, or annually if less than \$25 a
 21.12 month is due. Receipts must be deposited in the state treasury and credited to a 911
 21.13 emergency telecommunications service account in the special revenue fund. The money in
 21.14 the account may only be used for 911 telecommunications services.

21.15 (e) Competitive local exchanges carriers holding certificates of authority from the Public
 21.16 Utilities Commission are eligible to receive payment for recurring 911 services.

21.17 Sec. 6. Minnesota Statutes 2020, section 477A.03, subdivision 2b, is amended to read:

21.18 Subd. 2b. **Counties.** (a) For aids payable in 2018 and 2019, the total aid payable under
 21.19 section 477A.0124, subdivision 3, is \$103,795,000, of which \$3,000,000 shall be allocated
 21.20 as required under Laws 2014, chapter 150, article 4, section 6. For aids payable in 2020,
 21.21 the total aid payable under section 477A.0124, subdivision 3, is \$116,795,000, of which
 21.22 \$3,000,000 shall be allocated as required under Laws 2014, chapter 150, article 4, section
 21.23 6. For aids payable in 2021 through 2024, the total aid payable under section 477A.0124,
 21.24 subdivision 3, is \$118,795,000, of which \$3,000,000 shall be allocated as required under
 21.25 Laws 2014, chapter 150, article 4, section 6. For aids payable in 2025 and thereafter, the
 21.26 total aid payable under section 477A.0124, subdivision 3, is \$115,795,000. ~~Each calendar~~
 21.27 ~~year,~~ On or before the first installment date provided in section 477A.015, paragraph (a),
 21.28 \$500,000 of this appropriation shall be ~~retained~~ transferred each year by the commissioner
 21.29 of revenue to ~~make reimbursements to the commissioner of management and budget the~~
 21.30 Board of Public Defense for ~~payments made~~ the payment of service under section 611.27.
 21.31 The reimbursements shall be to defray the additional costs associated with court-ordered
 21.32 counsel under section 611.27. Any ~~retained~~ transferred amounts not used for reimbursement
 21.33 expended or encumbered in a fiscal year shall be certified by the Board of Public Defense
 21.34 to the commissioner of revenue on or before October 1 and shall be included in the next

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

22.3 (b) For aids payable in 2018 and 2019, the total aid under section 477A.0124, subdivision
 22.4 4, is \$130,873,444. For aids payable in 2020, the total aid under section 477A.0124,
 22.5 subdivision 4, is \$143,873,444. For aids payable in 2021 and thereafter, the total aid under
 22.6 section 477A.0124, subdivision 4, is \$145,873,444. The commissioner of revenue shall
 22.7 transfer to the commissioner of management and budget \$207,000 annually for the cost of
 22.8 preparation of local impact notes as required by section 3.987, and other local government
 22.9 activities. The commissioner of revenue shall transfer to the commissioner of education
 22.10 \$7,000 annually for the cost of preparation of local impact notes for school districts as
 22.11 required by section 3.987. The commissioner of revenue shall deduct the amounts transferred
 22.12 under this paragraph from the appropriation under this paragraph. The amounts transferred
 22.13 are appropriated to the commissioner of management and budget and the commissioner of
 22.14 education respectively.

22.15 Sec. 7. Minnesota Statutes 2020, section 611.27, subdivision 9, is amended to read:

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

22.20 Sec. 8. Minnesota Statutes 2020, section 611.27, subdivision 10, is amended to read:

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

22.24 Sec. 9. Minnesota Statutes 2020, section 611.27, subdivision 11, is amended to read:

22.25 Subd. 11. **Appointment of counsel.** If the ~~court~~ state public defender finds that the
 22.26 provision of adequate legal representation, including associated services, is beyond the
 22.27 ability of the district public defender to provide, the ~~court shall order~~ state public defender
 22.28 may approve counsel to be appointed, with compensation and expenses to be paid under
 22.29 the provisions of this subdivision and subdivision 7. Counsel in such cases shall be appointed
 22.30 by the chief district public defender. ~~If the court issues an order denying the request, the~~
 22.31 ~~court shall make written findings of fact and conclusions of law. Upon denial, the chief~~

23.1 ~~district public defender may immediately appeal the order denying the request to the court~~
 23.2 ~~of appeals and may request an expedited hearing.~~

23.3 Sec. 10. Minnesota Statutes 2020, section 611.27, subdivision 13, is amended to read:

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

23.13 The costs of appointed counsel and associated services in cases arising from new criminal
 23.14 charges brought against indigent inmates who are incarcerated in a Minnesota state
 23.15 correctional facility are the responsibility of the state Board of Public Defense. In such cases
 23.16 the state public defender may follow the procedures outlined in this section for obtaining
 23.17 court-ordered counsel.

23.18 Sec. 11. Minnesota Statutes 2020, section 611.27, subdivision 15, is amended to read:

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

23.27 Sec. 12. Laws 2017, chapter 95, article 3, section 30, is amended to read:

23.28 Sec. 30. **ALTERNATIVES TO INCARCERATION PILOT PROGRAM FUND.**

23.29 (a) Agencies providing supervision to offenders on probation, parole, or supervised
 23.30 release are eligible for ~~grants~~ funding to facilitate access to community options including,
 23.31 but not limited to, inpatient chemical dependency treatment for nonviolent controlled

24.1 substance offenders to address and correct behavior that is, or is likely to result in, a technical
 24.2 violation of the conditions of release. For purposes of this section, "nonviolent controlled
 24.3 substance offender" is a person who meets the criteria described under Minnesota Statutes,
 24.4 section 244.0513, subdivision 2, clauses (1), (2), and (5), and "technical violation" means
 24.5 a violation of a court order of probation, condition of parole, or condition of supervised
 24.6 release, except an allegation of a subsequent criminal act that is alleged in a formal complaint,
 24.7 citation, or petition.

24.8 (b) The Department of Corrections shall ~~establish criteria for selecting grant recipients~~
 24.9 ~~and the amount awarded to each grant recipient~~ issue annual funding of \$160,000 to each
 24.10 recipient.

24.11 (c) ~~By January 15, 2019,~~ The commissioner of corrections shall submit ~~a~~ an annual
 24.12 report to the chairs of the house of representatives and senate committees with jurisdiction
 24.13 over public safety policy and finance by January 15 of each year. At a minimum, the report
 24.14 must include:

24.15 ~~(1) the total number of grants issued under this program;~~

24.16 ~~(2) the average amount of each grant;~~

24.17 ~~(3)~~ (1) the community services accessed as a result of the grants funding;

24.18 ~~(4)~~ (2) a summary of the type of supervision offenders were under when a grant funding
 24.19 was used to help access a community option;

24.20 ~~(5)~~ (3) the number of individuals who completed, and the number who failed to complete,
 24.21 programs accessed as a result of this grant funding; and

24.22 ~~(6)~~ (4) the number of individuals who violated the terms of release following participation
 24.23 in a program accessed as a result of this grant funding, separating technical violations and
 24.24 new criminal offenses.;

24.25 (5) the number of individuals who completed or were discharged from probation after
 24.26 participating in the program;

24.27 (6) the number of individuals identified in clause (5) who committed a new offense after
 24.28 discharge from the program;

24.29 (7) identification of barriers nonviolent controlled substance offenders face in accessing
 24.30 community services and a description of how the program navigates those barriers; and

24.31 (8) identification of gaps in existing community services for nonviolent controlled
 24.32 substance offenders.

25.1 Sec. 13. Laws 2020, Seventh Special Session chapter 2, article 2, section 4, is amended
 25.2 to read:

25.3 **Sec. 4. TRANSFER; ALCOHOL ENFORCEMENT ACCOUNT.**

25.4 ~~(a) By July 15, 2021, the commissioner of public safety must certify to the commissioner~~
 25.5 ~~of management and budget the amount of permit fees waived under section 3, clause (2),~~
 25.6 ~~during the period from January 1, 2021, to June 30, 2021, and the commissioner of~~
 25.7 ~~management and budget must transfer the certified amount from the general fund to the~~
 25.8 ~~alcohol enforcement account in the special revenue fund established under Minnesota~~
 25.9 ~~Statutes, section 299A.706.~~

25.10 ~~(b) By January 15, 2022, the commissioner of public safety must certify to the~~
 25.11 ~~commissioner of management and budget the amount of permit fees waived under section~~
 25.12 ~~3, clause (2), during the period from July 1, 2021, to December 31, 2021, and the~~
 25.13 ~~commissioner of management and budget must transfer the certified amount from the general~~
 25.14 ~~fund to the alcohol enforcement account in the special revenue fund established under~~
 25.15 ~~Minnesota Statutes, section 299A.706.~~

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

25.17 **Sec. 14. NEUROPSYCHOLOGICAL EXAMINATION FEASIBILITY STUDY.**

25.18 (a) The state court administrator shall conduct a feasibility study on requiring courts to
 25.19 order that individuals convicted of felony-level criminal offenses undergo a
 25.20 neuropsychological examination to determine whether, due to a stroke, traumatic brain
 25.21 injury, or fetal alcohol spectrum disorder, the individual had a mental impairment that caused
 25.22 the individual to lack substantial capacity for judgment when the offense was committed.

25.23 (b) In conducting the study, the administrator shall consult with interested parties,
 25.24 including but not limited to prosecutors, public defenders, private criminal defense attorneys,
 25.25 law enforcement officials, probation officers, judges and employees of the judiciary,
 25.26 corrections officials, mental health practitioners and treatment providers, individuals with
 25.27 experience in conducting neuropsychological examinations, and individuals who have
 25.28 experience in the criminal justice system with people who have suffered strokes, traumatic
 25.29 brain injuries, and fetal alcohol spectrum disorder.

25.30 (c) The study must make recommendations on whether the law should be changed to
 25.31 require these examinations and, if so, the situations and conditions under which the
 25.32 examinations should be required, including but not limited to:

- 26.1 (1) the types of offenses the requirement should apply to;
- 26.2 (2) how best to screen individuals to determine whether an examination should be
- 26.3 required;
- 26.4 (3) situations in which an examination would not be required, potentially including
- 26.5 where a recent examination had been conducted;
- 26.6 (4) the costs involved with requiring examinations and how best to pay for these costs;
- 26.7 and
- 26.8 (5) the effect examination results should have on future proceedings involving the
- 26.9 individual, including sentencing and providing treatment.
- 26.10 (d) By February 15, 2022, the state court administrator shall report to the chairs and
- 26.11 ranking minority members of the legislative committees with jurisdiction over criminal
- 26.12 justice policy and funding on the results of the study.

26.13 **Sec. 15. 911 TELECOMMUNICATOR WORKING GROUP.**

26.14 Subdivision 1. **Membership.** (a) The commissioner of public safety shall convene a 911

26.15 telecommunicator working group that consists of the commissioner or a designee and one

26.16 representative of each of the following organizations:

- 26.17 (1) the Minnesota Chiefs of Police Association;
- 26.18 (2) the Minnesota Sheriffs' Association;
- 26.19 (3) the Minnesota Police and Peace Officers Association;
- 26.20 (4) the Emergency Communications Network;
- 26.21 (5) the Minnesota State Fire Chiefs Association;
- 26.22 (6) the Association of Minnesota Counties;
- 26.23 (7) the League of Minnesota Cities;
- 26.24 (8) Tribal dispatchers;
- 26.25 (9) the Metropolitan Emergency Services Board;
- 26.26 (10) the Emergency Medical Services Regulatory Board;
- 26.27 (11) the Statewide Emergency Communications Board;
- 26.28 (12) each of the Statewide Emergency Communications Board's seven regional boards;
- 26.29 (13) mental health crisis team providers; and

27.1 (14) the Minnesota Association of Public Safety Communications Officials (MN APCO)
27.2 and the National Emergency Number Association of Minnesota (NENA of MN).

27.3 (b) The organizations specified in paragraph (a) shall provide the commissioner with a
27.4 designated member to serve on the working group by June 15, 2021. The commissioner
27.5 shall appoint these members to the working group. Appointments to the working group
27.6 must be made by July 1, 2021.

27.7 Subd. 2. **Duties; report.** The working group must submit a report to the chairs and
27.8 ranking minority members of the legislative committees with jurisdiction over public safety
27.9 policy and finance by January 15, 2022. The report must:

27.10 (1) recommend a statutory definition of 911 telecommunicators;

27.11 (2) recommend minimum training and continuing education standards for certification
27.12 of 911 telecommunicators;

27.13 (3) recommend standards for certification of 911 telecommunicators;

27.14 (4) recommend funding options for mandated 911 telecommunicators training; and

27.15 (5) provide other recommendations the working group deems appropriate.

27.16 Subd. 3. **First meeting; chair.** The commissioner of public safety must convene the
27.17 first meeting of the working group by August 1, 2021. At the first meeting, the members
27.18 must elect a chair. The working group may conduct meetings remotely. The chair shall be
27.19 responsible for document management of materials for the working group.

27.20 Subd. 4. **Compensation; reimbursement.** Members serve without compensation.

27.21 Subd. 5. **Administrative support.** The commissioner of public safety must provide
27.22 administrative support to the working group.

27.23 Subd. 6. **Expiration.** The working group expires January 15, 2022.

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

27.25 Sec. 16. **REVISOR INSTRUCTION.**

27.26 In the next edition of Minnesota Statutes, the revisor of statutes shall codify the
27.27 alternatives to incarceration pilot project under section 12 to reflect that it is a permanent
27.28 program. The revisor may make editorial and other nonsubstantive language changes to
27.29 accomplish this.

ARTICLE 3

CRIMINAL AND PUBLIC SAFETY POLICY CHANGES RELATING TO THE BUDGET

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

Subdivision 1. **Established.** The Legislative Commission on Data Practices and Personal Data Privacy is created to study issues relating to government data practices and individuals' personal data privacy rights and to review legislation impacting data practices, data security, and personal data privacy. The commission is a continuation of the commission that was established by Laws 2014, chapter 193, as amended, and which expired June 30, 2019.

Subd. 2. **Membership.** The commission consists of two senators appointed by the senate majority leader, two senators appointed by the minority leader in the senate, two members of the house of representatives appointed by the speaker, and two members of the house of representatives appointed by the minority leader in the house. Two members from each chamber must be from the majority party in that chamber and two members from each chamber must be from the minority party in that chamber. Each appointing authority must make appointments as soon as possible after the beginning of the regular legislative session in the odd-numbered year. The ranking senator from the majority party appointed to the commission must convene the first meeting of a biennium by February 15 in the odd-numbered year. The commission may elect up to four former legislators who have demonstrated an interest in, or have a history of working in, the areas of government data practices and personal data privacy to serve as nonvoting members of the commission. The former legislators must not be registered lobbyists and shall be compensated as provided under section 15.0575, subdivision 3.

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

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

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

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

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

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

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

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

29.11 Sec. 2. **[241.067] RELEASE OF INMATES; DUTIES OF COMMISSIONER.**

29.12 Subdivision 1. **Assistance relating to identification cards.** (a) Upon the request of an
 29.13 inmate, the commissioner, in collaboration with the Department of Public Safety, shall
 29.14 facilitate the provision of a state identification card to an inmate at no cost to the inmate,
 29.15 provided the inmate possesses the necessary qualifying documents to obtain the card. This
 29.16 assistance does not apply to inmates who (1) upon intake have six months or less remaining
 29.17 in their term of imprisonment, (2) already have other valid identification, (3) already have
 29.18 a valid photograph on file with the Department of Public Safety that may be used as proof
 29.19 of identity for renewing an identification document, or (4) are being imprisoned for a release
 29.20 violation.

