

2.1	<u>Subd. 2. Maintenance of Training Facilities</u>	<u>9,772,000</u>	<u>9,772,000</u>
2.2	<u>Subd. 3. General Support</u>	<u>3,507,000</u>	<u>3,633,000</u>
2.3	<u>Subd. 4. Enlistment Incentives</u>	<u>11,114,000</u>	<u>11,114,000</u>

2.4 The appropriations in this subdivision are
 2.5 available until June 30, 2025, except that any
 2.6 unspent amounts allocated to a program
 2.7 otherwise supported by this appropriation are
 2.8 canceled to the general fund upon receipt of
 2.9 federal funds in the same amount to support
 2.10 administration of that program.

2.11 If the amount for fiscal year 2022 is
 2.12 insufficient, the amount for 2023 is available
 2.13 in fiscal year 2022. Any unencumbered
 2.14 balance does not cancel at the end of the first
 2.15 year and is available for the second year.

2.16 **Sec. 3. VETERANS AFFAIRS**

2.17 **Subdivision 1. **Total Appropriation**** **\$** **84,168,000** **\$** **84,364,000**

2.18 The amounts that may be spent for each
 2.19 purpose are specified in the following
 2.20 subdivisions.

2.21 **Subd. 2. **Veterans Programs and Services**** **22,048,000** **21,678,000**

2.22 **(a) **CORE Program.** \$750,000 each year is**
 2.23 **for the Counseling and Case Management**
 2.24 **Outreach Referral and Education (CORE)**
 2.25 **program.**

2.26 **(b) **Veterans Service Organizations.****
 2.27 **\$353,000 each year is for grants to the**
 2.28 **following congressionally chartered veterans**
 2.29 **service organizations as designated by the**
 2.30 **commissioner: Disabled American Veterans,**
 2.31 **Military Order of the Purple Heart, the**
 2.32 **American Legion, Veterans of Foreign Wars,**

3.1 Vietnam Veterans of America, AMVETS, and
3.2 Paralyzed Veterans of America. This funding
3.3 must be allocated in direct proportion to the
3.4 funding currently being provided by the
3.5 commissioner to these organizations.

3.6 **(c) Minnesota Assistance Council for**
3.7 **Veterans. \$750,000 each year is for a grant**
3.8 **to the Minnesota Assistance Council for**
3.9 **Veterans to provide assistance throughout**
3.10 **Minnesota to veterans and their families who**
3.11 **are homeless or in danger of homelessness,**
3.12 **including assistance with the following:**

3.13 **(1) utilities;**
3.14 **(2) employment; and**
3.15 **(3) legal issues.**

3.16 **The assistance authorized under this paragraph**
3.17 **must be made only to veterans who have**
3.18 **resided in Minnesota for 30 days prior to**
3.19 **application for assistance and according to**
3.20 **other guidelines established by the**
3.21 **commissioner. In order to avoid duplication**
3.22 **of services, the commissioner must ensure that**
3.23 **this assistance is coordinated with all other**
3.24 **available programs for veterans.**

3.25 **(d) State's Veterans Cemeteries. \$1,672,000**
3.26 **each year is for the state's veterans cemeteries.**

3.27 **(e) Honor Guards. \$200,000 each year is for**
3.28 **compensation for honor guards at the funerals**
3.29 **of veterans under Minnesota Statutes, section**
3.30 **197.231.**

3.31 **(f) Minnesota GI Bill. \$200,000 each year is**
3.32 **for the costs of administering the Minnesota**
3.33 **GI Bill postsecondary educational benefits,**

4.1 on-the-job training, and apprenticeship
 4.2 program under Minnesota Statutes, section
 4.3 197.791.

4.4 (g) **Gold Star Program.** \$100,000 each year
 4.5 is for administering the Gold Star Program for
 4.6 surviving family members of deceased
 4.7 veterans.

4.8 (h) **County Veterans Service Office.**
 4.9 \$1,100,000 each year is for funding the
 4.10 County Veterans Service Office grant program
 4.11 under Minnesota Statutes, section 197.608.

4.12 (i) **Veteran Homelessness Initiative.**
 4.13 \$3,165,000 each year is for an initiative to
 4.14 prevent and end veteran homelessness. The
 4.15 commissioner of veterans affairs may provide
 4.16 housing vouchers and other services to
 4.17 alleviate homelessness among veterans and
 4.18 former service members in Minnesota. The
 4.19 commissioner may contract for program
 4.20 administration and may establish a vacancy
 4.21 reserve fund. The base for this appropriation
 4.22 is \$1,311,000 in fiscal year 2024 and
 4.23 \$1,311,000 in fiscal year 2025.

4.24 Subd. 3. **9/11 Task Force** \$500,000

4.25 \$500,000 the first year is for the Advisory
 4.26 Task Force on 9/11 and Global War on
 4.27 Terrorism Remembrance. The task force must
 4.28 collect, memorialize, and publish stories of
 4.29 Minnesotans' service in the Global War on
 4.30 Terrorism and impacts on their dependents.
 4.31 The task force must host a remembrance
 4.32 program in September 2021. This is a onetime
 4.33 appropriation.

4.34 Subd. 4. **Veterans Health Care** 62,120,000 62,686,000

5.1 (a) **Transfers.** These appropriations may be
 5.2 transferred to a veterans homes special
 5.3 revenue account in the special revenue fund
 5.4 in the same manner as other receipts are
 5.5 deposited according to Minnesota Statutes,
 5.6 section 198.34, and are appropriated to the
 5.7 commissioner of veterans affairs for the
 5.8 operation of veterans homes facilities and
 5.9 programs.

5.10 (b) **Report.** No later than January 15, 2022,
 5.11 the commissioner must submit a report to the
 5.12 legislative committees with jurisdiction over
 5.13 veterans affairs and state government finance
 5.14 on reserve amounts maintained in the veterans
 5.15 homes special revenue account. The report
 5.16 must detail current and historical amounts
 5.17 maintained as a reserve, and uses of those
 5.18 amounts. The report must also include data on
 5.19 the utilization of existing veterans homes,
 5.20 including current and historical bed capacity
 5.21 and usage, staffing levels and staff vacancy
 5.22 rates, and staff-to-resident ratios.

5.23 (c) **Maximize Federal Reimbursements.** The
 5.24 department shall seek opportunities to
 5.25 maximize federal reimbursements of
 5.26 Medicare-eligible expenses and provide annual
 5.27 reports to the commissioner of management
 5.28 and budget on the federal Medicare
 5.29 reimbursements received. Contingent upon
 5.30 future federal Medicare receipts, reductions
 5.31 to the homes' general fund appropriation may
 5.32 be made.

5.33	<u>Subd. 5. Veteran Suicide Prevention Initiative</u>	<u>\$1,000,000</u>	<u>\$650,000</u>
5.34	<u>\$1,000,000 the first year and \$650,000 the</u>		
5.35	<u>second year is to address the problem of death</u>		

6.1 by suicide among veterans in Minnesota. The
6.2 commissioner of veterans affairs may use
6.3 funds for personnel, training, research,
6.4 marketing, and professional or technical
6.5 contracts. The base for this appropriation is
6.6 \$550,000 in fiscal year 2024 and \$550,000 in
6.7 fiscal year 2025.

6.8 ARTICLE 2

6.9 VETERANS POLICY

6.10 Section 1. Minnesota Statutes 2020, section 10.578, is amended to read:

6.11 **10.578 VETERANS SUICIDE PREVENTION AND AWARENESS DAY.**

6.12 The first Saturday of every October is designated Veterans Suicide Prevention and
6.13 Awareness Day. Each year, the governor shall issue a proclamation honoring this observance.
6.14 Each year in conjunction with this observance, the commissioner of veterans affairs shall
6.15 coordinate activities that raise awareness of, and promote the prevention of, veteran suicides.

6.16 Sec. 2. Minnesota Statutes 2020, section 15.057, is amended to read:

6.17 **15.057 PUBLICITY REPRESENTATIVES.**

6.18 No state department, bureau, or division, whether the same operates on funds appropriated
6.19 or receipts or fees of any nature whatsoever, except the Department of Veterans Affairs,
6.20 the Department of Transportation, the Department of Employment and Economic
6.21 Development, the Game and Fish Division, State Agricultural Society, and Explore Minnesota
6.22 Tourism shall use any of such funds for the payment of the salary or expenses of a publicity
6.23 representative. The head of any such department, bureau, or division shall be personally
6.24 liable for funds used contrary to this provision. This section shall not be construed, however,
6.25 as preventing any such department, bureau, or division from sending out any bulletins or
6.26 other publicity required by any state law or necessary for the satisfactory conduct of the
6.27 business for which such department, bureau, or division was created.

