

**Subject** Public Safety and Judiciary Omnibus Bill

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## Overview

This is the public safety and judiciary omnibus bill.

## Article 1: Judiciary Appropriations

This article provides funding for the courts, civil legal services, Guardian ad Litem Board, Tax Court, Uniform Laws Commission, Board on Judicial Standards, Board of Public Defense, and Human Rights Department. The article further provides supplemental funding for the Office of the State Auditor and the Department of Public Safety.

### Section Description – Article 1: Judiciary Appropriations

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- 1 **Appropriations.**  
Summarizes direct appropriations by fund.
- 2 **Supreme court.**
  - Subd. 1. Total appropriation.** Appropriates a total of \$61,132,000 in FY22 and \$61,780,000 in FY23 to the supreme court.
  - Subd. 2. Supreme court operations.** Appropriates \$44,204,000 in FY22 and \$43,582,000 in FY23 for supreme court operations.
    - (a) Contingent account.** Specifies that \$5,000 each year is for a contingent account for which no other reimbursement is provided.
    - (b) Insurance cost increases.** Specifies that \$306,000 in FY22 and \$661,000 in FY23 are for increases in insurance costs.

**Section Description – Article 1: Judiciary Appropriations**

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**(c) Increased compensation.** Specifies that \$1,139,000 in FY23 is for increased compensation for judges and other employees.

**(d) Minnesota Court Record Online application.** Specifies that \$741,000 in FY22 is to fund critical improvements to the Minnesota Court Record Online application. This is a onetime appropriation.

**(e) Cybersecurity program.** Specifies that \$375,000 in FY22 is to fund improvements to the judiciary branch cybersecurity program. This is a onetime appropriation.

**(f) Courthouse safety.** Specifies that \$1,000,000 in FY22 is for a competitive grant program to provide or maintain courthouse safety. Recipients must provide a 50 percent nonstate match. This is a onetime appropriation, but funds are available until June 30, 2024.

**Subd. 3. Civil legal services.** Appropriates \$16,928,000 in FY22 and \$18,198,000 in FY23 to civil legal services to provide legal representation to low-income clients. \$1,017,000 in FY22 and FY23 is to improve access in family law matters. The base appropriation for civil legal services is \$18,387,000 in FY24 and beyond.

**3 Court of appeals.**

Appropriates \$13,234,000 in FY22 and \$13,634,000 in FY23 for the court of appeals.

**(a) Insurance cost increases.** Specifies that \$71,000 in FY22 and \$155,000 in FY23 are for increases in insurance costs.

**(b) Increased compensation.** Specifies that \$316,000 in FY23 is for increased compensation for judges and other employees.

**4 District courts.**

Appropriates \$320,509,000 in FY22 and \$330,704,000 in FY23 for trial courts.

**(a) Insurance cost increases.** Specifies that \$2,425,000 in FY22 and \$5,232,000 in FY23 are for increases in insurance costs.

**(b) Increased compensation.** Specifies that \$7,421,000 in FY23 is for increased compensation for judges and other employees.

**(c) Interpreter compensation.** Provides that \$400,000 in FY22 and FY23 are to increase hourly fees paid to qualified certified and uncertified interpreters.

**Section Description – Article 1: Judiciary Appropriations**

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- 5      **Guardian ad Litem Board.**  
Appropriates \$22,206,000 in FY22 and \$22,889,000 in FY23 to the Guardian ad Litem Board.
- 6      **Tax Court.**  
Appropriates \$1,827,000 in FY22 and \$22,889,000 in FY23 to the Tax Court.
- 7      **Uniform Laws Commission.**  
Appropriates \$100,000 in FY22 and \$100,000 in FY23 to the Uniform Laws Commission.
- 8      **Board on Judicial Standards.**  
Appropriates \$580,000 in FY22 and \$586,000 in FY23 to the Board on Judicial Standards. Provides that \$125,000 each year is for special investigative and hearing costs.
- 9      **Board of Public Defense.**  
Appropriates \$109,770,000 in FY22 and \$112,468,000 in FY23 to the Board of Public Defense.
- (a) Public defense corporations.** Specifies that \$74,000 in FY22 and \$152,000 in FY23 are for public defense corporations.
- (b) Postconviction relief petitions.** Specifies that \$187,000 in FY22 is for contract attorneys to represent individuals who file postconviction relief petitions.
- 10     **Human rights.**  
Appropriates \$5,668,000 in FY22 and \$5,768,000 in FY23 to the Department of Human Rights. \$345,000 in FY22 and \$350,000 in FY23 is for improving caseload processing, costs associated with prohibiting rental discrimination, staff and administrative costs necessary to collect and report on crimes of bias, and to develop training materials with the Board of Peace Officer Standards and Training.
- 11     **Office of the State Auditor.**  
Appropriates \$64,000 in FY22 and \$30,000 in FY23 for costs associated with forfeiture reporting.
- 12     **Department of Public Safety.**  
Appropriates \$24,000 in FY22 for technological upgrades required for generating forfeiture notices and property receipts.

**Section Description – Article 1: Judiciary Appropriations**

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**13 Federal funds replacement; appropriation.**

Provides that, if an expenditure under this act is eligible for funding from federal funds received under the Coronavirus State Fiscal Recovery Fund or any other federal fund under the American Rescue Plan Act, the amount of the eligible expenditure is appropriated and the corresponding general fund amounts are canceled to the general fund.

## **Article 2: Public Safety Appropriations**

This article contains appropriations for the following: Sentencing Guidelines, Department of Public Safety, Peace Officers Standards and Training Board, Private Detective Board, Department of Corrections, Ombudsperson for Corrections, the supreme court, and the proposed Office of Missing and Murdered Indigenous Relatives.

**Section Description – Article 2: Public Safety Appropriations**

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**1 Appropriations.**

Summarizes direct appropriations by fund.

**2 Sentencing Guidelines.**

Appropriates \$826,000 in FY22 and \$851,000 in FY23 to the Sentencing Guidelines Commission. Of this, \$86,000 each year is to collect, prepare, analyze, and disseminate information about probation policies. **[H.F. 1374]**

**3 Public safety.**

**Subd. 1. Total appropriation.** Appropriates \$1,380,000 in FY21, \$232,135,000 in FY22, and \$228,551,000 in FY23 to the Department of Public Safety.

**Subd. 2. Emergency management.** Appropriates \$6,000,000 in FY20 and \$6,156,000 in FY21 to the emergency management division.

**(a) Emergency management grants; report.** Appropriates \$3,000,000 each year to award emergency management grants to the counties, Tribes, and cities of the first class. This is a onetime appropriation. **[H.F. 499]**

**(b) Supplemental nonprofit security grant program.** Appropriates \$225,000 each year to a supplemental nonprofit security grant program.

**Subd. 3. Criminal apprehension.** Appropriates \$1,261,000 in FY21, \$80,118,000 in FY22, and \$79,968,000 in FY23 to the BCA.

**Section Description – Article 2: Public Safety Appropriations**

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- (a) DWI analysis.** Transfers funding for DWI lab analysis from the trunk highway fund to the general fund.
- (b) Cybersecurity.** Appropriates \$2,955,000 in FY22 and \$2,605,000 in FY21 for staff and technology costs to meet FBI cybersecurity requirements.
- (c) Rapid DNA testing.** Appropriates \$285,000 each year for a rapid DNA testing program.
- (d) Responding to civil unrest.** Appropriates \$539,000 in FY21 and \$539,000 in FY22 for costs related to responding to civil unrest.
- (e) National Guard sexual assault investigations.** Appropriates \$160,000 each year to investigate sexual assaults in the National Guard. **[H.F. 295]**
- (f) Predatory offender statutory framework working group.** Appropriates \$131,000 the first year for the predatory offender statutory framework working group. **[H.F. 707]**
- (g) Automatic expungement.** Appropriates \$1,248,000 in FY22 for costs associated with automatic expungement. **[H.F. 1152]**
- (h) Salary increases; special agents.** Appropriates money from the general fund for salary increases for BCA agents. **[H.F. 401]**
- (i) Salary increases; special agents.** Appropriates money from the opiate epidemic response fund for salary increases for BCA agents. **[H.F. 401]**
- (j) Emergency COVID-19 sick leave.** Appropriates funds for emergency COVID sick leave. **[H.F. 41]**
- (k) Body cameras.** Appropriates \$397,000 in FY22 and \$205,000 in FY23 to purchase and maintain body cameras for special agents.
- (l) Criminal alert network; Alzheimer’s and dementia.** Appropriates \$200,000 in FY22 for the criminal alert network to increase membership, reduce fees, and create additional alert categories. **[H.F. 28]**
- Subd. 4. Fire marshal.** Appropriates \$8,752,000 in FY22 and \$8,818,000 in FY23 to fund the state fire marshal.
- (a) Inspections.** \$350,000 each year is to inspect nursing homes and boarding care facilities.

**Section Description – Article 2: Public Safety Appropriations**

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**(b) Hazmat and chemical assessment teams.** Appropriates \$950,000 in FY22 and \$850,000 in FY23 from the fire safety account to fund Hazmat and Chemical Assessment Teams.

**(c) Bomb squad reimbursements.** Appropriates \$50,000 each year to local governments for bomb squad services.

**(d) Emergency response teams.** Appropriates \$675,000 each year from the fire safety account to maintain four emergency response teams

**Subd. 5. Firefighter Training and Education Board.** Appropriates \$5,792,000 each year to the Firefighter Training and Education Board. **[H.F. 2077]**

**(a) Firefighter training and education.** Directs \$4,500,000 each year for firefighter training and education

**(b) Task force 1.** Directs \$975,000 each year for Minnesota Task Force 1.

**(c) Air rescue.** Directs \$317,000 each year for the Minnesota Air Rescue Team.

**(d) Unappropriated revenue.** Grants the commissioner authority to use unappropriated money collected in FY21 for statutory specified purposes.

**Subd. 6. Alcohol and gambling enforcement.** Appropriates \$119,000 in FY21, \$2,648,000 in FY22 and \$2,598,000 in FY23 to the alcohol and gambling enforcement division.

**(a) Legal costs.** Appropriates funds to cover unexpected legal costs.

**(b) Responding to civil unrest.** Appropriates \$86,000 in FY 21 and \$71,000 in FY22 for costs related to responding to civil unrest.

**(c) Salary increases; special agents.** Appropriates money fund for salary increases for special agents. **[H.F. 401]**

**(d) Body cameras.** Appropriates \$16,000 each year to purchase and maintain body cameras for special agents.

**Subd. 7. Office of Justice Programs (OJP).** Appropriates \$60,463,000 in FY22 and \$60,331,000 in FY23 to OJP.

**(a) Combatting sex trafficking.** Appropriates \$1,000,000 each year for an antitrafficking investigation coordinator and to implement strategies to combat sex trafficking **[H.F. 946]**

**Section Description – Article 2: Public Safety Appropriations**

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**(b) Survivor support and prevention grants.** Appropriates \$6,000,000 each year for grants to victim survivors and for services to meet unmet needs of victims of crime. **[H.F. 861]**

**(c) Minnesota heals program.** Appropriates \$1,500,000 each year to establish and maintain a program to provide critical incident stress management services for first responders, maintain a community healing network, and assist families following an officer-involved death.

**(d) Innovation in community safety grants.** \$5,000,000 each year is for innovation in community safety grants administered by the Innovation in Community Safety Coordinator at the direction of community grant advisory boards. **[H.F. 723]**

**(e) Youth intervention program grants.** Appropriates \$500,000 each year for youth intervention program grants.

**(f) Racially diverse youth in shelters.** Appropriates \$150,000 each year for grants to organizations to address racial disparities in youth accessing shelter services in the Rochester and St. Cloud regional areas. **[H.F. 1309]**

**(g) Task force on missing and murdered African American women.** Appropriates \$202,000 in FY22 and \$50,000 in FY23 to implement the task force on missing and murdered African American women. **[H.F.952]**

**(h) Body camera grant program.** Appropriates \$1,000,000 each year to provide grants to local law enforcement agencies for the purchase and maintenance of portable recording systems.

**(i) Office of Missing and Murdered Indigenous Relatives.** Appropriates \$500,000 each year to establish and maintain an office dedicated to reviewing, preventing, and ending the targeting, disappearance, and death of Indigenous people. **[H.F. 2124]**

**(j) Opiate epidemic response grants.** Appropriates \$500,000 each year for grants to address the opioid addiction and overdose epidemic in Minnesota.

**(k) Prosecutor and law enforcement training.** Appropriates \$25,000 each year to award a grant to the Minnesota County Attorneys Association for training on the use of diversion programs and decreasing racial disparities in the criminal justice system. This is a onetime appropriation.

**Section Description – Article 2: Public Safety Appropriations**

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**(l) Study on liability insurance for peace officers.** Appropriates \$100,000 in FY22 for a grant to an organization to perform a study on the effects of requiring peace officers to carry liability insurance.

**(m) Hometown heroes assistance program.** Appropriates \$4,000,000 each year for grants to the Minnesota Firefighter Initiative to fund the hometown heroes assistance program. **[H.F. 377]**

**(n) Administration costs.** Provides that up to 2.5 percent of grant funds appropriated in this subdivision may be used by the commissioner to administer the grant program.

**Subd. 8. Emergency communications networks.** Appropriates \$67,897,000 in FY22 and \$67,888,000 in FY23 from the 911 emergency telecommunications service fee account for emergency communications. Funds public safety answering points, medical resource communication centers, ARMER state backbone operating costs, and ARMER improvements. Appropriates \$100,000 each year to medical resource control centers.

Appropriates \$9,000 the first year for the telecommunicator working group. **[H.F. 515]**

**Subd. 9. Driver and vehicle services.** Appropriates \$465,000 in the first year from the driver services operating account for the ignition interlock program.

**4 Peace Officers Standards and Training Board.**

**Subd. 1. Total appropriation.** Appropriates \$12,546,000 each year to the POST Board.

**Subd. 2. Peace officer training reimbursements.** Directs \$2,949,000 each year to reimburse local governments for peace officer training costs.

**Subd. 3. Peace officer training assistance.**

**(a) Philando Castile Memorial Training Fund.** Directs \$6,000,000 each year for peace officer training assistance. **[H.F. 2435]**

**(b) Grant program for public safety policy and training consultant costs.** Directs \$500,000 each year for grants to law enforcement agencies to reimburse the cost of hiring a board approved public safety policy and training consultant. **[H.F. 730]**

**5 Private Detective Board.**

Appropriates \$282,000 in FY22 and \$288,000 in FY23 to the Private Detective Board.



**Section Description – Article 2: Public Safety Appropriations**

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**6 Department of Corrections.**

**Subd. 1. Total appropriation.** Appropriates \$2,384,000 in FY21, \$634,883,000 in FY22, and \$639,916,000 in FY23 to the Department of Corrections.

**Subd. 2. Correctional institutions.** Appropriates \$2,384,000 in FY21, \$463,796,000 in FY22, and \$469,470,000 in FY23 to correctional institutions.

**(a) Healthy start act.** Appropriates \$200,000 each year to implement the healthy start act to create a release program for pregnant women and new mothers.

**[H.F. 1403]**

**(b) Prescription medications.** Appropriates \$17,000 in FY22 and \$20,000 in FY23 to provide a one-month supply of medications and a refillable prescription to inmates at the time of their release.

**(c) Emergency COVID-19 sick leave.** Appropriates \$2,321,000 in FY21 and \$2,320,000 in FY22 for emergency COVID sick leave. **[H.F. 41]**

**(d) Juvenile review board.** Appropriates \$50,000 in FY23 for a juvenile review board. **[H.F. 416]**

**(e) Salary increases; fugitive specialists.** Appropriates funds to increase fugitive specialist salaries. **[H.F. 401]**

**Subd. 3. Community services.** Appropriates \$140,222,000 in FY22 and \$139,356,000 in FY23 for community services.

**(a) Oversight.** Appropriates funds to improve oversights of jails and state correctional facilities. **[H.F. 1267 and 1448]**

**(b) Juvenile justice.** Appropriates \$1,660,000 in FY22 and \$660,000 in FY23 to develop and implement a juvenile justice data repository and modernize the current juvenile management system. The base for this program is \$285,000 in FY24 and FY25.

**(c) Community corrections act.** Directs an additional, one-time appropriation to the community corrections act subsidy of \$1,220,000 each year to study supervision services through a working group established by the commissioner.

**(d) County probation officer reimbursement.** Directs an additional, one-time appropriation to the counties of \$101,000 each year to study supervision services and funding.

**Section Description – Article 2: Public Safety Appropriations**

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**(e) Probation supervision services.** Directs \$1,170,000 each year for supplemental probation officer reimbursements to certain counties.

**(f) Task force on aiding and abetting felony murder.** Appropriates \$25,000 in FY22 for the task force on aiding and abetting felony murder. **[H.F. 1162]**

**(g) Alternatives to incarceration.** Appropriates \$320,000 each year for funding to Anoka County, Crow Wing County, and Wright County to facilitate access to community treatment options under the alternatives to incarceration program. **[H.F. 1097]**

**(h) Task force on presentence investigation reports.** Appropriates \$15,000 in FY22 to implement the task force on the contents and use of presentence investigation reports and imposition of conditions of probation. **[H.F. 167]**

**(i) Juvenile justice report.** Appropriates \$55,000 in FY22 and \$9,000 in FY23 for reporting on extended jurisdiction juveniles. **[H.F. 416]**

**(j) Post-release employment for inmates grant; request for proposals.** Directs the commissioner to issue a \$300,000 grant in the first year to a nonprofit to provide post-release job services to inmates. **[H.F. 218]**

**(k) Homelessness mitigation plan.** Appropriates \$12,000 in FY22 to develop and implement a homelessness mitigation plan for individuals release from prison.