29.21 (b) The commissioner shall inform inmates of the commissioner's duties under paragraph
 29.22 (a) upon intake and again upon the initiation of release planning.

29.23 Subd. 2. **Medications.** (a) When releasing an inmate from prison, the commissioner
 29.24 shall provide the inmate with a one-month supply of any non-narcotic medications that have
 29.25 been prescribed to the inmate and a prescription for a 30-day supply of these medications
 29.26 that may be refilled twice.

29.27 (b) Paragraph (a) applies only to the extent the requirement is consistent with clinical
 29.28 guidelines and permitted under state and federal law.

29.29 (c) Nothing in this subdivision overrides the requirements in section 244.054.

29.30 **EFFECTIVE DATE.** This section is effective September 1, 2021.

30.1 Sec. 3. **[241.068] HOMELESSNESS MITIGATION PLAN; ANNUAL REPORTING**
30.2 **ON HOMELESSNESS.**

30.3 **Subdivision 1. Homelessness mitigation plan; report.** (a) The commissioner of
30.4 corrections shall develop and implement a homelessness mitigation plan for individuals
30.5 released from prison. At minimum, the plan must include:

30.6 (1) redesigning of business practices and policies to boost efforts to prevent homelessness
30.7 for all persons released from prison;

30.8 (2) efforts to increase interagency and intergovernmental collaboration between state
30.9 and local governmental units to identify and leverage shared resources; and

30.10 (3) development of internal metrics for the agency to report on its progress towards
30.11 implementing the plan and achieving the plan's goals.

30.12 (b) The commissioner shall submit the plan to the chairs and ranking minority members
30.13 of the legislative committees having jurisdiction over criminal justice policy and finance
30.14 by October 31, 2022.

30.15 **Subd. 2. Reporting on individuals released to homelessness.** (a) By February 15 of
30.16 each year beginning in 2022, the commissioner shall report to the chairs and ranking minority
30.17 members of the legislative committees having jurisdiction over criminal justice policy and
30.18 finance and housing policy and finance the following information on adults, disaggregated
30.19 by race, gender, and county of release:

30.20 (1) the total number released to homelessness from prison;

30.21 (2) the total number released to homelessness by each Minnesota correctional facility;

30.22 (3) the total number released to homelessness by county of release; and

30.23 (4) the total number under supervised, intensive supervised, or conditional release
30.24 following release from prison who reported experiencing homelessness or a lack of housing
30.25 stability.

30.26 (b) Beginning with the 2024 report and continuing until the 2033 report, the commissioner
30.27 shall include in the report required under paragraph (a), information detailing progress,
30.28 measures, and challenges to the implementation of the homelessness mitigation plan required
30.29 by subdivision 1.

30.30 **EFFECTIVE DATE.** This section is effective July, 1, 2021.

31.1 Sec. 4. Minnesota Statutes 2020, section 244.065, is amended to read:

31.2 **244.065 PRIVATE EMPLOYMENT OF INMATES OR SPECIALIZED**
 31.3 **PROGRAMMING FOR PREGNANT INMATES OF STATE CORRECTIONAL**
 31.4 **INSTITUTIONS IN COMMUNITY.**

31.5 Subdivision 1. Work. When consistent with the public interest and the public safety,
 31.6 the commissioner of corrections may conditionally release an inmate to work at paid
 31.7 employment, seek employment, or participate in a vocational training or educational program,
 31.8 as provided in section 241.26, if the inmate has served at least one half of the term of
 31.9 imprisonment.

31.10 Subd. 2. Pregnancy. (a) In the furtherance of public interest and community safety, the
 31.11 commissioner of corrections may conditionally release:

31.12 (1) for up to one year postpartum, an inmate who gave birth within eight months of the
 31.13 date of commitment; and

31.14 (2) for the duration of the pregnancy and up to one year postpartum, an inmate who is
 31.15 pregnant.

31.16 (b) The commissioner may conditionally release an inmate under paragraph (a) to
 31.17 community-based programming for the purpose of participation in prenatal or postnatal
 31.18 care programming and to promote mother-child bonding in addition to other programming
 31.19 requirements as established by the commissioner, including evidence-based parenting skills
 31.20 programming; working at paid employment; seeking employment; or participating in
 31.21 vocational training, an educational program, or chemical dependency or mental health
 31.22 treatment services.

31.23 (c) The commissioner shall develop policy and criteria to implement this subdivision
 31.24 according to public safety and generally accepted correctional practice.

31.25 (d) By April 1 of each year, the commissioner shall report to the chairs and ranking
 31.26 minority members of the house of representatives and senate committees with jurisdiction
 31.27 over corrections on the number of inmates released and the duration of the release under
 31.28 this subdivision for the prior calendar year.

31.29 Sec. 5. Minnesota Statutes 2020, section 299C.80, subdivision 3, is amended to read:

31.30 Subd. 3. Additional duty. (a) The unit shall investigate all criminal sexual conduct
 31.31 cases;

32.1 (1) involving peace officers, including criminal sexual conduct cases involving chief
 32.2 law enforcement officers; and

32.3 (2) where a member of the Minnesota National Guard is the victim, the accused is a
 32.4 member of the Minnesota National Guard, and the incident occurred in Minnesota.

32.5 (b) The unit shall assist the agency investigating an alleged sexual assault of a member
 32.6 of the Minnesota National Guard by another member of the Minnesota National Guard that
 32.7 occurred in a jurisdiction outside of the state, if the investigating agency requests assistance
 32.8 from the unit.

32.9 (c) The unit may also investigate conflict of interest cases involving peace officers.

32.10 Sec. 6. [609.1056] MILITARY VETERAN OFFENDERS RESTORATIVE JUSTICE
 32.11 SENTENCE.

32.12 Subdivision 1. Offenses as a result of military service; presentence supervision
 32.13 procedures. (a) Except as provided for in subdivision 2, paragraph (f), in the case of a
 32.14 person charged with a criminal offense that is either Severity Level 7, D7, or lower in the
 32.15 Minnesota Sentencing Guidelines, including misdemeanor or gross misdemeanor offenses,
 32.16 who could otherwise be sentenced to county jail or state prison and who alleges that the
 32.17 offense was committed as a result of sexual trauma, traumatic brain injury, post-traumatic
 32.18 stress disorder, substance abuse, or mental health conditions stemming from service in the
 32.19 United States military, the court shall, prior to entering a plea of guilty, make a determination
 32.20 as to whether the defendant was, or currently is, a member of the United States military and
 32.21 whether the defendant may be suffering from sexual trauma, traumatic brain injury,
 32.22 post-traumatic stress disorder, substance abuse, or mental health conditions as a result of
 32.23 that person's service. The court may request, through existing resources, an assessment to
 32.24 aid in that determination.

32.25 (b) A defendant who requests to be sentenced under this section shall release or authorize
 32.26 access to military service reports and records relating to the alleged conditions stemming
 32.27 from service in the United States military. The records shall be filed as confidential and
 32.28 remain sealed, except as provided for in this paragraph. The defendant, through existing
 32.29 records or licensed professional evaluation, shall establish the diagnosis of the condition
 32.30 and its connection to military service. The court, on the prosecutor's motion with notice to
 32.31 defense counsel, may order the defendant to furnish to the court for in camera review or to
 32.32 the prosecutor copies of all medical and military service reports and records previously or
 32.33 subsequently made concerning the defendant's condition and its connection to service. Based
 32.34 on the record, the court shall make findings on whether, by clear and convincing evidence,

33.1 the defendant suffers from a diagnosable condition and whether that condition stems from
33.2 service in the United States military. Within 15 days of the court's findings, either party
33.3 may file a challenge to the findings and demand a hearing on the defendant's eligibility
33.4 under this section.

33.5 If the court determines that a defendant suffers from a substance abuse disorder, the court
33.6 shall order a Rule 25 assessment under Minnesota Rules, part 9530.6615, and follow the
33.7 recommendations contained in the assessment. If the court determines that a defendant
33.8 suffers from post-traumatic stress disorder, traumatic brain injury, or other mental health
33.9 conditions, the court shall order a mental health assessment conducted by a licensed mental
33.10 health professional and follow the recommendations contained in the examiner's report.

33.11 (c) If the court concludes that a defendant who entered a plea of guilty to a criminal
33.12 offense is a person described in this subdivision or the parties stipulate to eligibility, and if
33.13 the defendant is otherwise eligible for probation, the court shall, upon the defendant entering
33.14 a plea of guilty, without entering a judgment of guilty and with the consent of the defendant,
33.15 prosecutor, and victim, defer further proceedings and place the defendant on probation upon
33.16 such reasonable conditions as it may require and for a period not to exceed the maximum
33.17 sentence provided for the violation unless extended by the court to complete treatment as
33.18 per section 609.135, subdivision 2, paragraph (h). If the veteran has previously received a
33.19 stay of adjudication for a felony offense under this section, the court may in its discretion
33.20 sentence consistent with this section or deny the use of this section on subsequent felony
33.21 offenses. If the court denies a stay of adjudication on this basis, the court may sentence
33.22 pursuant to the guidelines, application or waiver of statutory mandatory minimums, or a
33.23 departure pursuant to subdivision 2, paragraph (d).

33.24 (d) Upon violation of a condition of the probation, the court may enter an adjudication
33.25 of guilt and proceed as otherwise provided by law, including sentencing pursuant to the
33.26 guidelines, application or waiver of statutory mandatory minimums, or a departure pursuant
33.27 to subdivision 2, paragraph (d).

33.28 (e) As a condition of probation, the court may order the defendant to attend a local, state,
33.29 federal, or private nonprofit treatment program for a period not to exceed that period which
33.30 the defendant would have served in state prison or county jail, provided the court determines
33.31 that an appropriate treatment program exists. Pursuant to section 609.135, subdivision 2,
33.32 paragraph (h), the court may extend an offender's probation if the offender has not completed
33.33 court-ordered treatment.

34.1 (f) The court, in making an order under this section to order a defendant to attend an
34.2 established treatment program, shall give preference to a treatment program that has a history
34.3 of successfully treating veterans who suffer from sexual trauma, traumatic brain injury,
34.4 post-traumatic stress disorder, substance abuse, or mental health conditions as a result of
34.5 that service, including but not limited to programs operated by the United States Department
34.6 of Defense or Veterans Affairs. If an appropriate treatment provider is not available in the
34.7 offender's county of residence or public funding is not available, the Minnesota Department
34.8 of Veterans Affairs shall coordinate with the United States Department of Veterans Affairs
34.9 to locate an appropriate treatment program and sources to fund the cost of the offender's
34.10 participation in the program.

34.11 (g) The court and the assigned treatment program shall, when available, collaborate with
34.12 the county veterans service officer and the United States Department of Veterans Affairs
34.13 to maximize benefits and services provided to the veteran.

34.14 (h) If available in the county or judicial district having jurisdiction over the case, the
34.15 defendant may be supervised by the veterans treatment court program under subdivision 3.
34.16 If there is a veterans treatment court that meets the requirements of subdivision 3 in the
34.17 county in which the defendant resides or works, supervision of the defendant may be
34.18 transferred to that county or judicial district veterans treatment court program. If the defendant
34.19 successfully completes the veterans treatment court program in the supervising jurisdiction,
34.20 that jurisdiction shall sentence the defendant under this section. If the defendant is
34.21 unsuccessful in the veterans treatment court program, the defendant's supervision shall be
34.22 returned to the jurisdiction that initiated the transfer for standard sentencing.

34.23 (i) Sentencing pursuant to this section waives any right to administrative review pursuant
34.24 to section 169A.53, subdivision 1, or judicial review pursuant to section 169A.53, subdivision
34.25 2, for a license revocation or cancellation imposed pursuant to section 169A.52, and also
34.26 waives any right to administrative review pursuant to section 171.177, subdivision 10, or
34.27 judicial review pursuant to section 171.177, subdivision 11, for a license revocation or
34.28 cancellation imposed pursuant to section 171.177, if that license revocation or cancellation
34.29 is the result of the same incident that is being sentenced.

34.30 Subd. 2. **Restorative justice for military veterans; dismissal of charges.** (a) It is in
34.31 the interest of justice to restore a defendant who acquired a criminal record due to a mental
34.32 health condition stemming from service in the United States military to the community of
34.33 law-abiding citizens. The restorative provisions of this subdivision apply to cases in which
34.34 a court monitoring the defendant's performance of probation under this section finds by
34.35 clear and convincing evidence at a public hearing, held after not less than 15 days' notice

35.1 to the prosecution, the defense, and any victim of the offense, that all of the following
35.2 describe the defendant:

35.3 (1) the defendant was granted probation and was a person eligible under subdivision 1
35.4 at the time that probation was granted;

35.5 (2) the defendant is in compliance with the conditions of that probation;

35.6 (3) the defendant has successfully completed court-ordered treatment and services to
35.7 address the sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance
35.8 abuse, or mental health conditions stemming from military service;

35.9 (4) the defendant does not represent a danger to the health and safety of others including
35.10 any victims; and

35.11 (5) the defendant has demonstrated significant benefit from court-ordered education,
35.12 treatment, or rehabilitation to clearly show that granting restorative relief pursuant to this
35.13 subdivision would be in the interest of justice.

35.14 (b) When determining whether granting restorative relief under this subdivision is in
35.15 the interest of justice, the court may consider, among other factors, all of the following:

35.16 (1) the defendant's completion and degree of participation in education, treatment, and
35.17 rehabilitation as ordered by the court;

35.18 (2) the defendant's progress in formal education;

35.19 (3) the defendant's development of career potential;

35.20 (4) the defendant's leadership and personal responsibility efforts;

35.21 (5) the defendant's contribution of service in support of the community;

35.22 (6) the level of harm to the community from the offense; and

35.23 (7) the level of harm to the victim from the offense with the court's determination of
35.24 harm guided by the factors for evaluating injury and loss contained in the applicable victim's
35.25 rights provisions of chapter 611A.

35.26 (c) If the court finds that a case satisfies each of the requirements described in paragraph
35.27 (a), then upon expiration of the period of probation the court shall discharge the defendant
35.28 and dismiss the proceedings against that defendant. Discharge and dismissal under this
35.29 subdivision shall be without court adjudication of guilt. The court shall maintain a public
35.30 record of the discharge and dismissal.

36.1 (d) If the court finds that a defendant placed on probation under subdivision 1 does not
 36.2 satisfy each of the requirements described in paragraph (a), the court shall enter an
 36.3 adjudication of guilt and proceed as otherwise provided by law, including sentencing pursuant
 36.4 to the guidelines, application or waiver of statutory mandatory minimums, or a departure
 36.5 pursuant to paragraph (e).

36.6 (e) If the charge to which the defendant entered a plea of guilty is listed under subdivision
 36.7 1, paragraph (a), and is for an offense that is a presumptive commitment to state
 36.8 imprisonment, the court may use the factors of paragraph (a) to justify a dispositional
 36.9 departure or any appropriate sentence, including the application or waiver of statutory
 36.10 mandatory minimums. If the court finds that paragraph (a), clauses (1) to (5), factors, the
 36.11 defendant is presumed amenable to probation.

36.12 (f) This subdivision does not apply to an offense for which registration is required under
 36.13 section 243.166, subdivision 1b, a crime of violence as defined in section 624.712,
 36.14 subdivision 5, or a gross misdemeanor or felony-level domestic violence offense.

