

5.9 **(c) Interpreter Compensation**

5.10 \$400,000 in fiscal year 2022 and \$400,000 in
5.11 fiscal year 2023 are to increase hourly fees
5.12 paid to qualified certified and uncertified
5.13 interpreters who are independent contractors
5.14 and assist persons disabled in communication
5.15 in legal proceedings.

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

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

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

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

5.20 **(a) Availability of Appropriation**

5.21 If the appropriation for either year is
5.22 insufficient, the appropriation for the other
5.23 fiscal year is available.

5.24 **(b) Major Disciplinary Actions**

5.25 \$125,000 each year is for special investigative
5.26 and hearing costs for major disciplinary
5.27 actions undertaken by the board. This
5.28 appropriation does not cancel. Any
5.29 unencumbered and unspent balances remain
5.30 available for these expenditures until June 30,
5.31 2025.

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

6.2 **(a) Public Defense Corporations**

6.3 \$74,000 the first year and \$152,000 the second
6.4 year are for increases to public defense
6.5 corporations.

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

4.1 Sec. 5. **GUARDIAN AD LITEM BOARD** \$ **22,576,000** \$ **22,815,000**

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

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

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

4.5 If the appropriation for either year is
4.6 insufficient, the appropriation for the other
4.7 fiscal year is available.

4.8 **Major Disciplinary Actions.** \$125,000 each
4.9 year is for special investigative and hearing
4.10 costs for major disciplinary actions undertaken
4.11 by the board. This appropriation does not
4.12 cancel. Any unencumbered and unspent
4.13 balances remain available for these
4.14 expenditures until June 30, 2025.

4.15 Sec. 9. **BOARD OF PUBLIC DEFENSE** \$ **106,852,000** \$ **106,930,000**

4.16 **Public Defense Corporations.** \$74,000 the
4.17 first year and \$152,000 the second year are
4.18 for increases to public defense corporations.

6.6 **(b) Postconviction Relief Petitions**

6.7 \$187,000 in fiscal year 2022 is for contract
6.8 attorneys to represent individuals who file
6.9 postconviction relief petitions.

31.10 Sec. 9. **PUBLIC DEFENSE** **\$** **25,000** **\$** **25,000**

31.11 \$25,000 each year is for public defender
31.12 training on increasing diversion alternatives
31.13 and using evidence-based practices to increase
31.14 public safety and decrease racial disparities.
31.15 This is a onetime appropriation.

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

6.11 **Additional Staffing and Administrative**
6.12 **Costs**

6.13 \$345,000 in fiscal year 2022 and \$350,000 in
6.14 fiscal year 2023 are for improving caseload
6.15 processing, costs associated with prohibiting
6.16 rental discrimination, staff and administrative
6.17 costs necessary to collect and report on crimes
6.18 of bias, and to develop training materials with
6.19 the Board of Peace Officer Standards and
6.20 Training.

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

6.22 **Forfeiture Reporting**

6.23 \$64,000 in fiscal year 2022 and \$30,000 in
6.24 fiscal year 2023 are for costs associated with
6.25 forfeiture reporting requirements.

15.20 Sec. 14. **HUMAN RIGHTS** **\$** **5,371,000** **\$** **5,371,000**

17.6 Sec. 17. **LEGISLATIVE COORDINATING**
17.7 **COMMISSION** **\$** **60,000** **\$** **60,000**

17.8 \$60,000 each year is for the Legislative
17.9 Commission on Data Practices under
17.10 Minnesota Statutes, section 3.8844.

7.32	Subdivision 1. Total			
7.33	Appropriation	\$ 1,380,000	\$ 232,135,000	\$ 228,551,000
8.3	General	<u>1,365,000</u>	<u>145,161,000</u>	<u>142,704,000</u>
8.4	Special Revenue		<u>14,901,000</u>	<u>14,502,000</u>
8.5	State Government			
8.6	Special Revenue		<u>103,000</u>	<u>103,000</u>
8.7	Environmental		<u>73,000</u>	<u>73,000</u>
8.8	Trunk Highway		<u>3,981,000</u>	<u>3,262,000</u>
8.9	911 Fund		<u>67,897,000</u>	<u>67,888,000</u>
8.10	Opioid Fund	<u>15,000</u>	<u>19,000</u>	<u>19,000</u>
8.11	<u>The amounts that may be spent for each</u>			
8.12	<u>purpose are specified in the following</u>			
8.13	<u>subdivisions.</u>			
8.14	Subd. 2. Emergency Management		<u>6,000,000</u>	<u>6,156,000</u>
8.15	<u>Appropriations by Fund</u>			
8.16	General	<u>5,927,000</u>	<u>6,083,000</u>	
8.17	Environmental	<u>73,000</u>	<u>73,000</u>	
8.18	(a) Emergency Management Grants; Report			
8.19	<u>\$3,000,000 each year is for the director of the</u>			
8.20	<u>Homeland Security and Emergency</u>			
8.21	<u>Management Division (HSEM) to award</u>			
8.22	<u>grants in equal amounts to emergency</u>			
8.23	<u>management departments in the 87 counties,</u>			
8.24	<u>11 federally recognized Tribes, and four cities</u>			
8.25	<u>of the first class for planning and preparedness</u>			
8.26	<u>activities, including capital purchases. This</u>			
8.27	<u>amount is a onetime appropriation. Local</u>			

4.21	Subdivision 1. Total Appropriation	\$ 205,786,000	\$ 204,412,000
4.24	General	<u>123,277,000</u>	<u>121,846,000</u>
4.25	Special Revenue	<u>14,436,000</u>	<u>14,502,000</u>
4.26	State Government		
4.27	Special Revenue	<u>103,000</u>	<u>103,000</u>
4.28	Environmental	<u>73,000</u>	<u>73,000</u>
4.29	911 Fund	<u>67,897,000</u>	<u>67,888,000</u>
4.30	<u>The amounts that may be spent for each</u>		
4.31	<u>purpose are specified in the following</u>		
4.32	<u>subdivisions.</u>		
4.33	Subd. 2. Emergency Management	<u>3,078,000</u>	<u>3,078,000</u>
5.1	<u>Appropriations by Fund</u>		
5.2	General	<u>3,005,000</u>	<u>3,005,000</u>
5.3	Environmental	<u>73,000</u>	<u>73,000</u>

8.28 emergency management departments must
8.29 make a request to HSEM for these grants.
8.30 Current local funding for emergency
8.31 management and preparedness activities may
8.32 not be supplanted by these additional state
8.33 funds.

8.34 By March 15, 2023, the commissioner of
8.35 public safety must submit a report on the grant
9.1 awards to the chairs and ranking minority
9.2 members of the legislative committees with
9.3 jurisdiction over emergency management and
9.4 preparedness activities. At a minimum, the
9.5 report must summarize grantee activities and
9.6 identify grant recipients.

9.7 **(b) Supplemental Nonprofit Security Grants**

9.8 \$225,000 each year is for supplemental
9.9 nonprofit security grants under this paragraph.

9.10 Nonprofit organizations whose applications
9.11 for funding through the Federal Emergency
9.12 Management Agency's nonprofit security grant
9.13 program have been approved by the Division
9.14 of Homeland Security and Emergency
9.15 Management are eligible for grants under this
9.16 paragraph. No additional application shall be
9.17 required for grants under this paragraph, and
9.18 an application for a grant from the federal
9.19 program is also an application for funding
9.20 from the state supplemental program.

9.21 Eligible organizations may receive grants of
9.22 up to \$75,000, except that the total received
9.23 by any individual from both the federal
9.24 nonprofit security grant program and the state
9.25 supplemental nonprofit security grant program
9.26 shall not exceed \$75,000. Grants shall be
9.27 awarded in an order consistent with the
9.28 ranking given to applicants for the federal
9.29 nonprofit security grant program. No grants
9.30 under the state supplemental nonprofit security
9.31 grant program shall be awarded until the
9.32 announcement of the recipients and the

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

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

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

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

9.33 amount of the grants awarded under the federal
9.34 nonprofit security grant program.

10.1 The commissioner may use up to one percent
10.2 of the appropriation received under this
10.3 paragraph to pay costs incurred by the
10.4 department in administering the supplemental
10.5 nonprofit security grant program. These
10.6 appropriations are onetime.

10.7	Subd. 3. Criminal			
10.8	Apprehension	<u>1,261,000</u>	<u>80,118,000</u>	<u>79,968,000</u>

10.9	<u>Appropriations by Fund</u>			
10.10	<u>General</u>	<u>1,246,000</u>	<u>76,111,000</u>	<u>73,680,000</u>
10.11	<u>State Government</u>			
10.12	<u>Special Revenue</u>	<u>7,000</u>	<u>7,000</u>	
10.13	<u>Trunk Highway</u>	<u>3,981,000</u>	<u>3,262,000</u>	
10.14	<u>Opioid Fund</u>	<u>15,000</u>	<u>19,000</u>	<u>19,000</u>

10.15 **(a) DWI Lab Analysis; Trunk Highway**
10.16 **Fund**
10.17 Notwithstanding Minnesota Statutes, section
10.18 161.20, subdivision 3, \$3,981,000 the first
10.19 year and \$3,262,000 the second year are from
10.20 the trunk highway fund for staff and operating
10.21 costs for laboratory analysis related to
10.22 driving-while-impaired cases.

5.30 amount of the grants awarded under the federal
5.31 nonprofit security grant program.

5.32 The commissioner may use up to one percent
5.33 of the appropriation received under this
5.34 paragraph to pay costs incurred by the
5.35 department in administering the supplemental
6.1 nonprofit security grant program. These
6.2 appropriations are onetime.

6.3 **(b) School Safety Center**

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

6.7	Subd. 3. Criminal Apprehension	<u>76,481,000</u>	<u>75,293,000</u>
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6.8	<u>Appropriations by Fund</u>		
6.9	<u>General</u>	<u>76,474,000</u>	<u>75,286,000</u>
6.10	<u>State Government</u>		
6.11	<u>Special Revenue</u>	<u>7,000</u>	<u>7,000</u>

6.12 **(a) DWI Lab Analysis**

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

6.16 **(b) Use of Trunk Highway Funds;**
6.17 **Department of Public Safety**

6.18 Payment of expenses related to forensic
6.19 science services and other activities of the
6.20 Bureau of Criminal Apprehension do not
6.21 further a highway purpose under Minnesota

10.23 **(b) Cybersecurity**

10.24 \$2,955,000 the first year and \$2,605,000 the
10.25 second year are for identity and access
10.26 management, critical infrastructure upgrades,
10.27 and Federal Bureau of Investigation audit
10.28 compliance. The base for this is \$1,050,000
10.29 in fiscal years 2024 and 2025.

10.30 **(c) Rapid DNA Program**

10.31 \$285,000 each year is from the general fund
10.32 for the Rapid DNA Program.

10.33 **(d) Responding to Civil Unrest**

11.1 \$539,000 in fiscal year 2021 and \$539,000 in
11.2 fiscal year 2022 is from the general fund for
11.3 costs related to responding to civil unrest. This
11.4 is a onetime appropriation.

12.8 **(k) Body Cameras**

12.9 \$397,000 the first year and \$205,000 the
12.10 second year are to purchase body cameras for
12.11 peace officers employed by the Bureau of
12.12 Criminal Apprehension and to maintain the
12.13 necessary hardware, software, and data.

11.5 **(e) National Guard Sexual Assault**
11.6 **Investigations**

11.7 \$160,000 each year is for investigation of
11.8 criminal sexual conduct allegations filed
11.9 against members of the Minnesota National
11.10 Guard by another member of the Minnesota
11.11 National Guard. This appropriation is added
11.12 to the agency's base.

6.22 Statutes, section 161.20, subdivision 3, and
6.23 under article 14, sections 5, 6, and 9 of the
6.24 Minnesota Constitution. The commissioner of
6.25 public safety must not expend money from
6.26 the trunk highway fund for any purpose of the
6.27 Bureau of Criminal Apprehension.

7.3 **(e) Cybersecurity**

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

7.11 **(f) Rapid DNA Program**

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

6.28 **(c) Civil Unrest**

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

6.31 **(d) Body Worn Cameras**

6.32 \$397,000 the first year and \$205,000 the
6.33 second year are for the purchase,
7.1 implementation, and maintenance of body
7.2 worn cameras.

7.24 **(i) Additional Special Agent**

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

- 11.13 **(f) Predatory Offender Statutory**
11.14 **Framework Working Group**
- 11.15 \$131,000 the first year is to convene,
11.16 administer, and implement the predatory
11.17 offender statutory framework working group.
- 11.18 **(g) Automatic Expungement**
- 11.19 \$1,248,000 the first year is for costs associated
11.20 with providing automatic expungements.
- 11.21 **(h) Salary Increases; Special Agents**
- 11.22 \$524,000 in fiscal year 2021 is appropriated
11.23 for Bureau of Criminal Apprehension special
11.24 agent salary increases. In each of fiscal years
11.25 2022 and 2023, \$717,000 is appropriated for
11.26 this purpose. This amount is in addition to the
11.27 base appropriation for this purpose.
- 11.28 **(i) Salary Increases; Special Agents**
- 11.29 \$15,000 in fiscal year 2021 is appropriated
11.30 from the opiate epidemic response fund for
11.31 Bureau of Criminal Apprehension special
11.32 agent salary increases. In each of fiscal years
11.33 2022 and 2023, \$19,000 is appropriated from
12.1 the opiate epidemic response fund for this
12.2 purpose. This amount is in addition to the base
12.3 appropriation for this purpose.
- 12.4 **(j) Emergency COVID-19 Sick Leave**
- 12.5 \$183,000 in fiscal year 2021 is for emergency
12.6 COVID-19 sick leave. This funding is
12.7 onetime.

- 7.27 **(j) Predatory Offender Statutory**
7.28 **Framework Working Group**
- 7.29 \$131,000 the first year is to convene,
7.30 administer, and implement the predatory
7.31 offender statutory framework working group
7.32 described in article 4, section 22.
- 7.14 **(g) Additional Forensic Scientist**
- 7.15 \$128,000 the first year and \$113,000 the
7.16 second year are for one additional forensic
7.17 scientist.

14.9 \$975,000 each year is for the Minnesota Task
 14.10 Force 1.
 14.11 **(c) Air Rescue**
 14.12 \$317,000 each year is for the Minnesota Air
 14.13 Rescue Team.
 14.14 **(d) Unappropriated Revenue**
 14.15 Any additional unappropriated money
 14.16 collected in fiscal year 2021 is appropriated
 14.17 to the commissioner of public safety for the
 14.18 purposes of Minnesota Statutes, section
 14.19 299F.012. The commissioner may transfer
 14.20 appropriations and base amounts between
 14.21 activities in this subdivision.
 14.22 **Subd. 6. Alcohol and**
 14.23 **Gambling Enforcement** 119,000 2,648,000 2,598,000
 14.24 Appropriations by Fund
 14.25 General 119,000 2,578,000 2,528,000
 14.26 Special Revenue 70,000 70,000
 14.27 \$70,000 each year is from the lawful gambling
 14.28 regulation account in the special revenue fund.
 14.29 **(a) Legal Costs**
 14.30 \$93,000 the first year is for legal costs
 14.31 associated with Alexis Bailly Vineyard, Inc.
 14.32 v. Harrington. This is a onetime appropriation.
 15.1 **(b) Responding to Civil Unrest**
 15.2 \$86,000 in fiscal year 2021 and \$71,000 in
 15.3 fiscal year 2022 are from the general fund for
 15.4 costs related to responding to civil unrest. This
 15.5 is a onetime appropriation.
 15.13 **(d) Body Cameras**

9.20 \$975,000 each year is for the Minnesota Task
 9.21 Force 1.
 9.22 **(c) Air Rescue**
 9.23 \$317,000 each year is for the Minnesota Air
 9.24 Rescue Team.
 9.25 **(d) Unappropriated Revenue**
 9.26 Any additional unappropriated money
 9.27 collected in fiscal year 2021 is appropriated
 9.28 to the commissioner of public safety for the
 9.29 purposes of Minnesota Statutes, section
 9.30 299F.012. The commissioner may transfer
 9.31 appropriations and base amounts between
 9.32 activities in this subdivision.
 9.33 **Subd. 6. Alcohol and Gambling Enforcement** 2,590,000 2,497,000
 10.1 Appropriations by Fund
 10.2 General 2,520,000 2,427,000
 10.3 Special Revenue 70,000 70,000
 10.4 \$70,000 each year is from the lawful gambling
 10.5 regulation account in the special revenue fund.
 10.6 **(a) Legal Costs**
 10.7 \$93,000 the first year is for legal costs
 10.8 associated with Alexis Bailly Vineyard, Inc.
 10.9 v. Harrington.
 10.10 **(b) Body Worn Cameras**

16.2 for this program shall be \$1,500,000 beginning
16.3 in fiscal year 2024.

10.24 **(b) Improving Retention in Domestic**
10.25 **Violence Programs**

10.26 \$150,000 the first year is to develop an open
10.27 and competitive grant process to award a grant
10.28 to establish a pilot project to increase the rate
10.29 at which participants voluntarily complete a
10.30 person-centered, trauma-informed violence
10.31 prevention program by addressing the social
10.32 and economic barriers that inhibit program
11.1 completion. This appropriation is available
11.2 until June 30, 2024.

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

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

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

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

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

12.1 (3) the number of individuals, including the
12.2 age, race, and sex of those individuals, who
12.3 left the program prior to completion before
12.4 and after the pilot project began;

12.5 (4) information on whether the individuals
12.6 were members of a two-parent or single-parent
12.7 home; and

12.8 (5) any other relevant measurement and
12.9 evaluation of the pilot project, including
12.10 information related to social and economic
12.11 barriers that impact program completion rates.

12.12 By January 15, 2024, the grant recipient shall
12.13 provide a report to the Office of Justice
12.14 Programs identifying the domestic violence
12.15 recidivism rate of individuals who completed
12.16 the program, including the age, race, and sex
12.17 of those individuals, before and after the pilot
12.18 project began.

12.19 By February 15, 2024, the Office of Justice
12.20 Programs shall compile the information
12.21 received from the grant recipient and provide
12.22 that compilation to the senate and house of
12.23 representatives committees and divisions with
12.24 jurisdiction over public safety.

16.4 **(c) Minnesota Heals Program**
16.5 \$1,500,000 each year is to establish and
16.6 maintain the Minnesota Heals program. Of
16.7 this amount, \$500,000 each year is for a
16.8 statewide critical incident stress management
16.9 service for first responders; \$500,000 each
16.10 year is for grants for establishing and

16.11 maintaining a community healing network;
16.12 and \$500,000 each year is for reimbursement
16.13 for burial costs, cultural ceremonies, and
16.14 mental health and trauma healing services for
16.15 families following an officer-involved death.

16.16 **(d) Innovation in Community Safety Grants**

16.17 \$5,000,000 each year is for innovation in
16.18 community safety grants administered by the
16.19 Innovation in Community Safety Coordinator.

16.20 **(e) Youth Intervention Program Grants**

16.21 \$500,000 the first year and \$500,000 the
16.22 second year are for youth intervention program
16.23 grants.

16.24 **(f) Racially Diverse Youth in Shelters**

16.25 \$150,000 each year is for grants to
16.26 organizations to address racial disparity of
16.27 youth using shelter services in the Rochester
16.28 and St. Cloud regional areas. A grant recipient
16.29 shall establish and operate a pilot program to
16.30 engage in community intervention, family
16.31 reunification, aftercare, and follow up when
16.32 family members are released from shelter
16.33 services. A pilot program shall specifically
17.1 address the high number of racially diverse
17.2 youth that enter shelters in the region.

17.3 **(g) Task Force on Missing and Murdered**
17.4 **African American Women**

17.5 \$202,000 the first year and \$50,000 the second
17.6 year are to implement the task force on
17.7 missing and murdered African American
17.8 women.

17.9 **(h) Body Camera Grant Program**

17.10 \$1,000,000 each year is to provide grants to
17.11 local law enforcement agencies for portable
17.12 recording systems. The executive director shall
17.13 award grants to local law enforcement
17.14 agencies for the purchase and maintenance of
17.15 portable recording systems and portable

17.16 recording system data. An applicant must
17.17 provide a 50 percent match to be eligible to
17.18 receive a grant. The executive director must
17.19 give priority to applicants that do not have a
17.20 portable recording system program. The
17.21 executive director must award at least one
17.22 grant to a law enforcement agency located
17.23 outside of the seven-county metropolitan area.

17.24 As a condition of receiving a grant, a law
17.25 enforcement agency's portable recording
17.26 system policy required under Minnesota
17.27 Statutes, section 626.8473, subdivision 3, must
17.28 include the following provisions:

17.29 (1) prohibit altering, erasing, or destroying
17.30 any recording made with a peace officer's
17.31 portable recording system or data and
17.32 metadata related to the recording prior to the
17.33 expiration of the applicable retention period
17.34 under Minnesota Statutes, section 13.825,
18.1 subdivision 3, except that the full, unedited,
18.2 and unredacted recording of a peace officer
18.3 using deadly force must be maintained
18.4 indefinitely;

18.5 (2) mandate that a deceased individual's next
18.6 of kin, legal representative of the next of kin,
18.7 or other parent of the deceased individual's
18.8 children be entitled to view any and all
18.9 recordings from a peace officer's portable
18.10 recording system, redacted no more than what
18.11 is required by law, of an officer's use of deadly
18.12 force no later than 48 hours after an incident
18.13 where deadly force used by a peace officer
18.14 results in death of an individual, except that a
18.15 chief law enforcement officer may deny a
18.16 request if investigators can articulate a
18.17 compelling reason as to why allowing the
18.18 deceased individual's next of kin, legal
18.19 representative of the next of kin, or other
18.20 parent of the deceased individual's children to
18.21 review the recordings would interfere with the
18.22 agency conducting a thorough investigation.
18.23 If the chief law enforcement officer denies a

18.24 request under this provision, the agency's
18.25 policy must require the chief law enforcement
18.26 officer to issue a prompt, written denial and
18.27 provide notice to the deceased individual's
18.28 next of kin, legal representative of the next of
18.29 kin, or other parent of the deceased
18.30 individual's children that they may seek relief
18.31 from the district court;

18.32 (3) mandate release of all recordings of an
18.33 incident where a peace officer used deadly
18.34 force and an individual dies to the deceased
18.35 individual's next of kin, legal representative
19.1 of the next of kin, and other parent of the
19.2 deceased individual's children no later than 90
19.3 days after the incident; and

19.4 (4) mandate, whenever practicable, that an
19.5 officer operating a portable recording system
19.6 while entering a residence notify occupants
19.7 of the residence that they are being recorded.

12.25 **(c) VCETs**

12.26 \$1,000,000 each year is for additional violent
12.27 crime enforcement teams. The base for this is
12.28 \$1,000,000 in fiscal years 2024 and 2025.

12.29 Of this amount, \$250,000 each year is a
12.30 onetime appropriation for a team to address
12.31 criminal activities in and around metropolitan
12.32 transit lines. This team must include members
12.33 from the Hennepin County Sheriff's Office,
12.34 the Ramsey County Sheriff's Office, the St.
13.1 Paul Police Department, the Minneapolis
13.2 Police Department, and the Metropolitan
13.3 Transit Police Department. The Hennepin
13.4 County Sheriff's Office shall serve as the
13.5 team's fiscal agent. By February 1, 2022, the
13.6 commissioner shall report to the chairs and
13.7 ranking minority members of the legislative
13.8 committees with jurisdiction over criminal
13.9 justice policy and funding on the activities of
13.10 the team. The report must detail the impact

19.8 **(i) Office of Missing and Murdered**
19.9 **Indigenous Relatives**

19.10 \$500,000 each year is to establish and
19.11 maintain an office dedicated to reviewing,
19.12 preventing, and ending the targeting of
19.13 Indigenous people, disappearance of
19.14 Indigenous people, and deaths of Indigenous
19.15 people that occur under suspicious
19.16 circumstances through coordination with
19.17 Tribal nations, executive branch agencies and
19.18 commissions, community organizations, and
19.19 impacted communities.

19.20 **(j) Opiate Epidemic Response Grants**

19.21 \$500,000 each year is for grants to
19.22 organizations selected by the Opiate Epidemic
19.23 Response Advisory Council that provide
19.24 services to address the opioid addiction and
19.25 overdose epidemic in Minnesota consistent
19.26 with the priorities in Minnesota Statutes,
19.27 section 256.042, subdivision 1, paragraph (a),
19.28 clauses (1) to (4). Grant recipients must be
19.29 located outside the seven-county metropolitan
19.30 area and in areas with disproportionately high
19.31 incidents of fentanyl overdoses.

19.32 **(k) Prosecutor and Law Enforcement**
19.33 **Training**

20.1 \$25,000 each year is appropriated to award an
20.2 annual grant to the Minnesota County
20.3 Attorneys Association for prosecutor and law
20.4 enforcement training on increasing diversion
20.5 alternatives and using evidence-based
20.6 practices to increase public safety and decrease

13.11 the team had on reducing criminal activity in
13.12 and around metropolitan transit lines and
13.13 recommend whether to fund the team in the
13.14 future or whether the money for this would be
13.15 better directed towards other violent crime
13.16 enforcement teams.

20.7 racial disparities. This is a onetime
20.8 appropriation.

20.9 **(l) Study on Liability Insurance for Peace**
20.10 **Officers**

20.11 \$100,000 in the first year is for a grant to an
20.12 organization with experience in studying
20.13 issues related to community safety and
20.14 criminal justice for a study on the effects of
20.15 requiring peace officers to carry liability
20.16 insurance.

20.17 **(m) Hometown Heroes Assistance Program**

20.18 \$4,000,000 each year is appropriated from the
20.19 general fund for grants to the Minnesota
20.20 Firefighter Initiative to fund the hometown
20.21 heroes assistance program established in
20.22 Minnesota Statutes, section 299A.477. This
20.23 amount shall be added to the agency's base.

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

20.30 This appropriation is from the state
20.31 government special revenue fund for 911
20.32 emergency telecommunications services.

21.1 This appropriation includes funds for
21.2 information technology project services and
21.3 support subject to the provisions of Minnesota
21.4 Statutes, section 16E.0466. Any ongoing
21.5 information technology costs shall be
21.6 incorporated into the service level agreement
21.7 and shall be paid to the Office of MN.IT
21.8 Services by the Department of Public Safety
21.9 under the rates and mechanism specified in
21.10 that agreement.

21.11 **(a) Public Safety Answering Points**

21.12 \$27,328,000 the first year and \$28,011,000
21.13 the second year shall be distributed as
21.14 provided in Minnesota Statutes, section

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

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

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

13.31 **(a) Public Safety Answering Points**

13.32 \$27,328,000 the first year and \$28,011,000
13.33 the second year shall be distributed as
13.34 provided in Minnesota Statutes, section

21.15 403.113, subdivision 2. The base appropriation
21.16 is \$28,011,000 in fiscal year 2024 and
21.17 \$28,011,000 in fiscal year 2025.

21.18 **(b) Medical Resource Communication Centers**

21.19 \$683,000 the first year is for grants to the
21.20 Minnesota Emergency Medical Services
21.21 Regulatory Board for the Metro East and
21.22 Metro West Medical Resource
21.23 Communication Centers that were in operation
21.24 before January 1, 2000. This is a onetime
21.25 appropriation.

21.26 **(c) ARMER State Backbone Operating**
21.27 **Costs**

21.28 \$9,675,000 each year is transferred to the
21.29 commissioner of transportation for costs of
21.30 maintaining and operating the statewide radio
21.31 system backbone.

21.32 **(d) ARMER Improvements**

22.1 \$1,000,000 each year is to the Statewide
22.2 Emergency Communications Board for
22.3 improvements to those elements of the
22.4 statewide public safety radio and
22.5 communication system that support mutual
22.6 aid communications and emergency medical
22.7 services or provide interim enhancement of
22.8 public safety communication interoperability
22.9 in those areas of the state where the statewide
22.10 public safety radio and communication system
22.11 is not yet implemented, and grants to local
22.12 units of government to further the strategic
22.13 goals set forth by the Statewide Emergency
22.14 Communications Board strategic plan.

22.15 **(e) 911 Telecommunicator Working Group**

22.16 \$9,000 the first year is to convene, administer,
22.17 and implement the telecommunicator working
22.18 group.

14.1 403.113, subdivision 2. The base for this is
14.2 \$28,011,000 in fiscal years 2024 and 2025.

14.3 **(b) Medical Resource Communication Centers**

14.4 \$683,000 the first year is for grants to the
14.5 Minnesota Emergency Medical Services
14.6 Regulatory Board for the Metro East and
14.7 Metro West Medical Resource
14.8 Communication Centers that were in operation
14.9 before January 1, 2000.

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14.18 Emergency Communications Board for
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14.20 statewide public safety radio and
14.21 communication system that support mutual
14.22 aid communications and emergency medical
14.23 services or provide interim enhancement of
14.24 public safety communication interoperability
14.25 in those areas of the state where the statewide
14.26 public safety radio and communication system
14.27 is not yet implemented, and grants to local
14.28 units of government to further the strategic
14.29 goals set forth by the Statewide Emergency
14.30 Communications Board strategic plan.

14.31 **(e) 911 Telecommunicator Working Group**

15.1 \$9,000 the first year is for the 911
15.2 Telecommunicator Working Group described
15.3 in article 2, section 15.

22.19 Subd. 9. **Driver and Vehicle Services** 465,000 -0-

22.20 \$465,000 the first year is from the driver
22.21 services operating account in the special
22.22 revenue fund for the ignition interlock
22.23 program under Minnesota Statutes, section
22.24 171.306.

22.25 Sec. 4. **PEACE OFFICER STANDARDS AND**
22.26 **TRAINING (POST) BOARD**

22.27 Subdivision 1. **Total Appropriation** \$ 12,546,000 \$ 12,546,000

22.28 The amounts that may be spent for each
22.29 purpose are specified in the following
22.30 subdivisions.

22.31 Subd. 2. **Peace Officer Training Reimbursements**

22.32 \$2,949,000 each year is for reimbursements
22.33 to local governments for peace officer training
22.34 costs.

23.1 Subd. 3. **Peace Officer Training Assistance**

23.2 (a) **Philando Castile Memorial Training**
23.3 **Fund**

23.4 \$6,000,000 each year is to support and
23.5 strengthen law enforcement training and
23.6 implement best practices. This funding shall
23.7 be named the "Philando Castile Memorial
23.8 Training Fund." The base for this program
23.9 shall be \$6,000,000 in fiscal year 2024 and \$0
23.10 in fiscal year 2025.

23.11 Each sponsor of a training course is required
23.12 to include the following in the sponsor's
23.13 application for approval submitted to the
23.14 board: course goals and objectives; a course
23.15 outline including at a minimum a timeline and
23.16 teaching hours for all courses; instructor
23.17 qualifications, including skills and concepts
23.18 such as crisis intervention, de-escalation, and

15.4 Sec. 12. **PEACE OFFICER STANDARDS AND**
15.5 **TRAINING (POST) BOARD**

15.6 Subdivision 1. **Total Appropriation** \$ 11,401,000 \$ 11,423,000

15.7 The amounts that may be spent for each
15.8 purpose are specified in the following
15.9 subdivisions.

15.10 Subd. 2. **Peace Officer Training Reimbursements**

15.11 \$2,949,000 each year is for reimbursements
15.12 to local governments for peace officer training
15.13 costs.

15.14 Subd. 3. **Peace Officer Training Assistance**

15.15 \$6,000,000 each year is to support and
15.16 strengthen law enforcement training and
15.17 implement best practices. The base for this
15.18 activity is \$0 in fiscal year 2024 and thereafter.

23.19 cultural competency that are relevant to the
23.20 course provided; and a plan for learning
23.21 assessments of the course and documenting
23.22 the assessments to the board during review.
23.23 Upon completion of each course, instructors
23.24 must submit student evaluations of the
23.25 instructor's teaching to the sponsor.

23.26 The board shall keep records of the
23.27 applications of all approved and denied
23.28 courses. All continuing education courses shall
23.29 be reviewed after the first year. The board
23.30 must set a timetable for recurring review after
23.31 the first year. For each review, the sponsor
23.32 must submit its learning assessments to the
23.33 board to show that the course is teaching the
23.34 learning outcomes that were approved by the
23.35 board.

24.1 A list of licensees who successfully complete
24.2 the course shall be maintained by the sponsor
24.3 and transmitted to the board following the
24.4 presentation of the course and the completed
24.5 student evaluations of the instructors.
24.6 Evaluations are available to chief law
24.7 enforcement officers. The board shall establish
24.8 a data retention schedule for the information
24.9 collected in this section.

24.10 **(b) Grant Program for Public Safety Policy**
24.11 **and Training Consultant Costs**

24.12 \$500,000 each year is for grants to law
24.13 enforcement agencies to provide
24.14 reimbursement for the expense of retaining a
24.15 board-approved public safety policy and
24.16 training consultant. The base appropriation is
24.17 \$1,000,000 in fiscal year 2024 and \$1,000,000
24.18 in fiscal year 2025.

24.19 Sec. 5. **PRIVATE DETECTIVE BOARD** **\$** **282,000** **\$** **288,000**

24.20 Sec. 6. **CORRECTIONS**

15.19 Sec. 13. **PRIVATE DETECTIVE BOARD** **\$** **282,000** **\$** **288,000**

15.21 Sec. 15. **CORRECTIONS**

24.21	Subdivision 1. Total			
24.22	Appropriation	\$ 2,384,000	\$ 634,883,000	\$ 639,916,000
24.23	<u>The amounts that may be spent for each</u>			
24.24	<u>purpose are specified in the following</u>			
24.25	<u>subdivisions.</u>			
24.26	Subd. 2. Correctional			
24.27	Institutions	<u>2,384,000</u>	<u>463,796,000</u>	<u>469,470,000</u>
24.28	(a) Healthy Start Act			
24.29	<u>\$200,000 each year is to implement the</u>			
24.30	<u>healthy start act that shall create a release</u>			
24.31	<u>program for pregnant women and new mothers</u>			
24.32	<u>who are committed to the commissioner of</u>			
24.33	<u>corrections by providing alternatives to</u>			
24.34	<u>incarceration and improving parenting skills.</u>			
25.1	(b) Prescription Medications			
25.2	<u>\$17,000 the first year and \$20,000 the second</u>			
25.3	<u>year are to provide a one-month supply of any</u>			
25.4	<u>prescribed, nonnarcotic medications and a</u>			
25.5	<u>prescription for a 30-day supply of these</u>			
25.6	<u>medications that may be refilled twice to</u>			
25.7	<u>inmates at the time of their release.</u>			
25.8	(c) Emergency COVID-19 Sick Leave			
25.9	<u>\$2,321,000 in fiscal year 2021 and \$2,320,000</u>			
25.10	<u>in fiscal year 2022 are for emergency</u>			
25.11	<u>COVID-19 sick leave.</u>			
25.12	(d) Juvenile Review Board			
25.13	<u>\$50,000 in the second year is for</u>			
25.14	<u>implementation of the Juvenile Review Board.</u>			
25.15	(e) Salary Increases; Fugitive Specialists			
25.16	<u>\$63,000 in fiscal year 2021 is for fugitive</u>			
25.17	<u>specialist salary increases. In each of fiscal</u>			
25.18	<u>years 2022 and 2023, \$93,000 is appropriated</u>			

15.22	Subdivision 1. Total Appropriation	\$ 631,518,000	\$ 633,177,000
15.23	<u>The amounts that may be spent for each</u>		
15.24	<u>purpose are specified in the following</u>		
15.25	<u>subdivisions.</u>		
15.26	Subd. 2. Correctional Institutions	<u>463,708,000</u>	<u>465,367,000</u>
15.27	(a) Healthy Start Act		
15.28	<u>\$100,000 each year is to implement Minnesota</u>		
15.29	<u>Statutes, section 244.065, subdivision 2, under</u>		
15.30	<u>article 3, section 4, to create a release program</u>		
15.31	<u>for pregnant women and new mothers.</u>		

SEE S0970-3, PAGE R31, PARAGRAPH (B) IDENTIFICATION CARDS, MEDICATIONS, AND HOMELESSNESS MITIGATION PLAN

25.19 for this purpose. This amount is in addition to
25.20 the base appropriation for this purpose.

25.21 **Subd. 3. Community**
25.22 **Services** 140,222,000 139,356,000

25.23 **(a) Oversight**

25.24 \$992,000 the first year and \$492,000 the
25.25 second year are to expand and improve
25.26 oversight of jails and other state and local
25.27 correctional facilities, including the addition
25.28 of four full-time corrections detention facilities
25.29 inspectors and funds for county sheriffs who
25.30 inspect municipal lockups.

25.31 **(b) Juvenile Justice**

26.1 \$1,660,000 the first year and \$660,000 the
26.2 second year are to develop and implement a
26.3 juvenile justice data repository and modernize
26.4 the current juvenile management system
26.5 including but not limited to technology and
26.6 staffing costs. \$285,000 is added to the base
26.7 in each of fiscal years 2024 and 2025.

26.8 **(c) Community Corrections Act**

26.9 \$1,220,000 each year is added to the
26.10 Community Corrections Act subsidy, as
26.11 described in Minnesota Statutes, section
26.12 401.14. This is a onetime increase for the
26.13 biennium and requires the submission of a
26.14 report to the legislature no later than December
26.15 15, 2021, with recommendations from a
26.16 working group established to study
26.17 supervision services and funding across the

16.7 **(c) Institutions Base Budget**

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

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

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

16.14 **Increase**

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

26.18 state and develop recommendations. The base
26.19 for this appropriation increase is \$0 in fiscal
26.20 year 2024 and \$0 in fiscal year 2025.

26.21 The commissioner of corrections shall convene
26.22 a working group to study and report to the
26.23 legislature on the attributes and requirements
26.24 of an effective supervision system. The report
26.25 shall describe how the state and counties can
26.26 achieve an effective supervision system
26.27 together, balancing local control with state
26.28 support and collaboration. The report shall
26.29 include: a proposal for sustainable funding of
26.30 the state's community supervision delivery
26.31 systems; a plan for the potential of future
26.32 Tribal government supervision of probationers
26.33 and supervised releasees; a definition of core
26.34 or base-level supervision standards in
26.35 accordance with the state's obligation to fund
27.1 or provide supervision services which are
27.2 geographically equitable and reflect the
27.3 principles of modern correctional practice; a
27.4 recommended funding model and the
27.5 associated costs as compared to the state's
27.6 current investment in those services;
27.7 alternative funding and delivery models and
27.8 the alternative models' associated costs when
27.9 compared with the state's current investment
27.10 in those services; and mechanisms to ensure
27.11 balanced application of increases in the cost
27.12 of community supervision services.

27.13 The working group shall at a minimum include
27.14 the following members: the commissioner of
27.15 corrections or the commissioner's designee
27.16 and four other representatives from the
27.17 Department of Corrections, five directors of
27.18 the Minnesota Association of Community
27.19 Corrections Act Counties, five directors of the
27.20 Minnesota Association of County Probation
27.21 Offices, three county commissioner
27.22 representatives from the Association of
27.23 Minnesota Counties with one from each
27.24 delivery system, three representatives of the

27.25 Minnesota Indian Affairs Council Tribal
27.26 government members, and two district court
27.27 judge representatives designated by the State
27.28 Court Administrator. The working group may
27.29 include other members and the use of a
27.30 third-party organization to provide process
27.31 facilitation, statewide stakeholder engagement,
27.32 data analysis, programming and supervision
27.33 assessments, and technical assistance through
27.34 implementation of the adopted report
27.35 recommendations.

28.1 The report shall be submitted to the chairs and
28.2 ranking minority members of the house of
28.3 representatives Public Safety Committee and
28.4 the senate Judiciary and Finance Committees
28.5 no later than December 15, 2021.

28.6 **(d) County Probation Officer**
28.7 **Reimbursement**

28.8 \$101,000 each year is for county probation
28.9 officers reimbursement, as described in
28.10 Minnesota Statutes, section 244.19,
28.11 subdivision 6. This is a onetime increase for
28.12 the biennium and requires the submission of
28.13 a report to the legislature no later than
28.14 December 15, 2021, with recommendations
28.15 from a working group established to study
28.16 supervision services and funding across the
28.17 state and develop recommendations. The base
28.18 for this appropriations increase is \$0 in fiscal
28.19 year 2024 and \$0 in fiscal year 2025.

28.20 **(e) Probation Supervision Services**

28.21 \$1,170,000 each year is for probation
28.22 supervision services provided by the
28.23 Department of Corrections in Meeker, Mille
28.24 Lacs, and Renville Counties as described in
28.25 Minnesota Statutes, section 244.19,
28.26 subdivision 1. The commissioner of
28.27 corrections shall bill Meeker, Mille Lacs, and
28.28 Renville Counties for the total cost of and
28.29 expenses incurred for probation services on
28.30 behalf of each county, as described in

16.19 **(b) County Probation Officers**

16.20 **Reimbursement Increase**

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

28.31 Minnesota Statutes, section 244.19,
28.32 subdivision 5, and all reimbursements shall
28.33 be deposited in the general fund.

29.1 **(f) Task Force on Aiding and Abetting**
29.2 **Felony Murder**

29.3 \$25,000 the first year is to implement the task
29.4 force on aiding and abetting felony murder.

29.5 **(g) Alternatives to Incarceration**

29.6 \$320,000 each year is for funding to Anoka
29.7 County, Crow Wing County, and Wright
29.8 County to facilitate access to community
29.9 treatment options under the alternatives to
29.10 incarceration program.

29.11 **(h) Task Force on Presentence Investigation**
29.12 **Reports**

29.13 \$15,000 the first year is to implement the task
29.14 force on the contents and use of presentence
29.15 investigation reports and imposition of
29.16 conditions of probation.

29.17 **(i) Juvenile Justice Report**

29.18 \$55,000 the first year and \$9,000 the second
29.19 year are for reporting on extended jurisdiction
29.20 juveniles.

29.21 **(j) Postrelease Employment for Inmates**
29.22 **Grant; Request for Proposals**

29.23 \$300,000 the first year is for a grant to a
29.24 nongovernmental organization to provide
29.25 curriculum and corporate mentors to inmates
29.26 and assist inmates in finding meaningful
29.27 employment upon release from a correctional
29.28 facility. By September 1, 2021, the
29.29 commissioner of corrections must issue a
29.30 request for proposals. By December 1, 2021,
29.31 the commissioner shall award a \$300,000 grant

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

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

29.32 to the applicant that is best qualified to provide
29.33 the programming described in this paragraph.

30.1 **(k) Homelessness Mitigation Plan**

30.2 \$12,000 the first year is to develop and
30.3 implement a homelessness mitigation plan for
30.4 individuals released from prison.

30.5 **(l) Identifying Documents**

30.6 \$23,000 the first year and \$28,000 the second
30.7 year are to assist inmates in obtaining a copy
30.8 of their birth certificates and provide
30.9 appropriate Department of Corrections
30.10 identification cards to individuals released
30.11 from prison.

30.12 **Subd. 4. Operations Support** 30,665,000 31,090,000

30.13 **(a) Technology**

30.14 \$1,566,000 the first year and \$1,621,000 the
30.15 second year are to increase support for
30.16 ongoing technology needs.

30.17 **(b) Correctional Facilities Security Audit**
30.18 **Group**

30.19 \$54,000 the first year and \$81,000 the second
30.20 year are for the correctional facilities security
30.21 audit group to prepare security audit standards,
30.22 conduct security audits, and prepare required
30.23 reports.

30.24 **(c) Indeterminate Sentence Release Board**

30.25 \$40,000 in each fiscal year is to establish the
30.26 Indeterminate Sentence Release Board (ISRB)
30.27 to review eligible cases and make decisions
30.28 for persons serving indeterminate sentences
30.29 under the authority of the commissioner of
30.30 corrections. The ISRB shall consist of five
30.31 members including four persons appointed by
30.32 the governor from two recommendations of

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

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

17.1 **Subd. 4. Operations Support** 29,777,000 29,777,000

17.2 \$600,000 each year is to increase support for
17.3 ongoing technology needs.

17.16 established under Minnesota Statutes, section
17.17 12.221, subdivision 6.

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

32.1

ARTICLE 4

32.2

ACCESS TO COURTS; DISTRIBUTION OF FEES; DEADLINES

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

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

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

32.10 2. Ramsey; 26 judges;

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

32.14 4. Hennepin; 60 judges;

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

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

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

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

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

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

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

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

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

44.10 2. Ramsey; 26 judges;

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

44.14 4. Hennepin; 60 judges;

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

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

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

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

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

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

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

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

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

33.9 ~~(c) Except in proceedings where the sole basis for the petition is habitual truancy, if the~~
33.10 ~~parent, guardian, or custodian desires counsel but is unable to employ it, the court shall~~
33.11 ~~appoint counsel to represent the parent, guardian, or custodian in any case in which it feels~~
33.12 ~~that such an appointment is appropriate if the person would be financially unable to obtain~~
33.13 ~~counsel under the guidelines set forth in section 611.17. In all juvenile protection proceedings~~
33.14 ~~where a child risks removal from the care of the child's parent, guardian, or custodian,~~
33.15 ~~including a child in need of protection or services petition, an action pursuing removal of~~
33.16 ~~a child from the child's home, a termination of parental rights petition, or a petition for any~~
33.17 ~~other permanency disposition under section 260C.515, if the parent, guardian, or custodian~~
33.18 ~~desires counsel and is eligible for counsel under section 611.17, the court shall appoint~~
33.19 ~~counsel to represent each parent, guardian, or custodian at the first hearing on the petition~~
33.20 ~~and at all stages of the proceedings. Court appointed counsel shall be at county expense as~~
33.21 ~~outlined in paragraph (h).~~

33.22 (d) In any proceeding where the subject of a petition for a child in need of protection or
33.23 services is ten years of age or older, the responsible social services agency shall, within 14
33.24 days after filing the petition or at the emergency removal hearing under section 260C.178,
33.25 subdivision 1, if the child is present, fully and effectively inform the child of the child's
33.26 right to be represented by appointed counsel upon request and shall notify the court as to
33.27 whether the child desired counsel. Information provided to the child shall include, at a
33.28 minimum, the fact that counsel will be provided without charge to the child, that the child's
33.29 communications with counsel are confidential, and that the child has the right to participate
33.30 in all proceedings on a petition, including the opportunity to personally attend all hearings.
33.31 The responsible social services agency shall also, within 14 days of the child's tenth birthday,
33.32 fully and effectively inform the child of the child's right to be represented by counsel if the
33.33 child reaches the age of ten years while the child is the subject of a petition for a child in
33.34 need of protection or services or is a child under the guardianship of the commissioner.

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

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

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

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

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

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

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

36.16 Subd. 2b. **Counties.** (a) For aids payable in 2018 and 2019, the total aid payable under
36.17 section 477A.0124, subdivision 3, is \$103,795,000, of which \$3,000,000 shall be allocated
36.18 as required under Laws 2014, chapter 150, article 4, section 6. For aids payable in 2020,
36.19 the total aid payable under section 477A.0124, subdivision 3, is \$116,795,000, of which
36.20 \$3,000,000 shall be allocated as required under Laws 2014, chapter 150, article 4, section
36.21 6. For aids payable in 2021 through 2024, the total aid payable under section 477A.0124,
36.22 subdivision 3, is \$118,795,000, of which \$3,000,000 shall be allocated as required under
36.23 Laws 2014, chapter 150, article 4, section 6. For aids payable in 2025 and thereafter, the
36.24 total aid payable under section 477A.0124, subdivision 3, is \$115,795,000. ~~Each calendar~~
36.25 ~~year, On or before the first installment date provided in section 477A.015, paragraph (a),~~
36.26 ~~\$500,000 of this appropriation shall be retained transferred each year by the commissioner~~
36.27 ~~of revenue to make reimbursements to the commissioner of management and budget the~~
36.28 ~~Board of Public Defense for payments made the payment of service under section 611.27.~~
36.29 ~~The reimbursements shall be to defray the additional costs associated with court-ordered~~

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

21.18 Subd. 2b. **Counties.** (a) For aids payable in 2018 and 2019, the total aid payable under
21.19 section 477A.0124, subdivision 3, is \$103,795,000, of which \$3,000,000 shall be allocated
21.20 as required under Laws 2014, chapter 150, article 4, section 6. For aids payable in 2020,
21.21 the total aid payable under section 477A.0124, subdivision 3, is \$116,795,000, of which
21.22 \$3,000,000 shall be allocated as required under Laws 2014, chapter 150, article 4, section
21.23 6. For aids payable in 2021 through 2024, the total aid payable under section 477A.0124,
21.24 subdivision 3, is \$118,795,000, of which \$3,000,000 shall be allocated as required under
21.25 Laws 2014, chapter 150, article 4, section 6. For aids payable in 2025 and thereafter, the
21.26 total aid payable under section 477A.0124, subdivision 3, is \$115,795,000. ~~Each calendar~~
21.27 ~~year, On or before the first installment date provided in section 477A.015, paragraph (a),~~
21.28 ~~\$500,000 of this appropriation shall be retained transferred each year by the commissioner~~
21.29 ~~of revenue to make reimbursements to the commissioner of management and budget the~~
21.30 ~~Board of Public Defense for payments made the payment of service under section 611.27.~~
21.31 ~~The reimbursements shall be to defray the additional costs associated with court-ordered~~

36.30 ~~counsel under section 611.27. Any retained transferred amounts not used for reimbursement~~
36.31 ~~expended or encumbered in a fiscal year shall be certified by the Board of Public Defense~~
36.32 ~~to the commissioner of revenue on or before October 1 and shall be included in the next~~
37.1 ~~distribution certification of county need aid that is certified to the county auditors for the~~
37.2 ~~purpose of property tax reduction for the next taxes payable year.~~

37.3 (b) For aids payable in 2018 and 2019, the total aid under section 477A.0124, subdivision
37.4 4, is \$130,873,444. For aids payable in 2020, the total aid under section 477A.0124,
37.5 subdivision 4, is \$143,873,444. For aids payable in 2021 and thereafter, the total aid under
37.6 section 477A.0124, subdivision 4, is \$145,873,444. The commissioner of revenue shall
37.7 transfer to the commissioner of management and budget \$207,000 annually for the cost of
37.8 preparation of local impact notes as required by section 3.987, and other local government
37.9 activities. The commissioner of revenue shall transfer to the commissioner of education
37.10 \$7,000 annually for the cost of preparation of local impact notes for school districts as
37.11 required by section 3.987. The commissioner of revenue shall deduct the amounts transferred
37.12 under this paragraph from the appropriation under this paragraph. The amounts transferred
37.13 are appropriated to the commissioner of management and budget and the commissioner of
37.14 education respectively.

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

37.16 **484.85 DISPOSITION OF FINES, FEES, AND OTHER MONEY; ACCOUNTS;**
37.17 **RAMSEY COUNTY DISTRICT COURT.**

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

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

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

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

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

21.32 ~~counsel under section 611.27. Any retained transferred amounts not used for reimbursement~~
21.33 ~~expended or encumbered in a fiscal year shall be certified by the Board of Public Defense~~
21.34 ~~to the commissioner of revenue on or before October 1 and shall be included in the next~~
22.1 ~~distribution certification of county need aid that is certified to the county auditors for the~~
22.2 ~~purpose of property tax reduction for the next taxes payable year.~~

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

38.3 (1) a city contracts with the county attorney for prosecutorial services under section
38.4 484.87, subdivision 3; or

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

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

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

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

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

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

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

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

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

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

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

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

38.30 (6) the petitioner is either placed into immigration removal proceedings, or detained for
38.31 the purpose of removal from the United States, or received notice to report for removal, as
39.1 a result of a conviction that was obtained by relying on incorrect advice or absent advice
39.2 from counsel on immigration consequences.

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

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

39.6 **611.21 SERVICES OTHER THAN COUNSEL.**

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

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

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

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

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

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

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

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

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

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

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

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

40.11 Subd. 11. **Appointment of counsel.** If the ~~court~~ state public defender finds that the
40.12 provision of adequate legal representation, including associated services, is beyond the
40.13 ability of the district public defender to provide, the ~~court shall order~~ state public defender
40.14 may approve counsel to be appointed, with compensation and expenses to be paid under
40.15 the provisions of this subdivision and subdivision 7. Counsel in such cases shall be appointed
40.16 by the chief district public defender. ~~If the court issues an order denying the request, the~~
40.17 ~~court shall make written findings of fact and conclusions of law. Upon denial, the chief~~
40.18 ~~district public defender may immediately appeal the order denying the request to the court~~
40.19 ~~of appeals and may request an expedited hearing.~~

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

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

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

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

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

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

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

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

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

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

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

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

41.12

ARTICLE 5

41.13

VICTIMS; CRIMINAL DEFENDANTS

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

41.15 **5B.02 DEFINITIONS.**

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

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

41.21 (c) "Applicant" means an adult, a parent or guardian acting on behalf of an eligible
41.22 minor, or a guardian acting on behalf of an incapacitated person, as defined in section
41.23 524.5-102.

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

41.28 (e) "Eligible person" means an adult, a minor, or an incapacitated person, as defined in
41.29 section 524.5-102 for whom there is good reason to believe (1) that the eligible person is a
41.30 victim of domestic violence, sexual assault, or harassment or stalking, or (2) that the eligible
41.31 person fears for the person's safety, the safety of another person who resides in the same
41.32 household, or the safety of persons on whose behalf the application is made. An individual
42.1 must reside in Minnesota in order to be an eligible person. A person registered or required
42.2 to register as a predatory offender under section 243.166 or 243.167, or the law of another
42.3 jurisdiction, is not an eligible person.

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

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

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

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

42.16 **5B.05 USE OF DESIGNATED ADDRESS.**

42.17 (a) When a program participant presents the address designated by the secretary of state
42.18 to any person or entity, that address must be accepted as the address of the program
42.19 participant. The person may not require the program participant to submit any address that
42.20 could be used to physically locate the participant either as a substitute or in addition to the
42.21 designated address, or as a condition of receiving a service or benefit, unless the service or
42.22 benefit would be impossible to provide without knowledge of the program participant's
42.23 physical location. Notwithstanding a person's or entity's knowledge of a program participant's
42.24 physical location, the person or entity must use the program participant's designated address
42.25 for all mail correspondence with the program participant.

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

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

42.30 (d) If a program participant has notified a person in writing, on a form prescribed by the
42.31 program, that the individual is a program participant and of the requirements of this section,
42.32 the person must not knowingly disclose the program participant's name, home address, work
42.33 address, or school address, unless the person to whom the address is disclosed also lives,
43.1 works, or goes to school at the address disclosed, or the participant has provided written
43.2 consent to disclosure of the participant's name, home address, work address, or school
43.3 address for the purpose for which the disclosure will be made. This paragraph applies to
43.4 the actions and reports of guardians ad litem, except that guardians ad litem may disclose
43.5 the program participant's name. This paragraph does not apply to records of the judicial
43.6 branch governed by rules adopted by the supreme court or government entities governed
43.7 by section 13.045.

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

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

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

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

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

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

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

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

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

44.5 Subd. 6. **Surcharges on criminal and traffic offenders.** (a) Except as provided in this
44.6 paragraph subdivision, the court shall impose and the court administrator shall collect a \$75
44.7 surcharge on every person convicted of any felony, gross misdemeanor, misdemeanor, or
44.8 petty misdemeanor offense, other than a violation of a law or ordinance relating to vehicle
44.9 parking, for which there shall be a \$12 surcharge. When a defendant is convicted of more
44.10 than one offense in a case, the surcharge shall be imposed only once in that case. In the
44.11 Second Judicial District, the court shall impose, and the court administrator shall collect,
44.12 an additional \$1 surcharge on every person convicted of any felony, gross misdemeanor,
44.13 misdemeanor, or petty misdemeanor offense, including a violation of a law or ordinance
44.14 relating to vehicle parking, if the Ramsey County Board of Commissioners authorizes the
44.15 \$1 surcharge. The surcharge shall be imposed whether or not the person is sentenced to
44.16 imprisonment or the sentence is stayed. The surcharge shall not be imposed when a person
44.17 is convicted of a petty misdemeanor for which no fine is imposed.

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

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

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

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

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

45.5 ~~(f)~~ (f) The surcharge does not apply to administrative citations issued pursuant to section
45.6 169.999.

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

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

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

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

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

45.17 (d) Before sentencing a person convicted of a felony, ~~gross misdemeanor, misdemeanor,~~
45.18 ~~or petty misdemeanor to pay money for a fine, fee, or surcharge, the court shall make a~~
45.19 ~~finding on the record as to indigency or the convicted person's ability to comply with an~~
45.20 ~~order to pay without undue hardship for the convicted person or that person's immediate~~
45.21 ~~family. In determining indigency or whether the defendant is able to comply with an order~~
45.22 ~~to pay a fine, fee, or surcharge without undue hardship to the convicted person or that~~
45.23 ~~person's immediate family, the court shall consider:~~

45.24 (1) income;

45.25 (2) dependents;

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

45.27 (4) basic living expenses;

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

- 45.29 (6) any special circumstances that may bear on the person's ability to pay.
- 46.1 (e) Paragraph (d) shall not apply when a conviction for a violation that is included on
46.2 the uniform fine schedule authorized under section 609.101, subdivision 4, is entered without
46.3 a hearing before the court.
- 46.4 **EFFECTIVE DATE.** This section is effective July 1, 2022.
- 46.5 Sec. 8. **[611A.95] CERTIFICATIONS FOR VICTIMS OF CRIMES.**
- 46.6 Subdivision 1. **Definitions.** For purposes of this section, the following terms have the
46.7 meanings given:
- 46.8 (1) "certifying entity" means a state or local law enforcement agency;
- 46.9 (2) "criminal activity" means qualifying criminal activity pursuant to section
46.10 101(a)(15)(U)(iii) of the Immigration and Nationality Act, and includes the attempt,
46.11 conspiracy, or solicitation to commit such crimes; and
- 46.12 (3) "certification" means any certification or statement required by federal immigration
46.13 law including, but not limited to, the information required by United States Code, title 8,
46.14 section 1184(p), and United States Code, title 8, section 1184(o), including current United
46.15 States Citizenship and Immigration Services Form I-918, Supplement B, and United States
46.16 Citizenship and Immigration Services Form I-914, Supplement B, and any successor forms.
- 46.17 Subd. 2. **Certification process.** (a) A certifying entity shall process a certification
46.18 requested by a victim of criminal activity or a representative of the victim, including but
46.19 not limited to the victim's attorney, family member, or domestic violence or sexual assault
46.20 violence advocate, within the time period prescribed in paragraph (b).
- 46.21 (b) A certifying entity shall process the certification within 90 days of request, unless
46.22 the victim is in removal proceedings, in which case the certification shall be processed
46.23 within 14 days of request. Requests for expedited certification must be affirmatively raised
46.24 at the time of the request.
- 46.25 (c) An active investigation, the filing of charges, or a prosecution or conviction are not
46.26 required for the victim of criminal activity to request and obtain the certification.
- 46.27 Subd. 3. **Certifying entity; designate agent.** (a) The head of a certifying entity shall
46.28 designate an agent to perform the following responsibilities:
- 46.29 (1) timely process requests for certification;
- 46.30 (2) provide outreach to victims of criminal activity to inform them of the entity's
46.31 certification process; and
- 47.1 (3) keep a written or electronic record of all certification requests and responses.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

48.11 Subd. 3. **Report on jailhouse witnesses.** By September 15 of each year, beginning in
48.12 2022, the attorney general shall publish on its website an annual report of the statewide
48.13 record of jailhouse witnesses required under subdivision 2. Information in the report must
48.14 be limited to summary data, as defined in section 13.02, subdivision 19, and must include:

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

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

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

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

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

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

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

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

49.5 (b) A prosecutor has a continuing duty of disclosure before and during trial. If, after the
49.6 omnibus hearing held pursuant to rule 11 of the Rules of Criminal Procedure, a prosecutor
49.7 discovers additional material, information, or witnesses subject to disclosure under this

49.8 subdivision, the prosecutor must promptly notify the court and defense counsel, or, if the
49.9 defendant is not represented, the defendant, of what was discovered. If the court finds that
49.10 the jailhouse witness was not known or that materials in paragraph (a) could not be discovered
49.11 or obtained by the state within that period with the exercise of due diligence, the court may
49.12 order that disclosure take place within a reasonable period. Upon good cause shown, the
49.13 court may continue the proceedings.

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

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

49.24 (1) reduction or dismissal of charges;

49.25 (2) a plea bargain;

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

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

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

49.32 (c) Whenever a prosecutor notifies a victim of domestic assault, criminal sexual conduct,
49.33 or harassment or stalking under this section, the prosecutor shall also inform the victim of
50.1 the method and benefits of seeking an order for protection under section 518B.01 or a
50.2 restraining order under section 609.748 and that the victim may seek an order without paying
50.3 a fee.

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

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

50.7

ARTICLE 6

50.8

HUMAN RIGHTS LAW

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

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

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

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

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

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

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

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

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

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

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

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

51.8 Subd. 3. **Collective bargaining.** In the case of a group health plan maintained pursuant
51.9 to one or more collective bargaining agreements between employee representatives and one
51.10 or more employers, any plan amendment made pursuant to a collective bargaining agreement
51.11 relating to the plan which amends the plan solely to conform to any requirement imposed

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51.12 pursuant to this section shall not be treated as a termination of the collective bargaining
51.13 agreement.

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

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

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

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

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

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

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

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

51.31 (b) Such discrimination threatens the rights and privileges of the inhabitants of this state
51.32 and menaces the institutions and foundations of democracy. It is also the public policy of
52.1 this state to protect all persons from wholly unfounded charges of discrimination. Nothing
52.2 in this chapter shall be interpreted as restricting the implementation of positive action
52.3 programs to combat discrimination.

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

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

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

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

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

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

- 52.15 (5) to the extent permitted by federal law and regulation, utilize the records of the
52.16 Department of Employment and Economic Development of the state when necessary to
52.17 effectuate the purposes of this chapter;
- 52.18 (6) obtain upon request and utilize the services of all state governmental departments
52.19 and agencies;
- 52.20 (7) adopt suitable rules for effectuating the purposes of this chapter;
- 52.21 (8) issue complaints, receive and investigate charges alleging unfair discriminatory
52.22 practices, and determine whether or not probable cause exists for hearing;
- 52.23 (9) subpoena witnesses, administer oaths, take testimony, and require the production for
52.24 examination of any books or papers relative to any matter under investigation or in question
52.25 as the commissioner deems appropriate to carry out the purposes of this chapter;
- 52.26 (10) attempt, by means of education, conference, conciliation, and persuasion to eliminate
52.27 unfair discriminatory practices as being contrary to the public policy of the state;
- 52.28 (11) develop and conduct programs of formal and informal education designed to
52.29 eliminate discrimination and intergroup conflict by use of educational techniques and
52.30 programs the commissioner deems necessary;
- 53.1 (12) make a written report of the activities of the commissioner to the governor each
53.2 year;
- 53.3 (13) accept gifts, bequests, grants, or other payments public and private to help finance
53.4 the activities of the department;
- 53.5 (14) create such local and statewide advisory committees as will in the commissioner's
53.6 judgment aid in effectuating the purposes of the Department of Human Rights;
- 53.7 (15) develop such programs as will aid in determining the compliance throughout the
53.8 state with the provisions of this chapter, and in the furtherance of such duties, conduct
53.9 research and study discriminatory practices based upon race, color, creed, religion, national
53.10 origin, sex, age, disability, marital status, status with regard to public assistance, familial
53.11 status, sexual orientation, or other factors and develop accurate data on the nature and extent
53.12 of discrimination and other matters as they may affect housing, employment, public
53.13 accommodations, schools, and other areas of public life;
- 53.14 (16) develop and disseminate technical assistance to persons subject to the provisions
53.15 of this chapter, and to agencies and officers of governmental and private agencies;
- 53.16 (17) provide staff services to such advisory committees as may be created in aid of the
53.17 functions of the Department of Human Rights;
- 53.18 (18) make grants in aid to the extent that appropriations are made available for that
53.19 purpose in aid of carrying out duties and responsibilities; ~~and~~

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

53.23 (20) collaborate and consult with the Board of Peace Officer Standards and Training
53.24 regarding the training of peace officers in identifying, responding to, and reporting crimes
53.25 motivated by bias pursuant to sections 626.8451, subdivision 1, and 626.8469, including
53.26 but not limited to the duty of peace officers to report crimes motivated by bias under section
53.27 626.5531; and

53.28 (21) solicit, receive, and compile reports from community organizations, school districts
53.29 and charter schools, and individuals regarding crimes a community member or community
53.30 organization believes are motivated by the victim's or another's actual or perceived race,
53.31 color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression,
53.32 age, national origin, marital status, status with regard to public assistance, familial status,
53.33 or disability as defined in section 363A.03, or because of the victim's actual or perceived
54.1 association with another person or group of a certain actual or perceived race, color, ethnicity,
54.2 religion, sex, gender, sexual orientation, gender identity, gender expression, age, national
54.3 origin, or disability as defined in section 363A.03, and develop data on the nature and extent
54.4 of crimes motivated by bias and include this information in the report required under clause
54.5 (12). The commissioner shall provide information on the department's website about when
54.6 and how a victim reports criminal conduct to a law enforcement agency.

54.7 In performing these duties, the commissioner shall give priority to those duties in clauses
54.8 (8), (9), and (10) and to the duties in section 363A.36.