**(l) Identifying documents.** Appropriates \$23,000 in FY22 and \$28,000 in FY23 to assist inmates in obtaining a copy of their birth certificates and provide appropriate DOC identification cards to individuals released from prison. **[H.F. 553]**

**Subd. 4. Operations support.** Appropriates \$30,665,000 in FY22 and \$31,090,000 in FY23 for the department's operations support group. Of this amount, \$40,000 each year is to establish the Indeterminate Sentence Release Board. **[H.F. 1369]**

**7 Office of Ombudsperson for Corrections.**

Appropriates \$659,000 in FY22 and \$663,000 in FY23 to the corrections ombudsperson.

**8 Supreme court.**

Appropriates \$545,000 each year to the supreme court for costs related to expungement of criminal records. **[H.F. 1152]**

**Section Description – Article 2: Public Safety Appropriations**

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- 9      **Public defense.**  
Appropriates \$25,000 each year for training on increased diversion alternatives and training to increase the use of diversion and decrease racial disparities in the criminal justice system. This is a onetime appropriation.
- 10     **Transfers.**  
Transfers \$5,265,000 in FY22 from the MINNCORR fund to the general fund.
- 11     **Cancellation; Fiscal Year 2021.**  
Cancels \$345,000 from the Department of Public Safety’s operating budget fund in FY21.

**Article 3: Disaster Assistance**

Appropriates \$30,000,000 in fiscal year 2021 from the general fund to the disaster assistance contingency account (DACA). This appropriation is effective the day following final enactment. [H.F. 38]

**Article 4: Access to Courts; Distribution of Fees; Deadlines**

This article contains provisions creating a new judge unit, addressing access to court, providing for the distribution of certain fees and fines, and amending deadlines to take certain actions.

**Section Description – Article 4: Access to Courts; Distribution of Fees; Deadlines**

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- 1      **Description.**  
Adds an additional judge unit in the Fifth Judicial District which includes the counties of Blue Earth, Watonwan, Lyon, Redwood, Brown, Nicollet, Lincoln, Cottonwood, Murray, Nobles, Pipestone, Rock, Faribault, Martin, and Jackson. The addition brings the total number of judges to 17.
- 2      **Appointment of counsel.**  
Requires the court to appoint counsel to represent each parent, guardian, or custodian who desires counsel and is financially eligible for counsel prior to the first hearing and at all stages, for all child protection proceedings where a child risks removal from the care of a parent, guardian, or custodian. This includes:
- a child in need of protection or services (CHIPS) petition;
  - an action pursuing removal from the child’s home;

**Section Description – Article 4: Access to Courts; Distribution of Fees; Deadlines**

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- a termination of parental rights petition; and
- a petition for out-of-home placement.

Removes reference to qualifications for court-appointed counsel retained by counties, and removes paragraph (i) of the section, specifying qualifications for counsel retained by the counties to represent parents, guardians, and custodians. Makes this section effective July 1, 2022, except that the removal of paragraph (i) is effective the day following final enactment.

**3 Transmittal of fees to commissioner of management and budget.**

Provides that a federally recognized American Indian tribe, and their attorney, can appear and file documents without paying a filing fee if the case they are participating in is for child support, paternity, civil commitment, public guardianship or conservatorship, or juvenile court or child protection matters.

**4 Counties.**

Modifies the process for allocating county program aid, to reflect the change in the structure for providing and paying for public defender services, as detailed in the sections of the bill that follow.

**5 Disposition of fines, fees, and other money; accounts; Ramsey County district court.**

Amends the distribution of fines, penalties, and forfeiture collected by the court administrator by providing that, as of July 1, 2022, every municipality or subdivision of government within Ramsey County shall receive two-thirds of money with the balance going to the general fund.

**6 Time limit.**

Establishes an exception to the two-year limitations period on filing a petition for postconviction relief for a person in immigration removal proceedings when the proceedings are the result of a conviction that was obtained by relying on incorrect advice or absent advice from counsel on immigration consequences.

**7 Services other than counsel.**

Provides that court-appointed counsel may file an application with the district court to pay for interpreters used in meetings that take place outside of court and are necessary to prepare an adequate defense.

**8 Request for other appointment of counsel.**

Provides that the chief district public defender may request that the state public defender appoint counsel in a case where the chief district public defender does not believe that the office can provide adequate representation. Under current law, the

**Section Description – Article 4: Access to Courts; Distribution of Fees; Deadlines**

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- state public defender must request that the chief judge of the district court appoint counsel.
- 9      **Addition of permanent staff.**  
Prohibits the state public defender from approving the addition of permanent staff outside of the appropriations made to the Board of Public Defense. Under current law, this prohibition applies to appointment by the chief judge of a district court.
- 10     **Appointment of counsel.**  
Establishes that, if the state public defender determines that the district public defender cannot provide adequate services, the state public defender may approve the appointment of other counsel. Removes the responsibility of the district court to appoint counsel and also strikes related references to decisions made by the district court and the right to appeal those decisions.
- 11     **Correctional facility inmates.**  
Makes conforming changes consistent with permitting the state public defender, not the district courts, to appoint counsel in a case where the chief district public defender does not believe that the office can provide adequate representation.
- 12     **Costs of transcripts.**  
Eliminates the requirement that the state public defender forward billings for transcripts and other necessary expenses to the commissioner of management and budget in appeal cases and postconviction cases where the appellate public defender's office does not have sufficient funds to pay because it has spent or committed all of the funds allocated for that purpose in its annual budget.

## **Article 5: Victims; Criminal Defendants**

This article contains provisions related to the Safe at Home program, the surcharge imposed on criminal and traffic convictions, certification that certain individuals were a victim of crime, and requirements when prosecutors use jailhouse witnesses.

**Section Description – Article 5: Victims; Criminal Defendants**

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- 1      **Definitions.**  
Clarifies the definition of “mail” in the Safe at Home program to establish that the definition does not include packages and parcels unless they are clearly identifiable as nonrefrigerated pharmaceuticals or indicate that they were sent by a government entity.

**Section Description – Article 5: Victims; Criminal Defendants**

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**2 Use of designated address.**

Clarifies that a participant in the Safe at Home program may present an address designated by the secretary of state to a person or entity.

**3 Display by landlord.**

Clarifies that a landlord may not display the name of a participant in the Safe at Home program at the address where the participant resides.

**4 Notice of surcharge.**

Requires the uniform traffic ticket to notify recipients that they may be required to pay a surcharge. This section is effective August 1, 2022, and directs that changes to the uniform traffic ticket must be reflected on the ticket the next time it is revised.

**5 Financial hardship.**

Contains the language required to be printed on the uniform traffic ticket informing recipients that the cost of the summons may be waived on a showing of financial hardship. This section is effective August 1, 2022, and directs that changes to the uniform traffic ticket must be reflected on the ticket the next time it is revised.

**6 Surcharges on criminal and traffic offenders.**

Allows courts to reduce or waive the surcharge imposed on criminal and traffic offenders based on their ability to pay. Courts may also impose community work service in lieu of the surcharge. This section is effective July 1, 2022.

**7 Waiver prohibited; reduction and installment payments.**

Requires the court to consider a defendant's ability to pay, including the hardship payment would place on the person's immediate family, before imposing a fine, fee, or surcharge. This section includes six factors a court must consider to determine a defendant's ability to pay. The requirement does not apply to a violation listed on the statewide payables list if the person does not request a hearing. This section is effective July 1, 2022.

**8 Certifications for victims of crimes.**

Requires law enforcement agencies to timely process a specific immigration-related request from victims of certain crimes who are foreign nationals. These victims are required to provide a certificate from law enforcement identifying them as crime victims to federal immigration authorities to support their request to remain in the United States under a U-visa. A U-visa is intended to protect crime victims and to ensure that foreign national crime victims are available to assist in the prosecution of those accused of the crimes.

**Section Description – Article 5: Victims; Criminal Defendants**

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**9 Jailhouse witnesses.**

**Subd. 1. Definitions.** Defines the terms “benefit” and “jailhouse witness.”

**Subd. 2. Use of and benefits provided to jailhouse witnesses; data collection.** Requires county attorneys to collect and report data to the attorney general regarding the use of jailhouse witnesses and the nature of any cooperation agreements. Provides that data collected and maintained by the attorney general is confidential data on individuals.

**Subd. 3. Report on jailhouse witnesses.** Directs the attorney general to report summary data identifying the total number of jailhouse witnesses reported to the attorney general, including the number of witnesses reported by each county.

**Subd. 4. Disclosure of information regarding jailhouse witnesses.** Requires prosecutors, in addition to the disclosures required by court rule, to disclose specific information about any jailhouse witness including any cooperation agreements; the nature of any statements, including recantations, made by the jailhouse witness; and whether the jailhouse witness has testified or offered to testify in other cases. Requires the prosecutor to update the disclosures based on new information. Consistent with current court rule, permits the prosecutor to file a written certificate to limit disclosures if the disclosure would subject the witness or others to physical harm or coercion.

**Subd. 5. Victim notification.** Requires prosecutors to notify any victim of a crime if a defendant receives a reduction or dismissal of charges, plea bargain, change in bail, or change in sentence in exchange for the defendant’s agreement to testify in another case. Requires the notification to include information about orders for protection and harassment restraining orders if the victim was the victim of domestic assault, criminal sexual conduct, or harassment or stalking. Provides that the notice to victims required under this section is in addition to notice required under other sections of law.

## Article 6: Human Rights

This article amends various sections of the Minnesota Human Rights Act, as well as laws related to the collection of data collected by the Department of Human Rights and discrimination in access to organ transplants.

### Section Description – Article 6: Human Rights

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- 1 Certificates of compliance.**  
Adds a new section to the Minnesota government data practices act creating a cross reference in statute and indicating that access to data on certificates of compliance are governed by the existing rules in data in the Minnesota human rights act.
- 2 Nondiscrimination in access to transplants.**  
Prohibits a health plan providing coverage for anatomical gifts and organ transplants from denying eligibility or coverage for a covered person’s disability, or penalizing or dropping their coverage because of the person’s disability. This section also allows collective bargaining agreements with group health plans to be updated to conform to this section.
- 3 Freedom from discrimination.**  
Adds the protected class ‘familial status’ to the public policy statement in the Minnesota Human Rights Act (MHRA).
- 4 Formulation of policies.**  
Directs the commissioner to solicit, receive, and compile reports from community organizations, schools, and individuals regarding crimes that members of the community believe are motivated by bias. Also directs the commissioner to work with the Board of Peace Officer Standards and Training to develop training materials and standards for peace officers.
- 5 Reasonable accommodation.**  
This section updates the language used in the section of the Minnesota Human Rights Act that requires an employer to make a reasonable accommodation for a job applicant or employee, when the individual has a disability. This section adds that an employer must engage in an informal interactive process to identify the limitations due to the disability and what reasonable accommodation would help with those limitations.
- 6 Inquiries into pay history prohibited.**  
This section prevents employers, including labor unions and employment agencies, from requesting a job applicant’s pay history. This provision does not prevent a job



**Section Description – Article 6: Human Rights**

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applicant from volunteering their past pay if the employer does not prompt them or require them to provide it.

The use of the job applicant or prospective employees pay history to determine their pay or benefits creates a rebuttable presumption that the employer has committed an unfair discrimination in violation of the Minnesota Human Rights Act, section 363A.08. This provision does not prohibit an employer from providing a job applicant with wage and benefit information for a position or discussing pay expectations with an applicant.

This section does not apply to existing collective bargaining agreements, but applies to new agreements executed after January 1, 2022.

**7 Real property interests; action by owner, lessee, and others.**

Prohibits discrimination in housing, including a home purchase or residential rental, against an individual who is receiving public assistance.

**8 Real property interest; action by brokers, agents, and others.**

Prohibits discrimination in housing by a real estate broker, salesperson, or agent against an individual who is receiving public assistance.

**9 Definition; public assistance program.**

Provides a definition for the term “public assistance program” in the Minnesota Human Rights Act.

**10 Actions.**

Clarifies that a person can file a charge with the Department of Human Rights about discrimination online.

**11 Charging process.**

Allows a person bringing a discrimination claim to request reconsideration on a determination that no discrimination was found within 30 days after the determination is issued. The current statute requires a request for reconsideration to be made within ten days of receiving the notice. This section also allows the respondent 30 days to request a reconsideration if the Department of Human Rights finds probable cause that discrimination has occurred.

This section also allows notices to be sent electronically when the parties have agreed to receive notice electronically.

**Section Description – Article 6: Human Rights**

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- 12 Rescission of waiver.**  
Clarifies that a person can file a charge with the Department of Human Rights about discrimination online.
- 13 Summons and complaints in a civil action.**  
Allows notice of a case filing to be provided electronically to the Department of Human Rights when a case is brought in court while an administrative action is pending.
- 14 Scope of application.**  
Updates the requirements and applications of certificates of compliance for public contracts, clarifying application to the Metropolitan Council and updating language related to the application of affirmative action plans, and removes obsolete language.  
  
This section would be effective June 1, 2021, and would apply prospectively to contracts enter into after that date.
- 15 Filing fee.**  
Increases the filing fee for certificates of compliance from \$150 to \$250.
- 16 Violations; remedies.**  
Allows the commissioner of human rights to impose a fine for violations of certificates of compliance, and allows the commissioner to suspend or revoke a certificate of compliance when fines are not paid, or if the certificate holder has not complied with the statute. This section is effective on July 1, 2021.
- 17 Revocation of contract.**  
Makes conforming changes.
- 18 Access to data. (Certificates of Compliance)**  
Provides that data related to certificates of compliance submitted by businesses is classified as private data on individuals or nonpublic data when the data does not relate to department employees. The bill provides, however, that the commissioner’s decisions on issuing, revoking, suspending, or penalizing a certificate holder is public data, and that application forms for a certificate are public data. This section also authorizes the commissioner to share private or nonpublic data with other government entities for compliance purposes.
- 19 Application.**  
Increases the filing fee for an equal pay certificate from \$150 to \$250.

**Section Description – Article 6: Human Rights**

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**20 Violations; remedies.**

Allows the commissioner to issue a fine for lack of compliance, or suspend or revoke an equal pay certificate until all fines have been paid. This section is effective July 1, 2021.

**21 Access to data. (Equal Pay Certificates)**

Provides that data related to equal pay certificates submitted by businesses is classified as private data on individuals or nonpublic data when the data does not relate to department employees. The bill provides, however, that the commissioner's decisions on issuing, revoking, suspending, or penalizing individuals or business related to equal pay certificates are public data, and that application forms for a certificate are public data. This section also authorizes the commissioner to share private or nonpublic data with other government entities for compliance purposes.

**22 Nondiscrimination in access to transplants (Human Rights Act).**

Prohibits discrimination by a health care provider or anatomical gift donor matching organization from discriminating based on a person's mental or physical disability in accessing the list for a transplant, providing the transplant, or providing insurance for the transplant. This section provides that the enforcement remedies available in the Minnesota Human Rights Act are available for discrimination that occurs under this section.

## **Article 7: Civil Law**

This article contains provisions that allow public notaries who are licensed in Minnesota to register to perform marriages. Currently in Minnesota judges and ordained ministers and religious officiants can perform marriages in Minnesota. This article also makes two temporary provisions passed during the COVID-19 pandemic permanent to allow marriage license applications to occur virtually and to allow the harmless error rule to apply in the probate of a will in Minnesota, and extends a temporary provision related to the filing of mortgage or deed of trusts related to public utilities through June 30, 2022. This article also extends the statute of limitations in certain civil actions.

**Section Description – Article 7: Civil Law**

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**1 Notaries public.**

Allows a notary to charge a larger fee than allowed to notarize a document to perform a wedding, which is capped at \$5 to perform notary services otherwise.

**Section Description – Article 7: Civil Law**

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**2 Powers.**

Provides that notaries have the power to perform a civil marriage, along with the other powers notaries are granted when they have a valid notary commission.

**3 Civil marriage officiant.**

Authorizes a notary to solemnize a marriage if they have registered their notary commission with the local registrar in a county and fulfills the technical filing requirements which mirror the requirements for a religious officiant.

**4 Additional remedies.**

This section is replacing the existing process for removing an occupant from a storage unit that has failed to make payments or for other breaches of contract. This section provides that if a person has defaulted on their rent for their storage unit the owner can start an action to remove the person's belonging from the storage unit using a summons and requires the court to grant a hearing between seven and 14 days after the action is filed. This section also allows for an expedited hearing in certain cases and provides procedural requirements for the answer, trial, and judgment.

**5 Persons authorized to perform civil marriages.**

Adds notaries to the list of individuals able to perform a civil marriage.

**6 Term of license; fee; premarital education.**

Replaces the existing law allowing one party to a marriage to apply in person for another party to provide a notarized statement attesting to the application and proof of age, with a provision that would allow the parties to do the oath virtually, and to accept electronic filings of the marriage license application.