36.15 **Subd. 3. Optional veterans treatment court program; procedures for eligible**
 36.16 **defendants.** (a) A county or judicial district may supervise probation under this section
 36.17 through a veterans treatment court using county veterans service officers appointed under
 36.18 sections 197.60 to 197.606, United States Department of Veterans Affairs veterans justice
 36.19 outreach specialists, probation agents, and any other rehabilitative resources available to
 36.20 the court.

36.21 (b) "Veterans treatment court program" means a program that has the following essential
 36.22 characteristics:

36.23 (1) the integration of services in the processing of cases in the judicial system;

36.24 (2) the use of a nonadversarial approach involving prosecutors and defense attorneys to
 36.25 promote public safety and to protect the due process rights of program participants;

36.26 (3) early identification and prompt placement of eligible participants in the program;

36.27 (4) access to a continuum of alcohol, controlled substance, mental health, and other
 36.28 related treatment and rehabilitative services;

36.29 (5) careful monitoring of treatment and services provided to program participants;

36.30 (6) a coordinated strategy to govern program responses to participants' compliance;

36.31 (7) ongoing judicial interaction with program participants;

36.32 (8) monitoring and evaluation of program goals and effectiveness;

37.1 (9) continuing interdisciplinary education to promote effective program planning,
 37.2 implementation, and operations;

37.3 (10) development of partnerships with public agencies and community organizations,
 37.4 including the United States Department of Veterans Affairs; and

37.5 (11) inclusion of a participant's family members who agree to be involved in the treatment
 37.6 and services provided to the participant under the program.

37.7 Subd. 4. **Creation of county and city diversion programs; authorization.** Any county
 37.8 or city may establish and operate a veterans pretrial diversion program for offenders eligible
 37.9 under subdivision 1 without penalty under section 477A.0175. "Pretrial diversion" means
 37.10 the decision of a prosecutor to refer an offender to a diversion program on condition that
 37.11 the criminal charges against the offender shall be dismissed after a specified period of time,
 37.12 or the case shall not be charged, if the offender successfully completes the program of
 37.13 treatment recommended by the United States Department of Veterans Affairs or a local,
 37.14 state, federal, or private nonprofit treatment program.

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

37.16 Sec. 7. Minnesota Statutes 2020, section 609.1095, subdivision 1, is amended to read:

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

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

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

37.25 (d) "Violent crime" means a violation of or an attempt or conspiracy to violate any of
 37.26 the following laws of this state or any similar laws of the United States or any other state:
 37.27 sections 152.137; 609.165; 609.185; 609.19; 609.195; 609.20; 609.205; 609.2112; 609.2113;
 37.28 609.2114; 609.221; 609.222; 609.223; 609.228; 609.235; 609.24; 609.245; 609.25; 609.255;
 37.29 609.2661; 609.2662; 609.2663; 609.2664; 609.2665; 609.267; 609.2671; 609.268; 609.322;
 37.30 609.342; 609.343; 609.344; 609.345; 609.498, subdivision 1; 609.561; 609.562; 609.582,
 37.31 subdivision 1; 609.66, subdivision 1e; 609.687; and 609.855, subdivision 5; any provision
 37.32 of sections 609.229; 609.377; 609.378; 609.749; and 624.713 that is punishable by a felony

38.1 penalty; or any provision of chapter 152 that is punishable by a maximum sentence of 15
 38.2 years or more; or Minnesota Statutes 2012, section 609.21.

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

38.4 Sec. 8. Minnesota Statutes 2020, section 609.131, subdivision 2, is amended to read:

38.5 Subd. 2. **Certain violations excepted.** Subdivision 1 does not apply to a misdemeanor
 38.6 violation of section 169A.20; 171.09, subdivision 1, paragraph (g); 171.306, subdivision
 38.7 6; 609.224; 609.2242; 609.226; ~~609.324, subdivision 3;~~ 609.52; or 617.23, or an ordinance
 38.8 that conforms in substantial part to any of those sections. A violation described in this
 38.9 subdivision must be treated as a misdemeanor unless the defendant consents to the
 38.10 certification of the violation as a petty misdemeanor.

38.11 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes
 38.12 committed on or after that date.

38.13 Sec. 9. Minnesota Statutes 2020, section 609.322, subdivision 1, is amended to read:

38.14 Subdivision 1. **Solicitation, inducement, and promotion of prostitution; sex trafficking**
 38.15 **in the first degree.** (a) Whoever, while acting other than as a prostitute or patron,
 38.16 intentionally does any of the following may be sentenced to imprisonment for not more
 38.17 than ~~20~~ 25 years or to payment of a fine of not more than \$50,000, or both:

38.18 (1) solicits or induces an individual under the age of 18 years to practice prostitution;

38.19 (2) promotes the prostitution of an individual under the age of 18 years;

38.20 (3) receives profit, knowing or having reason to know that it is derived from the
 38.21 prostitution, or the promotion of the prostitution, of an individual under the age of 18 years;
 38.22 or

38.23 (4) engages in the sex trafficking of an individual under the age of 18 years.

38.24 (b) Whoever violates paragraph (a) or subdivision 1a may be sentenced to imprisonment
 38.25 for not more than ~~25~~ 30 years or to payment of a fine of not more than \$60,000, or both, if
 38.26 one or more of the following aggravating factors are present:

38.27 (1) the offender has committed a prior qualified human trafficking-related offense;

38.28 (2) the offense involved a sex trafficking victim who suffered bodily harm during the
 38.29 commission of the offense;

39.1 (3) the time period that a sex trafficking victim was held in debt bondage or forced labor
39.2 or services exceeded 180 days; or

39.3 (4) the offense involved more than one sex trafficking victim.

39.4 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes
39.5 committed on or after that date.

39.6 Sec. 10. Minnesota Statutes 2020, section 609.322, subdivision 1a, is amended to read:

39.7 Subd. 1a. **Solicitation, inducement, and promotion of prostitution; sex trafficking**
39.8 **in the second degree.** Whoever, while acting other than as a prostitute or patron, intentionally
39.9 does any of the following may be sentenced to imprisonment for not more than ~~15~~ 20 years
39.10 or to payment of a fine of not more than \$40,000, or both:

39.11 (1) solicits or induces an individual to practice prostitution;

39.12 (2) promotes the prostitution of an individual;

39.13 (3) receives profit, knowing or having reason to know that it is derived from the
39.14 prostitution, or the promotion of the prostitution, of an individual; or

39.15 (4) engages in the sex trafficking of an individual.

39.16 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes
39.17 committed on or after that date.

39.18 Sec. 11. Minnesota Statutes 2020, section 609.324, subdivision 2, is amended to read:

39.19 Subd. 2. **Patrons of prostitution in public place; penalty for patrons.** (a) Whoever,
39.20 while acting as a patron, intentionally does any of the following ~~while in a public place~~ is
39.21 guilty of a gross misdemeanor:

39.22 (1) engages in prostitution with an individual 18 years of age or older; or

39.23 (2) hires, offers to hire, or agrees to hire an individual 18 years of age or older to engage
39.24 in sexual penetration or sexual contact.

39.25 Except as otherwise provided in subdivision 4, a person who is convicted of violating this
39.26 subdivision must, at a minimum, be sentenced to pay a fine of at least \$1,500.

39.27 (b) Whoever violates the provisions of this subdivision within ten years of a previous
39.28 conviction for violating this section or section 609.322 is guilty of a felony and may be
39.29 sentenced to imprisonment for not more than five years or to payment of a fine of not more
39.30 than \$10,000, or both.

40.1 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes
 40.2 committed on or after that date.

40.3 Sec. 12. Minnesota Statutes 2020, section 609.324, subdivision 4, is amended to read:

40.4 Subd. 4. **Community service in lieu of minimum fine.** The court may order a person
 40.5 convicted of violating subdivision 2 ~~or 3~~ to perform community work service in lieu of all
 40.6 or a portion of the minimum fine required under those subdivisions if the court makes
 40.7 specific, written findings that the convicted person is indigent or that payment of the fine
 40.8 would create undue hardship for the convicted person or that person's immediate family.
 40.9 Community work service ordered under this subdivision is in addition to any mandatory
 40.10 community work service ordered under subdivision 3.

40.11 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes
 40.12 committed on or after that date.

40.13 Sec. 13. Minnesota Statutes 2020, section 609.3241, is amended to read:

40.14 **609.3241 PENALTY ASSESSMENT AUTHORIZED.**

40.15 (a) When a court sentences an adult convicted of violating section 609.27, 609.282,
 40.16 609.283, 609.322, 609.324, 609.33, 609.352, 617.246, 617.247, or 617.293, while acting
 40.17 other than as a prostitute, the court shall impose an assessment of not less than \$500 and
 40.18 not more than \$750 for a misdemeanor violation of section 609.27, a violation of section
 40.19 609.324, subdivision 2, ~~a misdemeanor violation of section 609.324, subdivision 3~~, a violation
 40.20 of section 609.33, or a violation of section 617.293; otherwise the court shall impose an
 40.21 assessment of not less than \$750 and not more than \$1,000. The assessment shall be
 40.22 distributed as provided in paragraph (c) and is in addition to the surcharge required by
 40.23 section 357.021, subdivision 6.

40.24 (b) The court may not waive payment of the minimum assessment required by this
 40.25 section. If the defendant qualifies for the services of a public defender or the court finds on
 40.26 the record that the convicted person is indigent or that immediate payment of the assessment
 40.27 would create undue hardship for the convicted person or that person's immediate family,
 40.28 the court may reduce the amount of the minimum assessment to not less than \$100. The
 40.29 court also may authorize payment of the assessment in installments.

40.30 (c) The assessment collected under paragraph (a) must be distributed as follows:

40.31 (1) 40 percent of the assessment shall be forwarded to the political subdivision that
 40.32 employs the arresting officer for use in enforcement, training, and education activities related

41.1 to combating sexual exploitation of youth, or if the arresting officer is an employee of the
41.2 state, this portion shall be forwarded to the commissioner of public safety for those purposes
41.3 identified in clause (3);

41.4 (2) 20 percent of the assessment shall be forwarded to the prosecuting agency that handled
41.5 the case for use in training and education activities relating to combating sexual exploitation
41.6 activities of youth; and

41.7 (3) 40 percent of the assessment must be forwarded to the commissioner of health to be
41.8 deposited in the safe harbor for youth account in the special revenue fund and are
41.9 appropriated to the commissioner for distribution to crime victims services organizations
41.10 that provide services to sexually exploited youth, as defined in section 260C.007, subdivision
41.11 31.

41.12 (d) A safe harbor for youth account is established as a special account in the state treasury.

41.13 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes
41.14 committed on or after that date.

41.15 Sec. 14. Minnesota Statutes 2020, section 609.3459, is amended to read:

41.16 **609.3459 LAW ENFORCEMENT; REPORTS OF SEXUAL ASSAULTS.**

41.17 (a) A victim of any violation of sections 609.342 to 609.3453 may initiate a law
41.18 enforcement investigation by contacting any law enforcement agency, regardless of where
41.19 the crime may have occurred. The agency must prepare a summary of the allegation and
41.20 provide the person with a copy of it. The agency must begin an investigation of the facts,
41.21 or, if the suspected crime was committed in a different jurisdiction, refer the matter along
41.22 with the summary to the law enforcement agency where the suspected crime was committed
41.23 for an investigation of the facts. If the agency learns that both the victim and the accused
41.24 are members of the Minnesota National Guard, the agency receiving the report must refer
41.25 the matter along with the summary to the Bureau of Criminal Apprehension for investigation
41.26 pursuant to section 299C.80.

41.27 (b) If a law enforcement agency refers the matter to the law enforcement agency where
41.28 the crime was committed, it need not include the allegation as a crime committed in its
41.29 jurisdiction for purposes of information that the agency is required to provide to the
41.30 commissioner of public safety pursuant to section 299C.06, but must confirm that the other
41.31 law enforcement agency has received the referral.

42.1 Sec. 15. Minnesota Statutes 2020, section 609.352, subdivision 4, is amended to read:

42.2 Subd. 4. **Penalty.** A person convicted under subdivision 2 or 2a is guilty of a felony and
42.3 may be sentenced to imprisonment for not more than ~~three~~ five years, or to payment of a
42.4 fine of not more than ~~\$5,000~~ \$10,000, or both.

42.5 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes
42.6 committed on or after that date.

42.7 Sec. 16. **[609.3775] CHILD TORTURE.**

42.8 Subdivision 1. **Definition.** As used in this section, "torture" means the intentional
42.9 infliction of extreme mental anguish, or extreme psychological or physical abuse, when
42.10 committed in an especially depraved manner.

42.11 Subd. 2. **Crime.** A person who tortures a child is guilty of a felony and may be sentenced
42.12 to imprisonment for not more than 25 years or to payment of a fine of not more than \$35,000,
42.13 or both.

42.14 Subd. 3. **Proof; evidence.** (a) Expert testimony as to the existence or extent of mental
42.15 anguish or psychological abuse is not a requirement for a conviction under this section.

42.16 (b) A child's special susceptibility to mental anguish or psychological abuse does not
42.17 constitute an independent cause of the condition so that a defendant is exonerated from
42.18 criminal liability.

42.19 (c) Proof that a victim suffered pain is not an element of a violation of this section.

42.20 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes
42.21 committed on or after that date.

42.22 Sec. 17. Minnesota Statutes 2020, section 609.605, subdivision 2, is amended to read:

42.23 Subd. 2. **Gross misdemeanor.** Whoever trespasses upon the grounds of a facility
42.24 providing emergency shelter services for battered women, as defined under section 611A.31,
42.25 subdivision 3, or providing comparable services for sex trafficking victims, as defined under
42.26 section 609.321, subdivision 7b, or of a facility providing transitional housing for battered
42.27 women and their children or sex trafficking victims and their children, without claim of
42.28 right or consent of one who has right to give consent, and refuses to depart from the grounds
42.29 of the facility on demand of one who has right to give consent, is guilty of a gross
42.30 misdemeanor.

43.1 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes
43.2 committed on or after that date.

43.3 Sec. 18. **INITIAL APPOINTMENTS AND MEETINGS.**

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

43.8 Sec. 19. **SENTENCING GUIDELINES COMPREHENSIVE REVIEW.**

43.9 The Sentencing Guidelines Commission shall comprehensively review and consider
43.10 modifying how the Sentencing Guidelines and the sex offender grid address the crimes
43.11 described in Minnesota Statutes, section 609.322.

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

43.13 Sec. 20. **SENTENCING GUIDELINES COMMISSION DIRECTED TO INCREASE**
43.14 **THE RANKINGS FOR CERTAIN CHILD PORNOGRAPHY CRIMES.**

43.15 The Sentencing Guidelines Commission is directed to increase the severity rankings on
43.16 the sex offender grid for a violation of Minnesota Statutes, section 617.247, subdivision 3,
43.17 paragraph (b), from severity level D to C, and subdivision 4, paragraph (b), from severity
43.18 level F to E, consistent with the recommendations contained in the minority report in the
43.19 commission's 2021 report to the legislature. The other modifications to the grid relating to
43.20 child pornography crimes proposed in the main report are adopted.

43.21 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes
43.22 committed on or after that date.

43.23 Sec. 21. **REPEALER.**

43.24 Minnesota Statutes 2020, section 609.324, subdivision 3, is repealed.

43.25 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes
43.26 committed on or after that date.