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

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

54.14 Subd. 6. **Reasonable accommodation.** (a) Except when based on a bona fide occupational
54.15 qualification, it is an unfair employment practice for an employer with a number of part-time
54.16 or full-time employees for each working day in each of 20 or more calendar weeks in the
54.17 current or preceding calendar year equal to or greater than 25 effective July 1, 1992, and
54.18 equal to or greater than 15 effective July 1, 1994, an employment agency, or a labor
54.19 organization, not to ~~make~~ provide a reasonable accommodation ~~to the known disability of~~
54.20 ~~a qualified disabled person or job applicant~~ for a job applicant or qualified employee with
54.21 a disability unless the employer, agency, or organization can demonstrate that the
54.22 accommodation would impose an undue hardship on the business, agency, or organization.
54.23 "Reasonable accommodation" means steps which must be taken to accommodate the known
54.24 physical or mental limitations of a qualified ~~disabled person~~ individual with a disability.
54.25 To determine the appropriate reasonable accommodation the employer, agency, or
54.26 organization shall initiate an informal, interactive process with the individual with a disability

54.27 in need of the accommodation. This process should identify the limitations resulting from
54.28 the disability and any potential reasonable accommodations that could overcome those
54.29 limitations. "Reasonable accommodation" may include but is not limited to, nor does it
54.30 necessarily require: (1) making facilities readily accessible to and usable by disabled persons
54.31 individuals with disabilities; and (2) job restructuring, modified work schedules, reassignment
54.32 to a vacant position, acquisition or modification of equipment or devices, and the provision
54.33 of aides on a temporary or periodic basis.

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

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

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

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

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

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

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

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

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

55.19 (b) An employer, employment agency, or labor organization shall not inquire into,
55.20 consider, or require disclosure from any source the pay history of an applicant for
55.21 employment for the purpose of determining wages, salary, earnings, benefits, or other
55.22 compensation for that applicant. There is a rebuttable presumption that use of pay history
55.23 received on an applicant for employment to determine the future wages, salary, earnings,
55.24 benefits, or other compensation for that applicant is an unfair discriminatory employment
55.25 practice under subdivisions 1 to 3. The general prohibition against inquiring into the pay
55.26 history of an applicant does not apply if the job applicant's pay history is a matter of public
55.27 record under federal or state law, unless the employer, employment agency, or labor
55.28 organization sought access to those public records with the intent of obtaining pay history
55.29 of the applicant for the purpose of determining wages, salary, earnings, benefits, or other
55.30 compensation for that applicant.

55.31 (c) Nothing in this subdivision shall prevent an applicant for employment from voluntarily
55.32 and without prompting disclosing pay history for the purposes of negotiating wages, salary,
56.1 benefits, or other compensation. If an applicant for employment voluntarily and without
56.2 prompting discloses pay history to a prospective employer, employment agency, or labor
56.3 organization, nothing in this subdivision shall prohibit that employer, employment agency,
56.4 or labor organization from considering or acting on that voluntarily disclosed salary history
56.5 information to support a wage or salary higher than initially offered by the employer,
56.6 employment agency, or labor organization.

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

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

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

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

56.18 **EFFECTIVE DATE.** This section is effective January 1, 2022. For employment covered
56.19 by collective bargaining agreements, this section is not effective until the date of
56.20 implementation of the applicable collective bargaining agreement that is after January 1,
56.21 2022.

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

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

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

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

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

57.6 (3) in any transaction involving real property, to print, circulate or post or cause to be
57.7 printed, circulated, or posted any advertisement or sign, or use any form of application for
57.8 the purchase, rental or lease of real property, or make any record or inquiry in connection
57.9 with the prospective purchase, rental, or lease of real property which expresses, directly or
57.10 indirectly, any limitation, specification, or discrimination as to race, color, creed, religion,
57.11 national origin, sex, marital status, status with regard to public assistance, participation in
57.12 or requirements of a public assistance program, disability, sexual orientation, or familial
57.13 status, or any intent to make any such limitation, specification, or discrimination except that
57.14 nothing in this clause shall be construed to prohibit the advertisement of a dwelling unit as
57.15 available to adults-only if the person placing the advertisement reasonably believes that the
57.16 provisions of this section prohibiting discrimination because of familial status do not apply
57.17 to the dwelling unit.

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

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

57.22 (1) to refuse to sell, rent, or lease or to offer for sale, rental, or lease any real property
57.23 to any person or group of persons or to negotiate for the sale, rental, or lease of any real
57.24 property to any person or group of persons because of race, color, creed, religion, national
57.25 origin, sex, marital status, status with regard to public assistance, participation in or
57.26 requirements of a public assistance program, disability, sexual orientation, or familial status
57.27 or represent that real property is not available for inspection, sale, rental, or lease when in
57.28 fact it is so available, or otherwise deny or withhold any real property or any facilities of
57.29 real property to or from any person or group of persons because of race, color, creed, religion,
57.30 national origin, sex, marital status, status with regard to public assistance, participation in
57.31 or requirements of a public assistance program, disability, sexual orientation, or familial
57.32 status; or

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

58.4 (3) to print, circulate, or post or cause to be printed, circulated, or posted any
58.5 advertisement or sign, or use any form of application for the purchase, rental, or lease of
58.6 any real property or make any record or inquiry in connection with the prospective purchase,
58.7 rental or lease of any real property, which expresses directly or indirectly, any limitation,
58.8 specification or discrimination as to race, color, creed, religion, national origin, sex, marital
58.9 status, status with regard to public assistance, participation in or requirements of a public

58.10 assistance program, disability, sexual orientation, or familial status or any intent to make
58.11 any such limitation, specification, or discrimination except that nothing in this clause shall
58.12 be construed to prohibit the advertisement of a dwelling unit as available to adults-only if
58.13 the person placing the advertisement reasonably believes that the provisions of this section
58.14 prohibiting discrimination because of familial status do not apply to the dwelling unit.

58.15 (b) It is an unfair discriminatory practice for a landlord to furnish credit, services, or
58.16 rental accommodations that discriminate against any individual who is a recipient of federal,
58.17 state, or local public assistance, including medical assistance, or who is a tenant receiving
58.18 federal, state, or local housing subsidies, including rental assistance or rental supplements,
58.19 because the individual is such a recipient, or because of any requirement of such public
58.20 assistance, rental assistance, or housing subsidy program.

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

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

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

58.27 Subdivision 1. **Actions.** Any person aggrieved by a violation of this chapter may bring
58.28 a civil action as provided in section 363A.33, subdivision 1, or may file a verified charge
58.29 with the commissioner or the commissioner's designated agent. A charge filed with the
58.30 commissioner must be in writing by hand, or electronically with an unsworn declaration
58.31 under penalty of perjury, on a form provided by the commissioner and signed by the charging
58.32 party. The charge must state the name of the person alleged to have committed an unfair
58.33 discriminatory practice and set out a summary of the details of the practice complained of.
59.1 The commissioner may require a charging party to provide the address of the person alleged
59.2 to have committed the unfair discriminatory practice, names of witnesses, documents, and
59.3 any other information necessary to process the charge. The commissioner may dismiss a
59.4 charge when the charging party fails to provide required information. The commissioner
59.5 within ten days of the filing shall serve a copy of the charge and a form for use in responding
59.6 to the charge upon the respondent personally, electronically with the receiving party's
59.7 consent, or by mail. The respondent shall file with the department a written response setting
59.8 out a summary of the details of the respondent's position relative to the charge within ~~20~~
59.9 30 days of receipt of the charge. If the respondent fails to respond with a written summary
59.10 of the details of the respondent's position within 30 days after service of the charge, and
59.11 service was consistent with rule 4 of the Rules of Civil Procedure, the commissioner, on
59.12 behalf of the complaining party, may bring an action for default in district court pursuant
59.13 to rule 55.01 of the Rules of Civil Procedure.

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

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

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

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

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

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

59.25 (4) the respondent is a government entity;

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

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

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

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

60.4 (c) If the commissioner determines after investigation that no probable cause exists to
60.5 credit the allegations of the unfair discriminatory practice, the commissioner shall, within
60.6 ten days of the determination, serve upon the charging party and respondent written notice
60.7 of the determination. Within ~~ten~~ 30 days after receipt of notice, the charging party may
60.8 request in writing, on forms prepared by the department, that the commissioner reconsider
60.9 the determination. The request shall contain a brief statement of the reasons for and new
60.10 evidence in support of the request for reconsideration. At the time of submission of the
60.11 request to the commissioner, the charging party shall deliver or mail to the respondent a
60.12 copy of the request for reconsideration. The commissioner shall reaffirm, reverse, or vacate
60.13 and remand for further consideration the determination of no probable cause within 20 days
60.14 after receipt of the request for reconsideration, and shall within ten days notify in writing
60.15 the charging party and respondent of the decision to reaffirm, reverse, or vacate and remand
60.16 for further consideration.

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

60.20 (d) If the commissioner determines after investigation that probable cause exists to credit
60.21 the allegations of unfair discriminatory practices, the commissioner shall serve on the
60.22 respondent and the respondent's attorney if the respondent is represented by counsel, by
60.23 first class mail, or electronically with the receiving party's consent, a notice setting forth a
60.24 short plain written statement of the alleged facts which support the finding of probable cause
60.25 and an enumeration of the provisions of law allegedly violated. Within 30 days after receipt
60.26 of notice, the respondent may request in writing, on forms prepared by the department, that
60.27 the commissioner reconsider the determination. If the commissioner determines that attempts
60.28 to eliminate the alleged unfair practices through conciliation pursuant to subdivision 8 have
60.29 been or would be unsuccessful or unproductive, the commissioner ~~shall~~ may issue a complaint
60.30 and serve on the respondent, by registered or certified mail, or electronically with the
60.31 receiving party's consent, a written notice of hearing together with a copy of the complaint,
60.32 requiring the respondent to answer the allegations of the complaint at a hearing before an
60.33 administrative law judge at a time and place specified in the notice, not less than ten days
60.34 after service of said complaint. A copy of the notice shall be furnished to the charging party
60.35 and the attorney general.

61.1 (e) If, at any time after the filing of a charge, the commissioner has reason to believe
61.2 that a respondent has engaged in any unfair discriminatory practice, the commissioner may
61.3 file a petition in the district court in a county in which the subject of the complaint occurs,
61.4 or in a county in which a respondent resides or transacts business, seeking appropriate
61.5 temporary relief against the respondent, pending final determination of proceedings under
61.6 this chapter, including an order or decree restraining the respondent from doing or procuring
61.7 an act tending to render ineffectual an order the commissioner may enter with respect to
61.8 the complaint. The court shall have power to grant temporary relief or a restraining order
61.9 as it deems just and proper, but no relief or order extending beyond ten days shall be granted
61.10 except by consent of the respondent or after hearing upon notice to the respondent and a
61.11 finding by the court that there is reasonable cause to believe that the respondent has engaged
61.12 in a discriminatory practice. Except as modified by subdivisions 1 to 9 and section 363A.06,
61.13 subdivision 4, the Minnesota Rules of Civil Procedure shall apply to an application, and
61.14 the district court shall have authority to grant or deny the relief sought on conditions as it
61.15 deems just and equitable. All hearings under subdivisions 1 to 9 and section 363A.06,
61.16 subdivision 4, shall be given precedence as nearly as practicable over all other pending civil
61.17 actions.

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

61.24 (g) In any complaint issued under subdivisions 1 to 9 and section 363A.06, subdivision
61.25 4, the commissioner may seek relief for a class of individuals affected by an unfair

61.26 discriminatory practice occurring on or after a date one year prior to the filing of the charge
61.27 from which the complaint originates.

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

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

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

62.2 Subd. 2. **Rescission of waiver.** A waiver or release of rights or remedies secured by this
62.3 chapter which purports to apply to claims arising out of acts or practices prior to, or
62.4 concurrent with, the execution of the waiver or release may be rescinded within 15 calendar
62.5 days of its execution, except that a waiver or release given in settlement of a claim filed
62.6 with the department or with another administrative agency or judicial body is valid and final
62.7 upon execution. A waiving or releasing party shall be informed in writing of the right to
62.8 rescind the waiver or release. To be effective, the rescission must be in writing and delivered
62.9 to the waived or released party ~~either~~ by hand, electronically with the receiving party's
62.10 consent, or by mail within the 15-day period. If delivered by mail, the rescission must be:

62.11 (1) postmarked within the 15-day period;

62.12 (2) properly addressed to the waived or released party; and

62.13 (3) sent by certified mail return receipt requested.

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

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

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

62.23 Subdivision 1. **Scope of application.** (a) ~~For all contracts for goods and services in~~
62.24 ~~excess of \$100,000, no department or agency of the state shall accept any bid or proposal~~
62.25 ~~for a contract or agreement from any business having more than 40 full time employees~~
62.26 ~~within this state on a single working day during the previous 12 months, unless the~~
62.27 ~~commissioner is in receipt of the business' affirmative action plan for the employment of~~
62.28 ~~minority persons, women, and qualified disabled individuals. No department or agency of~~

62.29 ~~the state shall execute any such contract or agreement until the affirmative action plan has~~
62.30 ~~been approved by the commissioner. Receipt of a certificate of compliance issued by the~~
62.31 ~~commissioner shall signify that a firm or business has an affirmative action plan that has~~
62.32 ~~been approved by the commissioner. A certificate shall be valid for a period of four years.~~
63.1 ~~No department, agency of the state, the Metropolitan Council, or agency subject to section~~
63.2 ~~473.143, subdivision 1, shall execute a contract for goods or services in excess of \$100,000~~
63.3 ~~with a business that has 40 or more full-time employees in this state or a state where the~~
63.4 ~~business has its primary place of business on a single day during the prior 12 months, unless~~
63.5 ~~the business has a workforce certificate from the commissioner of human rights or has~~
63.6 ~~certified in writing that it is exempt. Determinations of exempt status shall be made by the~~
63.7 ~~commissioner of human rights. A certificate is valid for four years. A municipality as defined~~
63.8 ~~in section 466.01, subdivision 1, that receives state money for any reason is encouraged to~~
63.9 ~~prepare and implement an affirmative action plan for the employment of minority persons,~~
63.10 ~~people with disabilities, people of color, and women, and the qualified disabled and to~~
63.11 ~~submit the plan to the commissioner.~~

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

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

63.22 ~~(d)~~ (c) The commissioner shall issue a certificate of compliance or notice of denial within
63.23 15 days of the application submitted by the business or firm.

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

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

63.27 Subd. 2. **Filing fee; account; appropriation.** The commissioner shall collect a ~~\$150~~
63.28 ~~\$250~~ fee for each certificate of compliance issued by the commissioner or the commissioner's
63.29 designated agent. The proceeds of the fee must be deposited in a human rights fee special
63.30 revenue account. Money in the account is appropriated to the commissioner to fund the cost
63.31 of issuing certificates and investigating grievances.

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

18.29 Subd. 2. **Filing fee; account; appropriation.** The commissioner shall collect a ~~\$150~~
18.30 ~~\$250~~ fee for each certificate of compliance issued by the commissioner or the commissioner's
18.31 designated agent. The proceeds of the fee must be deposited in a human rights fee special
19.1 revenue account. Money in the account is appropriated to the commissioner to fund the cost
19.2 of issuing certificates and investigating grievances.

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

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

64.2 Subd. 3. ~~Revocation of certificate~~ **Violations; remedies.** Certificates of compliance
64.3 may be suspended or revoked by the commissioner if a holder of a certificate has not made
64.4 a good faith effort to implement an affirmative action plan that has been approved by the
64.5 commissioner. If a contractor does not effectively implement an affirmative action plan
64.6 approved by the commissioner pursuant to subdivision 1, or fails to make a good faith effort
64.7 to do so, the commissioner may refuse to approve subsequent plans submitted by that firm
64.8 or business. The commissioner may impose fines or actions as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

65.28 (1) a market pricing approach;

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

65.30 (3) a performance pay system;

65.31 (4) an internal analysis; or

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

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

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

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

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

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

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

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

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

19.30 (1) a market pricing approach;

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

19.32 (3) a performance pay system;

20.1 (4) an internal analysis; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 67.10 (5) the acquisition or modification of equipment or devices.
- 67.11 (d) "Covered entity" means:
- 67.12 (1) any licensed provider of health care services, including licensed health care
67.13 practitioners, hospitals, nursing facilities, laboratories, intermediate care facilities, psychiatric
67.14 residential treatment facilities, institutions for individuals with intellectual or developmental
67.15 disabilities, and prison health centers; or
- 67.16 (2) any entity responsible for matching anatomical gift donors to potential recipients.
- 67.17 (e) "Disability" has the meaning given in section 363A.03, subdivision 12.
- 67.18 (f) "Organ transplant" means the transplantation or infusion of a part of a human body
67.19 into the body of another for the purpose of treating or curing a medical condition.
- 67.20 (g) "Qualified individual" means an individual who, with or without available support
67.21 networks, the provision of auxiliary aids and services, or reasonable modifications to policies
67.22 or practices, meets the essential eligibility requirements for the receipt of an anatomical
67.23 gift.
- 67.24 (h) "Reasonable modifications" include, but are not limited to:
- 67.25 (1) communication with individuals responsible for supporting an individual with
67.26 postsurgical and post-transplantation care, including medication; and
- 67.27 (2) consideration of support networks available to the individual, including family,
67.28 friends, and home and community-based services, including home and community-based
67.29 services funded through Medicaid, Medicare, another health plan in which the individual
67.30 is enrolled, or any program or source of funding available to the individual, in determining
67.31 whether the individual is able to comply with post-transplant medical requirements.
- 68.1 (i) "Supported decision making" has the meaning given in section 524.5-102, subdivision
68.2 16a.
- 68.3 Subd. 2. **Prohibition of discrimination.** (a) A covered entity may not, on the basis of
68.4 a qualified individual's mental or physical disability:
- 68.5 (1) deem an individual ineligible to receive an anatomical gift or organ transplant;
- 68.6 (2) deny medical or related organ transplantation services, including evaluation, surgery,
68.7 counseling, and postoperative treatment and care;
- 68.8 (3) refuse to refer the individual to a transplant center or other related specialist for the
68.9 purpose of evaluation or receipt of an anatomical gift or organ transplant;
- 68.10 (4) refuse to place an individual on an organ transplant waiting list or place the individual
68.11 at a lower-priority position on the list than the position at which the individual would have
68.12 been placed if not for the individual's disability; or

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

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

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

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

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

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

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

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

69.11

ARTICLE 7

69.12

CIVIL LAW

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

69.14 **357.17 NOTARIES PUBLIC.**

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

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

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

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

69.21 (4) for any affidavit or paper for which provision is not made herein, \$5 per folio, and
69.22 \$1 per folio for copies;

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

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

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

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

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

70.2 **359.04 POWERS.**

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

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

70.12 A notary public shall have the power to solemnize civil marriages throughout the state
70.13 if the notary public has filed a copy of the notary public's notary commission with the local
70.14 registrar of a county in this state. When a local registrar records a commission for a notary

70.15 public, the local registrar shall provide a certificate of filing to the notary whose commission
70.16 is recorded. A notary public shall endorse and record the county where the notary public's
70.17 commission is recorded upon each certificate of civil marriage granted by the notary.

70.18 Sec. 4. Minnesota Statutes 2020, section 514.977, is amended to read:

70.19 **514.977 ~~DEFAULT~~ ADDITIONAL REMEDIES.**

70.20 Subdivision 1. **Default; breach of rental agreement.** If an occupant defaults in the
70.21 payment of rent for the storage space or otherwise breaches the rental agreement, the owner
70.22 may commence an ~~eviction~~ action under ~~chapter 504B.~~ to terminate the rental agreement,
70.23 recover possession of the storage space, remove the occupant, and dispose of the stored
70.24 personal property. The action shall be conducted in accordance with the Minnesota Rules
70.25 of Civil Procedure except as provided in this section.

70.26 Subd. 2. **Service of summons.** The summons must be served at least seven days before
70.27 the date of the court appearance as provided in subdivision 3.

70.28 Subd. 3. **Appearance.** Except as provided in subdivision 4, in an action filed under this
70.29 section, the appearance shall be not less than seven or more than 14 days from the day of
70.30 issuing the summons.

70.31 Subd. 4. **Expedited hearing.** If the owner files a motion and affidavit stating specific
70.32 facts and instances in support of an allegation that the occupant is causing a nuisance or
71.1 engaging in illegal or other behavior that seriously endangers the safety of others, their
71.2 property, or the storage facility's property, the appearance shall be not less than three days
71.3 nor more than seven days from the date the summons is issued. The summons in an expedited
71.4 hearing shall be served upon the occupant within 24 hours of issuance unless the court
71.5 orders otherwise for good cause shown.

71.6 Subd. 5. **Answer; trial; continuance.** At the court appearance specified in the summons,
71.7 the defendant may answer the complaint, and the court shall hear and decide the action,
71.8 unless it grants a continuance of the trial, which may be for no longer than six days, unless
71.9 all parties consent to longer continuance.

71.10 Subd. 6. **Counterclaims.** The occupant is prohibited from bringing counterclaims in the
71.11 action that are unrelated to the possession of the storage space. Nothing in this section
71.12 prevents the occupant from bringing the claim in a separate action.

71.13 Subd. 7. **Judgment; writ.** Judgment in matters adjudicated under this section shall be
71.14 in accordance with section 504B.345, subdivision 1, paragraph (a). Execution of a writ
71.15 issued under this section shall be in accordance with section 504B.365.

71.16 Sec. 5. Minnesota Statutes 2020, section 517.04, is amended to read:

71.17 **517.04 PERSONS AUTHORIZED TO PERFORM CIVIL MARRIAGES.**

71.18 Civil marriages may be solemnized throughout the state by an individual who has attained
71.19 the age of 21 years and is a judge of a court of record, a retired judge of a court of record,
71.20 a court administrator, a retired court administrator with the approval of the chief judge of
71.21 the judicial district, a former court commissioner who is employed by the court system or
71.22 is acting pursuant to an order of the chief judge of the commissioner's judicial district, a
71.23 notary commissioned pursuant to chapter 359, the residential school superintendent of the
71.24 Minnesota State Academy for the Deaf and the Minnesota State Academy for the Blind, a
71.25 licensed or ordained minister of any religious denomination, or by any mode recognized in
71.26 section 517.18. For purposes of this section, a court of record includes the Office of
71.27 Administrative Hearings under section 14.48.

71.28 Sec. 6. Minnesota Statutes 2020, section 517.08, subdivision 1b, is amended to read:

71.29 Subd. 1b. **Term of license; fee; premarital education.** (a) The local registrar shall
71.30 examine upon oath the parties applying for a license relative to the legality of the
71.31 contemplated civil marriage. Examination upon oath of the parties under this section may
71.32 include contemporaneous video or audio transmission or receipt of a verified statement
72.1 signed by both parties attesting to the legality of the marriage. The local registrar may accept
72.2 civil marriage license applications, signed by both parties, by mail, facsimile, or electronic
72.3 filing. Both parties must present proof of age to the local registrar. If one party is unable to
72.4 appear in person, the party appearing may complete the absent applicant's information. The
72.5 local registrar shall provide a copy of the civil marriage application to the party who is
72.6 unable to appear, who must verify the accuracy of the appearing party's information in a
72.7 notarized statement. The verification statement must be accompanied by a copy of proof of
72.8 age of the party. The civil marriage license must not be released until the verification
72.9 statement and proof of age has been received by the local registrar. If the local registrar is
72.10 satisfied that there is no legal impediment to it, including the restriction contained in section
72.11 259.13, the local registrar shall issue the license, containing the full names of the parties
72.12 before and after the civil marriage, and county and state of residence, with the county seal
72.13 attached, and make a record of the date of issuance. The license shall be valid for a period
72.14 of six months. Except as provided in paragraph (b), the local registrar shall collect from the
72.15 applicant a fee of \$115 for administering the oath, issuing, recording, and filing all papers
72.16 required, and preparing and transmitting to the state registrar of vital records the reports of
72.17 civil marriage required by this section. If the license should not be used within the period
72.18 of six months due to illness or other extenuating circumstances, it may be surrendered to
72.19 the local registrar for cancellation, and in that case a new license shall issue upon request
72.20 of the parties of the original license without fee. A local registrar who knowingly issues or
72.21 signs a civil marriage license in any manner other than as provided in this section shall pay
72.22 to the parties aggrieved an amount not to exceed \$1,000.

72.23 (b) The civil marriage license fee for parties who have completed at least 12 hours of
72.24 premarital education is \$40. In order to qualify for the reduced license fee, the parties must

72.25 submit at the time of applying for the civil marriage license a statement that is signed, dated,
72.26 and notarized or marked with a church seal from the person who provided the premarital
72.27 education on their letterhead confirming that it was received. The premarital education must
72.28 be provided by a licensed or ordained minister or the minister's designee, a person authorized
72.29 to solemnize civil marriages under section 517.18, or a person authorized to practice marriage
72.30 and family therapy under section 148B.33. The education must include the use of a premarital
72.31 inventory and the teaching of communication and conflict management skills.

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

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

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

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

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

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

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

73.20 Sec. 7. Minnesota Statutes 2020, section 524.2-503, is amended to read:

73.21 **524.2-503 HARMLESS ERROR.**

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

1.5 Section 1. Minnesota Statutes 2020, section 524.2-503, is amended to read:

1.6 **524.2-503 HARMLESS ERROR.**

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

73.27 (1) the decedent's will;

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

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

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

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

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

74.5 Sec. 8. Minnesota Statutes 2020, section 541.073, subdivision 2, is amended to read:

74.6 Subd. 2. **Limitations period.** (a) Except as provided in paragraph (b), an action for
74.7 damages based on sexual abuse: (1) must be commenced within six years of the alleged
74.8 sexual abuse in the case of alleged sexual abuse of an individual 18 years or older; (2) may
74.9 be commenced at any time in the case of alleged sexual abuse of an individual under the
74.10 age of 18, except as provided for in subdivision 4; and (3) must be commenced before the
74.11 plaintiff is 24 years of age in a claim against a natural person alleged to have sexually abused
74.12 a minor when that natural person was under 14 years of age.

74.13 (b) An action for damages based on sexual abuse may be commenced at any time in the
74.14 case of alleged sexual abuse by a peace officer, as defined in section 626.84, subdivision
74.15 1, paragraph (c).

74.16 ~~(b)~~ (c) The plaintiff need not establish which act in a continuous series of sexual abuse
74.17 acts by the defendant caused the injury.

74.18 ~~(c)~~ (d) This section does not affect the suspension of the statute of limitations during a
74.19 period of disability under section 541.15.

74.20 **EFFECTIVE DATE.** (a) This section is effective the day following final enactment.
74.21 Except as provided in paragraph (b), this section applies to actions that were not time-barred
74.22 before the effective date.

74.23 (b) Notwithstanding any other provision of law, in the case of alleged sexual abuse of
74.24 an individual by a peace officer, as defined in Minnesota Statutes, section 626.84, subdivision
74.25 1, paragraph (c), if the action would otherwise be time-barred under a previous version of
74.26 Minnesota Statutes, section 541.073, or other time limit, an action for damages against a
74.27 peace officer may be commenced no later than five years following the effective date of
74.28 this section.

1.12 (1) the decedent's will;

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

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

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

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

1.19 **EFFECTIVE DATE.** This section is effective retroactively from March 13, 2020, and
1.20 applies to documents and writings executed on or after that date.

74.29 Sec. 9. Minnesota Statutes 2020, section 573.02, subdivision 1, is amended to read:

74.30 Subdivision 1. **Death action.** (a) When death is caused by the wrongful act or omission
74.31 of any person or corporation, the trustee appointed as provided in subdivision 3 may maintain
74.32 an action therefor if the decedent might have maintained an action, had the decedent lived,
75.1 for an injury caused by the wrongful act or omission. An action to recover damages for a
75.2 death caused by the alleged professional negligence of a physician, surgeon, dentist, hospital
75.3 or sanitarium, or an employee of a physician, surgeon, dentist, hospital or sanitarium shall
75.4 be commenced within three years of the date of death, but in no event shall be commenced
75.5 beyond the time set forth in section 541.076. An action to recover damages for a death
75.6 caused by an intentional act constituting murder may be commenced at any time after the
75.7 death of the decedent. An action to recover damages for a death caused by a peace officer,
75.8 as defined in section 626.84, subdivision 1, paragraph (c), may be commenced at any time
75.9 after the death of the decedent. Any other action under this section may be commenced
75.10 within three years after the date of death provided that the action must be commenced within
75.11 six years after the act or omission. The recovery in the action is the amount the jury deems
75.12 fair and just in reference to the pecuniary loss resulting from the death, and shall be for the
75.13 exclusive benefit of the surviving spouse and next of kin, proportionate to the pecuniary
75.14 loss severally suffered by the death. The court then determines the proportionate pecuniary
75.15 loss of the persons entitled to the recovery and orders distribution accordingly. Funeral
75.16 expenses and any demand for the support of the decedent allowed by the court having
75.17 jurisdiction of the action, are first deducted and paid. Punitive damages may be awarded as
75.18 provided in section 549.20.

75.19 (b) If an action for the injury was commenced by the decedent and not finally determined
75.20 while living, it may be continued by the trustee for recovery of damages for the exclusive
75.21 benefit of the surviving spouse and next of kin, proportionate to the pecuniary loss severally
75.22 suffered by the death. The court on motion shall make an order allowing the continuance
75.23 and directing pleadings to be made and issues framed as in actions begun under this section.

75.24 **EFFECTIVE DATE.** (a) This section is effective the day following final enactment.
75.25 Except as provided in paragraph (b), this section applies to actions that were not time-barred
75.26 before the effective date.

75.27 (b) Notwithstanding any other provision of law, in the case of a death caused by a peace
75.28 officer, as defined in Minnesota Statutes, section 626.84, subdivision 1, paragraph (c), if
75.29 the action would otherwise be time-barred under a previous version of Minnesota Statutes,
75.30 section 573.02, or other time limit, an action for damages against a peace officer may be
75.31 commenced no later than five years following the effective date of this section.

76.1 Sec. 10. Laws 2020, chapter 118, section 4, is amended to read:

76.2 Sec. 4. **FILING OF MORTGAGE OR DEED OF TRUST THROUGH 2020; PUBLIC**
76.3 **UTILITY.**

76.4 Notwithstanding Minnesota Statutes, section 507.327, ~~for the public utility subject to~~
76.5 ~~Minnesota Statutes, section 116C.7791,~~ the filing of the mortgage or deed of trust executed

1.5 Section 1. Laws 2020, chapter 118, section 4, is amended to read:

1.6 Sec. 4. **FILING OF MORTGAGE OR DEED OF TRUST THROUGH 2020; PUBLIC**
1.7 **UTILITY.**

1.8 Notwithstanding Minnesota Statutes, section 507.327, ~~for the public utility subject to~~
1.9 ~~Minnesota Statutes, section 116C.7791,~~ the filing of the mortgage or deed of trust executed

76.6 between May 1, 2020, and ~~December 31, 2020~~ June 30, 2022, filed in the Office of the
76.7 Secretary of State under Minnesota Statutes, section ~~336.02~~ 336B.02, along with, or as part
76.8 of, the financing statement covering the fixtures, has the same effect, and is notice of the
76.9 rights and interests of the mortgagee or trustee in easements, other less than fee simple
76.10 interests in real estate, and fee simple interests in real estate ~~of the public utility~~ to the same
76.11 extent, as if the mortgage or deed of trust were duly recorded in the office of the county
76.12 recorder or duly registered in the office of the registrar of titles of the counties in which the
76.13 real estate is situated. The effectiveness of the filing terminates at the same time as provided
76.14 in Minnesota Statutes, section 336B.02, subdivision 3, for the termination of the effectiveness
76.15 of fixture filing. Any filing made in accordance with this section shall also be made with
76.16 the office of the county recorder, or duly registered in the office of the registrar of titles, of
76.17 the counties in which the real estate is situated.

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

1.10 between May 1, 2020, and ~~December 31, 2020~~ June 30, 2022, filed in the Office of the
1.11 Secretary of State under Minnesota Statutes, section ~~336.02~~ 336B.02, along with, or as part
1.12 of, the financing statement covering the fixtures, has the same effect, and is notice of the
1.13 rights and interests of the mortgagee or trustee in easements, other less than fee simple
1.14 interests in real estate, and fee simple interests in real estate ~~of the public utility~~ to the same
1.15 extent, as if the mortgage or deed of trust were duly recorded in the office of the county
1.16 recorder or duly registered in the office of the registrar of titles of the counties in which the
1.17 real estate is situated. The effectiveness of the filing terminates at the same time as provided
1.18 in Minnesota Statutes, section 336B.02, subdivision 3, for the termination of the effectiveness
1.19 of fixture filing. Any filing made in accordance with this section shall also be made with
1.20 the office of the county recorder, or duly registered in the office of the registrar of titles, of
1.21 the counties in which the real estate is situated.

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

ARTICLE 8

GOVERNMENT DATA PRACTICES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

78.18 Subd. 2. **Notification of certification.** (a) A program participant may ~~submit a notice,~~
78.19 ~~in writing, to notify~~ the responsible authority of any government entity other than the county
78.20 recorder in writing, on a form prescribed by the secretary of state, that the participant is
78.21 certified in the Safe at Home address confidentiality program pursuant to chapter 5B. The
78.22 notice must include the program participant's name, ~~names of other program participants~~
78.23 ~~in the household,~~ date of birth, address designated under chapter 5B, program participant
78.24 signature, signature of the participant's parent or guardian if the participant is a minor, date

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

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

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

78.25 the program participant's certification in the program expires, and any other information
78.26 specified by the secretary of state. A program participant may submit a subsequent notice
78.27 of certification, if the participant's certification is renewed. The contents of the notification
78.28 of certification are private data on individuals. A notice provided pursuant to this paragraph
78.29 is a request to protect location data unless the participant requests that specific identity data
78.30 also be protected.

78.31 (b) To affect real property records, ~~including but not limited to documents maintained~~
78.32 ~~in a public recording system, data on assessments and taxation, and other data on real~~
78.33 ~~property,~~ a program participant must submit a real property notice in writing to the county
78.34 recorder in the county where the property identified in the real property notice is located.

79.1 To affect real property records maintained by any other government entity, a program
79.2 participant must submit a real property notice in writing to the other government entity's
79.3 responsible authority. A real property notice must be on a form prescribed by the secretary
79.4 of state and must include:

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

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

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

79.8 ~~(3)~~ (4) the designated address of the program participant as assigned by the secretary of
79.9 state, including lot number;

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

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

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

79.14 (7) the signature of the program participant.

79.15 Only one parcel of real property may be included in each notice, but more than one notice
79.16 may be presented ~~to the county recorder. The county recorder~~ The recipient of the notice
79.17 may require a program participant to provide additional information necessary to identify
79.18 the records of the program participant or the real property described in the notice. A program
79.19 participant must submit a subsequent real property notice for the real property if the
79.20 participant's certification is renewed legal name changes. The real property notice is private
79.21 data on individuals.

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

79.23 Subd. 3. **Classification of identity and location data; amendment of records; sharing**
79.24 **and dissemination.** (a) Identity and location data ~~on~~ for which a program participant who
79.25 submits a notice seeks protection under subdivision 2, paragraph (a), that are not otherwise
79.26 classified by law are private data on individuals. ~~Notwithstanding any provision of law to~~

79.27 ~~the contrary, private or confidential location data on a program participant who submits a~~
79.28 ~~notice under subdivision 2, paragraph (a), may not be shared with any other government~~
79.29 ~~entity or nongovernmental entity except as provided in paragraph (b):~~

79.30 (b) ~~Private or confidential location data on a program participant must not be shared or~~
79.31 ~~disclosed by a government entity. Notwithstanding any provision of law to the contrary,~~
79.32 private or confidential location data on a program participant who submits a notice under
80.1 subdivision 2, paragraph (a), may not be shared with any other government entity or
80.2 nongovernmental entity unless:

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

80.5 (2) the data are subject to sharing or dissemination pursuant to court order under section
80.6 13.03, subdivision 6;

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

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

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

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

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

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

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

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

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

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

81.1 (2) the data are subject to sharing or dissemination pursuant to court order under section
81.2 13.03, subdivision 6; ~~or~~

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

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

81.7 This subdivision does not prevent ~~the~~ a county recorder from returning original documents
81.8 to the individuals that submitted the documents for recording. This subdivision does not
81.9 prevent the public disclosure of the participant's name and address designated under chapter
81.10 5B in the county reception index if the participant's name and designated address are not
81.11 disclosed in conjunction with location data. Each ~~county recorder~~ government entity shall
81.12 establish procedures for recording or filing documents to comply with this subdivision.
81.13 These procedures may include masking identity or location data and making documents or
81.14 certificates of title containing the data private and not viewable except as allowed by this
81.15 paragraph. The procedure must comply with the requirements of chapters 386, 507, 508,
81.16 and 508A and other laws as appropriate, to the extent these requirements do not conflict
81.17 with this section. The procedures must provide public notice of the existence of recorded
81.18 documents and certificates of title that are not publicly viewable and the provisions for
81.19 viewing them under this subdivision. Notice that a document or certificate is private and
81.20 viewable only under this subdivision or subdivision 4b is deemed constructive notice of the
81.21 document or certificate.

81.22 (b) A real property notice is notice only to the county recorder. A notice that does not
81.23 conform to the requirements of a real property notice under subdivision 2, paragraph (b),
81.24 is not effective as a notice to the county recorder. On receipt of a real property notice, the
81.25 ~~county recorder~~ government entity shall provide a copy of the notice to the person who
81.26 maintains the property tax records in that ~~county~~ jurisdiction, to the county's or municipality's
81.27 responsible authority, and provide a copy to the secretary of state at the address specified
81.28 by the secretary of state in the notice.

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

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

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

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

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

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

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

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

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

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

82.19 Subd. 3. **Private data; when disclosure is permitted.** Except as provided in subdivision
82.20 5, educational data is private data on individuals and shall not be disclosed except as follows:

82.21 (a) pursuant to section 13.05;

82.22 (b) pursuant to a valid court order;

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

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

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

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

1.6 Section 1. Minnesota Statutes 2020, section 13.7931, is amended by adding a subdivision
1.7 to read:

1.8 Subd. 1b. Data on individuals who are minors. Except for electronic licensing system
1.9 data classified under section 84.0874, data on individuals who are minors that are collected,
1.10 created, received, maintained, or disseminated by the Department of Natural Resources are
1.11 classified under section 84.0873.

- 83.3 (g) when disclosure is required for institutions that participate in a program under title
83.4 IV of the Higher Education Act, United States Code, title 20, section 1092;
- 83.5 (h) to the appropriate school district officials to the extent necessary under subdivision
83.6 6, annually to indicate the extent and content of remedial instruction, including the results
83.7 of assessment testing and academic performance at a postsecondary institution during the
83.8 previous academic year by a student who graduated from a Minnesota school district within
83.9 two years before receiving the remedial instruction;
- 83.10 (i) to appropriate authorities as provided in United States Code, title 20, section
83.11 1232g(b)(1)(E)(ii), if the data concern the juvenile justice system and the ability of the
83.12 system to effectively serve, prior to adjudication, the student whose records are released;
83.13 provided that the authorities to whom the data are released submit a written request for the
83.14 data that certifies that the data will not be disclosed to any other person except as authorized
83.15 by law without the written consent of the parent of the student and the request and a record
83.16 of the release are maintained in the student's file;
- 83.17 (j) to volunteers who are determined to have a legitimate educational interest in the data
83.18 and who are conducting activities and events sponsored by or endorsed by the educational
83.19 agency or institution for students or former students;
- 83.20 (k) to provide student recruiting information, from educational data held by colleges
83.21 and universities, as required by and subject to Code of Federal Regulations, title 32, section
83.22 216;
- 83.23 (l) to the juvenile justice system if information about the behavior of a student who poses
83.24 a risk of harm is reasonably necessary to protect the health or safety of the student or other
83.25 individuals;
- 83.26 (m) with respect to Social Security numbers of students in the adult basic education
83.27 system, to Minnesota State Colleges and Universities and the Department of Employment
83.28 and Economic Development for the purpose and in the manner described in section 124D.52,
83.29 subdivision 7;
- 83.30 (n) to the commissioner of education for purposes of an assessment or investigation of
83.31 a report of alleged maltreatment of a student as mandated by chapter 260E. Upon request
83.32 by the commissioner of education, data that are relevant to a report of maltreatment and are
84.1 from charter school and school district investigations of alleged maltreatment of a student
84.2 must be disclosed to the commissioner, including, but not limited to, the following:
- 84.3 (1) information regarding the student alleged to have been maltreated;
- 84.4 (2) information regarding student and employee witnesses;
- 84.5 (3) information regarding the alleged perpetrator; and
- 84.6 (4) what corrective or protective action was taken, if any, by the school facility in response
84.7 to a report of maltreatment by an employee or agent of the school or school district;

84.8 (o) when the disclosure is of the final results of a disciplinary proceeding on a charge
84.9 of a crime of violence or nonforcible sex offense to the extent authorized under United
84.10 States Code, title 20, section 1232g(b)(6)(A) and (B) and Code of Federal Regulations, title
84.11 34, sections 99.31 (a)(13) and (14);

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

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

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

84.27 Sec. 7. [13.3655] ATTORNEY GENERAL DATA CODED ELSEWHERE.

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

84.31 Subd. 2. Jailhouse witnesses. Data collected and maintained by the attorney general
84.32 regarding jailhouse witnesses are governed by section 634.045.

85.1 EFFECTIVE DATE. This section is effective August 1, 2021.

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

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

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

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

85.14 (d) The following data on individuals created or collected by law enforcement agencies
85.15 are private data on individuals, unless the data become criminal investigative data, in which
85.16 the data are classified by subdivision 7:

85.17 (1) medications taken by an individual;

85.18 (2) mental illness diagnoses;

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

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

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

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

85.25 (e) Data classified as private by paragraph (d) may be shared with the welfare system,
85.26 as defined in section 13.46, subdivision 1, paragraph (c), or with a provider as defined by
85.27 section 144.291, subdivision 2, paragraph (i), to coordinate necessary services on behalf of
85.28 the subject of the data.

85.29 (f) This subdivision does not affect the classification of data made public by subdivision
85.30 2, 3, or 6 or those portions of inactive investigative data made public by subdivision 7.

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

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

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

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

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

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

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

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

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

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

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

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

87.22 (1) client name;

87.23 (2) client location; and

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

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

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

87.30 (1) name;

87.31 (2) date of birth;

88.1 (3) Social Security number;

88.2 (4) telephone number;

88.3 (5) e-mail address;

88.4 (6) physical or mailing address;

88.5 (7) location data;

88.6 (8) online account access information;

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

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

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

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

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

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

88.19 (i) the subject of the vital record;

88.20 (ii) a child of the subject;

1.12 Sec. 2. [84.0873] DATA ON INDIVIDUALS WHO ARE MINORS.

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

1.17 (1) name;

1.18 (2) date of birth;

1.19 (3) Social Security number;

1.20 (4) telephone number;

1.21 (5) e-mail address;

2.1 (6) physical or mailing address;

2.2 (7) location data;

2.3 (8) online account access information;

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

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

2.7 (b) Access to data described in paragraph (a) is subject to Minnesota Rules, part
2.8 1205.0500. Data about minors classified under this section maintain their classification as
2.9 private data on individuals after the individual is no longer a minor.

2.10 (c) When data about minors is created, collected, stored, or maintained as part of the
2.11 electronic licensing system described in section 84.0874, the data is governed by section
2.12 84.0874 and may be disclosed pursuant to the provisions therein.

SECTION 144.225, SUBDIVISION 7, IS ALSO AMENDED IN THE HEALTH
AND HUMAN SERVICES OMNIBUS BILL S2360-2, ARTICLE 2, SECTION
23

- 88.21 (iii) the spouse of the subject;
- 88.22 (iv) a parent of the subject;
- 88.23 (v) the grandparent or grandchild of the subject;
- 88.24 (vi) if the requested record is a death record, a sibling of the subject;
- 88.25 ~~(vii) the party responsible for filing the vital record;~~
- 88.26 ~~(viii)~~ (vii) the legal custodian, guardian or conservator, or health care agent of the subject;
- 88.27 ~~(ix)~~ (viii) a personal representative, by sworn affidavit of the fact that the certified copy
88.28 is required for administration of the estate;
- 89.1 ~~(x)~~ (ix) a successor of the subject, as defined in section 524.1-201, if the subject is
89.2 deceased, by sworn affidavit of the fact that the certified copy is required for administration
89.3 of the estate;
- 89.4 ~~(xi)~~ (x) if the requested record is a death record, a trustee of a trust by sworn affidavit
89.5 of the fact that the certified copy is needed for the proper administration of the trust;
- 89.6 ~~(xii)~~ (xi) a person or entity who demonstrates that a certified vital record is necessary
89.7 for the determination or protection of a personal or property right, pursuant to rules adopted
89.8 by the commissioner; or
- 89.9 ~~(xiii)~~ (xii) an adoption agency in order to complete confidential postadoption searches
89.10 as required by section 259.83;
- 89.11 (2) to any local, state, tribal, or federal governmental agency upon request if the certified
89.12 vital record is necessary for the governmental agency to perform its authorized duties;
- 89.13 (3) to an attorney representing the subject of the vital record or another person listed in
89.14 clause (1), upon evidence of the attorney's license;
- 89.15 (4) pursuant to a court order issued by a court of competent jurisdiction. For purposes
89.16 of this section, a subpoena does not constitute a court order; or
- 89.17 (5) to a representative authorized by a person under clauses (1) to (4).
- 89.18 (b) The state registrar or local issuance office shall also issue a certified death record to
89.19 an individual described in paragraph (a), clause (1), items (ii) to ~~(viii)~~ (xi), if, on behalf of
89.20 the individual, a licensed mortician furnishes the registrar with a properly completed
89.21 attestation in the form provided by the commissioner within 180 days of the time of death
89.22 of the subject of the death record. This paragraph is not subject to the requirements specified
89.23 in Minnesota Rules, part 4601.2600, subpart 5, item B.

89.24 Sec. 15. INITIAL APPOINTMENTS AND MEETINGS.

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

43.3 Sec. 18. INITIAL APPOINTMENTS AND MEETINGS.

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

90.1

ARTICLE 9

90.2

FORFEITURE

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

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

90.6 (b) "Appropriate agency" means a law enforcement agency that has the authority to
90.7 make an arrest for a violation of a designated offense or to require a test under section
90.8 169A.51 (chemical tests for intoxication).

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

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

90.14 ~~(e)~~ (e) "Designated license revocation" includes a license revocation under section
90.15 169A.52 (license revocation for test failure or refusal) or 171.177 (revocation; search warrant)
90.16 or a license disqualification under section 171.165 (commercial driver's license
90.17 disqualification) resulting from a violation of section 169A.52 or 171.177; within ten years
90.18 of the first of two or more qualified prior impaired driving incidents.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

92.1 ~~(2)~~ (2) the driver's conduct results in a designated license revocation and the driver fails
92.2 to seek judicial review of the revocation in a timely manner as required by section 169A.53,
92.3 subdivision 2, (petition for judicial review), or the license revocation is judicially reviewed
92.4 and sustained under section 169A.53, subdivision 2.

92.5 (b) A vehicle encumbered by a security interest perfected according to section 168A.17,
92.6 subdivision 2, or subject to a lease that has a term of 180 days or more, is subject to the
92.7 interest of the secured party or lessor unless the party or lessor had knowledge of or consented
92.8 to the act upon which the forfeiture is based. However, when the proceeds of the sale of a
92.9 seized vehicle do not equal or exceed the outstanding loan balance, the appropriate agency

92.10 shall remit all proceeds of the sale to the secured party after deducting the agency's costs
92.11 for the seizure, tow, storage, forfeiture, and sale of the vehicle. If the sale of the vehicle is
92.12 conducted in a commercially reasonable manner consistent with the provisions of section
92.13 336.9-610, the agency is not liable to the secured party for any amount owed on the loan in
92.14 excess of the sale proceeds. The validity and amount of a nonperfected security interest
92.15 must be established by its holder by clear and convincing evidence.

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

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

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

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

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

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

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

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

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

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

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

93.10 (b) Upon receipt of notice pursuant to paragraph (a), the prosecuting authority may
93.11 release the vehicle to the asserting person. If the prosecuting authority proceeds with the
93.12 forfeiture, the prosecuting authority must, within 30 days, file a separate complaint in the

- 93.13 name of the jurisdiction pursuing the forfeiture against the vehicle, describing the vehicle,
93.14 specifying that the vehicle was used in the commission of a designated offense or was used
93.15 in conduct resulting in a designated license revocation, and specifying the time and place
93.16 of the vehicle's unlawful use. The complaint may be filed in district court or conciliation
93.17 court and the filing fee is waived.
- 93.18 (c) A complaint filed by the prosecuting authority must be served on the asserting person
93.19 and on any other registered owners. Service may be made by certified mail at the address
93.20 listed in the Department of Public Safety's computerized motor vehicle registration records
93.21 or by any means permitted by court rules.
- 93.22 (d) The hearing on the complaint shall, to the extent practicable, be held within 30 days
93.23 of the filing of the petition. The court may consolidate the hearing on the complaint with a
93.24 hearing on any other complaint involving a claim of an ownership interest in the same
93.25 vehicle.
- 93.26 (e) At a hearing held pursuant to this subdivision, the prosecuting authority must:
- 93.27 (1) prove by a preponderance of the evidence that the seizure was incident to a lawful
93.28 arrest or a lawful search; and
- 93.29 (2) certify that the prosecuting authority has filed, or intends to file, charges against the
93.30 driver for a designated offense or that the driver has a designated license revocation.
- 93.31 (f) At a hearing held pursuant to this subdivision, the asserting person must prove by a
93.32 preponderance of the evidence that the asserting person:
- 94.1 (1) has an actual ownership interest in the vehicle; and
- 94.2 (2) did not have actual or constructive knowledge that the vehicle would be used or
94.3 operated in any manner contrary to law or that the asserting person took reasonable steps
94.4 to prevent use of the vehicle by the alleged offender.
- 94.5 (g) If the court determines that the state met both burdens under paragraph (e) and the
94.6 asserting person failed to meet any burden under paragraph (f), the court shall order that
94.7 the vehicle remains subject to forfeiture under this section.
- 94.8 (h) The court shall order that the vehicle is not subject to forfeiture under this section
94.9 and shall order the vehicle returned to the asserting person if it determines that:
- 94.10 (1) the state failed to meet any burden under paragraph (e);
- 94.11 (2) the asserting person proved both elements under paragraph (f); or
- 94.12 (3) clauses (1) and (2) apply.

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

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

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

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

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

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

94.26 (b) Within 60 days from when a motor vehicle is seized under subdivision 2, or within
94.27 a reasonable time after seizure, the appropriate agency shall serve the driver or operator of
94.28 the vehicle with a notice of the seizure and intent to forfeit the vehicle. Additionally, when
94.29 a motor vehicle is seized under subdivision 2, or within a reasonable time after that, all
94.30 persons known to have an ownership, possessory, or security interest in the vehicle must
94.31 be notified of the seizure and the intent to forfeit the vehicle. For those vehicles required to
95.1 be registered under chapter 168, the notification to a person known to have a security interest
95.2 in the vehicle is required only if the vehicle is registered under chapter 168 and the interest
95.3 is listed on the vehicle's title. Upon motion by the appropriate agency or prosecuting
95.4 authority, a court may extend the time period for sending notice for a period not to exceed
95.5 90 days for good cause shown. Notice mailed by certified mail to the address shown in
95.6 Department of Public Safety records is sufficient notice to the registered owner of the
95.7 vehicle. For motor vehicles not required to be registered under chapter 168, notice mailed
95.8 by certified mail to the address shown in the applicable filing or registration for the vehicle
95.9 is sufficient notice to a person known to have an ownership, possessory, or security interest
95.10 in the vehicle. Otherwise, notice may be given in the manner provided by law for service
95.11 of a summons in a civil action.

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

95.13 (1) a description of the vehicle seized;

95.14 (2) the date of seizure; and

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

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

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

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

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

96.3 (e) Within 60 days following service of a notice of seizure and forfeiture under this
96.4 subdivision, a claimant may file a demand for a judicial determination of the forfeiture. The
96.5 demand must be in the form of a civil complaint and must be filed with the court
96.6 administrator in the county in which the seizure occurred, together with proof of service of
96.7 a copy of the complaint on the prosecuting authority having jurisdiction over the forfeiture;
96.8 ~~including the standard filing fee for civil actions unless the petitioner has the right to sue~~
96.9 ~~in forma pauperis under section 563.01.~~ The claimant may serve the complaint by certified
96.10 mail or any means permitted by court rules. If the value of the seized property is \$15,000
96.11 or less, the claimant may file an action in conciliation court for recovery of the seized vehicle.
96.12 A copy of the conciliation court statement of claim must be served personally or by mail
96.13 on the prosecuting authority having jurisdiction over the forfeiture, ~~as well as on the~~
96.14 ~~appropriate agency that initiated the forfeiture,~~ within 60 days following service of the
96.15 notice of seizure and forfeiture under this subdivision. ~~If the value of the seized property is~~
96.16 ~~less than \$500,~~ The claimant does not have to pay the ~~conciliation~~ court filing fee.

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

96.21 (f) The complaint must be captioned in the name of the claimant as plaintiff and the
96.22 seized vehicle as defendant, and must state with specificity the grounds on which the claimant
96.23 alleges the vehicle was improperly seized, the claimant's interest in the vehicle seized, and
96.24 any affirmative defenses the claimant may have. Notwithstanding any law to the contrary,
96.25 an action for the return of a vehicle seized under this section may not be maintained by or

96.26 on behalf of any person who has been served with a notice of seizure and forfeiture unless
96.27 the person has complied with this subdivision.

96.28 (g) If the claimant makes a timely demand for a judicial determination under this
96.29 subdivision, the forfeiture proceedings must be conducted as provided under subdivision
96.30 9.

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

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

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

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

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

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

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

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

97.32 court shall order the property returned to the person legally entitled to it upon that person's
97.33 compliance with the redemption requirements of section 169A.42.

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

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

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

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

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

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

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

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

98.25 (1) 70 percent of the proceeds must be forwarded to the appropriate agency for deposit
98.26 as a supplement to the state or local agency's operating fund or similar fund for use in
98.27 DWI-related enforcement, training, ~~and~~ education, crime prevention, equipment, or capital
98.28 expenses; and

98.29 (2) 30 percent of the money or proceeds must be forwarded to the prosecuting authority
98.30 that handled the forfeiture for deposit as a supplement to its operating fund or similar fund
98.31 for prosecutorial purposes, training, education, crime prevention, equipment, or capital
98.32 expenses. For purposes of this subdivision, the prosecuting authority shall not include
98.33 privately contracted prosecutors of a local political subdivision and, in those events, the
99.1 forfeiture proceeds shall be forwarded to the political subdivision where the forfeiture was
99.2 handled for the purposes identified in clause (1).

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

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

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

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

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

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

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

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

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

100.1 (1) subsequently operates a motor vehicle:

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

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

- 100.7 (iii) after tampering with, circumventing, or bypassing an ignition interlock device; or
- 100.8 (iv) without an ignition interlock device at any time when the driver's license requires
- 100.9 such device; or
- 100.10 (2) either voluntarily or involuntarily ceases to participate in the program for more than
- 100.11 30 days, or fails to successfully complete it as required by the Department of Public Safety
- 100.12 due to:
- 100.13 (i) two or more occasions of the participant's driving privileges being withdrawn for
- 100.14 violating the terms of the program, unless the withdrawal is determined to be caused by an
- 100.15 error of the department or the interlock provider; or
- 100.16 (ii) violating the terms of the contract with the provider as determined by the provider;
- 100.17 or
- 100.18 (3) if forfeiture was stayed after the driver entered a treatment court, the driver ceases
- 100.19 to be a participant in the treatment court for any reason.
- 100.20 (c) Paragraph (b) applies only if the described conduct occurs before the participant has
- 100.21 been restored to full driving privileges or within three years of the original designated offense
- 100.22 or designated license revocation, whichever occurs latest.
- 100.23 (d) The requirement in subdivision 2, paragraph (b), that device manufacturers provide
- 100.24 a discounted rate to indigent program participants applies also to device installation under
- 100.25 this subdivision.
- 100.26 (e) An impound or law enforcement storage lot operator must allow an ignition interlock
- 100.27 manufacturer sufficient access to the lot to install an ignition interlock device under this
- 100.28 subdivision.
- 100.29 (f) Notwithstanding paragraph (a), an entity in possession of the vehicle is not required
- 100.30 to release it until the reasonable costs of the towing, seizure, and storage of the vehicle have
- 100.31 been paid by the vehicle owner.
- 101.1 (g) At any time prior to the vehicle being forfeited, the appropriate agency may require
- 101.2 that the owner or driver of the vehicle ~~give security or post bond payable to the appropriate~~
- 101.3 ~~agency in an amount equal to the retail value~~ surrender the title of the seized vehicle. ~~If this~~
- 101.4 ~~occurs, any future forfeiture action against the vehicle must instead proceed against the~~
- 101.5 ~~security as if it were the vehicle.~~
- 101.6 ~~(h) The appropriate agency may require an owner or driver to give security or post bond~~
- 101.7 ~~payable to the agency in an amount equal to the retail value of the vehicle, prior to releasing~~
- 101.8 ~~the vehicle from the impound lot to install an ignition interlock device.~~
- 101.9 ~~(+)~~ (h) If an event described in paragraph (b) occurs in a jurisdiction other than the one
- 101.10 in which the original forfeitable event occurred, and the vehicle is subsequently forfeited,
- 101.11 the proceeds shall be divided equally, after payment of seizure, towing, storage, forfeiture,

101.12 and sale expenses and satisfaction of valid liens against the vehicle, among the appropriate
101.13 agencies and prosecuting authorities in each jurisdiction.

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

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

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

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

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

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

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

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

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

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

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

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

102.12 (e) "Appropriate agency" means the Bureau of Criminal Apprehension, the Department
102.13 of Commerce Fraud Bureau, the Minnesota Division of Driver and Vehicle Services, the
102.14 Minnesota State Patrol, a county sheriff's department, the Three Rivers Park District park
102.15 rangers Department of Public Safety, the Department of Natural Resources Division of

102.16 Enforcement, the University of Minnesota Police Department, the Department of Corrections
102.17 Fugitive Apprehension Unit, a city, metropolitan transit, or airport police department; or a
102.18 multijurisdictional entity established under section 299A.642 or 299A.681.

102.19 (f) "Designated offense" includes:

102.20 (1) for weapons used: any violation of this chapter, chapter 152 or 624;

102.21 (2) for driver's license or identification card transactions: any violation of section 171.22;

102.22 and

102.23 (3) for all other purposes: a felony violation of, or a felony-level attempt or conspiracy
102.24 to violate, section 325E.17; 325E.18; 609.185; 609.19; 609.195; 609.2112; 609.2113;
102.25 609.2114; 609.221; 609.222; 609.223; 609.2231; 609.2335; 609.24; 609.245; 609.25;
102.26 609.255; 609.282; 609.283; 609.322; 609.342, subdivision 1, clauses (a) to (f); 609.343,
102.27 subdivision 1, clauses (a) to (f); 609.344, subdivision 1, clauses (a) to (e), and (h) to (j);
102.28 609.345, subdivision 1, clauses (a) to (e), and (h) to (j); 609.352; 609.42; 609.425; 609.466;
102.29 609.485; 609.487; 609.52; 609.525; 609.527; 609.528; 609.53; 609.54; 609.551; 609.561;
102.30 609.562; 609.563; 609.582; 609.59; 609.595; 609.611; 609.631; 609.66, subdivision 1e;
102.31 609.671, subdivisions 3, 4, 5, 8, and 12; 609.687; 609.821; 609.825; 609.86; 609.88; 609.89;
102.32 609.893; 609.895; 617.246; 617.247; or a gross misdemeanor or felony violation of section
103.1 609.891 or 624.7181; or any violation of section 609.324; or a felony violation of, or a
103.2 felony-level attempt or conspiracy to violate, Minnesota Statutes 2012, section 609.21.

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

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

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

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

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

103.13 Subd. 9. **Transfer of forfeitable property to federal government.** The appropriate
103.14 agency shall not directly or indirectly transfer property subject to forfeiture under sections
103.15 609.531 to 609.5318 to a federal agency for adoption if the forfeiture would be prohibited
103.16 under state law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

106.7 ~~(i) controlled substances;~~

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

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

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

106.12 ~~(3)~~ (3) all conveyance devices containing controlled substances with a retail value of
106.13 \$100 or more if ~~possession or sale of the controlled substance would be a felony under~~
106.14 ~~chapter 152~~ there is probable cause to believe that the conveyance device was used in the
106.15 transportation or exchange of a controlled substance intended for distribution or sale; and

106.16 ~~(4)~~ (4) all firearms, ammunition, and firearm accessories found:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 108.3 (f) At a hearing held pursuant to this subdivision, the asserting person must prove by a
108.4 preponderance of the evidence that the asserting person:
- 108.5 (1) has an actual ownership interest in the vehicle; and
- 108.6 (2) did not have actual or constructive knowledge that the vehicle would be used or
108.7 operated in any manner contrary to law or that the asserting person took reasonable steps
108.8 to prevent use of the vehicle by the alleged offender.
- 108.9 (g) If the court determines that the state met both burdens under paragraph (e) and the
108.10 asserting person failed to meet any burden under paragraph (f), the court shall order that
108.11 the vehicle remains subject to forfeiture under this section.
- 108.12 (h) The court shall order that the vehicle is not subject to forfeiture under this section
108.13 and shall order the vehicle returned to the asserting person if it determines that:
- 108.14 (1) the state failed to meet any burden under paragraph (e);
- 108.15 (2) the asserting person proved both elements under paragraph (f); or
- 108.16 (3) clauses (1) and (2) apply.
- 108.17 (i) If the court determines that the asserting person is an innocent owner and orders the
108.18 vehicle returned to the innocent owner, an entity in possession of the vehicle is not required
108.19 to release the vehicle until the innocent owner pays:
- 108.20 (1) the reasonable costs of the towing, seizure, and storage of the vehicle incurred before
108.21 the innocent owner provided the notice required under paragraph (a); and
- 108.22 (2) any reasonable costs of storage of the vehicle incurred more than two weeks after
108.23 an order issued under paragraph (h).
- 108.24 **EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to seizures
108.25 that take place on or after that date.
- 108.26 Sec. 16. Minnesota Statutes 2020, section 609.5314, subdivision 2, is amended to read:
- 108.27 Subd. 2. **Administrative forfeiture procedure.** (a) Forfeiture of property described in
108.28 subdivision 1 that does not exceed \$50,000 in value is governed by this subdivision. Within
108.29 60 days from when seizure occurs, all persons known to have an ownership, possessory, or
108.30 security interest in seized property must be notified of the seizure and the intent to forfeit
108.31 the property. In the case of a motor vehicle required to be registered under chapter 168,
109.1 notice mailed by certified mail to the address shown in Department of Public Safety records
109.2 is deemed sufficient notice to the registered owner. The notification to a person known to
109.3 have a security interest in seized property required under this paragraph applies only to
109.4 motor vehicles required to be registered under chapter 168 and only if the security interest
109.5 is listed on the vehicle's title. Upon motion by the appropriate agency or the prosecuting
109.6 authority, a court may extend the time period for sending notice for a period not to exceed
109.7 90 days for good cause shown.

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

109.10 (1) a description of the property seized;

109.11 (2) the date of seizure; and

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

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

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

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

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

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

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

110.4 Subd. 3. **Judicial determination.** (a) Within 60 days following service of a notice of
110.5 seizure and forfeiture under this section, a claimant may file a demand for a judicial
110.6 determination of the forfeiture. The demand must be in the form of a civil complaint and
110.7 must be filed with the court administrator in the county in which the seizure occurred,
110.8 together with proof of service of a copy of the complaint on the prosecuting authority for
110.9 that county, ~~and the standard filing fee for civil actions unless the petitioner has the right~~
110.10 ~~to sue in forma pauperis under section 563.01.~~ The claimant may serve the complaint on
110.11 the prosecuting authority by any means permitted by court rules. If the value of the seized
110.12 property is \$15,000 or less, the claimant may file an action in conciliation court for recovery
110.13 of the seized property. ~~If the value of the seized property is less than \$500, The claimant~~

110.14 does not have to pay the ~~conciliation~~ court filing fee. No responsive pleading is required of
110.15 the prosecuting authority and no court fees may be charged for the prosecuting authority's
110.16 appearance in the matter. The district court administrator shall schedule the hearing as soon
110.17 as practicable after, and in any event no later than 90 days following, the conclusion of the
110.18 criminal prosecution. The proceedings are governed by the Rules of Civil Procedure.

110.19 (b) The complaint must be captioned in the name of the claimant as plaintiff and the
110.20 seized property as defendant, and must state with specificity the grounds on which the
110.21 claimant alleges the property was improperly seized and the plaintiff's interest in the property
110.22 seized. Notwithstanding any law to the contrary, an action for the return of property seized
110.23 under this section may not be maintained by or on behalf of any person who has been served
110.24 with a notice of seizure and forfeiture unless the person has complied with this subdivision.

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

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

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

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

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

111.9 (1) 70 percent of the money or proceeds must be forwarded to the appropriate agency
111.10 for deposit as a supplement to the agency's operating fund or similar fund for use in law
111.11 enforcement, training, education, crime prevention, equipment, or capital expenses;

111.12 (2) 20 percent of the money or proceeds must be forwarded to the prosecuting authority
111.13 that handled the forfeiture for deposit as a supplement to its operating fund or similar fund
111.14 for prosecutorial purposes, training, education, crime prevention, equipment, or capital
111.15 expenses; and

111.16 (3) the remaining ten percent of the money or proceeds must be forwarded within 60
111.17 days after resolution of the forfeiture to the state treasury and credited to the general fund.
111.18 Any local police relief association organized under chapter 423 which received or was

111.19 entitled to receive the proceeds of any sale made under this section before the effective date
111.20 of Laws 1988, chapter 665, sections 1 to 17, shall continue to receive and retain the proceeds
111.21 of these sales.