The new provisions are retroactive to January 1, 2021, and would apply to the applications and oaths that occurred on or after that date. Separate laws in 2020 and 2021 provided this service to occur virtually on a temporary basis. (See Laws 2020, ch. 74, art. 1, § 18; and Laws 2021, ch. 1, § 1)

**7 Harmless error.**

Amends the temporary harmless error rule that was passed in 2020, so that it no longer expires on February 15, 2021, making it a permanent part of the probate code. This provision would be retroactive to March 13, 2020, and apply to writings that occurred on or after that date since the previously passed law would have been in place and allowed writings on or after that date to have this rule apply.

The harmless error rule allows a court to consider evidence in a probate matter about whether or not all the formalities of a will have been met. The court may determine by clear and convincing evidence that the person making the document,

**Section Description – Article 7: Civil Law**

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such as a will or the revocation of the will, did intend for the document to be valid even if all the formal requirements for executing a will have not been met.

A number of states have adopted the rule in whole or part, including: California, Colorado, Hawaii, Michigan, Montana, New Jersey, South Dakota, Utah, and Virginia.

**8 Limitations period.**

Provides that an action for damages based on sexual abuse may be brought at any time in the case of alleged sexual abuse by a peace officer. Makes the elimination retroactive, but requires actions that would otherwise be time-barred under a previous version of the statute must be brought within five years of the effective date of the section.

**9 Death action.**

Provides that an action for damages based on wrongful death may be brought at any time in the case of alleged act by a peace officer. Makes the elimination retroactive, but requires actions that would otherwise be time-barred under a previous version of the statute must be brought within five years of the effective date of the section.

**10 Filing of mortgage or deed trust.**

This section extends a temporary provision passed in 2020 related to filings under section 336B.02, security interests for a utility or taconite company, to June 30, 2022. The previous session law expired on December 31, 2021, and this section is retroactive to include filings made prior to passage of this section.

## **Article 8: Government Data Practices**

This article contains sections related to the Government Data Practices Act.

**Section Description – Article 8: Government Data Practices**

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**1 Legislative Commission on Data Practices.**

Reestablishes the Legislative Commission on Data Practices and Personal Data Privacy, which was first established in 2014, but expired in 2019. Section 16 of this article provides for initial appointments.

**2 Safe at Home program: definitions.**

Amends the definitions of “location data” and “real property records.”

**Section Description – Article 8: Government Data Practices**

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- 3 Safe at Home program: notification of certification.**  
Amends the provisions regarding how a program participant shall notify a government entity of the participant’s protected status in the program. Among other changes, adds a requirement that the participant’s notice list the participant’s date of birth.
- 4 Safe at Home program: classification of identity and location data; amendment of records; sharing and dissemination.**  
Makes technical changes regarding the classification of data and data sharing provisions. Permits a government entity to amend official records to protect a participant’s address or other “location data.”
- 5 Safe at Home program: real property records.**  
Makes conforming changes to reflect the expanded definition of “real property records” in section 2 of this article. Permits sharing of participant’s identity to another government entity in conjunction with real property records for purposes of administering assessment and taxation laws. Requires the secretary of state’s office to be notified when there is a change regarding the protected status of a participant’s property records.
- 6 Private data; when disclosure is permitted.**  
Allows private educational data to be disclosed to tribal nations about tribally-enrolled or descendant students.
- 7 Attorney general data coded elsewhere.**  
Makes a conforming reference in chapter 13 to data collected and maintained by the attorney general regarding jailhouse witnesses under article 3, section 9, of this article.
- 8 Data on individuals who are minors.**  
Creates a cross-reference within the Government Data Practices Act for the new statute created by section 13 of this article.
- 9 Mental health care data.**  
**(a)** States the mental health data received from the welfare system are classified by section 13.46, subdivision 7. That section classifies mental health data as private. Paragraph (c) of that subdivision also limits the welfare system’s ability to share data with law enforcement to emergency situations, and states that law enforcement may only use the disclosed data to respond to that emergency situation.

**Section Description – Article 8: Government Data Practices**

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**(b)** States that mental health records received from a health care provider are classified by section 144.294 of the Health Records Act (HRA). Subdivision 2 of this HRA section concerns provider disclosures of mental health records to law enforcement. This subdivision classifies as private the mental health records received by law enforcement. It also contains the same sharing and use limitations that exist for the welfare system.

**(c)** States that health records received from a health care provider are governed by section 144.293 of the HRA. This section of the HRA concerns all kinds of “health records,” which does include mental health records though mental health records also have the unique provisions discussed in the explanation of paragraph (b). Section 144.293, subdivision 2, of the HRA prohibits a person who receives health records from a provider from releasing the records without patient consent or specific authorization in law.

**(d)** Classifies as private the enumerated mental health data that a law enforcement agency may create or collect on its own.

**(e)** Authorizes a law enforcement agency to share the data addressed in paragraph (d) with the welfare system to coordinate services on behalf of the data subject.

**(f)** Clarifies that nothing in this section alters the classifications already provided in section 13.82 for: data regarding citations or arrests; data regarding public requests for law enforcement services; or data regarding active or inactive criminal investigations.

**10 Biennial audit.**

Corrects a typo in the automated license plate reader statute.

**11 Biennial audit.**

In the police body camera statute, adds a requirement that biennial audit reports also be sent to the relevant legislative committees.

**12 Public data.**

In the statute concerning data maintained by the ombudsperson for corrections, clarifies that the enumerated categories of data are public only for closed cases.

**13 Data on individuals who are minors.**

Classifies as private the enumerated kinds of data that the DNR collects, creates, receives, maintains, or disseminates about known minors. Creates an exception for

**Section Description – Article 8: Government Data Practices**

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data that would be classified as public because the minor is employed by the DNR. Specifies that data on a minor remains private even after the individual turns 18.

**14 Certified birth or death record.**

Makes the following changes related to who may obtain an individual’s certified birth or death record:

- removes a requirement that an individual requesting a certified record has a tangible interest in the record and defining tangible interest, and instead just lists individuals who may obtain a certified record;
- removes from the list of individuals who may obtain a certified record, the party responsible for filing the record (persons responsible for filing vital records include hospitals or other facilities where births occur; a physician, family member, or other person present at a birth for births outside a facility; and persons in charge of disposition of dead human bodies. With this change, these individuals will no longer be able to obtain certified birth or death records unless eligible under another provision of this subdivision); and
- provides that for an attorney to obtain a certified record, the attorney must represent the subject of the record or another individual otherwise authorized in clause (1) to obtain a certified record. (Under current law any attorney may obtain a certified record.)

**15 Initial appointments and meetings.**

Related to the reestablishment of the Legislative Commission on Data Practices and Personal Data Privacy from section 1 of this article. Sets deadlines for initial appointments and the first meeting of the commission.

## **Article 9: Forfeiture**

This article revises Minnesota’s forfeiture system for property seized in relation to criminal activity.

**Section Description – Article 9: Forfeiture**

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**1 Definitions.**

Defines “asserting person” as a person, other than the driver, asserting an ownership interest in a vehicle that has been seized or restrained under the law governing forfeiture of certain vehicles following a DWI violation. Amends the definition of



**Section Description – Article 9: Forfeiture**

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“designated offense” to include only a first-degree DWI or a third or subsequent DWI offense within ten years.

**2 Limitations on vehicle forfeiture.**

Strikes the paragraph making a vehicle subject to forfeiture if the driver fails to appear for a scheduled court appearance with respect to a designated offense and fails to voluntarily surrender within 48 hours of that required appearance. Strikes the existing provisions related to innocent owners which are replaced by section 3 of this article.

**3 Innocent owner.**

**(a)** Permits a person, other than the driver of a vehicle that has been seized, to assert a claim to being an innocent owner by notifying the prosecuting authority in writing within 60 days of receiving the notice of seizure.

**(b)** Permits a prosecuting authority to release a vehicle to the asserting person. Requires a prosecutor to file a complaint within 30 days if the prosecutor chooses to proceed with the forfeiture. The complaint must be filed with the district court.

**(c)** Requires the prosecutor to serve the complaint on the asserting person and any other registered owner. Allows service to be made by registered mail.

**(d)** Directs the court to hold a hearing on the innocent owner claim within 30 days, to the extent possible, and permits multiple claims to be combined into one hearing.

**(e)** Establishes burdens on the prosecuting authority to prove by a preponderance of the evidence that the seizure was incident to a lawful arrest or search and to certify that the prosecuting authority has filed, or intends to file, charges against the driver.

**(f)** Establishes burdens on the asserting person to prove by a preponderance of the evidence that the person has an actual ownership interest in the vehicle and either did not know that the vehicle would be operated in a manner contrary to law or took steps to prevent the illegal use.

**(g)** Directs the court to order that the vehicle remains subject to forfeiture if the state meets both its burdens and the asserting person fails to meet either burden.

**Section Description – Article 9: Forfeiture**

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**(h)** Directs the court to order that a vehicle is not subject to forfeiture if the state failed to meet either of its burdens, the asserting person met both burdens, or both of those situations apply.

**(i)** Requires an innocent owner to pay the reasonable costs of the towing, seizure, and storage of the vehicle incurred before the innocent owner provided notice to the prosecuting authority and any reasonable costs of storage incurred if more than two weeks pass after the court orders that the vehicle is not subject to forfeiture.

**4 Administrative forfeiture procedure.**

Requires forfeiture notices to contain a warning to person, other than the driver, who may have an ownership interest in a vehicle that has been seized describing the manner in which the person may assert an innocent owner claim. Makes a conforming change consistent with DWI forfeitures being limited to vehicles. Eliminates the court filing fee for a driver who contests a forfeiture.

**5 Judicial forfeiture procedure.**

Makes conforming changes to reference the new innocent owner subdivision and remove language related to returning filing fees which were removed in another section of the bill.

**6 Disposition of forfeited vehicle.**

Identifies the specific ways in which a law enforcement agency or prosecuting authority can use money obtained through forfeiture.

**7 Exception.**

Provides that a forfeiture proceeding in relation to a DWI offense is stayed if the driver becomes a program participant in the ignition interlock program provided the driver either (1) committed a designated offense other than a first-degree DWI, or (2) is accepted into a treatment court dedicated to changing the behavior of alcohol- and other drug-dependent offenders arrested for a DWI offense. Clarifies that a person's vehicle may be subject to forfeiture if the person operates any vehicle without an interlock device when the person's driver's license requires such a device. Current law does not include a reference to the driver's license requirement. Provides that a person's vehicle is subject to forfeiture if forfeiture was stayed after the person entered treatment court and the driver ceases to be a participant in treatment court for any reason. Replaces the option of posting a bond in lieu of a vehicle being forfeit with the option of surrendering a title. Practitioners have indicated that bonds were difficult or impossible to obtain.

**Section Description – Article 9: Forfeiture**

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- 8 Subsequent unlawful use of seized vehicle; immunity.**  
Provides that appropriate agencies (a defined term including law enforcement agencies), prosecuting authorities, and their employees are immune from liability for any harm caused by a driver to whom a vehicle is returned if they return a vehicle in good faith and within the course and scope of employment.
- 9 Definitions.**  
Defines “asserting person” for purposes of the forfeiture statutes in chapter 609 to mean a person, other than the driver alleged to have used a vehicle in the transportation or exchange of a controlled substance, who claims an ownership interest in a vehicle that has been seized. Makes a technical change to recognize the correct name of the Three Rivers Park District Department of Public Safety.
- 10 Transfer of forfeitable property to federal government.**  
Prohibits the transfer of property subject to forfeiture under Minnesota’s forfeiture laws for adoption by a federal agency if such a forfeiture would be prohibited under state law.
- 11 Associated property.**  
Provides that personal property and real property, other than homestead property exempt from seizure, is subject to forfeiture if it is an instrument or represents the proceeds of a controlled substance offense. The current statute permits forfeiture of homestead property, but the Minnesota Supreme Court found such forfeiture unconstitutional in *Torgelson v. Real Property*, 749 N.W.2d 24 (Minn. 2008). Provides that money is the property of an appropriate agency and may be recovered if that money was provided by the agency and marked or recorded as “buy money.”
- 12 Limitations on forfeiture of certain property associated with controlled substances.**  
Provides that a vehicle is subject to forfeiture if it was used in the transportation or exchange of controlled substances intended for distribution or sale and the controlled substances had a value of at least \$100. Also states that money is subject to forfeiture only if it has a value of at least \$1,500 or there is probable cause to believe that it was exchanged for the purchase of a controlled substance. States that nothing in the limitation prevents the seizure of property for use as evidence in a trial or for any other lawful purpose.
- 13 Records; proceeds.**  
Makes a conforming change consistent with section 10 of this article, striking the paragraph providing that certain property, real and personal, is subject to forfeiture.

**Section Description – Article 9: Forfeiture**

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- 14 Property subject to administrative forfeiture.**  
Establishes that money totaling \$1,500 and any precious metals or stones are subject to forfeiture if there is probable cause to believe that they represent the proceeds of a controlled substance offense. Further establishes that all money found in proximity to controlled substances is subject to forfeiture when there is probable cause to believe that the money was exchanged for the purchase of a controlled substance, and that any vehicle containing controlled substances with a value of \$100 or more is subject to forfeiture if there is probable cause to believe that the vehicle was used in the transportation or exchange of a controlled substance intended for distribution or sale. Establishes that money is the property of an appropriate agency and may be recovered if it is properly documented or marked and used as “buy money.”
- 15 Innocent owner.**  
Establishes an innocent owner proceeding that is essentially identical to the proceeding described in section 3 of this article. Instead of requiring that the prosecutor has filed, or intends to file, appropriate DWI charges, this section requires that the prosecutor establish, by a preponderance of evidence that the vehicle was used in the transportation or exchange of a controlled substance intended for distribution or sale.
- 16 Administrative forfeiture procedure.**  
Requires forfeiture notices to contain a warning to a person, other than the person arrested when the property was seized, who may have an ownership interest in the property describing the manner in which the person may assert an innocent owner claim.
- 17 Judicial determination.**  
Removes the requirement that a person challenging forfeiture pay a court filing fee and makes a conforming change to remove language related to the return of filing fees.
- 18 Distribution of money.**  
Identifies the specific ways in which a law enforcement agency or prosecuting authority can use money obtained through forfeiture.
- 19 Disposition of certain forfeited proceeds; trafficking of persons; report required.**  
Strikes the report on forfeiture required under current law. The bill establishes a new mandatory report.
- 20 Reporting requirement.**  
Requires appropriate agencies and prosecuting authorities to provide the state auditor with information in 15 categories about each forfeiture occurring under the

**Section Description – Article 9: Forfeiture**

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authority of the agency or prosecutor. Requires appropriate agencies and prosecuting authorities to provide the state auditor with a written record of the total amount of money or proceeds from the sale of forfeited property the agency or prosecutor obtained and the manner in which the money and proceeds were used. Requires the reports of specific forfeitures to be made quarterly and reports of the use of money or proceeds to be made annually. Directs the state auditor to report summary data, disaggregated by appropriate agency and prosecuting authority, to the legislature and to make the report available on its website.

**21 Recidivism study.**

Directs the legislative auditor to conduct an audit on the efficacy of forfeiture and ignition interlock in DWI cases. The report should identify the financial impact of the programs, the efficacy in reducing recidivism, and any impact on public safety. The auditor must provide the final report to the legislature by January 15, 2025.

**22 Repealer.**

Repeals section 609.5317 which governs the seizure of residential rental property.

## **Article 10: Policing**

This article contains policies related to peace officers, law enforcement, and peace officer-community relations.