6.28 Sec. 3. Minnesota Statutes 2020, section 190.07, is amended to read:

6.29 **190.07 APPOINTMENT; QUALIFICATIONS; RANK; TERM; VACANCY.**

6.30 Subdivision 1. Qualifications. There shall be an adjutant general of the state who shall
6.31 be appointed by the governor within 120 days of a vacancy of the position. The adjutant

7.1 general shall be a staff officer, who at the time of appointment shall be a commissioned
7.2 officer of the National Guard ~~of this state, with not less than ten years military service in~~
7.3 ~~the National Guard of this state or the armed forces of the United States, at least three of~~
7.4 ~~which shall have been commissioned~~ and who shall have reached, at a minimum, the grade
7.5 ~~of a field officer~~ rank of colonel (O-6).

7.6 Subd. 2. Rank. The adjutant general shall be promoted, if necessary, directly to and
7.7 shall hold at least the rank of major general and may be promoted to and including the
7.8 highest rank authorized under federal law. However, the adjutant general may not be
7.9 promoted to the rank of major general without having at least 20 years service in the
7.10 Minnesota National Guard, at least one of which has been in the rank of brigadier general.
7.11 If not already a major general, the adjutant general's promotion is effective beginning on
7.12 the date the governor appoints the adjutant general. At the time of appointment and in
7.13 accordance with the authorities governing federal recognition of officers, the adjutant general
7.14 is authorized to wear the rank of major general.

7.15 Subd. 3. Term. The term of the adjutant general is for a single term of seven years from
7.16 the date of appointment. Section 15.06, subdivisions 3, 4, and 5, governs filling of vacancies
7.17 in the Office of Adjutant General. The adjutant general shall not be removed from office
7.18 during a term except upon withdrawal of federal recognition or as otherwise provided by
7.19 the military laws of this state.

7.20 Subd. 4. Vacancy; acting or temporary adjutant general. In the event of a vacancy
7.21 of the adjutant general, the governor may appoint a person qualified under subdivision 1 as
7.22 an acting adjutant general. If the governor does not appoint an acting adjutant general, the
7.23 deputy adjutant general as defined in section 190.09, subdivision 1, shall become temporary
7.24 adjutant general without further official action. Upon taking office, the acting or temporary
7.25 adjutant general shall have all the powers and emoluments and perform all the duties of the
7.26 office of adjutant general until a permanent adjutant general is appointed.

7.27 Sec. 4. [196.081] VETERANS STABLE HOUSING INITIATIVE; DATA.

7.28 (a) The commissioner may establish a veterans stable housing initiative. If the
7.29 commissioner establishes a veterans stable housing initiative under this section, the
7.30 commissioner must provide resources and support to assist veterans experiencing
7.31 homelessness in obtaining or maintaining stable housing.

7.32 (b) Data on individuals maintained by the commissioner in the Homeless Veteran Registry
7.33 for purposes of the veterans stable housing initiative is private data on individuals as defined

8.1 in section 13.02, subdivision 12, and must not be disclosed or shared except for coordinating
8.2 homelessness prevention efforts with:

8.3 (1) members of the Minnesota Interagency Council on Homelessness; and

8.4 (2) Homeless Veteran Registry partners to address a veteran's episode of homelessness
8.5 or maintain a veteran's housing plan through Department of Veterans Affairs funded
8.6 programs.

8.7 (c) For purposes of this section, "homelessness" means that a veteran lacks a fixed,
8.8 nighttime residence.

8.9 Sec. 5. Minnesota Statutes 2020, section 197.791, subdivision 4, is amended to read:

8.10 Subd. 4. **Eligibility.** (a) A person is eligible for educational assistance under ~~subdivisions~~
8.11 subdivision 5 and 5a if:

8.12 (1) the person is:

8.13 (i) a veteran who is serving or has served honorably in any branch or unit of the United
8.14 States armed forces at any time;

8.15 (ii) a nonveteran who has served honorably for a total of five years or more cumulatively
8.16 as a member of the Minnesota National Guard or any other active or reserve component of
8.17 the United States armed forces, and any part of that service occurred on or after September
8.18 11, 2001;

8.19 (iii) the surviving spouse or child of a person who has served in the military and who
8.20 has died as a direct result of that military service, only if the surviving spouse or child is
8.21 eligible to receive federal education benefits under United States Code, title 38, chapter 33,
8.22 as amended, or United States Code, title 38, chapter 35, as amended; or

8.23 (iv) the spouse or child of a person who has served in the military at any time and who
8.24 has a total and permanent service-connected disability as rated by the United States Veterans
8.25 Administration, only if the spouse or child is eligible to receive federal education benefits
8.26 under United States Code, title 38, chapter 33, as amended, or United States Code, title 38,
8.27 chapter 35, as amended; and

8.28 (2) the person receiving the educational assistance is a Minnesota resident, as defined
8.29 in section 136A.101, subdivision 8; and

8.30 (3) the person receiving the educational assistance:

8.31 (i) is an undergraduate or graduate student at an eligible institution;

9.1 (ii) is maintaining satisfactory academic progress as defined by the institution for students
9.2 participating in federal Title IV programs;

9.3 (iii) is enrolled in an education program leading to a certificate, diploma, or degree at
9.4 an eligible institution;

9.5 (iv) has applied for educational assistance under this section prior to the end of the
9.6 academic term for which the assistance is being requested;

9.7 (v) is in compliance with child support payment requirements under section 136A.121,
9.8 subdivision 2, clause (5); and

9.9 (vi) has completed the Free Application for Federal Student Aid (FAFSA).

9.10 (b) A person's eligibility terminates when the person becomes eligible for benefits under
9.11 section 135A.52.

9.12 (c) To determine eligibility, the commissioner may require official documentation,
9.13 including the person's federal form DD-214 or other official military discharge papers;
9.14 correspondence from the United States Veterans Administration; birth certificate; marriage
9.15 certificate; proof of enrollment at an eligible institution; signed affidavits; proof of residency;
9.16 proof of identity; or any other official documentation the commissioner considers necessary
9.17 to determine eligibility.

9.18 (d) The commissioner may deny eligibility or terminate benefits under this section to
9.19 any person who has not provided sufficient documentation to determine eligibility for the
9.20 program. An applicant may appeal the commissioner's eligibility determination or termination
9.21 of benefits in writing to the commissioner at any time. The commissioner must rule on any
9.22 application or appeal within 30 days of receipt of all documentation that the commissioner
9.23 requires. The decision of the commissioner regarding an appeal is final. However, an
9.24 applicant whose appeal of an eligibility determination has been rejected by the commissioner
9.25 may submit an additional appeal of that determination in writing to the commissioner at
9.26 any time that the applicant is able to provide substantively significant additional information
9.27 regarding the applicant's eligibility for the program. An approval of an applicant's eligibility
9.28 by the commissioner following an appeal by the applicant is not retroactively effective for
9.29 more than one year or the semester of the person's original application, whichever is later.

9.30 (e) Upon receiving an application with insufficient documentation to determine eligibility,
9.31 the commissioner must notify the applicant within 30 days of receipt of the application that
9.32 the application is being suspended pending receipt by the commissioner of sufficient
9.33 documentation from the applicant to determine eligibility.

10.1 Sec. 6. Minnesota Statutes 2020, section 197.791, subdivision 5, is amended to read:

10.2 Subd. 5. **Educational assistance amount.** (a) On approval by the commissioner of
10.3 eligibility for the program, the applicant shall be awarded, on a funds-available basis, the
10.4 educational assistance under the program for use at any time according to program rules at
10.5 any eligible institution.

10.6 (b) The amount of educational assistance in any semester or term for an eligible person
10.7 must be determined by subtracting from the eligible person's cost of attendance the amount
10.8 the person received or was eligible to receive in that semester or term from:

10.9 (1) the federal Pell Grant;

10.10 (2) the state grant program under section 136A.121; and

10.11 (3) any federal military or veterans educational benefits including but not limited to the
10.12 Montgomery GI Bill, GI Bill Kicker, the federal tuition assistance program, vocational
10.13 rehabilitation benefits, and any other federal benefits associated with the person's status as
10.14 a veteran, except veterans disability payments from the United States Department of Veterans
10.15 ~~Administration and payments made under the Veterans Retraining Assistance Program~~
10.16 ~~(VRAP)~~ Affairs.

10.17 (c) The amount of educational assistance for any eligible person who is a full-time
10.18 student must not exceed the following:

10.19 (1) \$3,000 per state fiscal year; and

10.20 (2) \$10,000 in a lifetime.

10.21 (d) For a part-time student, the amount of educational assistance must not exceed \$500
10.22 per semester or term of enrollment. For the purpose of this paragraph, a part-time
10.23 undergraduate student is a student taking fewer than 12 credits or the equivalent for a
10.24 semester or term of enrollment and a part-time graduate student is a student considered part
10.25 time by the eligible institution the graduate student is attending. The minimum award for
10.26 undergraduate and graduate students is \$50 per term.