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

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

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

111.30 (1) 40 percent of the proceeds must be forwarded to the appropriate agency for deposit
111.31 as a supplement to the agency's operating fund or similar fund for use in law enforcement;

112.1 (2) 20 percent of the proceeds must be forwarded to the prosecuting authority that handled
112.2 the forfeiture for deposit as a supplement to its operating fund or similar fund for
112.3 prosecutorial purposes; and

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

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

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

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

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

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

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

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

- 112.22 (1) the amount forfeited;
- 112.23 (2) the statutory authority for the forfeiture;~~its;~~
- 112.24 (3) the date; ~~of the forfeiture;~~
- 112.25 (4) a brief description of the circumstances involved;~~and;~~
- 112.26 (5) whether the forfeiture was contested;
- 112.27 (6) whether the defendant was convicted pursuant to a plea agreement or a trial;
- 112.28 (7) whether there was a forfeiture settlement agreement;
- 112.29 (8) whether the property was sold, destroyed, or retained by an appropriate agency;
- 112.30 (9) the gross revenue from the disposition of the forfeited property;
- 113.1 (10) an estimate of the total costs to the agency to store the property in an impound lot,
- 113.2 evidence room, or other location; pay for the time and expenses of an appropriate agency
- 113.3 and prosecuting authority to litigate forfeiture cases; and sell or dispose of the forfeited
- 113.4 property;
- 113.5 (11) the net revenue, determined by subtracting the costs identified under clause (10)
- 113.6 from the gross revenue identified in clause (9), the appropriate agency received from the
- 113.7 disposition of forfeited property;
- 113.8 (12) if any property was retained by an appropriate agency, the purpose for which it is
- 113.9 used;
- 113.10 (13) for controlled substance and driving while impaired forfeitures, the record shall
- 113.11 indicate whether the forfeiture was initiated as an administrative or a judicial forfeiture.
- 113.12 ~~The record shall also list;~~
- 113.13 (14) the number of firearms forfeited and the make, model, and serial number of each
- 113.14 firearm forfeited. The record shall indicate; and
- 113.15 (15) how the property was or is to be disposed of.
- 113.16 (b) An appropriate agency or the prosecuting authority shall report to the state auditor
- 113.17 all instances in which property seized for forfeiture is returned to its owner either because
- 113.18 forfeiture is not pursued or for any other reason.
- 113.19 (c) Each appropriate agency and prosecuting authority shall provide a written record
- 113.20 regarding the proceeds of forfeited property, including proceeds received through forfeiture
- 113.21 under state and federal law. The record shall include:
- 113.22 (1) the total amount of money or proceeds from the sale of forfeited property obtained
- 113.23 or received by an appropriate agency or prosecuting authority in the previous reporting
- 113.24 period;

- 113.25 (2) the manner in which each appropriate agency and prosecuting authority expended
113.26 money or proceeds from the sale of forfeited property in the previous reporting period,
113.27 including the total amount expended in the following categories:
- 113.28 (i) drug abuse, crime, and gang prevention programs;
113.29 (ii) victim reparations;
113.30 (iii) gifts or grants to crime victim service organizations that provide services to sexually
113.31 exploited youth;
114.1 (iv) gifts or grants to crime victim service organizations that provide services to victims
114.2 of trafficking offenses;
114.3 (v) investigation costs, including but not limited to witness protection, informant fees,
114.4 and controlled buys;
114.5 (vi) court costs and attorney fees;
114.6 (vii) salaries, overtime, and benefits, as permitted by law;
114.7 (viii) professional outside services, including but not limited to auditing, court reporting,
114.8 expert witness fees, outside attorney fees, and membership fees paid to trade associations;
114.9 (ix) travel, meals, and conferences;
114.10 (x) training and continuing education;
114.11 (xi) other operating expenses, including but not limited to office supplies, postage, and
114.12 printing;
114.13 (xii) capital expenditures, including but not limited to vehicles, firearms, equipment,
114.14 computers, and furniture;
114.15 (xiii) gifts or grants to nonprofit or other programs, indicating the recipient of the gift
114.16 or grant; and
114.17 (xiv) any other expenditure, indicating the type of expenditure and, if applicable, the
114.18 recipient of any gift or grant;
114.19 (3) the total value of seized and forfeited property held by an appropriate agency and
114.20 not sold or otherwise disposed of; and
114.21 (4) a statement from the end of each year showing the balance of any designated forfeiture
114.22 accounts maintained by an appropriate agency or prosecuting authority.
- 114.23 (d) Reports under paragraphs (a) and (b) shall be made on a ~~monthly~~ quarterly basis
114.24 in a manner prescribed by the state auditor and reports under paragraph (c) shall be made
114.25 on an annual basis in a manner prescribed by the state auditor. The state auditor shall report
114.26 annually to the legislature on the nature and extent of forfeitures-, including the information
114.27 provided by each appropriate agency or prosecuting authority under paragraphs (a) to (c).

114.28 Summary data on seizures, forfeitures, and expenditures of forfeiture proceeds shall be
114.29 disaggregated by each appropriate agency and prosecuting authority. The report shall be
114.30 made public on the state auditor's website.

115.1 ~~(d)~~ (e) For forfeitures resulting from the activities of multijurisdictional law enforcement
115.2 entities, the entity on its own behalf shall report the information required in this subdivision.

115.3 ~~(e)~~ (f) The prosecuting authority is not required to report information required by ~~this~~
115.4 ~~subdivision~~ paragraph (a) or (b) unless the prosecuting authority has been notified by the
115.5 state auditor that the appropriate agency has not reported it.

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

115.8 Sec. 21. **RECIDIVISM STUDY.**

115.9 The legislative auditor shall conduct or contract with an independent third-party vendor
115.10 to conduct a comprehensive program audit on the efficacy of forfeiture and the use of ignition
115.11 interlock in cases involving an alleged violation of Minnesota Statutes, section 169A.20.
115.12 The audit shall assess the financial impact of the programs, the efficacy in reducing
115.13 recidivism, and the impacts, if any, on public safety. The audit shall be conducted in
115.14 accordance with generally accepted government auditing standards issued by the United
115.15 States Government Accountability Office. The legislative auditor shall complete the audit
115.16 no later than August 1, 2024, and shall report the results of the audit to the chairs and ranking
115.17 minority members of the legislative committees and divisions with jurisdiction over public
115.18 safety by January 15, 2025.

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

115.20 Sec. 22. **REPEALER.**

115.21 Minnesota Statutes 2020, section 609.5317, is repealed.

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

115.23

ARTICLE 10

115.24

POLICING

115.25 Section 1. Minnesota Statutes 2020, section 13.41, subdivision 3, is amended to read:

115.26 Subd. 3. **Board of Peace Officer Standards and Training.** The following government
115.27 data of the Board of Peace Officer Standards and Training are private data:

115.28 ~~(1) personal phone numbers, and home and e-mail~~ addresses of licensees and applicants
115.29 for licenses; ~~and~~

115.30 ~~(2) data that identify the government entity that employs a licensed peace officer.~~

116.1 The board may disseminate private data on applicants and licensees as is necessary to
116.2 administer law enforcement licensure or to provide data under section 626.845, subdivision
116.3 1, to law enforcement agencies who are conducting employment background investigations.

116.4 Sec. 2. Minnesota Statutes 2020, section 13.411, is amended by adding a subdivision to
116.5 read:

116.6 Subd. 11. **Peace officer database.** Section 626.8457, subdivision 3, governs data sharing
116.7 between law enforcement agencies and the Peace Officer Standards and Training Board for
116.8 purposes of administering the peace officer database required by section 626.845, subdivision
116.9 3.

116.10 Sec. 3. Minnesota Statutes 2020, section 169.57, subdivision 3, is amended to read:

116.11 Subd. 3. **Maintenance.** (a) When a vehicle is equipped with stop lamps ~~or signal lamps,~~
116.12 the lamps must at all times be maintained in good working condition and must be
116.13 self-illuminated when in use at the times when lighted lamps on vehicles are required.

116.14 ~~(b) All mechanical signal devices~~ When a vehicle is equipped with signal lamps, the
116.15 lamps must at all times be maintained in good working condition and must be self-illuminated
116.16 when in use at the times when lighted lamps on vehicles are required.

116.17 Sec. 4. **[169.984] VEHICLE EQUIPMENT SECONDARY OFFENSES.**

116.18 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have
116.19 the meanings given.

116.20 (b) "Dangerous condition" means a situation where an improper or malfunctioning piece
116.21 of motor vehicle equipment creates a substantial, identifiable risk to human life.

116.22 (c) "Mandatory secondary offense" means a violation of section 168.09, subdivision 4
116.23 (plate display); 169.69 (muffler required); 169.693 (exceed motor vehicle noise limits);
116.24 169.71, subdivision 1, paragraph (a), clause (2) (windshield prohibitions); 169.71, subdivision
116.25 4, clauses (1) to (4) (restrictions on mirrored/glazed windows); or 169.79, subdivision 1 or
116.26 8 (vehicle registration/plate display/validation stickers).

116.27 (d) "Presumptive secondary offense" means a violation of section 169.47, subdivision
116.28 1, paragraph (a) (unsafe equipment); 169.49 (headlamps); 169.50, subdivision 1, paragraph
116.29 (b) (rear lamps); 169.50, subdivision 2 (license plate illumination); 169.55, subdivision 1
116.30 (lamps required); 169.57, subdivision 1, paragraph (a), or subdivision 3, paragraph (a) (stop
117.1 lamps/stop lamp maintenance); 169.63, paragraph (a) (use of headlamps); or 169.71,
117.2 subdivision 1, paragraph (a), clause (1) (certain windshield prohibitions).

117.3 Subd. 2. **Secondary offenses.** (a) A peace officer may not stop or detain the operator of
117.4 a motor vehicle for a mandatory secondary offense, and may not issue a citation for a
117.5 mandatory secondary offense, unless:

117.6 (1) the officer stopped or detained the operator of the motor vehicle for an otherwise
117.7 lawful reason; or

117.8 (2) the motor vehicle was unoccupied.

117.9 (b) This subdivision does not apply to vehicles that are required to comply with the
117.10 equipment standards in chapter 221.

117.11 Subd. 3. **Presumptive secondary offenses.** (a) A peace officer may not stop or detain
117.12 the operator of a motor vehicle for a presumptive secondary offense, and may not issue a
117.13 citation for a presumptive secondary offense, unless:

117.14 (1) the officer stopped or detained the operator of the motor vehicle for an otherwise
117.15 lawful reason;

117.16 (2) the motor vehicle was unoccupied; or

117.17 (3) as otherwise provided for in this subdivision.

117.18 (b) A peace officer may stop or detain an operator of a motor vehicle for a presumptive
117.19 secondary offense when the officer has reasonable and articulable suspicion that the operator
117.20 has committed a presumptive secondary offense and any of the following circumstances
117.21 exist:

117.22 (1) the operator is in violation of section 169.47, subdivision 1, paragraph (a) (unsafe
117.23 equipment), in a manner that creates a dangerous condition;

117.24 (2) the operator is in violation of section 169.49 (headlamps); 169.50, subdivision 1,
117.25 paragraph (b) (tail lamps); 169.55, subdivision 1 (lamps required); or 169.63, paragraph (a)
117.26 (use of headlamps), and none of the headlamps are functioning or none of the tail lamps are
117.27 functioning;

117.28 (3) the operator is in violation of section 169.50, subdivision 2 (license plate illumination),
117.29 and the license plate is not legible from a distance of 50 feet to the rear;

117.30 (4) the operator is in violation of section 169.57, subdivision 1, paragraph (a), or
117.31 subdivision 3, paragraph (a) (stop lamps/stop lamp maintenance), and none of the vehicle's
117.32 stop lamps are functioning; or

118.1 (5) the operator is in violation of section 169.71, subdivision 1, paragraph (a), clause
118.2 (1) (certain windshield prohibitions), and the violation creates an imminent threat to human
118.3 life.

118.4 (c) This subdivision does not apply to vehicles that are required to comply with the
118.5 equipment standards in chapter 221.

118.6 Subd. 4. **Warning letter.** If an officer does not have grounds to stop a vehicle or detain
118.7 the operator of a motor vehicle for a mandatory secondary offense or presumptive secondary
118.8 offense and the officer can identify the owner of the vehicle, the officer's agency is
118.9 encouraged to send a letter to the owner of the vehicle identifying the violation and instructing
118.10 the owner to correct the defect or otherwise remedy the violation.

118.11 Sec. 5. Minnesota Statutes 2020, section 214.10, subdivision 11, is amended to read:

118.12 Subd. 11. **Board of Peace Officers Standards and Training; reasonable grounds**
118.13 **determination.** (a) After the investigation is complete, the executive director shall convene
118.14 at least a ~~three member~~ four-member committee of the board to determine if the complaint
118.15 constitutes reasonable grounds to believe that a violation within the board's enforcement
118.16 jurisdiction has occurred. In conformance with section 626.843, subdivision 1b, at least two
118.17 three members of the committee must be voting board members who are peace officers and
118.18 one member of the committee must be a voting board member appointed from the general
118.19 public. No later than 30 days before the committee meets, the executive director shall give
118.20 the licensee who is the subject of the complaint and the complainant written notice of the
118.21 meeting. The executive director shall also give the licensee a copy of the complaint. Before
118.22 making its determination, the committee shall give the complaining party and the licensee
118.23 who is the subject of the complaint a reasonable opportunity to be heard.

118.24 (b) The committee shall, by majority vote, after considering the information supplied
118.25 by the investigating agency and any additional information supplied by the complainant or
118.26 the licensee who is the subject of the complaint, take one of the following actions:

118.27 (1) find that reasonable grounds exist to believe that a violation within the board's
118.28 enforcement jurisdiction has occurred and order that an administrative hearing be held;

118.29 (2) decide that no further action is warranted; or

118.30 (3) continue the matter.

118.31 The executive director shall promptly give notice of the committee's action to the
118.32 complainant and the licensee.

119.1 (c) If the committee determines that a complaint does not relate to matters within its
119.2 enforcement jurisdiction but does relate to matters within another state or local agency's
119.3 enforcement jurisdiction, it shall refer the complaint to the appropriate agency for disposition.

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

119.5 Sec. 6. Minnesota Statutes 2020, section 244.09, subdivision 6, is amended to read:

119.6 Subd. 6. **Clearinghouse and information center.** The commission, in addition to
119.7 establishing Sentencing Guidelines, shall serve as a clearinghouse and information center
119.8 for the collection, preparation, analysis and dissemination of information on state and local
119.9 sentencing and probation practices, and shall conduct ongoing research regarding Sentencing
119.10 Guidelines, use of imprisonment and alternatives to imprisonment, probation terms,
119.11 conditions of probation, probation revocations, plea bargaining, recidivism, and other matters
119.12 relating to the improvement of the criminal justice system. The commission shall from time
119.13 to time make recommendations to the legislature regarding changes in the Criminal Code,
119.14 criminal procedures, and other aspects of sentencing and probation.

119.15 This information shall include information regarding the impact of statutory changes to
119.16 the state's criminal laws related to controlled substances, including those changes enacted
119.17 by the legislature in Laws 2016, chapter 160.

119.18 Sec. 7. Minnesota Statutes 2020, section 626.14, is amended to read:

119.19 **626.14 TIME AND MANNER OF SERVICE; NO-KNOCK SEARCH WARRANTS.**

119.20 Subdivision 1. **Time.** A search warrant may be served only between the hours of 7:00
119.21 a.m. and 8:00 p.m. unless the court determines on the basis of facts stated in the affidavits
119.22 that a nighttime search outside those hours is necessary to prevent the loss, destruction, or
119.23 removal of the objects of the search or to protect the searchers or the public. The search
119.24 warrant shall state that it may be served only between the hours of 7:00 a.m. and 8:00 p.m.
119.25 unless a nighttime search outside those hours is authorized.

119.26 Subd. 2. **Definition.** For the purposes of this section, "no-knock search warrant" means
119.27 a search warrant authorizing peace officers to enter certain premises without first knocking
119.28 and announcing the officer's presence or purpose prior to entering the premises. No-knock
119.29 search warrants may also be referred to as dynamic entry warrants.

119.30 Subd. 3. **Requirements for a no-knock search warrant.** No peace officer shall seek
119.31 a no-knock search warrant unless the warrant application includes at a minimum:

119.32 (1) all documentation and materials the issuing court requires; and

120.1 (2) a sworn affidavit as provided in section 626.08.

120.2 Subd. 4. Warrant application form. (a) A law enforcement agency shall develop a
120.3 warrant application form. A completed warrant application form shall accompany every
120.4 request for a no-knock search warrant.

120.5 (b) The warrant application form must be completed, signed, and dated by the peace
120.6 officer seeking the no-knock search warrant.

120.7 (c) Each warrant application must explain, in detailed terms, the following:

120.8 (1) why peace officers are unable to detain the suspect or search the residence using less
120.9 invasive means or methods;

120.10 (2) what investigative activities have taken place to support issuance of the no-knock
120.11 search warrant, or why no investigative activity is needed; and

120.12 (3) whether the warrant can be effectively executed during daylight hours according to
120.13 subdivision 1.

120.14 (d) The chief law enforcement officer or designee and the supervising officer must
120.15 review each warrant application form. If the chief law enforcement officer or designee or
120.16 commanding officer is unavailable, the direct superior officer shall review the materials.

120.17 (e) The warrant application form shall contain a certification of review section. The form
120.18 shall provide that, by executing the certification, the individual signing the form has reviewed
120.19 its contents and approves the request for a no-knock search warrant. The chief law
120.20 enforcement officer or designee and the commanding officer, or the direct superior officer,
120.21 must each sign, date, and indicate the time of the certification.

120.22 (f) Under no circumstance shall a no-knock search warrant be issued when the only
120.23 crime alleged is drug possession.

120.24 Subd. 5. Reporting requirements regarding no-knock search warrants. (a) Law
120.25 enforcement agencies shall report to the commissioner of public safety regarding the use
120.26 of no-knock search warrants. An agency must report the use of a no-knock search warrant
120.27 to the commissioner no later than three months after the date the warrant was issued. The
120.28 report shall include the following information:

120.29 (1) the number of no-knock search warrants requested;

120.30 (2) the number of no-knock search warrants the court issued;

120.31 (3) the number of no-knock search warrants executed; and

121.1 (4) the number of injuries and fatalities suffered, if any, by peace officers and by civilians
121.2 in the execution of no-knock search warrants.

121.3 (b) The commissioner of public safety shall report the information provided under
121.4 paragraph (a) annually to the chairs and ranking minority members of the legislative
121.5 committees with jurisdiction over public safety.

121.6 Sec. 8. Minnesota Statutes 2020, section 626.5531, subdivision 1, is amended to read:

121.7 Subdivision 1. **Reports required.** A peace officer must report to the head of the officer's
121.8 department every violation of chapter 609 or a local criminal ordinance if the officer has
121.9 reason to believe, or if the victim alleges, that the offender was motivated to commit the
121.10 act ~~by~~ in whole or in part because of the victim's actual or perceived race, color, ethnicity,
121.11 religion, ~~national origin,~~ sex, gender, sexual orientation, gender identity, gender expression,
121.12 age, national origin, or disability as defined in section 363A.03, or ~~characteristics identified~~
121.13 as sexual orientation because of the victim's actual or perceived association with another
121.14 person or group of a certain actual or perceived race, color, ethnicity, religion, sex, gender,
121.15 sexual orientation, gender identity, gender expression, age, national origin, or disability as
121.16 defined in section 363A.03. The superintendent of the Bureau of Criminal Apprehension
121.17 shall adopt a reporting form to be used by law enforcement agencies in making the reports
121.18 required under this section. The reports must include for each incident all of the following:

121.19 (1) the date of the offense;

121.20 (2) the location of the offense;

121.21 (3) whether the target of the incident is a person, private property, or public property;

121.22 (4) the crime committed;

121.23 (5) the type of bias and information about the offender and the victim that is relevant to
121.24 that bias;

121.25 (6) any organized group involved in the incident;

121.26 (7) the disposition of the case;

121.27 (8) whether the determination that the offense was motivated by bias was based on the
121.28 officer's reasonable belief or on the victim's allegation; and

121.29 (9) any additional information the superintendent deems necessary for the acquisition
121.30 of accurate and relevant data.

122.1 Sec. 9. Minnesota Statutes 2020, section 626.842, subdivision 2, is amended to read:

122.2 Subd. 2. **Terms, compensation, removal, filling of vacancies.** The membership terms,
122.3 compensation, removal of members and the filling of vacancies for members appointed
122.4 pursuant to section 626.841, ~~clauses (1), (2), (4), and (5) on the board;~~ the provision of staff,
122.5 administrative services and office space; the review and processing of complaints; the setting
122.6 of fees; and other matters relating to board operations shall be as provided in chapter 214.

122.7 Sec. 10. Minnesota Statutes 2020, section 626.8435, is amended to read:

122.8 ~~626.8435 ENSURING POLICE EXCELLENCE AND IMPROVING COMMUNITY~~
122.9 ~~RELATIONS ADVISORY PEACE OFFICER STANDARDS AND TRAINING~~
122.10 ~~BOARD CITIZEN'S COUNCIL.~~

122.11 Subdivision 1. **Establishment and membership.** The ~~Ensuring Police Excellence and~~
122.12 ~~Improving Community Relations Advisory Peace Officer Standards and Training Board~~
122.13 ~~Citizen's~~ Council is established under the Peace Officer Standards and Training Board. The
122.14 council consists of the following 15 members:

122.15 (1) the superintendent of the Bureau of Criminal Apprehension, or a designee;

122.16 (2) the executive director of the Peace Officer Standards and Training Board, or a
122.17 designee;

122.18 (3) the executive director of the Minnesota Police and Peace Officers Association, or a
122.19 designee;

122.20 (4) the executive director of the Minnesota Sheriffs' Association, or a designee;

122.21 (5) the executive director of the Minnesota Chiefs of Police Association, or a designee;

122.22 (6) six community members, of which:

122.23 (i) four members shall represent the community-specific boards established under ~~section~~
122.24 ~~257.0768~~ sections 15.0145 and 3.922, reflecting one appointment made by each board;

122.25 (ii) one member shall be a mental health advocate and shall be appointed by the Minnesota
122.26 chapter of the National Alliance on Mental Illness; and

122.27 (iii) one member shall be an advocate for victims and shall be appointed by Violence
122.28 Free Minnesota; and

122.29 (7) four members appointed by the legislature, of which one shall be appointed by the
122.30 speaker of the house, one by the house minority leader, one by the senate majority leader,
122.31 and one by the senate minority leader.

123.1 The appointing authorities shall make their appointments by September 15, 2020, and
123.2 shall ensure geographical balance when making appointments.

123.3 Subd. 2. **Purpose and duties.** (a) The purpose of the council is to assist the board in
123.4 maintaining policies and regulating peace officers in a manner that ensures the protection
123.5 of civil and human rights. The council shall provide for citizen involvement in policing
123.6 policies, regulations, and supervision. The council shall advance policies and reforms that
123.7 promote positive interactions between peace officers and the community.

123.8 (b) The board chair must place the council's recommendations to the board on the board's
123.9 agenda within four months of receiving a recommendation from the council.

123.10 Subd. 3. **Organization.** The council shall be organized and administered under section
123.11 15.059, except that the council does not expire. Council members serve at the pleasure of
123.12 the appointing authority. The council shall select a chairperson from among the members
123.13 by majority vote at its first meeting. The executive director of the board shall serve as the
123.14 council's executive secretary.

123.15 Subd. 4. **Meetings.** The council must meet at least quarterly. Meetings of the council
123.16 are governed by chapter 13D. The executive director of the Peace Officer Standards and
123.17 Training Board shall convene the council's first meeting, which must occur by October 15,
123.18 2020.

123.19 Subd. 5. **Office support.** The executive director of the Peace Officer Standards and
123.20 Training Board shall provide the council with the necessary office space, supplies, equipment,
123.21 and clerical support to effectively perform the duties imposed.

123.22 Subd. 6. **Reports.** The council shall submit a report by February 15 of each year to the
123.23 chairs and ranking minority members of the senate and house of representatives committees
123.24 and divisions having jurisdiction over criminal justice policy and the board. At a minimum,
123.25 the report shall include:

123.26 (1) all recommendations presented to the board and how the board acted on those
123.27 recommendations;

123.28 (2) recommendations for statutory reform or legislative initiatives intended to promote
123.29 police-community relations; and

123.30 (3) updates on the council's review and determinations.

124.1 Sec. 11. Minnesota Statutes 2020, section 626.845, subdivision 3, is amended to read:

124.2 Subd. 3. **Peace officer data.** The board, in consultation with the Minnesota Chiefs of
124.3 Police Association, Minnesota Sheriffs' Association, and Minnesota Police and Peace
124.4 Officers Association, shall create a central repository for peace officer data ~~designated as~~
124.5 ~~public data under chapter 13.~~ The database shall be designed to receive, in real time, the
124.6 ~~public data~~ data required to be submitted to the board by law enforcement agencies in section
124.7 626.8457, subdivision 3, paragraph (b). To ensure the anonymity of individuals, the database
124.8 must use encrypted data to track information transmitted on individual peace officers.

124.9 Sec. 12. Minnesota Statutes 2020, section 626.8451, subdivision 1, is amended to read:

124.10 Subdivision 1. **Training course; crimes motivated by bias.** ~~(a) The board must prepare~~
124.11 ~~a list of training course courses to assist peace officers in identifying and~~
124.12 ~~responding to, and reporting crimes motivated by in whole or in part because of the victim's~~
124.13 ~~or another's actual or perceived race, color, ethnicity, religion, national origin, sex, gender,~~
124.14 ~~sexual orientation, gender identity, gender expression, age, national origin, or disability as~~
124.15 ~~defined in section 363A.03, or characteristics identified as sexual orientation because of~~
124.16 ~~the victim's actual or perceived association with another person or group of a certain actual~~
124.17 ~~or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity,~~

124.18 gender expression, age, national origin, or disability as defined in section 363A.03. The
124.19 course must include material to help officers distinguish bias crimes from other crimes, to
124.20 help officers in understanding and assisting victims of these crimes, and to ensure that bias
124.21 crimes will be accurately reported as required under section 626.5531. The course must be
124.22 updated periodically board must review the approved courses every three years and update
124.23 the list of approved courses as the board, in consultation with the commissioner of human
124.24 rights, considers appropriate.

124.25 (b) In updating the list of approved training courses described in paragraph (a), the board
124.26 must consult and secure approval from the commissioner of human rights.

124.27 Sec. 13. Minnesota Statutes 2020, section 626.8457, subdivision 3, is amended to read:

124.28 Subd. 3. **Report on alleged misconduct; database; report.** (a) A chief law enforcement
124.29 officer shall report annually to the board summary data regarding the investigation and
124.30 disposition of cases involving alleged misconduct, indicating the total number of
124.31 investigations, the total number by each subject matter, the number dismissed as unfounded,
124.32 and the number dismissed on grounds that the allegation was unsubstantiated.

125.1 (b) Beginning July 1, 2021, a chief law enforcement officer, in real time, must submit
125.2 individual peace officer data classified as public data on individuals, as defined by section
125.3 13.02, subdivision 15, or private data on individuals, as defined by section 13.02, subdivision
125.4 12, and submitted using encrypted data that the board determines is necessary to:

125.5 (1) evaluate the effectiveness of statutorily required training;

125.6 (2) assist the ~~Ensuring Police Excellence and Improving Community Relations Advisory~~
125.7 Peace Officer Standards and Training Board Citizen's Council in accomplishing the council's
125.8 duties; and

125.9 (3) allow for the board, the ~~Ensuring Police Excellence and Improving Community~~
125.10 Relations Advisory Peace Officer Standards and Training Board Citizen's Council, and the
125.11 board's complaint investigation committee to identify patterns of behavior that suggest an
125.12 officer is in crisis or is likely to violate a board-mandated model policy.

125.13 (c) The reporting obligation in paragraph (b) is ongoing. A chief law enforcement officer
125.14 must update data within 30 days of final disposition of a complaint or investigation.

125.15 (d) Law enforcement agencies and political subdivisions are prohibited from entering
125.16 into a confidentiality agreement that would prevent disclosure of the data identified in
125.17 paragraph (b) to the board. Any such confidentiality agreement is void as to the requirements
125.18 of this section.

125.19 (e) By February 1 of each year, the board shall prepare a report that contains summary
125.20 data provided under paragraph (b). The board must post the report on its publicly accessible
125.21 website and provide a copy to the chairs and ranking minority members of the senate and
125.22 house of representatives committees and divisions having jurisdiction over criminal justice
125.23 policy.

- 125.24 (f) For purposes of identifying potential patterns and trends in police misconduct and
125.25 determining training needs and the purpose of the database outlined in paragraph (b), the
125.26 board shall adopt rules including but not limited to:
- 125.27 (1) creating detailed classifications of peace officer complaints and discipline by conduct
125.28 type and severity for formal signed complaints;
- 125.29 (2) establishing definitions for the following terms, including but not limited to formal
125.30 complaint, discipline action, coaching, and retraining; and
- 125.31 (3) directing annual reporting by each chief law enforcement officer of the number and
125.32 types of complaints:
- 126.1 (i) received by the law enforcement agency, including but not limited to complaints
126.2 involving chief law enforcement officers;
- 126.3 (ii) initiated by action of the agency and resulting in investigation;
- 126.4 (iii) resulting in formal discipline, including but not limited to verbal and written
126.5 reprimand, suspension, or demotion, excluding termination;
- 126.6 (iv) resulting in termination;
- 126.7 (v) that are formal and result in coaching or retraining; and
- 126.8 (vi) for each officer in the agency's employ, and whether the complaint and investigation
126.9 resulted in final discipline.
- 126.10 Sec. 14. Minnesota Statutes 2020, section 626.8459, is amended to read:
- 126.11 **626.8459 POST BOARD; COMPLIANCE REVIEWS REQUIRED.**
- 126.12 Subdivision 1. Annual reviews; scope. (a) Each year, the board shall conduct compliance
126.13 reviews on all state and local law enforcement agencies. The compliance reviews must
126.14 ensure that the agencies are complying with all requirements imposed on them by statute
126.15 and rule. The board shall update its procedures governing compliance reviews to update,
126.16 among other items, its assessment of the following data points, and evaluation of the policies
126.17 and practices that contribute to the following:
- 126.18 (1) the effectiveness of required in-service training and adherence to model policies
126.19 which are to include an assessment and self-response survey where subjects explain the
126.20 state of the following:
- 126.21 (i) the number of use of force incidents per office and officers;
- 126.22 (ii) the rate of arrests and stops involving minorities compared to that of their white
126.23 counterparts within the same jurisdiction, if data is available;
- 126.24 (iii) the number of emergency holds requested by officers; and

- 126.25 (iv) other categorical metrics as deemed necessary by the board;
- 126.26 (2) the agency's investigations of complaints the board refers to the agency pursuant to
126.27 section 214.10, subdivision 10, and how the chief law enforcement officer holds officers
126.28 accountable for violations of statutory requirements imposed on peace officers, applicable
126.29 standards of conduct, board-mandated model policies, and agency-established policies; and
- 126.30 (3) the on and off duty conduct of officers employed by the agency to determine if the
126.31 officers' conduct is adversely affecting public respect and trust of law enforcement.
- 127.1 Subd. 2. **Discovery; subpoenas.** For the purpose of compliance reviews under this
127.2 section, the board or director may exercise the discovery and subpoena authority granted
127.3 to the board under section 214.10, subdivision 3.
- 127.4 Subd. 3. **Reports required.** The board shall include in the reports to the legislature
127.5 required in section 626.843, subdivision 4, detailed information on the compliance reviews
127.6 conducted under this section. At a minimum, the reports must specify each requirement
127.7 imposed by statute and rule on law enforcement agencies, the compliance rate of each
127.8 agency, a summary of the investigation of matters listed in subdivision 1, clause (1), items
127.9 (i) to (iv), and the action taken by the board, if any, against an agency not in compliance.
- 127.10 Subd. 4. **Licensing sanctions authorized.** ~~(b)~~ The board may impose licensing sanctions
127.11 and seek injunctive relief under section 214.11 for an agency's failure to comply with a
127.12 requirement imposed on it in statute or rule.
- 127.13 Sec. 15. Minnesota Statutes 2020, section 626.8469, subdivision 1, is amended to read:
- 127.14 Subdivision 1. **In-service training required.** (a) Beginning July 1, 2018, the chief law
127.15 enforcement officer of every state and local law enforcement agency shall provide in-service
127.16 training in crisis intervention and mental illness crises; conflict management and mediation;
127.17 ~~and~~ recognizing and valuing community diversity and cultural differences to include implicit
127.18 bias training; and training to assist peace officers in identifying, responding to, and reporting
127.19 crimes committed in whole or in part because of the victim's actual or perceived race,
127.20 religion, national origin, sex, age, disability, or characteristics identified as sexual orientation
127.21 to every peace officer and part-time peace officer employed by the agency. The training
127.22 shall comply with learning objectives developed and approved by the board and shall meet
127.23 board requirements for board-approved continuing education credit. Every three years the
127.24 board shall review the learning objectives and must consult and collaborate with the
127.25 commissioner of human rights in identifying appropriate objectives and training courses
127.26 related to identifying, responding to, and reporting crimes committed in whole or in part
127.27 because of the victim's or another's actual or perceived race, color, ethnicity, religion,
127.28 national origin, sex, gender, sexual orientation, gender identity, gender expression, age,
127.29 national origin, or disability as defined in section 363A.03, or characteristics identified as
127.30 sexual orientation because of the victim's actual or perceived association with another person
127.31 or group of a certain actual or perceived race, color, ethnicity, religion, sex, gender, sexual
127.32 orientation, gender identity, gender expression, age, national origin, or disability as defined

- 127.33 in section 363A.03. The training shall consist of at least 16 continuing education credits
127.34 within an officer's three-year licensing cycle. Each peace officer with a license renewal date
128.1 after June 30, 2018, is not required to complete this training until the officer's next full
128.2 three-year licensing cycle.
- 128.3 (b) Beginning July 1, 2021, the training mandated under paragraph (a) must be provided
128.4 by an approved entity. The board shall create a list of approved entities and training courses
128.5 and make the list available to the chief law enforcement officer of every state and local law
128.6 enforcement agency. Each peace officer (1) with a license renewal date before June 30,
128.7 2022, and (2) who received the training mandated under paragraph (a) before July 1, 2021,
128.8 is not required to receive this training by an approved entity until the officer's next full
128.9 three-year licensing cycle.
- 128.10 (c) For every peace officer and part-time peace officer with a license renewal date of
128.11 June 30, 2022, or later, the training mandated under paragraph (a) must:
- 128.12 (1) include a minimum of six hours for crisis intervention and mental illness crisis
128.13 training that meets the standards established in subdivision 1a; and
- 128.14 (2) include a minimum of four hours to ensure safer interactions between peace officers
128.15 and persons with autism in compliance with section 626.8474.
- 128.16 Sec. 16. Minnesota Statutes 2020, section 626.8469, is amended by adding a subdivision
128.17 to read:
- 128.18 Subd. 1b. **Crisis intervention and mental illness crisis training; dementia and**
128.19 **Alzheimer's.** The board, in consultation with stakeholders, including but not limited to the
128.20 Minnesota Crisis Intervention Team and the Alzheimer's Association, shall create a list of
128.21 approved entities and training courses primarily focused on issues associated with persons
128.22 with dementia and Alzheimer's disease. To receive the board's approval, a training course
128.23 must:
- 128.24 (1) have trainers with at least two years of direct care of a person with Alzheimer's
128.25 disease or dementia, crisis intervention training, and mental health experience;
- 128.26 (2) cover techniques for responding to and issues associated with persons with dementia
128.27 and Alzheimer's disease, including at a minimum wandering, driving, abuse, and neglect;
128.28 and
- 128.29 (3) meet the crisis intervention and mental illness crisis training standards established
128.30 in subdivision 1a.
- 129.1 Sec. 17. Minnesota Statutes 2020, section 626.8473, subdivision 3, is amended to read:
- 129.2 Subd. 3. **Written policies and procedures required.** (a) The chief officer of every state
129.3 and local law enforcement agency that uses or proposes to use a portable recording system
129.4 must establish and enforce a written policy governing its use. In developing and adopting
129.5 the policy, the law enforcement agency must provide for public comment and input as

129.6 provided in subdivision 2. Use of a portable recording system without adoption of a written
129.7 policy meeting the requirements of this section is prohibited. The written policy must be
129.8 posted on the agency's website, if the agency has a website.

129.9 (b) At a minimum, the written policy must incorporate the following:

129.10 (1) the requirements of section 13.825 and other data classifications, access procedures,
129.11 retention policies, and data security safeguards that, at a minimum, meet the requirements
129.12 of chapter 13 and other applicable law. The policy must prohibit altering, erasing, or
129.13 destroying any recording made with a peace officer's portable recording system or data and
129.14 metadata related to the recording prior to the expiration of the applicable retention period
129.15 under section 13.825, subdivision 3, except that the full, unedited and unredacted recording
129.16 of a peace officer using deadly force must be maintained indefinitely;

129.17 (2) mandate that a deceased individual's next of kin, legal representative of the next of
129.18 kin, or other parent of the deceased individual's children be entitled to view any and all
129.19 recordings from a peace officer's portable recording system, redacted no more than what is
129.20 required by law, of an officer's use of deadly force no later than 48 hours after an incident
129.21 where deadly force used by a peace officer results in death of an individual, except that a
129.22 chief law enforcement officer may deny a request if investigators can articulate a compelling
129.23 reason as to why allowing the deceased individual's next of kin, legal representative of the
129.24 next of kin, or other parent of the deceased individual's children to review the recordings
129.25 would interfere with the agency conducting a thorough investigation. If the chief law
129.26 enforcement officer denies a request under this provision, the agency's policy must require
129.27 the chief law enforcement officer to issue a prompt, written denial and provide notice to
129.28 the deceased individual's next of kin, legal representative of the next of kin, or other parent
129.29 of the deceased individual's children that they may seek relief from the district court;

129.30 (3) mandate release of all recordings of an incident where a peace officer used deadly
129.31 force and an individual dies to the deceased individual's next of kin, legal representative of
129.32 the next of kin, and other parent of the deceased individual's children no later than 90 days
129.33 after the incident;

129.34 (4) procedures for testing the portable recording system to ensure adequate functioning;

130.1 ~~(5)~~ (5) procedures to address a system malfunction or failure, including requirements
130.2 for documentation by the officer using the system at the time of a malfunction or failure;

130.3 ~~(6)~~ (6) circumstances under which recording is mandatory, prohibited, or at the discretion
130.4 of the officer using the system;

130.5 ~~(7)~~ (7) circumstances under which a data subject must be given notice of a recording;

130.6 ~~(8)~~ (8) circumstances under which a recording may be ended while an investigation,
130.7 response, or incident is ongoing;

130.8 ~~(9)~~ (9) procedures for the secure storage of portable recording system data and the
130.9 creation of backup copies of the data; and

130.10 ~~(8)~~ (10) procedures to ensure compliance and address violations of the policy, which
130.11 must include, at a minimum, supervisory or internal audits and reviews, and the employee
130.12 discipline standards for unauthorized access to data contained in section 13.09.

130.13 Sec. 18. Minnesota Statutes 2020, section 626.8475, is amended to read:

130.14 **626.8475 DUTY TO INTERCEDE AND REPORT.**

130.15 (a) Regardless of tenure or rank, a peace officer must intercede when:

130.16 (1) present and observing another peace officer using force in violation of section 609.066,
130.17 subdivision 2, or otherwise beyond that which is objectively reasonable under the
130.18 circumstances; and

130.19 (2) physically or verbally able to do so.

130.20 (b) A peace officer who observes another employee or peace officer use force that
130.21 exceeds the degree of force permitted by law has the duty to report the incident in writing
130.22 within 24 hours to the chief law enforcement officer of the agency that employs the reporting
130.23 peace officer. A chief law enforcement officer who receives a report under this section must
130.24 report the incident to the board on the form adopted by the board pursuant to paragraph (d).

130.25 (c) A peace officer who breaches a duty established in this subdivision is subject to
130.26 discipline by the board under Minnesota Rules, part 6700.1600.

130.27 (d) The board shall adopt a reporting form to be used by law enforcement agencies in
130.28 making the reports required under this section. The reports must include for each incident
130.29 all of the following:

130.30 (1) the name of the officer accused of using excessive force;

130.31 (2) the date of the incident;

131.1 (3) the location of the incident;

131.2 (4) the name of the person who was subjected to excessive force, if known; and

131.3 (5) a description of the force used in the incident.

131.4 Reports received by the board are licensing data governed by section 13.41.

131.5 (e) A peace officer who breaches a duty established in this section is subject to discipline
131.6 by the board under Minnesota Rules, part 6700.1600.

131.7 Sec. 19. **[626.8476] CONFIDENTIAL INFORMANTS; REQUIRED POLICY AND**
131.8 **TRAINING.**

131.9 Subdivision 1. Definitions. (a) For the purposes of this section, the terms in this
131.10 subdivision have the meanings given them.

1.5 Section 1. **[626.8474] CONFIDENTIAL INFORMANTS; REQUIRED POLICY AND**
1.6 **TRAINING.**

1.7 Subdivision 1. Definitions. (a) For the purposes of this section the terms in this
1.8 subdivision have the meanings given them.

131.11 (b) "Confidential informant" means a person who cooperates with a law enforcement
131.12 agency confidentially in order to protect the person or the agency's intelligence gathering
131.13 or investigative efforts and:

131.14 (1) seeks to avoid arrest or prosecution for a crime, mitigate punishment for a crime in
131.15 which a sentence will be or has been imposed, or receive a monetary or other benefit; and

131.16 (2) is able, by reason of the person's familiarity or close association with suspected
131.17 criminals, to:

131.18 (i) make a controlled buy or controlled sale of contraband, controlled substances, or
131.19 other items that are material to a criminal investigation;

131.20 (ii) supply regular or constant information about suspected or actual criminal activities
131.21 to a law enforcement agency; or

131.22 (iii) otherwise provide information important to ongoing criminal intelligence gathering
131.23 or criminal investigative efforts.

131.24 (c) "Controlled buy" means the purchase of contraband, controlled substances, or other
131.25 items that are material to a criminal investigation from a target offender that is initiated,
131.26 managed, overseen, or participated in by law enforcement personnel with the knowledge
131.27 of a confidential informant.

131.28 (d) "Controlled sale" means the sale of contraband, controlled substances, or other items
131.29 that are material to a criminal investigation to a target offender that is initiated, managed,
131.30 overseen, or participated in by law enforcement personnel with the knowledge of a
131.31 confidential informant.

132.1 (e) "Mental harm" means a psychological injury that is not necessarily permanent but
132.2 results in visibly demonstrable manifestations of a disorder of thought or mood that impairs
132.3 a person's judgment or behavior.

132.4 (f) "Target offender" means the person suspected by law enforcement personnel to be
132.5 implicated in criminal acts by the activities of a confidential informant.

132.6 Subd. 2. **Model policy.** (a) By January 1, 2022, the board shall adopt a model policy
132.7 addressing the use of confidential informants by law enforcement. The model policy must
132.8 establish policies and procedures for the recruitment, control, and use of confidential
132.9 informants. In developing the policy, the board shall consult with representatives of the
132.10 Bureau of Criminal Apprehension, Minnesota Police Chiefs Association, Minnesota Sheriff's
132.11 Association, Minnesota Police and Peace Officers Association, Minnesota County Attorneys
132.12 Association, treatment centers for substance abuse, and mental health organizations. The
132.13 model policy must include, at a minimum, the following:

1.9 (b) "Confidential informant" means a person who cooperates with a law enforcement
1.10 agency confidentially in order to protect the person or the agency's intelligence gathering
1.11 or investigative efforts and:

1.12 (1) seeks to avoid arrest or prosecution for a crime, mitigate punishment for a crime in
1.13 which a sentence will be or has been imposed, or receive a monetary or other benefit; and

1.14 (2) is able, by reason of the person's familiarity or close association with suspected
1.15 criminals, to:

1.16 (i) make a controlled buy or controlled sale of contraband, controlled substances, or
1.17 other items that are material to a criminal investigation;

1.18 (ii) supply regular or constant information about suspected or actual criminal activities
1.19 to a law enforcement agency; or

1.20 (iii) otherwise provide information important to ongoing criminal intelligence gathering
1.21 or criminal investigative efforts.

2.1 (c) "Controlled buy" means the purchase of contraband, controlled substances, or other
2.2 items that are material to a criminal investigation from a target offender that is initiated,
2.3 managed, overseen, or participated in by law enforcement personnel with the knowledge
2.4 of a confidential informant.

2.5 (d) "Controlled sale" means the sale of contraband, controlled substances, or other items
2.6 that are material to a criminal investigation to a target offender that is initiated, managed,
2.7 overseen, or participated in by law enforcement personnel with the knowledge of a
2.8 confidential informant.

2.9 (e) "Mental harm" means a psychological injury that is not necessarily permanent but
2.10 results in visibly demonstrable manifestations of a disorder of thought or mood that impairs
2.11 a person's judgment or behavior.

2.12 (f) "Target offender" means the person suspected by law enforcement personnel to be
2.13 implicated in criminal acts by the activities of a confidential informant.

2.14 Subd. 2. **Model policy.** (a) By January 1, 2022, the board shall adopt a model policy
2.15 addressing the use of confidential informants by law enforcement. The model policy must
2.16 establish policies and procedures for the recruitment, control, and use of confidential
2.17 informants. In developing the policy, the board shall consult with representatives of the
2.18 Bureau of Criminal Apprehension, Minnesota Police Chiefs Association, Minnesota Sheriff's
2.19 Association, Minnesota Police and Peace Officers Association, Minnesota County Attorneys
2.20 Association, treatment centers for substance abuse, and mental health organizations. The
2.21 model policy must include, at a minimum, the following:

132.14 (1) information that the law enforcement agency shall maintain about each confidential
132.15 informant that must include, at a minimum, an emergency contact for the informant in the
132.16 event of the informant's physical or mental harm or death;

132.17 (2) a process to advise a confidential informant of conditions, restrictions, and procedures
132.18 associated with participating in the agency's investigative or intelligence gathering activities;

132.19 (3) procedures for compensation to an informant that is commensurate with the value
132.20 of the services and information provided and based on the level of the targeted offender,
132.21 the amount of any seizure, and the significance of contributions made by the informant;

132.22 (4) designated supervisory or command-level review and oversight in the use of a
132.23 confidential informant;

132.24 (5) consultation with the informant's probation, parole, or supervised release agent, if
132.25 any;

132.26 (6) limits or restrictions on off-duty association or social relationships by law enforcement
132.27 agency personnel with a confidential informant;

132.28 (7) limits or restrictions on the potential exclusion of an informant from engaging in a
132.29 controlled buy or sale of a controlled substance if the informant is known by the law
132.30 enforcement agency to: (i) be receiving in-patient or out-patient treatment administered by
132.31 a licensed service provider for substance abuse; (ii) be participating in a treatment-based
132.32 drug court program; or (iii) have experienced a drug overdose within the past year;

133.1 (8) exclusion of an informant under the age of 18 years from participating in a controlled
133.2 buy or sale of a controlled substance without the written consent of a parent or legal guardian,
133.3 except that the informant may provide confidential information to a law enforcement agency;

133.4 (9) consideration of an informant's diagnosis of mental illness, substance abuse, or
133.5 disability, and history of mental illness, substance abuse, or disability;

133.6 (10) guidelines for the law enforcement agency to consider if the agency decides to
133.7 establish a procedure to request an advocate from the county social services agency for an
133.8 informant if the informant is an addict in recovery or possesses a physical or mental infirmity
133.9 or other physical, mental, or emotional dysfunction that impairs the informant's ability to
133.10 understand instructions and make informed decisions, where the agency determines this
133.11 process does not place the informant in any danger;

133.12 (11) guidelines for the law enforcement agency to use to encourage prospective and
133.13 current confidential informants who are known to be substance abusers or to be at risk for
133.14 substance abuse to seek prevention or treatment services;

133.15 (12) reasonable protective measures for a confidential informant when law enforcement
133.16 knows or should have known of a risk or threat of harm to a person serving as a confidential

2.22 (1) information that the law enforcement agency shall maintain about each confidential
2.23 informant that must include, at a minimum, an emergency contact for the informant in the
2.24 event of the informant's physical or mental harm or death;

2.25 (2) a process to advise a confidential informant of conditions, restrictions, and procedures
2.26 associated with participating in the agency's investigative or intelligence gathering activities;

2.27 (3) procedures for compensation to an informant that is commensurate with the value
2.28 of the services and information provided and based on the level of the targeted offender,
2.29 the amount of any seizure, and the significance of contributions made by the informant;

2.30 (4) designated supervisory or command-level review and oversight in the use of a
2.31 confidential informant;

2.32 (5) consultation with the informant's probation, parole, or supervised release agent, if
2.33 any;

3.1 (6) limits or restrictions on off-duty association or social relationships by law enforcement
3.2 agency personnel with a confidential informant;

3.3 (7) limits or restrictions on the potential exclusion of an informant from engaging in a
3.4 controlled buy or sale of a controlled substance if the informant is known by the law
3.5 enforcement agency to: (i) be receiving in-patient or out-patient treatment administered by
3.6 a licensed service provider for substance abuse, (ii) be participating in a treatment-based
3.7 drug court program, or (iii) have experienced a drug overdose within the past year;

3.8 (8) exclusion of an informant under the age of 18 years from participating in a controlled
3.9 buy or sale of a controlled substance without the written consent of a parent or legal guardian,
3.10 except that the informant may provide confidential information to a law enforcement agency;

3.11 (9) consideration of an informant's diagnosis of mental illness, substance abuse, or
3.12 disability, and history of mental illness, substance abuse, or disability;

3.13 (10) guidelines for the law enforcement agency to consider if the agency decides to
3.14 establish a procedure to request an advocate from the county social services agency for an
3.15 informant if the informant is an addict in recovery or possesses a physical or mental infirmity
3.16 or other physical, mental, or emotional dysfunction that impairs the informant's ability to
3.17 understand instructions and make informed decisions, where the agency determines this
3.18 process does not place the informant in any danger;

3.19 (11) guidelines for the law enforcement agency to use to encourage prospective and
3.20 current confidential informants who are known to be substance abusers or to be at risk for
3.21 substance abuse to seek prevention or treatment services;

3.22 (12) reasonable protective measures for a confidential informant when law enforcement
3.23 knows or should have known of a risk or threat of harm to a person serving as a confidential

133.17 informant and the risk or threat of harm is a result of the informant's service to the law
133.18 enforcement agency;
133.19 (13) guidelines for the training and briefing of a confidential informant;
133.20 (14) reasonable procedures to help protect the identity of a confidential informant during
133.21 the time the person is acting as an informant;
133.22 (15) procedures to deactivate a confidential informant that maintain the safety and
133.23 anonymity of the informant;
133.24 (16) optional procedures that the law enforcement agency may adopt relating to
133.25 deactivated confidential informants to offer and provide assistance to them with physical,
133.26 mental, or emotional health services;
133.27 (17) a process to evaluate and report the criminal history and propensity for violence of
133.28 any target offenders; and
133.29 (18) guidelines for a written agreement between the confidential informant and the law
133.30 enforcement agency that take into consideration, at a minimum, an informant's physical or
133.31 mental infirmity or other physical, mental, or emotional dysfunction that impairs the
133.32 informant's ability to knowingly contract or otherwise protect the informant's self-interest.
134.1 (b) The board shall annually review and, as necessary, revise the model confidential
134.2 informant policy in collaboration with representatives from the organizations listed under
134.3 paragraph (a).
134.4 Subd. 3. **Agency policies required.** (a) The chief law enforcement officer of every state
134.5 and local law enforcement agency must establish and enforce a written policy governing
134.6 the use of confidential informants. The policy must be identical or, at a minimum,
134.7 substantially similar to the new or revised model policy adopted by the board under
134.8 subdivision 2.
134.9 (b) Every state and local law enforcement agency must certify annually to the board that
134.10 it has adopted a written policy in compliance with the board's model confidential informant
134.11 policy.
134.12 (c) The board shall assist the chief law enforcement officer of each state and local law
134.13 enforcement agency in developing and implementing confidential informant policies under
134.14 this subdivision.
134.15 Subd. 4. **Required in-service training.** The chief law enforcement officer of every state
134.16 and local law enforcement agency shall provide in-service training in the recruitment,
134.17 control, and use of confidential informants to every peace officer and part-time peace officer
134.18 employed by the agency who the chief law enforcement officer determines is involved in
134.19 working with confidential informants given the officer's responsibilities. The training shall

3.24 informant and the risk or threat of harm is a result of the informant's service to the law
3.25 enforcement agency;
3.26 (13) guidelines for the training and briefing of a confidential informant;
3.27 (14) reasonable procedures to help protect the identity of a confidential informant during
3.28 the time the person is acting as an informant;
3.29 (15) procedures to deactivate a confidential informant that maintain the safety and
3.30 anonymity of the informant;
3.31 (16) optional procedures that the law enforcement agency may adopt relating to
3.32 deactivated confidential informants to offer and provide assistance to them with physical,
3.33 mental, or emotional health services;
4.1 (17) a process to evaluate and report the criminal history and propensity for violence of
4.2 any target offenders; and
4.3 (18) guidelines for a written agreement between the confidential informant and the law
4.4 enforcement agency that take into consideration, at a minimum, an informant's physical or
4.5 mental infirmity or other physical, mental, or emotional dysfunction that impairs the
4.6 informant's ability to knowingly contract or otherwise protect the informant's self-interest.
4.7 (b) The board shall annually review and, as necessary, revise the model confidential
4.8 informant policy in collaboration with representatives from the organizations listed under
4.9 paragraph (a).
4.10 Subd. 3. **Agency policies required.** (a) The chief law enforcement officer of every state
4.11 and local law enforcement agency must establish and enforce a written policy governing
4.12 the use of confidential informants. The policy must be identical or, at a minimum,
4.13 substantially similar to the new or revised model policy adopted by the board under
4.14 subdivision 2.
4.15 (b) Every state and local law enforcement agency must certify annually to the board that
4.16 it has adopted a written policy in compliance with the board's model confidential informant
4.17 policy.
4.18 (c) The board shall assist the chief law enforcement officer of each state and local law
4.19 enforcement agency in developing and implementing confidential informant policies under
4.20 this subdivision.
4.21 Subd. 4. **Required in-service training.** The chief law enforcement officer of every state
4.22 and local law enforcement agency shall provide in-service training in the recruitment,
4.23 control, and use of confidential informants to every peace officer and part-time peace officer
4.24 employed by the agency who the chief law enforcement officer determines is involved in
4.25 working with confidential informants given the officer's responsibilities. The training shall

134.20 comply with learning objectives based on the policies and procedures of the model policy
134.21 developed and approved by the board.

134.22 Subd. 5. **Compliance reviews.** The board has the authority to inspect state and local
134.23 agency policies to ensure compliance with this section. The board may conduct the inspection
134.24 based upon a complaint it receives about a particular agency or through a random selection
134.25 process.

134.26 Subd. 6. **Licensing sanctions; injunctive relief.** The board may impose licensing
134.27 sanctions and seek injunctive relief under section 214.11 for failure to comply with the
134.28 requirements of this section.

134.29 Subd. 7. **Title.** This section shall be known as "Matthew's Law."

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

135.1 Sec. 20. **[626.8477] INVESTIGATING HUMAN TRAFFICKING CASES; POLICIES**
135.2 **REQUIRED.**

135.3 Subdivision 1. **Model policy required.** By December 15, 2021, the board, in consultation
135.4 with the statewide human trafficking investigation coordinator defined in section 299A.873,
135.5 as well as other interested parties including the Bureau of Criminal Apprehension, the
135.6 Human Trafficking Investigators Task Force, representatives of other sex trafficking task
135.7 forces, prosecutors, and Minnesota victim advocacy groups, must develop and distribute to
135.8 all chief law enforcement officers a comprehensive model policy for law enforcement
135.9 investigations of human trafficking cases, including sex trafficking and labor trafficking,
135.10 that are victim-centered and takes into account best practices, including the Safe Harbor
135.11 Protocol Guidelines developed pursuant to legislative appropriation, and ensures a thorough
135.12 investigation of these cases and that victims are treated respectfully.

135.13 Subd. 2. **Agency policies required.** (a) By March 15, 2022, the chief law enforcement
135.14 officer of every state and local law enforcement agency must establish and enforce a written
135.15 policy governing the investigation of human trafficking cases within the agency that is
135.16 identical or substantially similar to the board's model policy described in subdivision 1. The
135.17 chief law enforcement officer must ensure that each peace officer investigating a human
135.18 trafficking case follows the agency's policy.

135.19 (b) Every state and local law enforcement agency must certify to the board that it has
135.20 adopted a written policy in compliance with this subdivision.

135.21 (c) The board must assist the chief law enforcement officer of each state and local law
135.22 enforcement agency in developing and implementing policies under this subdivision.

135.23 Sec. 21. **[626.8478] PUBLIC ASSEMBLY RESPONSE; POLICIES REQUIRED.**

135.24 Subdivision 1. **Model policy required.** By December 15, 2021, the board must develop
135.25 a comprehensive model policy on responding to public assemblies. The policy must be
135.26 based on best practices in public assembly response drawn from both domestic and

4.26 comply with learning objectives based on the policies and procedures of the model policy
4.27 developed and approved by the board.

4.28 Subd. 5. **Compliance reviews.** The board has the authority to inspect state and local
4.29 agency policies to ensure compliance with this section. The board may conduct the inspection
4.30 based upon a complaint it receives about a particular agency or through a random selection
4.31 process.

5.1 Subd. 6. **Licensing sanctions; injunctive relief.** The board may impose licensing
5.2 sanctions and seek injunctive relief under section 214.11 for failure to comply with the
5.3 requirements of this section.

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

135.27 international sources. In developing the policy, the board must consult with representatives
135.28 of the Bureau of Criminal Apprehension, Minnesota Police Chiefs Association, Minnesota
135.29 Sheriffs' Association, Minnesota Police and Peace Officers Association, Minnesota County
135.30 Attorneys Association, a nonprofit that organizes public assemblies, a nonprofit that provides
135.31 legal services to defend the rights of those who participate in public assemblies, and other
135.32 interested parties. The board must distribute the model policy to all chief law enforcement
135.33 officers.

136.1 Subd. 2. **Agency policies required.** (a) By March 15, 2022, each chief law enforcement
136.2 officer must establish and implement a written policy on public assembly response that is
136.3 identical or substantially similar to the board's model policy described in subdivision 1. The
136.4 policy shall include specific actions to be taken during a public assembly response.

136.5 (b) The board must assist the chief law enforcement officer of each state and local law
136.6 enforcement agency in developing and implementing policies under this subdivision.

136.7 Subd. 3. **Available resources.** If an agency, board, or local representative reviews or
136.8 updates its policies on public assembly response, it may consider the advice and counsel of
136.9 nonprofits that organize public assemblies.

136.10 Subd. 4. **Compliance reviews authorized.** The board has authority to inspect state and
136.11 local law enforcement agency policies to ensure compliance with subdivision 2. The board
136.12 may conduct this inspection based upon a complaint it receives about a particular agency
136.13 or through a random selection process. The board must conduct a compliance review after
136.14 any major public safety event. The board may impose licensing sanctions and seek injunctive
136.15 relief under section 214.11 for an agency's failure to comply with subdivision 2.

136.16 Sec. 22. Minnesota Statutes 2020, section 626.89, subdivision 2, is amended to read:

136.17 Subd. 2. **Applicability.** The procedures and provisions of this section apply to law
136.18 enforcement agencies and government units. The procedures and provisions of this section
136.19 do not apply to:

136.20 (1) investigations by civilian review boards, commissions, or other oversight bodies; or

136.21 (2) investigations of criminal charges against an officer.

136.22 Sec. 23. Minnesota Statutes 2020, section 626.89, subdivision 17, is amended to read:

136.23 Subd. 17. **Civilian review.** (a) As used in this subdivision, the following terms have the
136.24 meanings given them:

136.25 (1) "civilian oversight council" means a civilian review board, commission, or other
136.26 oversight body established by a local unit of government to provide civilian oversight of a
136.27 law enforcement agency and officers employed by the agency; and

136.28 (2) "misconduct" means a violation of law, standards promulgated by the Peace Officer
136.29 Standards and Training Board, or agency policy.

136.30 (b) ~~A local unit of government may establish a civilian review board, commission, or~~
136.31 ~~other oversight body shall not have council and grant the council the authority to make a~~
137.1 ~~finding of fact or determination regarding a complaint against an officer or impose discipline~~
137.2 ~~on an officer. A civilian review board, commission, or other oversight body may make a~~
137.3 ~~recommendation regarding the merits of a complaint, however, the recommendation shall~~
137.4 ~~be advisory only and shall not be binding on nor limit the authority of the chief law~~
137.5 ~~enforcement officer of any unit of government.~~

137.6 (c) At the conclusion of any criminal investigation or prosecution, if any, a civilian
137.7 oversight council may conduct an investigation into allegations of peace officer misconduct
137.8 and retain an investigator to facilitate an investigation. Subject to other applicable law, a
137.9 council may subpoena or compel testimony and documents in an investigation. Upon
137.10 completion of an investigation, a council may make a finding of misconduct and recommend
137.11 appropriate discipline against peace officers employed by the agency. If the governing body
137.12 grants a council the authority, the council may impose discipline on peace officers employed
137.13 by the agency. A council shall submit investigation reports that contain findings of peace
137.14 officer misconduct to the chief law enforcement officer and the Peace Officer Standards
137.15 and Training Board's complaint committee. A council may also make policy
137.16 recommendations to the chief law enforcement officer and the Peace Officer Standards and
137.17 Training Board.

137.18 (d) The chief law enforcement officer of a law enforcement agency under the jurisdiction
137.19 of a civilian oversight council shall cooperate with the council and facilitate the council's
137.20 achievement of its goals. However, the officer is under no obligation to agree with individual
137.21 recommendations of the council and may oppose a recommendation. If the officer fails to
137.22 implement a recommendation that is within the officer's authority, the officer shall inform
137.23 the council of the failure along with the officer's underlying reasons.

137.24 (e) Peace officer discipline decisions imposed pursuant to the authority granted under
137.25 this subdivision shall be subject to the applicable grievance procedure established or agreed
137.26 to under chapter 179A.

137.27 (f) Data collected, created, received, maintained, or disseminated by a civilian oversight
137.28 council related to an investigation of a peace officer are personnel data as defined by section
137.29 13.43, subdivision 1, and are governed by that section.

137.30 Sec. 24. Minnesota Statutes 2020, section 626.93, is amended by adding a subdivision to
137.31 read:

137.32 Subd. 8. **Exception; Leech Lake Band of Ojibwe.** Notwithstanding any contrary
137.33 provision in subdivision 3 or 4, the Leech Lake Band of Ojibwe has concurrent jurisdictional
137.34 authority under this section with the local county sheriff within the geographical boundaries
138.1 of the band's reservation to enforce state criminal law if the requirements of subdivision 2

- 138.2 are met, regardless of whether a cooperative agreement pursuant to subdivision 4 is entered
138.3 into.
- 138.4 Sec. 25. Laws 2020, Fifth Special Session chapter 3, article 9, section 6, is amended to
138.5 read:
- 138.6 Sec. 6. ~~STATE PATROL TROOPER LAW ENFORCEMENT SALARY INCREASE~~
138.7 ~~INCREASES.~~
- 138.8 Notwithstanding any law to the contrary, salary increases shall apply to the following
138.9 employees whose exclusive representative is the Minnesota Law Enforcement Association:
- 138.10 (1) the commissioner of public safety must increase the salary paid to state patrol troopers,
138.11 Bureau of Criminal Apprehension agents, and special agents in the gambling enforcement
138.12 division by 8.4 percent;
- 138.13 (2) the commissioner of natural resources must increase the salary paid to conservation
138.14 officers by 8.4 percent;
- 138.15 (3) the commissioner of corrections must increase the salary paid to fugitive specialists
138.16 by 8.4 percent; and
- 138.17 (4) the commissioner of commerce must increase the salary paid to commerce insurance
138.18 fraud specialists by 8.4 percent.
- 138.19 **EFFECTIVE DATE.** This section is effective retroactively from October 22, 2020.
- 138.20 Sec. 26. **RULEMAKING AUTHORITY.**
- 138.21 The executive director of the Peace Officer Standards and Training Board may adopt
138.22 rules to carry out the purposes of section 5.
- 138.23 **EFFECTIVE DATE.** This section is effective the day following final enactment.
- 138.24 Sec. 27. **GRANT PROGRAM FOR PUBLIC SAFETY POLICY AND TRAINING**
138.25 **CONSULTANT COSTS.**
- 138.26 (a) The executive director of the Peace Officer Standards and Training Board shall issue
138.27 grants to law enforcement agencies to provide reimbursement for the expense of retaining
138.28 a board-approved public safety policy and training consultant.
- 139.1 (b) The Peace Officer Training and Standards Board shall identify a qualified public
139.2 safety policy and training consultant whose expenses would be eligible for reimbursement
139.3 under this section. At a minimum, the board must select a consultant who meets the following
139.4 criteria:
- 139.5 (1) at least 15 years of experience developing and implementing law enforcement policy
139.6 and developing and leading law enforcement training;

139.7 (2) proven experience in developing both local and statewide law enforcement policies
139.8 that incorporate current statutory and judicial standards, academic research, and best practices
139.9 in policing;

139.10 (3) proven experience in successfully assisting law enforcement agencies to implement
139.11 policing reforms; and

139.12 (4) proven experience in providing measurable value-added to clients for a competitive
139.13 fee.

139.14 (c) The executive director shall give priority to agencies that do not have a contract with
139.15 the consultant selected by the board under paragraph (b). If there are insufficient funds to
139.16 fully reimburse each eligible grant applicant, the executive director shall provide a pro rata
139.17 share of funds appropriated for this purpose to each eligible law enforcement agency based
139.18 on the number of peace officers employed by the agency.