**Section Description – Article 10: Policing**

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**1 Board of Peace Officer Standards and Training.**

Classifies personal phone numbers and email addresses of law enforcement officers as private data. Removes the private data classification for data that identifies which agency a peace officer works for. **[H.F. 1366]**

**2 Peace officer database.**

Adds a cross-reference to the data practices act to address the proposed sharing of private data in section 11. **[H.F. 1374]**

**3 Maintenance.**

Makes a conforming change in relation to identifying equipment violations subject to the secondary offense limitation established in this article by separating the requirements for stop lamps and signal lamps. **[H.F. 2529]**

**Section Description – Article 10: Policing**

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- 4 **Vehicle equipment; secondary offenses.**  
Prohibits law enforcement from stopping or detaining motor vehicle operators for certain motor vehicle equipment violations. [H.F. 2529]
- 5 **Board of Peace Officers Standards and Training; reasonable grounds determination.**  
Reforms the POST Board’s complaint investigation committee composition to comply with the law enforcement reforms that were enacted in the summer of 2020. [H.F. 1366]
- 6 **Cleaninghouse and information center.**  
Requires the Sentencing Guidelines Commission to collect certain data on probation practices in the state. [H.F. 1374]
- 7 **Time and manner of service; no-knock search warrants.**  
**Subd. 1. Time.** Contains a technical change.  
**Subd. 2. Definition.** Defines the term “no-knock search warrant” for purposes of this section.  
**Subd. 3. Requirements for a no-knock search warrant.** Limits the use of no-knock search warrants to cases involving murder in the first degree, hostage taking, kidnapping, terrorism, and human trafficking.  
**Subd. 4. Warrant application form.** Requires law enforcement agencies to develop a no-knock warrant application form and identifies what information must be included in form. Requires the chief law enforcement officer of the requesting agency to review and approve the application. Prohibits the use of no-knock warrants when the underlying crime is drug possession or if the subject of the warrant has a known disability.  
**Subd. 5. Reporting requirements regarding no-knock search warrants.** Requires a law enforcement agency to report quarterly to the commissioner of public safety on the agency’s use of no-knock warrants. Requires the commissioner to report the data received to the legislature.  
[H.F. 1762]
- 8 **Reports required.**  
Expands the situations in which a peace officer must report a crime as a crime motivated by bias to include crimes motivated by bias against a person due to the person’s gender, gender identity, or gender expression, and bias against a person who associates with someone in a protected group. [H.F. 1691]

**Section Description – Article 10: Policing**

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- 9        **Terms, compensation, removal, filling of vacancies.**  
Clarifies that all board positions are subject to the requirements of chapter 214 regarding how positions expire and are renewed. **[H.F. 1366]**
- 10       **Peace Officer Standards and Training Board Citizen’s Council.**  
Renames the Ensuring Police Excellence and Improving Community Relations Advisory Council—which the legislature created in 2020 to advise the POST Board—as the Peace Officer Standards and Training Board Citizen Council. **[H.F. 729]**  
  
Clarifies that the Minnesota ethnic councils have the authority to appoint certain members to the advisory council. **[H.F. 1366]**
- 11       **Peace officer data.**  
Contains conforming changes to reflect the sharing of private peace officer data under section 13. **[H.F. 1374]**
- 12       **Training course; crimes motivated by bias.**  
Expands the training course on crimes motivated by bias that the Board of Peace Officer Standards and Training must prepare to include crimes committed due to bias against a person due to the person’s gender, gender identity, or gender expression, and bias against a person who associates with someone in a protected group. Directs the Board to review the course every three years. Requires the Board to receive the approval of the commissioner of human rights when updating the course. **[H.F. 1691]**
- 13       **Report on alleged misconduct; database; report.**  
Requires chief law enforcement officers to share, in real time, certain private peace officer data with the POST Board in order for the board to evaluate the effectiveness of required training, to assist the Ensuring Police Excellence and Improving Community Relations Advisory Council in fulfilling the council’s duties, and to enable the board and advisory council to identify patterns of behavior that suggest an officer is in crisis or is likely to violate a board mandated model policy. **[H.F. 1374]**
- 14       **Post board; compliance reviews required.**  
Expands the scope of the annual compliance reviews that the POST Board is obligated to perform on each law enforcement agency in the state.
- 15       **In-service training required.**  
Requires training to assist peace officers in recognizing crimes motivated by bias. Directs the Board of Peace Officer Standards and Training to review the learning objectives on an annual basis and to consult with the commissioner of human services when assessing the objectives. **[H.F. 1691]**

**Section Description – Article 10: Policing**

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- 16 **Crisis intervention and mental illness crisis training; dementia and Alzheimer’s.**  
Requires the POST Board to create a list of approved trainers and training courses related to peace officers responding to individuals with mental illness or Alzheimer’s.
- 17 **Body cameras – written policies and procedures required.**  
Adds additional requirements to be included in body camera policies adopted by law enforcement agencies that have officers who use portable recording systems. **[H.F. 1103]**
- 18 **Duty to intercede and report.**  
Modifies the duty imposed on peace officers to report incidents of another peace officer using excessive force. Failure to comply with this requirement could result in discipline from the POST Board. **[H.F. 464]**
- 19 **Confidential informants; required policy and training.**  
Requires the Peace Officer Standards and Training (POST) Board to develop a comprehensive model policy and learning objectives addressing the use of confidential informants by law enforcement. This section requires law enforcement agencies to adopt a policy governing the use of confidential informants that is substantially similar or identical to the model policy. This section further requires peace officers to complete training that satisfies the learning objectives developed by the POST Board. **[H.F. 237]**
- 20 **Investigating human trafficking cases; policies required.**  
Requires the POST Board to develop a model policy on law enforcement investigations of human sex trafficking cases. This section also requires each law enforcement agency in the state to adopt a human sex trafficking investigation policy modelled after the policy created by the POST Board. **[H.F. 698]**
- 21 **Public assembly response; policies required; application.**  
Requires the POST Board to develop a model policy on public assembly response and for law enforcement agencies to adopt a public assembly response policy based on the model policy. Authorizes the POST Board to conduct a compliance review of an agency to ensure compliance with the agency’s public assembly response policy. **[H.F. 445]**
- 22 **Applicability.**  
Exempts investigations and proceedings of a citizen oversight council from complying with the Peace Officers Discipline Procedures Act. **[H.F. 640]**



**Section Description – Article 10: Policing**

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- 23      **Civilian review.**  
Authorizes local unites of government to establish civilian oversight councils and grant a council the authority to make findings of fact and impose discipline on officers. **[H.F. 640]**
- 24      **Exception; Leech Lake Band of Ojibwe.**  
Provides that the Leech Lake Band of Ojibwe has concurrent jurisdictional law enforcement authority with the local sheriff within the boundaries of their reservation regardless of whether a cooperative agreement exists, provided it meets the requirements set forth in Minnesota Statutes, section 626.93, subdivision 2. **[H.F. 1378]**
- 25      **Law enforcement salary increases.**  
Adds 8.4 percent salary increases for law enforcement employees who are covered under the MLEA Agreement, including Department of Natural Resources conservation officers, Bureau of Criminal Apprehension special agents, special agents in the gambling and enforcement division, fugitive specialists, and commerce insurance fraud specialists. Increases were previously provided to state patrol troopers. The increases are retroactive to October 22, 2020. **[H.F. 401]**
- 26      **Rulemaking authority.**  
Grants the board the authority to use rulemaking to implement section 4. **[H.F. 1366]**
- 27      **Grant program for public safety policy and training consultant costs.**  
**Para. (a)** Directs the executive director of the POST Board to issue grants to law enforcement agencies to provide reimbursement for the expense of retaining a board-approved public safety policy and training consultant.  
**Para. (b)** Directs the board to designate an approved public policy and training consultant whose costs would be eligible for reimbursement under this section. Specifies required criteria for the board-approved consultant to possess.  
**Para. (c)** Provides a formula for reimbursement grants if eligible grant application totals exceed funds appropriated for this purpose.  
**[H.F. 730]**
- 28      **Peace officer standards of conduct; white supremacist affiliation and support prohibited.**  
Requires the POST Board to modify the peace officer code of conduct to prohibit peace officers from affiliating with, supporting, or advocating for white supremacist

**Section Description – Article 10: Policing**

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groups, causes, or ideologies or participation in, or active promotion of, an international or domestic extremist group. **[H.F. 593]**

## **Article 11: Corrections and Community Supervision**

This article contains policies related to the Department of Corrections, local jails, and community supervision.

**Section Description – Article 11: Corrections and Community Supervision**

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**1 Probation; supervised release.**

Prohibits a court or the commissioner of corrections from preventing a person from participating in the medical cannabis program as a condition of release, revoking a person's release for participation in the program, or consider the person's participation in the program when imposing penalties for violations of conditions of release. **[H.F. 1020]**

**2 Contents of application; other information.**

Authorizes the use of an inmate's prison-issued ID as a valid secondary form of identification when applying for a state-issued identification card or driver's license. **[H.F. 553]**

**3 Commissioner, powers and duties.**

Prohibits the commissioner of corrections from housing inmates in privately owned jails and prisons after July 1, 2021. **[H.F. 1074]**

**4 Annual performance report required.**

Requires the Department of Corrections to maintain annual statistics and provide them in the department's annual report. The statistics must include: the number and demographics of extended jurisdiction juveniles under supervision; the number of extended jurisdiction juveniles who successfully completed probation in the previous year; the number who were discharged early from supervision; the number who had a sentence executed; and the average length of time an extended jurisdiction juvenile spends under supervision. Requires the report to include aggregate of the security audit group's recommendations. **[H.F. 416 and 1448]**

**5 Correctional facilities; inspection; licensing.**

- Requires the commissioner to establish minimum standards on topics such as mental health, suicide prevention, medication administration and

**Section Description – Article 11: Corrections and Community Supervision**

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discharge planning, sharing relevant information with medical personnel, code of conduct policy development, and death reviews.

- Clarifies that the commissioner must inspect and determine compliance with minimum standards established in rule and any related law.
- Clarifies license expiration practices.
- Increases the timeline for death reporting to 24 hours and codifies reporting obligations related to uses of force and those currently in rule related to emergencies and unusual occurrences.
- Requires the commissioner to publicly post its facility inspection reports within 30 days of completion.
- Moves outdated revocation statutory language to section 241.021, subdivision 1b.

**[H.F. 1267]**

**6 Correction order; conditional license.**

**Para. (a)** Updates archaic language and clarifies ways the commissioner may act without revoking a facility license and codifies steps needed to correct deficiencies that are currently authorized in rule.

**Para. (b)** Authorizes the commissioner to lift orders or restrictions if satisfactory progress towards substantial compliance is made by the facility.

**Para. (c)** Clarifies that the licensing actions may be issued in any order necessary to bring a facility into compliance.

**[H.F. 1267]**

**7 License revocation order.**

**Para. (a)** Updates outdated language and establishes a clear process for revocation of a license. Clarifies the commissioner's condemnation authority for insecure or unfit for use facilities. Declares that facilities will remain operational during notice and written response period.

**Para. (b)** Establishes the process for a facility administrator to respond to the commissioner.

**Para. (c)** Adds parameters for what must be considered when revoking a license.

**Section Description – Article 11: Corrections and Community Supervision**

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**Para. (d)** Clarifies the contents of revocation orders and the authority to authorize use of a facility until a certain date in anticipation of a facility closure.

**Para. (e)** Recodifies current statutory language.

**[H.F. 1267]**

**8 Temporary license suspension.**

Grants the commissioner the authority to impose a temporary, immediate suspension to a facility. **[H.F. 1267]**

**9 Public notice of restriction, revocation, or suspension.**

Requires the commissioner to provide public notice if the commissioner restricts, revokes, or suspends a facility's license. **[H.F. 1267]**

**10 Reconsideration of orders; appeals.**

Establishes the process and timeline for a facility to request that the commissioner reconsider an order and establishes that the commissioner's decisions on requests for reconsideration are final, but subject to appeal. **[H.F. 1267]**

**11 Report.**

Imposes the following legislative reporting obligations on the commissioner:

- information on individuals who have died in facilities;
- information on death review results;
- information on uses of force;
- information on suicide attempts, segregation, and medical transports;
- information on individuals housed outside of DOC facilities; and
- summary data on complaints and discipline in DOC facilities.

**[H.F. 1267]**

**12 Biennial assessment and audit of security practices; state correctional facilities.**

Requires the commissioner of corrections to conduct independent biennial safety audits of each state correctional facility. The audits must be completed by a team of experts as specified in the following section. **[H.F. 1448]**

**13 State correctional facilities security audit group.**

Directs the commissioner to establish an independent correctional facilities security audit group to establish security audit standards and review security audit reports performed by the agency's inspection unit. **[H.F. 1448]**

**Section Description – Article 11: Corrections and Community Supervision**

---

- 14     **Definition.**  
Recodifies the definition of “correctional facility” as that term is used in section 241.021. **[H.F. 1267]**
- 15     **Affected municipality; notice.**  
Makes a conforming change. **[H.F. 947]**
- 16     **Licensing; facilities; juveniles from outside state.**  
Makes a conforming change. **[H.F. 947]**
- 17     **Searches.**  
Provides that the commissioner of corrections shall not grant a license to operate a facility for the detention, care, and training of delinquent children unless the facility adopts a policy prohibiting the visual inspection of the breasts, buttocks, or genitalia of children received by the facility except during health care procedures performed by a licensed person. **[H.F. 947]**
- 18     **Disciplinary room time.**  
Provides that the commissioner of corrections shall not grant a license to operate a facility for the detention, care, and training of delinquent children unless the facility adopts a policy prohibiting the use of disciplinary room time for children received by the facility except in emergency situations where the use is needed to protect a resident or others and less restrictive interventions are determined to be ineffective. **[H.F. 947]**
- 19     **Intake release of information.**  
Requires all correctional facilities to provide a release of information form to individuals upon intake allowing them to authorize information and circumstances related to health status that can be shared in the event of incapacitation. **[H.F. 1267]**
- 20     **Death review teams.**  
Establishes the following death review requirements for licensed facilities:
- use a chosen, objective, medical expert, and includes mental health if appropriate;
  - assess for preventable mortality and morbidity within 90 days of death;
  - requires notice to DOC of any recommendations for changes in policy, procedure, or training; and
  - death review data is designated as confidential.
- [H.F. 1267]**

**Section Description – Article 11: Corrections and Community Supervision**

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**21 Authorization.**

Authorizes the DOC's Fugitive Apprehension Unit to exercise general police powers during the course of official duties. **[H.F. 1368]**

**22 Limitations.**

Modifies how the Fugitive Apprehension Unit interacts with other agencies regarding investigations and arrests. **[H.F. 1368]**

**23 Policies.**

Removes obsolete language. **[H.F. 1368]**

**24 Release of inmates; duties of commissioner.**

**Subd. 1. Duties upon release.** Details a variety of services the commissioner of corrections must provide to an inmate before releasing the inmate from incarceration.

**Subd. 2. Assistance relating to birth certificate and identification cards.** Directs the commissioner to assist inmates in securing copies of their birth certificates, upon request of an inmate. Directs the commissioner to work with the commissioner of public safety to provide inmates with no-fee state ID cards.

**Subd. 3. Medical assistance or MinnesotaCare applications.** Directs the commissioner to assist inmates in applying for government funded medical insurance prior to release from incarceration.

**Subd. 4. Medications.** Directs the commissioner to provide inmates in need of non-narcotic prescription medications a 30 day supply upon release.

**Subd. 5. Exception; release violators.** Authorizes the commissioner to not provide inmates who are incarcerated for release violations with the services required under this section, except subdivision 4.

**[H.F. 553]**

**25 Homelessness mitigation plan; annual reporting on homelessness.**

**Subd. 1. Homelessness mitigation plan; report.** Requires the commissioner to develop a homelessness mitigation plan for individuals released from prison.

**Subd. 2. Reporting on individuals released to homelessness.** Requires the commissioner to report annually to the legislature on released-inmate homelessness and the commissioner's mitigation plan.

**[H.F. 553]**

**Section Description – Article 11: Corrections and Community Supervision**

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- 26      **General searches.**  
Authorizes the state correctional facilities audit group to visit state correctional facilities to execute the group’s duties. **[H.F. 1448]**
- 27      **Duty to report.**  
    **Subd. 1. Discipline and prevention of escape.** Adds clarifying language.  
  
    **Subd. 2. Use of force.** Declares that force may not be applied maliciously or sadistically to cause harm to inmates. Prohibits certain means of restraining inmates including chokeholds and prone restraints, unless deadly force is justified. Defines when deadly force is permitted.  
  
    **Subd. 3. Duty to report.** Creates a duty to report for staff who observe another staff use excessive force or who observe neglect of incarcerated individuals in facilities no later than 24 hours after the incident to the facility administrator.  
  
    **[H.F. 1267]**
- 28      **Private prison contracts prohibited.**  
Prohibits the commissioner of corrections from entering into a contract with privately owned and operated prisons to care for state inmates. **[H.F. 1074]**
- 29      **Indeterminate Sentence Release Board.**  
Establishes the Indeterminate Sentence Release Board and describes the members and duties.  
  
    **Subd. 1. Establishment; members.** Establishes a board, the Indeterminate Sentence Release Board, to review eligible cases and make release determinations for inmates serving indeterminate sentences. States that the board consists of five members including the commissioner of corrections and four individuals appointed by the governor from recommendations by the majority and minority leaders of each legislative body. Establishes minimum criteria for the members.  
  
    **Subd. 2. Terms; compensation.** Provides that members of the board serve four-year staggered terms except that two initial members will be appointed to two-year terms. Provides for compensation and removal consistent with Minnesota Statutes, section 15.0575.  
  
    **Subd. 3. Quorum; administrative duties.** States that a majority of members constitutes a quorum. Directs the commissioner of corrections to provide administrative services, meeting space, and other administrative support.

**Section Description – Article 11: Corrections and Community Supervision**

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**Subd. 4. Limitation.** Asserts that nothing in the new section of law supersedes the commissioner of corrections' ability to revoke an inmate's release or the authority of the Board of Pardons to grant a pardon or commute a sentence.

**Subd. 5. Report.** Requires the board to submit a report regarding inmates reviewed and identifying individuals granted release. Further directs the board to make recommendations for legislative action.