44.1 **ARTICLE 4**44.2 **CRIMINAL SEXUAL CONDUCT CHANGES**

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

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

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

44.10 2. Ramsey; 26 judges;

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

44.14 4. Hennepin; 60 judges;

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

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

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

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

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

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

45.1 Sec. 2. Minnesota Statutes 2020, section 243.166, subdivision 1b, is amended to read:

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

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

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

45.8 (ii) kidnapping under section 609.25;

45.9 (iii) criminal sexual conduct under section 609.342; 609.343; 609.344; 609.345; 609.3451,
45.10 subdivision 3; or 609.3453;

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

45.12 (v) surreptitious intrusion under the circumstances described in section 609.746,
45.13 subdivision 1, paragraph (f);

45.14 (2) the person was charged with or petitioned for a violation of, or attempt to violate, or
45.15 aiding, abetting, or conspiring to commit any of the following and convicted of or adjudicated
45.16 delinquent for that offense or another offense arising out of the same set of circumstances:

45.17 (i) criminal abuse in violation of section 609.2325, subdivision 1, paragraph (b);

45.18 (ii) false imprisonment in violation of section 609.255, subdivision 2;

45.19 (iii) solicitation, inducement, or promotion of the prostitution of a minor or engaging in
45.20 the sex trafficking of a minor in violation of section 609.322;

45.21 (iv) a prostitution offense in violation of section 609.324, subdivision 1, paragraph (a);

45.22 (v) soliciting a minor to engage in sexual conduct in violation of section 609.352,
45.23 subdivision 2 or 2a, clause (1);

45.24 (vi) using a minor in a sexual performance in violation of section 617.246; or

45.25 (vii) possessing pornographic work involving a minor in violation of section 617.247;

45.26 (3) the person was sentenced as a patterned sex offender under section 609.3455,
45.27 subdivision 3a; or

45.28 (4) the person was charged with or petitioned for, including pursuant to a court martial,
45.29 violating a law of the United States, including the Uniform Code of Military Justice, similar

46.1 to the offenses described in clause (1), (2), or (3), and convicted of or adjudicated delinquent
46.2 for that offense or another offense arising out of the same set of circumstances.

46.3 Notwithstanding clause (1), item (iii), a person is not required to register based on conduct
46.4 described in section 609.3451, subdivision 3, paragraph (a), unless the person has previously
46.5 been convicted of violating section 609.342; 609.343; 609.344; 609.345; 609.3451; 609.3453;
46.6 617.23, subdivision 2, clause (2), or 3; or 617.247.

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

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

46.12 (2) the person enters this state to reside, work, or attend school, or enters this state and
46.13 remains for 14 days or longer or for an aggregate period of time exceeding 30 days during
46.14 any calendar year; and

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

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

46.24 (c) A person also shall register under this section if the person was committed pursuant
46.25 to a court commitment order under Minnesota Statutes 2012, section 253B.185, chapter
46.26 253D, Minnesota Statutes 1992, section 526.10, or a similar law of another state or the
46.27 United States, regardless of whether the person was convicted of any offense.

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

46.29 (1) the person was charged with or petitioned for a felony violation or attempt to violate
46.30 any of the offenses listed in paragraph (a), clause (1), or a similar law of another state or
46.31 the United States, or the person was charged with or petitioned for a violation of any of the
46.32 offenses listed in paragraph (a), clause (2), or a similar law of another state or the United
46.33 States;

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

47.4 (3) the person was committed pursuant to a court commitment order under section
 47.5 253B.18 or a similar law of another state or the United States.

47.6 Sec. 3. Minnesota Statutes 2020, section 609.2325, is amended to read:

47.7 **609.2325 CRIMINAL ABUSE.**

47.8 Subdivision 1. **Crimes.** ~~(a)~~ A caregiver who, with intent to produce physical or mental
 47.9 pain or injury to a vulnerable adult, subjects a vulnerable adult to any aversive or deprivation
 47.10 procedure, unreasonable confinement, or involuntary seclusion, is guilty of criminal abuse
 47.11 and may be sentenced as provided in subdivision 3.

47.12 This ~~paragraph~~ subdivision does not apply to therapeutic conduct.

47.13 ~~(b) A caregiver, facility staff person, or person providing services in a facility who~~
 47.14 ~~engages in sexual contact or penetration, as defined in section 609.341, under circumstances~~
 47.15 ~~other than those described in sections 609.342 to 609.345, with a resident, patient, or client~~
 47.16 ~~of the facility is guilty of criminal abuse and may be sentenced as provided in subdivision~~
 47.17 ~~3.~~

47.18 Subd. 2. **Exemptions.** For the purposes of this section, a vulnerable adult is not abused
 47.19 for the sole reason that:

47.20 (1) the vulnerable adult or a person with authority to make health care decisions for the
 47.21 vulnerable adult under sections 144.651, 144A.44, chapter 145B, 145C, or 252A, or sections
 47.22 253B.03 or 524.5-101 to 524.5-502, refuses consent or withdraws consent, consistent with
 47.23 that authority and within the boundary of reasonable medical practice, to any therapeutic
 47.24 conduct, including any care, service, or procedure to diagnose, maintain, or treat the physical
 47.25 or mental condition of the vulnerable adult or, where permitted under law, to provide nutrition
 47.26 and hydration parenterally or through intubation; this paragraph does not enlarge or diminish
 47.27 rights otherwise held under law by:

47.28 (i) a vulnerable adult or a person acting on behalf of a vulnerable adult, including an
 47.29 involved family member, to consent to or refuse consent for therapeutic conduct; or

47.30 (ii) a caregiver to offer or provide or refuse to offer or provide therapeutic conduct; or

47.31 (2) the vulnerable adult, a person with authority to make health care decisions for the
 47.32 vulnerable adult, or a caregiver in good faith selects and depends upon spiritual means or

48.1 prayer for treatment or care of disease or remedial care of the vulnerable adult in lieu of
 48.2 medical care, provided that this is consistent with the prior practice or belief of the vulnerable
 48.3 adult or with the expressed intentions of the vulnerable adult; ~~or,~~

48.4 ~~(3) the vulnerable adult, who is not impaired in judgment or capacity by mental or~~
 48.5 ~~emotional dysfunction or undue influence, engages in consensual sexual contact with: (i) a~~
 48.6 ~~person, including a facility staff person, when a consensual sexual personal relationship~~
 48.7 ~~existed prior to the caregiving relationship; or (ii) a personal care attendant, regardless of~~
 48.8 ~~whether the consensual sexual personal relationship existed prior to the caregiving~~
 48.9 ~~relationship.~~

48.10 Subd. 3. **Penalties.** ~~(a)~~ A person who violates subdivision 1, ~~paragraph (a),~~ may be
 48.11 sentenced as follows:

48.12 (1) if the act results in the death of a vulnerable adult, imprisonment for not more than
 48.13 15 years or payment of a fine of not more than \$30,000, or both;

48.14 (2) if the act results in great bodily harm, imprisonment for not more than ten years or
 48.15 payment of a fine of not more than \$20,000, or both;

48.16 (3) if the act results in substantial bodily harm or the risk of death, imprisonment for not
 48.17 more than five years or payment of a fine of not more than \$10,000, or both; or

48.18 (4) in other cases, imprisonment for not more than one year or payment of a fine of not
 48.19 more than \$3,000, or both.

48.20 ~~(b) A person who violates subdivision 1, paragraph (b), may be sentenced to imprisonment~~
 48.21 ~~for not more than one year or to payment of a fine of not more than \$3,000, or both.~~

48.22 Sec. 4. Minnesota Statutes 2020, section 609.341, subdivision 3, is amended to read:

48.23 Subd. 3. **Force.** "Force" means either: (1) the infliction; by the actor of bodily harm; or
 48.24 (2) the attempted infliction, or threatened infliction by the actor of bodily harm or commission
 48.25 or threat of any other crime by the actor against the complainant or another, which (a) causes
 48.26 the complainant to reasonably believe that the actor has the present ability to execute the
 48.27 threat and (b) if the actor does not have a significant relationship to the complainant, also
 48.28 causes the complainant to submit.

48.29 Sec. 5. Minnesota Statutes 2020, section 609.341, subdivision 7, is amended to read:

48.30 Subd. 7. **Mentally incapacitated.** "Mentally incapacitated" means:

49.1 (1) that a person under the influence of alcohol, a narcotic, anesthetic, or any other
 49.2 substance, administered to that person without the person's agreement, lacks the judgment
 49.3 to give a reasoned consent to sexual contact or sexual penetration; or

49.4 (2) that a person is under the influence of any substance or substances to a degree that
 49.5 renders them incapable of consenting or incapable of appreciating, understanding, or
 49.6 controlling the person's conduct.

49.7 Sec. 6. Minnesota Statutes 2020, section 609.341, subdivision 11, is amended to read:

49.8 Subd. 11. **Sexual contact.** (a) "Sexual contact," for the purposes of sections 609.343,
 49.9 subdivision 1, clauses (a) to ~~(f)~~ (e), and subdivision 1a, clauses (a) to (f) and (i), and 609.345,
 49.10 subdivision 1, clauses (a) to ~~(e)~~ (d) and ~~(h)~~ (i), and subdivision 1a, clauses (a) to (e),
 49.11 (h), and (i), includes any of the following acts committed without the complainant's consent,
 49.12 except in those cases where consent is not a defense, and committed with sexual or aggressive
 49.13 intent:

49.14 (i) the intentional touching by the actor of the complainant's intimate parts, or

49.15 (ii) the touching by the complainant of the actor's, the complainant's, or another's intimate
 49.16 parts effected by a person in a current or recent position of authority, or by coercion, or by
 49.17 inducement if the complainant is under ~~13~~ 14 years of age or mentally impaired, or

49.18 (iii) the touching by another of the complainant's intimate parts effected by coercion or
 49.19 by a person in a current or recent position of authority, or

49.20 (iv) in any of the cases above, the touching of the clothing covering the immediate area
 49.21 of the intimate parts, or

49.22 (v) the intentional touching with seminal fluid or sperm by the actor of the complainant's
 49.23 body or the clothing covering the complainant's body.

49.24 (b) "Sexual contact," for the purposes of sections 609.343, subdivision ~~1~~ 1a, clauses (g)
 49.25 and (h), and 609.345, subdivision ~~1~~ 1a, clauses (f) and (g), includes any of the following
 49.26 acts committed with sexual or aggressive intent:

49.27 (i) the intentional touching by the actor of the complainant's intimate parts;

49.28 (ii) the touching by the complainant of the actor's, the complainant's, or another's intimate
 49.29 parts;

49.30 (iii) the touching by another of the complainant's intimate parts;

50.1 (iv) in any of the cases listed above, touching of the clothing covering the immediate
50.2 area of the intimate parts; or

50.3 (v) the intentional touching with seminal fluid or sperm by the actor of the complainant's
50.4 body or the clothing covering the complainant's body.

50.5 (c) "Sexual contact with a person under ~~13~~ 14" means the intentional touching of the
50.6 complainant's bare genitals or anal opening by the actor's bare genitals or anal opening with
50.7 sexual or aggressive intent or the touching by the complainant's bare genitals or anal opening
50.8 of the actor's or another's bare genitals or anal opening with sexual or aggressive intent.

50.9 Sec. 7. Minnesota Statutes 2020, section 609.341, subdivision 12, is amended to read:

50.10 Subd. 12. **Sexual penetration.** "Sexual penetration" means any of the following acts
50.11 committed without the complainant's consent, except in those cases where consent is not a
50.12 defense, whether or not emission of semen occurs:

50.13 (1) sexual intercourse, cunnilingus, fellatio, or anal intercourse; or

50.14 (2) any intrusion however slight into the genital or anal openings:

50.15 (i) of the complainant's body by any part of the actor's body or any object used by the
50.16 actor for this purpose;

50.17 (ii) of the complainant's body by any part of the body of the complainant, by any part
50.18 of the body of another person, or by any object used by the complainant or another person
50.19 for this purpose, when effected by a person in a current or recent position of authority, or
50.20 by coercion, or by inducement if the child is under ~~13~~ 14 years of age or mentally impaired;
50.21 or

50.22 (iii) of the body of the actor or another person by any part of the body of the complainant
50.23 or by any object used by the complainant for this purpose, when effected by a person in a
50.24 current or recent position of authority, or by coercion, or by inducement if the child is under
50.25 ~~13~~ 14 years of age or mentally impaired.

50.26 Sec. 8. Minnesota Statutes 2020, section 609.341, subdivision 14, is amended to read:

50.27 Subd. 14. **Coercion.** "Coercion" means the use by the actor of words or circumstances
50.28 that cause the complainant reasonably to fear ~~that the actor will inflict~~ the infliction of bodily
50.29 harm upon the complainant or another, or the use by the actor of confinement, or superior
50.30 size or strength, against the complainant ~~that causes the complainant to submit to sexual~~

51.1 ~~penetration or contact against the complainant's will~~ to accomplish the act. Proof of coercion
 51.2 does not require proof of a specific act or threat.

51.3 Sec. 9. Minnesota Statutes 2020, section 609.341, subdivision 15, is amended to read:

51.4 Subd. 15. **Significant relationship.** "Significant relationship" means a situation in which
 51.5 the actor is:

51.6 (1) the complainant's parent, stepparent, or guardian;

51.7 (2) any of the following persons related to the complainant by blood, marriage, or
 51.8 adoption: brother, sister, stepbrother, stepsister, first cousin, aunt, uncle, nephew, niece,
 51.9 grandparent, great-grandparent, great-uncle, great-aunt; ~~or~~

51.10 (3) an adult who jointly resides intermittently or regularly in the same dwelling as the
 51.11 complainant and who is not the complainant's spouse; or

51.12 (4) an adult who is or was involved in a significant romantic or sexual relationship with
 51.13 the parent of a complainant.