139.19 **Sec. 28. PEACE OFFICER STANDARDS OF CONDUCT; WHITE SUPREMACIST**
139.20 **AFFILIATION AND SUPPORT PROHIBITED.**

139.21 (a) The Peace Officer Standards and Training Board must revise the peace officer
139.22 standards of conduct that the board is mandated to publish and update under Minnesota
139.23 Statutes, section 626.843, subdivision 1, clause (6), to prohibit peace officers from affiliating
139.24 with, supporting, or advocating for white supremacist groups, causes, or ideologies or
139.25 participation in, or active promotion of, an international or domestic extremist group that
139.26 the Federal Bureau of Investigation has determined supports or encourages illegal, violent
139.27 conduct.

139.28 (b) For purposes of this section, white supremacist groups, causes, or ideologies include
139.29 organizations and associations and ideologies that: promote white supremacy and the idea
139.30 that white people are superior to Black, Indigenous, and people of color (BIPOC), promote
139.31 religious and racial bigotry, or seek to exacerbate racial and ethnic tensions between BIPOC
139.32 and non-BIPOC or engage in patently hateful and inflammatory speech, intimidation, and
139.33 violence against BIPOC as means of promoting white supremacy.

140.1

ARTICLE 11

140.2

CORRECTIONS AND COMMUNITY SUPERVISION

140.3 Section 1. Minnesota Statutes 2020, section 152.32, is amended by adding a subdivision
140.4 to read:

140.5 Subd. 4. **Probation; supervised release.** (a) A court shall not prohibit a person from
140.6 participating in the registry program under sections 152.22 to 152.37 as a condition of
140.7 probation, parole, pretrial conditional release, or supervised release or revoke a patient's
140.8 probation, parole, pretrial conditional release, or supervised release or otherwise sanction
140.9 a patient on probation, parole, pretrial conditional release, or supervised release, nor weigh
140.10 participation in the registry program, or positive drug test for cannabis components or
140.11 metabolites by registry participants, or both, as a factor when considering penalties for
140.12 violations of probation, parole, pretrial conditional release, or supervised release.

140.13 (b) The commissioner of corrections, probation agent, or parole officer shall not prohibit
140.14 a person from participating in the registry program under sections 152.22 to 152.37 as a
140.15 condition of parole, supervised release, or conditional release or revoke a patient's parole,
140.16 supervised release, or conditional release or otherwise sanction a patient on parole, supervised
140.17 release, or conditional release solely for participating in the registry program or for a positive
140.18 drug test for cannabis components or metabolites.

140.19 Sec. 2. Minnesota Statutes 2020, section 171.06, subdivision 3, is amended to read:

140.20 Subd. 3. **Contents of application; other information.** (a) An application must:

140.21 (1) state the full name, date of birth, sex, and either (i) the residence address of the
140.22 applicant, or (ii) designated address under section 5B.05;

140.23 (2) as may be required by the commissioner, contain a description of the applicant and
140.24 any other facts pertaining to the applicant, the applicant's driving privileges, and the
140.25 applicant's ability to operate a motor vehicle with safety;

140.26 (3) state:

140.27 (i) the applicant's Social Security number; or

140.28 (ii) if the applicant does not have a Social Security number and is applying for a
140.29 Minnesota identification card, instruction permit, or class D provisional or driver's license,
140.30 that the applicant certifies that the applicant is not eligible for a Social Security number;

140.31 (4) contain a notification to the applicant of the availability of a living will/health care
140.32 directive designation on the license under section 171.07, subdivision 7; and

141.1 (5) include a method for the applicant to:

141.2 (i) request a veteran designation on the license under section 171.07, subdivision 15,
141.3 and the driving record under section 171.12, subdivision 5a;

- 141.4 (ii) indicate a desire to make an anatomical gift under paragraph (d);
- 141.5 (iii) as applicable, designate document retention as provided under section 171.12,
141.6 subdivision 3c; and
- 141.7 (iv) indicate emergency contacts as provided under section 171.12, subdivision 5b.
- 141.8 (b) Applications must be accompanied by satisfactory evidence demonstrating:
- 141.9 (1) identity, date of birth, and any legal name change if applicable; and
- 141.10 (2) for driver's licenses and Minnesota identification cards that meet all requirements of
141.11 the REAL ID Act:
- 141.12 (i) principal residence address in Minnesota, including application for a change of address,
141.13 unless the applicant provides a designated address under section 5B.05;
- 141.14 (ii) Social Security number, or related documentation as applicable; and
- 141.15 (iii) lawful status, as defined in Code of Federal Regulations, title 6, section 37.3.
- 141.16 (c) An application for an enhanced driver's license or enhanced identification card must
141.17 be accompanied by:
- 141.18 (1) satisfactory evidence demonstrating the applicant's full legal name and United States
141.19 citizenship; and
- 141.20 (2) a photographic identity document.
- 141.21 (d) A valid Department of Corrections or Federal Bureau of Prisons identification card,
141.22 containing the applicant's full name, date of birth, and photograph issued to the applicant
141.23 is an acceptable form of proof of identity in an application for an identification card,
141.24 instruction permit, or driver's license as a secondary document for purposes of Minnesota
141.25 Rules, part 7410.0400, and successor rules.
- 141.26 Sec. 3. Minnesota Statutes 2020, section 241.01, subdivision 3a, is amended to read:
- 141.27 Subd. 3a. **Commissioner, powers and duties.** The commissioner of corrections has the
141.28 following powers and duties:
- 141.29 (a) To accept persons committed to the commissioner by the courts of this state for care,
141.30 custody, and rehabilitation.
- 142.1 (b) To determine the place of confinement of committed persons in a correctional facility
142.2 or other facility of the Department of Corrections and to prescribe reasonable conditions
142.3 and rules for their employment, conduct, instruction, and discipline within or outside the
142.4 facility. After July 1, 2021, the commissioner shall not allow inmates to be housed in facilities
142.5 that are not owned and operated by the state, a local unit of government, or a group of local
142.6 units of government. Inmates shall not exercise custodial functions or have authority over
142.7 other inmates.

- 142.8 (c) To administer the money and property of the department.
- 142.9 (d) To administer, maintain, and inspect all state correctional facilities.
- 142.10 (e) To transfer authorized positions and personnel between state correctional facilities
142.11 as necessary to properly staff facilities and programs.
- 142.12 (f) To utilize state correctional facilities in the manner deemed to be most efficient and
142.13 beneficial to accomplish the purposes of this section, but not to close the Minnesota
142.14 Correctional Facility-Stillwater or the Minnesota Correctional Facility-St. Cloud without
142.15 legislative approval. The commissioner may place juveniles and adults at the same state
142.16 minimum security correctional facilities, if there is total separation of and no regular contact
142.17 between juveniles and adults, except contact incidental to admission, classification, and
142.18 mental and physical health care.
- 142.19 (g) To organize the department and employ personnel the commissioner deems necessary
142.20 to discharge the functions of the department, including a chief executive officer for each
142.21 facility under the commissioner's control who shall serve in the unclassified civil service
142.22 and may, under the provisions of section 43A.33, be removed only for cause.
- 142.23 (h) To define the duties of these employees and to delegate to them any of the
142.24 commissioner's powers, duties and responsibilities, subject to the commissioner's control
142.25 and the conditions the commissioner prescribes.
- 142.26 (i) To annually develop a comprehensive set of goals and objectives designed to clearly
142.27 establish the priorities of the Department of Corrections. This report shall be submitted to
142.28 the governor commencing January 1, 1976. The commissioner may establish ad hoc advisory
142.29 committees.
- 142.30 **EFFECTIVE DATE.** This section is effective the day following final enactment.
- 143.1 Sec. 4. Minnesota Statutes 2020, section 241.016, is amended to read:
- 143.2 **241.016 ANNUAL PERFORMANCE REPORT REQUIRED.**
- 143.3 Subdivision 1. **Biennial Annual report.** (a) The Department of Corrections shall submit
143.4 a performance report to the chairs and ranking minority members of the senate and house
143.5 of representatives committees and divisions having jurisdiction over criminal justice funding
143.6 by January 15 of each ~~odd-numbered~~ year. The issuance and content of the report must
143.7 include the following:
- 143.8 (1) department strategic mission, goals, and objectives;
- 143.9 (2) the department-wide per diem, adult facility-specific per diems, and an average per
143.10 diem, reported in a standard calculated method as outlined in the departmental policies and
143.11 procedures;

143.12 (3) department annual statistics as outlined in the departmental policies and procedures;
143.13 ~~and~~

143.14 (4) information about prison-based mental health programs, including, but not limited
143.15 to, the availability of these programs, participation rates, and completion rates; and

143.16 (5) beginning in 2023, a written aggregate of the state correctional facilities security
143.17 audit group's recommendations based on each security audit and assessment of a state
143.18 correctional facility and the commissioner's responses to the recommendations.

143.19 (b) The department shall maintain recidivism rates for adult facilities on an annual basis.
143.20 In addition, each year the department shall, on an alternating basis, complete a recidivism
143.21 analysis of adult facilities, juvenile services, and the community services divisions and
143.22 include a three-year recidivism analysis in the report described in paragraph (a). The
143.23 recidivism analysis must: (1) assess education programs, vocational programs, treatment
143.24 programs, including mental health programs, industry, and employment; and (2) assess
143.25 statewide re-entry policies and funding, including postrelease treatment, education, training,
143.26 and supervision. In addition, when reporting recidivism for the department's adult and
143.27 juvenile facilities, the department shall report on the extent to which offenders it has assessed
143.28 as chemically dependent commit new offenses, with separate recidivism rates reported for
143.29 persons completing and not completing the department's treatment programs.

143.30 (c) The department shall maintain annual statistics related to the supervision of extended
143.31 jurisdiction juveniles and include those statistics in the report described in paragraph (a).
143.32 The statistics must include:

144.1 (1) the total number and population demographics of individuals under supervision in
144.2 adult facilities, juvenile facilities, and the community who were convicted as an extended
144.3 jurisdiction juvenile;

144.4 (2) the number of individuals convicted as an extended jurisdiction juvenile who
144.5 successfully completed probation in the previous year;

144.6 (3) the number of individuals identified in clause (2) for whom the court terminated
144.7 jurisdiction before the person became 21 years of age pursuant to section 260B.193,
144.8 subdivision 5;

144.9 (4) the number of individuals convicted as an extended jurisdiction juvenile whose
144.10 sentences were executed; and

144.11 (5) the average length of time individuals convicted as an extended jurisdiction juvenile
144.12 spend on probation.

144.13 Sec. 5. Minnesota Statutes 2020, section 241.021, subdivision 1, is amended to read:

144.14 Subdivision 1. **Correctional facilities; inspection; licensing.** (a) Except as provided
144.15 in paragraph (b), the commissioner of corrections shall inspect and license all correctional
144.16 facilities throughout the state, whether public or private, established and operated for the

144.17 detention and confinement of persons ~~detained or~~ confined or incarcerated therein according
144.18 to law except to the extent that they are inspected or licensed by other state regulating
144.19 agencies. The commissioner shall promulgate pursuant to chapter 14, rules establishing
144.20 minimum standards for these facilities with respect to their management, operation, physical
144.21 condition, and the security, safety, health, treatment, and discipline of persons ~~detained or~~
144.22 confined or incarcerated therein. ~~Commencing September 1, 1980, These minimum standards~~
144.23 shall include but are not limited to specific guidance pertaining to:

144.24 (1) screening, appraisal, assessment, and treatment for persons confined or incarcerated
144.25 in correctional facilities with mental illness or substance use disorders;

144.26 (2) a policy on the involuntary administration of medications;

144.27 (3) suicide prevention plans and training;

144.28 (4) verification of medications in a timely manner;

144.29 (5) well-being checks;

144.30 (6) discharge planning, including providing prescribed medications to persons confined
144.31 or incarcerated in correctional facilities upon release;

145.1 (7) a policy on referrals or transfers to medical or mental health care in a noncorrectional
145.2 institution;

145.3 (8) use of segregation and mental health checks;

145.4 (9) critical incident debriefings;

145.5 (10) clinical management of substance use disorders;

145.6 (11) a policy regarding identification of persons with special needs confined or
145.7 incarcerated in correctional facilities;

145.8 (12) a policy regarding the use of telehealth;

145.9 (13) self-auditing of compliance with minimum standards;

145.10 (14) information sharing with medical personnel and when medical assessment must be
145.11 facilitated;

145.12 (15) a code of conduct policy for facility staff and annual training;

145.13 (16) a policy on death review of all circumstances surrounding the death of an individual
145.14 committed to the custody of the facility; and

145.15 (17) dissemination of a rights statement made available to persons confined or
145.16 incarcerated in licensed correctional facilities.

145.17 No individual, corporation, partnership, voluntary association, or other private
145.18 organization legally responsible for the operation of a correctional facility may operate the

145.19 facility unless ~~licensed by~~ it possesses a current license from the commissioner of corrections.
145.20 Private adult correctional facilities shall have the authority of section 624.714, subdivision
145.21 13, if the Department of Corrections licenses the facility with ~~such~~ the authority and the
145.22 facility meets requirements of section 243.52.

145.23 The commissioner shall review the correctional facilities described in this subdivision
145.24 at least once every ~~biennium~~ two years, except as otherwise provided ~~herein~~, to determine
145.25 compliance with the minimum standards established ~~pursuant~~ according to this subdivision
145.26 or other law related to minimum standards and conditions of confinement.

145.27 The commissioner shall grant a license to any facility found to conform to minimum
145.28 standards or to any facility which, in the commissioner's judgment, is making satisfactory
145.29 progress toward substantial conformity and the standards not being met do not impact the
145.30 interests and well-being of the persons ~~detained or confined therein~~ or incarcerated in the
145.31 facility ~~are protected~~. A limited license under subdivision 1a may be issued for purposes of
145.32 effectuating a facility closure. The commissioner may grant licensure up to two years. Unless
146.1 otherwise specified by statute, all licenses issued under this chapter expire at 12:01 a.m. on
146.2 the day after the expiration date stated on the license.

146.3 The commissioner shall have access to the buildings, grounds, books, records, staff, and
146.4 to persons ~~detained or confined or incarcerated~~ in these facilities. The commissioner may
146.5 require the officers in charge of these facilities to furnish all information and statistics the
146.6 commissioner deems necessary, at a time and place designated by the commissioner.

146.7 All facility administrators of correctional facilities defined under subdivision 1g are
146.8 required to report all deaths of individuals who died while committed to the custody of the
146.9 facility, regardless of whether the death occurred at the facility or after removal from the
146.10 facility for medical care stemming from an incident or need for medical care at the
146.11 correctional facility, as soon as practicable, but no later than 24 hours of receiving knowledge
146.12 of the death, including any demographic information as required by the commissioner.

146.13 All facility administrators of correctional facilities defined under subdivision 1g are
146.14 required to report all other emergency or unusual occurrences as defined by rule, including
146.15 uses of force by facility staff that result in substantial bodily harm or suicide attempts, to
146.16 the commissioner of corrections within ten days from the occurrence, including any
146.17 demographic information as required by the commissioner. The commissioner of corrections
146.18 shall consult with the Minnesota Sheriffs' Association and a representative from the
146.19 Minnesota Association of Community Corrections Act Counties who is responsible for the
146.20 operations of an adult correctional facility to define "use of force" that results in substantial
146.21 bodily harm for reporting purposes.

146.22 The commissioner may require that any or all such information be provided through the
146.23 Department of Corrections detention information system. The commissioner shall post each
146.24 inspection report publicly and on the department's website within 30 days of completing
146.25 the inspection. The education program offered in a correctional facility for the ~~detention or~~

146.26 confinement or incarceration of juvenile offenders must be approved by the commissioner
146.27 of education before the commissioner of corrections may grant a license to the facility.

146.28 (b) For juvenile facilities licensed by the commissioner of human services, the
146.29 commissioner may inspect and certify programs based on certification standards set forth
146.30 in Minnesota Rules. For the purpose of this paragraph, "certification" has the meaning given
146.31 it in section 245A.02.

146.32 (c) Any state agency which regulates, inspects, or licenses certain aspects of correctional
146.33 facilities shall, insofar as is possible, ensure that the minimum standards it requires are
146.34 substantially the same as those required by other state agencies which regulate, inspect, or
147.1 license the same aspects of similar types of correctional facilities, although at different
147.2 correctional facilities.

147.3 (d) Nothing in this section shall be construed to limit the commissioner of corrections'
147.4 authority to promulgate rules establishing standards of eligibility for counties to receive
147.5 funds under sections 401.01 to 401.16, or to require counties to comply with operating
147.6 standards the commissioner establishes as a condition precedent for counties to receive that
147.7 funding.

147.8 (e) The department's inspection unit must report directly to a division head outside of
147.9 the correctional institutions division.

147.10 ~~(e) When the commissioner finds that any facility described in paragraph (a), except~~
147.11 ~~foster care facilities for delinquent children and youth as provided in subdivision 2, does~~
147.12 ~~not substantially conform to the minimum standards established by the commissioner and~~
147.13 ~~is not making satisfactory progress toward substantial conformance, the commissioner shall~~
147.14 ~~promptly notify the chief executive officer and the governing board of the facility of the~~
147.15 ~~deficiencies and order that they be remedied within a reasonable period of time. The~~
147.16 ~~commissioner may by written order restrict the use of any facility which does not substantially~~
147.17 ~~conform to minimum standards to prohibit the detention of any person therein for more than~~
147.18 ~~72 hours at one time. When, after due notice and hearing, the commissioner finds that any~~
147.19 ~~facility described in this subdivision, except county jails and lockups as provided in sections~~
147.20 ~~641.26, 642.10, and 642.11, does not conform to minimum standards, or is not making~~
147.21 ~~satisfactory progress toward substantial compliance therewith, the commissioner may issue~~
147.22 ~~an order revoking the license of that facility. After revocation of its license, that facility~~
147.23 ~~shall not be used until its license is renewed. When the commissioner is satisfied that~~
147.24 ~~satisfactory progress towards substantial compliance with minimum standard is being made,~~
147.25 ~~the commissioner may, at the request of the appropriate officials of the affected facility~~
147.26 ~~supported by a written schedule for compliance, grant an extension of time for a period not~~
147.27 ~~to exceed one year.~~

147.28 (f) As used in this subdivision, "correctional facility" means any facility, including a
147.29 group home, having a residential component, the primary purpose of which is to serve
147.30 persons placed therein by a court, court services department, parole authority, or other

147.31 ~~correctional agency having dispositional power over persons charged with, convicted, or~~
147.32 ~~adjudicated to be guilty or delinquent.~~

148.1 Sec. 6. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to
148.2 read:

148.3 Subd. 1a. **Correction order; conditional license.** (a) When the commissioner finds that
148.4 any facility described in subdivision 1, except foster care facilities for delinquent children
148.5 and youth as provided in subdivision 2, does not substantially conform to the minimum
148.6 standards established by the commissioner and is not making satisfactory progress toward
148.7 substantial conformance and the nonconformance does not present an imminent risk of
148.8 life-threatening harm or serious physical injury to the persons confined or incarcerated in
148.9 the facility, the commissioner shall promptly notify the facility administrator and the
148.10 governing board of the facility of the deficiencies and must issue a correction order or a
148.11 conditional license order that the deficiencies be remedied within a reasonable and specified
148.12 period of time.

148.13 The conditional license order may restrict the use of any facility which does not
148.14 substantially conform to minimum standards, including imposition of conditions limiting
148.15 operation of the facility or parts of the facility, reducing facility capacity, limiting intake,
148.16 limiting length of detention for individuals, or imposing detention limitations based on the
148.17 needs of the individuals being confined or incarcerated therein.

148.18 The correction order or conditional license order must clearly state the following:

148.19 (1) the specific minimum standards violated, noting the implicated rule or law;

148.20 (2) the findings that constitute a violation of minimum standards;

148.21 (3) the corrective action needed;

148.22 (4) time allowed to correct each violation; and

148.23 (5) if a license is made conditional, the length and terms of the conditional license, any
148.24 conditions limiting operation of the facility, and the reasons for making the license
148.25 conditional.

148.26 (b) The facility administrator may request review of the findings noted in the conditional
148.27 license order on the grounds that satisfactory progress toward substantial compliance with
148.28 minimum standards has been made, supported by evidence of correction, and, if appropriate,
148.29 may include a written schedule for compliance. The commissioner shall review the evidence
148.30 of correction and the progress made toward substantial compliance with minimum standards
148.31 within a reasonable period of time, not to exceed ten business days. When the commissioner
148.32 has assurance that satisfactory progress toward substantial compliance with minimum
149.1 standards is being made, the commissioner shall lift any conditions limiting operation of
149.2 the facility or parts of the facility or remove the conditional license order.

149.3 (c) Nothing in this section prohibits the commissioner from ordering a revocation under
149.4 subdivision 1b prior to issuing a correction order or conditional license order.

149.5 Sec. 7. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to
149.6 read:

149.7 Subd. 1b. License revocation order. (a) When, after due notice to the facility
149.8 administrator of the commissioner's intent to issue a revocation order, the commissioner
149.9 finds that any facility described in this subdivision, except county jails and lockups subject
149.10 to active condemnation proceedings or orders as provided in sections 641.26, 642.10, and
149.11 642.11, does not conform to minimum standards, or is not making satisfactory progress
149.12 toward substantial compliance with minimum standards, and the nonconformance does not
149.13 present an imminent risk of life-threatening harm or serious physical injury to the persons
149.14 confined or incarcerated in the facility, the commissioner may issue an order revoking the
149.15 license of that facility.

149.16 The notice of intent to issue a revocation order shall include:

149.17 (1) the citation to minimum standards that have been violated;

149.18 (2) the nature and severity of each violation;

149.19 (3) whether the violation is recurring or nonrecurring;

149.20 (4) the effect of the violation on persons confined or incarcerated in the correctional
149.21 facility;

149.22 (5) an evaluation of the risk of harm to persons confined or incarcerated in the correctional
149.23 facility;

149.24 (6) relevant facts, conditions, and circumstances concerning the operation of the licensed
149.25 facility, including at a minimum:

149.26 (i) specific facility deficiencies that endanger the health or safety of persons confined
149.27 or incarcerated in the correctional facility;

149.28 (ii) substantiated complaints relating to the correctional facility; or

149.29 (iii) any other evidence that the correctional facility is not in compliance with minimum
149.30 standards.

150.1 (b) The facility administrator must submit a written response within 30 days of receipt
150.2 of the notice of intent to issue a revocation order with any information related to errors in
150.3 the notice, ability to conform to minimum standards within a set period of time including
150.4 but not limited to a written schedule for compliance, and any other information the facility
150.5 administrator deems relevant for consideration by the commissioner. The written response
150.6 must also include a written plan indicating how the correctional facility will ensure the
150.7 transfer of confined or incarcerated individuals and records if the correctional facility closes.

150.8 Plans must specify arrangements the correctional facility will make to transfer confined or
150.9 incarcerated individuals to another licensed correctional facility for continuation of detention.

150.10 (c) When revoking a license, the commissioner shall consider the nature, chronicity, or
150.11 severity of the violation of law or rule and the effect of the violation on the health, safety,
150.12 or rights of persons confined or incarcerated in the correctional facility.

150.13 (d) If the facility administrator does not respond within 30 days to the notice of intent
150.14 to issue a revocation order or if the commissioner does not have assurance that satisfactory
150.15 progress toward substantial compliance with minimum standards will be made, the
150.16 commissioner shall issue a revocation order. The revocation order must be sent to the facility
150.17 administrator and the governing board of the facility, clearly stating:

150.18 (1) the specific minimum standards violated, noting the implicated rule or law;

150.19 (2) the findings that constitute a violation of minimum standards and the nature,
150.20 chronicity, or severity of those violations;

150.21 (3) the corrective action needed;

150.22 (4) any prior correction or conditional license orders issued to correct violations; and

150.23 (5) the date at which the license revocation shall take place.

150.24 A revocation order may authorize use until a certain date, not to exceed the duration of the
150.25 current license, unless a limited license is issued by the commissioner for purposes of
150.26 effectuating a facility closure and continued operation does not present an imminent risk
150.27 of life-threatening harm or is not likely to result in serious physical injury to the persons
150.28 confined or incarcerated in the facility.

150.29 (e) After revocation of the facility's licensure, that facility shall not be used until the
150.30 license is renewed. When the commissioner is satisfied that satisfactory progress toward
150.31 substantial compliance with minimum standards is being made, the commissioner may, at
150.32 the request of the facility administrator supported by a written schedule for compliance,
150.33 reinstate the license.

151.1 Sec. 8. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to
151.2 read:

151.3 Subd. 1c. **Temporary license suspension.** The commissioner shall act immediately to
151.4 temporarily suspend a license issued under this chapter if:

151.5 (1) the correctional facility's failure to comply with applicable minimum standards or
151.6 the conditions in the correctional facility pose an imminent risk of life-threatening harm or
151.7 serious physical injury to persons confined or incarcerated in the facility, staff, law
151.8 enforcement, visitors, or the public; and

- 151.9 (i) if the imminent risk of life-threatening harm or serious physical injury cannot be
151.10 promptly corrected through a different type of order under this section; and
- 151.11 (ii) the correctional facility cannot or has not corrected the violation giving rise to the
151.12 imminent risk of life-threatening harm or serious physical injury; or
- 151.13 (2) while the correctional facility continues to operate pending due notice and opportunity
151.14 for written response to the commissioner's notice of intent to issue an order of revocation,
151.15 the commissioner identifies one or more subsequent violations of minimum standards which
151.16 may adversely affect the health or safety of persons confined or incarcerated in the facility,
151.17 staff, law enforcement, visitors, or the public.
- 151.18 A notice stating the reasons for the immediate suspension informing the facility
151.19 administrator must be delivered by personal service to the correctional facility administrator
151.20 and the governing board of the facility.
- 151.21 Sec. 9. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to
151.22 read:
- 151.23 Subd. 1d. **Public notice of restriction, revocation, or suspension.** If the license of a
151.24 facility under this section is revoked or suspended, or use of the facility is restricted for any
151.25 reason under a conditional license order, the commissioner shall post the facility, the status
151.26 of the facility's license, and the reason for the restriction, revocation, or suspension publicly
151.27 and on the department's website.
- 151.28 Sec. 10. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision
151.29 to read:
- 151.30 Subd. 1e. **Reconsideration of orders; appeals.** (a) If the facility administrator believes
151.31 the correction order, conditional license order, or revocation order is in error, the facility
152.1 administrator may ask the Department of Corrections to reconsider the parts of the order or
152.2 action that are alleged to be in error. The request for reconsideration must:
- 152.3 (1) be made in writing;
- 152.4 (2) be postmarked and sent to the commissioner no later than 30 calendar days after
152.5 receipt of the correction order, conditional license order, or revocation order;
- 152.6 (3) specify the parts of the order that are alleged to be in error;
- 152.7 (4) explain why the correction order, conditional license order, or revocation order is in
152.8 error; and
- 152.9 (5) include documentation to support the allegation of error.
- 152.10 The commissioner shall issue a disposition within 60 days of receipt of the facility
152.11 administrator's response to correction, conditional license, or revocation order violations.
152.12 A request for reconsideration does not stay any provisions or requirements of the order.

152.13 (b) The facility administrator may request reconsideration of an order immediately
152.14 suspending a license. The request for reconsideration of an order immediately suspending
152.15 a license must be made in writing and sent by certified mail, personal service, or other means
152.16 expressly stated in the commissioner's order. If mailed, the request for reconsideration must
152.17 be postmarked and sent to the commissioner no later than five business days after the facility
152.18 administrator receives notice that the license has been immediately suspended. If a request
152.19 is made by personal service, it must be received by the commissioner no later than five
152.20 business days after the facility administrator received the order. The request for
152.21 reconsideration must:

152.22 (1) specify the parts of the order that are alleged to be in error;

152.23 (2) explain why they are in error; and

152.24 (3) include documentation to support the allegation of error.

152.25 A facility administrator and the governing board of the facility shall discontinue operation
152.26 of the correctional facility upon receipt of the commissioner's order to immediately suspend
152.27 the license.

152.28 (c) Within five business days of receipt of the facility administrator's timely request for
152.29 reconsideration of a temporary immediate suspension, the commissioner shall review the
152.30 request for reconsideration. The scope of the review shall be limited solely to the issue of
152.31 whether the temporary immediate suspension order should remain in effect pending the
152.32 written response to commissioner's notice of intent to issue a revocation order.

153.1 The commissioner's disposition of a request for reconsideration of correction, conditional
153.2 license, temporary immediate suspension, or revocation order is final and subject to appeal.
153.3 The facility administrator must request reconsideration as required by this section of any
153.4 correction, conditional license, temporary immediate suspension, or revocation order prior
153.5 to appeal.

153.6 No later than 60 days after the postmark date of the mailed notice of the commissioner's
153.7 decision on a request for reconsideration, the facility administrator may appeal the decision
153.8 by filing for a writ of certiorari with the court of appeals under section 606.01 and Minnesota
153.9 Rules of Civil Appellate Procedure, Rule 115.

153.10 Sec. 11. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision
153.11 to read:

153.12 Subd. 1f. **Report.** By February 15, 2022, and by February 15 each year thereafter, the
153.13 commissioner of corrections shall report to the chairs and ranking minority members of the
153.14 house of representatives and senate committees and divisions with jurisdiction over public
153.15 safety and judiciary on the status of the implementation of the provisions in this section
153.16 over the prior year, particularly the health and safety of individuals confined or incarcerated

- 153.17 in a state correctional facility and a facility licensed by the commissioner. This report shall
153.18 include but not be limited to data regarding:
- 153.19 (1) the number of confined or incarcerated persons who died while committed to the
153.20 custody of the facility, regardless of whether the death occurred at the facility or after
153.21 removal from the facility for medical care stemming from an incident or need for medical
153.22 care at the correctional facility, including aggregated demographic information and the
153.23 correctional facilities' most recent inspection reports and any corrective orders or conditional
153.24 licenses issued;
- 153.25 (2) the aggregated results of the death reviews by facility as required by subdivision 8,
153.26 including any implemented policy changes;
- 153.27 (3) the number of uses of force by facility staff on persons confined or incarcerated in
153.28 the correctional facility, including but not limited to whether those uses of force were
153.29 determined to be justified by the facility, for which the commissioner of corrections shall
153.30 consult with the Minnesota Sheriffs' Association and a representative from the Minnesota
153.31 Association of Community Corrections Act Counties who is responsible for the operations
153.32 of an adult correctional facility to develop criteria for reporting and define reportable uses
153.33 of force;
- 154.1 (4) the number of suicide attempts, number of people transported to a medical facility,
154.2 and number of people placed in segregation;
- 154.3 (5) the number of persons committed to the commissioner of corrections' custody that
154.4 the commissioner is housing in facilities licensed under subdivision 1, including but not
154.5 limited to:
- 154.6 (i) aggregated demographic data of those individuals;
- 154.7 (ii) length of time spent housed in a licensed correctional facility; and
- 154.8 (iii) any contracts the Department of Corrections has with correctional facilities to provide
154.9 housing; and
- 154.10 (6) summary data from state correctional facilities regarding complaints involving alleged
154.11 on-duty staff misconduct, including but not limited to the:
- 154.12 (i) total number of misconduct complaints and investigations;
- 154.13 (ii) total number of complaints by each category of misconduct, as defined by the
154.14 commissioner of corrections;
- 154.15 (iii) number of allegations dismissed as unfounded;
- 154.16 (iv) number of allegations dismissed on grounds that the allegation was unsubstantiated;
154.17 and

154.18 (v) number of allegations substantiated, any resulting disciplinary action, and the nature
154.19 of the discipline.

154.20 Sec. 12. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision
154.21 to read:

154.22 Subd. 1g. **Biennial assessment and audit of security practices; state correctional**
154.23 **facilities.** (a) Beginning in 2022, the commissioner shall have the department's inspection
154.24 unit conduct biennial security audits of each state correctional facility using the standards
154.25 promulgated by the state correctional facilities security audit group. The unit must prepare
154.26 a report for each assessment and audit and submit the report to the state correctional facilities
154.27 security audit group within 30 days of completion of the audit.

154.28 (b) Corrections and detention confidential data, as defined in section 13.85, subdivision
154.29 3, that is contained in reports and records of the group maintain that classification, regardless
154.30 of the data's classification in the hands of the person who provided the data, and are not
154.31 subject to discovery or introduction into evidence in a civil or criminal action against the
155.1 state arising out of the matters the group is reviewing. Information, documents, and records
155.2 otherwise available from other sources are not immune from discovery or use in a civil or
155.3 criminal action solely because they were acquired during the group's audit. This section
155.4 does not limit a person who presented information to the group or who is a member of the
155.5 group from testifying about matters within the person's knowledge. However, in a civil or
155.6 criminal proceeding, a person may not be questioned about the person's good faith
155.7 presentation of information to the group or opinions formed by the person as a result of the
155.8 group's audits.

155.9 Sec. 13. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision
155.10 to read:

155.11 Subd. 1h. **State correctional facilities security audit group.** (a) Beginning in fiscal
155.12 year 2022, the commissioner shall form a state correctional facilities security audit group.
155.13 The group must consist of the following members:

155.14 (1) a department employee who is not assigned to the correctional institutions division,
155.15 appointed by the commissioner;

155.16 (2) the ombudsperson for corrections;

155.17 (3) an elected sheriff or designee nominated by the Minnesota Sheriffs Association and
155.18 appointed by the commissioner;

155.19 (4) a physical plant safety consultant, appointed by the governor;

155.20 (5) a private security consultant with expertise in correctional facility security, appointed
155.21 by the governor;

155.22 (6) two senators, one appointed by the senate majority leader and one appointed by the
155.23 minority leader; and

155.24 (7) two representatives, one appointed by the speaker of the house and one appointed
155.25 by the minority leader of the house of representatives.

155.26 (b) By January 1, 2022, the group shall establish security audit standards for state
155.27 correctional facilities. In developing the standards, the group, or individual members of the
155.28 group, may gather information from state correctional facilities and state correctional staff
155.29 and inmates. The security audit group must periodically review the standards and modify
155.30 them as needed. The group must report the standards to the chairs and ranking minority
155.31 members of the house of representatives and senate committees with jurisdiction over public
155.32 safety policy and finance by February 15, 2022.

156.1 (c) The group shall review facility audit reports submitted to the group by the agency's
156.2 inspection unit. Notwithstanding any law to the contrary, the group is entitled to review the
156.3 full audit reports including corrections and detention confidential data. Within 60 days of
156.4 receiving an audit report from the department's inspection unit, the group must make
156.5 recommendations to the commissioner. Within 45 days of receiving the group's
156.6 recommendations, the commissioner must reply in writing to the group's findings and
156.7 recommendations. The commissioner's response must explain whether the agency will
156.8 implement the group's recommendations, the timeline for implementation of the changes,
156.9 and, if not, why the commissioner will not or cannot implement the group's recommendations.

156.10 (d) Beginning in 2023, the commissioner must include a written aggregate of the group's
156.11 recommendations based on each security audit and assessment of a state correctional facility
156.12 and the commissioner's responses to the recommendations in the biennial report required
156.13 under section 241.016, subdivision 1. The commissioner shall not include corrections and
156.14 detention confidential data, as defined in section 13.85, subdivision 3, in the commissioner's
156.15 report to the legislature.

156.16 (e) The commissioner shall provide staffing and administrative support to the group.

156.17 Sec. 14. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision
156.18 to read:

156.19 Subd. 1i. **Definition.** As used in this section, "correctional facility" means any facility,
156.20 including a group home, having a residential component, the primary purpose of which is
156.21 to serve persons placed in facilities by a court, court services department, parole authority,
156.22 or other correctional agency having dispositional power over persons charged with, convicted,
156.23 or adjudicated guilty or delinquent.

156.24 Sec. 15. Minnesota Statutes 2020, section 241.021, subdivision 2a, is amended to read:

156.25 Subd. 2a. **Affected municipality; notice.** The commissioner must not ~~issue~~ grant a
156.26 license without giving 30 calendar days' written notice to any affected municipality or other
156.27 political subdivision unless the facility has a licensed capacity of six or fewer persons and

156.28 is occupied by either the licensee or the group foster home parents. The notification must
156.29 be given before the license is first issuance of a license granted and annually after that time
156.30 if annual notification is requested in writing by any affected municipality or other political
156.31 subdivision. State funds must not be made available to or be spent by an agency or department
156.32 of state, county, or municipal government for payment to a foster care facility licensed under
156.33 subdivision 2 until the provisions of this subdivision have been complied with in full.

157.1 Sec. 16. Minnesota Statutes 2020, section 241.021, subdivision 2b, is amended to read:

157.2 Subd. 2b. **Licensing; facilities; juveniles from outside state.** The commissioner may
157.3 not:

157.4 (1) ~~issue grant~~ a license under this section to operate a correctional facility for the
157.5 detention or confinement of juvenile offenders if the facility accepts juveniles who reside
157.6 outside of Minnesota without an agreement with the entity placing the juvenile at the facility
157.7 that obligates the entity to pay the educational expenses of the juvenile; or

157.8 (2) renew a license under this section to operate a correctional facility for the detention
157.9 or confinement of juvenile offenders if the facility accepts juveniles who reside outside of
157.10 Minnesota without an agreement with the entity placing the juvenile at the facility that
157.11 obligates the entity to pay the educational expenses of the juvenile.

157.12 Sec. 17. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision
157.13 to read:

157.14 Subd. 2c. **Searches.** The commissioner shall not grant a license to any county,
157.15 municipality, or agency to operate a facility for the detention, care, and training of delinquent
157.16 children and youth unless the county, municipality, or agency institutes a policy strictly
157.17 prohibiting the visual inspection of breasts, buttocks, or genitalia of children and youth
157.18 received by the facility except during a health care procedure conducted by a medically
157.19 licensed person.

157.20 Sec. 18. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision
157.21 to read:

157.22 Subd. 2d. **Disciplinary room time.** The commissioner shall not grant a license to any
157.23 county, municipality, or agency to operate a facility for the detention, care, and training of
157.24 delinquent children and youth unless the county, municipality, or agency institutes a policy
157.25 strictly prohibiting the use of disciplinary room time for children and youth received by the
157.26 facility. Seclusion used in emergency situations as a response to imminent danger to the
157.27 resident or others, when less restrictive interventions are determined to be ineffective, is
157.28 not a violation of this subdivision.

157.29 Sec. 19. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision
157.30 to read:

157.31 Subd. 7. **Intake release of information.** All correctional facilities that confine or
157.32 incarcerate adults are required at intake to provide each person an authorization form to

158.1 release information related to that person's health or mental health condition and when that
158.2 information should be shared. This release form shall allow the individual to select if the
158.3 individual wants to require the correctional facility to make attempts to contact the designated
158.4 person to facilitate the sharing of health condition information upon incapacitation or if the
158.5 individual becomes unable to communicate or direct the sharing of this information, so long
158.6 as contact information was provided and the incapacitated individual or individual who is
158.7 unable to communicate or direct the sharing of this information is not subject to a court
158.8 order prohibiting contact with the designated person.

158.9 Sec. 20. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision
158.10 to read:

158.11 Subd. 8. **Death review teams.** In the event a correctional facility as defined in subdivision
158.12 1g receives information of the death of an individual while committed to the custody of the
158.13 facility, regardless of whether the death occurred at the facility or after removal from the
158.14 facility for medical care stemming from an incident or need for medical care at the
158.15 correctional facility, the administrator of the facility, minimally including a medical expert
158.16 of the facility's choosing who did not provide medical services to the individual, and, if
158.17 appropriate, a mental health expert, shall review the circumstances of the death and assess
158.18 for preventable mortality and morbidity, including recommendations for policy or procedure
158.19 change, within 90 days of death. The investigating law enforcement agency may provide
158.20 documentation, participate in, or provide documentation and participate in the review in
158.21 instances where criminal charges were not brought. A preliminary autopsy report must be
158.22 provided as part of the review and any subsequent autopsy findings as available. The facility
158.23 administrator shall provide notice to the commissioner of corrections via the Department
158.24 of Corrections detention information system that the correctional facility has conducted a
158.25 review and identify any recommendations for changes in policy, procedure, or training that
158.26 will be implemented. Any report or other documentation created for purposes of a facility
158.27 death review is confidential as defined in section 13.02, subdivision 3. Nothing in this
158.28 section relieves the facility administrator from complying with the notice of death to the
158.29 commissioner as required by subdivision 1, paragraph (a).

158.30 Sec. 21. Minnesota Statutes 2020, section 241.025, subdivision 1, is amended to read:

158.31 Subdivision 1. **Authorization.** The commissioner of corrections may appoint peace
158.32 officers, as defined in section 626.84, subdivision 1, paragraph (c), who shall serve in the
158.33 classified service subject to the provisions of section 43A.01, subdivision 2, and establish
158.34 a law enforcement agency, as defined in section 626.84, subdivision 1, paragraph (f), known
159.1 as the Department of Corrections Fugitive Apprehension Unit, to perform the duties necessary
159.2 to make statewide arrests under sections 629.30 and 629.34. The jurisdiction of the law
159.3 enforcement agency is limited to primarily the arrest of Department of Corrections'
159.4 discretionary and statutory released violators and Department of Corrections' escapees. The
159.5 Department of Corrections Fugitive Apprehension Unit may exercise general law enforcement
159.6 duties during the course of official duties, including carrying out law enforcement activities
159.7 in coordination with the law enforcement agency of jurisdiction, investigating criminal

159.8 offenses in agency-operated correctional facilities and surrounding property, and assisting
159.9 other law enforcement agencies upon request.

159.10 Sec. 22. Minnesota Statutes 2020, section 241.025, subdivision 2, is amended to read:

159.11 Subd. 2. **Limitations.** The initial processing of a person arrested by the fugitive
159.12 apprehension unit for an offense ~~within the agency's jurisdiction~~ is the responsibility of the
159.13 fugitive apprehension unit unless otherwise directed by the law enforcement agency with
159.14 primary jurisdiction. A subsequent investigation is the responsibility of the law enforcement
159.15 agency of the jurisdiction ~~in which a new crime is committed~~ unless the law enforcement
159.16 agency authorizes the fugitive apprehension unit to assume the subsequent investigation.
159.17 At the request of the primary jurisdiction, the fugitive apprehension unit may assist in
159.18 subsequent investigations or law enforcement efforts being carried out by the primary
159.19 jurisdiction. Persons arrested for violations that the fugitive apprehension unit determines
159.20 are not within the agency's jurisdiction must be referred to the appropriate local law
159.21 enforcement agency for further investigation or disposition.

159.22 Sec. 23. Minnesota Statutes 2020, section 241.025, subdivision 3, is amended to read:

159.23 Subd. 3. **Policies.** The fugitive apprehension unit must develop and file all policies
159.24 required under state law for law enforcement agencies. The fugitive apprehension unit also
159.25 must develop a policy for contacting law enforcement agencies in a city or county before
159.26 initiating any fugitive surveillance, investigation, or apprehension within the city or county.
159.27 ~~These policies must be filed with the board of peace officers standards and training by~~
159.28 ~~November 1, 2000.~~ Revisions of any of these policies must be filed with the board within
159.29 ten days of the effective date of the revision. The Department of Corrections shall train all
159.30 of its peace officers regarding the application of these policies.

159.31 Sec. 24. [241.067] RELEASE OF INMATES; DUTIES OF COMMISSIONER.

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

159.32 Subdivision 1. Duties upon release. When releasing an inmate from prison, the
159.33 commissioner shall provide to the inmate:

160.1 (1) a copy of the inmate's unofficial criminal history compiled by the department and
160.2 marked as unofficial;

160.3 (2) information on how to obtain the inmate's full official criminal history from the
160.4 Bureau of Criminal Apprehension;

160.5 (3) general information describing the laws and processes for obtaining an expungement
160.6 of the inmate's criminal record;

160.7 (4) general information on the inmate's right to vote;

160.8 (5) current information on local career workforce centers in the county in which the
160.9 inmate will reside and, upon the inmate's request, other counties;

160.10 (6) a record of the programs that the inmate completed while in prison;
160.11 (7) an accounting of any court-ordered payments, fines, and fees owed by the inmate
160.12 upon release of which the department has knowledge;
160.13 (8) assistance in obtaining a Social Security card;
160.26 (b) The commissioner, in collaboration with the Department of Public Safety, shall
160.27 facilitate the provision of a state identification card to an inmate at no cost to the inmate
160.28 under the same criteria described in paragraph (a) relating to birth certificates, provided the
160.29 inmate possesses the necessary qualifying documents to obtain the card.

160.14 (9) a medical discharge summary;
160.15 (10) information on how the inmate may obtain a complete copy of the inmate's medical
160.16 record at no charge to the inmate; and
160.30 (c) The commissioner shall inform inmates of the commissioner's duties under paragraphs
160.31 (a) and (b) upon intake and again upon the initiation of release planning.
160.17 (11) general information on the Supplemental Nutrition Assistance Program (SNAP)
160.18 benefits, eligibility criteria, and application process.
160.19 Subd. 2. Assistance relating to birth certificate and identification cards. (a) Upon
160.20 the request of an inmate, the commissioner shall assist the inmate in obtaining a copy of
160.21 the inmate's birth certificate at no cost to the inmate. This assistance does not apply to
160.22 inmates who (1) upon intake have six months or less remaining in their term of imprisonment,
160.23 (2) already have an accessible copy of their birth certificate available or other valid
160.24 identification, or (3) already have a valid photograph on file with the Department of Public
160.25 Safety that may be used as proof of identity for renewing an identification document.
161.1 Subd. 3. Medical assistance or MinnesotaCare application. At least 45 days before
161.2 the scheduled release of an inmate, the commissioner shall offer to assist the inmate in
161.3 completing an application for medical assistance or MinnesotaCare and shall provide the
161.4 assistance if the inmate accepts the offer.
161.5 Subd. 4. Medications. (a) When releasing an inmate from prison, the commissioner
161.6 shall provide the inmate with a one-month supply of any non-narcotic medications that have
161.7 been prescribed to the inmate and a prescription for a 30-day supply of these medications
161.8 that may be refilled twice.

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

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

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

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

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

161.12 Subd. 5. **Exception; release violators.** Subdivisions 1 to 3 do not apply to inmates who
161.13 are being imprisoned for a release violation. Subdivision 4 applies to all inmates being
161.14 released.

161.15 **EFFECTIVE DATE.** This section is effective September 1, 2021, except that the
161.16 requirement in subdivision 1, clause (10), is effective on July 1, 2022.

161.17 Sec. 25. **[241.068] HOMELESSNESS MITIGATION PLAN; ANNUAL REPORTING**
161.18 **ON HOMELESSNESS.**

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

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

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

161.26 (3) development of internal metrics for the agency to report on its progress toward
161.27 implementing the plan and achieving the plan's goals.

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

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

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

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

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

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

162.10 (b) Beginning with the 2024 report and continuing until the 2033 report, the commissioner
162.11 shall include in the report required under paragraph (a), information detailing progress,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30.26 (b) Beginning with the 2024 report and continuing until the 2033 report, the commissioner
30.27 shall include in the report required under paragraph (a), information detailing progress,

162.12 measures, and challenges to the implementation of the homelessness mitigation plan required
162.13 by subdivision 1.

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

162.15 Sec. 26. Minnesota Statutes 2020, section 243.48, subdivision 1, is amended to read:

162.16 Subdivision 1. **General searches.** The commissioner of corrections, the state correctional
162.17 facilities audit group, the governor, lieutenant governor, members of the legislature, state
162.18 officers, and the ombudsperson for corrections may visit the inmates at pleasure, but no
162.19 other persons without permission of the chief executive officer of the facility, under rules
162.20 prescribed by the commissioner. A moderate fee may be required of visitors, other than
162.21 those allowed to visit at pleasure. All fees so collected shall be reported and remitted to the
162.22 commissioner of management and budget under rules as the commissioner may deem proper,
162.23 and when so remitted shall be placed to the credit of the general fund.

162.24 Sec. 27. Minnesota Statutes 2020, section 243.52, is amended to read:

162.25 **243.52 DISCIPLINE; PREVENTION OF ESCAPE; DUTY TO REPORT.**

162.26 Subdivision 1. **Discipline and prevention of escape** If any ~~inmate of~~ person confined
162.27 or incarcerated in any adult correctional facility either under the control of the commissioner
162.28 of corrections or licensed by the commissioner of corrections under section 241.021 assaults
162.29 any correctional officer or any other person ~~or inmate,~~ the assaulted person may use force
162.30 in defense of the assault, except as limited in this section. If any ~~inmate~~ confined or
162.31 incarcerated person attempts to damage the buildings or appurtenances, resists the lawful
163.1 authority of any correctional officer, refuses to obey the correctional officer's reasonable
163.2 demands, or attempts to escape, the correctional officer may enforce obedience and discipline
163.3 or prevent escape by the use of force. If any ~~inmate~~ confined or incarcerated person resisting
163.4 lawful authority is wounded or killed by the use of force by the correctional officer or
163.5 assistants, that conduct is authorized under this section.

163.6 Subd. 2. **Use of force.** (a) Use of force must not be applied maliciously or sadistically
163.7 for the purpose of causing harm to a confined or incarcerated person.

163.8 (b) Unless the use of deadly force is justified in this section, a correctional officer working
163.9 in a correctional facility as defined in section 241.021 may not use any of the following
163.10 restraints:

163.11 (1) a choke hold;

163.12 (2) a prone restraint;

163.13 (3) tying all of a person's limbs together behind the person's back to render the person
163.14 immobile; or

30.28 measures, and challenges to the implementation of the homelessness mitigation plan required
30.29 by subdivision 1.

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

163.15 (4) securing a person in any way that results in transporting the person face down in a
163.16 vehicle, except as directed by a medical professional.

163.17 (c) For the purposes of this subdivision, the following terms have the meanings given
163.18 them:

163.19 (1) "choke hold" means a method by which a person applies sufficient pressure to a
163.20 person to make breathing difficult or impossible, and includes but is not limited to any
163.21 pressure to the neck, throat, or windpipe that may prevent or hinder breathing or reduce
163.22 intake of air. Choke hold also means applying pressure to a person's neck on either side of
163.23 the windpipe, but not to the windpipe itself, to stop the flow of blood to the brain via the
163.24 carotid arteries;

163.25 (2) "prone restraint" means the use of manual restraint that places a person in a face-down
163.26 position; and

163.27 ~~As used in this section, "use of force" means conduct which is defined by sections 609.06~~
163.28 ~~to 609.066. (3) "deadly force" has the meaning given in section 609.066, subdivision 1.~~

163.29 (d) Use of deadly force is justified only if an objectively reasonable correctional officer
163.30 would believe, based on the totality of the circumstances known to the officer at the time
163.31 and without the benefit of hindsight, that deadly force is necessary:

164.1 (1) to protect the correctional officer or another from death or great bodily harm, provided
164.2 that the threat:

164.3 (i) can be articulated with specificity by the correctional officer;

164.4 (ii) is reasonably likely to occur absent action by the correctional officer; and

164.5 (iii) must be addressed through the use of deadly force without unreasonable delay; or

164.6 (2) to effect the capture or prevent the escape of a person when the officer reasonably
164.7 believes that the person will cause death or great bodily harm to another person under the
164.8 threat criteria in clause (1), unless immediately apprehended.

164.9 **Subd. 3. Duty to report.** (a) Regardless of tenure or rank, staff working in a correctional
164.10 facility as defined in section 241.021 who observe another employee engage in neglect or
164.11 use force that exceeds the degree of force permitted by law must report the incident in
164.12 writing as soon as practicable, but no later than 24 hours to the administrator of the
164.13 correctional facility that employs the reporting staff member.

164.14 (b) A staff member who fails to report neglect or excessive use of force within 24 hours
164.15 is subject to disciplinary action or sanction by the correctional facility that employs them.
164.16 Staff members shall suffer no reprisal for reporting another staff member engaged in
164.17 excessive use of force or neglect.

164.18 (c) For the purposes of this subdivision, "neglect" means:

164.19 (1) the knowing failure or omission to supply a person confined or incarcerated in the
164.20 facility with care or services, including but not limited to food, clothing, health care, or
164.21 supervision that is reasonable and necessary to obtain or maintain the person's physical or
164.22 mental health or safety; or

164.23 (2) the absence or likelihood of absence of care or services, including but not limited to
164.24 food, clothing, health care, or supervision necessary to maintain the physical and mental
164.25 health of the person that a reasonable person would deem essential for health, safety, or
164.26 comfort.

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

164.28 Sec. 28. **[243.95] PRIVATE PRISON CONTRACTS PROHIBITED.**

164.29 The commissioner may not contract with privately owned and operated prisons for the
164.30 care, custody, and rehabilitation of offenders committed to the custody of the commissioner.

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

165.1 Sec. 29. **[244.049] INDETERMINATE SENTENCE RELEASE BOARD.**

165.2 Subdivision 1. **Establishment; membership.** (a) The Indeterminate Sentence Release
165.3 Board is established to review eligible cases and make release decisions for inmates serving
165.4 indeterminate sentences under the authority of the commissioner.

165.5 (b) The board shall consist of five members as follows:

165.6 (1) four persons appointed by the governor from two recommendations of each of the
165.7 majority leaders and minority leaders of the house of representatives and the senate; and

165.8 (2) the commissioner of corrections who shall serve as chair.

165.9 (c) The members appointed from the legislative recommendations must meet the
165.10 following qualifications at a minimum:

165.11 (1) a bachelor's degree in criminology, corrections, or a related social science, or a law
165.12 degree;

165.13 (2) five years of experience in corrections, a criminal justice or community corrections
165.14 field, rehabilitation programming, behavioral health, or criminal law; and

165.15 (3) demonstrated knowledge of victim issues and correctional processes.

165.16 Subd. 2. **Terms; compensation.** (a) Members of the board shall serve four-year staggered
165.17 terms except that the terms of the initial members of the board must be as follows:

165.18 (1) two members must be appointed for terms that expire January 1, 2024; and

165.19 (2) two members must be appointed for terms that expire January 1, 2026.

- 165.20 (b) A member is eligible for reappointment.
- 165.21 (c) Vacancies on the board shall be filled in the same manner as the initial appointments
- 165.22 under subdivision 1.
- 165.23 (d) Member compensation and removal of members on the board shall be as provided
- 165.24 in section 15.0575.
- 165.25 **Subd. 3. Quorum; administrative duties.** (a) The majority of members constitutes a
- 165.26 quorum.
- 165.27 (b) The commissioner of corrections shall provide the board with personnel, supplies,
- 165.28 equipment, office space, and other administrative services necessary and incident to the
- 165.29 discharge of the functions of the board.
- 166.1 **Subd. 4. Limitation.** Nothing in this section supersedes the commissioner's authority
- 166.2 to revoke an inmate's release for a violation of the inmate's terms of release or impairs the
- 166.3 power of the Board of Pardons to grant a pardon or commutation in any case.
- 166.4 **Subd. 5. Report.** On or before February 15 each year, the board shall submit to the
- 166.5 legislative committees with jurisdiction over criminal justice policy a written report detailing
- 166.6 the number of inmates reviewed and identifying persons granted release in the preceding
- 166.7 year. The report shall also include the board's recommendations for policy modifications
- 166.8 that influence the board's duties.
- 166.9 Sec. 30. Minnesota Statutes 2020, section 244.05, subdivision 5, is amended to read:
- 166.10 **Subd. 5. Supervised release, life sentence.** (a) The ~~commissioner of corrections~~ board
- 166.11 may, under rules ~~promulgated~~ adopted by the commissioner and upon majority vote of the
- 166.12 board members, give supervised release to an inmate serving a mandatory life sentence
- 166.13 under section 609.185, paragraph (a), clause (3), (5), or (6); 609.3455, subdivision 3 or 4;
- 166.14 609.385; or Minnesota Statutes 2004, section 609.109, subdivision 3, after the inmate has
- 166.15 served the minimum term of imprisonment specified in subdivision 4.
- 166.16 (b) The ~~commissioner~~ board shall require the preparation of a community investigation
- 166.17 report and shall consider the findings of the report when making a supervised release decision
- 166.18 under this subdivision. The report shall reflect the sentiment of the various elements of the
- 166.19 community toward the inmate, both at the time of the offense and at the present time. The
- 166.20 report shall include the views of the sentencing judge, the prosecutor, any law enforcement
- 166.21 personnel who may have been involved in the case, and any successors to these individuals
- 166.22 who may have information relevant to the supervised release decision. The report shall also
- 166.23 include the views of the victim and the victim's family unless the victim or the victim's
- 166.24 family chooses not to participate.
- 166.25 (c) The commissioner shall make reasonable efforts to notify the victim, in advance, of
- 166.26 the time and place of the inmate's supervised release review hearing. The victim has a right
- 166.27 to submit an oral or written statement at the review hearing. The statement may summarize
- 166.28 the harm suffered by the victim as a result of the crime and give the victim's recommendation

166.29 on whether the inmate should be given supervised release at this time. The ~~commissioner~~
166.30 board must consider the victim's statement when making the supervised release decision.

166.31 (d) When considering whether to give supervised release to an inmate serving a life
166.32 sentence under section 609.3455, subdivision 3 or 4, the ~~commissioner~~ board shall consider,
166.33 at a minimum, the following: the risk the inmate poses to the community if released, the
166.34 inmate's progress in treatment, the inmate's behavior while incarcerated, psychological or
167.1 other diagnostic evaluations of the inmate, the inmate's criminal history, and any other
167.2 relevant conduct of the inmate while incarcerated or before incarceration. The ~~commissioner~~
167.3 board may not give supervised release to the inmate unless:

167.4 (1) while in prison:

167.5 (i) the inmate has successfully completed appropriate sex offender treatment;

167.6 (ii) the inmate has been assessed for chemical dependency needs and, if appropriate, has
167.7 successfully completed chemical dependency treatment; and

167.8 (iii) the inmate has been assessed for mental health needs and, if appropriate, has
167.9 successfully completed mental health treatment; and

167.10 (2) a comprehensive individual release plan is in place for the inmate that ensures that,
167.11 after release, the inmate will have suitable housing and receive appropriate aftercare and
167.12 community-based treatment. The comprehensive plan also must include a postprison
167.13 employment or education plan for the inmate.

167.14 (e) As used in this subdivision:

167.15 (1) "board" means the Indeterminate Sentence Release Board under section 244.049;
167.16 and

167.17 (2) "victim" means the individual who suffered harm as a result of the inmate's crime
167.18 or, if the individual is deceased, the deceased's surviving spouse or next of kin.

167.19 Sec. 31. Minnesota Statutes 2020, section 244.065, is amended to read:

167.20 **244.065 PRIVATE EMPLOYMENT OF INMATES OR SPECIALIZED**
167.21 **PROGRAMMING FOR PREGNANT INMATES OF STATE CORRECTIONAL**
167.22 **INSTITUTIONS IN COMMUNITY.**

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

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

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

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

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

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

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

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

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

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

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

168.16 Sec. 32. Minnesota Statutes 2020, section 244.19, subdivision 3, is amended to read:

168.17 Subd. 3. **Powers and duties.** All county probation officers serving a district court shall
168.18 act under the orders of the court in reference to any person committed to their care by the
168.19 court, and in the performance of their duties shall have the general powers of a peace officer;
168.20 and it shall be their duty to make such investigations with regard to any person as may be
168.21 required by the court before, during, or after the trial or hearing, and to furnish to the court
168.22 such information and assistance as may be required; to take charge of any person before,
168.23 during or after trial or hearing when so directed by the court, and to keep such records and
168.24 to make such reports to the court as the court may order.

168.25 All county probation officers serving a district court shall, in addition, provide probation
168.26 and parole services to wards of the commissioner of corrections resident in the counties
168.27 they serve, and shall act under the orders of said commissioner of corrections in reference
168.28 to any ward committed to their care by the commissioner of corrections.

168.29 All probation officers serving a district court shall, under the direction of the authority
168.30 having power to appoint them, initiate programs for the welfare of persons coming within
168.31 the jurisdiction of the court to prevent delinquency and crime and to rehabilitate within the
168.32 community persons who come within the jurisdiction of the court and are properly subject
168.33 to efforts to accomplish prevention and rehabilitation. They shall, under the direction of the
169.1 court, cooperate with all law enforcement agencies, schools, child welfare agencies of a
169.2 public or private character, and other groups concerned with the prevention of crime and
169.3 delinquency and the rehabilitation of persons convicted of crime and delinquency.

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

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

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

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

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

169.4 All probation officers serving a district court shall make monthly and annual reports to
169.5 the commissioner of corrections, on forms furnished by the commissioner, containing such
169.6 information on number of cases cited to the juvenile division of district court, offenses,
169.7 adjudications, dispositions, and related matters as may be required by the commissioner of
169.8 corrections. The reports shall include the information on individuals convicted as an extended
169.9 jurisdiction juvenile identified in section 241.016, subdivision 1, paragraph (c).

169.10 Sec. 33. Minnesota Statutes 2020, section 244.195, subdivision 2, is amended to read:

169.11 Subd. 2. **Detention pending hearing.** When it appears necessary to enforce discipline
169.12 or to prevent a person on conditional release from escaping or absconding from supervision,
169.13 a court services director has the authority to issue a written order directing any peace officer
169.14 or any probation officer in the state serving the district and juvenile courts to detain and
169.15 bring the person before the court or the commissioner, whichever is appropriate, for
169.16 disposition. If the person on conditional release commits a violation described in section
169.17 609.14, subdivision 1a, paragraph (a), the court services director must have a reasonable
169.18 belief that the order is necessary to prevent the person from escaping or absconding from
169.19 supervision or that the continued presence of the person in the community presents a risk
169.20 to public safety before issuing a written order. This written order is sufficient authority for
169.21 the peace officer or probation officer to detain the person for not more than 72 hours,
169.22 excluding Saturdays, Sundays, and holidays, pending a hearing before the court or the
169.23 commissioner.

169.24 Sec. 34. **[260B.008] USE OF RESTRAINTS.**

169.25 (a) As used in this section, "restraints" means a mechanical or other device that constrains
169.26 the movement of a person's body or limbs.

169.27 (b) Restraints may not be used on a child appearing in court in a proceeding under this
169.28 chapter unless the court finds that:

169.29 (1) the use of restraints is necessary:

169.30 (i) to prevent physical harm to the child or another; or

169.31 (ii) to prevent the child from fleeing in situations in which the child presents a substantial
169.32 risk of flight from the courtroom; and

170.1 (2) there are no less restrictive alternatives to restraints that will prevent flight or physical
170.2 harm to the child or another, including but not limited to the presence of court personnel,
170.3 law enforcement officers, or bailiffs.

170.4 The finding in clause (1), item (i), may be based, among other things, on the child having
170.5 a history of disruptive courtroom behavior or behavior while in custody for any current or
170.6 prior offense that has placed others in potentially harmful situations, or presenting a
170.7 substantial risk of inflicting physical harm on the child or others as evidenced by past

170.8 behavior. The court may take into account the physical structure of the courthouse in
170.9 assessing the applicability of the above factors to the individual child.

170.10 (c) The court shall be provided the child's behavior history and shall provide the child
170.11 an opportunity to be heard in person or through counsel before ordering the use of restraints.
170.12 If restraints are ordered, the court shall make findings of fact in support of the order.

170.13 (d) By April 1, 2022, each judicial district shall develop a protocol to address how to
170.14 implement and comply with this section. In developing the protocol, a district shall consult
170.15 with law enforcement agencies, prosecutors, public defenders within the district, and any
170.16 other entity deemed necessary by the district's chief judge.

170.17 **EFFECTIVE DATE.** Paragraphs (a), (b), and (c) are effective April 15, 2022. Paragraph
170.18 (d) is effective the day following final enactment.

170.19 Sec. 35. Minnesota Statutes 2020, section 260B.163, subdivision 1, is amended to read:

170.20 Subdivision 1. **General.** (a) Except for hearings arising under section 260B.425, hearings
170.21 on any matter shall be without a jury and may be conducted in an informal manner, except
170.22 that a child who is prosecuted as an extended jurisdiction juvenile has the right to a jury
170.23 trial on the issue of guilt. The rules of evidence promulgated pursuant to section 480.0591
170.24 and the law of evidence shall apply in adjudicatory proceedings involving a child alleged
170.25 to be delinquent, an extended jurisdiction juvenile, or a juvenile petty offender, and hearings
170.26 conducted pursuant to section 260B.125 except to the extent that the rules themselves provide
170.27 that they do not apply.

170.28 (b) When a continuance or adjournment is ordered in any proceeding, the court may
170.29 make any interim orders as it deems in the best interests of the minor in accordance with
170.30 the provisions of sections 260B.001 to 260B.421.

170.31 (c) Except as otherwise provided in this paragraph, the court shall exclude the general
170.32 public from hearings under this chapter and shall admit only those persons who, in the
170.33 discretion of the court, have a direct interest in the case or in the work of the court. The
171.1 court shall permit the victim of a child's delinquent act to attend any related delinquency
171.2 proceeding, except that the court may exclude the victim:

171.3 (1) as a witness under the Rules of Criminal Procedure; and

171.4 (2) from portions of a certification hearing to discuss psychological material or other
171.5 evidence that would not be accessible to the public.

171.6 The court shall open the hearings to the public in ~~delinquency or extended jurisdiction~~
171.7 ~~juvenile proceedings~~ where the child is alleged to have committed an offense or has been
171.8 proven to have committed an offense that would be a felony if committed by an adult and
171.9 the child was at least 16 years of age at the time of the offense, except that the court may
171.10 exclude the public from portions of a certification hearing to discuss psychological material
171.11 or other evidence that would not be accessible to the public in an adult proceeding.

171.12 (d) In all delinquency cases a person named in the charging clause of the petition as a
171.13 person directly damaged in person or property shall be entitled, upon request, to be notified
171.14 by the court administrator in writing, at the named person's last known address, of (1) the
171.15 date of the certification or adjudicatory hearings, and (2) the disposition of the case.