**[H.F. 1369]**

**30 Supervised release, life sentence.**

Replaces the term "commissioner" with "board," establishes a majority vote of the board as the basis for releasing an inmate, and defines "board" as the Indeterminate Sentence Release Board established in section 29. **[H.F. 1369]**

**31 Specialized programming for pregnant inmates.**

Authorizes the commissioner of corrections to place pregnant and postpartum female inmates in community-based programs and requires the commissioner to report annually to the legislature the number of inmates released under this provision. **[H.F. 1403]**

**32 Powers and duties**

Requires county probation officers to provide the Department of Corrections with the data needed to prepare a report on extended jurisdiction juveniles. **[H.F. 416]**

**33 Detention pending hearing.**

Limits when a supervising agent, employed by the Department of Corrections, can issue a written order to have a person under supervision arrested. The limitation applies when (1) the person under supervision has not previously violated a condition of release and (2) the violation is one described in paragraph (a) of the new subdivision 1a of section 609.14 contained in section 43 of this article. The limitation does not apply if the agent has a reasonable belief that detention is necessary to prevent the person from escaping or absconding, or if the agent has a reasonable belief that the person poses a risk to public safety. **[H.F. 1761]**

**34 Use of restraints.**

Prohibits the use of restraints on children appearing in court unless the court makes findings that there are no less restrictive alternatives available and the use is necessary to prevent physical harm to the child or another, or to prevent the child from fleeing. Describes factors the court can consider. Requires the court to hold a hearing before ordering the use of restraints, and further requires the court to make findings of fact in support of the order. **[H.F. 922]**



**Section Description – Article 11: Corrections and Community Supervision**

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**35 General.**

Removes the statutory requirement that the court open hearings in juvenile proceedings when a child is alleged to have committed an offense that would be a felony if committed by an adult and the child is at least 16 years old. **[H.F. 922]**

**36 Alternative to arrest of certain juvenile offenders authorized.**

Establishes that a peace officer may refer a child to a program that the law enforcement agency deems appropriate if the officer has probable cause to believe that the child is a delinquent child or juvenile petty offender. Permits law enforcement to defer issuing a citation, referring the matter to a prosecutor, or otherwise initiating a proceeding in juvenile court after referring a child to an appropriate program. Prohibits issuing a citation, referring the matter to a prosecutor, or otherwise initiating a proceeding in juvenile court after a child successfully completes an appropriate program. Prohibits prosecution of a child who successfully completes a program to which the child was referred. **[H.F. 922]**

**37 Risk assessment instrument.**

Requires a peace officer or parole officer who does not release a child to communicate with a secure detention facility to determine whether the child should be detained. The facility must use an objective juvenile detention risk assessment instrument developed in coordination with the Minnesota Juvenile Detention Alternative Initiative. Requires that the risk assessment instrument assess the likelihood that a juvenile will return to court or be a danger to others. Further directs the instrument to identify appropriate noncustodial community-based supervision that will minimize the risk the child poses to others and increase the probability that the child will return to court. Requires release of the child pursuant to existing law if, after use of the assessment, a decision is made that release is appropriate. **[H.F. 922]**

**38 Reason for detention.**

Provides that no child may be detained in a secure detention facility after being taken into custody for a delinquent act unless the child is over the age of 12. **[H.F. 947]**

**39 Child in need of protection or services.**

Amends the definition of “child in need of protection or services” to include children who commit a juvenile petty offense or delinquent act before becoming 13 years old. Current law defines the term as including children under the age of ten. **[H.F. 947]**

**40 Peace officers and probation officers serving CCA counties.**

Limits when a supervising agent, employed by a Community Corrections Act county, can issue a written order to have a person under supervision arrested. The limitation applies when (1) the person under supervision has not previously violated a

**Section Description – Article 11: Corrections and Community Supervision**

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- condition of release and (2) the violation is one described in paragraph (a) of the new subdivision 1a of section 609.14 contained in section 43 of this article. The limitation does not apply if the agent has a reasonable belief that detention is necessary to prevent the person from escaping or absconding, or if the agent has a reasonable belief that the person poses a risk to public safety. **[H.F. 1761]**
- 41 **Comprehensive plan; standards of eligibility; compliance.**  
Requires probation agencies in County Corrections Act counties to provide the Department of Corrections with the data needed to prepare a report on extended jurisdiction juveniles. **[H.F. 416]**
- 42 **Grounds.**  
Establishes that revocation of probation should only be used as a last resort when rehabilitation has failed. **[H.F. 1761]**
- 43 **Violations where policies favor continued rehabilitation.**  
Prohibits a court from revoking a person’s probation and executing a suspended sentence for a first violation of several common conditions including failing to pay restitution, having a positive test for alcohol or a controlled substance, failing to report a contact with law enforcement, and failing to contact a probation agent. Limits when a court can issue a warrant for the arrest of a person under supervision. The limitation applies when (1) the person under supervision has not previously violated a condition of release and (2) the violation is one described in paragraph (a). The limitation does not apply if the written report submitted by the supervising agent establishes, by a preponderance of the evidence, that the person poses a risk to public safety. Permits the court to request a supplemental report from the supervising agent if the court does not issue an arrest warrant. **[H.F. 1761]**
- 44 **Placement in private prisons prohibited.**  
Prohibits the placement of jail inmates in privately owned facilities. **[H.F. 1074]**
- 45 **Alternatives to incarceration pilot program.**  
Directs the Department of Corrections to issue funding of \$160,000 to program recipients. Requires an annual report from the DOC. Amends the components of the report to include: (1) the number of individuals who completed or were discharged from probation after participating in the program; (2) the number of those individuals who committed a new offense after discharge; (3) an identification of barriers the targeted population faces in accessing community services and a description of how the program helps participants navigate those barriers; and (4) an identification of gaps in existing community services for the target population. **[H.F. 1097]**

**Section Description – Article 11: Corrections and Community Supervision**

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- 46      **Task force on sentencing for aiding and abetting felony murder.**  
Establishes a task force to review statutes and data related to charging, convicting, and sentencing individuals who aid and abet the commission of felony murder.
- Subd. 1. Definitions.** Defines the terms “aiding and abetting” and “felony murder” for the purposes of the task force.
- Subd. 2. Establishment.** Establishes a task force to collect and analyze data related to sentencing individuals for aiding and abetting felony murder.
- Subd. 3. Membership.** Identifies the members of the task force, including four legislative members, the commissioner of corrections, state public defender, three county attorneys, and two members representing victims’ rights. Requires that appointments must be made by July 30, 2021, and establishes that members serve without compensation.
- Subd. 4. Officers; meetings.** Provides for the election of a chair, vice-chair, and any other necessary members of the task force. Requires the commissioner of corrections to convene the first meeting of the task force by August 1, 2021. Directs the task force to meet at least monthly and provides that the meetings are subject to the open meetings law. Directs the task force to request the cooperation of state agencies, academics, and others.
- Subd. 5. Duties.** Establishes duties for the task force including collecting and analyzing data related to charges and sentences for individuals convicted of aiding and abetting felony murder, reviewing relevant statutes, receiving input from victims and offenders; analyzing the benefits and unintended consequences of Minnesota’s laws related to charging, convicting, and sentencing individuals for aiding and abetting felony murder; and making recommendations to the legislature.
- Subd. 6. Report.** Directs the task force to submit a report by January 15, 2022.
- Subd. 7. Expiration.** Provides that the task force expires the day after it submits its report. **[H.F. 1162]**
- 47      **Title.**  
Entitles the provisions in this article related to facility inspections the Hardel Sherrell Act. **[H.F. 1267]**
- 48      **Correctional supervision working group; Tribal governments.**  
Establishes a working group to develop policy and procedures for federally recognized Indian Tribes to participate in the Community Corrections Act subsidy

**Section Description – Article 11: Corrections and Community Supervision**

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program. Requires the working group to submit a report to the legislature by March 15, 2022. [H.F.1641]

## **Article 12: Minnesota Rehabilitation and Reinvestment Act**

This article establishes the Minnesota Rehabilitation and Reinvestment Act which is designed to reduce the length of incarceration for offenders who demonstrate their rehabilitation. [H.F. 2349]

**Section Description – Article 12: Minnesota Rehabilitation and Reinvestment Act**

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**1 Rehabilitation programs.**

Expands required rehabilitation programming that the commissioner must provide inmates to include substance abuse treatment programs; sexual offender treatment programming; medical and mental health services; and vocational, employment and career, educational, and other rehabilitative programs.

**2 Rehabilitative need assessment and individualized program plan required.**

**Para. (a).** Directs the commissioner to develop a comprehensive needs assessment for those with 365 days or more remaining on their fixed sentence after August 1, 2021.

**Para. (b).** Requires an individualized program plan with goals for every person committed to the authority of the DOC.

**Para. (c).** Provides for victim input if the inmate's crime resulted in harm against a person.

**Para. (d).** Requires the commissioner to consider victim input in program planning and conditions of confinement or release.

**Para. (e).** Requires the commissioner to develop a transition and release plan in consultation with the incarcerated person for those with less than 365 days of term of imprisonment.

**3 Earned incentive release.**

**Para. (a).** Defines earned incentive release (EIR).

**Para. (b).** Requires the commissioner to create a policy for accruing EIR and forfeiture of EIR.

**Section Description – Article 12: Minnesota Rehabilitation and Reinvestment Act**

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- Para. (c).** Requires the commissioner to develop a policy for addressing systemic and programmatic gender and racial disparities in EIR.
- 4      **Application of earned incentive release credit.**
- Para. (a).** Establishes that EIR credits are subtracted from an offender’s term of imprisonment and not added to the supervised release term. Establishes the maximum amount of EIR at 17 percent of the term of imprisonment except that the term of imprisonment may not be less than 50 percent of the executed sentence.
- Para. (b).** Establishes EIR as distinct from other legislatively authorized release programs.
- 5      **Certain offenses ineligible for EIR credit.**
- Para. (a).** Excludes offenders sentenced for certain serious violent crimes and offenders from other states from participating in EIR.
- Para. (b).** Excludes individuals serving life sentences, given indeterminate sentences for crimes committed on or before April 30, 1980, or who are subject to good time from participating in EIR.
- 6      **Supervised release.**
- Para. (a).** Permits an offender’s supervised release term to be reduced by any EIR credit.
- Para. (b).** Replaces the term “segregation” with “restrictive housing.”
- 7      **Earned compliance credit and supervision abatement status.**
- Para. (a).** Defines “supervision abatement status” and “earned compliance credit” for purposes of this section.
- Para. (b).** Mandates the commissioner to create a policy for earning compliance credits and forfeiture of the credit, requiring that once a combination of time served, EIR, and supervision term plus compliance credits equal the supervised release term, the person is placed on abatement status.
- Para. (c).** Establishes the commissioner’s disciplinary options when an offender on supervision abatement status is charged with a new presumptive felony-level crime against a person.
- Para. (d).** Provides when an offender is on supervision abatement status, the offender will not be required to report to a supervision agent or pay supervision fees, but must report any new criminal charges and seek written authorization to relocate to another state.

**Section Description – Article 12: Minnesota Rehabilitation and Reinvestment Act**

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- Para. (e).** Prohibits individuals serving life sentences, given indeterminate sentences for crimes committed on or before April 30, 1980, or subject to good time from earning compliance credit or being placed on supervision abatement status.
- 8 **Victim input.**  
Requires the commissioner to attempt to notify the victim of an offender’s EIR eligibility and request victim input on the offender’s EIR eligibility.
- 9 **Victim notification.**  
Declares that EIR participation does not absolve the commissioner of fulfilling any other statutory victim notification requirements.
- 10 **Interstate compact.**  
Authorizes individuals serving Minnesota sentences in other states under the Interstate Compact for Adult Offender Supervision to be eligible for supervision abatement status.
- 11 **Reallocation of EIR savings.**  
**Subd. 1. Definitions.** Defines terms used in this section.  
**Subd. 2. Establishment of reallocation of revenue account.** Establishes the reallocation revenue account.  
**Subd. 3. Certification of EIR savings.** Requires MMB to certify any savings from EIR in the prior fiscal year.  
**Subd. 4. Savings to be transferred to the reallocation revenue account.** Requires EIR savings to be transferred to the reallocation revenue account.  
**Subd. 5. Distribution of reallocation funds.** Provides how the savings resulting from EIR (based on reduction in incarcerated days), shall be distributed.
- 12 **Reporting required.**  
Requires the commissioner to report annually to the legislature on the EIR program. Requires the commissioner to include feedback on the EIR program from victim coalitions in the annual report to the legislature. Requires the commissioner to conduct regular evaluations of EIR program and publish findings on the agency’s website and in annual report to the legislature.
- 13 **Effective date.**  
Establishes August 1, 2021, as the effective date for this act.

## Article 13: Criminal Sexual Conduct Reform

This article contains a variety of revisions to the state’s criminal sexual conduct (CSC) statutes that are based on the recommendations of the legislatively created Criminal Sexual Conduct Statutory Reform Working Group. **[H.F. 707]**

### Section Description – Article 13: Criminal Sexual Conduct Reform

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- 1 Registration required.**  
Exempts violators of the new felony fifth degree criminal sexual conduct offense from requiring predatory offender registration if the offender does not have a prior sex offense conviction.
- 2 Criminal abuse.**  
Repeals language related to a sex offense against a vulnerable adult by an employee of a care facility that would be covered under the new definition of prohibited occupational relationships (section 9).
- 3 Force.**  
Modifies the definition of “force” as that term is used in the CSC statutes.
- 4 Mentally incapacitated.**  
Modifies the definition of “mentally incapacitated” for purposes of the CSC statutes. The current definition posed a significant roadblock to prosecuting cases where complainants were intoxicated through voluntary consumption to the point where they could not give reasoned consent.
- 5 Sexual contact.**  
Contains conforming changes.
- 6 Sexual penetration.**  
Contains a conforming change.
- 7 Coercion.**  
Modifies the definition of “coercion” for purposes of the CSC statutes. Provides for the situation where the complainant may fear infliction of bodily harm by someone other than the actor, such as an accomplice.
- 8 Significant relationship.**  
Modifies the definition of “significant relationship” for purposes of the CSC statutes so that the definition includes adults who were involved in a significant romantic or sexual relationship with a victim’s parent.

**Section Description – Article 13: Criminal Sexual Conduct Reform**

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- 9      **Prohibited occupational relationship.**  
Creates a newly defined term—“prohibited occupational relationship”—in the CSC statutes. The new term is intended to incorporate the many separate CSC offenses that are based on the perpetrator’s occupational status.
- 10     **Caregiver.**  
Defines “caregiver” for purposes of the CSC statutes.
- 11     **Facility.**  
Defines “facility” for purposes of the CSC statutes.
- 12     **Vulnerable adult.**  
Defines “vulnerable adult” for purposes of the CSC statutes.
- 13     **Criminal sexual conduct in the first degree.**  
**Subd. 1. Adult victims; crime defined.** Amends the header and content of subdivision 1 to cover CSC cases where there is an adult victim. Strikes the age-specific offenses and recodifies them in the new subdivision 1a which covers cases with child victims.  
**Subd. 1a. Victim under the age of 18; crime defined.**
  - Creates a new subdivision for offenses against victims under the age of 18.
  - Increases the age threshold for certain CSC 1 child victim offenses from 12 and under to 13 and under.
  - Creates a uniform age difference between the offender and victim of 36 months.**Subd. 2. Penalty.** Contains a conforming change.  
**Subd. 3. Stay.** Contains a conforming change.
- 14     **Criminal sexual conduct in the second degree.**  
**Subd. 1. Adult victims; crime defined.** Amends the header and content of subdivision 1 to cover CSC cases where there is an adult victim. Strikes the age-specific offenses and recodifies them in the new subdivision 1a which covers cases with child victims.  
**Subd. 1a. Victim under the age of 18; crime defined.**
  - Creates a new subdivision for offenses against victims under the age of 18.
  - Increases the age threshold for certain CSC 2 child victim offenses from 12 and under to 13 and under.



**Section Description – Article 13: Criminal Sexual Conduct Reform**

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- Creates a uniform age difference between the offender and victim of 36 months.

**Subd. 2. Penalty.** Contains a conforming change.

**Subd. 3. Stay.** Contains a conforming change.

**15 Criminal sexual conduct in the third degree.**

**Subd. 1. Adult victims; crime defined.**

- Amends the header and content of subdivision 1 to cover CSC cases where there is an adult victim.
- Strikes the age-specific offenses and recodifies them in the new subdivision 1a which covers cases with child victims.
- Creates a re-organized offense based on a prohibited occupational relationship. Expands the category of covered occupations to educational positions.
- Removes “force” as possible grounds to prove certain CSC 3 offenses to avoid the potential of duplicating an offense in CSC 1.

**Subd. 1a. Victim under the age of 18; crime defined.**

- Creates a new subdivision for offenses against victims under the age of 18.
- Increases the age threshold for certain CSC 3 child victim offenses from 12 and under to 13 and under.
- Creates a uniform age difference between the offender and victim of 36 months.
- Removes “force” as possible grounds to prove certain CSC 3 offenses to avoid the potential of duplicating an offense in CSC 1.
- Reduces the age span for which the mistake of age defense is available from 120 months to 60 months between the actor and complainant.

**Subd. 2. Penalty.** Contains a conforming change.

**Subd. 3. Stay.** Contains a conforming change.

**16 Criminal sexual conduct in the fourth degree.**

**Subd. 1. Adult victims; crime defined.**

- Amends the header and content of subdivision 1 to cover CSC cases where there is an adult victim.
- Strikes the age-specific offenses and recodifies them in the new subdivision 1a which covers cases with child victims.

**Section Description – Article 13: Criminal Sexual Conduct Reform**

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- Creates a re-organized offense based on a prohibited occupational relationship. Expands the category of covered occupations to educational positions.
- Removes “force” as possible grounds to prove certain CSC 4 offenses to avoid the potential of duplicating an offense in CSC 2.