10.27 Sec. 7. Minnesota Statutes 2020, section 197.791, subdivision 5a, is amended to read:

10.28 Subd. 5a. **Apprenticeship and on-the-job training.** (a) The commissioner, in
10.29 consultation with the commissioners of employment and economic development and labor
10.30 and industry, shall develop and implement an apprenticeship and on-the-job training program
10.31 to administer a portion of the Minnesota GI Bill program to pay benefit amounts to eligible
10.32 persons, as provided in this subdivision.

11.1 (b) An "eligible employer" means an employer operating a qualifying apprenticeship or
11.2 on-the-job training program that has been approved by the commissioner.

11.3 ~~(c) A person is eligible for apprenticeship and on-the-job training assistance under this~~
11.4 ~~subdivision if the person meets the criteria established under subdivision 4, paragraph (a).~~
11.5 ~~The commissioner may determine eligibility as provided in subdivision 4, paragraph (c),~~
11.6 ~~and may deny or terminate benefits as prescribed under subdivision 4, paragraphs (d) and~~
11.7 ~~(e). The amount of assistance paid to or on behalf of an eligible individual under this~~
11.8 ~~subdivision must not exceed the following:~~

11.9 (c) A person is eligible for apprenticeship and on-the-job training assistance under this
11.10 subdivision if the person is:

11.11 (i) a veteran who is serving or has served honorably in any branch or unit of the United
11.12 States armed forces at any time;

11.13 (ii) a nonveteran who has served honorably for a total of five years or more cumulatively
11.14 as a member of the Minnesota National Guard or any other active or reserve component of
11.15 the United States armed forces, and any part of that service occurred on or after September
11.16 11, 2001;

11.17 (iii) the surviving spouse or child of a person who has served in the military and who
11.18 has died as a direct result of that military service, only if the surviving spouse or child is
11.19 eligible to receive federal education benefits under United States Code, title 38, chapter 33,
11.20 as amended, or United States Code, title 38, chapter 35, as amended; or

11.21 (iv) the spouse or child of a person who has served in the military at any time and who
11.22 has a total and permanent service-connected disability as rated by the United States Veterans
11.23 Administration, only if the spouse or child is eligible to receive federal education benefits
11.24 under United States Code, title 38, chapter 33, as amended, or United States Code, title 38,
11.25 chapter 35.

11.26 (d) The amount of assistance paid to or on behalf of an eligible individual under this
11.27 subdivision must not exceed the following:

11.28 (1) \$3,000 per fiscal year for apprenticeship expenses;

11.29 (2) \$3,000 per fiscal year for on-the-job training;

11.30 (3) \$1,000 for a job placement credit payable to an eligible employer upon hiring and
11.31 completion of six consecutive months' employment of a person receiving assistance under
11.32 this subdivision; and

12.1 (4) \$1,000 for a job placement credit payable to an eligible employer after a person
 12.2 receiving assistance under this subdivision has been employed by the eligible employer for
 12.3 at least 12 consecutive months as a full-time employee.

12.4 (e) No more than \$5,000 in aggregate benefits under this paragraph subdivision may be
 12.5 paid to or on behalf of an individual in one fiscal year; and not more than \$10,000 in
 12.6 aggregate benefits under this paragraph may be paid to or on behalf of an individual over
 12.7 any period of time.

12.8 (f) If an eligible person receives benefits under subdivision 5 or 5b, the eligible person's
 12.9 aggregate benefits under this subdivision, subdivisions 5, and 5b, must not exceed \$10,000
 12.10 in the eligible person's lifetime.

12.11 ~~(d)~~ (g) Assistance for apprenticeship expenses and on-the-job training is available for
 12.12 qualifying programs, which must, at a minimum, meet the following criteria:

12.13 (1) the training must be with an eligible employer;

12.14 (2) the training must be documented and reported;

12.15 (3) the training must reasonably be expected to lead to an entry-level position; and

12.16 (4) the position must require at least six months of training to become fully trained.

12.17 Sec. 8. Minnesota Statutes 2020, section 197.791, subdivision 5b, is amended to read:

12.18 Subd. 5b. **Additional professional or educational benefits.** (a) The commissioner shall
 12.19 develop and implement a program to administer a portion of the Minnesota GI Bill program
 12.20 to pay additional benefit amounts to eligible persons as provided under this subdivision.

12.21 ~~(b) A person is eligible for additional benefits under this subdivision if the person meets~~
 12.22 ~~the criteria established under subdivision 4, paragraph (a), clause (1). The commissioner~~
 12.23 ~~may determine eligibility as provided in subdivision 4, paragraph (c), and may deny or~~
 12.24 ~~terminate benefits as prescribed under subdivision 4, paragraphs (d) and (e). The amount~~
 12.25 ~~of assistance paid to or on behalf of an eligible individual under this subdivision must not~~
 12.26 ~~exceed the following amounts:~~

12.27 (b) A person is eligible for additional benefits under this subdivision if the person is:

12.28 (i) a veteran who is serving or has served honorably in any branch or unit of the United
 12.29 States armed forces at any time;

12.30 (ii) a nonveteran who has served honorably for a total of five years or more cumulatively
 12.31 as a member of the Minnesota National Guard or any other active or reserve component of

13.1 the United States armed forces, and any part of that service occurred on or after September
13.2 11, 2001;

13.3 (iii) the surviving spouse or child of a person who has served in the military and who
13.4 has died as a direct result of that military service, only if the surviving spouse or child is
13.5 eligible to receive federal education benefits under United States Code, title 38, chapter 33,
13.6 as amended, or United States Code, title 38, chapter 35, as amended; or

13.7 (iv) the spouse or child of a person who has served in the military at any time and who
13.8 has a total and permanent service-connected disability as rated by the United States Veterans
13.9 Administration, only if the spouse or child is eligible to receive federal education benefits
13.10 under United States Code, title 38, chapter 33, as amended, or United States Code, title 38,
13.11 chapter 35.

13.12 (c) The amount of assistance paid to or on behalf of an eligible individual under this
13.13 subdivision must not exceed the following amounts:

13.14 (1) \$3,000 per state fiscal year; and

13.15 (2) \$10,000 in a lifetime.

13.16 (d) If an eligible person receives benefits under subdivision 5 or 5a, the eligible person's
13.17 aggregate benefits under this subdivision, subdivisions 5, and 5a, must not exceed \$10,000
13.18 in the eligible person's lifetime.

13.19 ~~(e)~~ (e) A person eligible under this subdivision may use the benefit amounts for the
13.20 following purposes:

13.21 (1) licensing or certification tests, the successful completion of which demonstrates an
13.22 individual's possession of the knowledge or skill required to enter into, maintain, or advance
13.23 in employment in a predetermined and identified vocation or profession, provided that the
13.24 tests and the licensing or credentialing organizations or entities that offer the tests are
13.25 approved by the commissioner;

13.26 (2) tests for admission to institutions of higher learning or graduate schools;

13.27 (3) national tests providing an opportunity for course credit at institutions of higher
13.28 learning;

13.29 (4) a preparatory course for a test that is required or used for admission to an institution
13.30 of higher education or a graduate program; and

13.31 (5) any fee associated with the pursuit of a professional or educational objective specified
13.32 in clauses (1) to (4).

14.1 ~~(d) If an eligible person receives benefits under subdivision 5, the eligible person's~~
14.2 ~~aggregate benefits under this subdivision and subdivision 5 must not exceed \$10,000 in the~~
14.3 ~~eligible person's lifetime.~~

14.4 ~~(e) If an eligible person receives benefits under subdivision 5a, the eligible person's~~
14.5 ~~aggregate benefits under this subdivision and subdivision 5a must not exceed \$10,000 in~~
14.6 ~~the eligible person's lifetime.~~

14.7 Sec. 9. Minnesota Statutes 2020, section 198.006, is amended to read:

14.8 **198.006 SUPPLEMENTAL PROGRAMS.**

14.9 (a) The commissioner shall must work with federal, state, local, and private agencies to
14.10 develop alternative institutional and noninstitutional care programs for veterans to supplement
14.11 the mission of the homes. Veterans shall be afforded the least restrictive, most appropriate
14.12 level of care available.

14.13 (b) The commissioner may provide adult day care center programs that offer therapeutic
14.14 and rehabilitation health care services to veterans and support services for caregivers of
14.15 veterans. If the commissioner provides adult day care center programs, the commissioner
14.16 may collect fees from program participants. The commissioner is authorized to apply for
14.17 and accept federal funding for purposes of this paragraph.

14.18 (c) The commissioner may work with federal, state, local, and private entities to make
14.19 available appropriate dental services for veterans homes residents. The commissioner may
14.20 engage with the United States Department of Veterans Affairs to support the dental benefits
14.21 program authorized under this paragraph.