171.16 Sec. 36. [260B.1755] ALTERNATIVE TO ARREST OF CERTAIN JUVENILE
171.17 OFFENDERS AUTHORIZED.

171.18 (a) A peace officer who has probable cause to believe that a child is a petty offender or
171.19 delinquent child may refer the child to a program, including restorative programs, that the
171.20 law enforcement agency with jurisdiction over the child deems appropriate.

171.21 (b) If a peace officer or law enforcement agency refers a child to a program under
171.22 paragraph (a), the peace officer or law enforcement agency may defer issuing a citation or
171.23 a notice to the child to appear in juvenile court, transmitting a report to the prosecuting
171.24 authority, or otherwise initiating a proceeding in juvenile court.

171.25 (c) After receiving notice that a child who was referred to a program under paragraph
171.26 (a) successfully completed that program, a peace officer or law enforcement agency shall
171.27 not issue a citation or a notice to the child to appear in juvenile court, transmit a report to
171.28 the prosecuting authority, or otherwise initiate a proceeding in juvenile court for the conduct
171.29 that formed the basis of the referral.

171.30 (d) This section does not apply to peace officers acting pursuant to an order or warrant
171.31 described in section 260B.175, subdivision 1, paragraph (a), or other court order to take a
171.32 child into custody.

172.1 Sec. 37. Minnesota Statutes 2020, section 260B.176, is amended by adding a subdivision
172.2 to read:

172.3 Subd. 1a. Risk assessment instrument. If a peace officer or probation or parole officer
172.4 who took a child into custody does not release the child as provided in subdivision 1, the
172.5 peace officer or probation or parole officer shall communicate with or deliver the child to
172.6 a juvenile secure detention facility to determine whether the child should be released or
172.7 detained. Before detaining a child, the supervisor of the facility shall use an objective and
172.8 racially, ethnically, and gender-responsive juvenile detention risk assessment instrument
172.9 developed by the commissioner of corrections, county, group of counties, or judicial district,
172.10 in consultation with the state coordinator or coordinators of the Minnesota Juvenile Detention
172.11 Alternatives Initiative. The risk assessment instrument must assess the likelihood that a
172.12 child released from preadjudication detention under this section or section 260B.178 would
172.13 endanger others or not return for a court hearing. The instrument must identify the appropriate
172.14 setting for a child who might endanger others or not return for a court hearing pending
172.15 adjudication, with either continued detention or placement in a noncustodial
172.16 community-based supervision setting. The instrument must also identify the type of
172.17 noncustodial community-based supervision setting necessary to minimize the risk that a
172.18 child who is released from custody will endanger others or not return for a court hearing.

172.19 If, after using the instrument, a determination is made that the child should be released, the
172.20 person taking the child into custody or the supervisor of the facility shall release the child
172.21 as provided in subdivision 1.

172.22 **EFFECTIVE DATE.** This section is effective August 15, 2022.

172.23 Sec. 38. Minnesota Statutes 2020, section 260B.176, subdivision 2, is amended to read:

172.24 Subd. 2. **Reasons for detention.** (a) If the child is not released as provided in subdivision
172.25 1, the person taking the child into custody shall notify the court as soon as possible of the
172.26 detention of the child and the reasons for detention.

172.27 (b) No child may be detained in a secure detention facility after being taken into custody
172.28 for a delinquent act as defined in section 260B.007, subdivision 6, unless the child is over
172.29 the age of 12.

172.30 ~~(b)~~ (c) No child may be detained in a juvenile secure detention facility or shelter care
172.31 facility longer than 36 hours, excluding Saturdays, Sundays, and holidays, after being taken
172.32 into custody for a delinquent act as defined in section 260B.007, subdivision 6, unless a
172.33 petition has been filed and the judge or referee determines pursuant to section 260B.178
172.34 that the child shall remain in detention.

173.1 ~~(c)~~ (d) No child may be detained in an adult jail or municipal lockup longer than 24
173.2 hours, excluding Saturdays, Sundays, and holidays, or longer than six hours in an adult jail
173.3 or municipal lockup in a standard metropolitan statistical area, after being taken into custody
173.4 for a delinquent act as defined in section 260B.007, subdivision 6, unless:

173.5 (1) a petition has been filed under section 260B.141; and

173.6 (2) a judge or referee has determined under section 260B.178 that the child shall remain
173.7 in detention.

173.8 After August 1, 1991, no child described in this paragraph may be detained in an adult
173.9 jail or municipal lockup longer than 24 hours, excluding Saturdays, Sundays, and holidays,
173.10 or longer than six hours in an adult jail or municipal lockup in a standard metropolitan
173.11 statistical area, unless the requirements of this paragraph have been met and, in addition, a
173.12 motion to refer the child for adult prosecution has been made under section 260B.125.
173.13 Notwithstanding this paragraph, continued detention of a child in an adult detention facility
173.14 outside of a standard metropolitan statistical area county is permissible if:

173.15 (i) the facility in which the child is detained is located where conditions of distance to
173.16 be traveled or other ground transportation do not allow for court appearances within 24
173.17 hours. A delay not to exceed 48 hours may be made under this clause; or

173.18 (ii) the facility is located where conditions of safety exist. Time for an appearance may
173.19 be delayed until 24 hours after the time that conditions allow for reasonably safe travel.
173.20 "Conditions of safety" include adverse life-threatening weather conditions that do not allow
173.21 for reasonably safe travel.

173.22 The continued detention of a child under clause (i) or (ii) must be reported to the
173.23 commissioner of corrections.

173.24 ~~(c)~~ (e) If a child described in paragraph ~~(c)~~ (d) is to be detained in a jail beyond 24 hours,
173.25 excluding Saturdays, Sundays, and holidays, the judge or referee, in accordance with rules
173.26 and procedures established by the commissioner of corrections, shall notify the commissioner
173.27 of the place of the detention and the reasons therefor. The commissioner shall thereupon
173.28 assist the court in the relocation of the child in an appropriate juvenile secure detention
173.29 facility or approved jail within the county or elsewhere in the state, or in determining suitable
173.30 alternatives. The commissioner shall direct that a child detained in a jail be detained after
173.31 eight days from and including the date of the original detention order in an approved juvenile
173.32 secure detention facility with the approval of the administrative authority of the facility. If
173.33 the court refers the matter to the prosecuting authority pursuant to section 260B.125, notice
173.34 to the commissioner shall not be required.

174.1 ~~(e)~~ (f) When a child is detained for an alleged delinquent act in a state licensed juvenile
174.2 facility or program, or when a child is detained in an adult jail or municipal lockup as
174.3 provided in paragraph ~~(e)~~ (d), the supervisor of the facility shall, if the child's parent or legal
174.4 guardian consents, have a children's mental health screening conducted with a screening
174.5 instrument approved by the commissioner of human services, unless a screening has been
174.6 performed within the previous 180 days or the child is currently under the care of a mental
174.7 health professional. The screening shall be conducted by a mental health practitioner as
174.8 defined in section 245.4871, subdivision 26, or a probation officer who is trained in the use
174.9 of the screening instrument. The screening shall be conducted after the initial detention
174.10 hearing has been held and the court has ordered the child continued in detention. The results
174.11 of the screening may only be presented to the court at the dispositional phase of the court
174.12 proceedings on the matter unless the parent or legal guardian consents to presentation at a
174.13 different time. If the screening indicates a need for assessment, the local social services
174.14 agency or probation officer, with the approval of the child's parent or legal guardian, shall
174.15 have a diagnostic assessment conducted, including a functional assessment, as defined in
174.16 section 245.4871.

174.17 Sec. 39. Minnesota Statutes 2020, section 260C.007, subdivision 6, is amended to read:

174.18 Subd. 6. **Child in need of protection or services.** "Child in need of protection or
174.19 services" means a child who is in need of protection or services because the child:

174.20 (1) is abandoned or without parent, guardian, or custodian;

174.21 (2)(i) has been a victim of physical or sexual abuse as defined in section 260E.03,
174.22 subdivision 18 or 20, (ii) resides with or has resided with a victim of child abuse as defined
174.23 in subdivision 5 or domestic child abuse as defined in subdivision 13, (iii) resides with or
174.24 would reside with a perpetrator of domestic child abuse as defined in subdivision 13 or child
174.25 abuse as defined in subdivision 5 or 13, or (iv) is a victim of emotional maltreatment as
174.26 defined in subdivision 15;

174.27 (3) is without necessary food, clothing, shelter, education, or other required care for the
174.28 child's physical or mental health or morals because the child's parent, guardian, or custodian
174.29 is unable or unwilling to provide that care;

174.30 (4) is without the special care made necessary by a physical, mental, or emotional
174.31 condition because the child's parent, guardian, or custodian is unable or unwilling to provide
174.32 that care;

175.1 (5) is medically neglected, which includes, but is not limited to, the withholding of
175.2 medically indicated treatment from an infant with a disability with a life-threatening
175.3 condition. The term "withholding of medically indicated treatment" means the failure to
175.4 respond to the infant's life-threatening conditions by providing treatment, including
175.5 appropriate nutrition, hydration, and medication which, in the treating physician's or advanced
175.6 practice registered nurse's reasonable medical judgment, will be most likely to be effective
175.7 in ameliorating or correcting all conditions, except that the term does not include the failure
175.8 to provide treatment other than appropriate nutrition, hydration, or medication to an infant
175.9 when, in the treating physician's or advanced practice registered nurse's reasonable medical
175.10 judgment:

175.11 (i) the infant is chronically and irreversibly comatose;

175.12 (ii) the provision of the treatment would merely prolong dying, not be effective in
175.13 ameliorating or correcting all of the infant's life-threatening conditions, or otherwise be
175.14 futile in terms of the survival of the infant; or

175.15 (iii) the provision of the treatment would be virtually futile in terms of the survival of
175.16 the infant and the treatment itself under the circumstances would be inhumane;

175.17 (6) is one whose parent, guardian, or other custodian for good cause desires to be relieved
175.18 of the child's care and custody, including a child who entered foster care under a voluntary
175.19 placement agreement between the parent and the responsible social services agency under
175.20 section 260C.227;

175.21 (7) has been placed for adoption or care in violation of law;

175.22 (8) is without proper parental care because of the emotional, mental, or physical disability,
175.23 or state of immaturity of the child's parent, guardian, or other custodian;

175.24 (9) is one whose behavior, condition, or environment is such as to be injurious or
175.25 dangerous to the child or others. An injurious or dangerous environment may include, but
175.26 is not limited to, the exposure of a child to criminal activity in the child's home;

175.27 (10) is experiencing growth delays, which may be referred to as failure to thrive, that
175.28 have been diagnosed by a physician and are due to parental neglect;

175.29 (11) is a sexually exploited youth;

175.30 (12) has committed a delinquent act or a juvenile petty offense before becoming ~~ten~~ 13
175.31 years old;

175.32 (13) is a runaway;

176.1 (14) is a habitual truant;

176.2 (15) has been found incompetent to proceed or has been found not guilty by reason of
176.3 mental illness or mental deficiency in connection with a delinquency proceeding, a
176.4 certification under section 260B.125, an extended jurisdiction juvenile prosecution, or a
176.5 proceeding involving a juvenile petty offense; or

176.6 (16) has a parent whose parental rights to one or more other children were involuntarily
176.7 terminated or whose custodial rights to another child have been involuntarily transferred to
176.8 a relative and there is a case plan prepared by the responsible social services agency
176.9 documenting a compelling reason why filing the termination of parental rights petition under
176.10 section 260C.503, subdivision 2, is not in the best interests of the child.

176.11 Sec. 40. Minnesota Statutes 2020, section 401.025, subdivision 1, is amended to read:

176.12 Subdivision 1. **Peace officers and probation officers serving CCA counties.** (a) When
176.13 it appears necessary to enforce discipline or to prevent a person on conditional release from
176.14 escaping or absconding from supervision, the chief executive officer or designee of a
176.15 community corrections agency in a CCA county has the authority to issue a written order
176.16 directing any peace officer or any probation officer in the state serving the district and
176.17 juvenile courts to detain and bring the person before the court or the commissioner, whichever
176.18 is appropriate, for disposition. If the person on conditional release commits a violation
176.19 described in section 609.14, subdivision 1a, paragraph (a), the chief executive officer or
176.20 designee must have a reasonable belief that the order is necessary to prevent the person
176.21 from escaping or absconding from supervision or that the continued presence of the person
176.22 in the community presents a risk to public safety before issuing a written order. This written
176.23 order is sufficient authority for the peace officer or probation officer to detain the person
176.24 for not more than 72 hours, excluding Saturdays, Sundays, and holidays, pending a hearing
176.25 before the court or the commissioner.

176.26 (b) The chief executive officer or designee of a community corrections agency in a CCA
176.27 county has the authority to issue a written order directing a peace officer or probation officer
176.28 serving the district and juvenile courts to release a person detained under paragraph (a)
176.29 within 72 hours, excluding Saturdays, Sundays, and holidays, without an appearance before
176.30 the court or the commissioner. This written order is sufficient authority for the peace officer
176.31 or probation officer to release the detained person.

176.32 (c) The chief executive officer or designee of a community corrections agency in a CCA
176.33 county has the authority to issue a written order directing any peace officer or any probation
176.34 officer serving the district and juvenile courts to detain any person on court-ordered pretrial
177.1 release who absconds from pretrial release or fails to abide by the conditions of pretrial

177.2 release. A written order issued under this paragraph is sufficient authority for the peace
177.3 officer or probation officer to detain the person.

177.4 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to violations
177.5 that occur on or after that date.

177.6 Sec. 41. Minnesota Statutes 2020, section 401.06, is amended to read:

177.7 **401.06 COMPREHENSIVE PLAN; STANDARDS OF ELIGIBILITY;**
177.8 **COMPLIANCE.**

177.9 No county or group of counties electing to provide correctional services pursuant to
177.10 sections 401.01 to 401.16 shall be eligible for the subsidy herein provided unless and until
177.11 its comprehensive plan shall have been approved by the commissioner. The commissioner
177.12 shall, pursuant to the Administrative Procedure Act, promulgate rules establishing standards
177.13 of eligibility for counties to receive funds under sections 401.01 to 401.16. To remain eligible
177.14 for subsidy counties shall maintain substantial compliance with the minimum standards
177.15 established pursuant to sections 401.01 to 401.16 and the policies and procedures governing
177.16 the services described in section 401.025 as prescribed by the commissioner. Counties shall
177.17 also be in substantial compliance with other correctional operating standards permitted by
177.18 law and established by the commissioner and shall report statistics required by the
177.19 commissioner including but not limited to information on individuals convicted as an
177.20 extended jurisdiction juvenile identified in section 241.016, subdivision 1, paragraph (c).
177.21 The commissioner shall review annually the comprehensive plans submitted by participating
177.22 counties, including the facilities and programs operated under the plans. The commissioner
177.23 is hereby authorized to enter upon any facility operated under the plan, and inspect books
177.24 and records, for purposes of recommending needed changes or improvements.

177.25 When the commissioner shall determine that there are reasonable grounds to believe
177.26 that a county or group of counties is not in substantial compliance with minimum standards,
177.27 at least 30 days' notice shall be given to the county or counties and a hearing conducted by
177.28 the commissioner to ascertain whether there is substantial compliance or satisfactory progress
177.29 being made toward compliance. The commissioner may suspend all or a portion of any
177.30 subsidy until the required standard of operation has been met.

177.31 Sec. 42. Minnesota Statutes 2020, section 609.14, subdivision 1, is amended to read:

177.32 Subdivision 1. **Grounds.** (a) When it appears that the defendant has violated any of the
177.33 conditions of probation or intermediate sanction, or has otherwise been guilty of misconduct
178.1 which warrants the imposing or execution of sentence, the court may without notice revoke
178.2 the stay and direct that the defendant be taken into immediate custody. Revocation should
178.3 only be used as a last resort when rehabilitation has failed.

178.4 (b) When it appears that the defendant violated any of the conditions of probation during
178.5 the term of the stay, but the term of the stay has since expired, the defendant's probation
178.6 officer or the prosecutor may ask the court to initiate probation revocation proceedings
178.7 under the Rules of Criminal Procedure at any time within six months after the expiration

178.8 of the stay. The court also may initiate proceedings under these circumstances on its own
178.9 motion. If proceedings are initiated within this six-month period, the court may conduct a
178.10 revocation hearing and take any action authorized under rule 27.04 at any time during or
178.11 after the six-month period.

178.12 (c) Notwithstanding the provisions of section 609.135 or any law to the contrary, after
178.13 proceedings to revoke the stay have been initiated by a court order revoking the stay and
178.14 directing either that the defendant be taken into custody or that a summons be issued in
178.15 accordance with paragraph (a), the proceedings to revoke the stay may be concluded and
178.16 the summary hearing provided by subdivision 2 may be conducted after the expiration of
178.17 the stay or after the six-month period set forth in paragraph (b). The proceedings to revoke
178.18 the stay shall not be dismissed on the basis that the summary hearing is conducted after the
178.19 term of the stay or after the six-month period. The ability or inability to locate or apprehend
178.20 the defendant prior to the expiration of the stay or during or after the six-month period shall
178.21 not preclude the court from conducting the summary hearing unless the defendant
178.22 demonstrates that the delay was purposefully caused by the state in order to gain an unfair
178.23 advantage.

178.24 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to violations
178.25 that occur on or after that date.

178.26 Sec. 43. Minnesota Statutes 2020, section 609.14, is amended by adding a subdivision to
178.27 read:

178.28 **Subd. 1a. Violations where policies favor continued rehabilitation.** (a) Correctional
178.29 treatment is better provided through a community resource than through confinement, it
178.30 would not unduly depreciate the seriousness of the violation if probation was not revoked,
178.31 and the policies favoring probation outweigh the need for confinement if a person has not
178.32 previously violated a condition of probation or intermediate sanction and does any of the
178.33 following in violation of a condition imposed by the court:

179.1 (1) fails to abstain from the use of controlled substances without a valid prescription,
179.2 unless the person is under supervision for a violation of:

179.3 (i) section 169A.20;

179.4 (ii) 609.2112, subdivision 1, paragraph (a), clauses (2) to (6); or

179.5 (iii) 609.2113, subdivision 1, clauses (2) to (6), subdivision 2, clauses (2) to (6), or
179.6 subdivision 3, clauses (2) to (6);

179.7 (2) fails to abstain from the use of alcohol, unless the person is under supervision for a
179.8 violation of:

179.9 (i) section 169A.20;

179.10 (ii) 609.2112, subdivision 1, paragraph (a), clauses (2) to (6); or

- 179.11 (iii) 609.2113, subdivision 1, clauses (2) to (6), subdivision 2, clauses (2) to (6), or
179.12 subdivision 3, clauses (2) to (6);
- 179.13 (3) possesses drug paraphernalia in violation of section 152.092;
- 179.14 (4) fails to obtain or maintain employment;
- 179.15 (5) fails to pursue a course of study or vocational training;
- 179.16 (6) fails to report a change in employment, unless the person is prohibited from having
179.17 contact with minors and the employment would involve such contact;
- 179.18 (7) violates a curfew;
- 179.19 (8) fails to report contact with a law enforcement agency, unless the person was charged
179.20 with a misdemeanor, gross misdemeanor, or felony; or
- 179.21 (9) commits any offense for which the penalty is a petty misdemeanor.
- 179.22 (b) A violation by a person described in paragraph (a) does not warrant the imposition
179.23 or execution of sentence and the court may not direct that the person be taken into immediate
179.24 custody unless the court receives a written report, signed under penalty of perjury pursuant
179.25 to section 358.116, showing probable cause to believe the person violated probation and
179.26 establishing by a preponderance of the evidence that the continued presence of the person
179.27 in the community would present a risk to public safety. If the court does not direct that the
179.28 person be taken into custody, the court may request a supplemental report from the
179.29 supervising agent containing:
- 179.30 (1) the specific nature of the violation;
- 180.1 (2) the response of the person under supervision to the violation, if any; and
- 180.2 (3) the actions the supervising agent has taken or will take to address the violation.
- 180.3 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to violations
180.4 that occur on or after that date.
- 180.5 **Sec. 44. [641.015] PLACEMENT IN PRIVATE PRISONS PROHIBITED.**
- 180.6 Subdivision 1. **Placement prohibited.** After August 1, 2021, a sheriff shall not allow
180.7 inmates committed to the custody of the sheriff to be housed in facilities that are not owned
180.8 and operated by a local government, or a group of local units of government.
- 180.9 Subd. 2. **Contracts prohibited.** The county board may not authorize the sheriff to
180.10 contract with privately owned and operated prisons for the care, custody, and rehabilitation
180.11 of offenders committed to the custody of the sheriff.
- 180.12 **EFFECTIVE DATE.** This section is effective the day following final enactment.

180.13 Sec. 45. Laws 2017, chapter 95, article 3, section 30, is amended to read:

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

180.15 (a) Agencies providing supervision to offenders on probation, parole, or supervised
180.16 release are eligible for grants funding to facilitate access to community options including,
180.17 but not limited to, inpatient chemical dependency treatment for nonviolent controlled
180.18 substance offenders to address and correct behavior that is, or is likely to result in, a technical
180.19 violation of the conditions of release. For purposes of this section, "nonviolent controlled
180.20 substance offender" is a person who meets the criteria described under Minnesota Statutes,
180.21 section 244.0513, subdivision 2, clauses (1), (2), and (5), and "technical violation" means
180.22 a violation of a court order of probation, condition of parole, or condition of supervised
180.23 release, except an allegation of a subsequent criminal act that is alleged in a formal complaint,
180.24 citation, or petition.

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

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

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

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

181.3 ~~(3) (1) the community services accessed as a result of the grants funding;~~

181.4 ~~(4) (2) a summary of the type of supervision offenders were under when a grant funding~~
181.5 ~~was used to help access a community option;~~

181.6 ~~(5) (3) the number of individuals who completed, and the number who failed to complete,~~
181.7 ~~programs accessed as a result of this grant funding; and~~

181.8 ~~(6) (4) the number of individuals who violated the terms of release following participation~~
181.9 ~~in a program accessed as a result of this grant funding, separating technical violations and~~
181.10 ~~new criminal offenses;~~

181.11 ~~(5) the number of individuals who completed or were discharged from probation after~~
181.12 ~~participating in the program;~~

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

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

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

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

23.29 (a) Agencies providing supervision to offenders on probation, parole, or supervised
23.30 release are eligible for grants funding to facilitate access to community options including,
23.31 but not limited to, inpatient chemical dependency treatment for nonviolent controlled
24.1 substance offenders to address and correct behavior that is, or is likely to result in, a technical
24.2 violation of the conditions of release. For purposes of this section, "nonviolent controlled
24.3 substance offender" is a person who meets the criteria described under Minnesota Statutes,
24.4 section 244.0513, subdivision 2, clauses (1), (2), and (5), and "technical violation" means
24.5 a violation of a court order of probation, condition of parole, or condition of supervised
24.6 release, except an allegation of a subsequent criminal act that is alleged in a formal complaint,
24.7 citation, or petition.

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

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

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

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

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

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

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

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

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

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

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

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

181.19 Sec. 46. **TASK FORCE ON AIDING AND ABETTING FELONY MURDER.**

181.20 Subdivision 1. **Definitions.** As used in this section, the following terms have the meanings
181.21 given:

181.22 (1) "aiding and abetting" means a person who is criminally liable for a crime committed
181.23 by another because that person intentionally aided, advised, hired, counseled, or conspired
181.24 with or otherwise procured the other to commit the crime; and

181.25 (2) "felony murder" means a violation of Minnesota Statutes, section 609.185, paragraph
181.26 (a), clause (2), (3), (5), (6), or (7); or 609.19, subdivision 2, clause (1).

181.27 Subd. 2. **Establishment.** The task force on aiding and abetting felony murder is
181.28 established to collect and analyze data on the charging, convicting, and sentencing of people
181.29 for aiding and abetting felony murder; assess whether current laws and practices promote
181.30 public safety and equity in sentencing; and make recommendations to the legislature.

181.31 Subd. 3. **Membership.** (a) The task force consists of the following members:

182.1 (1) two members of the house of representatives, one appointed by the speaker of the
182.2 house and one appointed by the minority leader;

182.3 (2) two members of the senate, one appointed by the majority leader and one appointed
182.4 by the minority leader;

182.5 (3) the commissioner of corrections or a designee;

182.6 (4) the executive director of the Minnesota Sentencing Guidelines Commission or a
182.7 designee;

182.8 (5) the attorney general or a designee;

182.9 (6) the state public defender or a designee;

182.10 (7) the statewide coordinator of the Violent Crime Coordinating Council;

182.11 (8) one defense attorney, appointed by the Minnesota Association of Criminal Defense
182.12 Lawyers;

182.13 (9) three county attorneys, appointed by the Minnesota County Attorneys Association;

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

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

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

- 182.14 (10) two members representing victims' rights organizations, appointed by the Office
182.15 of Justice Programs director in the Department of Public Safety;
- 182.16 (11) one member of a criminal justice advocacy organization, appointed by the governor;
- 182.17 (12) one member of a statewide civil rights organization, appointed by the governor;
- 182.18 (13) two impacted persons who are directly related to a person who has been convicted
182.19 of felony murder, appointed by the governor; and
- 182.20 (14) one person with expertise regarding the laws and practices of other states relating
182.21 to aiding and abetting felony murder, appointed by the governor.
- 182.22 (b) Appointments must be made no later than July 30, 2021.
- 182.23 (c) The legislative members identified in paragraph (a), clauses (1) and (2), shall serve
182.24 as ex officio, nonvoting members of the task force.
- 182.25 (d) Members shall serve without compensation.
- 182.26 (e) Members of the task force serve at the pleasure of the appointing authority or until
182.27 the task force expires. Vacancies shall be filled by the appointing authority consistent with
182.28 the qualifications of the vacating member required by this subdivision.
- 182.29 Subd. 4. **Officers; meetings.** (a) The task force shall elect a chair and vice-chair and
182.30 may elect other officers as necessary.
- 183.1 (b) The commissioner of corrections shall convene the first meeting of the task force no
183.2 later than August 1, 2021, and shall provide meeting space and administrative assistance
183.3 as necessary for the task force to conduct its work.
- 183.4 (c) The task force shall meet at least monthly or upon the call of its chair. The task force
183.5 shall meet sufficiently enough to accomplish the tasks identified in this section. Meetings
183.6 of the task force are subject to Minnesota Statutes, chapter 13D.
- 183.7 (d) To compile and analyze data, the task force shall request the cooperation and
183.8 assistance of local law enforcement agencies, the Minnesota Sentencing Guidelines
183.9 Commission, the judicial branch, the Bureau of Criminal Apprehension, county attorneys,
183.10 and Tribal governments and may request the cooperation of academics and others with
183.11 experience and expertise in researching the impact of laws criminalizing aiding and abetting
183.12 felony murder.
- 183.13 Subd. 5. **Duties.** (a) The task force shall, at a minimum:
- 183.14 (1) collect and analyze data on charges, convictions, and sentences for aiding and abetting
183.15 felony murder;

- 183.16 (2) collect and analyze data on sentences for aiding and abetting felony murder in which
183.17 a person received a mitigated durational departure because the person played a minor or
183.18 passive role in the crime or participated under circumstances of coercion or duress;
- 183.19 (3) collect and analyze data on charges, convictions, and sentences for codefendants of
183.20 people sentenced for aiding and abetting felony murder;
- 183.21 (4) review relevant state statutes and state and federal court decisions;
- 183.22 (5) receive input from individuals who were convicted of aiding and abetting felony
183.23 murder;
- 183.24 (6) receive input from family members of individuals who were victims of felony murder;
- 183.25 (7) analyze the benefits and unintended consequences of Minnesota Statutes and practices
183.26 related to the charging, convicting, and sentencing of people for aiding and abetting felony
183.27 murder including but not limited to an analysis of whether current statutes and practice:
- 183.28 (i) promote public safety; and
183.29 (ii) properly punish people for their role in an offense; and
- 183.30 (8) make recommendations for legislative action, if any, on laws affecting:
- 183.31 (i) the collection and reporting of data; and
184.1 (ii) the charging, convicting, and sentencing of people for aiding and abetting felony
184.2 murder.
- 184.3 (b) At its discretion, the task force may examine, as necessary, other related issues
184.4 consistent with this section.
- 184.5 Subd. 6. **Report.** On or before January 15, 2022, the task force shall submit a report to
184.6 the chairs and ranking minority members of the house of representatives and senate
184.7 committees and divisions with jurisdiction over criminal sentencing on the findings and
184.8 recommendations of the task force.
- 184.9 Subd. 7. **Expiration.** The task force expires the day after submitting its report under
184.10 subdivision 6.
- 184.11 **EFFECTIVE DATE.** This section is effective July 1, 2021.
- 184.12 Sec. 47. **TITLE.**
- 184.13 Sections 5 to 11, 14, 19, 20, and 27 shall be know as the "Hardel Sherrell Act."
- 184.14 Sec. 48. **CORRECTIONAL SUPERVISION WORKING GROUP; TRIBAL**
184.15 **GOVERNMENTS.**
- 184.16 Subdivision 1. **Establishment.** Recognizing the sovereignty of Tribal governments and
184.17 the shared state and Tribal interests in providing effective, responsive, and culturally relevant

184.18 correctional supervision and services, a working group is established to develop policy,
184.19 protocols, and procedures for Minnesota-based federally recognized Indian Tribes to
184.20 participate in the Community Corrections Act subsidy program and make recommendations
184.21 to the legislature on changes to the law to allow for Tribal supervision.

184.22 Subd. 2. **Duties.** The working group shall develop comprehensive recommendations
184.23 that allow a Minnesota-based federally recognized Indian Tribe, as defined in United States
184.24 Code, title 25, section 450b(e), to qualify for a grant provided in Minnesota Statutes, section
184.25 401.01, by meeting and agreeing to the requirements in Minnesota Statutes, section 401.02,
184.26 subdivision 1, excluding the population requirement. The working group shall:

184.27 (1) develop statutory policy language that provides that interested Tribal governments
184.28 may participate in the Community Corrections Act grant program;

184.29 (2) identify Tribal Community Corrections Act supervision jurisdiction parameters such
184.30 as Tribal lands, Tribal enrollment, and recognized Tribal affiliation;

185.1 (3) develop a court process for determining whether an individual shall receive
185.2 correctional supervision and services from a Tribal Community Corrections Act authority;

185.3 (4) develop an effective and relevant formula for determining the amount of community
185.4 corrections aid to be paid to a participating Tribal government; and

185.5 (5) develop legislation to establish conformance with all other requirements in the
185.6 Community Corrections Act.

185.7 Subd. 3. **Members.** The working group must include the following members:

185.8 (1) the commissioner of corrections, or designee;

185.9 (2) the commissioner of human services, or designee;

185.10 (3) the attorney general, or designee;

185.11 (4) a representative of each Minnesota-based federally recognized Indian Tribe appointed
185.12 by each Tribe;

185.13 (5) a representative appointed by the governor;

185.14 (6) a representative appointed by the speaker of the house;

185.15 (7) a representative appointed by the senate majority leader;

185.16 (8) a representative of the State Court Administrators Office appointed by the state court
185.17 administrator;

185.18 (9) Department of Corrections, executive officer of hearings and release;

185.19 (10) Department of Corrections, director of field services;

- 185.20 (11) a representative of the Minnesota Indian Affairs Council appointed by the council;
185.21 and
- 185.22 (12) one representative appointed by each of the following associations:
- 185.23 (i) the Minnesota Association of Community Corrections Act Counties;
- 185.24 (ii) the Minnesota Association of County Probation Officers;
- 185.25 (iii) the Minnesota Sheriffs' Association;
- 185.26 (iv) the Minnesota County Attorney's Association; and
- 185.27 (v) the Association of Minnesota Counties.
- 185.28 Subd. 4. **Meetings.** The commissioner of corrections or a designee shall convene the
185.29 first meeting of the working group no later than October 15, 2021. Members of the working
186.1 group shall elect a chair from among the group's members at the first meeting, and the
186.2 commissioner of corrections or a designee shall serve as the working group's chair until a
186.3 chair is elected.
- 186.4 Subd. 5. **Compensation.** Members of the working group shall serve without
186.5 compensation.
- 186.6 Subd. 6. **Administrative support.** The commissioner of corrections shall provide
186.7 administrative support staff and meeting space for the working group.
- 186.8 Subd. 7. **Report.** The working group shall prepare and submit a report to the chairs of
186.9 the house of representatives and senate committees and divisions with jurisdiction over
186.10 public safety not later than March 15, 2022. The working group's report shall minimally
186.11 include statutory policy language that provides that interested Tribal governments may
186.12 participate in the Community Corrections Act grant program.
- 186.13 Subd. 8. **Expiration.** The working group expires the earlier of March 16, 2022, or the
186.14 day after the working group submits the report under subdivision 7.
- 186.15 **EFFECTIVE DATE.** This section is effective the day following final enactment.

186.16

ARTICLE 12

186.17

MINNESOTA REHABILITATION AND REINVESTMENT ACT

186.18 Section 1. Minnesota Statutes 2020, section 244.03, is amended to read:

186.19

244.03 REHABILITATIVE PROGRAMS.

186.20 The commissioner shall ~~provide appropriate mental health programs and vocational and~~
186.21 ~~educational programs with employment-related goals for inmates. The selection, design~~
186.22 ~~and implementation of programs under this section shall be the sole responsibility of the~~
186.23 ~~commissioner, acting within the limitations imposed by the funds appropriated for such~~
186.24 ~~programs develop, implement, and provide appropriate substance abuse treatment programs;~~
186.25 ~~sexual offender treatment programming; domestic abuse programming; medical and mental~~
186.26 ~~health services; and vocational, employment and career, educational, and other rehabilitative~~
186.27 ~~programs for persons committed to the authority of the commissioner.~~

186.28

186.29 While evidence-based programs shall be prioritized, the selection, design, and
186.30 implementation of programs under this section shall be the sole responsibility of the
186.31 commissioner, acting within the limitations imposed by the funds appropriated for the
programs under this section.

187.1

187.2 No action challenging the level of expenditures for programs authorized under this
187.3 section, nor any action challenging the selection, design or implementation of these programs,
187.4 including employee assignments, may be maintained by an ~~inmate~~ incarcerated person in
any court in this state.

187.5

187.6 The commissioner may impose disciplinary sanctions upon any ~~inmate~~ incarcerated
person who refuses to participate in rehabilitative programs.

187.7

Sec. 2. [244.031] REHABILITATIVE NEED ASSESSMENT AND
INDIVIDUALIZED PROGRAM PLAN REQUIRED.

187.9

187.10 (a) The commissioner shall develop a comprehensive need assessment process for each
187.11 person who is serving a fixed term of imprisonment in a state correctional facility on or
187.12 after August 1, 2021, and has 365 days or more remaining until the person's scheduled
supervised release date.

187.13

187.14 (b) Upon completion of the assessment process, the commissioner shall ensure the
187.15 development of an individualized program plan, along with identified goals for every person
187.16 committed to the authority of the Department of Corrections. The individualized program
187.17 plan shall be holistic in nature in that it identifies intended outcomes for addressing the
187.18 incarcerated person's needs and risk factors, the individual's identified strengths, and available
187.19 and needed community supports, including victim safety considerations as required in
section 244.0552, if applicable.

187.20

187.21 (c) When an individual is committed to the custody of the commissioner for a crime
resulting in harm against a person or persons, the commissioner shall provide opportunity

187.22 for input during the assessment and program plan process. Victim input may include a
187.23 summary of victim concerns relative to release, concerns related to victim safety during the
187.24 committed person's term of imprisonment, and requests for imposition of victim safety
187.25 protocols as additional conditions of imprisonment or supervised release.

187.26 (d) The commissioner shall consider victim input statements in program planning and
187.27 establishing conditions governing confinement or release.

187.28 (e) For an individual with less than 365 days remaining until the individual's supervised
187.29 release date, the commissioner, in consultation with the incarcerated individual, shall develop
187.30 a transition and release plan.

188.1 **Sec. 3. [244.032] EARNED INCENTIVE RELEASE.**

188.2 (a) For the purposes of this section, "earned incentive release" means release credit that
188.3 is earned and subtracted from the term of imprisonment for completion of objectives
188.4 established by an incarcerated person's individualized program plan.

188.5 (b) To encourage and support rehabilitation when consistent with public interest and
188.6 public safety, the commissioner of corrections, in consultation with the Minnesota County
188.7 Attorney's Association, Minnesota Board of Public Defense, Minnesota Association of
188.8 Community Corrections Act Counties, Minnesota Indian Women's Sexual Assault Coalition,
188.9 Violence Free Minnesota, Minnesota Coalition Against Sexual Assault, Minnesota Alliance
188.10 on Crime, the Minnesota Sheriff's Association, Minnesota Chiefs of Police Association,
188.11 and the Minnesota Police and Peace Officers Association, shall establish policy providing
188.12 for earned incentive release credit and forfeiture of the credit as part of the term of
188.13 imprisonment. The policy shall:

188.14 (1) provide circumstances upon which an incarcerated person may earn incentive release
188.15 credits, including participation in rehabilitative programming as required under section
188.16 244.031; and

188.17 (2) address those circumstances where (i) the capacity to provide treatment programming
188.18 in the correctional facility is diminished but the services are available to the community,
188.19 and (ii) the conditions under which the incarcerated person could be released to the
188.20 community-based resource but remain subject to commitment to the commissioner and
188.21 considered for earned incentive release credit.

188.22 (c) The commissioner shall also develop a policy establishing a process for assessing
188.23 and addressing any systemic and programmatic gender and racial disparities that may be
188.24 identified in the award of earned incentive release credits.

188.25 **Sec. 4. [244.033] APPLICATION OF EARNED INCENTIVE RELEASE CREDIT.**

188.26 (a) Earned incentive release credits shall be subtracted from the term of imprisonment
188.27 but shall not be added to the person's supervised release term. In no case shall the credit

- 188.28 reduce the term of imprisonment to less than one-half of the incarcerated person's executed
188.29 sentence.
- 188.30 (b) The earned incentive release program is separate and distinct from other legislatively
188.31 authorized release programs, including the challenge incarceration program, work release,
188.32 conditional medical release, or Conditional Release of Nonviolent Controlled Substance
188.33 Offenders program, which may have unique statutory requirements and obligations.
- 189.1 Sec. 5. ~~[244.034]~~ CERTAIN OFFENSES INELIGIBLE FOR EARNED INCENTIVE
189.2 RELEASE CREDIT.
- 189.3 (a) A person committed to the commissioner for any of the following offenses shall be
189.4 ineligible for earned incentive release credit under sections 244.031 to 244.033:
- 189.5 (1) section 609.185, first degree murder, or 609.19, murder in the second degree;
- 189.6 (2) section 609.195, murder in the third degree, or 609.221, assault in the first degree;
- 189.7 (3) section 609.342, first degree criminal sexual conduct, 609.343, second degree criminal
189.8 sexual conduct, or 609.344, third degree criminal sexual conduct, if the offense was
189.9 committed with force or violence;
- 189.10 (4) section 609.3455, subdivision 5, dangerous sex offenders, where the court shall
189.11 specify a minimum term of imprisonment, based on the sentencing guidelines or any
189.12 applicable mandatory minimum sentence, that must be served before the offender may be
189.13 considered for supervised release;
- 189.14 (5) section 609.229, subdivision 4, paragraph (b), crimes committed for the benefit of
189.15 a gang where any person convicted and sentenced as required by section 609.229, subdivision
189.16 4, paragraph (a), is not eligible for probation, parole, discharge, work release, or supervised
189.17 release until that person has served the full term of imprisonment as provided by law;
- 189.18 (6) section 152.026 where a person with a mandatory minimum sentence imposed for
189.19 a first or second degree controlled substance crime is not eligible for probation, parole,
189.20 discharge, or supervised release until that person has served the full term of imprisonment
189.21 as provided by law;
- 189.22 (7) a person who was convicted in any other jurisdiction of a crime and the person's
189.23 supervision was transferred to this state;
- 189.24 (8) section 243.166, subdivision 5, paragraph (e), predatory offender registration;
- 189.25 (9) section 609.11, subdivision 6, use of firearm or dangerous weapon during the
189.26 commission of certain offenses;
- 189.27 (10) section 609.221, subdivision 2, paragraph (b), use of deadly force against a peace
189.28 officer, prosecutor, judge, or correctional employee;

189.29 (11) section 609.2231, subdivision 3a, paragraph (d), assault against secure treatment
189.30 personnel; and

190.1 (12) a person subject to a conditional release term under section 609.3455, subdivisions
190.2 6 and 7, whether on the present offense or previous offense for which a term of conditional
190.3 release remains.

190.4 (b) Persons serving life sentences, persons given indeterminate sentences for crimes
190.5 committed on or before April 30, 1980, or persons subject to good time under section 244.04,
190.6 or similar laws are ineligible for earned incentive release credit.

190.7 Sec. 6. Minnesota Statutes 2020, section 244.05, subdivision 1b, is amended to read:

190.8 Subd. 1b. **Supervised release; offenders who commit crimes on or after August 1,**
190.9 **1993.** (a) Except as provided in subdivisions 4 and 5, every inmate sentenced to prison for
190.10 a felony offense committed on or after August 1, 1993, shall serve a supervised release term
190.11 upon completion of the inmate's term of imprisonment and any disciplinary confinement
190.12 period imposed by the commissioner due to the inmate's violation of any disciplinary rule
190.13 adopted by the commissioner or refusal to participate in a rehabilitative program required
190.14 under section 244.03. The amount of time the inmate serves on supervised release shall be
190.15 equal in length to the amount of time remaining in the inmate's executed sentence after the
190.16 inmate has served the term of imprisonment reduced by any earned incentive release credit
190.17 and any disciplinary confinement period imposed by the commissioner.

190.18 (b) No inmate who violates a disciplinary rule or refuses to participate in a rehabilitative
190.19 program as required under section 244.03 shall be placed on supervised release until the
190.20 inmate has served the disciplinary confinement period for that disciplinary sanction or until
190.21 the inmate is discharged or released from punitive ~~segregation~~ restrictive housing
190.22 confinement, whichever is later. The imposition of a disciplinary confinement period shall
190.23 be considered to be a disciplinary sanction imposed upon an inmate, and the procedure for
190.24 imposing the disciplinary confinement period and the rights of the inmate in the procedure
190.25 shall be those in effect for the imposition of other disciplinary sanctions at each state
190.26 correctional institution.

190.27 Sec. 7. **[244.0551] EARNED COMPLIANCE CREDIT AND SUPERVISION**
190.28 **ABATEMENT STATUS.**

190.29 (a) For the purposes of this section, the following terms have the meanings given them:

190.30 (1) "supervision abatement status" means an end to active correctional supervision of a
190.31 supervised individual without effect on the legal expiration date of the executed sentence
190.32 less any earned incentive release credit; and

191.1 (2) "earned compliance credit" means a one-month reduction from the period of active
191.2 supervision of the supervised release term for every two months that a supervised individual
191.3 exhibits compliance with the conditions and goals of the individual's supervision plan.

191.4 (b) The commissioner of corrections shall adopt policy providing for earned compliance
191.5 credit and forfeiture of the credit. The commissioner shall adjust the period of an individual's
191.6 supervised release term for earned compliance credits accrued under a program created
191.7 under this section. Once a combination of time served, earned incentive credit, along with
191.8 a term of supervision and earned compliance credits equal the supervised release term, the
191.9 commissioner shall place the individual on supervision abatement status.

191.10 (c) A person whose period of active supervision has been completely reduced as a result
191.11 of earned compliance credits shall remain on supervision abatement status until the expiration
191.12 of the executed sentence, less any earned incentive release credit. If an individual is on
191.13 supervision abatement status and is charged with a new presumptive commit felony-level
191.14 crime against a person, the commissioner may return the individual to active supervision
191.15 and impose any additional sanctions, up to and including revocation from supervised release
191.16 and return to the custody of the commissioner.

191.17 (d) A person who is placed on supervision abatement status under this section may not
191.18 be required to regularly report to a supervised release agent or pay a supervision fee but
191.19 must continue to obey all laws, report any new criminal charges, and abide by section
191.20 243.1605 before seeking written authorization to relocate to another state.

191.21 (e) This section does not apply to persons serving life sentences, persons given
191.22 indefinite sentences for crimes committed on or before April 30, 1980, or persons subject
191.23 to good time under section 244.04, or similar laws.

191.24 **Sec. 8. [244.0552] VICTIM INPUT.**

191.25 When an individual is committed to the custody of the commissioner for a crime of
191.26 violence and is eligible for earned incentive release credit under section 244.032, the
191.27 commissioner shall make reasonable efforts to notify the victim of the committed person's
191.28 eligibility for earned incentive release. Victim input may include a summary of victim
191.29 concerns relative to earned incentive release eligibility, concerns related to victim safety
191.30 during the committed person's term of imprisonment, and requests for imposition of victim
191.31 safety protocols as additional conditions of imprisonment or supervised release.

191.32 The commissioner shall consider victim input statements in establishing requirements
191.33 governing conditions of release. The commissioner shall provide the name and telephone
192.1 number of the local victim agency serving the jurisdiction of release to any victim providing
192.2 input on earned incentive release.

192.3 **Sec. 9. [244.0553] VICTIM NOTIFICATION.**

192.4 Nothing in sections 244.031 to 244.033 or 244.0551 to 244.0554 limits any victim
192.5 notification obligations of the commissioner of corrections required by statute related to a
192.6 change in custody status, committing offense, end of confinement review, or notification
192.7 registration.

192.8 Sec. 10. [244.0554] INTERSTATE COMPACT.

192.9 As may be allowed by compact requirements established in section 243.1605, a person
192.10 subject to supervision on a Minnesota sentence in another state under the Interstate Compact
192.11 for Adult Offender Supervision may be eligible for supervision abatement status pursuant
192.12 to this chapter only if they meet eligibility criteria as established in this section and certified
192.13 by a supervising entity in another state.

192.14 Sec. 11. [244.0555] REALLOCATION OF EARNED INCENTIVE RELEASE
192.15 SAVINGS.

192.16 Subdivision 1. **Definitions.** (a) For the purposes of this section the terms in this
192.17 subdivision have the meanings given them.

192.18 (b) "Commissioner" means the commissioner of corrections.

192.19 (c) "Offender daily cost" means the actual nonsalary expenditures, including
192.20 encumbrances as of July 31 following the end of the fiscal year, from the Department of
192.21 Corrections expense budgets for case management, food preparation, food provisions,
192.22 offender personal support including clothing, linen and other personal supplies, transportation,
192.23 dental care, nursing services, and professional technical contracted health care services.

192.24 (d) "Incarcerated days saved" means the number of days of an incarcerated person's
192.25 original sentence minus the number of actual days served, excluding days not served due
192.26 to death or as a result of time earned in the Challenge Incarceration Program under sections
192.27 244.17 to 244.173.

192.28 (e) "Earned incentive release per day cost savings" means the calculation of the total
192.29 actual expenses identified in paragraph (c) divided by the average daily population, divided
192.30 by 365 days, which reflects the daily cost per person.

193.1 (f) "Earned incentive release savings" means the calculation of the offender daily cost
193.2 multiplied by the number of incarcerated days saved for the period of one fiscal year.

193.3 Subd. 2. **Establishment of reallocation revenue account.** The reallocation of earned
193.4 incentive release savings account is established in the special revenue fund in the state
193.5 treasury. Funds in the account are appropriated to the commissioner and shall be expended
193.6 in accordance with the allocation established in subdivision 5, once the requirements of
193.7 subdivision 3 are met. Funds in the account are available until expended.

193.8 Subd. 3. **Certification of earned incentive release savings.** On or before the final
193.9 closeout date of each fiscal year, the commissioner shall certify to Minnesota Management
193.10 and Budget the earned incentive release savings from the previous fiscal year. The
193.11 commissioner shall provide the detailed calculation substantiating the savings amount,
193.12 including accounting system-generated data where possible, supporting the offender daily
193.13 cost and the incarcerated days saved.

193.14 Subd. 4. Savings to be transferred to the reallocation revenue account. After the
193.15 certification in subdivision 3 is completed, the commissioner shall transfer funds from the
193.16 appropriation from which the savings occurred to the reallocation revenue account according
193.17 to the allocation in subdivision 5. Transfers shall occur before the final closeout each year.

193.18 Subd. 5. Distribution of reallocation funds. The commissioner shall distribute funds
193.19 as follows:

193.20 (1) 25 percent shall be transferred to the Office of Justice Programs in the Department
193.21 of Public Safety for crime victim services;

193.22 (2) 25 percent shall be transferred to the Community Corrections Act subsidy
193.23 appropriation and to the Department of Corrections for supervised release and intensive
193.24 supervision services, based upon a three-year average of the release jurisdiction of supervised
193.25 releasees and intensive supervised releasees across the state;

193.26 (3) 25 percent shall be transferred to the Department of Corrections for grants to develop
193.27 and invest in community-based services that support the identified needs of correctionally
193.28 involved individuals or individuals at risk of criminal justice system involvement, and for
193.29 sustaining the operation of evidence-based programming and domestic abuse programming
193.30 in state and local correctional facilities; and

193.31 (4) 25 percent shall be transferred to the general fund.

194.1 Sec. 12. [244.0556] REPORTING REQUIRED.

194.2 (a) Beginning January 15, 2022, and by January 15 each year thereafter for a period of
194.3 ten years, the commissioner of corrections shall provide a report to the chairs and ranking
194.4 minority members of the house of representatives and senate committees and divisions with
194.5 jurisdiction over public safety and judiciary on the status of the requirements in this section
194.6 for the previous fiscal year. The report shall also be provided to the sitting president of the
194.7 Minnesota Association of Community Corrections Act Counties and the executive directors
194.8 of the Minnesota Sentencing Guidelines Commission, the Minnesota Indian Women's Sexual
194.9 Assault Coalition, the Minnesota Alliance on Crime, Violence Free Minnesota, the Minnesota
194.10 Coalition Against Sexual Assault, and the Minnesota County Attorney Association. The
194.11 report shall include but not be limited to:

194.12 (1) a qualitative description of program development; implementation status; identified
194.13 implementation or operational challenges; strategies identified to mitigate and ensure that
194.14 the program does not create or exacerbate gender, racial, and ethnic disparities; the number,
194.15 reason, and background of those in the prison population deemed ineligible for participation
194.16 in the program; and proposed mechanisms for projecting future program savings and
194.17 reallocation of savings;

194.18 (2) the number of persons granted earned incentive release, the total number of days of
194.19 incentive release earned, a summary of committing offenses for those individuals who
194.20 earned incentive release, the most recent calculated per diem, and the demographic data for

- 194.21 all persons eligible for earned incentive release and the reasons and demographic data of
194.22 those eligible individuals for whom earned incentive release was unearned or denied;
- 194.23 (3) the number of persons who earned supervision abatement status, the total number
194.24 of days of supervision abatement earned, the committing offenses for those individuals
194.25 granted supervision abatement status, the number of revocations for reoffense while on
194.26 supervision abatement status, and the demographic data for all persons eligible for, considered
194.27 for, granted, or denied supervision abatement status and the reasons supervision abatement
194.28 status was unearned or denied; and
- 194.29 (4) the number of victims who submitted input, the number of referrals to local
194.30 victim-serving agencies, and a summary of the kinds of victim services requested.
- 194.31 (b) The commissioner shall solicit feedback on victim-related operational concerns as
194.32 it relates to the application earned incentive release and supervision abatement status options
194.33 from the Minnesota Indian Women's Sexual Assault Coalition, Minnesota Alliance on
194.34 Crime, Minnesota Coalition Against Sexual Assault, and Violence Free Minnesota. A
195.1 summary of the feedback from these organizations shall be included in the annual report
195.2 under paragraph (a).
- 195.3 (c) The commissioner shall direct the Department of Corrections' research unit to perform
195.4 regular evaluation of the earned incentive release program and publish findings on the
195.5 Department of Corrections' website and in the annual report under paragraph (a).
- 195.6 **Sec. 13. EFFECTIVE DATE.**
- 195.7 Sections 1 to 12 are effective August 1, 2021, and apply to persons sentenced to a fixed
195.8 executed sentence or to persons serving a fixed term of imprisonment in a state correctional
195.9 facility on or after that date.

195.10

ARTICLE 13

195.11

CRIMINAL SEXUAL CONDUCT REFORM

195.12 Section 1. Minnesota Statutes 2020, section 243.166, subdivision 1b, is amended to read:

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

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

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

195.19 (ii) kidnapping under section 609.25;

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

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

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

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

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

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

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

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

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

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

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

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

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

44.1

ARTICLE 4

44.2

CRIMINAL SEXUAL CONDUCT CHANGES

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

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

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

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

45.8 (ii) kidnapping under section 609.25;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

196.14 Notwithstanding clause (1), item (iii), a person is not required to register based on conduct
196.15 described in section 609.3451, subdivision 3, paragraph (a), unless the person has previously
196.16 been convicted of violating section 609.342; 609.343; 609.344; 609.345; 609.3451; 609.3453;
196.17 617.23, subdivision 2, clause (2), or 3; or 617.247.

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

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

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

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

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

197.3 (c) A person also shall register under this section if the person was committed pursuant
197.4 to a court commitment order under Minnesota Statutes 2012, section 253B.185, chapter
197.5 253D, Minnesota Statutes 1992, section 526.10, or a similar law of another state or the
197.6 United States, regardless of whether the person was convicted of any offense.

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

197.8 (1) the person was charged with or petitioned for a felony violation or attempt to violate
197.9 any of the offenses listed in paragraph (a), clause (1), or a similar law of another state or
197.10 the United States, or the person was charged with or petitioned for a violation of any of the
197.11 offenses listed in paragraph (a), clause (2), or a similar law of another state or the United
197.12 States;

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

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

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

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

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

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

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

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

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

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

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

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

197.16 (3) the person was committed pursuant to a court commitment order under section
197.17 253B.18 or a similar law of another state or the United States.

197.18 Sec. 2. Minnesota Statutes 2020, section 609.2325, is amended to read:

197.19 **609.2325 CRIMINAL ABUSE.**

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

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

197.25 ~~(b) A caregiver, facility staff person, or person providing services in a facility who~~
197.26 ~~engages in sexual contact or penetration, as defined in section 609.341, under circumstances~~
197.27 ~~other than those described in sections 609.342 to 609.345, with a resident, patient, or client~~
197.28 ~~of the facility is guilty of criminal abuse and may be sentenced as provided in subdivision~~
197.29 ~~3.~~

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

198.1 (1) the vulnerable adult or a person with authority to make health care decisions for the
198.2 vulnerable adult under sections 144.651, 144A.44, chapter 145B, 145C, or 252A, or sections
198.3 253B.03 or 524.5-101 to 524.5-502, refuses consent or withdraws consent, consistent with
198.4 that authority and within the boundary of reasonable medical practice, to any therapeutic
198.5 conduct, including any care, service, or procedure to diagnose, maintain, or treat the physical
198.6 or mental condition of the vulnerable adult or, where permitted under law, to provide nutrition
198.7 and hydration parenterally or through intubation; this paragraph does not enlarge or diminish
198.8 rights otherwise held under law by:

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

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

198.12 (2) the vulnerable adult, a person with authority to make health care decisions for the
198.13 vulnerable adult, or a caregiver in good faith selects and depends upon spiritual means or
198.14 prayer for treatment or care of disease or remedial care of the vulnerable adult in lieu of
198.15 medical care, provided that this is consistent with the prior practice or belief of the vulnerable
198.16 adult or with the expressed intentions of the vulnerable adult; ~~or.~~

198.17 ~~(3) the vulnerable adult, who is not impaired in judgment or capacity by mental or~~
198.18 ~~emotional dysfunction or undue influence, engages in consensual sexual contact with: (i) a~~
198.19 ~~person, including a facility staff person, when a consensual sexual personal relationship~~
198.20 ~~existed prior to the caregiving relationship; or (ii) a personal care attendant, regardless of~~

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

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

47.7 **609.2325 CRIMINAL ABUSE.**

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

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

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

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

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

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

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

47.31 (2) the vulnerable adult, a person with authority to make health care decisions for the
47.32 vulnerable adult, or a caregiver in good faith selects and depends upon spiritual means or
48.1 prayer for treatment or care of disease or remedial care of the vulnerable adult in lieu of
48.2 medical care, provided that this is consistent with the prior practice or belief of the vulnerable
48.3 adult or with the expressed intentions of the vulnerable adult; ~~or.~~

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

198.21 ~~whether the consensual sexual personal relationship existed prior to the caregiving~~
198.22 ~~relationship.~~

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

198.25 (1) if the act results in the death of a vulnerable adult, imprisonment for not more than
198.26 15 years or payment of a fine of not more than \$30,000, or both;

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

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

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

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

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

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

199.10 Sec. 4. Minnesota Statutes 2020, section 609.341, subdivision 7, is amended to read:

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

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

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

199.18 Sec. 5. Minnesota Statutes 2020, section 609.341, subdivision 11, is amended to read:

199.19 Subd. 11. **Sexual contact.** (a) "Sexual contact," for the purposes of sections 609.343,
199.20 subdivision 1, clauses (a) to ~~(f)~~ (e), and subdivision 1a, clauses (a) to (f) and (i), and 609.345,
199.21 subdivision 1, clauses (a) to ~~(e)~~; (d) and ~~(h)~~ to ~~(p)~~ (i), and subdivision 1a, clauses (a) to (e),
199.22 (h), and (i), includes any of the following acts committed without the complainant's consent,

48.8 ~~whether the consensual sexual personal relationship existed prior to the caregiving~~
48.9 ~~relationship.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

49.8 Subd. 11. **Sexual contact.** (a) "Sexual contact," for the purposes of sections 609.343,
49.9 subdivision 1, clauses (a) to ~~(f)~~ (e), and subdivision 1a, clauses (a) to (f) and (i), and 609.345,
49.10 subdivision 1, clauses (a) to ~~(e)~~; (d) and ~~(h)~~ to ~~(p)~~ (i), and subdivision 1a, clauses (a) to (e),
49.11 (h), and (i), includes any of the following acts committed without the complainant's consent,

199.23 except in those cases where consent is not a defense, and committed with sexual or aggressive
199.24 intent:

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

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

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

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

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

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

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

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

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

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

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

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

200.20 Sec. 6. Minnesota Statutes 2020, section 609.341, subdivision 12, is amended to read:

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

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

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

49.12 except in those cases where consent is not a defense, and committed with sexual or aggressive
49.13 intent:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

200.26 (i) of the complainant's body by any part of the actor's body or any object used by the
200.27 actor for this purpose;

200.28 (ii) of the complainant's body by any part of the body of the complainant, by any part
200.29 of the body of another person, or by any object used by the complainant or another person
200.30 for this purpose, when effected by a person in a current or recent position of authority, or
201.1 by coercion, or by inducement if the child is under ~~13~~ 14 years of age or mentally impaired;
201.2 or

201.3 (iii) of the body of the actor or another person by any part of the body of the complainant
201.4 or by any object used by the complainant for this purpose, when effected by a person in a
201.5 current or recent position of authority, or by coercion, or by inducement if the child is under
201.6 ~~13~~ 14 years of age or mentally impaired.

201.7 Sec. 7. Minnesota Statutes 2020, section 609.341, subdivision 14, is amended to read:

201.8 Subd. 14. **Coercion.** "Coercion" means the use by the actor of words or circumstances
201.9 that cause the complainant reasonably to fear ~~that the actor will inflict the infliction of~~ bodily
201.10 harm upon the complainant or another, or the use by the actor of confinement, or superior
201.11 size or strength, against the complainant that causes the complainant to submit to sexual
201.12 penetration or contact against the complainant's will to accomplish the act. Proof of coercion
201.13 does not require proof of a specific act or threat.

201.14 Sec. 8. Minnesota Statutes 2020, section 609.341, subdivision 15, is amended to read:

201.15 Subd. 15. **Significant relationship.** "Significant relationship" means a situation in which
201.16 the actor is:

201.17 (1) the complainant's parent, stepparent, or guardian;

201.18 (2) any of the following persons related to the complainant by blood, marriage, or
201.19 adoption: brother, sister, stepbrother, stepsister, first cousin, aunt, uncle, nephew, niece,
201.20 grandparent, great-grandparent, great-uncle, great-aunt; ~~or~~

201.21 (3) an adult who jointly resides intermittently or regularly in the same dwelling as the
201.22 complainant and who is not the complainant's spouse; or

201.23 (4) an adult who is or was involved in a significant romantic or sexual relationship with
201.24 the parent of a complainant.

201.25 Sec. 9. Minnesota Statutes 2020, section 609.341, is amended by adding a subdivision to
201.26 read:

201.27 Subd. 24. **Prohibited occupational relationship.** A "prohibited occupational
201.28 relationship" exists when the actor is in one of the following occupations and the act takes
201.29 place under the specified circumstances:

201.30 (1) the actor performed massage or other bodywork for hire, the sexual penetration or
201.31 sexual contact occurred during or immediately before or after the actor performed or was

50.15 (i) of the complainant's body by any part of the actor's body or any object used by the
50.16 actor for this purpose;

50.17 (ii) of the complainant's body by any part of the body of the complainant, by any part
50.18 of the body of another person, or by any object used by the complainant or another person
50.19 for this purpose, when effected by a person in a current or recent position of authority, or
50.20 by coercion, or by inducement if the child is under ~~13~~ 14 years of age or mentally impaired;
50.21 or

50.22 (iii) of the body of the actor or another person by any part of the body of the complainant
50.23 or by any object used by the complainant for this purpose, when effected by a person in a
50.24 current or recent position of authority, or by coercion, or by inducement if the child is under
50.25 ~~13~~ 14 years of age or mentally impaired.

50.26 Sec. 8. Minnesota Statutes 2020, section 609.341, subdivision 14, is amended to read:

50.27 Subd. 14. **Coercion.** "Coercion" means the use by the actor of words or circumstances
50.28 that cause the complainant reasonably to fear ~~that the actor will inflict the infliction of~~ bodily
50.29 harm upon the complainant or another, or the use by the actor of confinement, or superior
50.30 size or strength, against the complainant that causes the complainant to submit to sexual
51.1 penetration or contact against the complainant's will to accomplish the act. Proof of coercion
51.2 does not require proof of a specific act or threat.

51.3 Sec. 9. Minnesota Statutes 2020, section 609.341, subdivision 15, is amended to read:

51.4 Subd. 15. **Significant relationship.** "Significant relationship" means a situation in which
51.5 the actor is:

51.6 (1) the complainant's parent, stepparent, or guardian;

51.7 (2) any of the following persons related to the complainant by blood, marriage, or
51.8 adoption: brother, sister, stepbrother, stepsister, first cousin, aunt, uncle, nephew, niece,
51.9 grandparent, great-grandparent, great-uncle, great-aunt; ~~or~~

51.10 (3) an adult who jointly resides intermittently or regularly in the same dwelling as the
51.11 complainant and who is not the complainant's spouse; or

51.12 (4) an adult who is or was involved in a significant romantic or sexual relationship with
51.13 the parent of a complainant.