**Subd. 1a. Victim under the age of 18; crime defined.**

- Creates a new subdivision for offenses against victims under the age of 18.
- Increases the age threshold for certain CSC 4 child victim offenses from 12 and under to 13 and under.
- Creates a uniform age difference between the offender and victim of 36 months.
- Removes “force” as possible grounds to prove certain CSC 4 offenses to avoid the potential of duplicating an offense in CSC 2.
- Reduces the age span for which the mistake of age defense is available from 120 months to 60 months between the actor and complainant.

**Subd. 2. Penalty.** Contains conforming changes.

**Subd. 3. Stay.** Contains a conforming change.

**17 Criminal sexual conduct in the fifth degree.**

**Subd. 1. Sexual penetration; crime defined.** Creates a new offense of nonconsensual sexual penetration.

**Subd. 1a. Sexual contact; child present; crime defined.** Recodifies existing fifth degree CSC offenses in a new subdivision.

**Subd. 2. Gross misdemeanor.** Retains the gross misdemeanor for first time offenses of the current fifth degree CSC offenses.

**Subd. 3. Felony.** Creates a two-year felony for violation of the subdivision 1 offense of nonconsensual sexual penetration. Increases the felony penalty for aggravated offenses and repeat CSC offenders.

**18 Dangerous sex offenders; life sentences; conditional release.**

Contains conforming amendments so that a conviction for the proposed offense of sexual extortion (section 19) is subject to an extended sentence and longer periods of conditional release when aggravating factors are involved in the offense.

**Section Description – Article 13: Criminal Sexual Conduct Reform**

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- 19      **Sexual extortion.**  
          **Subd. 1. Crime defined.** Creates a new offense of sexual extortion to punish an actor who uses the threat of harm—other than physical harm—to extort unwanted sexual contact with a victim. The offense targets the use of extortion or blackmail to compel a victim into unwanted sexual contact.  
  
          **Subd. 2. Penalty.** Establishes penalties that are patterned after the penalties for violations of third and fourth degree CSC.  
  
          **Subd. 3. No attempt charge.** Bars a prosecutor from charging an offender with an attempt to commit sexual extortion.
- 20      **Voluntary intoxication defense for certain mentally incapacitated cases; clarification of applicability.**  
          Provides that a violation of first to fourth degree CSC involving a victim who is mentally incapacitated based on voluntary intoxication (see section 4) is considered a specific intent crime for the purposes of invoking the intoxication defense. Under current law, it is not settled whether the defense would be available. This provision clarifies that it is.
- 21      **Crime of violence.**  
          Adds the new offense of sexual extortion to the definition of “crime of violence.”
- 22      **Predatory offender statutory framework working group; report.**  
          Establishes a working group to assess the state’s predatory offender statutory framework and to make recommendations to the legislature for reforms to the applicable statutes.
- 23      **Revisor instruction.** Directs the revisor to make conforming changes to existing statutes to reflect the statutory changes proposed in this article.

## **Article 14: Criminal and Sentencing Provisions**

This article contains provisions related to criminal laws and sentences.

**Section Description – Article 14: Criminal and Sentencing Provisions**

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- 1      **Supervised release; offenders who commit crimes on or after August 1, 1993.**  
          Makes a conforming change based on changes to the eligibility of release for certain juveniles. [H.F. 416]

**Section Description – Article 14: Criminal and Sentencing Provisions**

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**2 Minimum imprisonment, life sentence.**

Provides that an inmate serving a life sentence who committed the offense when the person was under 18 years of age is not eligible for release until that person has served 15 years of imprisonment. **[H.F. 416]**

**3 Eligibility for early supervised release; offenders who were under 18 at the time offense.**

Provides that an inmate serving a sentence that includes more than 15 years of incarceration and who committed that offense when the person was under 18 years of age is eligible, and must be considered, for early supervised release after serving 15 years of incarceration. Establishes that the opportunity for early supervised release applies to all consecutive sentences to which the person is sentenced. **[H.F. 416]**

**4 Supervised release, life sentence.**

Makes a conforming change based on changes to the eligibility of release for certain juveniles. **[H.F. 416]**

**5 Juvenile review board.**

**Subd. 1. Board.** Establishes the Juvenile Review Board.

**Subd. 2. Members.** Provides that the board consists of the commissioner of corrections, commissioner of human services, commissioner of public safety, attorney general, and three at-large members with expertise in the neurodevelopment of youth.

**Subd. 3. Terms, compensation, and removal.** States that the terms, compensation, and removal of members is governed by Minnesota Statutes, section 15.0575.

**Subd. 4. Powers and duties.** Establishes that the board has the authority to release inmates who were under 18 at the time they committed an offense after the inmate has served 15 years or at an earlier time established by the court. Permits the board to grant release on multiple consecutive sentences. Requires the board to conduct an initial release hearing as soon as practicable after the inmate becomes eligible for release and requires a hearing by July 1, 2022, for any inmates who were eligible on or before July 1, 2021. Directs the board to conduct subsequent review hearings no sooner than six months after the prior hearing and no later than three years later. Permits the board to direct that the inmate serve supervised release time on intensive supervised release.

**Section Description – Article 14: Criminal and Sentencing Provisions**

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**Subd. 5. Administrative services.** Directs the commissioner of corrections to provide administrative support for the board and permits the commissioner to utilize the services of other agencies and accept donated services.

**Subd. 6. Development report.** Directs the board to require the preparation of a development report by a mental health professional to address the cognitive, emotional, and social maturity of the inmate. Permits the board to rely on a report that was prepared in the previous 12 months.

**Subd. 7. Victim statement.** Directs the board to notify any victim before a hearing and accept a written or oral statement by any victim.

**Subd. 8. Review hearing; notice.** Directs the board to notify an inmate of the date and time of the hearing at least 90 days before the hearing. Notice must include that the inmate has the right to counsel, the right to access the inmate's file, and the right to submit written arguments to the board before the hearing.

**Subd. 9. Considerations.** Directs the board to consider multiple factors in determining whether to grant release, including the development report, the inmate's conduct and progress while incarcerated, and the risk the inmate poses to the community. Directs the board to consider the neurological development of juveniles in making its decisions. Prohibits the board from granting release to a person who has not successfully completed appropriate treatment or participated in appropriate mental health treatment. Also requires an inmate to have a comprehensive individual release plan before release.

**Subd. 10. Findings of the board.** Directs the board to issue its decision within 30 days of a hearing. If the board denies release, it must identify specific steps an inmate can take to increase the likelihood of release at a future hearing.

**Subd. 11. Review by court of appeals.** Establishes that the court of appeals has the authority to review decisions of the board on two grounds: whether the order conforms with the section, and whether the findings of fact and order were unsupported by the entire record as submitted **[H.F. 416]**

**6 Report on sentencing adjustments.**

Requires the Minnesota Sentencing Guidelines Commission to include a summary and analysis of sentence adjustments issued under the new provision in section 18. The summary and analysis must contain information about the counties that adjusted sentences and demographic information about the people who received those adjustments. **[H.F. 901]**

**Section Description – Article 14: Criminal and Sentencing Provisions**

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- 7      **Executed sentences.**  
Makes a conforming change based on changes to the eligibility of release for certain juveniles. [H.F. 416]
- 8      **Administrative review.**  
Makes a conforming change granting the court of appeals the authority to review decisions by the Juvenile Review Board. [H.F. 416]
- 9      **Punishment when not otherwise fixed.**  
Reduces the maximum sentence for a gross misdemeanor from not more than one year to not more than 364 days. [H.F. 614]
- 10     **Maximum punishment for gross misdemeanors.**  
Establishes that any law that provides for a maximum sentence of one year or is defined as a gross misdemeanor must be deemed to provide for a maximum sentence of 364 days. [H.F. 614]
- 11     **Military veterans; crimes committed because of conditions resulting from service; discharge and dismissal.**  
**Subd. 1. Definitions.** Defines the terms “applicable condition,” “eligible offense,” “pretrial diversion,” and “veterans treatment court” as used in this section.  
**Subd. 2. Deferred prosecution.** Directs the court to defer prosecution for an eligible offense committed by a defendant who was, or is, a member of the United States military. Directs veterans who wish to be sentenced under this section to release military service reports and records and directs the court to treat the records as confidential. Permits the court to order an assessment of the veteran to determine eligibility. Requires the court to determine, by clear and convincing evidence, whether (1) the defendant suffered from an applicable condition at the time of the offense, (2) the applicable condition was caused by service in the military, and (3) the offense was committed as a result of the applicable condition. Provides that, if the veteran is eligible, the court shall place the veteran on probation without entering a judgment of guilt and shall establish appropriate conditions of probation including conditions focused on rehabilitation and treatment. Provides that a court may, but is not required to, defer sentence for a veteran who previously received a deferred sentence for a felony offense. Permits the court to enter judgment and impose a sentence if the veteran violates conditions of probation. Encourages the court to impose conditions that involve connection with other services for veterans, including veterans treatment courts. Establishes that sentencing under this section waives the right to bring an administrative challenge to a license consequence for an incident involving driving under the influence.

**Section Description – Article 14: Criminal and Sentencing Provisions**

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**Subd. 3. Discharge and dismissal.** Provides that, upon the expiration of the veteran’s probation, the court must hold a hearing to determine whether to dismiss the proceedings against the veteran. The veteran, prosecutor, and any victims have the right to attend or make statements at the hearing. The court must provide notice of the hearing to any victims. The court must dismiss the charges against the veteran if the court finds, by clear and convincing evidence, that the veteran is in substantial compliance with the terms of probation, successfully participated in ordered treatment, does not represent a danger to victims or others, and has demonstrated significant benefit from treatment or other rehabilitation services such that dismissal is in the interests of justice. If charges are dismissed, the Bureau of Criminal Apprehension shall retain a not public copy of the record.

**Subd. 4. Sentencing departure; waiver of mandatory sentence.** Permits the court to enter a sentence that is a mitigated durational or dispositional departure if the court does not stay adjudication of the veteran, the veteran did not commit an offense for which predatory registration is required, and the veteran otherwise meets the qualifications under this section.

**Subd. 5. Optional veterans treatment court program; procedures for eligible defendants.** Establishes that a county or judicial district may supervise a veteran’s probation through the use of veterans treatment court.

**Subd. 6. Creation of county and city diversion programs; authorizations.** Authorizes the creation of city and county diversion programs with no impact on the municipality’s receipt of local government aid.

**Subd. 7. Exception.** Provides that this section does not apply to an offense for which predatory offender registration is required.

**[H.F. 478]**

**12 Life without release.**

Makes a conforming change based on changes to the eligibility of release for certain juveniles. **[H.F. 416]**

**13 Offender under age 18; life imprisonment.**

Establishes that a court must sentence an offender who commits a heinous offense, as defined in the statute, when the person was under 18 years old to life in prison with the possibility of release. **[H.F. 416]**

**Section Description – Article 14: Criminal and Sentencing Provisions**

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**14 Definitions.**

Adds a violation of section 609.322 (sex trafficking in the first degree) to the definition of “violent crime” in the section of law that permits increased sentences for certain dangerous and repeat felony offenders. **[H.F. 613]**

**15 Disability impact statement.**

Directs judges to inquire whether a defendant who has been convicted of a crime has a disability as defined in the Americans with Disability Act of 1990. Permits the court to request that a disability impact statement be included in a presentence investigation report prepared in cases where a defendant may be sentenced to imprisonment. Indicates that the statement should address the impact of a sentence on the person’s disability. Requires the court to consider the statement if ordered and directs the court to consider the least restrictive environment that would meet the state’s penal objective. **[H.F. 1082]**

**16 Traumatic brain injury.**

Requires courts to inquire whether a defendant in a felony case has a history of stroke, traumatic brain injury, or fetal alcohol spectrum disorder. If the court believes that a history of one of those conditions resulted in the defendant lacking substantial capacity for judgment at the time the defendant committed an offense, the court must order a neuropsychological examination unless the person underwent an examination: (1) when the person was at least 25 years old, (2) after the most recent stroke or traumatic brain injury, and (3) within the prior three years. The results of the examination must be presented in the presentence investigation report. A court may consider the results of an examination in determining the appropriate sentence for a defendant. **[H.F. 856]**

**17 Certain violations excepted.**

Removes a reference to a misdemeanor violation which is repealed in this article. **[H.F. 613]**

**18 Sentence adjustment.**

Establishes the process and requirement related to a prosecutor-initiated sentence adjustment.

**Subd. 1. Definition.** Defines the term “prosecutor” to include the attorney general, a county attorney, or a city attorney.

**Subd. 2. Prosecutor-initiated sentence adjustment.** Provides that a prosecutor responsible for prosecuting an individual convicted of a crime may commence a proceeding to adjust the person’s sentence provided the adjustment does not



**Section Description – Article 14: Criminal and Sentencing Provisions**

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increase the period of confinement or, if the person is on probation, increase the period of supervision.

**Subd. 3. Review by prosecutor.** Permits prosecutors to review cases at their discretion. Directs prosecutors to make a good faith effort to seek input from any identifiable victim before commencing a proceeding to adjust the person's sentence. Permits the commissioner of corrections, any supervising agent, or an offender to request that a prosecutor review an individual case, and establishes that a prosecutor does not need to respond to the request.

**Subd. 4. Petition; contents; fee.** Requires the petition for sentence adjustment to include identifying information about the individual, information about the underlying offense, and a statement of the reasons the prosecutor is seeking an adjustment. The petition must also include the individual's criminal record and information about prior requests for adjustment or expungement in other cases.

**Subd. 5. Service of petition.** Requires the prosecutor to serve the petition for a sentence adjustment on the person on whose behalf the adjustment is sought. Also requires the prosecutor to make a good faith effort to notify any identifiable victims. Requires a prosecutor to share any objections to the adjustment.

**Subd. 6. Hearing.** Directs the court to hold a hearing on the petition after the parties have time to prepare and present arguments. Permits parties to submit written arguments prior to the hearing. Permits the offender to make oral arguments before the court at the hearing and requires that person's attendance unless excused under court rules. Permits victims to submit written statements or make a statement at the hearing. Permits representatives of the Department of Corrections, treatment providers, and others with relevant information to submit oral or written statements.

**Subd. 7. Nature of remedy; standard.** Directs the court to determine whether there are substantial and compelling reasons to adjust the person's sentence. Directs the court to consider multiple factors including the impact the adjustment would have on public safety and the individual. Permits the court to consider factors including the individual's performance on probation or supervised release, the individual's disciplinary records, and other evidence of rehabilitation, remorse, or significant changes in law. Permits the court to modify the person's sentence in any way that does not increase the sentence, reduce or eliminate the amount of court-ordered restitution, or reduce or eliminate a term of conditional release. Prohibits the court from vacating a judgment of conviction, entering a judgment of conviction for a different offense, or imposing a sentence for any other offense. Directs the court to state the reasons for its

**Section Description – Article 14: Criminal and Sentencing Provisions**

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decision on the record or in writing and to cause a sentencing worksheet to be completed and forwarded to the Sentencing Guidelines Commission.