14.22 Sec. 10. Minnesota Statutes 2020, section 198.03, subdivision 2, is amended to read:

14.23 Subd. 2. **Cost of care.** The commissioner shall set out in rules the method of calculating
14.24 the average cost of care for the domiciliary and nursing care residents. The cost must be
14.25 determined yearly based upon the average cost per resident taking into account, but not
14.26 limited to, administrative cost of the homes, the cost of service available to the resident,
14.27 and food and lodging costs. These average costs must be calculated separately for domiciliary
14.28 and nursing care residents. The amount charged each resident for maintenance, if anything,
14.29 must be based on the appropriate average cost of care calculation and the assets and income
14.30 of the resident but must not exceed the appropriate average cost of care.

14.31 Beginning July 1, 2021, the Personal Needs Allowance (PNA) for domiciliary residents
14.32 shall be based on the Minnesota Department of Human Services' (DHS) most recent General

15.1 Assistance program PNA and will be in effect the same date as the DHS PNA is in effect.
15.2 Thereafter, the PNA must be adjusted and put into effect each year or each time DHS adjusts
15.3 the PNA.

15.4 Sec. 11. [609.1056] MILITARY VETERANS; CRIMES COMMITTED BECAUSE
15.5 OF CONDITIONS RESULTING FROM SERVICE; DISCHARGE AND DISMISSAL.

15.6 Subdivision 1. Definitions. As used in this section, the following terms have the meanings
15.7 given:

15.8 (1) "applicable condition" means sexual trauma, traumatic brain injury, posttraumatic
15.9 stress disorder, substance abuse, or a mental health condition;

15.10 (2) "eligible offense" means any misdemeanor or gross misdemeanor, and any felony
15.11 that is ranked at severity level 7 or lower or D7 or lower on the Sentencing Guidelines grid;

15.12 (3) "pretrial diversion" means the decision of a prosecutor to refer a defendant to a
15.13 diversion program on condition that the criminal charges against the defendant shall be
15.14 dismissed after a specified period of time, or the case shall not be charged, if the defendant
15.15 successfully completes the program of treatment recommended by the United States
15.16 Department of Veterans Affairs or a local, state, federal, or private nonprofit treatment
15.17 program; and

15.18 (4) "veterans treatment court program" means a program that has the following essential
15.19 characteristics:

15.20 (i) the integration of services in the processing of cases in the judicial system;

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

15.23 (iii) early identification and prompt placement of eligible participants in the program;

15.24 (iv) access to a continuum of alcohol, controlled substance, mental health, and other
15.25 related treatment and rehabilitative services;

15.26 (v) careful monitoring of treatment and services provided to program participants;

15.27 (vi) a coordinated strategy to govern program responses to participants' compliance;

15.28 (vii) ongoing judicial interaction with program participants;

15.29 (viii) monitoring and evaluation of program goals and effectiveness;

15.30 (ix) continuing interdisciplinary education to promote effective program planning,
15.31 implementation, and operations;

16.1 (x) development of partnerships with public agencies and community organizations,
16.2 including the United States Department of Veterans Affairs; and

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

16.5 Subd. 2. **Deferred prosecution.** (a) The court shall defer prosecution for an eligible
16.6 offense committed by a defendant who was, or currently is, a member of the United States
16.7 military as provided in this subdivision. The court shall do this at the request of the defendant
16.8 upon a finding of guilty after trial or upon a guilty plea.

16.9 (b) A defendant who requests to be sentenced under this subdivision shall release or
16.10 authorize access to military service reports and records relating to the alleged applicable
16.11 condition. The court must file the records as confidential and designate that they remain
16.12 sealed, except as provided in this paragraph. In addition, the court may request, through
16.13 existing resources, an assessment of the defendant. The defendant, through existing records
16.14 or licensed professional evaluation, shall establish the diagnosis of the condition, that it was
16.15 caused by military service, and that the offense was committed as a result of the condition.
16.16 The court, on its own motion or the prosecutor's, with notice to defense counsel, may order
16.17 the defendant to furnish to the court for in-camera review or to the prosecutor copies of all
16.18 medical and military service reports and records previously or subsequently made concerning
16.19 the defendant's condition and its connection to service.

16.20 (c) Based on the record, the court shall determine whether, by clear and convincing
16.21 evidence: (1) the defendant suffered from an applicable condition at the time of the offense;
16.22 (2) the applicable condition was caused by service in the United States military; and (3) the
16.23 offense was committed as a result of the applicable condition. Within 15 days of the court's
16.24 determination, either party may file a challenge to the determination and demand a hearing
16.25 on the defendant's eligibility under this subdivision.

16.26 (d) If the court makes the determination described in paragraph (c), the court shall,
16.27 without entering a judgment of guilty, defer further proceedings and place the defendant
16.28 on probation upon such reasonable conditions as it may require and for a period not to
16.29 exceed the maximum period provided by law. A court may extend a defendant's term of
16.30 probation pursuant to section 609.135, subdivision 2, paragraphs (g) and (h). Conditions
16.31 ordered by the court must include treatment, services, rehabilitation, and education sufficient
16.32 so that if completed, the defendant would be eligible for discharge and dismissal under
16.33 subdivision 3. In addition, the court shall order that the defendant undergo a chemical use
16.34 assessment that includes a recommended level of care for the defendant in accordance with

17.1 the criteria contained in rules adopted by the commissioner of human services under section
17.2 254A.03, subdivision 3.

17.3 (e) If the court determines that the defendant is eligible for a deferred sentence but the
17.4 defendant has previously received one for a felony offense under this subdivision, the court
17.5 may, but is not required to, impose a deferred sentence. If the court does not impose a
17.6 deferred sentence, the court may sentence the defendant as otherwise provided in law,
17.7 including as provided in subdivision 4.

17.8 (f) Upon violation of a condition of probation, the court may enter an adjudication of
17.9 guilt and proceed as otherwise provided in law, including as provided in subdivision 4.

17.10 (g) As a condition of probation, the court may order the defendant to attend a local, state,
17.11 federal, or private nonprofit treatment program for a period not to exceed the maximum
17.12 period for which the defendant could have been incarcerated.

17.13 (h) The court, when issuing an order under this subdivision that a defendant attend an
17.14 established treatment program, shall give preference to a treatment program that has a history
17.15 of successfully treating veterans who suffer from applicable conditions caused by military
17.16 service, including but not limited to programs operated by the United States Department of
17.17 Defense or Veterans Affairs.

17.18 (i) The court and any assigned treatment program shall collaborate with, when available,
17.19 the county veterans service officer and the United States Department of Veterans Affairs
17.20 to maximize benefits and services provided to the defendant.

17.21 (j) If available in the county or judicial district having jurisdiction over the case, the
17.22 defendant may be supervised by a veterans treatment court program under subdivision 5.
17.23 If there is a veterans treatment court that meets the requirements of subdivision 5 in the
17.24 county in which the defendant resides or works, supervision of the defendant may be
17.25 transferred to that county or judicial district veterans treatment court program. Upon the
17.26 defendant's successful or unsuccessful completion of the program, the veterans treatment
17.27 court program shall communicate this information to the court of original jurisdiction for
17.28 further action.

17.29 (k) Sentencing pursuant to this subdivision waives any right to administrative review
17.30 pursuant to section 169A.53, subdivision 1, or judicial review pursuant to section 169A.53,
17.31 subdivision 2, for a license revocation or cancellation imposed pursuant to section 169A.52,
17.32 and also waives any right to administrative review pursuant to section 171.177, subdivision
17.33 10, or judicial review pursuant to section 171.177, subdivision 11, for a license revocation

18.1 or cancellation imposed pursuant to section 171.177, if that license revocation or cancellation
18.2 is the result of the same incident that is being sentenced.

18.3 Subd. 3. **Discharge and dismissal.** (a) Upon the expiration of the period of the defendant's
18.4 probation the court shall hold a hearing to discharge the defendant from probation and
18.5 determine whether to dismiss the proceedings against a defendant who received a deferred
18.6 sentence under subdivision 2. The hearing shall be scheduled so that the parties have adequate
18.7 time to prepare and present arguments regarding the issue of dismissal. The parties may
18.8 submit written arguments to the court prior to the date of the hearing and may make oral
18.9 arguments before the court at the hearing. The defendant must be present at the hearing
18.10 unless excused under Minnesota Rules of Criminal Procedure, rule 26.03, subdivision 1,
18.11 clause (3).