51.14 Sec. 10. Minnesota Statutes 2020, section 609.341, is amended by adding a subdivision
 51.15 to read:

51.16 Subd. 24. **Prohibited occupational relationship.** A "prohibited occupational
 51.17 relationship" exists when the actor is in one of the following occupations and the act takes
 51.18 place under the specified circumstances:

51.19 (1) the actor performed massage or other bodywork for hire, the sexual penetration or
 51.20 sexual contact occurred during or immediately before or after the actor performed or was
 51.21 hired to perform one of those services for the complainant, and the sexual penetration or
 51.22 sexual contact was nonconsensual; or

51.23 (2) the actor and the complainant were in one of the following occupational relationships
 51.24 at the time of the act. Consent by the complainant is not a defense:

51.25 (i) the actor was a psychotherapist, the complainant was the actor's patient, and the sexual
 51.26 penetration or sexual contact occurred during a psychotherapy session or during a period
 51.27 of time when the psychotherapist-patient relationship was ongoing;

51.28 (ii) the actor was a psychotherapist and the complainant was the actor's former patient
 51.29 who was emotionally dependent on the actor;

52.1 (iii) the actor was or falsely impersonated a psychotherapist, the complainant was the
52.2 actor's patient or former patient, and the sexual penetration or sexual contact occurred by
52.3 means of therapeutic deception;

52.4 (iv) the actor was or falsely impersonated a provider of medical services to the
52.5 complainant and the sexual penetration or sexual contact occurred by means of deception
52.6 or false representation that the sexual penetration or sexual contact was for a bona fide
52.7 medical purpose;

52.8 (v) the actor was or falsely impersonated a member of the clergy, the complainant was
52.9 not married to the actor, the complainant met with the actor in private seeking or receiving
52.10 religious or spiritual advice, aid, or comfort from the actor, and the sexual penetration or
52.11 sexual contact occurred during the course of the meeting or during a period of time when
52.12 the meetings were ongoing;

52.13 (vi) the actor provided special transportation service to the complainant and the sexual
52.14 penetration or sexual contact occurred during or immediately before or after the actor
52.15 transported the complainant;

52.16 (vii) the actor was or falsely impersonated a peace officer, as defined in section 626.84,
52.17 the actor physically or constructively restrained the complainant or the complainant did not
52.18 reasonably feel free to leave the actor's presence, and the sexual penetration or sexual contact
52.19 was not pursuant to a lawful search or lawful use of force;

52.20 (viii) the actor was an employee, independent contractor, or volunteer of a state, county,
52.21 city, or privately operated adult or juvenile correctional system, or secure treatment facility,
52.22 or treatment facility providing services to clients civilly committed as mentally ill and
52.23 dangerous, sexually dangerous persons, or sexual psychopathic personalities, including but
52.24 not limited to jails, prisons, detention centers, or work release facilities, and the complainant
52.25 was a resident of a facility or under supervision of the correctional system;

52.26 (ix) the complainant was enrolled in a secondary school and:

52.27 (A) the actor was a licensed educator employed or contracted to provide service for the
52.28 school at which the complainant was a student;

52.29 (B) the actor was age 18 or older and at least 48 months older than the complainant and
52.30 was employed or contracted to provide service for the secondary school at which the
52.31 complainant was a student; or

53.1 (C) the actor was age 18 or older and at least 48 months older than the complainant, and
 53.2 was a licensed educator employed or contracted to provide services for an elementary,
 53.3 middle, or secondary school;

53.4 (x) the actor was a caregiver, facility staff person, or person providing services in a
 53.5 facility, as defined under section 609.232, subdivision 3, and the complainant was a
 53.6 vulnerable adult who was a resident, patient, or client of the facility who was impaired in
 53.7 judgment or capacity by mental or emotional dysfunction or undue influence; or

53.8 (xi) the actor was a caregiver, facility staff person, or person providing services in a
 53.9 facility, and the complainant was a resident, patient, or client of the facility. This clause
 53.10 does not apply if a consensual sexual personal relationship existed prior to the caregiving
 53.11 relationship or if the actor was a personal care attendant.

53.12 Sec. 11. Minnesota Statutes 2020, section 609.341, is amended by adding a subdivision
 53.13 to read:

53.14 Subd. 25. **Caregiver.** "Caregiver" has the meaning given in section 609.232, subdivision
 53.15 2.

53.16 Sec. 12. Minnesota Statutes 2020, section 609.341, is amended by adding a subdivision
 53.17 to read:

53.18 Subd. 26. **Facility.** "Facility" has the meaning given in section 609.232, subdivision 3.

53.19 Sec. 13. Minnesota Statutes 2020, section 609.341, is amended by adding a subdivision
 53.20 to read:

53.21 Subd. 27. **Vulnerable adult.** "Vulnerable adult" has the meaning given in section
 53.22 609.232, subdivision 11.

53.23 Sec. 14. Minnesota Statutes 2020, section 609.342, is amended to read:

53.24 **609.342 CRIMINAL SEXUAL CONDUCT IN THE FIRST DEGREE.**

53.25 Subdivision 1. **Adult victim; crime defined.** A person who engages in sexual penetration
 53.26 with another person, ~~or in sexual contact with a person under 13 years of age as defined in~~
 53.27 ~~section 609.341, subdivision 11, paragraph (e),~~ is guilty of criminal sexual conduct in the
 53.28 first degree if any of the following circumstances exists:

54.1 ~~(a) the complainant is under 13 years of age and the actor is more than 36 months older~~
 54.2 ~~than the complainant. Neither mistake as to the complainant's age nor consent to the act by~~
 54.3 ~~the complainant is a defense;~~

54.4 ~~(b) the complainant is at least 13 years of age but less than 16 years of age and the actor~~
 54.5 ~~is more than 48 months older than the complainant and in a current or recent position of~~
 54.6 ~~authority over the complainant. Neither mistake as to the complainant's age nor consent to~~
 54.7 ~~the act by the complainant is a defense;~~

54.8 ~~(e) (a)~~ circumstances existing at the time of the act cause the complainant to have a
 54.9 reasonable fear of imminent great bodily harm to the complainant or another;

54.10 ~~(d) (b)~~ the actor is armed with a dangerous weapon or any article used or fashioned in
 54.11 a manner to lead the complainant to reasonably believe it to be a dangerous weapon and
 54.12 uses or threatens to use the weapon or article to cause the complainant to submit;

54.13 ~~(e) (c)~~ the actor causes personal injury to the complainant, and ~~either~~ any of the following
 54.14 circumstances exist:

54.15 (i) the actor uses ~~force or~~ coercion to accomplish the act; ~~or~~

54.16 (ii) the actor uses force, as defined in section 609.341, subdivision 3, clause (2); or

54.17 ~~(ii) (iii)~~ the actor knows or has reason to know that the complainant is mentally impaired,
 54.18 mentally incapacitated, or physically helpless;

54.19 (d) the actor uses force as defined in section 609.341, subdivision 3, clause (1); or

54.20 ~~(f) (e)~~ the actor is aided or abetted by one or more accomplices within the meaning of
 54.21 section 609.05, and either of the following circumstances exists:

54.22 (i) the actor or an accomplice uses force or coercion to cause the complainant to submit;
 54.23 or

54.24 (ii) the actor or an accomplice is armed with a dangerous weapon or any article used or
 54.25 fashioned in a manner to lead the complainant reasonably to believe it to be a dangerous
 54.26 weapon and uses or threatens to use the weapon or article to cause the complainant to
 54.27 submit;

54.28 ~~(g) the actor has a significant relationship to the complainant and the complainant was~~
 54.29 ~~under 16 years of age at the time of the act. Neither mistake as to the complainant's age nor~~
 54.30 ~~consent to the act by the complainant is a defense; or~~

54.31 ~~(h) the actor has a significant relationship to the complainant, the complainant was under~~
 54.32 ~~16 years of age at the time of the act, and:~~

- 55.1 ~~(i) the actor or an accomplice used force or coercion to accomplish the act;~~
 55.2 ~~(ii) the complainant suffered personal injury; or~~
 55.3 ~~(iii) the sexual abuse involved multiple acts committed over an extended period of time.~~

55.4 Neither mistake as to the complainant's age nor consent to the act by the complainant is
 55.5 a defense.

55.6 Subd. 1a. **Victim under the age of 18; crime defined.** A person who engages in
 55.7 penetration with anyone under 18 years of age or sexual contact with a person under 14
 55.8 years of age as defined in section 609.341, subdivision 11, paragraph (c), is guilty of criminal
 55.9 sexual conduct in the first degree if any of the following circumstances exists:

55.10 (a) circumstances existing at the time of the act cause the complainant to have a
 55.11 reasonable fear of imminent great bodily harm to the complainant or another;

55.12 (b) the actor is armed with a dangerous weapon or any article used or fashioned in a
 55.13 manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses
 55.14 or threatens to use the weapon or article to cause the complainant to submit;

55.15 (c) the actor causes personal injury to the complainant, and any of the following
 55.16 circumstances exist:

55.17 (i) the actor uses coercion to accomplish the act;

55.18 (ii) the actor uses force, as defined in section 609.341, subdivision 3, clause (2); or

55.19 (iii) the actor knows or has reason to know that the complainant is mentally impaired,
 55.20 mentally incapacitated, or physically helpless;

55.21 (d) the actor is aided or abetted by one or more accomplices within the meaning of
 55.22 section 609.05, and either of the following circumstances exists:

55.23 (i) the actor or an accomplice uses force or coercion to cause the complainant to submit;
 55.24 or

55.25 (ii) the actor or an accomplice is armed with a dangerous weapon or any article used or
 55.26 fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous
 55.27 weapon and uses or threatens to use the weapon or article to cause the complainant to submit;

55.28 (e) the complainant is under 14 years of age and the actor is more than 36 months older
 55.29 than the complainant. Neither mistake as to the complainant's age nor consent to the act by
 55.30 the complainant is a defense;

55.31 (f) the complainant is at least 14 years of age but less than 16 years of age and:

56.1 (i) the actor is more than 36 months older than the complainant; and

56.2 (ii) the actor is in a current or recent position of authority over the complainant.

56.3 Neither mistake as to the complainant's age nor consent to the act by the complainant is a
56.4 defense;

56.5 (g) the complainant was under 16 years of age at the time of the act and the actor has a
56.6 significant relationship to the complainant. Neither mistake as to the complainant's age nor
56.7 consent to the act by the complainant is a defense;

56.8 (h) the complainant was under 16 years of age at the time of the act, and the actor has
56.9 a significant relationship to the complainant and any of the following circumstances exist:

56.10 (i) the actor or an accomplice used force or coercion to accomplish the act;

56.11 (ii) the complainant suffered personal injury; or

56.12 (iii) the sexual abuse involved multiple acts committed over an extended period of time.

56.13 Neither mistake as to the complainant's age nor consent to the act by the complainant is a
56.14 defense; or

56.15 (i) the actor uses force, as defined in section 609.341, subdivision 3, clause (1).

56.16 Subd. 2. **Penalty.** (a) Except as otherwise provided in section 609.3455; or Minnesota
56.17 Statutes 2004, section 609.109, a person convicted under subdivision 1 or subdivision 1a
56.18 may be sentenced to imprisonment for not more than 30 years or to a payment of a fine of
56.19 not more than \$40,000, or both.

56.20 (b) Unless a longer mandatory minimum sentence is otherwise required by law or the
56.21 Sentencing Guidelines provide for a longer presumptive executed sentence, the court shall
56.22 presume that an executed sentence of 144 months must be imposed on an offender convicted
56.23 of violating this section. Sentencing a person in a manner other than that described in this
56.24 paragraph is a departure from the Sentencing Guidelines.

56.25 (c) A person convicted under this section is also subject to conditional release under
56.26 section 609.3455.

56.27 Subd. 3. **Stay.** Except when imprisonment is required under section 609.3455; or
56.28 Minnesota Statutes 2004, section 609.109, if a person is convicted under subdivision 1 or 1a,
56.29 clause (g), the court may stay imposition or execution of the sentence if it finds that:

56.30 (a) a stay is in the best interest of the complainant or the family unit; and

57.1 (b) a professional assessment indicates that the offender has been accepted by and can
57.2 respond to a treatment program.

57.3 If the court stays imposition or execution of sentence, it shall include the following as
57.4 conditions of probation:

57.5 (1) incarceration in a local jail or workhouse;

57.6 (2) a requirement that the offender complete a treatment program; and

57.7 (3) a requirement that the offender have no unsupervised contact with the complainant
57.8 until the offender has successfully completed the treatment program unless approved by
57.9 the treatment program and the supervising correctional agent.

57.10 Sec. 15. Minnesota Statutes 2020, section 609.343, is amended to read:

57.11 **609.343 CRIMINAL SEXUAL CONDUCT IN THE SECOND DEGREE.**

57.12 Subdivision 1. Adult victim; crime defined. A person who engages in sexual contact
57.13 with another person is guilty of criminal sexual conduct in the second degree if any of the
57.14 following circumstances exists:

57.15 ~~(a) the complainant is under 13 years of age and the actor is more than 36 months older~~
57.16 ~~than the complainant. Neither mistake as to the complainant's age nor consent to the act by~~
57.17 ~~the complainant is a defense. In a prosecution under this clause, the state is not required to~~
57.18 ~~prove that the sexual contact was coerced;~~

57.19 ~~(b) the complainant is at least 13 but less than 16 years of age and the actor is more than~~
57.20 ~~48 months older than the complainant and in a current or recent position of authority over~~
57.21 ~~the complainant. Neither mistake as to the complainant's age nor consent to the act by the~~
57.22 ~~complainant is a defense;~~

57.23 ~~(c)~~ (a) circumstances existing at the time of the act cause the complainant to have a
57.24 reasonable fear of imminent great bodily harm to the complainant or another;

57.25 ~~(d)~~ (b) the actor is armed with a dangerous weapon or any article used or fashioned in
57.26 a manner to lead the complainant to reasonably believe it to be a dangerous weapon and
57.27 uses or threatens to use the dangerous weapon to cause the complainant to submit;

57.28 ~~(e)~~ (c) the actor causes personal injury to the complainant, and ~~either~~ any of the following
57.29 circumstances exist:

57.30 (i) the actor uses ~~force or~~ coercion to accomplish the sexual contact; ~~or~~

57.31 (ii) the actor uses force, as defined in section 609.341, subdivision 3, clause (2); or

58.1 ~~(ii)~~ (iii) the actor knows or has reason to know that the complainant is mentally impaired,
58.2 mentally incapacitated, or physically helpless;

58.3 (d) the actor uses force as defined in section 609.341, subdivision 3, clause (1); or

58.4 ~~(f)~~ (e) the actor is aided or abetted by one or more accomplices within the meaning of
58.5 section 609.05, and either of the following circumstances exists:

58.6 (i) the actor or an accomplice uses force or coercion to cause the complainant to submit;
58.7 or

58.8 (ii) the actor or an accomplice is armed with a dangerous weapon or any article used or
58.9 fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous
58.10 weapon and uses or threatens to use the weapon or article to cause the complainant to
58.11 submit;

58.12 ~~(g) the actor has a significant relationship to the complainant and the complainant was~~
58.13 ~~under 16 years of age at the time of the sexual contact. Neither mistake as to the complainant's~~
58.14 ~~age nor consent to the act by the complainant is a defense; or~~

58.15 ~~(h) the actor has a significant relationship to the complainant, the complainant was under~~
58.16 ~~16 years of age at the time of the sexual contact, and:~~

58.17 ~~(i) the actor or an accomplice used force or coercion to accomplish the contact;~~

58.18 ~~(ii) the complainant suffered personal injury; or~~

58.19 ~~(iii) the sexual abuse involved multiple acts committed over an extended period of time.~~

58.20 ~~Neither mistake as to the complainant's age nor consent to the act by the complainant is~~
58.21 ~~a defense.~~

58.22 Subd. 1a. **Victim under the age of 18; crime defined.** A person who engages in sexual
58.23 contact with anyone under 18 years of age is guilty of criminal sexual conduct in the second
58.24 degree if any of the following circumstances exists:

58.25 (a) circumstances existing at the time of the act cause the complainant to have a
58.26 reasonable fear of imminent great bodily harm to the complainant or another;

58.27 (b) the actor is armed with a dangerous weapon or any article used or fashioned in a
58.28 manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses
58.29 or threatens to use the dangerous weapon to cause the complainant to submit;

58.30 (c) the actor causes personal injury to the complainant, and any of the following
58.31 circumstances exist:

- 59.1 (i) the actor uses coercion to accomplish the sexual contact;
- 59.2 (ii) the actor uses force, as defined in section 609.341, subdivision 3, clause (2); or
- 59.3 (iii) the actor knows or has reason to know that the complainant is mentally impaired,
- 59.4 mentally incapacitated, or physically helpless;
- 59.5 (d) the actor is aided or abetted by one or more accomplices within the meaning of
- 59.6 section 609.05, and either of the following circumstances exists:
- 59.7 (i) the actor or an accomplice uses force or coercion to cause the complainant to submit;
- 59.8 or
- 59.9 (ii) the actor or an accomplice is armed with a dangerous weapon or any article used or
- 59.10 fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous
- 59.11 weapon and uses or threatens to use the weapon or article to cause the complainant to submit;
- 59.12 (e) the complainant is under 14 years of age and the actor is more than 36 months older
- 59.13 than the complainant. Neither mistake as to the complainant's age nor consent to the act by
- 59.14 the complainant is a defense. In a prosecution under this clause, the state is not required to
- 59.15 prove that the sexual contact was coerced;
- 59.16 (f) the complainant is at least 14 but less than 16 years of age and the actor is more than
- 59.17 36 months older than the complainant and in a current or recent position of authority over
- 59.18 the complainant. Neither mistake as to the complainant's age nor consent to the act by the
- 59.19 complainant is a defense;
- 59.20 (g) the complainant was under 16 years of age at the time of the sexual contact and the
- 59.21 actor has a significant relationship to the complainant. Neither mistake as to the complainant's
- 59.22 age nor consent to the act by the complainant is a defense;
- 59.23 (h) the actor has a significant relationship to the complainant, the complainant was under
- 59.24 16 years of age at the time of the sexual contact, and:
- 59.25 (i) the actor or an accomplice used force or coercion to accomplish the contact;
- 59.26 (ii) the complainant suffered personal injury; or
- 59.27 (iii) the sexual abuse involved multiple acts committed over an extended period of time.
- 59.28 Neither mistake as to the complainant's age nor consent to the act by the complainant is a
- 59.29 defense; or
- 59.30 (i) the actor uses force, as defined in section 609.341, subdivision 3, clause (1).