**Subd. 8. Appeals.** Indicates that an order issued under this section should be treated as an order imposing or suspending sentence, not as a final judgment. **[H.F. 901]**

**19 Assaults motivated by bias.**

Expands the crime of an assault motivated by bias to include bias against a person due to the person's gender, gender identity, or gender expression, and bias against a person who associates with someone in a protected group. **[H.F. 1691]**

**20 Felony assault motivated by bias; increased statutory maximum sentence.**

Expands the enhanced sentencing for a felony assault motivated by bias to include bias against a person due to the person's gender, gender identity, or gender expression, and bias against a person who associates with someone in a protected group. **[H.F. 1691]**

**21 Solicitation, inducement, and promotion of prostitution; sex trafficking in the first degree.**

Increases the maximum sentence of imprisonment for a person who commits sex trafficking in the first degree from 20 years to 25 years. Increases the maximum sentence of imprisonment for a person who commits sex trafficking in the first degree when any of four aggravating factors are present from 25 years to 30 years. **[H.F. 613]**

**22 Solicitation, inducement, and promotion of prostitution; sex trafficking in the second degree.**

Increases the maximum sentence of imprisonment for a person who commits sex trafficking in the second degree from 15 years to 20 years. **[H.F. 613]**

**23 Engaging in, hiring, or agreeing to hire minor to engage in prostitution; penalties.**

Amends the age at which engaging in prostitution with a minor victim results in a penalty of up to 20 years in prison from 12 to 13. **[H.F. 613]**

**24 Patrons of prostitution; penalty.**

Provides that any person who engages in prostitution with a person who is at least 18 years of age is guilty of a gross misdemeanor and establishes that repeated offenses are a felony. **[H.F. 613]**

**Section Description – Article 14: Criminal and Sentencing Provisions**

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- 25      **Community service in lieu of minimum fine.**  
Makes a conforming change based on the repeal of section 609.324, subdivision 3. [H.F. 613]
- 26      **Penalty assessment authorized.**  
Makes a conforming change based on the repeal of section 609.324, subdivision 3. [H.F. 613]
- 27      **Mandatory life sentence without release; certain first-time and repeat egregious offenders.**  
Provides that a court must sentence an offender who commits an offense under the conditions identified in the dangerous sex offender statute when the person was under 18 years old to life in prison with the possibility of release. [H.F. 416]
- 28      **Life sentences; minimum term of imprisonment.**  
Establishes that a court must sentence an offender who commits an offense under the conditions identified in the dangerous sex offender statute when the person was under 18 years old to life in prison with the possibility of release after serving no more than 15 years. [H.F. 416]
- 29      **Penalty.**  
Increases the maximum sentence of imprisonment for solicitation of children to engage in sexual conduct or electronic solicitation of children from three years to five years, and increases the maximum fine from \$5,000 to \$10,000. [H.F. 613]
- 30      **Penalties.**  
Amends the penalty subdivision of the crime of identity theft to separate the penalties for offenses involving eight or more victims or a combined loss of more than \$35,000 from the penalties for offenses related to possession or distribution of pornographic work. [H.F. 809]
- 31      **Criminal damage to property in the second degree.**  
Amends the crime of damage to property that causes at least \$500 but not more than \$1,000 in damage but was motivated by bias to apply when the crime (1) is committed because of the victim’s actual or perceived status in a protected group; (2) is committed because the victim associated with someone who is, or was believed to be, part of a protected group; (3) was motivated by an intent to intimidate or harm a person who is, or was believed to be, part of a protected group; or (4) was motivated by an intent to intimidate or harm someone who associated with someone who is, or was believed to be, part of a protected group. [H.F. 1691]

**Section Description – Article 14: Criminal and Sentencing Provisions**

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- 32      **Criminal damage to property in the third degree.**  
Amends the crime of damage to property that causes no more than \$500 in damage but was motivated by bias to apply when the crime (1) is committed because of the victim’s actual or perceived status in a protected group; (2) is committed because the victim associated with someone who is, or was believed to be, part of a protected group; (3) was motivated by an intent to intimidate or harm a person who is, or was believed to be, part of a protected group; or (4) was motivated by an intent to intimidate or harm someone who associated with someone who is, or was believed to be, part of a protected group. **[H.F. 1691]**
- 33      **Gross misdemeanor.**  
Establishes a gross misdemeanor offense for trespassing on the grounds of a facility that provides emergency shelter services for sex trafficking victims, or a facility that provides transitional housing to sex trafficking victims and their children. **[H.F. 613]**
- 34      **Felony; drive-by shooting.**  
Clarifies that a person can commit drive-by shooting by firing at a person, not just a motor vehicle or building. **[H.F. 290]**
- 35      **Aggravated violations.**  
Expands the crime of harassment motivated by bias to include bias against a person due to the person’s gender, gender identity, or gender expression, and bias against a person who associates with someone in a protected group. **[H.F. 1691]**
- 36      **Expungement of criminal records.**  
Makes a conforming change based on the creation of an automatic expungement process. **[H.F. 1152]**
- 37      **Automatic expungement of records.**  
**Subd. 1. Eligibility; dismissal; exoneration.** Establishes that a person’s records are eligible for automatic expungement when certain charges involving controlled substance charges are dismissed pursuant to the process described in Minnesota Statutes, section 152.18; all charges are dismissed prior to a determination of probable cause; or all proceedings are resolved in favor of the defendant.  
**Subd. 2. Eligibility; diversion and stay of adjudication.** Establishes that a person is eligible for an automatic expungement if the person successfully completes the terms of a diversion program or a stay of adjudication and has not been petitioned or convicted of a crime for one year immediately following completion of the diversion program or period of supervision.

**Section Description – Article 14: Criminal and Sentencing Provisions**

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**Subd. 3. Eligibility; certain criminal and delinquency proceedings.** Establishes that a person is eligible for automatic expungement if the person was adjudicated delinquent for, or convicted of, a qualifying offense; has not been convicted of a new crime in the applicable waiting period; is not incarcerated or charged with an offense when the person becomes eligible; and has not been convicted of an offense in any other jurisdiction if the eligible offense was a felony. Provides that qualifying offenses include petty misdemeanors other than traffic and parking violations; misdemeanors other than DWI and offenses related to domestic or sexual assault; gross misdemeanors other than offenses related to domestic or sexual assault and certain other person offenses; and certain specified felonies that primarily involve theft or possession of a controlled substance.

**Subd. 4. Bureau of Criminal Apprehension to identify eligible persons and grant expungement relief.** Directs the Bureau of Criminal Apprehension to identify individuals who are eligible for expungement relief and provides notice to the person whose records will be expunged, the courts, other state and local agencies that hold records, and identifiable victims. Establishes that records may be opened in the case of a subsequent prosecution of the person. Allows a prosecuting agency to ask the court to prohibit automatic expungement at the time a person is sentenced. **[H.F. 1152]**

**38 Expungement of arrest.**

Provides that a person may file a petition to expunge all records of an arrest if the prosecuting authority declined to press charges and the applicable statute of limitations has expired. **[H.F. 1152]**

**39 Certain criminal proceedings.**

Adds offenses to the list of felony crimes for which a person may petition for expungement. The additional offenses are: wrongfully obtaining assistance; theft of \$5,000 to \$35,000; and possession of burglary or theft tools. **[H.F. 1152]**

**40 No petition required in certain cases with prosecutor agreement and notification.**

Directs prosecutors to notify the court if the circumstances of a crime for which the prosecutor has agreed to support expungement indicate a nexus between the criminal record and the person's status as a crime victim, such as instances where a person was convicted of domestic assault and was also the victim of domestic assault, and directs the court to make the findings required to restore the person, in the contemplation of the law, to the status the person occupied before an arrest or conviction. Further provides that a prosecutor shall agree to the sealing of records in cases in which no charges were brought unless substantial and compelling reasons exist to object to the sealing. **[H.F. 1152]**

**Section Description – Article 14: Criminal and Sentencing Provisions**

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- 41 **Nature of remedy; standard.**  
Makes a conforming change related to automatic expungement. [H.F. 1152]
- 42 **Limitations of order effective before January 1, 2015.**  
Requires the BCA to include summary entries in expunged records for all nonpublic criminal histories generated for use by criminal justice agencies. [H.F. 1152]
- 43 **Limitations of order effective January 1, 2015, and later.**  
Makes a conforming change. Provides that a prosecutor may request, and the district court must provide, certified records of conviction that have been expunged. Requires the BCA to include summary entries in expunged records for all nonpublic criminal histories generated for use by criminal justice agencies. Establishes that the subject of expunged records may request, and the court shall provide, certified or uncertified records of conviction for a record that has been expunged. [H.F. 1152]
- 44 **Stay of order; appeal.**  
Makes a conforming change related to automatic expungement. [H.F. 1152]
- 45 **Plea agreements; notification to victims.**  
Provides that notification to victims provided by prosecutors must include whether an offense is eligible for automatic expungement and, if so, that the victim has the right to express an objection to that relief. Requires prosecutors to make any objections known to the court. [H.F. 1152]
- 46 **Task force on the contents and use of presentence investigation reports and imposition of conditions of probation.**  
Establishes a task force to review presentence investigation reports and conditions of probation. Provides that the membership of the task force shall include four legislative members, the commissioner of corrections, the chair of the Minnesota Sentencing Guidelines Commission, the state public defender, a county attorney, and three probation agents. Requires appointments to be made by July 30, 2021. Directs that meetings are subject to chapter 13D and that the first meeting must take place by August 1, 2021. Directs the commissioner of corrections to provide support for the group. Requires the task force to collect and analyze data on presentencing investigation reports and conditions of probation, and determine if legislative action is appropriate to improve the use of the reports or establish appropriate conditions of probation. Requires a report by January 15, 2023. [H.F. 167]
- 47 **Title.**  
States that the provisions relating to automatic expungement may be referred to as the Clean Slate Act. [H.F. 1152]

**Section Description – Article 14: Criminal and Sentencing Provisions**

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- 48     **Sentencing guidelines modification.**  
Directs the Minnesota Sentencing Guidelines Commission to review and consider modifying the sex offender grid based on the changes made to provisions related to sex trafficking. [H.F. 613]
- 49     **Revisor instruction.**  
Directs the revisor to substitute “364 days” for “one year” consistent with the change to the maximum sentence for a gross misdemeanor offense. [H.F. 614]
- 50     **Repealer.**  
Repeals section 609.324, subdivision 3, the misdemeanor offense of being a patron of a prostitute in a place other than a public place. [H.F. 614]
- 51     **Effective date.**  
Provides that the provisions relating to eligibility of release for certain juveniles are effective the day following final enactment and apply retroactively. [H.F. 416]

## **Article 15: Public Safety**

This article contains provisions related to public safety.

**Section Description – Article 15: Public Safety**

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- 1     **Reinstatement of driving privileges; notice.**  
Removes the requirement that a person whose license was revoked for driving under the influence of alcohol or other substances take an examination before being eligible for reinstatement of driving privileges. [H.F. 502]
- 2     **Reinstatement of driving privileges; multiple incidents.**  
Establishes that the commissioner of public safety may not reinstate the driver’s license of a person who committed a second DWI violation in ten years or a third violation in the person’s lifetime until the commissioner certifies that the person meets one of the new requirements. Permits the commissioner to determine that the person met the first requirement if the person did not own or lease a vehicle, or commit a violation of the traffic or driver’s license statutes, at the time of an arrest or between the arrest and when the person becomes eligible for reinstatement. Permits the commissioner to determine that the person met the second requirement if that person used an ignition interlock device in compliance with state law. Requires use of ignition interlock for one year if the person committed a second DWI violation in ten years or a third violation in the person’s lifetime, and for two years if the violation

**Section Description – Article 15: Public Safety**

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- involved an alcohol concentration of twice the legal limit or more or the refusal to submit to an authorized test. **[H.F. 1199]**
- 3 **Plate impoundment violation; impoundment order.**  
Makes a conforming change to permit the commissioner to impound the plates of a person who received new registration plates upon entering the ignition interlock program, but either left or was expelled from the program.
- 4 **Notice of impoundment.**  
Makes a conforming change to permit the commissioner to mail notice of the impoundment of license plates to an address provided by a person when that person entered the ignition interlock program.
- 5 **Special registration plates.**  
Requires issuance of new registration plates, instead of special registration plates (“whiskey plates”), to a person who becomes a program participant in the ignition interlock program unless the person previously received new registration plates under this section but the person left or was expelled from the ignition interlock program. Provides that, if the person is issued special registration plates after leaving or being expelled from the ignition interlock program and the person previously paid the fee for new registration plates, the person is not required to pay an additional fee. Provides that the commissioner shall issue a plate impoundment order if the person who received new registration plates ceases to participate in the ignition interlock program or fails to successfully complete the program due to additional moving violations or violations of the terms of the contract with the interlock provider. **[H.F. 502]**
- 6 **Examination required.**  
Conforms to the change removing the requirement that a person whose license was revoked for driving under the influence of alcohol or other substances take an examination before being eligible for reinstatement of driving privileges. **[H.F. 502]**
- 7 **Conditions of issuance.**  
Removes the ability of a person to obtain a limited license if the person also has a restricted license under the ignition interlock program. A limited license permits individuals to drive at specific times and for specific purposes, such as going to treatment. A restricted license under the ignition interlock program permits a person to drive at any time provided the person is driving a vehicle equipped with the ignition interlock device. **[H.F. 502]**



**Section Description – Article 15: Public Safety**

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- 8 Performance standards; certification; manufacturer and provider requirements.**  
Requires ignition interlock companies to include a provision in their contracts that agrees to pay costs associated with device failure or malfunction, or damage caused during device installation, servicing, or monitoring. **[H.F. 1199]**
- 9 Issuance of restricted license.**  
Limits the requirement that a person seeking to participate in the ignition interlock program show a motor vehicle insurance certificate to individuals who have prior convictions for driving without insurance. Removes the requirement that a person seeking license reinstatement comply with the provisions in the section of law regarding limited licenses and inserts the requirement that the person complete chemical dependency treatment or rehabilitation if that is recommended by a chemical use assessment. Removes the requirement that the restricted license of a person who submits a sample showing a breath alcohol concentration of 0.02 or higher be cancelled and replaces that with the requirement to restart the time period that the participant must participate in the program to reach the required abstinence period. **[H.F. 502]**
- 10 Commissioner; power and duties.**  
Directs the commissioner of corrections to perform all duties in a manner that promotes public safety. States that the promotion of public safety includes the promotion of human rights. **[H.F. 2433]**
- 11 Registration required.**  
Clarifies that individuals who commit offenses in other states must register as predatory offenders if the offense is similar to an offense under Minnesota law that requires predatory offender registration. **[H.F. 1180/1370]**
- 12 Health care facility; notice of status.**  
Expands the list of in-home healthcare workers who are entitled to receive notice of the presence of a predatory offender to include hospice providers. As amended, the law will require that predatory offender notice be provided to hospice providers in the same manner that other in-home healthcare providers receive notice. **[H.F. 331]**
- 13 Promulgation of sentencing guidelines.**  
Directs the Sentencing Guidelines Commission to perform all duties in a manner that promotes public safety. States that the promotion of public safety includes the promotion of human rights. **[H.F. 2433]**

**Section Description – Article 15: Public Safety**

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**14 Duties of commissioner.**

Directs the commissioner of public safety to perform all duties in a manner that promotes public safety. States that the promotion of public safety includes the promotion of human rights. **[H.F. 2433]**

**15 Acceptance of private funds; appropriation.**

Permits the commissioner of public safety to accept donations, grants, bequests, and gifts of money to carry out the purposes of the department. **[H.F. 1370]**

**16 Hometown heroes assistance program.**

**Subd. 1. Dedinitions.** Defines terms used in this section.

**Subd. 2. Program established.** Directs the commissioner of public safety to award a grant to the MN Firefighter Initiative to administer a hometown heroes assistance program for MN firefighters. The MN Firefighter Initiative is tasked with providing a onetime monetary payment to firefighters who are diagnosed with cancer or heart disease; developing a trauma counseling program for firefighters; and developing training and educational materials to help firefighters reduce the inherent health risks associated with their profession.

**Subd. 3. Critical illness monetary support program.** Entitles firefighters who are diagnosed with cancer or heart disease to receive a onetime payment of up to \$30,000. Establishes additional eligibility and application requirements. Directs the MN Firefighters Initiative to establish criteria to disburse available grant funds.

**Subd. 4. Money from nonstate sources.** Authorizes the commissioner to accept funds from nonstate sources to fund the program.

**[H.F. 377]**

**17 Expense recovery.**

Provides that assessments charged to regional hazardous response teams for costs of responses by the department may be used by the commissioner to pay for costs for which the funds were received and states that any excess funds shall be transferred to the Fire Safety Account. **[H.F. 1078]**

**18 Railroad and pipeline safety; oil and other hazardous materials.**

Removes the direct appropriations from the railroad and pipeline safety account including a direct appropriation that has expired. Directs that money in the fund be allocated for nine specified purposes. Removes the expiration of that assessment. **[H.F. 1078]**

**Section Description – Article 15: Public Safety**

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**19 Innovation in community safety.**

**Subd. 1. Definitions.** Defines terms including “civilian review board” and “targeted area” for the purposes of this section.

**Subd. 2. Innovation in community safety; coordinator; qualifications.** Directs the commissioner of public safety to appoint a coordinator to work in the Office of Justice Programs to direct a targeted, community-centered response to violence. Provides that the director serves in the unclassified service. Requires the director to have relevant experience.

**Subd. 3. Coordinator; duties.** Establishes duties for the coordinator including serving as a liaison with the ethnic councils, providing technical assistance to those seeking to apply for grants, developing simplified grant materials, encouraging the use of restorative justice, and administering grants.

**Subd. 4. Innovation in community safety grants.** Directs the director to issue grants to targeted areas for five general purposes. Provides that the grants must be issued according to the direction of the community grant advisory boards. Directs the director to prioritize areas to receive the grants and establishes that each area must receive at least \$1,000,000 in total funds. Establishes that grants may be for youth, young adult, and family antiviolence outreach programs; implementation of the Minnesota SafeStreets program; promotion of community healing; establishment or maintenance of mobile mental health crisis teams; or establishment or maintenance of community-based mental health and social service centers.

**Subd. 5. Appropriation; distribution.** Directs that two-thirds of the money appropriated for grants must be directed to the metropolitan area and one-third must be directed outside that area. No recipient may receive more than \$1,000,000 each year.

**Subd. 6. Community grant advisory boards; members.** Directs the coordinator to work with the chair of a local commission or similar entity to establish a community grant advisory board to solicit and review grant applications.