18.12 (b) The court shall provide notice to any identifiable victim of the offense at least 15
18.13 days before the hearing is held. Notice to victims of the offense under this subdivision must
18.14 specifically inform the victim of the right to submit an oral or written statement to the court
18.15 at the time of the hearing describing the harm suffered by the victim as a result of the crime
18.16 and the victim's recommendation on whether dismissal should be granted or denied. The
18.17 judge shall consider the victim's statement when making a decision. If a victim notifies the
18.18 prosecutor of an objection to dismissal and is not present at the hearing, the prosecutor shall
18.19 make the objections known to the court.

18.20 (c) The court shall dismiss proceedings against a defendant if the court finds by clear
18.21 and convincing evidence that the defendant:

18.22 (1) is in substantial compliance with the conditions of probation;

18.23 (2) has successfully participated in court-ordered treatment and services to address the
18.24 applicable condition caused by military service;

18.25 (3) does not represent a danger to the health or safety of victims or others; and

18.26 (4) has demonstrated significant benefit from court-ordered education, treatment, or
18.27 rehabilitation to clearly show that a discharge and dismissal under this subdivision is in the
18.28 interests of justice.

18.29 (d) In determining the interests of justice, the court shall consider, among other factors,
18.30 all of the following:

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

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

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

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

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

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

19.5 (7) the statement of the victim, if any.

19.6 (e) If the court finds that the defendant does not qualify for discharge and dismissal
19.7 under paragraph (c), the court shall enter an adjudication of guilt and proceed as otherwise
19.8 provided in law, including as provided in subdivision 4.

19.9 (f) Discharge and dismissal under this subdivision shall be without court adjudication
19.10 of guilt, but a not public record of the discharge and dismissal shall be retained by the Bureau
19.11 of Criminal Apprehension for the purpose of use by the courts in determining the merits of
19.12 subsequent proceedings against the defendant. The not public record may also be opened
19.13 only upon court order for purposes of a criminal investigation, prosecution, or sentencing.
19.14 Upon request by law enforcement, prosecution, or corrections authorities, the bureau shall
19.15 notify the requesting party of the existence of the not public record and the right to seek a
19.16 court order to open the not public record under this paragraph. The court shall forward a
19.17 record of any discharge and dismissal under this subdivision to the bureau, which shall
19.18 make and maintain the not public record of the discharge and dismissal. The discharge and
19.19 dismissal shall not be deemed a conviction for purposes of disqualifications or disabilities
19.20 imposed by law upon conviction of a crime or for any other purpose. For purposes of this
19.21 paragraph, "not public" has the meaning given in section 13.02, subdivision 8a.

19.22 Subd. 4. **Sentencing departure; waiver of mandatory sentence.** (a) This subdivision
19.23 applies to defendants who plead or are found guilty of any criminal offense except one for
19.24 which registration is required under section 243.166, subdivision 1b.

19.25 (b) Prior to sentencing, a defendant described in paragraph (a) may present proof to the
19.26 court that the defendant has, since the commission of the offense, engaged in rehabilitative
19.27 efforts consistent with those described in this section. If the court determines that the
19.28 defendant has engaged in substantial rehabilitative efforts and the defendant establishes by
19.29 clear and convincing evidence that:

19.30 (1) the defendant suffered from an applicable condition at the time of the offense;

19.31 (2) the applicable condition was caused by service in the United States military; and

19.32 (3) the offense was committed as a result of the applicable condition;

20.1 the court may determine that the defendant is particularly amenable to probation and order
 20.2 a mitigated durational or dispositional sentencing departure or a waiver of any statutory
 20.3 mandatory minimum sentence applicable to the defendant.

20.4 **Subd. 5. Optional veterans treatment court program; procedures for eligible**
 20.5 **defendants.** A county or judicial district may supervise probation under this section through
 20.6 a veterans treatment court, using county veterans service officers appointed under sections
 20.7 197.60 to 197.606, United States Department of Veterans Affairs veterans justice outreach
 20.8 specialists, probation agents, and any other rehabilitative resources available to the court.

20.9 **Subd. 6. Creation of county and city diversion programs; authorization.** Any county
 20.10 or city may establish and operate a veterans pretrial diversion program for offenders eligible
 20.11 under subdivision 2 without penalty under section 477A.0175.

20.12 **Subd. 7. Exception.** This section does not apply to a person charged with an offense for
 20.13 which registration is required under section 243.166, subdivision 1b.

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

20.16 Sec. 12. **REVISOR INSTRUCTION.**

20.17 The revisor of statutes must renumber the provisions of Minnesota Statutes listed in
 20.18 column A to the references listed in column B. The revisor must also make necessary
 20.19 cross-reference changes in Minnesota Statutes and Minnesota Rules consistent with the
 20.20 renumbering.

	<u>Column A</u>	<u>Column B</u>
20.21		
20.22	<u>197.791, subdivision 5a</u>	<u>197.791, subdivision 6</u>
20.23	<u>197.791, subdivision 5b</u>	<u>197.791, subdivision 7</u>
20.24	<u>197.791, subdivision 6</u>	<u>197.791, subdivision 8</u>

20.25 **ARTICLE 3**

20.26 **DATA ACCESS**

20.27 Section 1. Minnesota Statutes 2020, section 13.43, is amended by adding a subdivision
 20.28 to read:

20.29 **Subd. 5b. Military personnel data.** All personnel data maintained by the Department
 20.30 of Military Affairs on military forces called to state active service is private data on
 20.31 individuals. All records of paid or unpaid military leave on employees of a government
 20.32 entity outside the Department of Military Affairs is private data on individuals.

21.1 Sec. 2. **[13.91] NATIONAL GUARD.**

21.2 In lieu of classifying, creating, collecting, retaining, and handling data as prescribed in
21.3 this chapter, the National Guard as defined in section 190.05, subdivision 4, is exempt from
21.4 the provisions of this chapter. Access to data of the National Guard is governed by applicable
21.5 federal regulations, including but not limited to the Freedom of Information Act, United
21.6 States Code, title 5, section 552, et seq., as amended, and the Privacy Act of 1974, United
21.7 States Code, title 5, section 552a, et seq., as amended, and United States Code, title 18,
21.8 section 1905. Upon receipt of data, the National Guard is required to protect against
21.9 unauthorized disclosure by classifying the data in accordance with federal executive orders,
21.10 laws, regulations, and rules.

21.11 Sec. 3. Minnesota Statutes 2020, section 192.67, is amended to read:

21.12 **192.67 OFFENDERS; TRANSFER TO CIVIL AUTHORITIES; SERVICE**
21.13 **MEMBER DATA.**

21.14 Subdivision 1. Transfer to civil authorities. When any ~~felony~~ criminal offense is
21.15 committed by any officer or enlisted member of the military forces while on duty status
21.16 other than ~~active-state~~ federal duty, the officer or enlisted member shall be turned over by
21.17 superior officers to the proper civil authorities of the county or municipality in which the
21.18 offense occurred for punishment for such crime, but such trial and punishment by the civil
21.19 authorities shall not preclude trial and additional punishment or dismissal from the service
21.20 by court-martial for any military offense resulting from the commission of said crime.

21.21 Subd. 2. Service member data. Notwithstanding any provision of chapter 13 or other
21.22 state law, all investigative reports and law enforcement data, including but not limited to
21.23 all data collected and defined under section 13.82 pertaining to any service member of the
21.24 military forces must be made accessible to the adjutant general of the Minnesota National
21.25 Guard upon request of the Office of the State Judge Advocate. All information, data, and
21.26 records obtained under this subdivision may be accessed, copied, transmitted, or provided
21.27 to the adjutant general without a court order or request from the subject of the data when
21.28 the matter involves any officer or enlisted member of the military forces. The adjutant
21.29 general may only use data made accessible under this subdivision in support of military
21.30 justice and Minnesota National Guard administrative and disciplinary actions.

22.1

ARTICLE 4

22.2

BAR ADMISSION; JUDICIAL QUALIFICATIONS

22.3

Section 1. [192A.041] PRACTICE OF MILITARY LAW.

22.4

22.5

22.6

22.7

Any commissioned officer of a United States state or territory military force who meets the following qualifications may be accepted by the state judge advocate to conduct any and all administrative or Minnesota Code of Military Justice activities under this code and is exempt from section 481.02:

22.8

22.9

(1) has served as a member of the Judge Advocate Generals Corps for not less than two years;

22.10

22.11

(2) is currently certified as competent for such duty by the Judge Advocate General of the military force of which the individual is a member; and

22.12

(3) is a member of good standing of the bar of the highest court of any state.

22.13

Sec. 2. Minnesota Statutes 2020, section 192A.15, subdivision 1, is amended to read:

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22.15

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22.18

Subdivision 1. **Establishment.** There is hereby established a military judge system for the ~~state~~ military forces. The military judge system shall be in the Military Department under the command of the adjutant general. It shall consist of at least two military judges, a number of legal clerks equal to the number of judges and such additional military staff as is necessary.