60.1 Subd. 2. **Penalty.** (a) Except as otherwise provided in section 609.3455; or Minnesota
 60.2 Statutes 2004, section 609.109, a person convicted under subdivision 1 or subdivision 1a
 60.3 may be sentenced to imprisonment for not more than 25 years or to a payment of a fine of
 60.4 not more than \$35,000, or both.

60.5 (b) Unless a longer mandatory minimum sentence is otherwise required by law or the
 60.6 Sentencing Guidelines provide for a longer presumptive executed sentence, the court shall
 60.7 presume that an executed sentence of 90 months must be imposed on an offender convicted
 60.8 of violating subdivision 1, clause (a), (b), (c), (d), or (e), ~~(f)~~, or subdivision 1a, clause (a),
 60.9 (b), (c), (d), ~~(h)~~, or (i). Sentencing a person in a manner other than that described in this
 60.10 paragraph is a departure from the Sentencing Guidelines.

60.11 (c) A person convicted under this section is also subject to conditional release under
 60.12 section 609.3455.

60.13 Subd. 3. **Stay.** Except when imprisonment is required under section 609.3455; or
 60.14 Minnesota Statutes 2004, section 609.109, if a person is convicted under subdivision 1 1a,
 60.15 clause (g), the court may stay imposition or execution of the sentence if it finds that:

60.16 (a) a stay is in the best interest of the complainant or the family unit; and

60.17 (b) a professional assessment indicates that the offender has been accepted by and can
 60.18 respond to a treatment program.

60.19 If the court stays imposition or execution of sentence, it shall include the following as
 60.20 conditions of probation:

60.21 (1) incarceration in a local jail or workhouse;

60.22 (2) a requirement that the offender complete a treatment program; and

60.23 (3) a requirement that the offender have no unsupervised contact with the complainant
 60.24 until the offender has successfully completed the treatment program unless approved by
 60.25 the treatment program and the supervising correctional agent.

60.26 Sec. 16. Minnesota Statutes 2020, section 609.344, is amended to read:

60.27 **609.344 CRIMINAL SEXUAL CONDUCT IN THE THIRD DEGREE.**

60.28 Subdivision 1. **Adult victim; crime defined.** A person who engages in sexual penetration
 60.29 with another person is guilty of criminal sexual conduct in the third degree if any of the
 60.30 following circumstances exists:

61.1 ~~(a) the complainant is under 13 years of age and the actor is no more than 36 months~~
 61.2 ~~older than the complainant. Neither mistake as to the complainant's age nor consent to the~~
 61.3 ~~act by the complainant shall be a defense;~~

61.4 ~~(b) the complainant is at least 13 but less than 16 years of age and the actor is more than~~
 61.5 ~~24 months older than the complainant. In any such case if the actor is no more than 120~~
 61.6 ~~months older than the complainant, it shall be an affirmative defense, which must be proved~~
 61.7 ~~by a preponderance of the evidence, that the actor reasonably believes the complainant to~~
 61.8 ~~be 16 years of age or older. In all other cases, mistake as to the complainant's age shall not~~
 61.9 ~~be a defense. Consent by the complainant is not a defense;~~

61.10 ~~(e) (a) the actor uses force or coercion to accomplish the penetration;~~

61.11 ~~(d) (b) the actor knows or has reason to know that the complainant is mentally impaired,~~
 61.12 ~~mentally incapacitated, or physically helpless;~~

61.13 ~~(c) the actor uses force, as defined in section 609.341, subdivision 3, clause (2); or~~

61.14 ~~(d) at the time of the act, the actor is in a prohibited occupational relationship with the~~
 61.15 ~~complainant.~~

61.16 Subd. 1a. **Victim under the age of 18; crime defined.** A person who engages in sexual
 61.17 penetration with anyone under 18 years of age is guilty of criminal sexual conduct in the
 61.18 third degree if any of the following circumstances exists:

61.19 (a) the complainant is under 14 years of age and the actor is no more than 36 months
 61.20 older than the complainant. Neither mistake as to the complainant's age nor consent to the
 61.21 act by the complainant shall be a defense;

61.22 (b) the complainant is at least 14 but less than 16 years of age and the actor is more than
 61.23 36 months older than the complainant. In any such case if the actor is no more than 60
 61.24 months older than the complainant, it shall be an affirmative defense, which must be proved
 61.25 by a preponderance of the evidence, that the actor reasonably believes the complainant to
 61.26 be 16 years of age or older. In all other cases, mistake as to the complainant's age shall not
 61.27 be a defense. Consent by the complainant is not a defense;

61.28 (c) the actor uses coercion to accomplish the penetration;

61.29 (d) the actor knows or has reason to know that the complainant is mentally impaired,
 61.30 mentally incapacitated, or physically helpless;

61.31 (e) the complainant is at least 16 but less than 18 years of age and the actor is more than
 61.32 48 36 months older than the complainant and in a current or recent position of authority

62.1 over the complainant. Neither mistake as to the complainant's age nor consent to the act by
62.2 the complainant is a defense;

62.3 (f) the actor has a significant relationship to the complainant and the complainant was
62.4 at least 16 but under 18 years of age at the time of the sexual penetration. Neither mistake
62.5 as to the complainant's age nor consent to the act by the complainant is a defense;

62.6 (g) the actor has a significant relationship to the complainant, the complainant was at
62.7 least 16 but under 18 years of age at the time of the sexual penetration, and:

62.8 (i) the actor or an accomplice used force or coercion to accomplish the penetration;

62.9 (ii) the complainant suffered personal injury; or

62.10 (iii) the sexual abuse involved multiple acts committed over an extended period of time.

62.11 Neither mistake as to the complainant's age nor consent to the act by the complainant is
62.12 a defense;

62.13 (h) ~~the actor is a psychotherapist and the complainant is a patient of the psychotherapist~~
62.14 ~~and the sexual penetration occurred:~~ the actor uses force, as defined in section 609.341,
62.15 subdivision 3, clause (2); or

62.16 (i) at the time of the act, the actor is in a prohibited occupational relationship with the
62.17 complainant.

62.18 ~~(i) during the psychotherapy session; or~~

62.19 ~~(ii) outside the psychotherapy session if an ongoing psychotherapist-patient relationship~~
62.20 ~~exists.~~

62.21 ~~Consent by the complainant is not a defense;~~

62.22 ~~(i) the actor is a psychotherapist and the complainant is a former patient of the~~
62.23 ~~psychotherapist and the former patient is emotionally dependent upon the psychotherapist;~~

62.24 ~~(j) the actor is a psychotherapist and the complainant is a patient or former patient and~~
62.25 ~~the sexual penetration occurred by means of therapeutic deception. Consent by the~~
62.26 ~~complainant is not a defense;~~

62.27 ~~(k) the actor accomplishes the sexual penetration by means of deception or false~~
62.28 ~~representation that the penetration is for a bona fide medical purpose. Consent by the~~
62.29 ~~complainant is not a defense;~~

62.30 ~~(l) the actor is or purports to be a member of the clergy, the complainant is not married~~
62.31 ~~to the actor, and:~~

63.1 ~~(i) the sexual penetration occurred during the course of a meeting in which the~~
 63.2 ~~complainant sought or received religious or spiritual advice, aid, or comfort from the actor~~
 63.3 ~~in private; or~~

63.4 ~~(ii) the sexual penetration occurred during a period of time in which the complainant~~
 63.5 ~~was meeting on an ongoing basis with the actor to seek or receive religious or spiritual~~
 63.6 ~~advice, aid, or comfort in private. Consent by the complainant is not a defense;~~

63.7 ~~(m) the actor is an employee, independent contractor, or volunteer of a state, county,~~
 63.8 ~~city, or privately operated adult or juvenile correctional system, or secure treatment facility,~~
 63.9 ~~or treatment facility providing services to clients civilly committed as mentally ill and~~
 63.10 ~~dangerous, sexually dangerous persons, or sexual psychopathic personalities, including, but~~
 63.11 ~~not limited to, jails, prisons, detention centers, or work release facilities, and the complainant~~
 63.12 ~~is a resident of a facility or under supervision of the correctional system. Consent by the~~
 63.13 ~~complainant is not a defense;~~

63.14 ~~(n) the actor provides or is an agent of an entity that provides special transportation~~
 63.15 ~~service, the complainant used the special transportation service, and the sexual penetration~~
 63.16 ~~occurred during or immediately before or after the actor transported the complainant. Consent~~
 63.17 ~~by the complainant is not a defense;~~

63.18 ~~(o) the actor performs massage or other bodywork for hire, the complainant was a user~~
 63.19 ~~of one of those services, and nonconsensual sexual penetration occurred during or~~
 63.20 ~~immediately before or after the actor performed or was hired to perform one of those services~~
 63.21 ~~for the complainant; or~~

63.22 ~~(p) the actor is a peace officer, as defined in section 626.84, and the officer physically~~
 63.23 ~~or constructively restrains the complainant or the complainant does not reasonably feel free~~
 63.24 ~~to leave the officer's presence. Consent by the complainant is not a defense. This paragraph~~
 63.25 ~~does not apply to any penetration of the mouth, genitals, or anus during a lawful search.~~

63.26 Subd. 2. **Penalty.** Except as otherwise provided in section 609.3455, a person convicted
 63.27 under subdivision 1 or subdivision 1a may be sentenced:

63.28 (1) to imprisonment for not more than 15 years or to a payment of a fine of not more
 63.29 than \$30,000, or both; or

63.30 (2) if the person was convicted under subdivision ~~1~~ 1a, paragraph (b), and if the actor
 63.31 was no more than 48 months but more than 24 months older than the complainant, to
 63.32 imprisonment for not more than five years or a fine of not more than \$30,000, or both.

64.1 A person convicted under this section is also subject to conditional release under section
64.2 609.3455.

64.3 Subd. 3. **Stay.** Except when imprisonment is required under section 609.3455; or
64.4 Minnesota Statutes 2004, section 609.109, if a person is convicted under subdivision ~~1~~ 1a,
64.5 clause (f), the court may stay imposition or execution of the sentence if it finds that:

64.6 (a) a stay is in the best interest of the complainant or the family unit; and

64.7 (b) a professional assessment indicates that the offender has been accepted by and can
64.8 respond to a treatment program.

64.9 If the court stays imposition or execution of sentence, it shall include the following as
64.10 conditions of probation:

64.11 (1) incarceration in a local jail or workhouse;

64.12 (2) a requirement that the offender complete a treatment program; and

64.13 (3) a requirement that the offender have no unsupervised contact with the complainant
64.14 until the offender has successfully completed the treatment program unless approved by
64.15 the treatment program and the supervising correctional agent.

64.16 Sec. 17. Minnesota Statutes 2020, section 609.345, is amended to read:

64.17 **609.345 CRIMINAL SEXUAL CONDUCT IN THE FOURTH DEGREE.**

64.18 Subdivision 1. **Adult victim; crime defined.** A person who engages in sexual contact
64.19 with another person is guilty of criminal sexual conduct in the fourth degree if any of the
64.20 following circumstances exists:

64.21 ~~(a) the complainant is under 13 years of age and the actor is no more than 36 months~~
64.22 ~~older than the complainant. Neither mistake as to the complainant's age or consent to the~~
64.23 ~~act by the complainant is a defense. In a prosecution under this clause, the state is not~~
64.24 ~~required to prove that the sexual contact was coerced;~~

64.25 ~~(b) the complainant is at least 13 but less than 16 years of age and the actor is more than~~
64.26 ~~48 months older than the complainant or in a current or recent position of authority over~~
64.27 ~~the complainant. Consent by the complainant to the act is not a defense. In any such case,~~
64.28 ~~if the actor is no more than 120 months older than the complainant, it shall be an affirmative~~
64.29 ~~defense which must be proved by a preponderance of the evidence that the actor reasonably~~
64.30 ~~believes the complainant to be 16 years of age or older. In all other cases, mistake as to the~~
64.31 ~~complainant's age shall not be a defense;~~

- 65.1 ~~(e)~~ (a) the actor uses ~~force or~~ coercion to accomplish the sexual contact;
- 65.2 ~~(d)~~ (b) the actor knows or has reason to know that the complainant is mentally impaired,
- 65.3 mentally incapacitated, or physically helpless;
- 65.4 (c) the actor uses force, as defined in section 609.341, subdivision 3, clause (2); or
- 65.5 (d) at the time of the act, the actor is in a prohibited occupational relationship with the
- 65.6 complainant.
- 65.7 Subd. 1a. Victim under the age of 18; crime defined. A person who engages in sexual
- 65.8 contact with anyone under 18 years of age is guilty of criminal sexual conduct in the fourth
- 65.9 degree if any of the following circumstances exists:
- 65.10 (a) the complainant is under 14 years of age and the actor is no more than 36 months
- 65.11 older than the complainant. Neither mistake as to the complainant's age or consent to the
- 65.12 act by the complainant is a defense. In a prosecution under this clause, the state is not
- 65.13 required to prove that the sexual contact was coerced;
- 65.14 (b) the complainant is at least 14 but less than 16 years of age and the actor is more than
- 65.15 36 months older than the complainant or in a current or recent position of authority over
- 65.16 the complainant. Consent by the complainant to the act is not a defense.
- 65.17 Mistake of age is not a defense unless actor is less than 60 months older. In any such case,
- 65.18 if the actor is no more than 60 months older than the complainant, it shall be an affirmative
- 65.19 defense which must be proved by a preponderance of the evidence that the actor reasonably
- 65.20 believes the complainant to be 16 years of age or older. In all other cases, mistake as to the
- 65.21 complainant's age shall not be a defense;
- 65.22 (c) the actor uses coercion to accomplish the sexual contact;
- 65.23 (d) The actor knows or has reason to know that the complainant is mentally impaired,
- 65.24 mentally incapacitated, or physically helpless;
- 65.25 (e) the complainant is at least 16 but less than 18 years of age and the actor is more than
- 65.26 48 ~~36~~ months older than the complainant and in a current or recent position of authority
- 65.27 over the complainant. Neither mistake as to the complainant's age nor consent to the act by
- 65.28 the complainant is a defense;
- 65.29 (f) the actor has a significant relationship to the complainant and the complainant was
- 65.30 at least 16 but under 18 years of age at the time of the sexual contact. Neither mistake as to
- 65.31 the complainant's age nor consent to the act by the complainant is a defense;

66.1 (g) the actor has a significant relationship to the complainant, the complainant was at
66.2 least 16 but under 18 years of age at the time of the sexual contact, and:

66.3 (i) the actor or an accomplice used force or coercion to accomplish the contact;

66.4 (ii) the complainant suffered personal injury; or

66.5 (iii) the sexual abuse involved multiple acts committed over an extended period of time.