51.14 Sec. 10. Minnesota Statutes 2020, section 609.341, is amended by adding a subdivision
51.15 to read:

51.16 Subd. 24. **Prohibited occupational relationship.** A "prohibited occupational
51.17 relationship" exists when the actor is in one of the following occupations and the act takes
51.18 place under the specified circumstances:

51.19 (1) the actor performed massage or other bodywork for hire, the sexual penetration or
51.20 sexual contact occurred during or immediately before or after the actor performed or was

202.1 hired to perform one of those services for the complainant, and the sexual penetration or
202.2 sexual contact was nonconsensual; or

202.3 (2) the actor and the complainant were in one of the following occupational relationships
202.4 at the time of the act. Consent by the complainant is not a defense:

202.5 (i) the actor was a psychotherapist, the complainant was the actor's patient, and the sexual
202.6 penetration or sexual contact occurred during a psychotherapy session or during a period
202.7 of time when the psychotherapist-patient relationship was ongoing;

202.8 (ii) the actor was a psychotherapist and the complainant was the actor's former patient
202.9 who was emotionally dependent on the actor;

202.10 (iii) the actor was or falsely impersonated a psychotherapist, the complainant was the
202.11 actor's patient or former patient, and the sexual penetration or sexual contact occurred by
202.12 means of therapeutic deception;

202.13 (iv) the actor was or falsely impersonated a provider of medical services to the
202.14 complainant and the sexual penetration or sexual contact occurred by means of deception
202.15 or false representation that the sexual penetration or sexual contact was for a bona fide
202.16 medical purpose;

202.17 (v) the actor was or falsely impersonated a member of the clergy, the complainant was
202.18 not married to the actor, the complainant met with the actor in private seeking or receiving
202.19 religious or spiritual advice, aid, or comfort from the actor, and the sexual penetration or
202.20 sexual contact occurred during the course of the meeting or during a period of time when
202.21 the meetings were ongoing;

202.22 (vi) the actor provided special transportation service to the complainant and the sexual
202.23 penetration or sexual contact occurred during or immediately before or after the actor
202.24 transported the complainant;

202.25 (vii) the actor was or falsely impersonated a peace officer, as defined in section 626.84,
202.26 the actor physically or constructively restrained the complainant or the complainant did not
202.27 reasonably feel free to leave the actor's presence, and the sexual penetration or sexual contact
202.28 was not pursuant to a lawful search or lawful use of force;

202.29 (viii) the actor was an employee, independent contractor, or volunteer of a state, county,
202.30 city, or privately operated adult or juvenile correctional system, or secure treatment facility,
202.31 or treatment facility providing services to clients civilly committed as mentally ill and
202.32 dangerous, sexually dangerous persons, or sexual psychopathic personalities, including but
203.1 not limited to jails, prisons, detention centers, or work release facilities, and the complainant
203.2 was a resident of a facility or under supervision of the correctional system;

203.3 (ix) the complainant was enrolled in a secondary school and:

51.21 hired to perform one of those services for the complainant, and the sexual penetration or
51.22 sexual contact was nonconsensual; or

51.23 (2) the actor and the complainant were in one of the following occupational relationships
51.24 at the time of the act. Consent by the complainant is not a defense:

51.25 (i) the actor was a psychotherapist, the complainant was the actor's patient, and the sexual
51.26 penetration or sexual contact occurred during a psychotherapy session or during a period
51.27 of time when the psychotherapist-patient relationship was ongoing;

51.28 (ii) the actor was a psychotherapist and the complainant was the actor's former patient
51.29 who was emotionally dependent on the actor;

52.1 (iii) the actor was or falsely impersonated a psychotherapist, the complainant was the
52.2 actor's patient or former patient, and the sexual penetration or sexual contact occurred by
52.3 means of therapeutic deception;

52.4 (iv) the actor was or falsely impersonated a provider of medical services to the
52.5 complainant and the sexual penetration or sexual contact occurred by means of deception
52.6 or false representation that the sexual penetration or sexual contact was for a bona fide
52.7 medical purpose;

52.8 (v) the actor was or falsely impersonated a member of the clergy, the complainant was
52.9 not married to the actor, the complainant met with the actor in private seeking or receiving
52.10 religious or spiritual advice, aid, or comfort from the actor, and the sexual penetration or
52.11 sexual contact occurred during the course of the meeting or during a period of time when
52.12 the meetings were ongoing;

52.13 (vi) the actor provided special transportation service to the complainant and the sexual
52.14 penetration or sexual contact occurred during or immediately before or after the actor
52.15 transported the complainant;

52.16 (vii) the actor was or falsely impersonated a peace officer, as defined in section 626.84,
52.17 the actor physically or constructively restrained the complainant or the complainant did not
52.18 reasonably feel free to leave the actor's presence, and the sexual penetration or sexual contact
52.19 was not pursuant to a lawful search or lawful use of force;

52.20 (viii) the actor was an employee, independent contractor, or volunteer of a state, county,
52.21 city, or privately operated adult or juvenile correctional system, or secure treatment facility,
52.22 or treatment facility providing services to clients civilly committed as mentally ill and
52.23 dangerous, sexually dangerous persons, or sexual psychopathic personalities, including but
52.24 not limited to jails, prisons, detention centers, or work release facilities, and the complainant
52.25 was a resident of a facility or under supervision of the correctional system;

52.26 (ix) the complainant was enrolled in a secondary school and:

203.4 (A) the actor was a licensed educator employed or contracted to provide service for the
203.5 school at which the complainant was a student;

203.6 (B) the actor was age 18 or older and at least 48 months older than the complainant and
203.7 was employed or contracted to provide service for the secondary school at which the
203.8 complainant was a student; or

203.9 (C) the actor was age 18 or older and at least 48 months older than the complainant, and
203.10 was a licensed educator employed or contracted to provide services for an elementary,
203.11 middle, or secondary school;

203.12 (x) the actor was a caregiver, facility staff person, or person providing services in a
203.13 facility, as defined under section 609.232, subdivision 3, and the complainant was a
203.14 vulnerable adult who was a resident, patient, or client of the facility who was impaired in
203.15 judgment or capacity by mental or emotional dysfunction or undue influence; or

203.16 (xi) the actor was a caregiver, facility staff person, or person providing services in a
203.17 facility, and the complainant was a resident, patient, or client of the facility. This clause
203.18 does not apply if a consensual sexual personal relationship existed prior to the caregiving
203.19 relationship or if the actor was a personal care attendant.

203.20 Sec. 10. Minnesota Statutes 2020, section 609.341, is amended by adding a subdivision
203.21 to read:

203.22 Subd. 25. **Caregiver.** "Caregiver" has the meaning given in section 609.232, subdivision
203.23 2.

203.24 Sec. 11. Minnesota Statutes 2020, section 609.341, is amended by adding a subdivision
203.25 to read:

203.26 Subd. 26. **Facility.** "Facility" has the meaning given in section 609.232, subdivision 3.

203.27 Sec. 12. Minnesota Statutes 2020, section 609.341, is amended by adding a subdivision
203.28 to read:

203.29 Subd. 27. **Vulnerable adult.** "Vulnerable adult" has the meaning given in section
203.30 609.232, subdivision 11.

204.1 Sec. 13. Minnesota Statutes 2020, section 609.342, is amended to read:

204.2 **609.342 CRIMINAL SEXUAL CONDUCT IN THE FIRST DEGREE.**

204.3 Subdivision 1. **Adult victim; crime defined.** A person who engages in sexual penetration
204.4 with another person, or in sexual contact with a person under 13 years of age as defined in
204.5 section 609.341, subdivision 11, paragraph (e), is guilty of criminal sexual conduct in the
204.6 first degree if any of the following circumstances exists:

52.27 (A) the actor was a licensed educator employed or contracted to provide service for the
52.28 school at which the complainant was a student;

52.29 (B) the actor was age 18 or older and at least 48 months older than the complainant and
52.30 was employed or contracted to provide service for the secondary school at which the
52.31 complainant was a student; or

53.1 (C) the actor was age 18 or older and at least 48 months older than the complainant, and
53.2 was a licensed educator employed or contracted to provide services for an elementary,
53.3 middle, or secondary school;

53.4 (x) the actor was a caregiver, facility staff person, or person providing services in a
53.5 facility, as defined under section 609.232, subdivision 3, and the complainant was a
53.6 vulnerable adult who was a resident, patient, or client of the facility who was impaired in
53.7 judgment or capacity by mental or emotional dysfunction or undue influence; or

53.8 (xi) the actor was a caregiver, facility staff person, or person providing services in a
53.9 facility, and the complainant was a resident, patient, or client of the facility. This clause
53.10 does not apply if a consensual sexual personal relationship existed prior to the caregiving
53.11 relationship or if the actor was a personal care attendant.

53.12 Sec. 11. Minnesota Statutes 2020, section 609.341, is amended by adding a subdivision
53.13 to read:

53.14 Subd. 25. **Caregiver.** "Caregiver" has the meaning given in section 609.232, subdivision
53.15 2.

53.16 Sec. 12. Minnesota Statutes 2020, section 609.341, is amended by adding a subdivision
53.17 to read:

53.18 Subd. 26. **Facility.** "Facility" has the meaning given in section 609.232, subdivision 3.

53.19 Sec. 13. Minnesota Statutes 2020, section 609.341, is amended by adding a subdivision
53.20 to read:

53.21 Subd. 27. **Vulnerable adult.** "Vulnerable adult" has the meaning given in section
53.22 609.232, subdivision 11.

53.23 Sec. 14. Minnesota Statutes 2020, section 609.342, is amended to read:

53.24 **609.342 CRIMINAL SEXUAL CONDUCT IN THE FIRST DEGREE.**

53.25 Subdivision 1. **Adult victim; crime defined.** A person who engages in sexual penetration
53.26 with another person, or in sexual contact with a person under 13 years of age as defined in
53.27 section 609.341, subdivision 11, paragraph (e), is guilty of criminal sexual conduct in the
53.28 first degree if any of the following circumstances exists:

204.7 ~~(a) the complainant is under 13 years of age and the actor is more than 36 months older~~
204.8 ~~than the complainant. Neither mistake as to the complainant's age nor consent to the act by~~
204.9 ~~the complainant is a defense;~~

204.10 ~~(b) the complainant is at least 13 years of age but less than 16 years of age and the actor~~
204.11 ~~is more than 48 months older than the complainant and in a current or recent position of~~
204.12 ~~authority over the complainant. Neither mistake as to the complainant's age nor consent to~~
204.13 ~~the act by the complainant is a defense;~~

204.14 ~~(e) (a) circumstances existing at the time of the act cause the complainant to have a~~
204.15 ~~reasonable fear of imminent great bodily harm to the complainant or another;~~

204.16 ~~(f) (b) the actor is armed with a dangerous weapon or any article used or fashioned in~~
204.17 ~~a manner to lead the complainant to reasonably believe it to be a dangerous weapon and~~
204.18 ~~uses or threatens to use the weapon or article to cause the complainant to submit;~~

204.19 ~~(e) (c) the actor causes personal injury to the complainant, and either any of the following~~
204.20 ~~circumstances exist:~~

204.21 ~~(i) the actor uses force or coercion to accomplish the act; or~~

204.22 ~~(ii) the actor uses force, as defined in section 609.341, subdivision 3, clause (2); or~~

204.23 ~~(ii) (iii) the actor knows or has reason to know that the complainant is mentally impaired,~~
204.24 ~~mentally incapacitated, or physically helpless;~~

204.25 ~~(d) the actor uses force as defined in section 609.341, subdivision 3, clause (1); or~~

204.26 ~~(f) (e) the actor is aided or abetted by one or more accomplices within the meaning of~~
204.27 ~~section 609.05, and either of the following circumstances exists:~~

204.28 ~~(i) the actor or an accomplice uses force or coercion to cause the complainant to submit;~~
204.29 ~~or~~

204.30 ~~(ii) the actor or an accomplice is armed with a dangerous weapon or any article used or~~
204.31 ~~fashioned in a manner to lead the complainant reasonably to believe it to be a dangerous~~
205.1 ~~weapon and uses or threatens to use the weapon or article to cause the complainant to~~
205.2 ~~submit;~~

205.3 ~~(g) the actor has a significant relationship to the complainant and the complainant was~~
205.4 ~~under 16 years of age at the time of the act. Neither mistake as to the complainant's age nor~~
205.5 ~~consent to the act by the complainant is a defense; or~~

205.6 ~~(h) the actor has a significant relationship to the complainant, the complainant was under~~
205.7 ~~16 years of age at the time of the act, and:~~

205.8 ~~(i) the actor or an accomplice used force or coercion to accomplish the act;~~

205.9 ~~(ii) the complainant suffered personal injury; or~~

54.1 ~~(a) the complainant is under 13 years of age and the actor is more than 36 months older~~
54.2 ~~than the complainant. Neither mistake as to the complainant's age nor consent to the act by~~
54.3 ~~the complainant is a defense;~~

54.4 ~~(b) the complainant is at least 13 years of age but less than 16 years of age and the actor~~
54.5 ~~is more than 48 months older than the complainant and in a current or recent position of~~
54.6 ~~authority over the complainant. Neither mistake as to the complainant's age nor consent to~~
54.7 ~~the act by the complainant is a defense;~~

54.8 ~~(e) (a) circumstances existing at the time of the act cause the complainant to have a~~
54.9 ~~reasonable fear of imminent great bodily harm to the complainant or another;~~

54.10 ~~(f) (b) the actor is armed with a dangerous weapon or any article used or fashioned in~~
54.11 ~~a manner to lead the complainant to reasonably believe it to be a dangerous weapon and~~
54.12 ~~uses or threatens to use the weapon or article to cause the complainant to submit;~~

54.13 ~~(e) (c) the actor causes personal injury to the complainant, and either any of the following~~
54.14 ~~circumstances exist:~~

54.15 ~~(i) the actor uses force or coercion to accomplish the act; or~~

54.16 ~~(ii) the actor uses force, as defined in section 609.341, subdivision 3, clause (2); or~~

54.17 ~~(ii) (iii) the actor knows or has reason to know that the complainant is mentally impaired,~~
54.18 ~~mentally incapacitated, or physically helpless;~~

54.19 ~~(d) the actor uses force as defined in section 609.341, subdivision 3, clause (1); or~~

54.20 ~~(f) (e) the actor is aided or abetted by one or more accomplices within the meaning of~~
54.21 ~~section 609.05, and either of the following circumstances exists:~~

54.22 ~~(i) the actor or an accomplice uses force or coercion to cause the complainant to submit;~~
54.23 ~~or~~

54.24 ~~(ii) the actor or an accomplice is armed with a dangerous weapon or any article used or~~
54.25 ~~fashioned in a manner to lead the complainant reasonably to believe it to be a dangerous~~
54.26 ~~weapon and uses or threatens to use the weapon or article to cause the complainant to~~
54.27 ~~submit;~~

54.28 ~~(g) the actor has a significant relationship to the complainant and the complainant was~~
54.29 ~~under 16 years of age at the time of the act. Neither mistake as to the complainant's age nor~~
54.30 ~~consent to the act by the complainant is a defense; or~~

54.31 ~~(h) the actor has a significant relationship to the complainant, the complainant was under~~
54.32 ~~16 years of age at the time of the act, and:~~

55.1 ~~(i) the actor or an accomplice used force or coercion to accomplish the act;~~

55.2 ~~(ii) the complainant suffered personal injury; or~~

205.10 ~~(iii) the sexual abuse involved multiple acts committed over an extended period of time.~~
205.11 ~~Neither mistake as to the complainant's age nor consent to the act by the complainant is~~
205.12 ~~a defense.~~

205.13 Subd. 1a. **Victim under the age of 18; crime defined.** A person who engages in
205.14 penetration with anyone under 18 years of age or sexual contact with a person under 14
205.15 years of age as defined in section 609.341, subdivision 11, paragraph (c), is guilty of criminal
205.16 sexual conduct in the first degree if any of the following circumstances exists:

205.17 (a) circumstances existing at the time of the act cause the complainant to have a
205.18 reasonable fear of imminent great bodily harm to the complainant or another;

205.19 (b) the actor is armed with a dangerous weapon or any article used or fashioned in a
205.20 manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses
205.21 or threatens to use the weapon or article to cause the complainant to submit;

205.22 (c) the actor causes personal injury to the complainant, and any of the following
205.23 circumstances exist:

205.24 (i) the actor uses coercion to accomplish the act;

205.25 (ii) the actor uses force, as defined in section 609.341, subdivision 3, clause (2); or

205.26 (iii) the actor knows or has reason to know that the complainant is mentally impaired,
205.27 mentally incapacitated, or physically helpless;

205.28 (d) the actor is aided or abetted by one or more accomplices within the meaning of
205.29 section 609.05, and either of the following circumstances exists:

205.30 (i) the actor or an accomplice uses force or coercion to cause the complainant to submit;
205.31 or

206.1 (ii) the actor or an accomplice is armed with a dangerous weapon or any article used or
206.2 fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous
206.3 weapon and uses or threatens to use the weapon or article to cause the complainant to submit;

206.4 (e) the complainant is under 14 years of age and the actor is more than 36 months older
206.5 than the complainant. Neither mistake as to the complainant's age nor consent to the act by
206.6 the complainant is a defense;

206.7 (f) the complainant is at least 14 years of age but less than 16 years of age and:

206.8 (i) the actor is more than 36 months older than the complainant; and

206.9 (ii) the actor is in a current or recent position of authority over the complainant.

206.10 Neither mistake as to the complainant's age nor consent to the act by the complainant is a
206.11 defense;

55.3 ~~(iii) the sexual abuse involved multiple acts committed over an extended period of time.~~
55.4 ~~Neither mistake as to the complainant's age nor consent to the act by the complainant is~~
55.5 ~~a defense.~~

55.6 Subd. 1a. **Victim under the age of 18; crime defined.** A person who engages in
55.7 penetration with anyone under 18 years of age or sexual contact with a person under 14
55.8 years of age as defined in section 609.341, subdivision 11, paragraph (c), is guilty of criminal
55.9 sexual conduct in the first degree if any of the following circumstances exists:

55.10 (a) circumstances existing at the time of the act cause the complainant to have a
55.11 reasonable fear of imminent great bodily harm to the complainant or another;

55.12 (b) the actor is armed with a dangerous weapon or any article used or fashioned in a
55.13 manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses
55.14 or threatens to use the weapon or article to cause the complainant to submit;

55.15 (c) the actor causes personal injury to the complainant, and any of the following
55.16 circumstances exist:

55.17 (i) the actor uses coercion to accomplish the act;

55.18 (ii) the actor uses force, as defined in section 609.341, subdivision 3, clause (2); or

55.19 (iii) the actor knows or has reason to know that the complainant is mentally impaired,
55.20 mentally incapacitated, or physically helpless;

55.21 (d) the actor is aided or abetted by one or more accomplices within the meaning of
55.22 section 609.05, and either of the following circumstances exists:

55.23 (i) the actor or an accomplice uses force or coercion to cause the complainant to submit;
55.24 or

55.25 (ii) the actor or an accomplice is armed with a dangerous weapon or any article used or
55.26 fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous
55.27 weapon and uses or threatens to use the weapon or article to cause the complainant to submit;

55.28 (e) the complainant is under 14 years of age and the actor is more than 36 months older
55.29 than the complainant. Neither mistake as to the complainant's age nor consent to the act by
55.30 the complainant is a defense;

55.31 (f) the complainant is at least 14 years of age but less than 16 years of age and:

56.1 (i) the actor is more than 36 months older than the complainant; and

56.2 (ii) the actor is in a current or recent position of authority over the complainant.

56.3 Neither mistake as to the complainant's age nor consent to the act by the complainant is a
56.4 defense;

206.12 (g) the complainant was under 16 years of age at the time of the act and the actor has a
206.13 significant relationship to the complainant. Neither mistake as to the complainant's age nor
206.14 consent to the act by the complainant is a defense;
206.15 (h) the complainant was under 16 years of age at the time of the act, and the actor has
206.16 a significant relationship to the complainant and any of the following circumstances exist:
206.17 (i) the actor or an accomplice used force or coercion to accomplish the act;
206.18 (ii) the complainant suffered personal injury; or
206.19 (iii) the sexual abuse involved multiple acts committed over an extended period of time.
206.20 Neither mistake as to the complainant's age nor consent to the act by the complainant is a
206.21 defense; or
206.22 (i) the actor uses force, as defined in section 609.341, subdivision 3, clause (1).
206.23 Subd. 2. **Penalty.** (a) Except as otherwise provided in section 609.3455; or Minnesota
206.24 Statutes 2004, section 609.109, a person convicted under subdivision 1 or subdivision 1a
206.25 may be sentenced to imprisonment for not more than 30 years or to a payment of a fine of
206.26 not more than \$40,000, or both.
206.27 (b) Unless a longer mandatory minimum sentence is otherwise required by law or the
206.28 Sentencing Guidelines provide for a longer presumptive executed sentence, the court shall
206.29 presume that an executed sentence of 144 months must be imposed on an offender convicted
206.30 of violating this section. Sentencing a person in a manner other than that described in this
206.31 paragraph is a departure from the Sentencing Guidelines.
207.1 (c) A person convicted under this section is also subject to conditional release under
207.2 section 609.3455.
207.3 Subd. 3. **Stay.** Except when imprisonment is required under section 609.3455; or
207.4 Minnesota Statutes 2004, section 609.109, if a person is convicted under subdivision 1 or 1a,
207.5 clause (g), the court may stay imposition or execution of the sentence if it finds that:
207.6 (a) a stay is in the best interest of the complainant or the family unit; and
207.7 (b) a professional assessment indicates that the offender has been accepted by and can
207.8 respond to a treatment program.
207.9 If the court stays imposition or execution of sentence, it shall include the following as
207.10 conditions of probation:
207.11 (1) incarceration in a local jail or workhouse;
207.12 (2) a requirement that the offender complete a treatment program; and

56.5 (g) the complainant was under 16 years of age at the time of the act and the actor has a
56.6 significant relationship to the complainant. Neither mistake as to the complainant's age nor
56.7 consent to the act by the complainant is a defense;
56.8 (h) the complainant was under 16 years of age at the time of the act, and the actor has
56.9 a significant relationship to the complainant and any of the following circumstances exist:
56.10 (i) the actor or an accomplice used force or coercion to accomplish the act;
56.11 (ii) the complainant suffered personal injury; or
56.12 (iii) the sexual abuse involved multiple acts committed over an extended period of time.
56.13 Neither mistake as to the complainant's age nor consent to the act by the complainant is a
56.14 defense; or
56.15 (i) the actor uses force, as defined in section 609.341, subdivision 3, clause (1).
56.16 Subd. 2. **Penalty.** (a) Except as otherwise provided in section 609.3455; or Minnesota
56.17 Statutes 2004, section 609.109, a person convicted under subdivision 1 or subdivision 1a
56.18 may be sentenced to imprisonment for not more than 30 years or to a payment of a fine of
56.19 not more than \$40,000, or both.
56.20 (b) Unless a longer mandatory minimum sentence is otherwise required by law or the
56.21 Sentencing Guidelines provide for a longer presumptive executed sentence, the court shall
56.22 presume that an executed sentence of 144 months must be imposed on an offender convicted
56.23 of violating this section. Sentencing a person in a manner other than that described in this
56.24 paragraph is a departure from the Sentencing Guidelines.
56.25 (c) A person convicted under this section is also subject to conditional release under
56.26 section 609.3455.
56.27 Subd. 3. **Stay.** Except when imprisonment is required under section 609.3455; or
56.28 Minnesota Statutes 2004, section 609.109, if a person is convicted under subdivision 1 or 1a,
56.29 clause (g), the court may stay imposition or execution of the sentence if it finds that:
56.30 (a) a stay is in the best interest of the complainant or the family unit; and
57.1 (b) a professional assessment indicates that the offender has been accepted by and can
57.2 respond to a treatment program.
57.3 If the court stays imposition or execution of sentence, it shall include the following as
57.4 conditions of probation:
57.5 (1) incarceration in a local jail or workhouse;
57.6 (2) a requirement that the offender complete a treatment program; and

207.13 (3) a requirement that the offender have no unsupervised contact with the complainant
207.14 until the offender has successfully completed the treatment program unless approved by
207.15 the treatment program and the supervising correctional agent.

207.16 Sec. 14. Minnesota Statutes 2020, section 609.343, is amended to read:

207.17 **609.343 CRIMINAL SEXUAL CONDUCT IN THE SECOND DEGREE.**

207.18 Subdivision 1. **Adult victim; crime defined.** A person who engages in sexual contact
207.19 with another person is guilty of criminal sexual conduct in the second degree if any of the
207.20 following circumstances exists:

207.21 ~~(a) the complainant is under 13 years of age and the actor is more than 36 months older~~
207.22 ~~than the complainant. Neither mistake as to the complainant's age nor consent to the act by~~
207.23 ~~the complainant is a defense. In a prosecution under this clause, the state is not required to~~
207.24 ~~prove that the sexual contact was coerced;~~

207.25 ~~(b) the complainant is at least 13 but less than 16 years of age and the actor is more than~~
207.26 ~~48 months older than the complainant and in a current or recent position of authority over~~
207.27 ~~the complainant. Neither mistake as to the complainant's age nor consent to the act by the~~
207.28 ~~complainant is a defense;~~

207.29 ~~(e)~~ (a) circumstances existing at the time of the act cause the complainant to have a
207.30 reasonable fear of imminent great bodily harm to the complainant or another;

208.1 ~~(f)~~ (b) the actor is armed with a dangerous weapon or any article used or fashioned in
208.2 a manner to lead the complainant to reasonably believe it to be a dangerous weapon and
208.3 uses or threatens to use the dangerous weapon to cause the complainant to submit;

208.4 ~~(g)~~ (c) the actor causes personal injury to the complainant, and ~~either~~ any of the following
208.5 circumstances exist:

208.6 (i) the actor uses ~~force or~~ coercion to accomplish the sexual contact; ~~or~~

208.7 (ii) the actor uses force, as defined in section 609.341, subdivision 3, clause (2); or

208.8 ~~(ii)~~ (iii) the actor knows or has reason to know that the complainant is mentally impaired,
208.9 mentally incapacitated, or physically helpless;

208.10 (d) the actor uses force as defined in section 609.341, subdivision 3, clause (1); or

208.11 ~~(f)~~ (e) the actor is aided or abetted by one or more accomplices within the meaning of
208.12 section 609.05, and either of the following circumstances exists:

208.13 (i) the actor or an accomplice uses force or coercion to cause the complainant to submit;
208.14 or

208.15 (ii) the actor or an accomplice is armed with a dangerous weapon or any article used or
208.16 fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous

57.7 (3) a requirement that the offender have no unsupervised contact with the complainant
57.8 until the offender has successfully completed the treatment program unless approved by
57.9 the treatment program and the supervising correctional agent.

57.10 Sec. 15. Minnesota Statutes 2020, section 609.343, is amended to read:

57.11 **609.343 CRIMINAL SEXUAL CONDUCT IN THE SECOND DEGREE.**

57.12 Subdivision 1. **Adult victim; crime defined.** A person who engages in sexual contact
57.13 with another person is guilty of criminal sexual conduct in the second degree if any of the
57.14 following circumstances exists:

57.15 ~~(a) the complainant is under 13 years of age and the actor is more than 36 months older~~
57.16 ~~than the complainant. Neither mistake as to the complainant's age nor consent to the act by~~
57.17 ~~the complainant is a defense. In a prosecution under this clause, the state is not required to~~
57.18 ~~prove that the sexual contact was coerced;~~

57.19 ~~(b) the complainant is at least 13 but less than 16 years of age and the actor is more than~~
57.20 ~~48 months older than the complainant and in a current or recent position of authority over~~
57.21 ~~the complainant. Neither mistake as to the complainant's age nor consent to the act by the~~
57.22 ~~complainant is a defense;~~

57.23 ~~(e)~~ (a) circumstances existing at the time of the act cause the complainant to have a
57.24 reasonable fear of imminent great bodily harm to the complainant or another;

57.25 ~~(f)~~ (b) the actor is armed with a dangerous weapon or any article used or fashioned in
57.26 a manner to lead the complainant to reasonably believe it to be a dangerous weapon and
57.27 uses or threatens to use the dangerous weapon to cause the complainant to submit;

57.28 ~~(g)~~ (c) the actor causes personal injury to the complainant, and ~~either~~ any of the following
57.29 circumstances exist:

57.30 (i) the actor uses ~~force or~~ coercion to accomplish the sexual contact; ~~or~~

57.31 (ii) the actor uses force, as defined in section 609.341, subdivision 3, clause (2); or

58.1 ~~(ii)~~ (iii) the actor knows or has reason to know that the complainant is mentally impaired,
58.2 mentally incapacitated, or physically helpless;

58.3 (d) the actor uses force as defined in section 609.341, subdivision 3, clause (1); or

58.4 ~~(f)~~ (e) the actor is aided or abetted by one or more accomplices within the meaning of
58.5 section 609.05, and either of the following circumstances exists:

58.6 (i) the actor or an accomplice uses force or coercion to cause the complainant to submit;
58.7 or

58.8 (ii) the actor or an accomplice is armed with a dangerous weapon or any article used or
58.9 fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous

208.17 weapon and uses or threatens to use the weapon or article to cause the complainant to
208.18 submit;

208.19 ~~(g) the actor has a significant relationship to the complainant and the complainant was~~
208.20 ~~under 16 years of age at the time of the sexual contact. Neither mistake as to the complainant's~~
208.21 ~~age nor consent to the act by the complainant is a defense; or~~

208.22 ~~(h) the actor has a significant relationship to the complainant, the complainant was under~~
208.23 ~~16 years of age at the time of the sexual contact, and:~~

208.24 ~~(i) the actor or an accomplice used force or coercion to accomplish the contact;~~

208.25 ~~(ii) the complainant suffered personal injury; or~~

208.26 ~~(iii) the sexual abuse involved multiple acts committed over an extended period of time.~~

208.27 Neither mistake as to the complainant's age nor consent to the act by the complainant is
208.28 a defense.

208.29 Subd. 1a. **Victim under the age of 18; crime defined.** A person who engages in sexual
208.30 contact with anyone under 18 years of age is guilty of criminal sexual conduct in the second
208.31 degree if any of the following circumstances exists:

209.1 (a) circumstances existing at the time of the act cause the complainant to have a
209.2 reasonable fear of imminent great bodily harm to the complainant or another;

209.3 (b) the actor is armed with a dangerous weapon or any article used or fashioned in a
209.4 manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses
209.5 or threatens to use the dangerous weapon to cause the complainant to submit;

209.6 (c) the actor causes personal injury to the complainant, and any of the following
209.7 circumstances exist:

209.8 (i) the actor uses coercion to accomplish the sexual contact;

209.9 (ii) the actor uses force, as defined in section 609.341, subdivision 3, clause (2); or

209.10 (iii) the actor knows or has reason to know that the complainant is mentally impaired,
209.11 mentally incapacitated, or physically helpless;

209.12 (d) the actor is aided or abetted by one or more accomplices within the meaning of
209.13 section 609.05, and either of the following circumstances exists:

209.14 (i) the actor or an accomplice uses force or coercion to cause the complainant to submit;
209.15 or

209.16 (ii) the actor or an accomplice is armed with a dangerous weapon or any article used or
209.17 fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous
209.18 weapon and uses or threatens to use the weapon or article to cause the complainant to submit;

58.10 weapon and uses or threatens to use the weapon or article to cause the complainant to
58.11 submit;

58.12 ~~(g) the actor has a significant relationship to the complainant and the complainant was~~
58.13 ~~under 16 years of age at the time of the sexual contact. Neither mistake as to the complainant's~~
58.14 ~~age nor consent to the act by the complainant is a defense; or~~

58.15 ~~(h) the actor has a significant relationship to the complainant, the complainant was under~~
58.16 ~~16 years of age at the time of the sexual contact, and:~~

58.17 ~~(i) the actor or an accomplice used force or coercion to accomplish the contact;~~

58.18 ~~(ii) the complainant suffered personal injury; or~~

58.19 ~~(iii) the sexual abuse involved multiple acts committed over an extended period of time.~~

58.20 Neither mistake as to the complainant's age nor consent to the act by the complainant is
58.21 a defense.

58.22 Subd. 1a. **Victim under the age of 18; crime defined.** A person who engages in sexual
58.23 contact with anyone under 18 years of age is guilty of criminal sexual conduct in the second
58.24 degree if any of the following circumstances exists:

58.25 (a) circumstances existing at the time of the act cause the complainant to have a
58.26 reasonable fear of imminent great bodily harm to the complainant or another;

58.27 (b) the actor is armed with a dangerous weapon or any article used or fashioned in a
58.28 manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses
58.29 or threatens to use the dangerous weapon to cause the complainant to submit;

58.30 (c) the actor causes personal injury to the complainant, and any of the following
58.31 circumstances exist:

59.1 (i) the actor uses coercion to accomplish the sexual contact;

59.2 (ii) the actor uses force, as defined in section 609.341, subdivision 3, clause (2); or

59.3 (iii) the actor knows or has reason to know that the complainant is mentally impaired,
59.4 mentally incapacitated, or physically helpless;

59.5 (d) the actor is aided or abetted by one or more accomplices within the meaning of
59.6 section 609.05, and either of the following circumstances exists:

59.7 (i) the actor or an accomplice uses force or coercion to cause the complainant to submit;
59.8 or

59.9 (ii) the actor or an accomplice is armed with a dangerous weapon or any article used or
59.10 fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous
59.11 weapon and uses or threatens to use the weapon or article to cause the complainant to submit;

209.19 (e) the complainant is under 14 years of age and the actor is more than 36 months older
209.20 than the complainant. Neither mistake as to the complainant's age nor consent to the act by
209.21 the complainant is a defense. In a prosecution under this clause, the state is not required to
209.22 prove that the sexual contact was coerced;

209.23 (f) the complainant is at least 14 but less than 16 years of age and the actor is more than
209.24 36 months older than the complainant and in a current or recent position of authority over
209.25 the complainant. Neither mistake as to the complainant's age nor consent to the act by the
209.26 complainant is a defense;

209.27 (g) the complainant was under 16 years of age at the time of the sexual contact and the
209.28 actor has a significant relationship to the complainant. Neither mistake as to the complainant's
209.29 age nor consent to the act by the complainant is a defense;

209.30 (h) the actor has a significant relationship to the complainant, the complainant was under
209.31 16 years of age at the time of the sexual contact, and:

209.32 (i) the actor or an accomplice used force or coercion to accomplish the contact;

210.1 (ii) the complainant suffered personal injury; or

210.2 (iii) the sexual abuse involved multiple acts committed over an extended period of time.

210.3 Neither mistake as to the complainant's age nor consent to the act by the complainant is a
210.4 defense; or

210.5 (i) the actor uses force, as defined in section 609.341, subdivision 3, clause (1).

210.6 Subd. 2. **Penalty.** (a) Except as otherwise provided in section 609.3455; or Minnesota
210.7 Statutes 2004, section 609.109, a person convicted under subdivision 1 or subdivision 1a
210.8 may be sentenced to imprisonment for not more than 25 years or to a payment of a fine of
210.9 not more than \$35,000, or both.

210.10 (b) Unless a longer mandatory minimum sentence is otherwise required by law or the
210.11 Sentencing Guidelines provide for a longer presumptive executed sentence, the court shall
210.12 presume that an executed sentence of 90 months must be imposed on an offender convicted
210.13 of violating subdivision 1, clause (a), (b), (c), (d), or (e);-~~(f)~~; or subdivision 1a, clause (a),
210.14 (b), (c), (d), ~~or~~ (h), or (i). Sentencing a person in a manner other than that described in this
210.15 paragraph is a departure from the Sentencing Guidelines.

210.16 (c) A person convicted under this section is also subject to conditional release under
210.17 section 609.3455.

210.18 Subd. 3. **Stay.** Except when imprisonment is required under section 609.3455; or
210.19 Minnesota Statutes 2004, section 609.109, if a person is convicted under subdivision ~~1~~ 1a,
210.20 clause (g), the court may stay imposition or execution of the sentence if it finds that:

210.21 (a) a stay is in the best interest of the complainant or the family unit; and

59.12 (e) the complainant is under 14 years of age and the actor is more than 36 months older
59.13 than the complainant. Neither mistake as to the complainant's age nor consent to the act by
59.14 the complainant is a defense. In a prosecution under this clause, the state is not required to
59.15 prove that the sexual contact was coerced;

59.16 (f) the complainant is at least 14 but less than 16 years of age and the actor is more than
59.17 36 months older than the complainant and in a current or recent position of authority over
59.18 the complainant. Neither mistake as to the complainant's age nor consent to the act by the
59.19 complainant is a defense;

59.20 (g) the complainant was under 16 years of age at the time of the sexual contact and the
59.21 actor has a significant relationship to the complainant. Neither mistake as to the complainant's
59.22 age nor consent to the act by the complainant is a defense;

59.23 (h) the actor has a significant relationship to the complainant, the complainant was under
59.24 16 years of age at the time of the sexual contact, and:

59.25 (i) the actor or an accomplice used force or coercion to accomplish the contact;

59.26 (ii) the complainant suffered personal injury; or

59.27 (iii) the sexual abuse involved multiple acts committed over an extended period of time.

59.28 Neither mistake as to the complainant's age nor consent to the act by the complainant is a
59.29 defense; or

59.30 (i) the actor uses force, as defined in section 609.341, subdivision 3, clause (1).

60.1 Subd. 2. **Penalty.** (a) Except as otherwise provided in section 609.3455; or Minnesota
60.2 Statutes 2004, section 609.109, a person convicted under subdivision 1 or subdivision 1a
60.3 may be sentenced to imprisonment for not more than 25 years or to a payment of a fine of
60.4 not more than \$35,000, or both.

60.5 (b) Unless a longer mandatory minimum sentence is otherwise required by law or the
60.6 Sentencing Guidelines provide for a longer presumptive executed sentence, the court shall
60.7 presume that an executed sentence of 90 months must be imposed on an offender convicted
60.8 of violating subdivision 1, clause (a), (b), (c), (d), or (e);-~~(f)~~; or subdivision 1a, clause (a),
60.9 (b), (c), (d), ~~or~~ (h), or (i). Sentencing a person in a manner other than that described in this
60.10 paragraph is a departure from the Sentencing Guidelines.

60.11 (c) A person convicted under this section is also subject to conditional release under
60.12 section 609.3455.

60.13 Subd. 3. **Stay.** Except when imprisonment is required under section 609.3455; or
60.14 Minnesota Statutes 2004, section 609.109, if a person is convicted under subdivision ~~1~~ 1a,
60.15 clause (g), the court may stay imposition or execution of the sentence if it finds that:

60.16 (a) a stay is in the best interest of the complainant or the family unit; and

210.22 (b) a professional assessment indicates that the offender has been accepted by and can
210.23 respond to a treatment program.

210.24 If the court stays imposition or execution of sentence, it shall include the following as
210.25 conditions of probation:

210.26 (1) incarceration in a local jail or workhouse;

210.27 (2) a requirement that the offender complete a treatment program; and

210.28 (3) a requirement that the offender have no unsupervised contact with the complainant
210.29 until the offender has successfully completed the treatment program unless approved by
210.30 the treatment program and the supervising correctional agent.

211.1 Sec. 15. Minnesota Statutes 2020, section 609.344, is amended to read:

211.2 **609.344 CRIMINAL SEXUAL CONDUCT IN THE THIRD DEGREE.**

211.3 Subdivision 1. **Adult victim; crime defined.** A person who engages in sexual penetration
211.4 with another person is guilty of criminal sexual conduct in the third degree if any of the
211.5 following circumstances exists:

211.6 ~~(a) the complainant is under 13 years of age and the actor is no more than 36 months~~
211.7 ~~older than the complainant. Neither mistake as to the complainant's age nor consent to the~~
211.8 ~~act by the complainant shall be a defense;~~

211.9 ~~(b) the complainant is at least 13 but less than 16 years of age and the actor is more than~~
211.10 ~~24 months older than the complainant. In any such case if the actor is no more than 120~~
211.11 ~~months older than the complainant, it shall be an affirmative defense, which must be proved~~
211.12 ~~by a preponderance of the evidence, that the actor reasonably believes the complainant to~~
211.13 ~~be 16 years of age or older. In all other cases, mistake as to the complainant's age shall not~~
211.14 ~~be a defense. Consent by the complainant is not a defense;~~

211.15 ~~(e) (a) the actor uses force or coercion to accomplish the penetration;~~

211.16 ~~(f) (b) the actor knows or has reason to know that the complainant is mentally impaired,~~
211.17 ~~mentally incapacitated, or physically helpless;~~

211.18 ~~(c) the actor uses force, as defined in section 609.341, subdivision 3, clause (2); or~~

211.19 ~~(d) at the time of the act, the actor is in a prohibited occupational relationship with the~~
211.20 ~~complainant.~~

211.21 Subd. 1a. **Victim under the age of 18; crime defined.** A person who engages in sexual
211.22 penetration with anyone under 18 years of age is guilty of criminal sexual conduct in the
211.23 third degree if any of the following circumstances exists:

60.17 (b) a professional assessment indicates that the offender has been accepted by and can
60.18 respond to a treatment program.

60.19 If the court stays imposition or execution of sentence, it shall include the following as
60.20 conditions of probation:

60.21 (1) incarceration in a local jail or workhouse;

60.22 (2) a requirement that the offender complete a treatment program; and

60.23 (3) a requirement that the offender have no unsupervised contact with the complainant
60.24 until the offender has successfully completed the treatment program unless approved by
60.25 the treatment program and the supervising correctional agent.

60.26 Sec. 16. Minnesota Statutes 2020, section 609.344, is amended to read:

60.27 **609.344 CRIMINAL SEXUAL CONDUCT IN THE THIRD DEGREE.**

60.28 Subdivision 1. **Adult victim; crime defined.** A person who engages in sexual penetration
60.29 with another person is guilty of criminal sexual conduct in the third degree if any of the
60.30 following circumstances exists:

61.1 ~~(a) the complainant is under 13 years of age and the actor is no more than 36 months~~
61.2 ~~older than the complainant. Neither mistake as to the complainant's age nor consent to the~~
61.3 ~~act by the complainant shall be a defense;~~

61.4 ~~(b) the complainant is at least 13 but less than 16 years of age and the actor is more than~~
61.5 ~~24 months older than the complainant. In any such case if the actor is no more than 120~~
61.6 ~~months older than the complainant, it shall be an affirmative defense, which must be proved~~
61.7 ~~by a preponderance of the evidence, that the actor reasonably believes the complainant to~~
61.8 ~~be 16 years of age or older. In all other cases, mistake as to the complainant's age shall not~~
61.9 ~~be a defense. Consent by the complainant is not a defense;~~

61.10 ~~(e) (a) the actor uses force or coercion to accomplish the penetration;~~

61.11 ~~(f) (b) the actor knows or has reason to know that the complainant is mentally impaired,~~
61.12 ~~mentally incapacitated, or physically helpless;~~

61.13 ~~(c) the actor uses force, as defined in section 609.341, subdivision 3, clause (2); or~~

61.14 ~~(d) at the time of the act, the actor is in a prohibited occupational relationship with the~~
61.15 ~~complainant.~~

61.16 Subd. 1a. **Victim under the age of 18; crime defined.** A person who engages in sexual
61.17 penetration with anyone under 18 years of age is guilty of criminal sexual conduct in the
61.18 third degree if any of the following circumstances exists:

211.24 (a) the complainant is under 14 years of age and the actor is no more than 36 months
211.25 older than the complainant. Neither mistake as to the complainant's age nor consent to the
211.26 act by the complainant shall be a defense;

211.27 (b) the complainant is at least 14 but less than 16 years of age and the actor is more than
211.28 36 months older than the complainant. In any such case if the actor is no more than 60
211.29 months older than the complainant, it shall be an affirmative defense, which must be proved
211.30 by a preponderance of the evidence, that the actor reasonably believes the complainant to
211.31 be 16 years of age or older. In all other cases, mistake as to the complainant's age shall not
211.32 be a defense. Consent by the complainant is not a defense;

212.1 (c) the actor uses coercion to accomplish the penetration;

212.2 (d) the actor knows or has reason to know that the complainant is mentally impaired,
212.3 mentally incapacitated, or physically helpless;

212.4 (e) the complainant is at least 16 but less than 18 years of age and the actor is more than
212.5 ~~48~~ 36 months older than the complainant and in a current or recent position of authority
212.6 over the complainant. Neither mistake as to the complainant's age nor consent to the act by
212.7 the complainant is a defense;

212.8 (f) the actor has a significant relationship to the complainant and the complainant was
212.9 at least 16 but under 18 years of age at the time of the sexual penetration. Neither mistake
212.10 as to the complainant's age nor consent to the act by the complainant is a defense;

212.11 (g) the actor has a significant relationship to the complainant, the complainant was at
212.12 least 16 but under 18 years of age at the time of the sexual penetration, and:

212.13 (i) the actor or an accomplice used force or coercion to accomplish the penetration;

212.14 (ii) the complainant suffered personal injury; or

212.15 (iii) the sexual abuse involved multiple acts committed over an extended period of time.

212.16 Neither mistake as to the complainant's age nor consent to the act by the complainant is
212.17 a defense;

212.18 (h) ~~the actor is a psychotherapist and the complainant is a patient of the psychotherapist~~
212.19 ~~and the sexual penetration occurred:~~ the actor uses force, as defined in section 609.341,
212.20 subdivision 3, clause (2); or

212.21 (i) at the time of the act, the actor is in a prohibited occupational relationship with the
212.22 complainant.

212.23 (i) ~~during the psychotherapy session; or~~

212.24 (ii) outside the psychotherapy session if an ongoing psychotherapist-patient relationship
212.25 exists.

61.19 (a) the complainant is under 14 years of age and the actor is no more than 36 months
61.20 older than the complainant. Neither mistake as to the complainant's age nor consent to the
61.21 act by the complainant shall be a defense;

61.22 (b) the complainant is at least 14 but less than 16 years of age and the actor is more than
61.23 36 months older than the complainant. In any such case if the actor is no more than 60
61.24 months older than the complainant, it shall be an affirmative defense, which must be proved
61.25 by a preponderance of the evidence, that the actor reasonably believes the complainant to
61.26 be 16 years of age or older. In all other cases, mistake as to the complainant's age shall not
61.27 be a defense. Consent by the complainant is not a defense;

61.28 (c) the actor uses coercion to accomplish the penetration;

61.29 (d) the actor knows or has reason to know that the complainant is mentally impaired,
61.30 mentally incapacitated, or physically helpless;

61.31 (e) the complainant is at least 16 but less than 18 years of age and the actor is more than
61.32 ~~48~~ 36 months older than the complainant and in a current or recent position of authority
62.1 over the complainant. Neither mistake as to the complainant's age nor consent to the act by
62.2 the complainant is a defense;

62.3 (f) the actor has a significant relationship to the complainant and the complainant was
62.4 at least 16 but under 18 years of age at the time of the sexual penetration. Neither mistake
62.5 as to the complainant's age nor consent to the act by the complainant is a defense;

62.6 (g) the actor has a significant relationship to the complainant, the complainant was at
62.7 least 16 but under 18 years of age at the time of the sexual penetration, and:

62.8 (i) the actor or an accomplice used force or coercion to accomplish the penetration;

62.9 (ii) the complainant suffered personal injury; or

62.10 (iii) the sexual abuse involved multiple acts committed over an extended period of time.

62.11 Neither mistake as to the complainant's age nor consent to the act by the complainant is
62.12 a defense;

62.13 (h) ~~the actor is a psychotherapist and the complainant is a patient of the psychotherapist~~
62.14 ~~and the sexual penetration occurred:~~ the actor uses force, as defined in section 609.341,
62.15 subdivision 3, clause (2); or

62.16 (i) at the time of the act, the actor is in a prohibited occupational relationship with the
62.17 complainant.

62.18 (i) ~~during the psychotherapy session; or~~

62.19 (ii) outside the psychotherapy session if an ongoing psychotherapist-patient relationship
62.20 exists.

212.26 Consent by the complainant is not a defense;

212.27 (i) the actor is a psychotherapist and the complainant is a former patient of the
212.28 psychotherapist and the former patient is emotionally dependent upon the psychotherapist;

212.29 (j) the actor is a psychotherapist and the complainant is a patient or former patient and
212.30 the sexual penetration occurred by means of therapeutic deception. Consent by the
212.31 complainant is not a defense;

213.1 (k) the actor accomplishes the sexual penetration by means of deception or false
213.2 representation that the penetration is for a bona fide medical purpose. Consent by the
213.3 complainant is not a defense;

213.4 (l) the actor is or purports to be a member of the clergy, the complainant is not married
213.5 to the actor, and:

213.6 (i) the sexual penetration occurred during the course of a meeting in which the
213.7 complainant sought or received religious or spiritual advice, aid, or comfort from the actor
213.8 in private; or

213.9 (ii) the sexual penetration occurred during a period of time in which the complainant
213.10 was meeting on an ongoing basis with the actor to seek or receive religious or spiritual
213.11 advice, aid, or comfort in private. Consent by the complainant is not a defense;

213.12 (m) the actor is an employee, independent contractor, or volunteer of a state, county,
213.13 city, or privately operated adult or juvenile correctional system, or secure treatment facility,
213.14 or treatment facility providing services to clients civilly committed as mentally ill and
213.15 dangerous, sexually dangerous persons, or sexual psychopathic personalities, including, but
213.16 not limited to, jails, prisons, detention centers, or work release facilities, and the complainant
213.17 is a resident of a facility or under supervision of the correctional system. Consent by the
213.18 complainant is not a defense;

213.19 (n) the actor provides or is an agent of an entity that provides special transportation
213.20 service, the complainant used the special transportation service, and the sexual penetration
213.21 occurred during or immediately before or after the actor transported the complainant. Consent
213.22 by the complainant is not a defense;

213.23 (o) the actor performs massage or other bodywork for hire, the complainant was a user
213.24 of one of those services, and nonconsensual sexual penetration occurred during or
213.25 immediately before or after the actor performed or was hired to perform one of those services
213.26 for the complainant; or

213.27 (p) the actor is a peace officer, as defined in section 626.84, and the officer physically
213.28 or constructively restrains the complainant or the complainant does not reasonably feel free
213.29 to leave the officer's presence. Consent by the complainant is not a defense. This paragraph
213.30 does not apply to any penetration of the mouth, genitals, or anus during a lawful search.

62.21 Consent by the complainant is not a defense;

62.22 (i) the actor is a psychotherapist and the complainant is a former patient of the
62.23 psychotherapist and the former patient is emotionally dependent upon the psychotherapist;

62.24 (j) the actor is a psychotherapist and the complainant is a patient or former patient and
62.25 the sexual penetration occurred by means of therapeutic deception. Consent by the
62.26 complainant is not a defense;

62.27 (k) the actor accomplishes the sexual penetration by means of deception or false
62.28 representation that the penetration is for a bona fide medical purpose. Consent by the
62.29 complainant is not a defense;

62.30 (l) the actor is or purports to be a member of the clergy, the complainant is not married
62.31 to the actor, and:

63.1 (i) the sexual penetration occurred during the course of a meeting in which the
63.2 complainant sought or received religious or spiritual advice, aid, or comfort from the actor
63.3 in private; or

63.4 (ii) the sexual penetration occurred during a period of time in which the complainant
63.5 was meeting on an ongoing basis with the actor to seek or receive religious or spiritual
63.6 advice, aid, or comfort in private. Consent by the complainant is not a defense;

63.7 (m) the actor is an employee, independent contractor, or volunteer of a state, county,
63.8 city, or privately operated adult or juvenile correctional system, or secure treatment facility,
63.9 or treatment facility providing services to clients civilly committed as mentally ill and
63.10 dangerous, sexually dangerous persons, or sexual psychopathic personalities, including, but
63.11 not limited to, jails, prisons, detention centers, or work release facilities, and the complainant
63.12 is a resident of a facility or under supervision of the correctional system. Consent by the
63.13 complainant is not a defense;

63.14 (n) the actor provides or is an agent of an entity that provides special transportation
63.15 service, the complainant used the special transportation service, and the sexual penetration
63.16 occurred during or immediately before or after the actor transported the complainant. Consent
63.17 by the complainant is not a defense;

63.18 (o) the actor performs massage or other bodywork for hire, the complainant was a user
63.19 of one of those services, and nonconsensual sexual penetration occurred during or
63.20 immediately before or after the actor performed or was hired to perform one of those services
63.21 for the complainant; or

63.22 (p) the actor is a peace officer, as defined in section 626.84, and the officer physically
63.23 or constructively restrains the complainant or the complainant does not reasonably feel free
63.24 to leave the officer's presence. Consent by the complainant is not a defense. This paragraph
63.25 does not apply to any penetration of the mouth, genitals, or anus during a lawful search.

213.31 Subd. 2. **Penalty.** Except as otherwise provided in section 609.3455, a person convicted
213.32 under subdivision 1 or subdivision 1a may be sentenced:

214.1 (1) to imprisonment for not more than 15 years or to a payment of a fine of not more
214.2 than \$30,000, or both; or

214.3 (2) if the person was convicted under subdivision ± 1a, paragraph (b), and if the actor
214.4 was no more than 48 months but more than 24 months older than the complainant, to
214.5 imprisonment for not more than five years or a fine of not more than \$30,000, or both.

214.6 A person convicted under this section is also subject to conditional release under section
214.7 609.3455.

214.8 Subd. 3. **Stay.** Except when imprisonment is required under section 609.3455; or
214.9 Minnesota Statutes 2004, section 609.109, if a person is convicted under subdivision ± 1a,
214.10 clause (f), the court may stay imposition or execution of the sentence if it finds that:

214.11 (a) a stay is in the best interest of the complainant or the family unit; and

214.12 (b) a professional assessment indicates that the offender has been accepted by and can
214.13 respond to a treatment program.

214.14 If the court stays imposition or execution of sentence, it shall include the following as
214.15 conditions of probation:

214.16 (1) incarceration in a local jail or workhouse;

214.17 (2) a requirement that the offender complete a treatment program; and

214.18 (3) a requirement that the offender have no unsupervised contact with the complainant
214.19 until the offender has successfully completed the treatment program unless approved by
214.20 the treatment program and the supervising correctional agent.

214.21 Sec. 16. Minnesota Statutes 2020, section 609.345, is amended to read:

214.22 **609.345 CRIMINAL SEXUAL CONDUCT IN THE FOURTH DEGREE.**

214.23 Subdivision 1. **Adult victim; crime defined.** A person who engages in sexual contact
214.24 with another person is guilty of criminal sexual conduct in the fourth degree if any of the
214.25 following circumstances exists:

214.26 ~~(a) the complainant is under 13 years of age and the actor is no more than 36 months~~
214.27 ~~older than the complainant. Neither mistake as to the complainant's age or consent to the~~
214.28 ~~act by the complainant is a defense. In a prosecution under this clause, the state is not~~
214.29 ~~required to prove that the sexual contact was coerced;~~

214.30 ~~(b) the complainant is at least 13 but less than 16 years of age and the actor is more than~~
214.31 ~~48 months older than the complainant or in a current or recent position of authority over~~
215.1 ~~the complainant. Consent by the complainant to the act is not a defense. In any such case,~~
215.2 ~~if the actor is no more than 120 months older than the complainant, it shall be an affirmative~~

63.26 Subd. 2. **Penalty.** Except as otherwise provided in section 609.3455, a person convicted
63.27 under subdivision 1 or subdivision 1a may be sentenced:

63.28 (1) to imprisonment for not more than 15 years or to a payment of a fine of not more
63.29 than \$30,000, or both; or

63.30 (2) if the person was convicted under subdivision ± 1a, paragraph (b), and if the actor
63.31 was no more than 48 months but more than 24 months older than the complainant, to
63.32 imprisonment for not more than five years or a fine of not more than \$30,000, or both.

64.1 A person convicted under this section is also subject to conditional release under section
64.2 609.3455.

64.3 Subd. 3. **Stay.** Except when imprisonment is required under section 609.3455; or
64.4 Minnesota Statutes 2004, section 609.109, if a person is convicted under subdivision ± 1a,
64.5 clause (f), the court may stay imposition or execution of the sentence if it finds that:

64.6 (a) a stay is in the best interest of the complainant or the family unit; and

64.7 (b) a professional assessment indicates that the offender has been accepted by and can
64.8 respond to a treatment program.

64.9 If the court stays imposition or execution of sentence, it shall include the following as
64.10 conditions of probation:

64.11 (1) incarceration in a local jail or workhouse;

64.12 (2) a requirement that the offender complete a treatment program; and

64.13 (3) a requirement that the offender have no unsupervised contact with the complainant
64.14 until the offender has successfully completed the treatment program unless approved by
64.15 the treatment program and the supervising correctional agent.

64.16 Sec. 17. Minnesota Statutes 2020, section 609.345, is amended to read:

64.17 **609.345 CRIMINAL SEXUAL CONDUCT IN THE FOURTH DEGREE.**

64.18 Subdivision 1. **Adult victim; crime defined.** A person who engages in sexual contact
64.19 with another person is guilty of criminal sexual conduct in the fourth degree if any of the
64.20 following circumstances exists:

64.21 ~~(a) the complainant is under 13 years of age and the actor is no more than 36 months~~
64.22 ~~older than the complainant. Neither mistake as to the complainant's age or consent to the~~
64.23 ~~act by the complainant is a defense. In a prosecution under this clause, the state is not~~
64.24 ~~required to prove that the sexual contact was coerced;~~

64.25 ~~(b) the complainant is at least 13 but less than 16 years of age and the actor is more than~~
64.26 ~~48 months older than the complainant or in a current or recent position of authority over~~
64.27 ~~the complainant. Consent by the complainant to the act is not a defense. In any such case,~~
64.28 ~~if the actor is no more than 120 months older than the complainant, it shall be an affirmative~~

215.3 ~~defense which must be proved by a preponderance of the evidence that the actor reasonably~~
215.4 ~~believes the complainant to be 16 years of age or older. In all other cases, mistake as to the~~
215.5 ~~complainant's age shall not be a defense;~~

215.6 ~~(a)~~ (a) the actor uses ~~force or~~ coercion to accomplish the sexual contact;

215.7 ~~(b)~~ (b) the actor knows or has reason to know that the complainant is mentally impaired,
215.8 mentally incapacitated, or physically helpless;

215.9 (c) the actor uses force, as defined in section 609.341, subdivision 3, clause (2); or

215.10 (d) at the time of the act, the actor is in a prohibited occupational relationship with the
215.11 complainant.

215.12 Subd. 1a. **Victim under the age of 18; crime defined.** A person who engages in sexual
215.13 contact with anyone under 18 years of age is guilty of criminal sexual conduct in the fourth
215.14 degree if any of the following circumstances exists:

215.15 (a) the complainant is under 14 years of age and the actor is no more than 36 months
215.16 older than the complainant. Neither mistake as to the complainant's age or consent to the
215.17 act by the complainant is a defense. In a prosecution under this clause, the state is not
215.18 required to prove that the sexual contact was coerced;

215.19 (b) the complainant is at least 14 but less than 16 years of age and the actor is more than
215.20 36 months older than the complainant or in a current or recent position of authority over
215.21 the complainant. Consent by the complainant to the act is not a defense.

215.22 Mistake of age is not a defense unless actor is less than 60 months older. In any such case,
215.23 if the actor is no more than 60 months older than the complainant, it shall be an affirmative
215.24 defense which must be proved by a preponderance of the evidence that the actor reasonably
215.25 believes the complainant to be 16 years of age or older. In all other cases, mistake as to the
215.26 complainant's age shall not be a defense;

215.27 (c) the actor uses coercion to accomplish the sexual contact;

215.28 (d) The actor knows or has reason to know that the complainant is mentally impaired,
215.29 mentally incapacitated, or physically helpless;

215.30 (e) the complainant is at least 16 but less than 18 years of age and the actor is more than
215.31 ~~48~~ 36 months older than the complainant and in a current or recent position of authority
216.1 over the complainant. Neither mistake as to the complainant's age nor consent to the act by
216.2 the complainant is a defense;

216.3 (f) the actor has a significant relationship to the complainant and the complainant was
216.4 at least 16 but under 18 years of age at the time of the sexual contact. Neither mistake as to
216.5 the complainant's age nor consent to the act by the complainant is a defense;

216.6 (g) the actor has a significant relationship to the complainant, the complainant was at
216.7 least 16 but under 18 years of age at the time of the sexual contact, and:

64.29 ~~defense which must be proved by a preponderance of the evidence that the actor reasonably~~
64.30 ~~believes the complainant to be 16 years of age or older. In all other cases, mistake as to the~~
64.31 ~~complainant's age shall not be a defense;~~

65.1 ~~(a)~~ (a) the actor uses ~~force or~~ coercion to accomplish the sexual contact;

65.2 ~~(b)~~ (b) the actor knows or has reason to know that the complainant is mentally impaired,
65.3 mentally incapacitated, or physically helpless;

65.4 (c) the actor uses force, as defined in section 609.341, subdivision 3, clause (2); or

65.5 (d) at the time of the act, the actor is in a prohibited occupational relationship with the
65.6 complainant.

65.7 Subd. 1a. **Victim under the age of 18; crime defined.** A person who engages in sexual
65.8 contact with anyone under 18 years of age is guilty of criminal sexual conduct in the fourth
65.9 degree if any of the following circumstances exists:

65.10 (a) the complainant is under 14 years of age and the actor is no more than 36 months
65.11 older than the complainant. Neither mistake as to the complainant's age or consent to the
65.12 act by the complainant is a defense. In a prosecution under this clause, the state is not
65.13 required to prove that the sexual contact was coerced;

65.14 (b) the complainant is at least 14 but less than 16 years of age and the actor is more than
65.15 36 months older than the complainant or in a current or recent position of authority over
65.16 the complainant. Consent by the complainant to the act is not a defense.

65.17 Mistake of age is not a defense unless actor is less than 60 months older. In any such case,
65.18 if the actor is no more than 60 months older than the complainant, it shall be an affirmative
65.19 defense which must be proved by a preponderance of the evidence that the actor reasonably
65.20 believes the complainant to be 16 years of age or older. In all other cases, mistake as to the
65.21 complainant's age shall not be a defense;

65.22 (c) the actor uses coercion to accomplish the sexual contact;

65.23 (d) The actor knows or has reason to know that the complainant is mentally impaired,
65.24 mentally incapacitated, or physically helpless;

65.25 (e) the complainant is at least 16 but less than 18 years of age and the actor is more than
65.26 ~~48~~ 36 months older than the complainant and in a current or recent position of authority
65.27 over the complainant. Neither mistake as to the complainant's age nor consent to the act by
65.28 the complainant is a defense;

65.29 (f) the actor has a significant relationship to the complainant and the complainant was
65.30 at least 16 but under 18 years of age at the time of the sexual contact. Neither mistake as to
65.31 the complainant's age nor consent to the act by the complainant is a defense;

66.1 (g) the actor has a significant relationship to the complainant, the complainant was at
66.2 least 16 but under 18 years of age at the time of the sexual contact, and:

216.8 (i) the actor or an accomplice used force or coercion to accomplish the contact;
216.9 (ii) the complainant suffered personal injury; or
216.10 (iii) the sexual abuse involved multiple acts committed over an extended period of time.
216.11 Neither mistake as to the complainant's age nor consent to the act by the complainant is
216.12 a defense;
216.13 ~~(h) the actor is a psychotherapist and the complainant is a patient of the psychotherapist~~
216.14 ~~and the sexual contact occurred: the actor uses force, as defined in section 609.341,~~
216.15 ~~subdivision 3, clause (2); or~~
216.16 (i) at the time of the act, the actor is in a prohibited occupational relationship with the
216.17 complainant.
216.18 ~~(i) during the psychotherapy session; or~~
216.19 ~~(ii) outside the psychotherapy session if an ongoing psychotherapist-patient relationship~~
216.20 ~~exists. Consent by the complainant is not a defense;~~
216.21 (i) the actor is a psychotherapist and the complainant is a former patient of the
216.22 psychotherapist and the former patient is emotionally dependent upon the psychotherapist;
216.23 (j) the actor is a psychotherapist and the complainant is a patient or former patient and
216.24 the sexual contact occurred by means of therapeutic deception. Consent by the complainant
216.25 is not a defense;
216.26 (k) the actor accomplishes the sexual contact by means of deception or false representation
216.27 that the contact is for a bona fide medical purpose. Consent by the complainant is not a
216.28 defense;
216.29 (l) the actor is or purports to be a member of the clergy, the complainant is not married
216.30 to the actor, and:
217.1 (i) the sexual contact occurred during the course of a meeting in which the complainant
217.2 sought or received religious or spiritual advice, aid, or comfort from the actor in private; or
217.3 (ii) the sexual contact occurred during a period of time in which the complainant was
217.4 meeting on an ongoing basis with the actor to seek or receive religious or spiritual advice,
217.5 aid, or comfort in private. Consent by the complainant is not a defense;
217.6 (m) the actor is an employee, independent contractor, or volunteer of a state, county,
217.7 city, or privately operated adult or juvenile correctional system, or secure treatment facility,
217.8 or treatment facility providing services to clients civilly committed as mentally ill and
217.9 dangerous, sexually dangerous persons, or sexual psychopathic personalities, including, but
217.10 not limited to, jails, prisons, detention centers, or work release facilities, and the complainant

66.3 (i) the actor or an accomplice used force or coercion to accomplish the contact;
66.4 (ii) the complainant suffered personal injury; or
66.5 (iii) the sexual abuse involved multiple acts committed over an extended period of time.
66.6 Neither mistake as to the complainant's age nor consent to the act by the complainant is
66.7 a defense;
66.8 ~~(h) the actor is a psychotherapist and the complainant is a patient of the psychotherapist~~
66.9 ~~and the sexual contact occurred: the actor uses force, as defined in section 609.341,~~
66.10 ~~subdivision 3, clause (2); or~~
66.11 (i) at the time of the act, the actor is in a prohibited occupational relationship with the
66.12 complainant.
66.13 ~~(i) during the psychotherapy session; or~~
66.14 ~~(ii) outside the psychotherapy session if an ongoing psychotherapist-patient relationship~~
66.15 ~~exists. Consent by the complainant is not a defense;~~
66.16 (i) the actor is a psychotherapist and the complainant is a former patient of the
66.17 psychotherapist and the former patient is emotionally dependent upon the psychotherapist;
66.18 (j) the actor is a psychotherapist and the complainant is a patient or former patient and
66.19 the sexual contact occurred by means of therapeutic deception. Consent by the complainant
66.20 is not a defense;
66.21 (k) the actor accomplishes the sexual contact by means of deception or false representation
66.22 that the contact is for a bona fide medical purpose. Consent by the complainant is not a
66.23 defense;
66.24 (l) the actor is or purports to be a member of the clergy, the complainant is not married
66.25 to the actor, and:
66.26 (i) the sexual contact occurred during the course of a meeting in which the complainant
66.27 sought or received religious or spiritual advice, aid, or comfort from the actor in private; or
66.28 (ii) the sexual contact occurred during a period of time in which the complainant was
66.29 meeting on an ongoing basis with the actor to seek or receive religious or spiritual advice,
66.30 aid, or comfort in private. Consent by the complainant is not a defense;
67.1 (m) the actor is an employee, independent contractor, or volunteer of a state, county,
67.2 city, or privately operated adult or juvenile correctional system, or secure treatment facility,
67.3 or treatment facility providing services to clients civilly committed as mentally ill and
67.4 dangerous, sexually dangerous persons, or sexual psychopathic personalities, including, but
67.5 not limited to, jails, prisons, detention centers, or work release facilities, and the complainant

217.11 is a resident of a facility or under supervision of the correctional system. Consent by the
217.12 complainant is not a defense;

217.13 ~~(n) the actor provides or is an agent of an entity that provides special transportation~~
217.14 ~~service, the complainant used the special transportation service, the complainant is not~~
217.15 ~~married to the actor, and the sexual contact occurred during or immediately before or after~~
217.16 ~~the actor transported the complainant. Consent by the complainant is not a defense;~~

217.17 ~~(e) the actor performs massage or other bodywork for hire, the complainant was a user~~
217.18 ~~of one of those services, and nonconsensual sexual contact occurred during or immediately~~
217.19 ~~before or after the actor performed or was hired to perform one of those services for the~~
217.20 ~~complainant; or~~

217.21 ~~(p) the actor is a peace officer, as defined in section 626.84, and the officer physically~~
217.22 ~~or constructively restrains the complainant or the complainant does not reasonably feel free~~
217.23 ~~to leave the officer's presence. Consent by the complainant is not a defense.~~

217.24 Subd. 2. **Penalty.** Except as otherwise provided in section 609.3455, a person convicted
217.25 under subdivision 1 or subdivision 1a may be sentenced to imprisonment for not more than
217.26 ten years or to a payment of a fine of not more than \$20,000, or both. A person convicted
217.27 under this section is also subject to conditional release under section 609.3455.