22.19

Sec. 3. Minnesota Statutes 2020, section 192A.15, subdivision 2, is amended to read:

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22.21

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Subd. 2. **Qualifications of military judge.** A military judge shall be a commissioned officer of the state military forces who has been a member of the bar of ~~this~~ any state for at least six years, who has served as a member of the Judge Advocate Generals Corps for not less than three years, ~~and~~ who is certified to be qualified for such duty by the ~~state~~ Judge Advocate General of the armed force of which the officer is a member, and who is accepted by the state judge advocate to conduct any and all administrative or Minnesota Code of Military Justice activities under this code.

22.27

Sec. 4. Minnesota Statutes 2020, section 192A.155, subdivision 2, is amended to read:

22.28

22.29

Subd. 2. **Qualifications of counsel.** Trial counsel or defense counsel detailed for a general, special, or summary court-martial:

23.1 (1) must be a person who is a member of the bar of the highest court of ~~the~~ any state, or
 23.2 a member of the bar of a federal court; and

23.3 (2) must be certified as competent to perform such duties by the ~~state~~ Judge Advocate
 23.4 General of the armed force of which the individual is a member.

23.5 ARTICLE 5

23.6 JURISDICTION CHANGES

23.7 Section 1. Minnesota Statutes 2020, section 192A.02, subdivision 2, is amended to read:

23.8 Subd. 2. **Military service in Minnesota.** This code also applies to all persons in the
 23.9 ~~military while they are serving within this state and while they are under the command of~~
 23.10 ~~a commissioned officer of the state military forces.~~ to a member of the military when the
 23.11 member is in a status provided for by United States Code, title 32, a regulation adopted
 23.12 pursuant to United States Code, title 32, or in state active service. This military service
 23.13 includes:

23.14 (1) travel to and from the inactive-duty training site of the member, pursuant to orders
 23.15 or regulations;

23.16 (2) intervals between consecutive periods of inactive-duty training on the same day,
 23.17 pursuant to orders or regulations; and

23.18 (3) intervals between inactive-duty training on consecutive days, pursuant to orders or
 23.19 regulations.

23.20 Sec. 2. Minnesota Statutes 2020, section 192A.384, is amended to read:

23.21 **192A.384 OFFENSES SUBJECT TO COURT-MARTIAL.**

23.22 The jurisdiction of courts-martial ~~shall be~~ under this code is limited to violations of the
 23.23 ~~punitive articles in this code~~ prescribed by the manual for courts-martial of the United States,
 23.24 assimilated under any Minnesota state law as referenced under section 192A.605, or by the
 23.25 Minnesota Code of Military Justice. Any person subject to this code who is charged with
 23.26 the commission of an offense which is not an offense under this code or the manual for
 23.27 courts-martial of the United States may be surrendered to civil authorities for process in
 23.28 accordance with civil law.

24.1 **ARTICLE 6**24.2 **TRIAL PROCEDURE**

24.3 Section 1. Minnesota Statutes 2020, section 192A.20, is amended to read:

24.4 **192A.20 GOVERNOR MAY PRESCRIBE RULES.**

24.5 The procedure, including modes of proof, in cases before military courts and other
24.6 military tribunals organized under this code may be prescribed by the governor or the
24.7 adjutant general by rules, which shall, so far as the governor or the adjutant general considers
24.8 practicable, apply the principles of law and the rules of evidence generally recognized in
24.9 ~~the trial of criminal cases in the courts of the state~~ manual for courts-martial of the United
24.10 States, but which may not be contrary to or inconsistent with this code.

24.11 Sec. 2. Minnesota Statutes 2020, section 192A.235, subdivision 3, is amended to read:

24.12 Subd. 3. **Three-year limitation.** Except as otherwise provided in subdivision 1, and
24.13 section 628.26, a person charged with any offense is not liable to be tried by court-martial
24.14 or punished under section 192A.0851 if the offense was committed more than three years
24.15 before the receipt of sworn charges and specifications by an officer exercising court-martial
24.16 jurisdiction over the command or before the imposition of punishment under section
24.17 192A.0851. The limitation for violations of any offense prescribed under this section shall
24.18 be the lesser of the limitation prescribed by the manual for courts-martial of the United
24.19 States, Minnesota state law, or the Minnesota Code of Military Justice, but in no instance
24.20 shall any limitation exceed that authorized by this code.

24.21 **ARTICLE 7**24.22 **SENTENCES**

24.23 Section 1. Minnesota Statutes 2020, section 192A.343, subdivision 3, is amended to read:

24.24 Subd. 3. **Action on findings.** (a) The authority under this section to modify the findings
24.25 and sentence of a court-martial is a matter of command prerogative involving the sole
24.26 discretion of the convening authority. If it is impractical for the convening authority to act,
24.27 the convening authority shall forward the case to a person exercising general court-martial
24.28 jurisdiction who may take action under this section.

24.29 (b) Action on the sentence of a court-martial shall be taken by the convening authority.
24.30 The action may be taken only after the consideration of any matters submitted by the accused
24.31 under subdivision 2 or after the time for submitting the matter expires, whichever is earlier.

25.1 The convening authority, in that person's sole discretion, may approve, disapprove, commute,
25.2 or suspend the sentence in whole or in part.

25.3 (c) Action on the findings of a court-martial by the convening authority or other person
25.4 acting on the sentence is not required. However, such person, in the person's sole discretion,
25.5 may:

25.6 (1) dismiss any charge or specification by setting aside a finding of guilty; or

25.7 (2) change a finding of guilty to a charge or specification to a finding of guilty to an
25.8 offense that is a lesser included offense of the offense stated in the charge or specification.

25.9 (d) The convening authority or other person acting under this section shall issue a final
25.10 order at the conclusion of the court-martial proceeding, including any proceeding in revision,
25.11 rehearing, and reconsideration under subdivision 5. The final order shall be promptly served
25.12 on the accused.

25.13 Sec. 2. Minnesota Statutes 2020, section 192A.353, subdivision 2, is amended to read:

25.14 Subd. 2. **Appeal forwarded.** An appeal under this section shall ~~be forwarded to the~~
25.15 ~~court~~ proceed as prescribed in section 192A.371. In ruling on an appeal under this section,
25.16 that court may act only with respect to matters of law.

25.17 Sec. 3. Minnesota Statutes 2020, section 192A.371, is amended to read:

25.18 **192A.371 REVIEW BY STATE APPELLATE AUTHORITY.**

25.19 Subdivision 1. **Certiorari.** Decisions of a special or general courts-martial may be
25.20 appealed to the Minnesota Court of Appeals according to the Minnesota Rules of Criminal
25.21 and Appellate Procedure. (a) A review of any final order of a special or general court-martial
25.22 proceeding may be had upon certiorari by the supreme court upon petition of any party to
25.23 the proceeding. The review may be had on the ground that: (1) the court-martial was without
25.24 jurisdiction, or (2) the findings of the court-martial and the final order of the convening
25.25 authority: (i) were not justified by the evidence; (ii) were not in conformity with this code,
25.26 military law or other law applicable to the proceedings, or the Classified Information
25.27 Procedures Act; or (iii) were affected by any other error of law.

25.28 (b) A writ of certiorari for review under this section is a matter of right.

25.29 Subd. 2. **Service of writ.** (a) Within 60 days after notice of the final order of a
25.30 court-martial proceeding, the petitioner for review shall obtain from the supreme court a
25.31 writ of certiorari, shall serve the same upon all other parties appearing in the court-martial

26.1 proceeding, and shall file the original writ of certiorari and proof of service with the court
 26.2 administrator of the court-martial. No fee or bond is required for either obtaining a writ of
 26.3 certiorari or the associated filings required under this paragraph.

26.4 (b) Return upon the writ shall be made to the supreme court and the matter shall be heard
 26.5 and determined by the court in accordance with the rules of civil appellate procedure
 26.6 applicable to decisions reviewable by certiorari directly in the supreme court.

26.7 Sec. 4. Minnesota Statutes 2020, section 606.06, is amended to read:

26.8 **606.06 CERTIORARI; ~~ADMINISTRATIVE DECISIONS.~~**

26.9 A writ of certiorari for review of an administrative decision pursuant to chapter 14 or
 26.10 of an order publishing the proceedings, findings, or sentence of a court-martial pursuant to
 26.11 this code is a matter of right.