66.6 Neither mistake as to the complainant's age nor consent to the act by the complainant is
66.7 a defense;

66.8 ~~(h) the actor is a psychotherapist and the complainant is a patient of the psychotherapist~~
66.9 ~~and the sexual contact occurred:~~ the actor uses force, as defined in section 609.341,
66.10 subdivision 3, clause (2); or

66.11 (i) at the time of the act, the actor is in a prohibited occupational relationship with the
66.12 complainant.

66.13 ~~(i) during the psychotherapy session; or~~

66.14 ~~(ii) outside the psychotherapy session if an ongoing psychotherapist-patient relationship~~
66.15 ~~exists. Consent by the complainant is not a defense;~~

66.16 ~~(i) the actor is a psychotherapist and the complainant is a former patient of the~~
66.17 ~~psychotherapist and the former patient is emotionally dependent upon the psychotherapist;~~

66.18 ~~(j) the actor is a psychotherapist and the complainant is a patient or former patient and~~
66.19 ~~the sexual contact occurred by means of therapeutic deception. Consent by the complainant~~
66.20 ~~is not a defense;~~

66.21 ~~(k) the actor accomplishes the sexual contact by means of deception or false representation~~
66.22 ~~that the contact is for a bona fide medical purpose. Consent by the complainant is not a~~
66.23 ~~defense;~~

66.24 ~~(l) the actor is or purports to be a member of the clergy, the complainant is not married~~
66.25 ~~to the actor, and:~~

66.26 ~~(i) the sexual contact occurred during the course of a meeting in which the complainant~~
66.27 ~~sought or received religious or spiritual advice, aid, or comfort from the actor in private; or~~

66.28 ~~(ii) the sexual contact occurred during a period of time in which the complainant was~~
66.29 ~~meeting on an ongoing basis with the actor to seek or receive religious or spiritual advice,~~
66.30 ~~aid, or comfort in private. Consent by the complainant is not a defense;~~

67.1 ~~(m) the actor is an employee, independent contractor, or volunteer of a state, county,~~
 67.2 ~~city, or privately operated adult or juvenile correctional system, or secure treatment facility,~~
 67.3 ~~or treatment facility providing services to clients civilly committed as mentally ill and~~
 67.4 ~~dangerous, sexually dangerous persons, or sexual psychopathic personalities, including, but~~
 67.5 ~~not limited to, jails, prisons, detention centers, or work release facilities, and the complainant~~
 67.6 ~~is a resident of a facility or under supervision of the correctional system. Consent by the~~
 67.7 ~~complainant is not a defense;~~

67.8 ~~(n) the actor provides or is an agent of an entity that provides special transportation~~
 67.9 ~~service, the complainant used the special transportation service, the complainant is not~~
 67.10 ~~married to the actor, and the sexual contact occurred during or immediately before or after~~
 67.11 ~~the actor transported the complainant. Consent by the complainant is not a defense;~~

67.12 ~~(o) the actor performs massage or other bodywork for hire, the complainant was a user~~
 67.13 ~~of one of those services, and nonconsensual sexual contact occurred during or immediately~~
 67.14 ~~before or after the actor performed or was hired to perform one of those services for the~~
 67.15 ~~complainant; or~~

67.16 ~~(p) the actor is a peace officer, as defined in section 626.84, and the officer physically~~
 67.17 ~~or constructively restrains the complainant or the complainant does not reasonably feel free~~
 67.18 ~~to leave the officer's presence. Consent by the complainant is not a defense.~~

67.19 Subd. 2. **Penalty.** Except as otherwise provided in section 609.3455, a person convicted
 67.20 under subdivision 1 or subdivision 1a may be sentenced to imprisonment for not more than
 67.21 ten years or to a payment of a fine of not more than \$20,000, or both. A person convicted
 67.22 under this section is also subject to conditional release under section 609.3455.

67.23 Subd. 3. **Stay.** Except when imprisonment is required under section 609.3455; or
 67.24 Minnesota Statutes 2004, section 609.109, if a person is convicted under subdivision 1 or 1a,
 67.25 clause (f), the court may stay imposition or execution of the sentence if it finds that:

67.26 (a) a stay is in the best interest of the complainant or the family unit; and

67.27 (b) a professional assessment indicates that the offender has been accepted by and can
 67.28 respond to a treatment program.

67.29 If the court stays imposition or execution of sentence, it shall include the following as
 67.30 conditions of probation:

67.31 (1) incarceration in a local jail or workhouse;

67.32 (2) a requirement that the offender complete a treatment program; and

68.1 (3) a requirement that the offender have no unsupervised contact with the complainant
 68.2 until the offender has successfully completed the treatment program unless approved by
 68.3 the treatment program and the supervising correctional agent.

68.4 Sec. 18. Minnesota Statutes 2020, section 609.3451, is amended to read:

68.5 **609.3451 CRIMINAL SEXUAL CONDUCT IN THE FIFTH DEGREE.**

68.6 Subdivision 1. **Sexual penetration; crime defined.** A person is guilty of criminal sexual
 68.7 conduct in the fifth degree: if the person engages in nonconsensual sexual penetration.

68.8 Subd. 1a. **Sexual contact; child present; crime defined.** A person is guilty of criminal
 68.9 sexual conduct in the fifth degree if:

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

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

68.13 For purposes of this section, "sexual contact" has the meaning given in section 609.341,
 68.14 subdivision 11, paragraph (a), clauses (i), (iv), and (v). Sexual contact also includes the
 68.15 intentional removal or attempted removal of clothing covering the complainant's intimate
 68.16 parts or undergarments, and the nonconsensual touching by the complainant of the actor's
 68.17 intimate parts, effected by the actor, if the action is performed with sexual or aggressive
 68.18 intent.

68.19 Subd. 2. **Gross misdemeanor.** A person convicted under subdivision ~~1~~ 1a may be
 68.20 sentenced to imprisonment for not more than one year or to a payment of a fine of not more
 68.21 than \$3,000, or both.

68.22 Subd. 3. **Felony.** (a) A person is guilty of a felony and may be sentenced to imprisonment
 68.23 for not more than two years or to payment of a fine of not more than \$10,000, or both, if
 68.24 the person violates subdivision 1.

68.25 (b) A person is guilty of a felony and may be sentenced to imprisonment for not more
 68.26 than seven years or to payment of a fine of not more than \$14,000, or both, if the person
 68.27 violates ~~this section~~ subdivision 1 or 1a within ~~seven~~ ten years of:

68.28 (1) conviction or adjudication under subdivision 1; or

68.29 (2) a previous conviction or adjudication for violating subdivision ~~1~~ 1a, clause (2), a
 68.30 ~~crime described in paragraph (b)~~, or a statute from another state in conformity with any of
 68.31 these offenses; or

69.1 ~~(2)~~(3) the first of two or more previous convictions for violating subdivision ~~1~~ 1a, clause
69.2 (1), or a statute from another state in conformity with this offense.

69.3 ~~(b)~~(c) A previous conviction for violating section 609.342; 609.343; 609.344; 609.345;
69.4 609.3453; 617.23, subdivision 2, clause (2), or subdivision 3; or 617.247 may be used to
69.5 enhance a criminal penalty as provided in paragraph (a).

69.6 Sec. 19. Minnesota Statutes 2020, section 609.3455, is amended to read:

69.7 **609.3455 DANGEROUS SEX OFFENDERS; LIFE SENTENCES; CONDITIONAL**
69.8 **RELEASE.**

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

69.11 (b) "Conviction" includes a conviction as an extended jurisdiction juvenile under section
69.12 260B.130 for a violation of, or an attempt to violate, section 609.342, 609.343, 609.344, ~~or~~
69.13 609.3453, or 609.3458, if the adult sentence has been executed.

69.14 (c) "Extreme inhumane conditions" mean situations where, either before or after the
69.15 sexual penetration or sexual contact, the offender knowingly causes or permits the
69.16 complainant to be placed in a situation likely to cause the complainant severe ongoing
69.17 mental, emotional, or psychological harm, or causes the complainant's death.

69.18 (d) A "heinous element" includes:

69.19 (1) the offender tortured the complainant;

69.20 (2) the offender intentionally inflicted great bodily harm upon the complainant;

69.21 (3) the offender intentionally mutilated the complainant;

69.22 (4) the offender exposed the complainant to extreme inhumane conditions;

69.23 (5) the offender was armed with a dangerous weapon or any article used or fashioned
69.24 in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and
69.25 used or threatened to use the weapon or article to cause the complainant to submit;

69.26 (6) the offense involved sexual penetration or sexual contact with more than one victim;

69.27 (7) the offense involved more than one perpetrator engaging in sexual penetration or
69.28 sexual contact with the complainant; or

69.29 (8) the offender, without the complainant's consent, removed the complainant from one
69.30 place to another and did not release the complainant in a safe place.

70.1 (e) "Mutilation" means the intentional infliction of physical abuse designed to cause
 70.2 serious permanent disfigurement or permanent or protracted loss or impairment of the
 70.3 functions of any bodily member or organ, where the offender relishes the infliction of the
 70.4 abuse, evidencing debasement or perversion.

70.5 (f) A conviction is considered a "previous sex offense conviction" if the offender was
 70.6 convicted and sentenced for a sex offense before the commission of the present offense.

70.7 (g) A conviction is considered a "prior sex offense conviction" if the offender was
 70.8 convicted of committing a sex offense before the offender has been convicted of the present
 70.9 offense, regardless of whether the offender was convicted for the first offense before the
 70.10 commission of the present offense, and the convictions involved separate behavioral
 70.11 incidents.

70.12 (h) "Sex offense" means any violation of, or attempt to violate, section 609.342, 609.343,
 70.13 609.344, 609.345, 609.3451, 609.3453, 609.3458, or any similar statute of the United States,
 70.14 this state, or any other state.

70.15 (i) "Torture" means the intentional infliction of extreme mental anguish, or extreme
 70.16 psychological or physical abuse, when committed in an especially depraved manner.

70.17 (j) An offender has "two previous sex offense convictions" only if the offender was
 70.18 convicted and sentenced for a sex offense committed after the offender was earlier convicted
 70.19 and sentenced for a sex offense and both convictions preceded the commission of the present
 70.20 offense of conviction.

70.21 Subd. 2. **Mandatory life sentence without release; egregious first-time and repeat**
 70.22 **offenders.** (a) Notwithstanding the statutory maximum penalty otherwise applicable to the
 70.23 offense, the court shall sentence a person convicted under section 609.342, subdivision 1,
 70.24 paragraph (a), (b), (c), (d), or (e), ~~(f), or (h)~~; ~~or~~ 609.342, subdivision 1a, clause (a), (b), (c),
 70.25 (d), (h), or (i); 609.343, subdivision 1, paragraph (a), (b), (c), (d), or (e), ~~(f)~~; ~~or (h)~~ 609.343,
 70.26 subdivision 1a, clause (a), (b), (c), (d), (h), or (i), to life without the possibility of release
 70.27 if:

70.28 (1) the fact finder determines that two or more heinous elements exist; or

70.29 (2) the person has a previous sex offense conviction for a violation of section 609.342,
 70.30 609.343, ~~or~~ 609.3458, and the fact finder determines that a heinous element
 70.31 exists for the present offense.

70.32 (b) A fact finder may not consider a heinous element if it is an element of the underlying
 70.33 specified violation of section 609.342 or 609.343. In addition, when determining whether

71.1 two or more heinous elements exist, the fact finder may not use the same underlying facts
71.2 to support a determination that more than one element exists.

71.3 **Subd. 3. Mandatory life sentence for egregious first-time offenders. (a)**

71.4 Notwithstanding the statutory maximum penalty otherwise applicable to the offense, the
71.5 court shall sentence a person to imprisonment for life if the person is convicted under section
71.6 609.342, subdivision 1, paragraph (a), (b), (c), (d), or (e), ~~(f), or (h)~~, or; 609.342, subdivision
71.7 1a, clause (a), (b), (c), (d), (h), or (i); 609.343, subdivision 1, paragraph (a), (b), (c), (d), or
71.8 (e), ~~(f), or (h)~~; or 609.343, subdivision 1a, clause (a), (b), (c), (d), (h), or (i); and the fact
71.9 finder determines that a heinous element exists.

71.10 (b) The fact finder may not consider a heinous element if it is an element of the underlying
71.11 specified violation of section 609.342 or 609.343.

71.12 **Subd. 3a. Mandatory sentence for certain engrained offenders. (a)** A court shall
71.13 commit a person to the commissioner of corrections for a period of time that is not less than
71.14 double the presumptive sentence under the sentencing guidelines and not more than the
71.15 statutory maximum, or if the statutory maximum is less than double the presumptive sentence,
71.16 for a period of time that is equal to the statutory maximum, if:

71.17 (1) the court is imposing an executed sentence on a person convicted of committing or
71.18 attempting to commit a violation of section 609.342, 609.343, 609.344, 609.345, ~~or 609.3453,~~
71.19 or 609.3458;

71.20 (2) the fact finder determines that the offender is a danger to public safety; and

71.21 (3) the fact finder determines that the offender's criminal sexual behavior is so engrained
71.22 that the risk of reoffending is great without intensive psychotherapeutic intervention or other
71.23 long-term treatment or supervision extending beyond the presumptive term of imprisonment
71.24 and supervised release.

71.25 (b) The fact finder shall base its determination that the offender is a danger to public
71.26 safety on any of the following factors:

71.27 (1) the crime involved an aggravating factor that would justify a durational departure
71.28 from the presumptive sentence under the sentencing guidelines;

71.29 (2) the offender previously committed or attempted to commit a predatory crime or a
71.30 violation of section 609.224 or 609.2242, including:

71.31 (i) an offense committed as a juvenile that would have been a predatory crime or a
71.32 violation of section 609.224 or 609.2242 if committed by an adult; or

72.1 (ii) a violation or attempted violation of a similar law of any other state or the United
72.2 States; or

72.3 (3) the offender planned or prepared for the crime prior to its commission.

72.4 (c) As used in this section, "predatory crime" has the meaning given in section 609.341,
72.5 subdivision 22.