**Subd. 7. Community grant advisory board; procedure.** Directs the community grant advisory boards to establish a reasonable procedure for soliciting and reviewing grant applications. Directs the board to determine which applicants should be funded and the amount of each grant. **[H.F. 723]**

**20 Statewide antitrafficking investigation coordinator.**

Creates a new position, the statewide antitrafficking investigation coordinator, in the unclassified service. The position is within the Department of Public Safety’s Office of Justice Programs. The coordinator must be a current or former law enforcement

**Section Description – Article 15: Public Safety**

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- officer or prosecutor with experience investigating or prosecuting trafficking-related offenses. **[H.F. 946]**
- 21 **Office for missing and murdered indigenous relatives.**  
Creates the Office of Missing and Murdered Indigenous Relatives within the Office of Justice Programs. Directs the commissioner of public safety to appoint an executive director and additional staff as needed. Establishes duties for the office including facilitating the mandates identified in the Missing and Murdered Indigenous Women Task Force report, developing recommendations to the legislature, facilitating technical assistance for local and Tribal law enforcement during active missing and murdered indigenous relatives cases, conducting case reviews, and coordinating with other agencies and organizations. Requires an annual report. Permits the office to seek grants. Permits the office to access some corrections and detention data, and some medical data. **[H.F. 2124]**
- 22 **Minnesota Heals.**  
Establishes the Minnesota Heals Initiative in the Department of Public Safety to provide grants to community healing networks, resources for families after an officer-involved death, and a statewide critical incident stress management office. **[H.F. 1078]**
- 23 **Additional duty.**  
Requires the Bureau of Criminal Apprehension’s Use of Force Investigation Unit to investigate criminal sexual conduct cases where one member of the Minnesota National Guard (MN-NG) accuses another member of the MN-NG of criminal sexual conduct. **[H.F. 295]**
- 24 **Sales after 1:00 a.m.; permit fee.**  
Clarifies that money collected under the section is deposited in the alcohol enforcement account in the general fund. **[H.F. 1078]**
- 25 **Emergency telecommunications service fee; account.**  
Deletes expired language that established a limit on fees. **[H.F. 1078]**
- 26 **Aid to sexual assault victim.**  
**Subd. 1. Person seeking assistance; immunity from prosecution.** Exempts persons acting in good faith who contact a 911 operator or first responder to report that a sexual assault victim is in need of assistance from charges and prosecution for the possession of a controlled substance or drug paraphernalia or underage consumption of alcohol. In order to qualify for immunity, the evidence indicating the caller committed an exempted offense must have been obtained

**Section Description – Article 15: Public Safety**

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as a result of the person’s seeking assistance and the person was the first to request assistance.

**Subd. 2. Person experiencing sexual assault; immunity from prosecution.**

Exempts a victim of sexual assault from charges and prosecution for the possession of a controlled substance or drug paraphernalia or underage alcohol consumption. Requires that the evidence of the exempted offense was obtained as a result of a call for assistance to qualify for the immunity.

**Subd. 3. Effect on other criminal prosecutions.** Provides that calling for assistance for a sexual assault victim may be used as a mitigating factor in proceedings for offenses that are not subject to immunity under subdivision 1 or 2. Provides that prosecution based on evidence obtained from an independent source is not precluded by the immunity provisions. **[H.F. 289]**

**27 Law enforcement; reports of sexual assaults.**

Makes a conforming change related to the Bureau of Criminal Apprehension’s Use of Force Investigation Unit to investigate criminal sexual conduct cases where one member of the Minnesota National Guard (MN-NG) accuses another member of the MN-NG of criminal sexual conduct. **[H.F. 295]**

**28 Rules required.**

Directs the POST Board to perform all duties in a manner that promotes public safety. States that the promotion of public safety includes the promotion of human rights. **[H.F. 2433]**

**29 Limitations.**

Eliminates the existing statutes of limitations that apply to sex trafficking and first through fourth degree criminal sexual conduct offenses and provides that criminal charges for those offenses can be brought at any time after the commission of the offense. **[H.F. 1121]**

**30 Public safety.**

Amends the 2016 session law related to grants to address sex trafficking to remove provisions related to training which is a duty that will be assumed by the antitrafficking coordinator. **[H.F. 946]**

**31 Office of Justice Programs.**

Amends the 2017 session law related to grants to address sex trafficking to remove provisions related to training which is a duty that will be assumed by the antitrafficking coordinator. **[H.F. 946]**

**Section Description – Article 15: Public Safety**

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- 32      **Effective date.**  
Amends the effective date for Laws 2020, Second Special Session chapter 1, section 9 to be September 1, 2021.
- 33      **Effective date.**  
Amends the effective date for Laws 2020, Second Special Session chapter 1, section 10 to be September 1, 2021
- 34      **Transfer; alcohol enforcement account.**  
Eliminates the requirement that the commissioner of public safety certify to the commissioner of management and budget the amount of permit fees waived under the section of law. **[H.F. 1078]**
- 35      **Survivor support and prevention grants.**  
Establishes grants to meet victim needs by directing organizations to provide funds directly to victim survivors of crime and to services to meet emerging or unmet needs. Directs the director of OJP to work with advocacy groups to establish requirements for grant recipients and further requires the director to prioritize grants based on need and type of crime. Requires at least 30 percent of the money to be spent on each type of grant. Requires the director to provide a report on the grants issue every two years. **[H.F. 861]**
- 36      **Task Force on Missing and Murdered African American Women.**  
**Subd. 1. Creation and duties.** Directs the commissioner of public safety, in consultation with the Council for Minnesotans of African Heritage to report to the legislature on recommendations to reduce and end violence against African American women and girls in Minnesota. Directs the task force to consider specific issues including the systemic causes behind violence that African American women and girls experience; appropriate methods for tracking and collecting data on violence against African American women and girls; policies and institutions that impact violence against African American women and girls; measures necessary to address and reduce violence against African American women and girls; and measures to help victims, victims' families, and victims' communities prevent and heal from violence that occurs against African American women and girls.  
**Subd. 2. Membership.** Provides that the task force must consist of at least 12 members including legislators, representatives from law enforcement, representatives from the judicial system, and representatives from groups that provide direct services to African American women and girls. Establishes that members serve at the pleasure of the appointing authority and that vacancies must be filled consistent with the qualifications identified in this section.

**Section Description – Article 15: Public Safety**

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**Subd. 3. Officers; meetings.** Directs the task force to elect a chair. Requires the board to meet at least quarterly. Provides that the task force must comply with chapter 13D, the open meetings law. Directs the task force to consult with nongovernmental organizations. Directs the commissioner of public safety to call the first meeting of the task force no later than October 1, 2021.

**Subd. 4. Report.** Directs the task force to report to the chairs and ranking minority members of the legislative committees with jurisdiction over public safety, human services, and state government by December 15, 2022.

**Subd. 5. Expiration.** Establishes that the task force expires on December 31, 2022. [H.F. 952]

**37 Study on liability insurance for peace officers.**

Directs the commissioner of public safety to issue a grant to an outside organization to conduct a study on issues related to the effects of requiring peace officers to carry liability insurance. The study must address issues including the availability of insurance policies, the cost of policies, the terms of available policies, and the interaction with other liability coverage.

## **Article 16: Child Protection Background Checks**

Modifies the Child Protection Background Check Act to reflect the most updated federal authorities to provide the most complete and accurate criminal history information to hiring entities who provide services and supports to the elderly and individuals with disabilities. [H.F. 1370]

**Section Description – Article 16: Child Protection Background Checks**

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**1 Citation.**

Provides that the identified sections of law may be known as the Minnesota Child, Elder, and Individuals with Disabilities Protection Background Check Act.

**2 Authorized agency.**

Defines “authorized agency” to include the licensing agency which may refer to the Department of Human Services, Department of Health, and Professional Educator Licensing and Standards Board.

**Section Description – Article 16: Child Protection Background Checks**

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- 3 Background check crime.**  
Expands the definition of “background check crime” to include offenses against a vulnerable adult.
- 4 Care.**  
Defines “care” to mean the provision of treatment, services, supervision, and recreation to children, the elderly, or individuals with disabilities.
- 5 Child abuse crime.**  
Expands the definition of “child abuse crime” to include a violation of Minnesota Statutes, section 617.247 (possession of pornographic work involving minors).
- 6 Covered individual.**  
Defines “covered individual” to include a person who has access to children, the elderly, or a person with disabilities and who works for, volunteers with, or owns or operates a qualified entity.
- 7 Individuals with disabilities.**  
Defines “individuals with disabilities” to include persons with a mental or physical impairment who require assistance to perform one or more daily living tasks.
- 8 National criminal history background check system.**  
Defines “national criminal history background check system” to mean the criminal history system maintained by the FBI which is based on fingerprint identifications or other forms of positive identification.
- 9 Qualified entity.**  
Defines “qualified entity” to mean a business or nonprofit that provides care or care placement services.
- 10 Generally.**  
Makes conforming changes based on new definitions established in this article.
- 11 Background check; requirements.**  
Requires the superintendent of the BCA to obtain consent and specific information from a person before performing a background check on a covered individual.
- 12 Covered individuals rights.**  
Requires qualified entities to inform covered individuals of their rights including the right to obtain a copy of a background check report, challenge the accuracy or completeness of a check, and receive notice of the right to appeal.



**Section Description – Article 16: Child Protection Background Checks**

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- 13     **Response of bureau.**  
Makes conforming changes based on new definitions established in this article.
- 14     **Admissibility of evidence.**  
Makes conforming changes based on new definitions established in this article.
- 15     **Exception; other laws.**  
Makes conforming changes based on new definitions established in this article.  
Removes the limitation that prevented use of background checks for other purposes.
- 16     **Definitions.**  
Defines “current employee” as a person who works, or volunteers, at the current time and “current licensee” as a person who holds a license that is valid at this time.  
Makes conforming changes based on the new definitions.

## **Article 17: Criminal Victim Reimbursements**

This article makes changes to the Minnesota Crime Victims Reimbursement Act. **[H.F. 1370]**

**Section Description – Article 17: Criminal Victim Reimbursements**

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- 1     **Title.**  
Replaces the term “reparations” with “reimbursement.”
- 2     **Board.**  
Replaces the term “reparations” with “reimbursement.”
- 3     **Claimant.**  
Replaces the term “reparations” with “reimbursement.”
- 4     **Collateral source.**  
Replaces the terms “reparable” with “reimbursable.”
- 5     **Reimbursement awards prohibited.**  
Replaces the term “reparations” with “reimbursement.” Provides that a victim or claimant may be denied reimbursement if, based on a review of information available from law enforcement, prosecutors, and other professionals familiar with the case, the person failed to cooperate fully with law enforcement officials.

**Section Description – Article 17: Criminal Victim Reimbursements**

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- 6      **Amount of reimbursement.**  
Replaces the term “reparations” with “reimbursement.” Provides that contributory misconduct may not be based on current or past affiliation with any particular group.
- 7      **Crime Victims Reimbursement Board.**  
Replaces the term “reparations” with “reimbursement.”
- 8      **Powers and duties of board.**  
Replaces the term “reparations” with “reimbursement.”
- 9      **Reconsideration.**  
Replaces the term “reparations” with “reimbursement.”
- 10     **Data.**  
Replaces the term “reparations” with “reimbursement.”
- 11     **Reimbursement; how paid.**  
Replaces the term “reparations” with “reimbursement.”
- 12     **Subrogation.**  
Replaces the term “reparations” with “reimbursement.”
- 13     **Crime victims account.**  
Replaces the term “reparations” with “reimbursement.”
- 14     **Law enforcement agencies; duty to inform victims of right to file claim.**  
Replaces the term “reparations” with “reimbursement.”
- 15     **Notice and payment of proceeds to board required.**  
Replaces the term “reparations” with “reimbursement.”
- 16     **Deductions.**  
Replaces the term “reparations” with “reimbursement.”
- 17     **Claims by victims of offender’s crime.**  
Replaces the term “reparations” with “reimbursement.”
- 18     **Claims by other crime victims.**  
Replaces the term “reparations” with “reimbursement.”

**Section Description – Article 17: Criminal Victim Reimbursements**

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**19 Revisor instruction.**

Directs the revisor of statutes to change "reparations," "reparable," or the same or similar terms to "reimbursement," "reimbursable," or the same or similar terms consistent with this act.

## **Article 18: Crime Victim Notification**

This article contains provisions clarifying and amending the rights of victims to receive notification about the release or change of status of an offender. **[H.F. 1370]**

**Section Description – Article 18: Crime Victim Notification**

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**1 Victim notification of petition and release; right to submit statement.**

Clarifies the definition of "convicted" and "conviction" to include situations in which a person is subject to commitment and a finding is made that an act was a part of the person's course of harmful sexual conduct. Requires prosecutors to inform victims of their rights to request certain notifications and expands the ways in which victims can request notification to include sending a written request to an institution where an offender is housed.

**2 Notice of filing petition.**

Clarifies that a victim can include a victim identified in a petition of commitment. Requires prosecutors to inform victims of the process for requesting notification of an individual's change in status under section 253D.14, subdivision 3.

**3 Requesting notification.**

Expands the ways in which victims can request notification of the release of an offender who was subject to commitment proceedings to include sending a written request to an institution where an offender is housed.

**4 Notice of discharge or release.**

Clarifies that the notice of discharge provided to victims applies only to those who request notice in writing.

**5 Notice required.**

Requires prosecutors to inform victims of their right to be notified about the release or discharge of certain offenders. Directs the Office of Justice Programs to update a model notice of postconviction rights for victims.

**Section Description – Article 18: Crime Victim Notification**

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- 6 **Notice of release required.**  
Makes conforming changes related to the requirement to give certain notice to victims who request that notice in writing.
- 7 **Repealer.**  
Repeals sections 253D.14, subdivision 4 (victim notification of petition and release; right to submit statement) and 611A.0385 (sentencing; implementation of right to notice of offender release and expungement).

## **Article 19: Emergency Response and Fire Safety**

This article contains policies related to emergency management and fire safety.

**Section Description – Article 19: Emergency Response and Fire Safety**

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- 1 **Exemption for members of federally recognized Tribes.**  
Directs the state fire marshal to issue building-specific waivers for any elements of the State Fire Code that conflict with a federally recognized Tribe’s religious beliefs, traditional building practices, or established teachings. Allows individual members of federally recognized Tribes, direct lineal descendants of those Tribes, or organizations of members of those Tribes to apply for waivers which can be granted only for traditional residential buildings for personal use, meeting houses, and one-room educational buildings. Sets the process for applying for a waiver and identifying the code provisions that will be waived. Bars selling or leasing a building a waiver is granted for unless the buyer or lessee also obtains a waiver or the building is brought up to code. **[H.F. 1042]**
- 2 **Petroleum refineries.**  
Requires each petroleum refinery operating in Minnesota to maintain or contract for a full-time paid on-site fire department. Requires refinery fire departments to be properly trained, equipped, and staffed to respond to fires and conduct fire prevention inspections at the refinery. **[H.F. 1482]**
- 3 **Examination; requirements.**  
Conforming change related to creation of the Board of Firefighter Training and Education (see next section). **[H.F. 2077]**

**Section Description – Article 19: Emergency Response and Fire Safety**

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- 4 Firefighter Certification Board; appointments; duties.**  
Creates a Firefighter Certification Board that is comprised of 18 members. The board is tasked with developing and maintaining a program to determine and certify the competency of firefighters among other related duties. **[H.F. 2077]**
- 5 Eligibility for certification examination.**  
Conforming change related to creation of the Board of Firefighter Training and Education. **[H.F. 2077]**
- 6 Revenues.**  
Creates a firefighter certification account that is funded, primarily, with fees from individuals who apply for certification as a firefighter. Funds in the account are to be used to fund the board’s activities. **[H.F. 2077]**
- 7 Definitions.**  
Defines terms used in the Board of Firefighter Training and Education statute. **[H.F. 2077]**
- 8 Exemption for members of federally recognized Tribes.**  
Directs the commissioner of labor and industry to issue building-specific waivers for any elements of the State Building Code that conflict with a federally recognized Tribe’s religious beliefs, traditional building practices, or established teachings. Allows individual members of federally recognized Tribes, direct lineal descendants of those Tribes, or organizations of members of those Tribes to apply for waivers which can be granted only for traditional residential buildings for personal use, meeting houses, and one-room educational buildings. Sets the process for applying for a waiver and identifying the code provisions that will be waived. Bars selling or leasing a building a waiver is granted for unless the buyer or lessee also obtains a waiver or the building is brought up to code. **[H.F. 1042]**
- 9 Metropolitan area.**  
Expands the definition of “metropolitan area” in the emergency communications chapter (chapter 403) to include Chisago, Isanti, and Sherburne counties. **[H.F. 1557]**
- 10 Emergency response services.**  
Requires 911 operators to refer calls involving mental health crises to mental health crisis teams when appropriate. **[H.F. 1686]**
- 11 Design standards for metropolitan area.**  
Changes the name of the Metropolitan 911 Board to the Metropolitan Emergency Services Board. **[H.F. 1557]**

**Section Description – Article 19: Emergency Response and Fire Safety**

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- 12     **Emergency telecommunications service fee; account.**  
Authorizes 911 fee proceeds to be used to offset the costs of updating and maintaining systems to comply with Next Generation IP based 911 telecommunications. Directs unspent funds in the 911 fee account to be appropriated for the designated uses of the funds. Repeals the decrease in the funds scheduled to take place upon ARMER backbone revenue bonds are paid off. **[H.F. 2215]**
- 13     **First phase.**  
Expands the definition of metropolitan area for purposes of the regionwide public safety radio communications system from “nine-county” to “ten-county,” with the inclusion of Sherburne County. **[H.F. 1557]**
- 14     **Greater Minnesota.**  
Contains a conforming change to reflect the change made in the previous section. **[H.F. 1557]**
- 15     **Membership.**  
Contains a conforming change to reflect the change made in section 13. **[H.F. 1557]**
- 16     **911 Telecommunicator working group.**  
Establishes a 911 telecommunicator working group. The group is comprised of various representatives of organizations that operate and use the 911 response system in the state. Tasks the group with preparing a report for the legislature that:
- defines 911 telecommunicator;
  - recommends training and continuing education requirements for certification of 911 telecommunicators;
  - recommends standards for certification of 911 telecommunicators; and
  - recommends funding options for mandated 911 telecommunicator training.
- [H.F. 515]**
- 17     **Title.**  
Entitles the changes made in section 10 as “Travis’s Law.” **[H.F. 1686]**



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