26.12 **ARTICLE 8**

26.13 **PUNITIVE ARTICLES UPDATES**

26.14 Section 1. Minnesota Statutes 2020, section 192A.021, is amended to read:

26.15 **192A.021 PURELY MILITARY OFFENSES.**

26.16 (a) Purely military offenses include the offenses contained in the following sections:
 26.17 192A.39 (Principles), 192A.395 (Accessory after the fact), 192A.405 (Attempts), 192A.41
 26.18 (Conspiracy), 192A.415 (Solicitation), 192A.42 (Fraudulent enlistment, appointment, or
 26.19 separation), 192A.425 (Unlawful enlistment, appointment, or separation), 192A.43
 26.20 (Desertion), 192A.435 (Absent without leave), 192A.44 (Missing movement), 192A.445
 26.21 (Contempt towards officials), 192A.45 (Disrespect towards superior commissioned officer),
 26.22 192A.455 (Assaulting or willfully disobeying superior commissioned officer), 192A.46
 26.23 (Insubordinate conduct toward warrant officer or noncommissioned officer), 192A.465
 26.24 (Failure to obey order or rule), 192A.47 (Cruelty and maltreatment), 192A.475 (Mutiny or
 26.25 sedition), 192A.48 (Resistance, breach of arrest, and escape), 192A.495 (Noncompliance
 26.26 with procedural rules), 192A.50 (Misbehavior before the enemy), 192A.51 (Improper use
 26.27 of countersign), 192A.515 (Forcing a safeguard), 192A.525 (Aiding the enemy), 192A.54
 26.28 (Military property; loss, damage, destruction, or wrongful disposition), 192A.55 (Improper
 26.29 hazarding of vessel), 192A.56 (Drunk on duty; sleeping on post; leaving post before relief),
 26.30 192A.566 (Illegal presence of controlled substance while in duty status), 192A.57
 26.31 (Malingering), 192A.60 (Conduct unbecoming an officer), ~~and~~ 192A.605 (General article),
 26.32 192A.70 (Prohibited activities with military recruit or trainee by person in a position of

27.1 special trust), 192A.701 (Nonconsensual distribution of intimate images), 192A.703
27.2 (Unauthorized use of government computer), and 192A.704 (Retaliation).

27.3 (b) Upon request of the governor or the adjutant general, the superintendent of the Bureau
27.4 of Criminal Apprehension shall investigate military offenses or any other act or omission
27.5 under this code within the jurisdiction of the military courts and tribunals.

27.6 Sec. 2. Minnesota Statutes 2020, section 192A.111, is amended to read:

27.7 **192A.111 MAXIMUM LIMITS.**

27.8 Subdivision 1. **Punishment limits.** ~~The punishment that a court-martial may direct for~~
27.9 ~~an offense may not exceed limits prescribed by this code.~~ for a violation of this code is
27.10 limited to the lesser of the sentence prescribed by the manual for courts-martial of the United
27.11 States in effect at the time of the offense or the state manual for courts-martial, but in no
27.12 instance shall any punishment exceed that authorized by this code. A court-martial sentence
27.13 must not (1) exceed more than ten years for a military offense, or (2) adjudge a sentence of
27.14 death.

27.15 Subd. 2. **Level of offense.** ~~(a) Subject to paragraphs (b) and (c),~~ A conviction by general
27.16 court-martial of any military offense for which an accused may receive a sentence of
27.17 confinement for more than one year is a felony offense. All other military offenses are
27.18 misdemeanors, and a sentence of confinement must not exceed 90 days.

27.19 (b) In cases where the civilian authorities decline to prosecute and court-martial
27.20 jurisdiction is taken pursuant to sections 192A.02, subdivision 3, and 192A.605, the level
27.21 of offense and punishment that a court-martial is authorized is defined by the level of offense
27.22 and punishments authorized under the statute any Minnesota state law or the manual for
27.23 courts-martial of the United States for the assimilated crime.

27.24 (c) For crimes under sections 192A.54, 192A.545, 192A.59, and 192A.595 with monetary
27.25 loss of less than \$1,000 or more, confinement must not exceed ten years. A sentence of
27.26 confinement for more than one year is a felony offense shall be limited to that prescribed
27.27 by a special court-martial.

27.28 (d) Any conviction by a summary courts-martial is not a criminal conviction.

27.29 ~~(e) The limits of punishment for violations of the purely military offenses prescribed~~
27.30 ~~under this section shall be the lesser of the sentences prescribed by the manual for~~
27.31 ~~courts-martial of the United States, and the state manual for courts-martial, but in no instance~~
27.32 ~~shall any punishment exceed that authorized by this code.~~

28.1 Sec. 3. Minnesota Statutes 2020, section 192A.56, is amended to read:

28.2 **192A.56 UNDER THE INFLUENCE OF ALCOHOL OR CONTROLLED**
28.3 **SUBSTANCE WHILE ON DUTY; SLEEPING ON POST; LEAVING POST BEFORE**
28.4 **RELIEF.**

28.5 Any person subject to this code who is found to be under the influence of alcohol or a
28.6 controlled substance as defined in section 192A.566 without a valid medical prescription
28.7 while on duty or sleeping upon an assigned post, or who leaves that post before being
28.8 regularly relieved, shall be punished as a court-martial may direct.

28.9 Sec. 4. Minnesota Statutes 2020, section 192A.612, is amended to read:

28.10 **192A.612 SEARCH WARRANTS.**

28.11 ~~During any period of active service under section 190.05, subdivision 5a or 5b,~~ A military
28.12 judge is authorized to issue search warrants, directed to a member of the military police of
28.13 the state military forces or any peace officer defined under section 626.05, to search any
28.14 person, place, ~~or vehicle within the confines of the property or premises being used for such~~
28.15 ~~active service or any person or vehicle pursued therefrom~~ item or property when there is
28.16 probable cause that a member of the state military forces has committed an offense subject
28.17 to either concurrent or exclusive military jurisdiction during a period of active service as
28.18 defined in section 190.05, subdivisions 5a and 5b, and seize items in accordance with law.
28.19 No search warrant shall be issued except upon probable cause, supported by affidavit or
28.20 sworn testimony naming and describing the person and particularly describing the property
28.21 or thing to be seized and particularly describing the place to be searched.

28.22 Sec. 5. Minnesota Statutes 2020, section 192A.62, is amended to read:

28.23 **192A.62 SECTIONS TO BE EXPLAINED.**

28.24 Sections 192A.02, 192A.025, 192A.045, 192A.065, 192A.07, 192A.08, 192A.0851,
28.25 192A.155, 192A.205, ~~192A.385~~ 192A.39 to 192A.595, and 192A.62 to 192A.63 shall be
28.26 carefully explained to every enlisted member at the time of the member's enlistment or
28.27 transfer or induction into, or at the time of the member's order to duty in or with any of the
28.28 state military forces or within 30 days thereafter. They shall also be explained annually to
28.29 each unit of the state military forces. A complete text of this code and of the rules prescribed
28.30 by the governor thereunder shall be made available to any member of the state military
28.31 forces, upon the member's request, for personal examination. Failure to provide briefings
28.32 to soldiers or otherwise explain this code to soldiers shall not be a defense to a court-martial
28.33 proceeding, except as mitigation in sentencing.

29.1 Sec. 6. **[192A.70] PROHIBITED ACTIVITIES WITH MILITARY RECRUIT OR**
29.2 **TRAINEE BY PERSON IN POSITION OF SPECIAL TRUST.**

29.3 Subdivision 1. Definitions. For purposes of this section, the terms defined in this
29.4 subdivision have the meanings given them.

29.5 (1) "Applicant for military service" means a person who, under regulations prescribed
29.6 by the secretary concerned, the Minnesota National Guard authority, or designee concerned,
29.7 is an applicant for original enlistment or appointment in the armed forces.

29.8 (2) "Military recruiter" means a person who, under regulations prescribed by the secretary
29.9 concerned, has the primary duty to recruit persons for military service.

29.10 (3) "Prohibited sexual activity" means, as specified in regulations prescribed by the
29.11 secretary concerned, the Minnesota National Guard authority, or designee concerned,
29.12 inappropriate physical intimacy under circumstances described in such regulations.

29.13 (4) "Specially protected junior member of the armed forces" means:

29.14 (i) a member of the armed forces who is assigned to, or is awaiting assignment to, basic
29.15 training or other initial active duty for training, including a member who is enlisted under
29.16 a delayed entry program;

29.17 (ii) a member of the armed forces who is a cadet, an officer candidate, or a student in
29.18 any other officer qualification program; and

29.19 (iii) a member of the armed forces in any program that, by regulation prescribed by the
29.20 secretary concerned or a Minnesota National Guard authority, or designee concerned, is
29.21 identified as a training program for initial career qualification.

29.22 (5) "Training leadership position" means, with respect to a specially protected junior
29.23 member of the armed forces, any of the following:

29.24 (i) any drill instructor position or other leadership position in a basic training program,
29.25 an officer candidate school, a reserve officers' training corps unit, a training program for
29.26 entry into the armed forces, or any program that, by regulation prescribed by the secretary
29.27 concerned, is identified as a training program for initial career qualification; and

29.28 (ii) faculty and staff of the United States Military Academy, the United States Naval
29.29 Academy, the United States Air Force Academy, the United States Coast Guard Academy,
29.30 and the Minnesota National Guard Regional Training Institute.