72.6 Subd. 4. **Mandatory life sentence; repeat offenders.** (a) Notwithstanding the statutory
72.7 maximum penalty otherwise applicable to the offense, the court shall sentence a person to
72.8 imprisonment for life if the person is convicted of violating section 609.342, 609.343,
72.9 609.344, 609.345, ~~or 609.3453~~, or 609.3458 and:

72.10 (1) the person has two previous sex offense convictions;

72.11 (2) the person has a previous sex offense conviction and:

72.12 (i) the fact finder determines that the present offense involved an aggravating factor that
72.13 would provide grounds for an upward durational departure under the sentencing guidelines
72.14 other than the aggravating factor applicable to repeat criminal sexual conduct convictions;

72.15 (ii) the person received an upward durational departure from the sentencing guidelines
72.16 for the previous sex offense conviction; or

72.17 (iii) the person was sentenced under this section or Minnesota Statutes 2004, section
72.18 609.108, for the previous sex offense conviction; or

72.19 (3) the person has two prior sex offense convictions, and the fact finder determines that
72.20 the prior convictions and present offense involved at least three separate victims, and:

72.21 (i) the fact finder determines that the present offense involved an aggravating factor that
72.22 would provide grounds for an upward durational departure under the sentencing guidelines
72.23 other than the aggravating factor applicable to repeat criminal sexual conduct convictions;

72.24 (ii) the person received an upward durational departure from the sentencing guidelines
72.25 for one of the prior sex offense convictions; or

72.26 (iii) the person was sentenced under this section or Minnesota Statutes 2004, section
72.27 609.108, for one of the prior sex offense convictions.

72.28 (b) Notwithstanding paragraph (a), a court may not sentence a person to imprisonment
72.29 for life for a violation of section 609.345, unless the person's previous or prior sex offense
72.30 convictions that are being used as the basis for the sentence are for violations of section
72.31 609.342, 609.343, 609.344, ~~or 609.3453~~, or 609.3458, or any similar statute of the United
72.32 States, this state, or any other state.

73.1 Subd. 5. **Life sentences; minimum term of imprisonment.** At the time of sentencing
73.2 under subdivision 3 or 4, the court shall specify a minimum term of imprisonment, based
73.3 on the sentencing guidelines or any applicable mandatory minimum sentence, that must be
73.4 served before the offender may be considered for supervised release.

73.5 Subd. 6. **Mandatory ten-year conditional release term.** Notwithstanding the statutory
73.6 maximum sentence otherwise applicable to the offense and unless a longer conditional
73.7 release term is required in subdivision 7, when a court commits an offender to the custody
73.8 of the commissioner of corrections for a violation of section 609.342, 609.343, 609.344,
73.9 609.345, ~~or 609.3453~~, or 609.3458, the court shall provide that, after the offender has been
73.10 released from prison, the commissioner shall place the offender on conditional release for
73.11 ten years.

73.12 Subd. 7. **Mandatory lifetime conditional release term.** (a) When a court sentences an
73.13 offender under subdivision 3 or 4, the court shall provide that, if the offender is released
73.14 from prison, the commissioner of corrections shall place the offender on conditional release
73.15 for the remainder of the offender's life.

73.16 (b) Notwithstanding the statutory maximum sentence otherwise applicable to the offense,
73.17 when the court commits an offender to the custody of the commissioner of corrections for
73.18 a violation of section 609.342, 609.343, 609.344, 609.345, ~~or 609.3453~~, or 609.3458, and
73.19 the offender has a previous or prior sex offense conviction, the court shall provide that, after
73.20 the offender has been released from prison, the commissioner shall place the offender on
73.21 conditional release for the remainder of the offender's life.

73.22 (c) Notwithstanding paragraph (b), an offender may not be placed on lifetime conditional
73.23 release for a violation of section 609.345, unless the offender's previous or prior sex offense
73.24 conviction is for a violation of section 609.342, 609.343, 609.344, ~~or 609.3453~~, or 609.3458,
73.25 or any similar statute of the United States, this state, or any other state.

73.26 Subd. 8. **Terms of conditional release; applicable to all sex offenders.** (a) The
73.27 provisions of this subdivision relating to conditional release apply to all sex offenders
73.28 sentenced to prison for a violation of section 609.342, 609.343, 609.344, 609.345, ~~or~~
73.29 609.3453, or 609.3458. Except as provided in this subdivision, conditional release of sex
73.30 offenders is governed by provisions relating to supervised release. The commissioner of
73.31 corrections may not dismiss an offender on conditional release from supervision until the
73.32 offender's conditional release term expires.

73.33 (b) The conditions of release may include successful completion of treatment and aftercare
73.34 in a program approved by the commissioner, satisfaction of the release conditions specified

74.1 in section 244.05, subdivision 6, and any other conditions the commissioner considers
74.2 appropriate. The commissioner shall develop a plan to pay the cost of treatment of a person
74.3 released under this subdivision. The plan may include co-payments from offenders,
74.4 third-party payers, local agencies, or other funding sources as they are identified. This
74.5 section does not require the commissioner to accept or retain an offender in a treatment
74.6 program. Before the offender is placed on conditional release, the commissioner shall notify
74.7 the sentencing court and the prosecutor in the jurisdiction where the offender was sentenced
74.8 of the terms of the offender's conditional release. The commissioner also shall make
74.9 reasonable efforts to notify the victim of the offender's crime of the terms of the offender's
74.10 conditional release.

74.11 (c) If the offender fails to meet any condition of release, the commissioner may revoke
74.12 the offender's conditional release and order that the offender serve all or a part of the
74.13 remaining portion of the conditional release term in prison. An offender, while on supervised
74.14 release, is not entitled to credit against the offender's conditional release term for time served
74.15 in confinement for a violation of release.

74.16 Subd. 9. **Applicability.** The provisions of this section do not affect the applicability of
74.17 Minnesota Statutes 2004, section 609.108, to crimes committed before August 1, 2005, or
74.18 the validity of sentences imposed under Minnesota Statutes 2004, section 609.108.

74.19 Subd. 10. **Presumptive executed sentence for repeat sex offenders.** Except as provided
74.20 in subdivision 2, 3, 3a, or 4, if a person is convicted under sections 609.342 to 609.345 or
74.21 609.3453 within 15 years of a previous sex offense conviction, the court shall commit the
74.22 defendant to the commissioner of corrections for not less than three years, nor more than
74.23 the maximum sentence provided by law for the offense for which convicted, notwithstanding
74.24 sections 242.19, 243.05, 609.11, 609.12, and 609.135. The court may stay the execution of
74.25 the sentence imposed under this subdivision only if it finds that a professional assessment
74.26 indicates the offender is accepted by and can respond to treatment at a long-term inpatient
74.27 program exclusively treating sex offenders and approved by the commissioner of corrections.
74.28 If the court stays the execution of a sentence, it shall include the following as conditions of
74.29 probation:

74.30 (1) incarceration in a local jail or workhouse; and

74.31 (2) a requirement that the offender successfully complete the treatment program and
74.32 aftercare as directed by the court.

75.1 Sec. 20. [609.3458] SEXUAL EXTORTION.

75.2 Subdivision 1. Crime defined. (a) A person who engages in sexual contact with another
75.3 person and compels the other person to submit to the contact by making any of the following
75.4 threats, directly or indirectly, is guilty of sexual extortion:

75.5 (1) a threat to withhold or harm the complainant's trade, business, profession, position,
75.6 employment, or calling;

75.7 (2) a threat to make or cause to be made a criminal charge against the complainant,
75.8 whether true or false;

75.9 (3) a threat to report the complainant's immigration status to immigration or law
75.10 enforcement authorities;

75.11 (4) a threat to disseminate private sexual images of the complainant as specified in
75.12 section 617.261, nonconsensual dissemination of private sexual images;

75.13 (5) a threat to expose information that the actor knows the complainant wishes to keep
75.14 confidential; or

75.15 (6) a threat to withhold complainant's housing, or to cause complainant a loss or
75.16 disadvantage in the complainant's housing, or a change in the cost of complainant's housing.

75.17 (b) A person who engages in sexual penetration with another person and compels the
75.18 other person to submit to such penetration by making any of the following threats, directly
75.19 or indirectly, is guilty of sexual extortion:

75.20 (1) a threat to withhold or harm the complainant's trade, business, profession, position,
75.21 employment, or calling;

75.22 (2) a threat to make or cause to be made a criminal charge against the complainant,
75.23 whether true or false;

75.24 (3) a threat to report the complainant's immigration status to immigration or law
75.25 enforcement authorities;

75.26 (4) a threat to disseminate private sexual images of the complainant as specified in
75.27 section 617.261, nonconsensual dissemination of private sexual images;

75.28 (5) a threat to expose information that the actor knows the complainant wishes to keep
75.29 confidential; or

75.30 (6) a threat to withhold complainant's housing, or to cause complainant a loss or
75.31 disadvantage in the complainant's housing, or a change in the cost of complainant's housing.

76.1 Subd. 2. **Penalty.** (a) A person is guilty of a felony and may be sentenced to imprisonment
76.2 for not more than ten years or to payment of a fine of not more than \$20,000, or both, if the
76.3 person violates subdivision 1, paragraph (a).

76.4 (b) A person is guilty of a felony and may be sentenced to imprisonment for not more
76.5 than 15 years or to payment of a fine of not more than \$30,000, or both, if the person violates
76.6 subdivision 1, paragraph (b).

76.7 (c) A person convicted under this section is also subject to conditional release under
76.8 section 609.3455.

76.9 Subd. 3. **No attempt charge.** Notwithstanding section 609.17, no person may be charged
76.10 with or convicted of an attempt to commit a violation of this section.

76.11 Sec. 21. Minnesota Statutes 2020, section 609.347, is amended by adding a subdivision
76.12 to read:

76.13 Subd. 8. **Voluntary intoxication defense for certain mentally incapacitated cases;**
76.14 **clarification of applicability.** (a) The "knows or has reason to know" mental state
76.15 requirement for violations of sections 609.342 to 609.345 involving a complainant who is
76.16 mentally incapacitated, as defined in section 609.341, subdivision 7, clause (2), involves
76.17 specific intent for purposes of determining the applicability of the voluntary intoxication
76.18 defense described in section 609.075. This defense may be raised by a defendant if the
76.19 defense is otherwise applicable under section 609.075 and related case law.

76.20 (b) Nothing in paragraph (a) may be interpreted to change the application of the defense
76.21 to other crimes.

76.22 (c) Nothing in paragraph (a) is intended to change the scope or limitations of the defense
76.23 or case law interpreting it beyond clarifying that the defense is available to a defendant
76.24 described in paragraph (a).

76.25 **EFFECTIVE DATE.** The section is effective August 1, 2021, and applies to crimes
76.26 committed on or after that date.

76.27 Sec. 22. Minnesota Statutes 2020, section 628.26, is amended to read:

76.28 **628.26 LIMITATIONS.**

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

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

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

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

77.10 (e) Indictments or complaints for violation of sections 609.322 and 609.342 to 609.345;
77.11 ~~if the victim was under the age of 18 years at the time the offense was committed, shall~~ may
77.12 be found or made and filed in the proper court within the later of nine years after the
77.13 commission of the offense or three years after the offense was reported to law enforcement
77.14 authorities at any time after the commission of the offense.

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

77.22 ~~(g)~~ (f) Indictments or complaints for violation of sections 609.466 and 609.52, subdivision
77.23 2, paragraph (a), clause (3), item (iii), shall be found or made and filed in the proper court
77.24 within six years after the commission of the offense.

77.25 ~~(h)~~ (g) Indictments or complaints for violation of section 609.2335, 609.52, subdivision
77.26 2, paragraph (a), clause (3), items (i) and (ii), (4), (15), or (16), 609.631, or 609.821, where
77.27 the value of the property or services stolen is more than \$35,000, or for violation of section
77.28 609.527 where the offense involves eight or more direct victims or the total combined loss
77.29 to the direct and indirect victims is more than \$35,000, shall be found or made and filed in
77.30 the proper court within five years after the commission of the offense.

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

78.1 ~~(j)~~ (i) Indictments or complaints for violation of sections 609.561 to 609.563, shall be
 78.2 found or made and filed in the proper court within five years after the commission of the
 78.3 offense.

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

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

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

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

78.16 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to violations
 78.17 committed on or after that date.

78.18 Sec. 23. **PREDATORY OFFENDER STATUTORY FRAMEWORK WORKING**
 78.19 **GROUP; REPORT.**

78.20 Subdivision 1. **Direction.** By September 1, 2021, the commissioner of public safety
 78.21 shall convene a working group to comprehensively assess the predatory offender statutory
 78.22 framework. The commissioner shall invite representatives from the Department of
 78.23 Corrections with specific expertise on juvenile justice reform, city and county prosecuting
 78.24 agencies, statewide crime victim coalitions, the Minnesota judicial branch, the Minnesota
 78.25 Board of Public Defense, private criminal defense attorneys, the Department of Public
 78.26 Safety, the Department of Human Services, the Sentencing Guidelines Commission, state
 78.27 and local law enforcement agencies, and other interested parties to participate in the working
 78.28 group. The commissioner shall ensure that the membership of the working group is balanced
 78.29 among the various representatives and reflects a broad spectrum of viewpoints, and is
 78.30 inclusive of marginalized communities as well as victim and survivor voices.

78.31 Subd. 2. **Duties.** The working group must examine and assess the predatory offender
 78.32 registration (POR) laws, including, but not limited to, the requirements placed on offenders,
 78.33 the crimes for which POR is required, the method by which POR requirements are applied

79.1 to offenders, and the effectiveness of the POR system in achieving its stated purpose.
79.2 Governmental agencies that hold POR data shall provide the working group with public
79.3 POR data upon request. The working group is encouraged to request the assistance of the
79.4 state court administrator's office to obtain relevant POR data maintained by the court system.

79.5 Subd. 3. **Report to legislature.** The commissioner shall file a report detailing the working
79.6 group's findings and recommendations with the chairs and ranking minority members of
79.7 the house of representatives and senate committees and divisions having jurisdiction over
79.8 public safety and judiciary policy and finance by January 15, 2022.

79.9 Sec. 24. **REVISOR INSTRUCTION.**

79.10 (a) The revisor of statutes shall make necessary cross-reference changes and remove
79.11 statutory cross-references in Minnesota Statutes to conform with this act. The revisor may
79.12 make technical and other necessary changes to language and sentence structure to preserve
79.13 the meaning of the text.

79.14 (b) In Minnesota Statutes, the revisor of statutes shall modify the headnote to Minnesota
79.15 Statutes, section 609.347, to reflect the amendment to that section contained in this act.

609.324 PATRONS; PROSTITUTES; HOUSING INDIVIDUALS ENGAGED IN PROSTITUTION; PENALTIES.

Subd. 3. **General prostitution crimes; penalties for patrons.** (a) Whoever, while acting as a patron, intentionally does any of the following is guilty of a misdemeanor:

(1) engages in prostitution with an individual 18 years of age or older; or

(2) hires, offers to hire, or agrees to hire an individual 18 years of age or older to engage in sexual penetration or sexual contact. Except as otherwise provided in subdivision 4, a person who is convicted of violating this paragraph must, at a minimum, be sentenced to pay a fine of at least \$500.

(b) Whoever violates the provisions of this subdivision within two years of a previous prostitution conviction for violating this section or section 609.322 is guilty of a gross misdemeanor. Except as otherwise provided in subdivision 4, a person who is convicted of violating this paragraph must, at a minimum, be sentenced as follows:

(1) to pay a fine of at least \$1,500; and

(2) to serve 20 hours of community work service.

The court may waive the mandatory community work service if it makes specific, written findings that the community work service is not feasible or appropriate under the circumstances of the case.