217.28 Subd. 3. **Stay.** Except when imprisonment is required under section 609.3455; or
217.29 Minnesota Statutes 2004, section 609.109, if a person is convicted under subdivision ~~1~~ 1a,
217.30 clause (f), the court may stay imposition or execution of the sentence if it finds that:

217.31 (a) a stay is in the best interest of the complainant or the family unit; and
217.32 (b) a professional assessment indicates that the offender has been accepted by and can
217.33 respond to a treatment program.

218.1 If the court stays imposition or execution of sentence, it shall include the following as
218.2 conditions of probation:

218.3 (1) incarceration in a local jail or workhouse;
218.4 (2) a requirement that the offender complete a treatment program; and
218.5 (3) a requirement that the offender have no unsupervised contact with the complainant
218.6 until the offender has successfully completed the treatment program unless approved by
218.7 the treatment program and the supervising correctional agent.

218.8 Sec. 17. Minnesota Statutes 2020, section 609.3451, is amended to read:

218.9 **609.3451 CRIMINAL SEXUAL CONDUCT IN THE FIFTH DEGREE.**

218.10 Subdivision 1. **Sexual penetration; crime defined.** A person is guilty of criminal sexual
218.11 conduct in the fifth degree: if the person engages in nonconsensual sexual penetration.

67.6 is a resident of a facility or under supervision of the correctional system. Consent by the
67.7 complainant is not a defense;

67.8 ~~(n) the actor provides or is an agent of an entity that provides special transportation~~
67.9 ~~service, the complainant used the special transportation service, the complainant is not~~
67.10 ~~married to the actor, and the sexual contact occurred during or immediately before or after~~
67.11 ~~the actor transported the complainant. Consent by the complainant is not a defense;~~

67.12 ~~(e) the actor performs massage or other bodywork for hire, the complainant was a user~~
67.13 ~~of one of those services, and nonconsensual sexual contact occurred during or immediately~~
67.14 ~~before or after the actor performed or was hired to perform one of those services for the~~
67.15 ~~complainant; or~~

67.16 ~~(p) the actor is a peace officer, as defined in section 626.84, and the officer physically~~
67.17 ~~or constructively restrains the complainant or the complainant does not reasonably feel free~~
67.18 ~~to leave the officer's presence. Consent by the complainant is not a defense.~~

67.19 Subd. 2. **Penalty.** Except as otherwise provided in section 609.3455, a person convicted
67.20 under subdivision 1 or subdivision 1a may be sentenced to imprisonment for not more than
67.21 ten years or to a payment of a fine of not more than \$20,000, or both. A person convicted
67.22 under this section is also subject to conditional release under section 609.3455.

67.23 Subd. 3. **Stay.** Except when imprisonment is required under section 609.3455; or
67.24 Minnesota Statutes 2004, section 609.109, if a person is convicted under subdivision ~~1~~ 1a,
67.25 clause (f), the court may stay imposition or execution of the sentence if it finds that:

67.26 (a) a stay is in the best interest of the complainant or the family unit; and
67.27 (b) a professional assessment indicates that the offender has been accepted by and can
67.28 respond to a treatment program.

67.29 If the court stays imposition or execution of sentence, it shall include the following as
67.30 conditions of probation:

67.31 (1) incarceration in a local jail or workhouse;
67.32 (2) a requirement that the offender complete a treatment program; and
68.1 (3) a requirement that the offender have no unsupervised contact with the complainant
68.2 until the offender has successfully completed the treatment program unless approved by
68.3 the treatment program and the supervising correctional agent.

68.4 Sec. 18. Minnesota Statutes 2020, section 609.3451, is amended to read:

68.5 **609.3451 CRIMINAL SEXUAL CONDUCT IN THE FIFTH DEGREE.**

68.6 Subdivision 1. **Sexual penetration; crime defined.** A person is guilty of criminal sexual
68.7 conduct in the fifth degree: if the person engages in nonconsensual sexual penetration.

218.12 Subd. 1a. **Sexual contact; child present; crime defined.** A person is guilty of criminal
218.13 sexual conduct in the fifth degree if:

218.14 (1) ~~if~~ the person engages in nonconsensual sexual contact; or

218.15 (2) the person engages in masturbation or lewd exhibition of the genitals in the presence
218.16 of a minor under the age of 16, knowing or having reason to know the minor is present.

218.17 For purposes of this section, "sexual contact" has the meaning given in section 609.341,
218.18 subdivision 11, paragraph (a), clauses (i), (iv), and (v). Sexual contact also includes the
218.19 intentional removal or attempted removal of clothing covering the complainant's intimate
218.20 parts or undergarments, and the nonconsensual touching by the complainant of the actor's
218.21 intimate parts, effected by the actor, if the action is performed with sexual or aggressive
218.22 intent.

218.23 Subd. 2. **Gross misdemeanor.** A person convicted under subdivision ~~1~~ 1a may be
218.24 sentenced to imprisonment for not more than one year or to a payment of a fine of not more
218.25 than \$3,000, or both.

218.26 Subd. 3. **Felony.** (a) A person is guilty of a felony and may be sentenced to imprisonment
218.27 for not more than two years or to payment of a fine of not more than \$10,000, or both, if
218.28 the person violates subdivision 1.

218.29 (b) A person is guilty of a felony and may be sentenced to imprisonment for not more
218.30 than seven years or to payment of a fine of not more than \$14,000, or both, if the person
218.31 violates ~~this section~~ subdivision 1 or 1a within ~~seven~~ ten years of:

219.1 (1) conviction or adjudication under subdivision 1; or

219.2 (2) a previous conviction or adjudication for violating subdivision ~~1~~ 1a, clause (2), a
219.3 crime described in paragraph (b); or a statute from another state in conformity with any of
219.4 these offenses; or

219.5 ~~(2)~~ (3) the first of two or more previous convictions for violating subdivision ~~1~~ 1a, clause
219.6 (1), or a statute from another state in conformity with this offense.

219.7 ~~(b)~~ (c) A previous conviction for violating section 609.342; 609.343; 609.344; 609.345;
219.8 609.3453; 617.23, subdivision 2, clause (2), or subdivision 3; or 617.247 may be used to
219.9 enhance a criminal penalty as provided in paragraph (a).

219.10 Sec. 18. Minnesota Statutes 2020, section 609.3455, is amended to read:

219.11 **609.3455 DANGEROUS SEX OFFENDERS; LIFE SENTENCES; CONDITIONAL**
219.12 **RELEASE.**

219.13 Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the
219.14 meanings given.

68.8 Subd. 1a. **Sexual contact; child present; crime defined.** A person is guilty of criminal
68.9 sexual conduct in the fifth degree if:

68.10 (1) ~~if~~ the person engages in nonconsensual sexual contact; or

68.11 (2) the person engages in masturbation or lewd exhibition of the genitals in the presence
68.12 of a minor under the age of 16, knowing or having reason to know the minor is present.

68.13 For purposes of this section, "sexual contact" has the meaning given in section 609.341,
68.14 subdivision 11, paragraph (a), clauses (i), (iv), and (v). Sexual contact also includes the
68.15 intentional removal or attempted removal of clothing covering the complainant's intimate
68.16 parts or undergarments, and the nonconsensual touching by the complainant of the actor's
68.17 intimate parts, effected by the actor, if the action is performed with sexual or aggressive
68.18 intent.

68.19 Subd. 2. **Gross misdemeanor.** A person convicted under subdivision ~~1~~ 1a may be
68.20 sentenced to imprisonment for not more than one year or to a payment of a fine of not more
68.21 than \$3,000, or both.

68.22 Subd. 3. **Felony.** (a) A person is guilty of a felony and may be sentenced to imprisonment
68.23 for not more than two years or to payment of a fine of not more than \$10,000, or both, if
68.24 the person violates subdivision 1.

68.25 (b) A person is guilty of a felony and may be sentenced to imprisonment for not more
68.26 than seven years or to payment of a fine of not more than \$14,000, or both, if the person
68.27 violates ~~this section~~ subdivision 1 or 1a within ~~seven~~ ten years of:

68.28 (1) conviction or adjudication under subdivision 1; or

68.29 (2) a previous conviction or adjudication for violating subdivision ~~1~~ 1a, clause (2), a
68.30 crime described in paragraph (b); or a statute from another state in conformity with any of
68.31 these offenses; or

69.1 ~~(2)~~ (3) the first of two or more previous convictions for violating subdivision ~~1~~ 1a, clause
69.2 (1), or a statute from another state in conformity with this offense.

69.3 ~~(b)~~ (c) A previous conviction for violating section 609.342; 609.343; 609.344; 609.345;
69.4 609.3453; 617.23, subdivision 2, clause (2), or subdivision 3; or 617.247 may be used to
69.5 enhance a criminal penalty as provided in paragraph (a).

69.6 Sec. 19. Minnesota Statutes 2020, section 609.3455, is amended to read:

69.7 **609.3455 DANGEROUS SEX OFFENDERS; LIFE SENTENCES; CONDITIONAL**
69.8 **RELEASE.**

69.9 Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the
69.10 meanings given.

219.15 (b) "Conviction" includes a conviction as an extended jurisdiction juvenile under section
219.16 260B.130 for a violation of, or an attempt to violate, section 609.342, 609.343, 609.344, ~~or~~
219.17 609.3453, or 609.3458, if the adult sentence has been executed.

219.18 (c) "Extreme inhumane conditions" mean situations where, either before or after the
219.19 sexual penetration or sexual contact, the offender knowingly causes or permits the
219.20 complainant to be placed in a situation likely to cause the complainant severe ongoing
219.21 mental, emotional, or psychological harm, or causes the complainant's death.

219.22 (d) A "heinous element" includes:

219.23 (1) the offender tortured the complainant;

219.24 (2) the offender intentionally inflicted great bodily harm upon the complainant;

219.25 (3) the offender intentionally mutilated the complainant;

219.26 (4) the offender exposed the complainant to extreme inhumane conditions;

219.27 (5) the offender was armed with a dangerous weapon or any article used or fashioned
219.28 in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and
219.29 used or threatened to use the weapon or article to cause the complainant to submit;

219.30 (6) the offense involved sexual penetration or sexual contact with more than one victim;

220.1 (7) the offense involved more than one perpetrator engaging in sexual penetration or
220.2 sexual contact with the complainant; or

220.3 (8) the offender, without the complainant's consent, removed the complainant from one
220.4 place to another and did not release the complainant in a safe place.

220.5 (e) "Mutilation" means the intentional infliction of physical abuse designed to cause
220.6 serious permanent disfigurement or permanent or protracted loss or impairment of the
220.7 functions of any bodily member or organ, where the offender relishes the infliction of the
220.8 abuse, evidencing debasement or perversion.

220.9 (f) A conviction is considered a "previous sex offense conviction" if the offender was
220.10 convicted and sentenced for a sex offense before the commission of the present offense.

220.11 (g) A conviction is considered a "prior sex offense conviction" if the offender was
220.12 convicted of committing a sex offense before the offender has been convicted of the present
220.13 offense, regardless of whether the offender was convicted for the first offense before the
220.14 commission of the present offense, and the convictions involved separate behavioral
220.15 incidents.

220.16 (h) "Sex offense" means any violation of, or attempt to violate, section 609.342, 609.343,
220.17 609.344, 609.345, 609.3451, 609.3453, 609.3458, or any similar statute of the United States,
220.18 this state, or any other state.

69.11 (b) "Conviction" includes a conviction as an extended jurisdiction juvenile under section
69.12 260B.130 for a violation of, or an attempt to violate, section 609.342, 609.343, 609.344, ~~or~~
69.13 609.3453, or 609.3458, if the adult sentence has been executed.

69.14 (c) "Extreme inhumane conditions" mean situations where, either before or after the
69.15 sexual penetration or sexual contact, the offender knowingly causes or permits the
69.16 complainant to be placed in a situation likely to cause the complainant severe ongoing
69.17 mental, emotional, or psychological harm, or causes the complainant's death.

69.18 (d) A "heinous element" includes:

69.19 (1) the offender tortured the complainant;

69.20 (2) the offender intentionally inflicted great bodily harm upon the complainant;

69.21 (3) the offender intentionally mutilated the complainant;

69.22 (4) the offender exposed the complainant to extreme inhumane conditions;

69.23 (5) the offender was armed with a dangerous weapon or any article used or fashioned
69.24 in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and
69.25 used or threatened to use the weapon or article to cause the complainant to submit;

69.26 (6) the offense involved sexual penetration or sexual contact with more than one victim;

69.27 (7) the offense involved more than one perpetrator engaging in sexual penetration or
69.28 sexual contact with the complainant; or

69.29 (8) the offender, without the complainant's consent, removed the complainant from one
69.30 place to another and did not release the complainant in a safe place.

70.1 (e) "Mutilation" means the intentional infliction of physical abuse designed to cause
70.2 serious permanent disfigurement or permanent or protracted loss or impairment of the
70.3 functions of any bodily member or organ, where the offender relishes the infliction of the
70.4 abuse, evidencing debasement or perversion.

70.5 (f) A conviction is considered a "previous sex offense conviction" if the offender was
70.6 convicted and sentenced for a sex offense before the commission of the present offense.

70.7 (g) A conviction is considered a "prior sex offense conviction" if the offender was
70.8 convicted of committing a sex offense before the offender has been convicted of the present
70.9 offense, regardless of whether the offender was convicted for the first offense before the
70.10 commission of the present offense, and the convictions involved separate behavioral
70.11 incidents.

70.12 (h) "Sex offense" means any violation of, or attempt to violate, section 609.342, 609.343,
70.13 609.344, 609.345, 609.3451, 609.3453, 609.3458, or any similar statute of the United States,
70.14 this state, or any other state.

220.19 (i) "Torture" means the intentional infliction of extreme mental anguish, or extreme
220.20 psychological or physical abuse, when committed in an especially depraved manner.

220.21 (j) An offender has "two previous sex offense convictions" only if the offender was
220.22 convicted and sentenced for a sex offense committed after the offender was earlier convicted
220.23 and sentenced for a sex offense and both convictions preceded the commission of the present
220.24 offense of conviction.

220.25 Subd. 2. **Mandatory life sentence without release; egregious first-time and repeat**
220.26 **offenders.** (a) Notwithstanding the statutory maximum penalty otherwise applicable to the
220.27 offense, the court shall sentence a person convicted under section 609.342, subdivision 1,
220.28 paragraph (a), (b), (c), (d), or (e); ~~(f); or (h);~~ or 609.342, subdivision 1a, clause (a), (b), (c),
220.29 (d), (h), or (i); 609.343, subdivision 1, paragraph (a), (b), (c), (d), or (e); ~~(f);~~ or ~~(h)~~ 609.343,
220.30 subdivision 1a, clause (a), (b), (c), (d), (h), or (i), to life without the possibility of release
220.31 if:

220.32 (1) the fact finder determines that two or more heinous elements exist; or

221.1 (2) the person has a previous sex offense conviction for a violation of section 609.342,
221.2 609.343, ~~or 609.344, or 609.3458,~~ and the fact finder determines that a heinous element
221.3 exists for the present offense.

221.4 (b) A fact finder may not consider a heinous element if it is an element of the underlying
221.5 specified violation of section 609.342 or 609.343. In addition, when determining whether
221.6 two or more heinous elements exist, the fact finder may not use the same underlying facts
221.7 to support a determination that more than one element exists.

221.8 Subd. 3. **Mandatory life sentence for egregious first-time offenders.** (a)
221.9 Notwithstanding the statutory maximum penalty otherwise applicable to the offense, the
221.10 court shall sentence a person to imprisonment for life if the person is convicted under section
221.11 609.342, subdivision 1, paragraph (a), (b), (c), (d), or (e); ~~(f); or (h);~~ or 609.342, subdivision
221.12 1a, clause (a), (b), (c), (d), (h), or (i); 609.343, subdivision 1, paragraph (a), (b), (c), (d), or
221.13 (e); ~~(f); or (h);~~ or 609.343, subdivision 1a, clause (a), (b), (c), (d), (h), or (i); and the fact
221.14 finder determines that a heinous element exists.

221.15 (b) The fact finder may not consider a heinous element if it is an element of the underlying
221.16 specified violation of section 609.342 or 609.343.

221.17 Subd. 3a. **Mandatory sentence for certain engrained offenders.** (a) A court shall
221.18 commit a person to the commissioner of corrections for a period of time that is not less than
221.19 double the presumptive sentence under the sentencing guidelines and not more than the
221.20 statutory maximum, or if the statutory maximum is less than double the presumptive sentence,
221.21 for a period of time that is equal to the statutory maximum, if:

221.22 (1) the court is imposing an executed sentence on a person convicted of committing or
221.23 attempting to commit a violation of section 609.342, 609.343, 609.344, 609.345, ~~or 609.3453,~~
221.24 or 609.3458;

70.15 (i) "Torture" means the intentional infliction of extreme mental anguish, or extreme
70.16 psychological or physical abuse, when committed in an especially depraved manner.

70.17 (j) An offender has "two previous sex offense convictions" only if the offender was
70.18 convicted and sentenced for a sex offense committed after the offender was earlier convicted
70.19 and sentenced for a sex offense and both convictions preceded the commission of the present
70.20 offense of conviction.

70.21 Subd. 2. **Mandatory life sentence without release; egregious first-time and repeat**
70.22 **offenders.** (a) Notwithstanding the statutory maximum penalty otherwise applicable to the
70.23 offense, the court shall sentence a person convicted under section 609.342, subdivision 1,
70.24 paragraph (a), (b), (c), (d), or (e); ~~(f); or (h);~~ or 609.342, subdivision 1a, clause (a), (b), (c),
70.25 (d), (h), or (i); 609.343, subdivision 1, paragraph (a), (b), (c), (d), or (e); ~~(f);~~ or ~~(h)~~ 609.343,
70.26 subdivision 1a, clause (a), (b), (c), (d), (h), or (i), to life without the possibility of release
70.27 if:

70.28 (1) the fact finder determines that two or more heinous elements exist; or

70.29 (2) the person has a previous sex offense conviction for a violation of section 609.342,
70.30 609.343, ~~or 609.344, or 609.3458,~~ and the fact finder determines that a heinous element
70.31 exists for the present offense.

70.32 (b) A fact finder may not consider a heinous element if it is an element of the underlying
70.33 specified violation of section 609.342 or 609.343. In addition, when determining whether
71.1 two or more heinous elements exist, the fact finder may not use the same underlying facts
71.2 to support a determination that more than one element exists.

71.3 Subd. 3. **Mandatory life sentence for egregious first-time offenders.** (a)
71.4 Notwithstanding the statutory maximum penalty otherwise applicable to the offense, the
71.5 court shall sentence a person to imprisonment for life if the person is convicted under section
71.6 609.342, subdivision 1, paragraph (a), (b), (c), (d), or (e); ~~(f); or (h);~~ or 609.342, subdivision
71.7 1a, clause (a), (b), (c), (d), (h), or (i); 609.343, subdivision 1, paragraph (a), (b), (c), (d), or
71.8 (e); ~~(f); or (h);~~ or 609.343, subdivision 1a, clause (a), (b), (c), (d), (h), or (i); and the fact
71.9 finder determines that a heinous element exists.

71.10 (b) The fact finder may not consider a heinous element if it is an element of the underlying
71.11 specified violation of section 609.342 or 609.343.

71.12 Subd. 3a. **Mandatory sentence for certain engrained offenders.** (a) A court shall
71.13 commit a person to the commissioner of corrections for a period of time that is not less than
71.14 double the presumptive sentence under the sentencing guidelines and not more than the
71.15 statutory maximum, or if the statutory maximum is less than double the presumptive sentence,
71.16 for a period of time that is equal to the statutory maximum, if:

71.17 (1) the court is imposing an executed sentence on a person convicted of committing or
71.18 attempting to commit a violation of section 609.342, 609.343, 609.344, 609.345, ~~or 609.3453,~~
71.19 or 609.3458;

221.25 (2) the fact finder determines that the offender is a danger to public safety; and
221.26 (3) the fact finder determines that the offender's criminal sexual behavior is so engrained
221.27 that the risk of reoffending is great without intensive psychotherapeutic intervention or other
221.28 long-term treatment or supervision extending beyond the presumptive term of imprisonment
221.29 and supervised release.

221.30 (b) The fact finder shall base its determination that the offender is a danger to public
221.31 safety on any of the following factors:

221.32 (1) the crime involved an aggravating factor that would justify a durational departure
221.33 from the presumptive sentence under the sentencing guidelines;

222.1 (2) the offender previously committed or attempted to commit a predatory crime or a
222.2 violation of section 609.224 or 609.2242, including:

222.3 (i) an offense committed as a juvenile that would have been a predatory crime or a
222.4 violation of section 609.224 or 609.2242 if committed by an adult; or

222.5 (ii) a violation or attempted violation of a similar law of any other state or the United
222.6 States; or

222.7 (3) the offender planned or prepared for the crime prior to its commission.

222.8 (c) As used in this section, "predatory crime" has the meaning given in section 609.341,
222.9 subdivision 22.

222.10 Subd. 4. **Mandatory life sentence; repeat offenders.** (a) Notwithstanding the statutory
222.11 maximum penalty otherwise applicable to the offense, the court shall sentence a person to
222.12 imprisonment for life if the person is convicted of violating section 609.342, 609.343,
222.13 609.344, 609.345, ~~609.3453~~, or 609.3458 and:

222.14 (1) the person has two previous sex offense convictions;

222.15 (2) the person has a previous sex offense conviction and:

222.16 (i) the fact finder determines that the present offense involved an aggravating factor that
222.17 would provide grounds for an upward durational departure under the sentencing guidelines
222.18 other than the aggravating factor applicable to repeat criminal sexual conduct convictions;

222.19 (ii) the person received an upward durational departure from the sentencing guidelines
222.20 for the previous sex offense conviction; or

222.21 (iii) the person was sentenced under this section or Minnesota Statutes 2004, section
222.22 609.108, for the previous sex offense conviction; or

222.23 (3) the person has two prior sex offense convictions, and the fact finder determines that
222.24 the prior convictions and present offense involved at least three separate victims, and:

71.20 (2) the fact finder determines that the offender is a danger to public safety; and
71.21 (3) the fact finder determines that the offender's criminal sexual behavior is so engrained
71.22 that the risk of reoffending is great without intensive psychotherapeutic intervention or other
71.23 long-term treatment or supervision extending beyond the presumptive term of imprisonment
71.24 and supervised release.

71.25 (b) The fact finder shall base its determination that the offender is a danger to public
71.26 safety on any of the following factors:

71.27 (1) the crime involved an aggravating factor that would justify a durational departure
71.28 from the presumptive sentence under the sentencing guidelines;

71.29 (2) the offender previously committed or attempted to commit a predatory crime or a
71.30 violation of section 609.224 or 609.2242, including:

71.31 (i) an offense committed as a juvenile that would have been a predatory crime or a
71.32 violation of section 609.224 or 609.2242 if committed by an adult; or

72.1 (ii) a violation or attempted violation of a similar law of any other state or the United
72.2 States; or

72.3 (3) the offender planned or prepared for the crime prior to its commission.

72.4 (c) As used in this section, "predatory crime" has the meaning given in section 609.341,
72.5 subdivision 22.

72.6 Subd. 4. **Mandatory life sentence; repeat offenders.** (a) Notwithstanding the statutory
72.7 maximum penalty otherwise applicable to the offense, the court shall sentence a person to
72.8 imprisonment for life if the person is convicted of violating section 609.342, 609.343,
72.9 609.344, 609.345, ~~609.3453~~, or 609.3458 and:

72.10 (1) the person has two previous sex offense convictions;

72.11 (2) the person has a previous sex offense conviction and:

72.12 (i) the fact finder determines that the present offense involved an aggravating factor that
72.13 would provide grounds for an upward durational departure under the sentencing guidelines
72.14 other than the aggravating factor applicable to repeat criminal sexual conduct convictions;

72.15 (ii) the person received an upward durational departure from the sentencing guidelines
72.16 for the previous sex offense conviction; or

72.17 (iii) the person was sentenced under this section or Minnesota Statutes 2004, section
72.18 609.108, for the previous sex offense conviction; or

72.19 (3) the person has two prior sex offense convictions, and the fact finder determines that
72.20 the prior convictions and present offense involved at least three separate victims, and:

222.25 (i) the fact finder determines that the present offense involved an aggravating factor that
222.26 would provide grounds for an upward durational departure under the sentencing guidelines
222.27 other than the aggravating factor applicable to repeat criminal sexual conduct convictions;

222.28 (ii) the person received an upward durational departure from the sentencing guidelines
222.29 for one of the prior sex offense convictions; or

222.30 (iii) the person was sentenced under this section or Minnesota Statutes 2004, section
222.31 609.108, for one of the prior sex offense convictions.

223.1 (b) Notwithstanding paragraph (a), a court may not sentence a person to imprisonment
223.2 for life for a violation of section 609.345, unless the person's previous or prior sex offense
223.3 convictions that are being used as the basis for the sentence are for violations of section
223.4 609.342, 609.343, 609.344, ~~or~~ 609.3453, or 609.3458, or any similar statute of the United
223.5 States, this state, or any other state.

223.6 Subd. 5. **Life sentences; minimum term of imprisonment.** At the time of sentencing
223.7 under subdivision 3 or 4, the court shall specify a minimum term of imprisonment, based
223.8 on the sentencing guidelines or any applicable mandatory minimum sentence, that must be
223.9 served before the offender may be considered for supervised release.

223.10 Subd. 6. **Mandatory ten-year conditional release term.** Notwithstanding the statutory
223.11 maximum sentence otherwise applicable to the offense and unless a longer conditional
223.12 release term is required in subdivision 7, when a court commits an offender to the custody
223.13 of the commissioner of corrections for a violation of section 609.342, 609.343, 609.344,
223.14 609.345, ~~or~~ 609.3453, or 609.3458, the court shall provide that, after the offender has been
223.15 released from prison, the commissioner shall place the offender on conditional release for
223.16 ten years.

223.17 Subd. 7. **Mandatory lifetime conditional release term.** (a) When a court sentences an
223.18 offender under subdivision 3 or 4, the court shall provide that, if the offender is released
223.19 from prison, the commissioner of corrections shall place the offender on conditional release
223.20 for the remainder of the offender's life.

223.21 (b) Notwithstanding the statutory maximum sentence otherwise applicable to the offense,
223.22 when the court commits an offender to the custody of the commissioner of corrections for
223.23 a violation of section 609.342, 609.343, 609.344, 609.345, ~~or~~ 609.3453, or 609.3458, and
223.24 the offender has a previous or prior sex offense conviction, the court shall provide that, after
223.25 the offender has been released from prison, the commissioner shall place the offender on
223.26 conditional release for the remainder of the offender's life.

223.27 (c) Notwithstanding paragraph (b), an offender may not be placed on lifetime conditional
223.28 release for a violation of section 609.345, unless the offender's previous or prior sex offense
223.29 conviction is for a violation of section 609.342, 609.343, 609.344, ~~or~~ 609.3453, or 609.3458,
223.30 or any similar statute of the United States, this state, or any other state.

72.21 (i) the fact finder determines that the present offense involved an aggravating factor that
72.22 would provide grounds for an upward durational departure under the sentencing guidelines
72.23 other than the aggravating factor applicable to repeat criminal sexual conduct convictions;

72.24 (ii) the person received an upward durational departure from the sentencing guidelines
72.25 for one of the prior sex offense convictions; or

72.26 (iii) the person was sentenced under this section or Minnesota Statutes 2004, section
72.27 609.108, for one of the prior sex offense convictions.

72.28 (b) Notwithstanding paragraph (a), a court may not sentence a person to imprisonment
72.29 for life for a violation of section 609.345, unless the person's previous or prior sex offense
72.30 convictions that are being used as the basis for the sentence are for violations of section
72.31 609.342, 609.343, 609.344, ~~or~~ 609.3453, or 609.3458, or any similar statute of the United
72.32 States, this state, or any other state.

73.1 Subd. 5. **Life sentences; minimum term of imprisonment.** At the time of sentencing
73.2 under subdivision 3 or 4, the court shall specify a minimum term of imprisonment, based
73.3 on the sentencing guidelines or any applicable mandatory minimum sentence, that must be
73.4 served before the offender may be considered for supervised release.

73.5 Subd. 6. **Mandatory ten-year conditional release term.** Notwithstanding the statutory
73.6 maximum sentence otherwise applicable to the offense and unless a longer conditional
73.7 release term is required in subdivision 7, when a court commits an offender to the custody
73.8 of the commissioner of corrections for a violation of section 609.342, 609.343, 609.344,
73.9 609.345, ~~or~~ 609.3453, or 609.3458, the court shall provide that, after the offender has been
73.10 released from prison, the commissioner shall place the offender on conditional release for
73.11 ten years.

73.12 Subd. 7. **Mandatory lifetime conditional release term.** (a) When a court sentences an
73.13 offender under subdivision 3 or 4, the court shall provide that, if the offender is released
73.14 from prison, the commissioner of corrections shall place the offender on conditional release
73.15 for the remainder of the offender's life.

73.16 (b) Notwithstanding the statutory maximum sentence otherwise applicable to the offense,
73.17 when the court commits an offender to the custody of the commissioner of corrections for
73.18 a violation of section 609.342, 609.343, 609.344, 609.345, ~~or~~ 609.3453, or 609.3458, and
73.19 the offender has a previous or prior sex offense conviction, the court shall provide that, after
73.20 the offender has been released from prison, the commissioner shall place the offender on
73.21 conditional release for the remainder of the offender's life.

73.22 (c) Notwithstanding paragraph (b), an offender may not be placed on lifetime conditional
73.23 release for a violation of section 609.345, unless the offender's previous or prior sex offense
73.24 conviction is for a violation of section 609.342, 609.343, 609.344, ~~or~~ 609.3453, or 609.3458,
73.25 or any similar statute of the United States, this state, or any other state.

223.31 Subd. 8. **Terms of conditional release; applicable to all sex offenders.** (a) The
223.32 provisions of this subdivision relating to conditional release apply to all sex offenders
223.33 sentenced to prison for a violation of section 609.342, 609.343, 609.344, 609.345, ~~or~~
223.34 609.3453, or 609.3458. Except as provided in this subdivision, conditional release of sex
224.1 offenders is governed by provisions relating to supervised release. The commissioner of
224.2 corrections may not dismiss an offender on conditional release from supervision until the
224.3 offender's conditional release term expires.

224.4 (b) The conditions of release may include successful completion of treatment and aftercare
224.5 in a program approved by the commissioner, satisfaction of the release conditions specified
224.6 in section 244.05, subdivision 6, and any other conditions the commissioner considers
224.7 appropriate. The commissioner shall develop a plan to pay the cost of treatment of a person
224.8 released under this subdivision. The plan may include co-payments from offenders,
224.9 third-party payers, local agencies, or other funding sources as they are identified. This
224.10 section does not require the commissioner to accept or retain an offender in a treatment
224.11 program. Before the offender is placed on conditional release, the commissioner shall notify
224.12 the sentencing court and the prosecutor in the jurisdiction where the offender was sentenced
224.13 of the terms of the offender's conditional release. The commissioner also shall make
224.14 reasonable efforts to notify the victim of the offender's crime of the terms of the offender's
224.15 conditional release.

224.16 (c) If the offender fails to meet any condition of release, the commissioner may revoke
224.17 the offender's conditional release and order that the offender serve all or a part of the
224.18 remaining portion of the conditional release term in prison. An offender, while on supervised
224.19 release, is not entitled to credit against the offender's conditional release term for time served
224.20 in confinement for a violation of release.

224.21 Subd. 9. **Applicability.** The provisions of this section do not affect the applicability of
224.22 Minnesota Statutes 2004, section 609.108, to crimes committed before August 1, 2005, or
224.23 the validity of sentences imposed under Minnesota Statutes 2004, section 609.108.

224.24 Subd. 10. **Presumptive executed sentence for repeat sex offenders.** Except as provided
224.25 in subdivision 2, 3, 3a, or 4, if a person is convicted under sections 609.342 to 609.345 or
224.26 609.3453 within 15 years of a previous sex offense conviction, the court shall commit the
224.27 defendant to the commissioner of corrections for not less than three years, nor more than
224.28 the maximum sentence provided by law for the offense for which convicted, notwithstanding
224.29 sections 242.19, 243.05, 609.11, 609.12, and 609.135. The court may stay the execution of
224.30 the sentence imposed under this subdivision only if it finds that a professional assessment
224.31 indicates the offender is accepted by and can respond to treatment at a long-term inpatient
224.32 program exclusively treating sex offenders and approved by the commissioner of corrections.
224.33 If the court stays the execution of a sentence, it shall include the following as conditions of
224.34 probation:

225.1 (1) incarceration in a local jail or workhouse; and

73.26 Subd. 8. **Terms of conditional release; applicable to all sex offenders.** (a) The
73.27 provisions of this subdivision relating to conditional release apply to all sex offenders
73.28 sentenced to prison for a violation of section 609.342, 609.343, 609.344, 609.345, ~~or~~
73.29 609.3453, or 609.3458. Except as provided in this subdivision, conditional release of sex
73.30 offenders is governed by provisions relating to supervised release. The commissioner of
73.31 corrections may not dismiss an offender on conditional release from supervision until the
73.32 offender's conditional release term expires.

73.33 (b) The conditions of release may include successful completion of treatment and aftercare
73.34 in a program approved by the commissioner, satisfaction of the release conditions specified
74.1 in section 244.05, subdivision 6, and any other conditions the commissioner considers
74.2 appropriate. The commissioner shall develop a plan to pay the cost of treatment of a person
74.3 released under this subdivision. The plan may include co-payments from offenders,
74.4 third-party payers, local agencies, or other funding sources as they are identified. This
74.5 section does not require the commissioner to accept or retain an offender in a treatment
74.6 program. Before the offender is placed on conditional release, the commissioner shall notify
74.7 the sentencing court and the prosecutor in the jurisdiction where the offender was sentenced
74.8 of the terms of the offender's conditional release. The commissioner also shall make
74.9 reasonable efforts to notify the victim of the offender's crime of the terms of the offender's
74.10 conditional release.

74.11 (c) If the offender fails to meet any condition of release, the commissioner may revoke
74.12 the offender's conditional release and order that the offender serve all or a part of the
74.13 remaining portion of the conditional release term in prison. An offender, while on supervised
74.14 release, is not entitled to credit against the offender's conditional release term for time served
74.15 in confinement for a violation of release.

74.16 Subd. 9. **Applicability.** The provisions of this section do not affect the applicability of
74.17 Minnesota Statutes 2004, section 609.108, to crimes committed before August 1, 2005, or
74.18 the validity of sentences imposed under Minnesota Statutes 2004, section 609.108.

74.19 Subd. 10. **Presumptive executed sentence for repeat sex offenders.** Except as provided
74.20 in subdivision 2, 3, 3a, or 4, if a person is convicted under sections 609.342 to 609.345 or
74.21 609.3453 within 15 years of a previous sex offense conviction, the court shall commit the
74.22 defendant to the commissioner of corrections for not less than three years, nor more than
74.23 the maximum sentence provided by law for the offense for which convicted, notwithstanding
74.24 sections 242.19, 243.05, 609.11, 609.12, and 609.135. The court may stay the execution of
74.25 the sentence imposed under this subdivision only if it finds that a professional assessment
74.26 indicates the offender is accepted by and can respond to treatment at a long-term inpatient
74.27 program exclusively treating sex offenders and approved by the commissioner of corrections.
74.28 If the court stays the execution of a sentence, it shall include the following as conditions of
74.29 probation:

74.30 (1) incarceration in a local jail or workhouse; and

225.2 (2) a requirement that the offender successfully complete the treatment program and
225.3 aftercare as directed by the court.

225.4 Sec. 19. **[609.3458] SEXUAL EXTORTION.**

225.5 Subdivision 1. **Crime defined.** (a) A person who engages in sexual contact with another
225.6 person and compels the other person to submit to the contact by making any of the following
225.7 threats, directly or indirectly, is guilty of sexual extortion:

225.8 (1) a threat to withhold or harm the complainant's trade, business, profession, position,
225.9 employment, or calling;

225.10 (2) a threat to make or cause to be made a criminal charge against the complainant,
225.11 whether true or false;

225.12 (3) a threat to report the complainant's immigration status to immigration or law
225.13 enforcement authorities;

225.14 (4) a threat to disseminate private sexual images of the complainant as specified in
225.15 section 617.261, nonconsensual dissemination of private sexual images;

225.16 (5) a threat to expose information that the actor knows the complainant wishes to keep
225.17 confidential; or

225.18 (6) a threat to withhold complainant's housing, or to cause complainant a loss or
225.19 disadvantage in the complainant's housing, or a change in the cost of complainant's housing.

225.20 (b) A person who engages in sexual penetration with another person and compels the
225.21 other person to submit to such penetration by making any of the following threats, directly
225.22 or indirectly, is guilty of sexual extortion:

225.23 (1) a threat to withhold or harm the complainant's trade, business, profession, position,
225.24 employment, or calling;

225.25 (2) a threat to make or cause to be made a criminal charge against the complainant,
225.26 whether true or false;

225.27 (3) a threat to report the complainant's immigration status to immigration or law
225.28 enforcement authorities;

225.29 (4) a threat to disseminate private sexual images of the complainant as specified in
225.30 section 617.261, nonconsensual dissemination of private sexual images;

226.1 (5) a threat to expose information that the actor knows the complainant wishes to keep
226.2 confidential; or

226.3 (6) a threat to withhold complainant's housing, or to cause complainant a loss or
226.4 disadvantage in the complainant's housing, or a change in the cost of complainant's housing.

74.31 (2) a requirement that the offender successfully complete the treatment program and
74.32 aftercare as directed by the court.

75.1 Sec. 20. **[609.3458] SEXUAL EXTORTION.**

75.2 Subdivision 1. **Crime defined.** (a) A person who engages in sexual contact with another
75.3 person and compels the other person to submit to the contact by making any of the following
75.4 threats, directly or indirectly, is guilty of sexual extortion:

75.5 (1) a threat to withhold or harm the complainant's trade, business, profession, position,
75.6 employment, or calling;

75.7 (2) a threat to make or cause to be made a criminal charge against the complainant,
75.8 whether true or false;

75.9 (3) a threat to report the complainant's immigration status to immigration or law
75.10 enforcement authorities;

75.11 (4) a threat to disseminate private sexual images of the complainant as specified in
75.12 section 617.261, nonconsensual dissemination of private sexual images;

75.13 (5) a threat to expose information that the actor knows the complainant wishes to keep
75.14 confidential; or

75.15 (6) a threat to withhold complainant's housing, or to cause complainant a loss or
75.16 disadvantage in the complainant's housing, or a change in the cost of complainant's housing.

75.17 (b) A person who engages in sexual penetration with another person and compels the
75.18 other person to submit to such penetration by making any of the following threats, directly
75.19 or indirectly, is guilty of sexual extortion:

75.20 (1) a threat to withhold or harm the complainant's trade, business, profession, position,
75.21 employment, or calling;

75.22 (2) a threat to make or cause to be made a criminal charge against the complainant,
75.23 whether true or false;

75.24 (3) a threat to report the complainant's immigration status to immigration or law
75.25 enforcement authorities;

75.26 (4) a threat to disseminate private sexual images of the complainant as specified in
75.27 section 617.261, nonconsensual dissemination of private sexual images;

75.28 (5) a threat to expose information that the actor knows the complainant wishes to keep
75.29 confidential; or

75.30 (6) a threat to withhold complainant's housing, or to cause complainant a loss or
75.31 disadvantage in the complainant's housing, or a change in the cost of complainant's housing.

226.5 Subd. 2. **Penalty.** (a) A person is guilty of a felony and may be sentenced to imprisonment
226.6 for not more than ten years or to payment of a fine of not more than \$20,000, or both, if the
226.7 person violates subdivision 1, paragraph (a).

226.8 (b) A person is guilty of a felony and may be sentenced to imprisonment for not more
226.9 than 15 years or to payment of a fine of not more than \$30,000, or both, if the person violates
226.10 subdivision 1, paragraph (b).

226.11 (c) A person convicted under this section is also subject to conditional release under
226.12 section 609.3455.

226.13 Subd. 3. **No attempt charge.** Notwithstanding section 609.17, no person may be charged
226.14 with or convicted of an attempt to commit a violation of this section.

226.15 Sec. 20. Minnesota Statutes 2020, section 609.347, is amended by adding a subdivision
226.16 to read:

226.17 Subd. 8. **Voluntary intoxication defense for certain mentally incapacitated cases;**
226.18 **clarification of applicability.** (a) The "knows or has reason to know" mental state
226.19 requirement for violations of sections 609.342 to 609.345 involving a complainant who is
226.20 mentally incapacitated, as defined in section 609.341, subdivision 7, clause (2), involves
226.21 specific intent for purposes of determining the applicability of the voluntary intoxication
226.22 defense described in section 609.075. This defense may be raised by a defendant if the
226.23 defense is otherwise applicable under section 609.075 and related case law.

226.24 (b) Nothing in paragraph (a) may be interpreted to change the application of the defense
226.25 to other crimes.

226.26 (c) Nothing in paragraph (a) is intended to change the scope or limitations of the defense
226.27 or case law interpreting it beyond clarifying that the defense is available to a defendant
226.28 described in paragraph (a).

226.29 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes
226.30 committed on or after that date.

227.1 Sec. 21. Minnesota Statutes 2020, section 624.712, subdivision 5, is amended to read:

227.2 Subd. 5. **Crime of violence.** "Crime of violence" means: felony convictions of the
227.3 following offenses: sections 609.185 (murder in the first degree); 609.19 (murder in the
227.4 second degree); 609.195 (murder in the third degree); 609.20 (manslaughter in the first
227.5 degree); 609.205 (manslaughter in the second degree); 609.215 (aiding suicide and aiding
227.6 attempted suicide); 609.221 (assault in the first degree); 609.222 (assault in the second
227.7 degree); 609.223 (assault in the third degree); 609.2231 (assault in the fourth degree);
227.8 609.224 (assault in the fifth degree); 609.2242 (domestic assault); 609.2247 (domestic
227.9 assault by strangulation); 609.229 (crimes committed for the benefit of a gang); 609.235
227.10 (use of drugs to injure or facilitate crime); 609.24 (simple robbery); 609.245 (aggravated
227.11 robbery); 609.25 (kidnapping); 609.255 (false imprisonment); 609.322 (solicitation,
227.12 inducement, and promotion of prostitution; sex trafficking); 609.342 (criminal sexual conduct

76.1 Subd. 2. **Penalty.** (a) A person is guilty of a felony and may be sentenced to imprisonment
76.2 for not more than ten years or to payment of a fine of not more than \$20,000, or both, if the
76.3 person violates subdivision 1, paragraph (a).

76.4 (b) A person is guilty of a felony and may be sentenced to imprisonment for not more
76.5 than 15 years or to payment of a fine of not more than \$30,000, or both, if the person violates
76.6 subdivision 1, paragraph (b).

76.7 (c) A person convicted under this section is also subject to conditional release under
76.8 section 609.3455.

76.9 Subd. 3. **No attempt charge.** Notwithstanding section 609.17, no person may be charged
76.10 with or convicted of an attempt to commit a violation of this section.

76.11 Sec. 21. Minnesota Statutes 2020, section 609.347, is amended by adding a subdivision
76.12 to read:

76.13 Subd. 8. **Voluntary intoxication defense for certain mentally incapacitated cases;**
76.14 **clarification of applicability.** (a) The "knows or has reason to know" mental state
76.15 requirement for violations of sections 609.342 to 609.345 involving a complainant who is
76.16 mentally incapacitated, as defined in section 609.341, subdivision 7, clause (2), involves
76.17 specific intent for purposes of determining the applicability of the voluntary intoxication
76.18 defense described in section 609.075. This defense may be raised by a defendant if the
76.19 defense is otherwise applicable under section 609.075 and related case law.

76.20 (b) Nothing in paragraph (a) may be interpreted to change the application of the defense
76.21 to other crimes.

76.22 (c) Nothing in paragraph (a) is intended to change the scope or limitations of the defense
76.23 or case law interpreting it beyond clarifying that the defense is available to a defendant
76.24 described in paragraph (a).

76.25 **EFFECTIVE DATE.** The section is effective August 1, 2021, and applies to crimes
76.26 committed on or after that date.

227.13 in the first degree); 609.343 (criminal sexual conduct in the second degree); 609.344 (criminal
227.14 sexual conduct in the third degree); 609.345 (criminal sexual conduct in the fourth degree);
227.15 609.3458 (sexual extortion); 609.377 (malicious punishment of a child); 609.378 (neglect
227.16 or endangerment of a child); 609.486 (commission of crime while wearing or possessing a
227.17 bullet-resistant vest); 609.52 (involving theft of a firearm and theft involving the theft of a
227.18 controlled substance, an explosive, or an incendiary device); 609.561 (arson in the first
227.19 degree); 609.562 (arson in the second degree); 609.582, subdivision 1 or 2 (burglary in the
227.20 first and second degrees); 609.66, subdivision 1e (drive-by shooting); 609.67 (unlawfully
227.21 owning, possessing, operating a machine gun or short-barreled shotgun); 609.71 (riot);
227.22 609.713 (terroristic threats); 609.749 (harassment); 609.855, subdivision 5 (shooting at a
227.23 public transit vehicle or facility); and chapter 152 (drugs, controlled substances); and an
227.24 attempt to commit any of these offenses.

227.25 **Sec. 22. PREDATORY OFFENDER STATUTORY FRAMEWORK WORKING**
227.26 **GROUP; REPORT.**

227.27 Subdivision 1. **Direction.** By September 1, 2021, the commissioner of public safety
227.28 shall convene a working group to comprehensively assess the predatory offender statutory
227.29 framework. The commissioner shall invite representatives from the Department of
227.30 Corrections with specific expertise on juvenile justice reform, city and county prosecuting
227.31 agencies, statewide crime victim coalitions, the Minnesota judicial branch, the Minnesota
227.32 Board of Public Defense, private criminal defense attorneys, the Department of Public
227.33 Safety, the Department of Human Services, the Sentencing Guidelines Commission, state
227.34 and local law enforcement agencies, and other interested parties to participate in the working
227.35 group. The commissioner shall ensure that the membership of the working group is balanced
228.1 among the various representatives and reflects a broad spectrum of viewpoints, and is
228.2 inclusive of marginalized communities as well as victim and survivor voices.

228.3 Subd. 2. **Duties.** The working group must examine and assess the predatory offender
228.4 registration (POR) laws, including, but not limited to, the requirements placed on offenders,
228.5 the crimes for which POR is required, the method by which POR requirements are applied
228.6 to offenders, and the effectiveness of the POR system in achieving its stated purpose.
228.7 Governmental agencies that hold POR data shall provide the working group with public
228.8 POR data upon request. The working group is encouraged to request the assistance of the
228.9 state court administrator's office to obtain relevant POR data maintained by the court system.

228.10 Subd. 3. **Report to legislature.** The commissioner shall file a report detailing the working
228.11 group's findings and recommendations with the chairs and ranking minority members of
228.12 the house of representatives and senate committees and divisions having jurisdiction over
228.13 public safety and judiciary policy and finance by January 15, 2022.

228.14 **Sec. 23. REVISOR INSTRUCTION.**

228.15 (a) The revisor of statutes shall make necessary cross-reference changes and remove
228.16 statutory cross-references in Minnesota Statutes to conform with this act. The revisor may

78.18 **Sec. 23. PREDATORY OFFENDER STATUTORY FRAMEWORK WORKING**
78.19 **GROUP; REPORT.**

78.20 Subdivision 1. **Direction.** By September 1, 2021, the commissioner of public safety
78.21 shall convene a working group to comprehensively assess the predatory offender statutory
78.22 framework. The commissioner shall invite representatives from the Department of
78.23 Corrections with specific expertise on juvenile justice reform, city and county prosecuting
78.24 agencies, statewide crime victim coalitions, the Minnesota judicial branch, the Minnesota
78.25 Board of Public Defense, private criminal defense attorneys, the Department of Public
78.26 Safety, the Department of Human Services, the Sentencing Guidelines Commission, state
78.27 and local law enforcement agencies, and other interested parties to participate in the working
78.28 group. The commissioner shall ensure that the membership of the working group is balanced
78.29 among the various representatives and reflects a broad spectrum of viewpoints, and is
78.30 inclusive of marginalized communities as well as victim and survivor voices.

78.31 Subd. 2. **Duties.** The working group must examine and assess the predatory offender
78.32 registration (POR) laws, including, but not limited to, the requirements placed on offenders,
78.33 the crimes for which POR is required, the method by which POR requirements are applied
79.1 to offenders, and the effectiveness of the POR system in achieving its stated purpose.
79.2 Governmental agencies that hold POR data shall provide the working group with public
79.3 POR data upon request. The working group is encouraged to request the assistance of the
79.4 state court administrator's office to obtain relevant POR data maintained by the court system.

79.5 Subd. 3. **Report to legislature.** The commissioner shall file a report detailing the working
79.6 group's findings and recommendations with the chairs and ranking minority members of
79.7 the house of representatives and senate committees and divisions having jurisdiction over
79.8 public safety and judiciary policy and finance by January 15, 2022.

79.9 **Sec. 24. REVISOR INSTRUCTION.**

79.10 (a) The revisor of statutes shall make necessary cross-reference changes and remove
79.11 statutory cross-references in Minnesota Statutes to conform with this act. The revisor may

- 228.17 make technical and other necessary changes to language and sentence structure to preserve
228.18 the meaning of the text.
- 228.19 (b) In Minnesota Statutes, the revisor of statutes shall modify the headnote to Minnesota
228.20 Statutes, section 609.347, to reflect the amendment to that section contained in this act.

- 79.12 make technical and other necessary changes to language and sentence structure to preserve
79.13 the meaning of the text.
- 79.14 (b) In Minnesota Statutes, the revisor of statutes shall modify the headnote to Minnesota
79.15 Statutes, section 609.347, to reflect the amendment to that section contained in this act.

228.21

ARTICLE 14

228.22

CRIMINAL AND SENTENCING PROVISIONS

228.23 Section 1. Minnesota Statutes 2020, section 244.05, subdivision 1b, is amended to read:

228.24 Subd. 1b. **Supervised release; offenders who commit crimes on or after August 1,**
228.25 **1993.** (a) Except as provided in subdivisions 4, 4a, and 5, every inmate sentenced to prison
228.26 for a felony offense committed on or after August 1, 1993, shall serve a supervised release
228.27 term upon completion of the inmate's term of imprisonment and any disciplinary confinement
228.28 period imposed by the commissioner due to the inmate's violation of any disciplinary rule
228.29 adopted by the commissioner or refusal to participate in a rehabilitative program required
228.30 under section 244.03. The amount of time the inmate serves on supervised release shall be
228.31 equal in length to the amount of time remaining in the inmate's executed sentence after the
229.1 inmate has served the term of imprisonment and any disciplinary confinement period imposed
229.2 by the commissioner.

229.3 (b) No inmate who violates a disciplinary rule or refuses to participate in a rehabilitative
229.4 program as required under section 244.03 shall be placed on supervised release until the
229.5 inmate has served the disciplinary confinement period for that disciplinary sanction or until
229.6 the inmate is discharged or released from punitive segregation confinement, whichever is
229.7 later. The imposition of a disciplinary confinement period shall be considered to be a
229.8 disciplinary sanction imposed upon an inmate, and the procedure for imposing the
229.9 disciplinary confinement period and the rights of the inmate in the procedure shall be those
229.10 in effect for the imposition of other disciplinary sanctions at each state correctional institution.

229.11 Sec. 2. Minnesota Statutes 2020, section 244.05, subdivision 4, is amended to read:

229.12 Subd. 4. **Minimum imprisonment, life sentence.** (a) An inmate serving a mandatory
229.13 life sentence under section 609.106, subdivision 2, or 609.3455, subdivision 2, paragraph
229.14 (a), must not be given supervised release under this section.

229.15 (b) Except as provided in paragraph (f), an inmate serving a mandatory life sentence
229.16 under section 609.185, paragraph (a), clause (3), (5), or (6); or Minnesota Statutes 2004,
229.17 section 609.109, subdivision 3, must not be given supervised release under this section
229.18 without having served a minimum term of 30 years.

229.19 (c) Except as provided in paragraph (f), an inmate serving a mandatory life sentence
229.20 under section 609.385 must not be given supervised release under this section without having
229.21 served a minimum term of imprisonment of 17 years.

229.22 (d) An inmate serving a mandatory life sentence under section 609.3455, subdivision 3
229.23 or 4, must not be given supervised release under this section without having served the
229.24 minimum term of imprisonment specified by the court in its sentence.

28.1

ARTICLE 3

28.2

**CRIMINAL AND PUBLIC SAFETY POLICY CHANGES RELATING TO THE
BUDGET**

28.3

229.25 (e) An inmate serving a mandatory life sentence under section 609.106, subdivision 3,
229.26 or 609.3455, subdivision 2, paragraph (c), must not be given supervised release under this
229.27 section without having served a minimum term of imprisonment of 15 years.

229.28 (f) An inmate serving a mandatory life sentence for a crime described in paragraph (b)
229.29 or (c) who was under 18 years of age at the time of the commission of the offense must not
229.30 be given supervised release under this section without having served a minimum term of
229.31 imprisonment of 15 years.

230.1 Sec. 3. Minnesota Statutes 2020, section 244.05, is amended by adding a subdivision to
230.2 read:

230.3 **Subd. 4a. Eligibility for early supervised release; offenders who were under 18 at**
230.4 **the time of offense.** (a) Notwithstanding any other provision of law, any person who was
230.5 under the age of 18 at the time of the commission of an offense is eligible for early supervised
230.6 release if the person is serving an executed sentence that includes a term of imprisonment
230.7 of more than 15 years or separate, consecutive executed sentences for two or more crimes
230.8 that include combined terms of imprisonment that total more than 15 years.

230.9 (b) A person eligible for early supervised release under paragraph (a) must be considered
230.10 for early supervised release pursuant to section 244.0515 after serving 15 years of
230.11 imprisonment.

230.12 (c) Where the person is serving separate, consecutive executed sentences for two or
230.13 more crimes, the person may be granted early supervised release on all sentences.

230.14 Sec. 4. Minnesota Statutes 2020, section 244.05, subdivision 5, is amended to read:

230.15 **Subd. 5. Supervised release, life sentence.** (a) Except as provided in section 244.0515,
230.16 the commissioner of corrections may, under rules promulgated by the commissioner, give
230.17 supervised release to an inmate serving a mandatory life sentence under section 609.185,
230.18 paragraph (a), clause (3), (5), or (6); 609.3455, subdivision 3 or 4; 609.385; or Minnesota
230.19 Statutes 2004, section 609.109, subdivision 3, after the inmate has served the minimum
230.20 term of imprisonment specified in subdivision 4.

230.21 (b) The commissioner shall require the preparation of a community investigation report
230.22 and shall consider the findings of the report when making a supervised release decision
230.23 under this subdivision. The report shall reflect the sentiment of the various elements of the
230.24 community toward the inmate, both at the time of the offense and at the present time. The
230.25 report shall include the views of the sentencing judge, the prosecutor, any law enforcement
230.26 personnel who may have been involved in the case, and any successors to these individuals
230.27 who may have information relevant to the supervised release decision. The report shall also
230.28 include the views of the victim and the victim's family unless the victim or the victim's
230.29 family chooses not to participate.

230.30 (c) The commissioner shall make reasonable efforts to notify the victim, in advance, of
230.31 the time and place of the inmate's supervised release review hearing. The victim has a right

230.32 to submit an oral or written statement at the review hearing. The statement may summarize
230.33 the harm suffered by the victim as a result of the crime and give the victim's recommendation
231.1 on whether the inmate should be given supervised release at this time. The commissioner
231.2 must consider the victim's statement when making the supervised release decision.

231.3 (d) When considering whether to give supervised release to an inmate serving a life
231.4 sentence under section 609.3455, subdivision 3 or 4, the commissioner shall consider, at a
231.5 minimum, the following: the risk the inmate poses to the community if released, the inmate's
231.6 progress in treatment, the inmate's behavior while incarcerated, psychological or other
231.7 diagnostic evaluations of the inmate, the inmate's criminal history, and any other relevant
231.8 conduct of the inmate while incarcerated or before incarceration. The commissioner may
231.9 not give supervised release to the inmate unless:

231.10 (1) while in prison:

231.11 (i) the inmate has successfully completed appropriate sex offender treatment;

231.12 (ii) the inmate has been assessed for chemical dependency needs and, if appropriate, has
231.13 successfully completed chemical dependency treatment; and

231.14 (iii) the inmate has been assessed for mental health needs and, if appropriate, has
231.15 successfully completed mental health treatment; and

231.16 (2) a comprehensive individual release plan is in place for the inmate that ensures that,
231.17 after release, the inmate will have suitable housing and receive appropriate aftercare and
231.18 community-based treatment. The comprehensive plan also must include a postprison
231.19 employment or education plan for the inmate.

231.20 (e) As used in this subdivision, "victim" means the individual who suffered harm as a
231.21 result of the inmate's crime or, if the individual is deceased, the deceased's surviving spouse
231.22 or next of kin.

231.23 **EFFECTIVE DATE.** This section is effective July 1, 2021.

231.24 Sec. 5. **[244.0515] JUVENILE REVIEW BOARD.**

231.25 Subdivision 1. Board. The Juvenile Review Board is created with the power and duties
231.26 established by subdivision 4.

231.27 Subd. 2. Members. (a) The board consists of seven members as follows:

231.28 (1) the commissioner of corrections or the commissioner's designee;

231.29 (2) the commissioner of human services or the commissioner's designee;

231.30 (3) the commissioner of public safety or the commissioner's designee;

231.31 (4) the attorney general or the attorney general's designee; and

232.1 (5) three at-large members with expertise in the neurodevelopment of youth, appointed
232.2 by the governor.

232.3 (b) The board shall select one of its members to serve as chair.

232.4 Subd. 3. **Terms, compensation, and removal.** The membership terms, compensation,
232.5 and removal of members and the filling of membership vacancies is as provided in section
232.6 15.0575.

232.7 Subd. 4. **Powers and duties.** (a) Consistent with the requirements of this section, the
232.8 board has authority to grant supervised release to an inmate who was under 18 years of age
232.9 at the time of the commission of the offense and is serving a mandatory life sentence; an
232.10 executed sentence that includes a term of imprisonment of more than 15 years; or separate,
232.11 consecutive executed sentences for two or more crimes that include combined terms of
232.12 imprisonment that total more than 15 years.

232.13 (b) The board may give supervised release to an inmate described in paragraph (a) after
232.14 the inmate has served the minimum term of imprisonment specified by the court or 15 years,
232.15 whichever is earlier.

232.16 (c) Where an inmate is serving multiple sentences that are concurrent to one another,
232.17 the board must grant or deny supervised release on all sentences. Notwithstanding any law
232.18 to the contrary, where an inmate is serving multiple sentences that are consecutive to one
232.19 another, the court may grant or deny supervised release on one or more sentences.

232.20 (d) The board shall conduct an initial supervised release review hearing as soon as
232.21 practicable after the inmate has served the applicable minimum term of imprisonment.
232.22 Hearings for inmates eligible for a review hearing on or before July 1, 2021, shall take place
232.23 before July 1, 2022.

232.24 (e) If the inmate is not released at the initial supervised release review hearing, the board
232.25 shall conduct subsequent review hearings until the inmate's release. Review hearings shall
232.26 not be scheduled to take place within six months of a previous hearing or more than three
232.27 years after a previous hearing.

232.28 (f) The board may order that an inmate be placed on intensive supervised release for all
232.29 or part of the inmate's supervised release pursuant to section 244.05, subdivision 6.

232.30 Subd. 5. **Administrative services.** The commissioner of corrections shall provide
232.31 adequate office space and administrative services for the board and the board shall reimburse
232.32 the commissioner for the space and services provided. The board may also utilize, with their
232.33 consent, the services, equipment, personnel, information, and resources of other state
233.1 agencies; and may accept voluntary and uncompensated services, contract with individuals
233.2 and public and private agencies, and request information, reports, and data from any agency
233.3 of the state or any of the state's political subdivisions to the extent authorized by law.

233.4 Subd. 6. **Development report.** (a) Except as provided in paragraph (b), the board shall
233.5 require the preparation of a development report and shall consider the findings of the report

233.6 when making a supervised release decision under this section. The report shall be prepared
233.7 by a mental health professional as defined in section 245.462, subdivision 18, clauses (1)
233.8 to (4) or (6), and shall address the cognitive, emotional, and social maturity of the inmate.

233.9 (b) If a development report was prepared within the 12 months immediately proceeding
233.10 the hearing, the board may rely on that report.

233.11 Subd. 7. **Victim statement.** The board shall make reasonable efforts to notify the victim,
233.12 in advance, of the time and place of the inmate's supervised release review hearing. The
233.13 victim has a right to submit an oral or written statement at the review hearing. The statement
233.14 may summarize the harm suffered by the victim as a result of the crime and give the victim's
233.15 recommendation on whether the inmate should be given supervised release at this time. The
233.16 board must consider the victim's statement when making the supervised release decision.
233.17 As used in this subdivision, "victim" means the individual who suffered harm as a result of
233.18 the inmate's crime or, if the individual is deceased, the deceased's surviving spouse or next
233.19 of kin.

233.20 Subd. 8. **Review hearing; notice.** (a) At least 90 days before a supervised release review
233.21 hearing, the commissioner of corrections shall notify the inmate of the time and place of
233.22 the hearing and that the inmate has the right to be present at the hearing, request appointment
233.23 of counsel, access the inmate's prison file prior to the hearing, and submit written arguments
233.24 to the board prior to the hearing.

233.25 (b) The inmate may make oral arguments to the board at the hearing.

233.26 Subd. 9. **Considerations.** (a) When considering whether to give supervised release to
233.27 an inmate serving a mandatory life sentence the board shall consider, at a minimum, the
233.28 following:

233.29 (1) the development report;

233.30 (2) the victim statement, if any;

233.31 (3) the risk the inmate poses to the community if released;

233.32 (4) the inmate's progress in treatment;

234.1 (5) the inmate's behavior while incarcerated;

234.2 (6) any additional psychological or other diagnostic evaluations of the inmate;

234.3 (7) the inmate's criminal history;

234.4 (8) whether the inmate is serving consecutive sentences; and

234.5 (9) any other relevant conduct of the inmate while incarcerated or before incarceration.

234.6 (b) In making its decision, the board must consider relevant science regarding the
234.7 neurological development of juveniles and shall prioritize information regarding the inmate's
234.8 maturity and rehabilitation while incarcerated.

234.9 (c) Except as provided in paragraph (d), the board may not give supervised release to
234.10 the inmate unless:

234.11 (1) while in prison:

234.12 (i) if applicable, the inmate has successfully completed appropriate sex offender treatment;

234.13 (ii) the inmate has been assessed for chemical dependency needs and, if appropriate, has
234.14 successfully completed chemical dependency treatment; and

234.15 (iii) the inmate has been assessed for mental health needs and, if appropriate, has been
234.16 provided mental health treatment; and

234.17 (2) a comprehensive individual release plan is in place for the inmate that ensures that,
234.18 after release, the inmate will have suitable housing and receive appropriate aftercare and
234.19 community-based treatment. The comprehensive plan also must include a postprison
234.20 employment or education plan for the inmate.

234.21 (d) The board shall not deny supervised release to an inmate pursuant to paragraph (c)
234.22 if the appropriate assessments, treatment, or planning were not made available to the inmate.

234.23 Subd. 10. Findings of the board. Within 30 days after a supervised release hearing, the
234.24 board shall issue its decision on granting release, including a statement of reasons for that
234.25 decision. If the board does not grant supervised release, the statement of the reasons for that
234.26 denial must identify specific steps the inmate can take to increase the likelihood that release
234.27 will be granted at a future hearing.

234.28 Subd. 11. Review by court of appeals. When the board has issued its findings, an inmate
234.29 who acts within 30 days from the date the inmate received the findings may have the order
234.30 reviewed by the court of appeals upon either of the following grounds:

234.31 (1) the order does not conform with this section; or

235.1 (2) the findings of fact and order were unsupported by substantial evidence in view of
235.2 the entire record as submitted.

235.3 **EFFECTIVE DATE.** This section is effective July 1, 2021.

235.4 Sec. 6. Minnesota Statutes 2020, section 244.09, is amended by adding a subdivision to
235.5 read:

235.6 Subd. 15. Report on sentencing adjustments. The Sentencing Guidelines Commission
235.7 shall include in its annual report to the legislature a summary and analysis of sentence
235.8 adjustments issued under section 609.133. At a minimum, the summary and analysis must

235.9 include information on the counties where a sentencing adjustment was granted and on the
235.10 race, sex, and age of individuals who received a sentence adjustment.

235.11 Sec. 7. Minnesota Statutes 2020, section 244.101, subdivision 1, is amended to read:

235.12 Subdivision 1. **Executed sentences.** Except as provided in section 244.05, subdivision
235.13 4a, when a felony offender is sentenced to a fixed executed sentence for an offense committed
235.14 on or after August 1, 1993, the executed sentence consists of two parts: (1) a specified
235.15 minimum term of imprisonment that is equal to two-thirds of the executed sentence; and
235.16 (2) a specified maximum supervised release term that is equal to one-third of the executed
235.17 sentence. The amount of time the inmate actually serves in prison and on supervised release
235.18 is subject to the provisions of section 244.05, subdivision 1b.

235.19 Sec. 8. Minnesota Statutes 2020, section 480A.06, subdivision 4, is amended to read:

235.20 Subd. 4. **Administrative review.** The court of appeals shall have jurisdiction to review
235.21 on the record the validity of administrative rules, as provided in sections 14.44 and 14.45,
235.22 ~~and~~ the decisions of administrative agencies in contested cases, as provided in sections
235.23 14.63 to 14.69, and the decisions of the Juvenile Review Board as provided in section
235.24 244.0515.