29.31 Subd. 2. Abuse of training leadership position. Any person subject to this code:

29.32 (1) who is an officer or a noncommissioned officer;

30.1 (2) who is in a training leadership position with respect to a specially protected junior
30.2 member of the armed forces; and

30.3 (3) who engages in prohibited sexual activity with the specially protected junior member
30.4 of the armed forces;

30.5 shall be punished as a court-martial may direct.

30.6 Subd. 3. Abuse of position as military recruiter. Any person subject to this code:

30.7 (1) who is a military recruiter and engages in prohibited sexual activity with an applicant
30.8 for military service; or

30.9 (2) who is a military recruiter and engages in prohibited sexual activity with a specially
30.10 protected junior member of the armed forces who is enlisted under a delayed entry program;
30.11 shall be punished as a court-martial may direct.

30.12 Subd. 4. Consent. Consent is not a defense for any conduct at issue in a prosecution
30.13 under this section.

30.14 Sec. 7. [192A.701] NONCONSENSUAL DISTRIBUTION OF INTIMATE IMAGES.

30.15 Subdivision 1. Definitions. For purposes of this section, the terms defined in this
30.16 subdivision have the meanings given them.

30.17 (1) "Broadcast" means to electronically transmit a visual image with the intent that it be
30.18 viewed by a person or persons.

30.19 (2) "Distribute" means to deliver to the actual or constructive possession of another
30.20 person, including transmission by mail or electronic means.

30.21 (3) "Intimate visual image" means a visual image that depicts a private area of a person.

30.22 (4) "Private area" means the naked or underwear-clad genitalia, anus, buttocks, or female
30.23 areola or nipple.

30.24 (5) "Reasonable expectation of privacy" means circumstances in which a reasonable
30.25 person would believe that a private area of the person, or sexually explicit conduct involving
30.26 the person, would not be visible to the public.

30.27 (6) "Sexually explicit conduct" means actual or simulated genital-genital contact,
30.28 oral-genital contact, anal-genital contact, or oral-anal contact, whether between persons of
30.29 the same or opposite sex, bestiality, masturbation, or sadistic or masochistic abuse.

30.30 (7) "Visual image" means:

31.1 (i) any developed or undeveloped photograph, picture, film, or video;

31.2 (ii) any digital or computer image, picture, film, or video made by any means or
31.3 transmitted by any means, including streaming media, even if not stored in a permanent
31.4 format; or

31.5 (iii) any digital or electronic data capable of conversion into a visual image.

31.6 Subd. 2. **Crime defined.** Any person subject to this code:

31.7 (1) who knowingly and wrongfully broadcasts or distributes an intimate visual image
31.8 of another person or a visual image of sexually explicit conduct involving a person who:

31.9 (i) is at least 18 years of age at the time the intimate visual image or visual image of
31.10 sexually explicit conduct was created;

31.11 (ii) is identifiable from the intimate visual image or visual image of sexually explicit
31.12 conduct itself, or from information displayed in connection with the intimate visual image
31.13 or visual image of sexually explicit conduct; and

31.14 (iii) does not explicitly consent to the broadcast or distribution of the intimate visual
31.15 image or visual image of sexually explicit conduct;

31.16 (2) who knows that the intimate visual image or visual image of sexually explicit conduct
31.17 was made under circumstances in which the person depicted in the intimate visual image
31.18 or visual image of sexually explicit conduct retained a reasonable expectation of privacy
31.19 regarding any broadcast or distribution of the intimate visual image or visual image of
31.20 sexually explicit conduct;

31.21 (3) who possesses the intent to broadcast or distribute an intimate visual image or visual
31.22 image of sexually explicit conduct:

31.23 (i) to cause harm, harassment, intimidation, emotional distress, or financial loss for the
31.24 person depicted in the intimate visual image or visual image of sexually explicit conduct;
31.25 or

31.26 (ii) to harm substantially the depicted person with respect to that person's health, safety,
31.27 business, calling, career, financial condition, reputation, or personal relationships; and

31.28 (4) whose conduct, under the circumstances, had a reasonably direct and palpable
31.29 connection to a military mission or military environment;

31.30 is guilty of wrongful distribution of intimate visual images or visual images of sexually
31.31 explicit conduct and shall be punished as a court-martial may direct.

32.1 Sec. 8. **[192A.702] FRAUDULENT USE OF CREDIT CARDS, DEBIT CARDS,**
32.2 **AND OTHER ACCESS DEVICES.**

32.3 Subdivision 1. **Crime defined.** Any person subject to this code who knowingly, with
32.4 intent to defraud, uses:

32.5 (1) a stolen credit card, debit card, or other access device;

32.6 (2) a revoked, canceled, or otherwise invalid credit card, debit card, or other access
32.7 device; or

32.8 (3) a credit card, debit card, or other access device without the authorization of a person
32.9 whose authorization was required for use, including a government purchase card or
32.10 government travel card without conforming to the published federal or Minnesota National
32.11 Guard procedures at the time of use;

32.12 to obtain money, property, services, or anything else of value shall be punished as a
32.13 court-martial may direct.

32.14 Subd. 2. **Access device defined.** As used in this section, "access device" has the meaning
32.15 given in United States Code, title 18, section 1029.

32.16 Sec. 9. **[192A.703] UNAUTHORIZED USE OF GOVERNMENT COMPUTER.**

32.17 Subdivision 1. **Definitions.** For purposes of this section, the terms defined in this
32.18 subdivision have the meanings given them.

32.19 (1) "Computer" has the meaning given in United States Code, title 18, section 1030.

32.20 (2) "Damage" has the meaning given in United States Code, title 18, section 1030.

32.21 (3) "Government computer" means a computer owned or operated by or on behalf of
32.22 the United States government or the state of Minnesota.

32.23 Subd. 2. **Crime defined.** Any person subject to this code who:

32.24 (1) knowingly accesses a government computer with an unauthorized purpose and by
32.25 doing so obtains classified information, with reason to believe the information could be
32.26 used to the injury of the United States or the state of Minnesota or to the advantage of any
32.27 foreign nation, and intentionally communicates, delivers, or transmits or causes to be
32.28 communicated, delivered, or transmitted the information to any person not entitled to receive
32.29 it;

33.1 (2) intentionally accesses a government computer with an unauthorized purpose and
33.2 thereby obtains classified or other protected information from any government computer;
33.3 or
33.4 (3) knowingly causes the transmission of a program, information, code, or command,
33.5 and as a result intentionally causes damage without authorization to a government computer;
33.6 shall be punished as a court-martial may direct.

33.7 Sec. 10. **[192A.704] RETALIATION.**

33.8 Subdivision 1. **Definitions.** For purposes of this section, the terms defined in this
33.9 subdivision have the meanings given them.

33.10 (1) "Covered individual or organization" means any recipient of a communication
33.11 specified in United States Code, title 10, section 1034(b)(1)(B), clauses (i) to (v).

33.12 (2) "Inspector general" has the meaning given in United States Code, title 10, section
33.13 1034(j).

33.14 (3) "Protected communication" means:

33.15 (i) a lawful communication to a member of Congress, a state legislator, or an inspector
33.16 general; and

33.17 (ii) a communication to a covered individual or organization, to include the Office of
33.18 the Governor, in which a member of the armed forces complains of, or discloses information
33.19 that the member reasonably believes constitutes evidence of any of the following:

33.20 (A) a violation of law or regulation, including a law or regulation prohibiting sexual
33.21 harassment or unlawful discrimination; or

33.22 (B) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial
33.23 and specific danger to public health or safety.

33.24 Subd. 2. **Crimes defined.** Any person subject to this code who, with the intent to retaliate
33.25 against any person for reporting or planning to report a criminal offense, or making or
33.26 planning to make a protected communication, or with the intent to discourage any person
33.27 from reporting a criminal offense or making or planning to make a protected communication:

33.28 (1) wrongfully takes or threatens to take an adverse personnel action against any person;
33.29 or

33.30 (2) wrongfully withholds or threatens to withhold a favorable personnel action with
33.31 respect to any person;

34.1 shall be punished as a court-martial may direct.

34.2 **Sec. 11. REVISOR INSTRUCTION.**

34.3 The revisor of statutes shall recodify the following sections in article 6: sections 6 to 10,
34.4 recodify Minnesota Statutes, section 192A.70 as 192A.6011; section 192A.701 as 192A.6012;
34.5 section 192A.702 as section 192A.6013; section 192A.703 as section 192A.6014; and
34.6 section 192A.704 as section 192A.6015. The revisor shall correct any cross-references made
34.7 necessary by this recodification.

34.8 **Sec. 12. REPEALER.**

34.9 Minnesota Statutes 2020, section 192A.385, is repealed."

34.10 Amend the title accordingly