235.25 **EFFECTIVE DATE.** This section is effective July 1, 2021.

235.26 Sec. 9. Minnesota Statutes 2020, section 609.03, is amended to read:

235.27 **609.03 PUNISHMENT WHEN NOT OTHERWISE FIXED.**

235.28 If a person is convicted of a crime for which no punishment is otherwise provided the
235.29 person may be sentenced as follows:

236.1 (1) If the crime is a felony, to imprisonment for not more than five years or to payment
236.2 of a fine of not more than \$10,000, or both; or

236.3 (2) If the crime is a gross misdemeanor, to imprisonment for not more than ~~one year~~
236.4 364 days or to payment of a fine of not more than \$3,000, or both; or

236.5 (3) If the crime is a misdemeanor, to imprisonment for not more than 90 days or to
236.6 payment of a fine of not more than \$1,000, or both; or

236.7 (4) If the crime is other than a misdemeanor and a fine is imposed but the amount is not
236.8 specified, to payment of a fine of not more than \$1,000, or to imprisonment for a specified
236.9 term of not more than six months if the fine is not paid.

236.10 **EFFECTIVE DATE.** This section is effective the day following final enactment and
236.11 applies to offenders receiving a gross misdemeanor sentence before, on, or after that date.

236.12 Sec. 10. [609.0342] MAXIMUM PUNISHMENT FOR GROSS MISDEMEANORS.
236.13 Any law of this state that provides for a maximum sentence of imprisonment of one year
236.14 or is defined as a gross misdemeanor shall be deemed to provide for a maximum fine of
236.15 \$3,000 and a maximum sentence of imprisonment of 364 days.
236.16 **EFFECTIVE DATE.** This section is effective the day following final enactment and
236.17 applies to offenders receiving a gross misdemeanor sentence before, on, or after that date.
236.18 Sec. 11. [609.1056] MILITARY VETERANS; CRIMES COMMITTED BECAUSE
236.19 OF CONDITIONS RESULTING FROM SERVICE; DISCHARGE AND DISMISSAL.
236.20 Subdivision 1. **Definitions.** As used in this section, the following terms have the meanings
236.21 given:
236.22 (1) "applicable condition" means sexual trauma, traumatic brain injury, posttraumatic
236.23 stress disorder, substance abuse, or a mental health condition;
236.24 (2) "eligible offense" means any misdemeanor or gross misdemeanor, and any felony
236.25 that is ranked at severity level 7 or lower or D7 or lower on the Sentencing Guidelines grid;
236.26 (3) "pretrial diversion" means the decision of a prosecutor to refer a defendant to a
236.27 diversion program on condition that the criminal charges against the defendant shall be
236.28 dismissed after a specified period of time, or the case shall not be charged, if the defendant
236.29 successfully completes the program of treatment recommended by the United States
236.30 Department of Veterans Affairs or a local, state, federal, or private nonprofit treatment
236.31 program; and
237.1 (4) "veterans treatment court program" means a program that has the following essential
237.2 characteristics:
237.3 (i) the integration of services in the processing of cases in the judicial system;
237.4 (ii) the use of a nonadversarial approach involving prosecutors and defense attorneys to
237.5 promote public safety and to protect the due process rights of program participants;
237.6 (iii) early identification and prompt placement of eligible participants in the program;
237.7 (iv) access to a continuum of alcohol, controlled substance, mental health, and other
237.8 related treatment and rehabilitative services;
237.9 (v) careful monitoring of treatment and services provided to program participants;
237.10 (vi) a coordinated strategy to govern program responses to participants' compliance;
237.11 (vii) ongoing judicial interaction with program participants;
237.12 (viii) monitoring and evaluation of program goals and effectiveness;

32.10 Sec. 6. [609.1056] MILITARY VETERAN OFFENDERS RESTORATIVE JUSTICE
32.11 SENTENCE.
36.21 (b) "Veterans treatment court program" means a program that has the following essential
36.22 characteristics:
36.23 (1) the integration of services in the processing of cases in the judicial system;
36.24 (2) the use of a nonadversarial approach involving prosecutors and defense attorneys to
36.25 promote public safety and to protect the due process rights of program participants;
36.26 (3) early identification and prompt placement of eligible participants in the program;
36.27 (4) access to a continuum of alcohol, controlled substance, mental health, and other
36.28 related treatment and rehabilitative services;
36.29 (5) careful monitoring of treatment and services provided to program participants;
36.30 (6) a coordinated strategy to govern program responses to participants' compliance;
36.31 (7) ongoing judicial interaction with program participants;
36.32 (8) monitoring and evaluation of program goals and effectiveness;

237.13 (ix) continuing interdisciplinary education to promote effective program planning,
237.14 implementation, and operations;

237.15 (x) development of partnerships with public agencies and community organizations,
237.16 including the United States Department of Veterans Affairs; and

237.17 (xi) inclusion of a participant's family members who agree to be involved in the treatment
237.18 and services provided to the participant under the program.

237.19 Subd. 2. **Deferred prosecution.** (a) The court shall defer prosecution for an eligible
237.20 offense committed by a defendant who was, or currently is, a member of the United States
237.21 military as provided in this subdivision. The court shall do this at the request of the defendant
237.22 upon a finding of guilty after trial or upon a guilty plea.

237.23 (b) A defendant who requests to be sentenced under this subdivision shall release or
237.24 authorize access to military service reports and records relating to the alleged applicable
237.25 condition. The court must file the records as confidential and designate that they remain
237.26 sealed, except as provided in this paragraph. In addition, the court may request, through
237.27 existing resources, an assessment of the defendant. The defendant, through existing records
237.28 or licensed professional evaluation, shall establish the diagnosis of the condition, that it was
237.29 caused by military service, and that the offense was committed as a result of the condition.
237.30 The court, on its own motion or the prosecutor's, with notice to defense counsel, may order
237.31 the defendant to furnish to the court for in-camera review or to the prosecutor copies of all
238.1 medical and military service reports and records previously or subsequently made concerning
238.2 the defendant's condition and the condition's connection to service.

238.3 (c) Based on the record, the court shall determine whether, by clear and convincing
238.4 evidence: (1) the defendant suffered from an applicable condition at the time of the offense;
238.5 (2) the applicable condition was caused by service in the United States military; and (3) the
238.6 offense was committed as a result of the applicable condition. Within 15 days of the court's
238.7 determination, either party may file a challenge to the determination and demand a hearing
238.8 on the defendant's eligibility under this subdivision.

238.9 (d) If the court makes the determination described in paragraph (c), the court shall,
238.10 without entering a judgment of guilty, defer further proceedings and place the defendant
238.11 on probation upon such reasonable conditions as it may require and for a period not to
238.12 exceed the maximum period provided by law. A court may extend a defendant's term of
238.13 probation pursuant to section 609.135, subdivision 2, paragraphs (g) and (h). Conditions
238.14 ordered by the court must include treatment, services, rehabilitation, and education sufficient
238.15 so that if completed, the defendant would be eligible for discharge and dismissal under
238.16 subdivision 3. In addition, the court shall order that the defendant undergo a chemical use
238.17 assessment that includes a recommended level of care for the defendant in accordance with
238.18 the criteria contained in rules adopted by the commissioner of human services under section
238.19 254A.03, subdivision 3.

37.1 (9) continuing interdisciplinary education to promote effective program planning,
37.2 implementation, and operations;

37.3 (10) development of partnerships with public agencies and community organizations,
37.4 including the United States Department of Veterans Affairs; and

37.5 (11) inclusion of a participant's family members who agree to be involved in the treatment
37.6 and services provided to the participant under the program.

32.25 (b) A defendant who requests to be sentenced under this section shall release or authorize
32.26 access to military service reports and records relating to the alleged conditions stemming
32.27 from service in the United States military. The records shall be filed as confidential and
32.28 remain sealed, except as provided for in this paragraph. The defendant, through existing
32.29 records or licensed professional evaluation, shall establish the diagnosis of the condition
32.30 and its connection to military service. The court, on the prosecutor's motion with notice to
32.31 defense counsel, may order the defendant to furnish to the court for in camera review or to
32.32 the prosecutor copies of all medical and military service reports and records previously or
32.33 subsequently made concerning the defendant's condition and its connection to service. Based
32.34 on the record, the court shall make findings on whether, by clear and convincing evidence,
33.1 the defendant suffers from a diagnosable condition and whether that condition stems from
33.2 service in the United States military. Within 15 days of the court's findings, either party
33.3 may file a challenge to the findings and demand a hearing on the defendant's eligibility
33.4 under this section.

33.11 (c) If the court concludes that a defendant who entered a plea of guilty to a criminal
33.12 offense is a person described in this subdivision or the parties stipulate to eligibility, and if
33.13 the defendant is otherwise eligible for probation, the court shall, upon the defendant entering
33.14 a plea of guilty, without entering a judgment of guilty and with the consent of the defendant,
33.15 prosecutor, and victim, defer further proceedings and place the defendant on probation upon
33.16 such reasonable conditions as it may require and for a period not to exceed the maximum
33.17 sentence provided for the violation unless extended by the court to complete treatment as
33.18 per section 609.135, subdivision 2, paragraph (h). If the veteran has previously received a
33.19 stay of adjudication for a felony offense under this section, the court may in its discretion
33.20 sentence consistent with this section or deny the use of this section on subsequent felony
33.21 offenses. If the court denies a stay of adjudication on this basis, the court may sentence

238.20 (e) If the court determines that the defendant is eligible for a deferred sentence but the
238.21 defendant has previously received one for a felony offense under this subdivision, the court
238.22 may, but is not required to, impose a deferred sentence. If the court does not impose a
238.23 deferred sentence, the court may sentence the defendant as otherwise provided in law,
238.24 including as provided in subdivision 4.

238.25 (f) Upon violation of a condition of probation, the court may enter an adjudication of
238.26 guilt and proceed as otherwise provided in law, including as provided in subdivision 4.

238.27 (g) As a condition of probation, the court may order the defendant to attend a local, state,
238.28 federal, or private nonprofit treatment program for a period not to exceed the maximum
238.29 period for which the defendant could have been incarcerated.

238.30 (h) The court, when issuing an order under this subdivision that a defendant attend an
238.31 established treatment program, shall give preference to a treatment program that has a history
238.32 of successfully treating veterans who suffer from applicable conditions caused by military
238.33 service, including but not limited to programs operated by the United States Department of
238.34 Defense or Veterans Affairs.

239.1 (i) The court and any assigned treatment program shall collaborate with, when available,
239.2 the county veterans service officer and the United States Department of Veterans Affairs
239.3 to maximize benefits and services provided to the defendant.

239.4 (j) If available in the county or judicial district having jurisdiction over the case, the
239.5 defendant may be supervised by a veterans treatment court program under subdivision 5.
239.6 If there is a veterans treatment court that meets the requirements of subdivision 5 in the
239.7 county in which the defendant resides or works, supervision of the defendant may be
239.8 transferred to that county or judicial district veterans treatment court program. Upon the
239.9 defendant's successful or unsuccessful completion of the program, the veterans treatment
239.10 court program shall communicate this information to the court of original jurisdiction for
239.11 further action.

239.12 (k) Sentencing pursuant to this subdivision waives any right to administrative review
239.13 pursuant to section 169A.53, subdivision 1, or judicial review pursuant to section 169A.53,
239.14 subdivision 2, for a license revocation or cancellation imposed pursuant to section 169A.52,

33.22 pursuant to the guidelines, application or waiver of statutory mandatory minimums, or a
33.23 departure pursuant to subdivision 2, paragraph (d).

33.24 (d) Upon violation of a condition of the probation, the court may enter an adjudication
33.25 of guilt and proceed as otherwise provided by law, including sentencing pursuant to the
33.26 guidelines, application or waiver of statutory mandatory minimums, or a departure pursuant
33.27 to subdivision 2, paragraph (d).

33.28 (e) As a condition of probation, the court may order the defendant to attend a local, state,
33.29 federal, or private nonprofit treatment program for a period not to exceed that period which
33.30 the defendant would have served in state prison or county jail, provided the court determines
33.31 that an appropriate treatment program exists. Pursuant to section 609.135, subdivision 2,
33.32 paragraph (h), the court may extend an offender's probation if the offender has not completed
33.33 court-ordered treatment.

34.1 (f) The court, in making an order under this section to order a defendant to attend an
34.2 established treatment program, shall give preference to a treatment program that has a history
34.3 of successfully treating veterans who suffer from sexual trauma, traumatic brain injury,
34.4 post-traumatic stress disorder, substance abuse, or mental health conditions as a result of
34.5 that service, including but not limited to programs operated by the United States Department
34.6 of Defense or Veterans Affairs. If an appropriate treatment provider is not available in the
34.7 offender's county of residence or public funding is not available, the Minnesota Department
34.8 of Veterans Affairs shall coordinate with the United States Department of Veterans Affairs
34.9 to locate an appropriate treatment program and sources to fund the cost of the offender's
34.10 participation in the program.

34.11 (g) The court and the assigned treatment program shall, when available, collaborate with
34.12 the county veterans service officer and the United States Department of Veterans Affairs
34.13 to maximize benefits and services provided to the veteran.

34.14 (h) If available in the county or judicial district having jurisdiction over the case, the
34.15 defendant may be supervised by the veterans treatment court program under subdivision 3.
34.16 If there is a veterans treatment court that meets the requirements of subdivision 3 in the
34.17 county in which the defendant resides or works, supervision of the defendant may be
34.18 transferred to that county or judicial district veterans treatment court program. If the defendant
34.19 successfully completes the veterans treatment court program in the supervising jurisdiction,
34.20 that jurisdiction shall sentence the defendant under this section. If the defendant is
34.21 unsuccessful in the veterans treatment court program, the defendant's supervision shall be
34.22 returned to the jurisdiction that initiated the transfer for standard sentencing.

34.23 (i) Sentencing pursuant to this section waives any right to administrative review pursuant
34.24 to section 169A.53, subdivision 1, or judicial review pursuant to section 169A.53, subdivision
34.25 2, for a license revocation or cancellation imposed pursuant to section 169A.52, and also

239.15 and also waives any right to administrative review pursuant to section 171.177, subdivision
239.16 10, or judicial review pursuant to section 171.177, subdivision 11, for a license revocation
239.17 or cancellation imposed pursuant to section 171.177, if that license revocation or cancellation
239.18 is the result of the same incident that is being sentenced.

239.19 **Subd. 3. Discharge and dismissal.** (a) Upon the expiration of the period of the defendant's
239.20 probation the court shall hold a hearing to discharge the defendant from probation and
239.21 determine whether to dismiss the proceedings against a defendant who received a deferred
239.22 sentence under subdivision 2. The hearing shall be scheduled so that the parties have adequate
239.23 time to prepare and present arguments regarding the issue of dismissal. The parties may
239.24 submit written arguments to the court prior to the date of the hearing and may make oral
239.25 arguments before the court at the hearing. The defendant must be present at the hearing
239.26 unless excused under Minnesota Rules of Criminal Procedure, rule 26.03, subdivision 1,
239.27 clause (3).

239.28 (b) The court shall provide notice to any identifiable victim of the offense at least 15
239.29 days before the hearing is held. Notice to victims of the offense under this subdivision must
239.30 specifically inform the victim of the right to submit an oral or written statement to the court
239.31 at the time of the hearing describing the harm suffered by the victim as a result of the crime
239.32 and the victim's recommendation on whether dismissal should be granted or denied. The
239.33 judge shall consider the victim's statement when making a decision. If a victim notifies the
239.34 prosecutor of an objection to dismissal and is not present at the hearing, the prosecutor shall
239.35 make the objections known to the court.

240.1 (c) The court shall dismiss proceedings against a defendant if the court finds by clear
240.2 and convincing evidence that the defendant:

240.3 (1) is in substantial compliance with the conditions of probation;

240.4 (2) has successfully participated in court-ordered treatment and services to address the
240.5 applicable condition caused by military service;

240.6 (3) does not represent a danger to the health or safety of victims or others; and

240.7 (4) has demonstrated significant benefit from court-ordered education, treatment, or
240.8 rehabilitation to clearly show that a discharge and dismissal under this subdivision is in the
240.9 interests of justice.

240.10 (d) In determining the interests of justice, the court shall consider, among other factors,
240.11 all of the following:

34.26 waives any right to administrative review pursuant to section 171.177, subdivision 10, or
34.27 judicial review pursuant to section 171.177, subdivision 11, for a license revocation or
34.28 cancellation imposed pursuant to section 171.177, if that license revocation or cancellation
34.29 is the result of the same incident that is being sentenced.

34.30 **Subd. 2. Restorative justice for military veterans; dismissal of charges.** (a) It is in
34.31 the interest of justice to restore a defendant who acquired a criminal record due to a mental
34.32 health condition stemming from service in the United States military to the community of
34.33 law-abiding citizens. The restorative provisions of this subdivision apply to cases in which
34.34 a court monitoring the defendant's performance of probation under this section finds by
34.35 clear and convincing evidence at a public hearing, held after not less than 15 days' notice
35.1 to the prosecution, the defense, and any victim of the offense, that all of the following
35.2 describe the defendant:

35.3 (1) the defendant was granted probation and was a person eligible under subdivision 1
35.4 at the time that probation was granted;

35.5 (2) the defendant is in compliance with the conditions of that probation;

35.6 (3) the defendant has successfully completed court-ordered treatment and services to
35.7 address the sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance
35.8 abuse, or mental health conditions stemming from military service;

35.9 (4) the defendant does not represent a danger to the health and safety of others including
35.10 any victims; and

35.11 (5) the defendant has demonstrated significant benefit from court-ordered education,
35.12 treatment, or rehabilitation to clearly show that granting restorative relief pursuant to this
35.13 subdivision would be in the interest of justice.

35.14 (b) When determining whether granting restorative relief under this subdivision is in
35.15 the interest of justice, the court may consider, among other factors, all of the following:

240.12 (1) the defendant's completion and degree of participation in education, treatment, and
240.13 rehabilitation as ordered by the court;

240.14 (2) the defendant's progress in formal education;

240.15 (3) the defendant's development of career potential;

240.16 (4) the defendant's leadership and personal responsibility efforts;

240.17 (5) the defendant's contribution of service in support of the community;

240.18 (6) the level of harm to the community from the offense; and

240.19 (7) the statement of the victim, if any.

240.20 (e) If the court finds that the defendant does not qualify for discharge and dismissal
240.21 under paragraph (c), the court shall enter an adjudication of guilt and proceed as otherwise
240.22 provided in law, including as provided in subdivision 4.

240.23 (f) Discharge and dismissal under this subdivision shall be without court adjudication
240.24 of guilt, but a not public record of the discharge and dismissal shall be retained by the Bureau
240.25 of Criminal Apprehension for the purpose of use by the courts in determining the merits of
240.26 subsequent proceedings against the defendant. The not public record may also be opened
240.27 only upon court order for purposes of a criminal investigation, prosecution, or sentencing.
240.28 Upon request by law enforcement, prosecution, or corrections authorities, the bureau shall
240.29 notify the requesting party of the existence of the not public record and the right to seek a
240.30 court order to open the not public record under this paragraph. The court shall forward a
240.31 record of any discharge and dismissal under this subdivision to the bureau, which shall
241.1 make and maintain the not public record of the discharge and dismissal. The discharge and
241.2 dismissal shall not be deemed a conviction for purposes of disqualifications or disabilities
241.3 imposed by law upon conviction of a crime or for any other purpose. For purposes of this
241.4 paragraph, "not public" has the meaning given in section 13.02, subdivision 8a.

241.5 **Subd. 4. Sentencing departure; waiver of mandatory sentence.** (a) This subdivision
241.6 applies to defendants who plead or are found guilty of any criminal offense except one for
241.7 which registration is required under section 243.166, subdivision 1b.

241.8 (b) Prior to sentencing, a defendant described in paragraph (a) may present proof to the
241.9 court that the defendant has, since the commission of the offense, engaged in rehabilitative
241.10 efforts consistent with those described in this section. If the court determines that the

35.16 (1) the defendant's completion and degree of participation in education, treatment, and
35.17 rehabilitation as ordered by the court;

35.18 (2) the defendant's progress in formal education;

35.19 (3) the defendant's development of career potential;

35.20 (4) the defendant's leadership and personal responsibility efforts;

35.21 (5) the defendant's contribution of service in support of the community;

35.22 (6) the level of harm to the community from the offense; and

35.23 (7) the level of harm to the victim from the offense with the court's determination of
35.24 harm guided by the factors for evaluating injury and loss contained in the applicable victim's
35.25 rights provisions of chapter 611A.

36.1 (d) If the court finds that a defendant placed on probation under subdivision 1 does not
36.2 satisfy each of the requirements described in paragraph (a), the court shall enter an
36.3 adjudication of guilt and proceed as otherwise provided by law, including sentencing pursuant
36.4 to the guidelines, application or waiver of statutory mandatory minimums, or a departure
36.5 pursuant to paragraph (e).

241.11 defendant has engaged in substantial rehabilitative efforts and the defendant establishes by
241.12 clear and convincing evidence that:

241.13 (1) the defendant suffered from an applicable condition at the time of the offense;

241.14 (2) the applicable condition was caused by service in the United States military; and

241.15 (3) the offense was committed as a result of the applicable condition;

241.16 the court may determine that the defendant is particularly amenable to probation and order

241.17 a mitigated durational or dispositional sentencing departure or a waiver of any statutory

241.18 mandatory minimum sentence applicable to the defendant.

241.27 Subd. 7. **Exception.** This section does not apply to a person charged with an offense for
241.28 which registration is required under section 243.166, subdivision 1b.

241.19 Subd. 5. **Optional veterans treatment court program; procedures for eligible**
241.20 **defendants.** A county or judicial district may supervise probation under this section through
241.21 a veterans treatment court, using county veterans service officers appointed under sections
241.22 197.60 to 197.606, United States Department of Veterans Affairs veterans justice outreach
241.23 specialists, probation agents, and any other rehabilitative resources available to the court.

241.24 Subd. 6. **Creation of county and city diversion programs; authorization.** Any county
241.25 or city may establish and operate a veterans pretrial diversion program for offenders eligible
241.26 under subdivision 2 without penalty under section 477A.0175.

35.26 (c) If the court finds that a case satisfies each of the requirements described in paragraph
35.27 (a), then upon expiration of the period of probation the court shall discharge the defendant
35.28 and dismiss the proceedings against that defendant. Discharge and dismissal under this
35.29 subdivision shall be without court adjudication of guilt. The court shall maintain a public
35.30 record of the discharge and dismissal.

36.6 (e) If the charge to which the defendant entered a plea of guilty is listed under subdivision
36.7 1, paragraph (a), and is for an offense that is a presumptive commitment to state
36.8 imprisonment, the court may use the factors of paragraph (a) to justify a dispositional
36.9 departure or any appropriate sentence, including the application or waiver of statutory
36.10 mandatory minimums. If the court finds that paragraph (a), clauses (1) to (5), factors, the
36.11 defendant is presumed amenable to probation.

36.12 (f) This subdivision does not apply to an offense for which registration is required under
36.13 section 243.166, subdivision 1b, a crime of violence as defined in section 624.712,
36.14 subdivision 5, or a gross misdemeanor or felony-level domestic violence offense.

36.15 Subd. 3. **Optional veterans treatment court program; procedures for eligible**
36.16 **defendants.** (a) A county or judicial district may supervise probation under this section
36.17 through a veterans treatment court using county veterans service officers appointed under
36.18 sections 197.60 to 197.606, United States Department of Veterans Affairs veterans justice
36.19 outreach specialists, probation agents, and any other rehabilitative resources available to
36.20 the court.

37.7 Subd. 4. **Creation of county and city diversion programs; authorization.** Any county
37.8 or city may establish and operate a veterans pretrial diversion program for offenders eligible
37.9 under subdivision 1 without penalty under section 477A.0175. "Pretrial diversion" means
37.10 the decision of a prosecutor to refer an offender to a diversion program on condition that
37.11 the criminal charges against the offender shall be dismissed after a specified period of time,
37.12 or the case shall not be charged, if the offender successfully completes the program of
37.13 treatment recommended by the United States Department of Veterans Affairs or a local,
37.14 state, federal, or private nonprofit treatment program.

241.29 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes
241.30 committed on or after that date.

242.1 Sec. 12. Minnesota Statutes 2020, section 609.106, subdivision 2, is amended to read:

242.2 Subd. 2. **Life without release.** Except as provided in subdivision 3, the court shall
242.3 sentence a person to life imprisonment without possibility of release under the following
242.4 circumstances:

242.5 (1) the person is convicted of first-degree murder under section 609.185, paragraph (a),
242.6 clause (1), (2), (4), or (7);

242.7 (2) the person is convicted of committing first-degree murder in the course of a
242.8 kidnapping under section 609.185, paragraph (a), clause (3); or

242.9 (3) the person is convicted of first-degree murder under section 609.185, paragraph (a),
242.10 clause (3), (5), or (6), and the court determines on the record at the time of sentencing that
242.11 the person has one or more previous convictions for a heinous crime.

242.12 Sec. 13. Minnesota Statutes 2020, section 609.106, is amended by adding a subdivision
242.13 to read:

242.14 Subd. 3. **Offender under age 18; life imprisonment.** The court shall sentence a person
242.15 who was under 18 years of age at the time of the commission of an offense under the
242.16 circumstances described in subdivision 2 to imprisonment for life.

32.12 Subdivision 1. **Offenses as a result of military service; presentence supervision**
32.13 **procedures.** (a) Except as provided for in subdivision 2, paragraph (f), in the case of a
32.14 person charged with a criminal offense that is either Severity Level 7, D7, or lower in the
32.15 Minnesota Sentencing Guidelines, including misdemeanor or gross misdemeanor offenses,
32.16 who could otherwise be sentenced to county jail or state prison and who alleges that the
32.17 offense was committed as a result of sexual trauma, traumatic brain injury, post-traumatic
32.18 stress disorder, substance abuse, or mental health conditions stemming from service in the
32.19 United States military, the court shall, prior to entering a plea of guilty, make a determination
32.20 as to whether the defendant was, or currently is, a member of the United States military and
32.21 whether the defendant may be suffering from sexual trauma, traumatic brain injury,
32.22 post-traumatic stress disorder, substance abuse, or mental health conditions as a result of
32.23 that person's service. The court may request, through existing resources, an assessment to
32.24 aid in that determination.

33.5 If the court determines that a defendant suffers from a substance abuse disorder, the court
33.6 shall order a Rule 25 assessment under Minnesota Rules, part 9530.6615, and follow the
33.7 recommendations contained in the assessment. If the court determines that a defendant
33.8 suffers from post-traumatic stress disorder, traumatic brain injury, or other mental health
33.9 conditions, the court shall order a mental health assessment conducted by a licensed mental
33.10 health professional and follow the recommendations contained in the examiner's report.

37.15 **EFFECTIVE DATE.** This section is effective August 1, 2021.

242.17 Sec. 14. Minnesota Statutes 2020, section 609.1095, subdivision 1, is amended to read:

242.18 Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the
242.19 meanings given.

242.20 (b) "Conviction" means any of the following accepted and recorded by the court: a plea
242.21 of guilty, a verdict of guilty by a jury, or a finding of guilty by the court. The term includes
242.22 a conviction by any court in Minnesota or another jurisdiction.

242.23 (c) "Prior conviction" means a conviction that occurred before the offender committed
242.24 the next felony resulting in a conviction and before the offense for which the offender is
242.25 being sentenced under this section.

242.26 (d) "Violent crime" means a violation of or an attempt or conspiracy to violate any of
242.27 the following laws of this state or any similar laws of the United States or any other state:
242.28 sections 152.137; 609.165; 609.185; 609.19; 609.195; 609.20; 609.205; 609.2112; 609.2113;
242.29 609.2114; 609.221; 609.222; 609.223; 609.228; 609.235; 609.24; 609.245; 609.25; 609.255;
242.30 609.2661; 609.2662; 609.2663; 609.2664; 609.2665; 609.267; 609.2671; 609.268; 609.322;
242.31 609.342; 609.343; 609.344; 609.345; 609.498, subdivision 1; 609.561; 609.562; 609.582,
243.1 subdivision 1; 609.66, subdivision 1e; 609.687; and 609.855, subdivision 5; any provision
243.2 of sections 609.229; 609.377; 609.378; 609.749; and 624.713 that is punishable by a felony
243.3 penalty; or any provision of chapter 152 that is punishable by a maximum sentence of 15
243.4 years or more; or Minnesota Statutes 2012, section 609.21.

243.5 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes
243.6 committed on or after that date.

243.7 Sec. 15. Minnesota Statutes 2020, section 609.115, is amended by adding a subdivision
243.8 to read:

243.9 Subd. 11. **Disability impact statement.** (a) When a defendant appears in court and is
243.10 convicted of a crime, the court shall inquire whether the defendant is an individual with a
243.11 disability. For the purposes of this subdivision, "disability" has the meaning given in the
243.12 Americans with Disabilities Act of 1990, as amended by the Americans with Disabilities
243.13 Act Amendment Act of 2008, United States Code, Title 42, section 12102.

243.14 (b) If the defendant is an individual with a disability and may be sentenced to a term of
243.15 imprisonment, the court:

243.16 (1) may order that the presentence investigator preparing the report under subdivision
243.17 1 prepare an impact statement that addresses the impact on a person's disability including
243.18 but not limited to health, housing, family, employment effect of benefits, and potential for
243.19 abuse if the defendant is sentenced to a term of imprisonment, for the purpose of providing
243.20 the court with information regarding sentencing options other than a term of imprisonment;

243.21 (2) must consider the impact statement in imposing a sentence; and

37.16 Sec. 7. Minnesota Statutes 2020, section 609.1095, subdivision 1, is amended to read:

37.17 Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the
37.18 meanings given.

37.19 (b) "Conviction" means any of the following accepted and recorded by the court: a plea
37.20 of guilty, a verdict of guilty by a jury, or a finding of guilty by the court. The term includes
37.21 a conviction by any court in Minnesota or another jurisdiction.

37.22 (c) "Prior conviction" means a conviction that occurred before the offender committed
37.23 the next felony resulting in a conviction and before the offense for which the offender is
37.24 being sentenced under this section.

37.25 (d) "Violent crime" means a violation of or an attempt or conspiracy to violate any of
37.26 the following laws of this state or any similar laws of the United States or any other state:
37.27 sections 152.137; 609.165; 609.185; 609.19; 609.195; 609.20; 609.205; 609.2112; 609.2113;
37.28 609.2114; 609.221; 609.222; 609.223; 609.228; 609.235; 609.24; 609.245; 609.25; 609.255;
37.29 609.2661; 609.2662; 609.2663; 609.2664; 609.2665; 609.267; 609.2671; 609.268; 609.322;
37.30 609.342; 609.343; 609.344; 609.345; 609.498, subdivision 1; 609.561; 609.562; 609.582,
37.31 subdivision 1; 609.66, subdivision 1e; 609.687; and 609.855, subdivision 5; any provision
37.32 of sections 609.229; 609.377; 609.378; 609.749; and 624.713 that is punishable by a felony
38.1 penalty; or any provision of chapter 152 that is punishable by a maximum sentence of 15
38.2 years or more; or Minnesota Statutes 2012, section 609.21.

38.3 **EFFECTIVE DATE.** This section is effective August 1, 2021.

243.22 (3) must consider the least restrictive environment to meet the state's penal objective.

243.23 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to individuals

243.24 convicted of a crime on or after that date.

243.25 Sec. 16. Minnesota Statutes 2020, section 609.115, is amended by adding a subdivision

243.26 to read:

243.27 **Subd. 12. Traumatic brain injury.** (a) When a defendant appears in court and is

243.28 convicted of a felony, the court shall inquire whether the defendant has a history of stroke,

243.29 traumatic brain injury, or fetal alcohol spectrum disorder.

243.30 (b) If the defendant has a history of stroke, traumatic brain injury, or fetal alcohol

243.31 spectrum disorder and the court believes that the offender may have a mental impairment

244.1 that caused the offender to lack substantial capacity for judgment when the offense was

244.2 committed, the court shall order that the offender undergo a neuropsychological examination

244.3 unless the offender has had a recent examination as described in paragraph (c). The report

244.4 prepared under subdivision 1 shall contain the results of the examination ordered by the

244.5 court or the recent examination and the officer preparing the report may consult with any

244.6 medical provider, mental health professional, or other agency or person with suitable

244.7 knowledge or experience for the purpose of providing the court with information regarding

244.8 treatment and case management options available to the defendant.

244.9 (c) An updated neuropsychological examination is not required under this subdivision

244.10 if:

244.11 (1) the person had a previous examination when the person was at least 25 years of age;

244.12 (2) the examination took place at least 18 months after the person's most recent stroke

244.13 or traumatic brain injury; and

244.14 (3) the examination took place within the previous three years.

244.15 (d) At sentencing, the court may consider any relevant information including but not

244.16 limited to the information provided pursuant to paragraph (b) and the recommendations of

244.17 any diagnosing or treating medical providers or mental health professionals to determine

244.18 whether the offender, because of mental impairment resulting from a stroke, traumatic brain

244.19 injury, or fetal alcohol spectrum disorder, lacked substantial capacity for judgment when

244.20 the offense was committed.

25.17 Sec. 14. **NEUROPSYCHOLOGICAL EXAMINATION FEASIBILITY STUDY.**

25.18 (a) The state court administrator shall conduct a feasibility study on requiring courts to

25.19 order that individuals convicted of felony-level criminal offenses undergo a

25.20 neuropsychological examination to determine whether, due to a stroke, traumatic brain

25.21 injury, or fetal alcohol spectrum disorder, the individual had a mental impairment that caused

25.22 the individual to lack substantial capacity for judgment when the offense was committed.

25.23 (b) In conducting the study, the administrator shall consult with interested parties,

25.24 including but not limited to prosecutors, public defenders, private criminal defense attorneys,

25.25 law enforcement officials, probation officers, judges and employees of the judiciary,

25.26 corrections officials, mental health practitioners and treatment providers, individuals with

25.27 experience in conducting neuropsychological examinations, and individuals who have

244.21 Sec. 17. Minnesota Statutes 2020, section 609.131, subdivision 2, is amended to read:

244.22 Subd. 2. **Certain violations excepted.** Subdivision 1 does not apply to a misdemeanor
244.23 violation of section 169A.20; 171.09, subdivision 1, paragraph (g); 171.306, subdivision
244.24 6; 609.224; 609.2242; 609.226; ~~609.324, subdivision 3~~; 609.52; or 617.23, or an ordinance
244.25 that conforms in substantial part to any of those sections. A violation described in this
244.26 subdivision must be treated as a misdemeanor unless the defendant consents to the
244.27 certification of the violation as a petty misdemeanor.

244.28 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes
244.29 committed on or after that date.

245.1 Sec. 18. **[609.133] SENTENCE ADJUSTMENT.**

245.2 Subdivision 1. **Definition.** As used in this section, "prosecutor" means the attorney
245.3 general, county attorney, or city attorney responsible for the prosecution of individuals
245.4 charged with a crime.

245.5 Subd. 2. **Prosecutor-initiated sentence adjustment.** The prosecutor responsible for
245.6 the prosecution of an individual convicted of a crime may commence a proceeding to adjust
245.7 the sentence of that individual at any time after the initial sentencing provided the prosecutor
245.8 does not seek to increase the period of confinement or, if the individual is serving a stayed
245.9 sentence, increase the period of supervision.

25.28 experience in the criminal justice system with people who have suffered strokes, traumatic
25.29 brain injuries, and fetal alcohol spectrum disorder.

25.30 (c) The study must make recommendations on whether the law should be changed to
25.31 require these examinations and, if so, the situations and conditions under which the
25.32 examinations should be required, including but not limited to:

26.1 (1) the types of offenses the requirement should apply to;

26.2 (2) how best to screen individuals to determine whether an examination should be
26.3 required;

26.4 (3) situations in which an examination would not be required, potentially including
26.5 where a recent examination had been conducted;

26.6 (4) the costs involved with requiring examinations and how best to pay for these costs;
26.7 and

26.8 (5) the effect examination results should have on future proceedings involving the
26.9 individual, including sentencing and providing treatment.

26.10 (d) By February 15, 2022, the state court administrator shall report to the chairs and
26.11 ranking minority members of the legislative committees with jurisdiction over criminal
26.12 justice policy and funding on the results of the study.

38.4 Sec. 8. Minnesota Statutes 2020, section 609.131, subdivision 2, is amended to read:

38.5 Subd. 2. **Certain violations excepted.** Subdivision 1 does not apply to a misdemeanor
38.6 violation of section 169A.20; 171.09, subdivision 1, paragraph (g); 171.306, subdivision
38.7 6; 609.224; 609.2242; 609.226; ~~609.324, subdivision 3~~; 609.52; or 617.23, or an ordinance
38.8 that conforms in substantial part to any of those sections. A violation described in this
38.9 subdivision must be treated as a misdemeanor unless the defendant consents to the
38.10 certification of the violation as a petty misdemeanor.

38.11 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes
38.12 committed on or after that date.

- 245.10 Subd. 3. **Review by prosecutor.** (a) Prosecutors may review individual cases at their
245.11 discretion.
- 245.12 (b) Prior to filing a petition under this section, a prosecutor shall make a reasonable and
245.13 good faith effort to seek input from any identifiable victim and shall consider the impact
245.14 an adjusted sentence would have on the victim.
- 245.15 (c) The commissioner of corrections, a supervising agent, or an offender may request
245.16 that a prosecutor review an individual case. A prosecutor is not required to respond to a
245.17 request.
- 245.18 Subd. 4. **Petition; contents; fee.** (a) A petition for sentence adjustment shall include
245.19 the following:
- 245.20 (1) the full name of the individual on whose behalf the petition is being brought and, to
245.21 the extent possible, all other legal names or aliases by which the individual has been known
245.22 at any time;
- 245.23 (2) the individual's date of birth;
- 245.24 (3) the individual's address;
- 245.25 (4) a brief statement of the reason the prosecutor is seeking a sentence adjustment for
245.26 the individual;
- 245.27 (5) the details of the offense for which an adjustment is sought, including:
- 245.28 (i) the date and jurisdiction of the occurrence;
- 245.29 (ii) either the names of any victims or that there were no identifiable victims;
- 245.30 (iii) whether there is a current order for protection, restraining order, or other no contact
245.31 order prohibiting the individual from contacting the victims or whether there has ever been
246.1 a prior order for protection or restraining order prohibiting the individual from contacting
246.2 the victims;
- 246.3 (iv) the court file number; and
- 246.4 (v) the date of conviction;
- 246.5 (6) what steps the individual has taken since the time of the offense toward personal
246.6 rehabilitation, including treatment, work, good conduct within correctional facilities, or
246.7 other personal history that demonstrates rehabilitation;
- 246.8 (7) the individual's criminal conviction record indicating all convictions for
246.9 misdemeanors, gross misdemeanors, or felonies in this state, and for all comparable
246.10 convictions in any other state, federal court, or foreign country, whether the convictions
246.11 occurred before or after the conviction for which an adjustment is sought;

246.12 (8) the individual's criminal charges record indicating all prior and pending criminal
246.13 charges against the individual in this state or another jurisdiction, including all criminal
246.14 charges that have been continued for dismissal, stayed for adjudication, or were the subject
246.15 of pretrial diversion; and

246.16 (9) to the extent known, all prior requests by the individual, whether for the present
246.17 offense or for any other offenses in this state or any other state or federal court, for pardon,
246.18 return of arrest records, or expungement or sealing of a criminal record, whether granted
246.19 or not, and all stays of adjudication or imposition of sentence involving the petitioner.

246.20 (b) The filing fee for a petition brought under this section shall be waived.

246.21 Subd. 5. **Service of petition.** (a) The prosecutor shall serve the petition for sentence
246.22 adjustment on the individual on whose behalf the petition is being brought.

246.23 (b) The prosecutor shall make a good faith and reasonable effort to notify any person
246.24 determined to be a victim of the offense for which adjustment is sought of the existence of
246.25 a petition. Notification under this paragraph does not constitute a violation of an existing
246.26 order for protection, restraining order, or other no contact order.

246.27 (c) Notice to victims of the offense under this subdivision must:

246.28 (1) specifically inform the victim of the right to object, orally or in writing, to the
246.29 proposed adjustment of sentence; and

246.30 (2) inform the victims of the right to be present and to submit an oral or written statement
246.31 at the hearing described in subdivision 6.

247.1 (d) If a victim notifies the prosecutor of an objection to the proposed adjustment of
247.2 sentence and is not present when the court considers the sentence adjustment, the prosecutor
247.3 shall make these objections known to the court.

247.4 Subd. 6. **Hearing.** (a) The court shall hold a hearing on the petition no sooner than 60
247.5 days after service of the petition. The hearing shall be scheduled so that the parties have
247.6 adequate time to prepare and present arguments regarding the issue of sentence adjustment.
247.7 The parties may submit written arguments to the court prior to the date of the hearing and
247.8 may make oral arguments before the court at the hearing. The individual on whose behalf
247.9 the petition has been brought must be present at the hearing, unless excused under Minnesota
247.10 Rules of Criminal Procedure, rule 26.03, subdivision 1, clause (3).

247.11 (b) A victim of the offense for which sentence adjustment is sought has a right to submit
247.12 an oral or written statement to the court at the time of the hearing describing the harm
247.13 suffered by the victim as a result of the crime and the victim's recommendation on whether
247.14 adjustment should be granted or denied. The judge shall consider the victim's statement
247.15 when making a decision.

247.16 (c) Representatives of the Department of Corrections, supervising agents, community
247.17 treatment providers, and any other individual with relevant information may submit an oral
247.18 or written statement to the court at the time of the hearing.

247.19 Subd. 7. **Nature of remedy; standard.** (a) The court shall determine whether there are
247.20 substantial and compelling reasons to adjust the individual's sentence. In making this
247.21 determination, the court shall consider what impact, if any, a sentence adjustment would
247.22 have on public safety, including whether an adjustment would promote the rehabilitation
247.23 of the individual, properly reflect the severity of the underlying offense, or reduce sentencing
247.24 disparities. In making this determination, the court may consider factors relating to both the
247.25 offender and the offense, including but not limited to:

247.26 (1) the individual's performance on probation or supervision;

247.27 (2) the individual's disciplinary record during any period of incarceration;

247.28 (3) records of any rehabilitation efforts made by the individual since the date of offense
247.29 and any plan to continue those efforts in the community;

247.30 (4) evidence that remorse, age, diminished physical condition, or any other factor has
247.31 significantly reduced the likelihood that the individual will commit a future offense;

247.32 (5) the amount of time the individual has served in custody or under supervision; and

247.33 (6) significant changes in law or sentencing practice since the date of offense.

248.1 (b) Notwithstanding any law to the contrary, if the court determines that there are
248.2 substantial and compelling reasons to adjust the individual's sentence, the court may modify
248.3 the sentence in any way provided the adjustment does not:

248.4 (1) increase the period of confinement or, if the individual is serving a stayed sentence,
248.5 increase the period of supervision;

248.6 (2) reduce or eliminate the amount of court-ordered restitution; or

248.7 (3) reduce or eliminate a term of conditional release required by law when a court
248.8 commits an offender to the custody of the commissioner of corrections.

248.9 The court may stay imposition or execution of sentence pursuant to section 609.135.

248.10 (c) A sentence adjustment is not a valid basis to vacate the judgment of conviction, enter
248.11 a judgment of conviction for a different offense, or impose sentence for any other offense.

248.12 (d) The court shall state in writing or on the record the reasons for its decision on the
248.13 petition. If the court grants a sentence adjustment, it shall cause a sentencing worksheet as
248.14 provided in section 609.115, subdivision 1, to be completed and forwarded to the Sentencing
248.15 Guidelines Commission. The sentencing worksheet shall clearly indicate that it is for a
248.16 sentence adjustment.

248.17 Subd. 8. Appeals. An order issued under this section shall not be considered a final
248.18 judgment, but shall be treated as an order imposing or staying a sentence.

248.19 EFFECTIVE DATE. This section is effective August 1, 2021.

248.20 Sec. 19. Minnesota Statutes 2020, section 609.2231, subdivision 4, is amended to read:

248.21 Subd. 4. Assaults motivated by bias. (a) Whoever assaults another in whole or in part
248.22 because of the victim's or another's actual or perceived race, color, ethnicity, religion, sex,
248.23 gender, sexual orientation, gender identity, gender expression, age, national origin, or
248.24 disability as defined in section 363A.03, age, or national origin or because of the victim's
248.25 actual or perceived association with another person or group of a certain actual or perceived
248.26 race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender
248.27 expression, age, national origin, or disability as defined in section 363A.03, may be sentenced
248.28 to imprisonment for not more than one year or to payment of a fine of not more than \$3,000,
248.29 or both.

248.30 (b) Whoever violates the provisions of paragraph (a) within five years of a previous
248.31 conviction under paragraph (a) is guilty of a felony and may be sentenced to imprisonment
249.1 for not more than one year and a day or to payment of a fine of not more than \$3,000, or
249.2 both.

249.3 EFFECTIVE DATE. This section is effective August 1, 2021, and applies to crimes
249.4 committed on or after that date.

249.5 Sec. 20. Minnesota Statutes 2020, section 609.2233, is amended to read:

249.6 **609.2233 FELONY ASSAULT MOTIVATED BY BIAS; INCREASED**
249.7 **STATUTORY MAXIMUM SENTENCE.**

249.8 A person who violates section 609.221, 609.222, or 609.223 because of the victim's or
249.9 another person's actual or perceived race, color, ethnicity, religion, sex, gender, sexual
249.10 orientation, gender identity, gender expression, age, national origin, or disability as defined
249.11 in section 363A.03, age, or national origin or because of the victim's actual or perceived
249.12 association with another person or group of a certain actual or perceived race, color, ethnicity,
249.13 religion, sex, gender, sexual orientation, gender identity, gender expression, age, national
249.14 origin, or disability as defined in section 363A.03, is subject to a statutory maximum penalty
249.15 of 25 percent longer than the maximum penalty otherwise applicable.

249.16 Sec. 21. Minnesota Statutes 2020, section 609.322, subdivision 1, is amended to read:

249.17 Subdivision 1. Solicitation, inducement, and promotion of prostitution; sex trafficking
249.18 in the first degree. (a) Whoever, while acting other than as a prostitute or patron,
249.19 intentionally does any of the following may be sentenced to imprisonment for not more
249.20 than ~~20~~ 25 years or to payment of a fine of not more than \$50,000, or both:

249.21 (1) solicits or induces an individual under the age of 18 years to practice prostitution;

38.13 Sec. 9. Minnesota Statutes 2020, section 609.322, subdivision 1, is amended to read:

38.14 Subdivision 1. Solicitation, inducement, and promotion of prostitution; sex trafficking
38.15 in the first degree. (a) Whoever, while acting other than as a prostitute or patron,
38.16 intentionally does any of the following may be sentenced to imprisonment for not more
38.17 than ~~20~~ 25 years or to payment of a fine of not more than \$50,000, or both:

38.18 (1) solicits or induces an individual under the age of 18 years to practice prostitution;

249.22 (2) promotes the prostitution of an individual under the age of 18 years;

249.23 (3) receives profit, knowing or having reason to know that it is derived from the

249.24 prostitution, or the promotion of the prostitution, of an individual under the age of 18 years;

249.25 or

249.26 (4) engages in the sex trafficking of an individual under the age of 18 years.

249.27 (b) Whoever violates paragraph (a) or subdivision 1a may be sentenced to imprisonment

249.28 for not more than ~~25~~ 30 years or to payment of a fine of not more than \$60,000, or both, if

249.29 one or more of the following aggravating factors are present:

249.30 (1) the offender has committed a prior qualified human trafficking-related offense;

250.1 (2) the offense involved a sex trafficking victim who suffered bodily harm during the

250.2 commission of the offense;

250.3 (3) the time period that a sex trafficking victim was held in debt bondage or forced labor

250.4 or services exceeded 180 days; or

250.5 (4) the offense involved more than one sex trafficking victim.

250.6 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes

250.7 committed on or after that date.

250.8 Sec. 22. Minnesota Statutes 2020, section 609.322, subdivision 1a, is amended to read:

250.9 Subd. 1a. **Solicitation, inducement, and promotion of prostitution; sex trafficking**

250.10 **in the second degree.** Whoever, while acting other than as a prostitute or patron, intentionally

250.11 does any of the following may be sentenced to imprisonment for not more than ~~15~~ 20 years

250.12 or to payment of a fine of not more than \$40,000, or both:

250.13 (1) solicits or induces an individual to practice prostitution;

250.14 (2) promotes the prostitution of an individual;

250.15 (3) receives profit, knowing or having reason to know that it is derived from the

250.16 prostitution, or the promotion of the prostitution, of an individual; or

250.17 (4) engages in the sex trafficking of an individual.

250.18 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes

250.19 committed on or after that date.

250.20 Sec. 23. Minnesota Statutes 2020, section 609.324, subdivision 1, is amended to read:

250.21 Subdivision 1. **Engaging in, hiring, or agreeing to hire minor to engage in**

250.22 **prostitution; penalties.** (a) Whoever intentionally does any of the following may be

250.23 sentenced to imprisonment for not more than 20 years or to payment of a fine of not more

250.24 than \$40,000, or both:

38.19 (2) promotes the prostitution of an individual under the age of 18 years;

38.20 (3) receives profit, knowing or having reason to know that it is derived from the

38.21 prostitution, or the promotion of the prostitution, of an individual under the age of 18 years;

38.22 or

38.23 (4) engages in the sex trafficking of an individual under the age of 18 years.

38.24 (b) Whoever violates paragraph (a) or subdivision 1a may be sentenced to imprisonment

38.25 for not more than ~~25~~ 30 years or to payment of a fine of not more than \$60,000, or both, if

38.26 one or more of the following aggravating factors are present:

38.27 (1) the offender has committed a prior qualified human trafficking-related offense;

38.28 (2) the offense involved a sex trafficking victim who suffered bodily harm during the

38.29 commission of the offense;

39.1 (3) the time period that a sex trafficking victim was held in debt bondage or forced labor

39.2 or services exceeded 180 days; or

39.3 (4) the offense involved more than one sex trafficking victim.

39.4 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes

39.5 committed on or after that date.

39.6 Sec. 10. Minnesota Statutes 2020, section 609.322, subdivision 1a, is amended to read:

39.7 Subd. 1a. **Solicitation, inducement, and promotion of prostitution; sex trafficking**

39.8 **in the second degree.** Whoever, while acting other than as a prostitute or patron, intentionally

39.9 does any of the following may be sentenced to imprisonment for not more than ~~15~~ 20 years

39.10 or to payment of a fine of not more than \$40,000, or both:

39.11 (1) solicits or induces an individual to practice prostitution;

39.12 (2) promotes the prostitution of an individual;

39.13 (3) receives profit, knowing or having reason to know that it is derived from the

39.14 prostitution, or the promotion of the prostitution, of an individual; or

39.15 (4) engages in the sex trafficking of an individual.

39.16 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes

39.17 committed on or after that date.

250.25 (1) engages in prostitution with an individual under the age of ~~13~~ 14 years;

250.26 (2) hires or offers or agrees to hire an individual under the age of ~~13~~ 14 years to engage
250.27 in sexual penetration or sexual contact; or

250.28 (3) hires or offers or agrees to hire an individual who the actor reasonably believes to
250.29 be under the age of ~~13~~ 14 years to engage in sexual penetration or sexual contact.

251.1 (b) Whoever intentionally does any of the following may be sentenced to imprisonment
251.2 for not more than ten years or to payment of a fine of not more than \$20,000, or both:

251.3 (1) engages in prostitution with an individual under the age of 16 years but at least ~~13~~
251.4 14 years;

251.5 (2) hires or offers or agrees to hire an individual under the age of 16 years but at least
251.6 ~~13~~ 14 years to engage in sexual penetration or sexual contact; or

251.7 (3) hires or offers or agrees to hire an individual who the actor reasonably believes to
251.8 be under the age of 16 years but at least 13 years to engage in sexual penetration or sexual
251.9 contact.

251.10 (c) Whoever intentionally does any of the following may be sentenced to imprisonment
251.11 for not more than five years or to payment of a fine of not more than \$10,000, or both:

251.12 (1) engages in prostitution with an individual under the age of 18 years but at least 16
251.13 years;

251.14 (2) hires or offers or agrees to hire an individual under the age of 18 years but at least
251.15 16 years to engage in sexual penetration or sexual contact; or

251.16 (3) hires or offers or agrees to hire an individual who the actor reasonably believes to
251.17 be under the age of 18 years but at least 16 years to engage in sexual penetration or sexual
251.18 contact.

251.19 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes
251.20 committed on or after that date.

251.21 Sec. 24. Minnesota Statutes 2020, section 609.324, subdivision 2, is amended to read:

251.22 Subd. 2. **Patrons of prostitution in public place; penalty for patrons.** (a) Whoever,
251.23 while acting as a patron, intentionally does any of the following ~~while in a public place~~ is
251.24 guilty of a gross misdemeanor:

251.25 (1) engages in prostitution with an individual 18 years of age or older; or

251.26 (2) hires, offers to hire, or agrees to hire an individual 18 years of age or older to engage
251.27 in sexual penetration or sexual contact.

251.28 Except as otherwise provided in subdivision 4, a person who is convicted of violating this
251.29 subdivision must, at a minimum, be sentenced to pay a fine of at least \$1,500.

39.18 Sec. 11. Minnesota Statutes 2020, section 609.324, subdivision 2, is amended to read:

39.19 Subd. 2. **Patrons of prostitution in public place; penalty for patrons.** (a) Whoever,
39.20 while acting as a patron, intentionally does any of the following ~~while in a public place~~ is
39.21 guilty of a gross misdemeanor:

39.22 (1) engages in prostitution with an individual 18 years of age or older; or

39.23 (2) hires, offers to hire, or agrees to hire an individual 18 years of age or older to engage
39.24 in sexual penetration or sexual contact.

39.25 Except as otherwise provided in subdivision 4, a person who is convicted of violating this
39.26 subdivision must, at a minimum, be sentenced to pay a fine of at least \$1,500.

251.30 (b) Whoever violates the provisions of this subdivision within ten years of a previous
251.31 conviction for violating this section or section 609.322 is guilty of a felony and may be
252.1 sentenced to imprisonment for not more than five years or to payment of a fine of not more
252.2 than \$10,000, or both.

252.3 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes
252.4 committed on or after that date.

252.5 Sec. 25. Minnesota Statutes 2020, section 609.324, subdivision 4, is amended to read:

252.6 Subd. 4. **Community service in lieu of minimum fine.** The court may order a person
252.7 convicted of violating subdivision 2 ~~or 3~~ to perform community work service in lieu of all
252.8 or a portion of the minimum fine required under those subdivisions if the court makes
252.9 specific, written findings that the convicted person is indigent or that payment of the fine
252.10 would create undue hardship for the convicted person or that person's immediate family.
252.11 Community work service ordered under this subdivision is in addition to any mandatory
252.12 community work service ordered under subdivision 3.

252.13 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes
252.14 committed on or after that date.

252.15 Sec. 26. Minnesota Statutes 2020, section 609.3241, is amended to read:

252.16 **609.3241 PENALTY ASSESSMENT AUTHORIZED.**

252.17 (a) When a court sentences an adult convicted of violating section 609.27, 609.282,
252.18 609.283, 609.322, 609.324, 609.33, 609.352, 617.246, 617.247, or 617.293, while acting
252.19 other than as a prostitute, the court shall impose an assessment of not less than \$500 and
252.20 not more than \$750 for a misdemeanor violation of section 609.27, a violation of section
252.21 609.324, subdivision 2, a misdemeanor violation of section 609.324, subdivision 3, a violation
252.22 of section 609.33, or a violation of section 617.293; otherwise the court shall impose an
252.23 assessment of not less than \$750 and not more than \$1,000. The assessment shall be
252.24 distributed as provided in paragraph (c) and is in addition to the surcharge required by
252.25 section 357.021, subdivision 6.

252.26 (b) The court may not waive payment of the minimum assessment required by this
252.27 section. If the defendant qualifies for the services of a public defender or the court finds on
252.28 the record that the convicted person is indigent or that immediate payment of the assessment
252.29 would create undue hardship for the convicted person or that person's immediate family,
252.30 the court may reduce the amount of the minimum assessment to not less than \$100. The
252.31 court also may authorize payment of the assessment in installments.

252.32 (c) The assessment collected under paragraph (a) must be distributed as follows:

253.1 (1) 40 percent of the assessment shall be forwarded to the political subdivision that
253.2 employs the arresting officer for use in enforcement, training, and education activities related
253.3 to combating sexual exploitation of youth, or if the arresting officer is an employee of the

39.27 (b) Whoever violates the provisions of this subdivision within ten years of a previous
39.28 conviction for violating this section or section 609.322 is guilty of a felony and may be
39.29 sentenced to imprisonment for not more than five years or to payment of a fine of not more
39.30 than \$10,000, or both.

40.1 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes
40.2 committed on or after that date.

40.3 Sec. 12. Minnesota Statutes 2020, section 609.324, subdivision 4, is amended to read:

40.4 Subd. 4. **Community service in lieu of minimum fine.** The court may order a person
40.5 convicted of violating subdivision 2 ~~or 3~~ to perform community work service in lieu of all
40.6 or a portion of the minimum fine required under those subdivisions if the court makes
40.7 specific, written findings that the convicted person is indigent or that payment of the fine
40.8 would create undue hardship for the convicted person or that person's immediate family.
40.9 Community work service ordered under this subdivision is in addition to any mandatory
40.10 community work service ordered under subdivision 3.

40.11 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes
40.12 committed on or after that date.

40.13 Sec. 13. Minnesota Statutes 2020, section 609.3241, is amended to read:

40.14 **609.3241 PENALTY ASSESSMENT AUTHORIZED.**

40.15 (a) When a court sentences an adult convicted of violating section 609.27, 609.282,
40.16 609.283, 609.322, 609.324, 609.33, 609.352, 617.246, 617.247, or 617.293, while acting
40.17 other than as a prostitute, the court shall impose an assessment of not less than \$500 and
40.18 not more than \$750 for a misdemeanor violation of section 609.27, a violation of section
40.19 609.324, subdivision 2, a misdemeanor violation of section 609.324, subdivision 3, a violation
40.20 of section 609.33, or a violation of section 617.293; otherwise the court shall impose an
40.21 assessment of not less than \$750 and not more than \$1,000. The assessment shall be
40.22 distributed as provided in paragraph (c) and is in addition to the surcharge required by
40.23 section 357.021, subdivision 6.

40.24 (b) The court may not waive payment of the minimum assessment required by this
40.25 section. If the defendant qualifies for the services of a public defender or the court finds on
40.26 the record that the convicted person is indigent or that immediate payment of the assessment
40.27 would create undue hardship for the convicted person or that person's immediate family,
40.28 the court may reduce the amount of the minimum assessment to not less than \$100. The
40.29 court also may authorize payment of the assessment in installments.

40.30 (c) The assessment collected under paragraph (a) must be distributed as follows:

40.31 (1) 40 percent of the assessment shall be forwarded to the political subdivision that
40.32 employs the arresting officer for use in enforcement, training, and education activities related
41.1 to combating sexual exploitation of youth, or if the arresting officer is an employee of the

253.4 state, this portion shall be forwarded to the commissioner of public safety for those purposes
253.5 identified in clause (3);

253.6 (2) 20 percent of the assessment shall be forwarded to the prosecuting agency that handled
253.7 the case for use in training and education activities relating to combating sexual exploitation
253.8 activities of youth; and

253.9 (3) 40 percent of the assessment must be forwarded to the commissioner of health to be
253.10 deposited in the safe harbor for youth account in the special revenue fund and are
253.11 appropriated to the commissioner for distribution to crime victims services organizations
253.12 that provide services to sexually exploited youth, as defined in section 260C.007, subdivision
253.13 31.

253.14 (d) A safe harbor for youth account is established as a special account in the state treasury.

253.15 EFFECTIVE DATE. This section is effective August 1, 2021, and applies to crimes
253.16 committed on or after that date.

253.17 Sec. 27. Minnesota Statutes 2020, section 609.3455, subdivision 2, is amended to read:

253.18 Subd. 2. **Mandatory life sentence without release; egregious first-time and repeat**
253.19 **offenders.** (a) Except as provided in paragraph (c), notwithstanding the statutory maximum
253.20 penalty otherwise applicable to the offense, the court shall sentence a person convicted
253.21 under section 609.342, subdivision 1, paragraph (c), (d), (e), (f), or (h); or 609.343,
253.22 subdivision 1, paragraph (c), (d), (e), (f), or (h), to life without the possibility of release if:

253.23 (1) the fact finder determines that two or more heinous elements exist; or

253.24 (2) the person has a previous sex offense conviction for a violation of section 609.342,
253.25 609.343, or 609.344, and the fact finder determines that a heinous element exists for the
253.26 present offense.

253.27 (b) A fact finder may not consider a heinous element if it is an element of the underlying
253.28 specified violation of section 609.342 or 609.343. In addition, when determining whether
253.29 two or more heinous elements exist, the fact finder may not use the same underlying facts
253.30 to support a determination that more than one element exists.

253.31 (c) The court shall sentence a person who was under 18 years of age at the time of the
253.32 commission of an offense described in paragraph (a) to imprisonment for life.

254.1 Sec. 28. Minnesota Statutes 2020, section 609.3455, subdivision 5, is amended to read:

254.2 Subd. 5. **Life sentences; minimum term of imprisonment.** At the time of sentencing
254.3 under subdivision 3 or 4, the court shall specify a minimum term of imprisonment, based
254.4 on the sentencing guidelines or any applicable mandatory minimum sentence, that must be
254.5 served before the offender may be considered for supervised release. If the offender was

41.2 state, this portion shall be forwarded to the commissioner of public safety for those purposes
41.3 identified in clause (3);

41.4 (2) 20 percent of the assessment shall be forwarded to the prosecuting agency that handled
41.5 the case for use in training and education activities relating to combating sexual exploitation
41.6 activities of youth; and

41.7 (3) 40 percent of the assessment must be forwarded to the commissioner of health to be
41.8 deposited in the safe harbor for youth account in the special revenue fund and are
41.9 appropriated to the commissioner for distribution to crime victims services organizations
41.10 that provide services to sexually exploited youth, as defined in section 260C.007, subdivision
41.11 31.

41.12 (d) A safe harbor for youth account is established as a special account in the state treasury.

41.13 EFFECTIVE DATE. This section is effective August 1, 2021, and applies to crimes
41.14 committed on or after that date.

254.6 under 18 years of age at the time of the commission of the offense, the minimum term of
254.7 imprisonment specified by the court shall not exceed 15 years.

254.8 Sec. 29. Minnesota Statutes 2020, section 609.352, subdivision 4, is amended to read:

254.9 Subd. 4. **Penalty.** A person convicted under subdivision 2 or 2a is guilty of a felony and
254.10 may be sentenced to imprisonment for not more than ~~three~~ five years, or to payment of a
254.11 fine of not more than ~~\$5,000~~ \$10,000, or both.

254.12 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes
254.13 committed on or after that date.

254.14 Sec. 30. Minnesota Statutes 2020, section 609.527, subdivision 3, is amended to read:

254.15 Subd. 3. **Penalties.** A person who violates subdivision 2 may be sentenced as follows:

254.16 (1) if the offense involves a single direct victim and the total, combined loss to the direct
254.17 victim and any indirect victims is \$250 or less, the person may be sentenced as provided in
254.18 section 609.52, subdivision 3, clause (5);

254.19 (2) if the offense involves a single direct victim and the total, combined loss to the direct
254.20 victim and any indirect victims is more than \$250 but not more than \$500, the person may
254.21 be sentenced as provided in section 609.52, subdivision 3, clause (4);

254.22 (3) if the offense involves two or three direct victims or the total, combined loss to the
254.23 direct and indirect victims is more than \$500 but not more than \$2,500, the person may be
254.24 sentenced as provided in section 609.52, subdivision 3, clause (3);

42.1 Sec. 15. Minnesota Statutes 2020, section 609.352, subdivision 4, is amended to read:

42.2 Subd. 4. **Penalty.** A person convicted under subdivision 2 or 2a is guilty of a felony and
42.3 may be sentenced to imprisonment for not more than ~~three~~ five years, or to payment of a
42.4 fine of not more than ~~\$5,000~~ \$10,000, or both.

42.5 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes
42.6 committed on or after that date.

42.7 Sec. 16. **[609.3775] CHILD TORTURE.**

42.8 Subdivision 1. **Definition.** As used in this section, "torture" means the intentional
42.9 infliction of extreme mental anguish, or extreme psychological or physical abuse, when
42.10 committed in an especially depraved manner.

42.11 Subd. 2. **Crime.** A person who tortures a child is guilty of a felony and may be sentenced
42.12 to imprisonment for not more than 25 years or to payment of a fine of not more than \$35,000,
42.13 or both.

42.14 Subd. 3. **Proof; evidence.** (a) Expert testimony as to the existence or extent of mental
42.15 anguish or psychological abuse is not a requirement for a conviction under this section.

42.16 (b) A child's special susceptibility to mental anguish or psychological abuse does not
42.17 constitute an independent cause of the condition so that a defendant is exonerated from
42.18 criminal liability.

42.19 (c) Proof that a victim suffered pain is not an element of a violation of this section.

42.20 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes
42.21 committed on or after that date.

254.25 (4) if the offense involves more than three but not more than seven direct victims, or if
254.26 the total combined loss to the direct and indirect victims is more than \$2,500, the person
254.27 may be sentenced as provided in section 609.52, subdivision 3, clause (2); ~~and~~

254.28 (5) if the offense involves eight or more direct victims; ~~or~~ if the total, combined loss to
254.29 the direct and indirect victims is more than \$35,000; ~~or~~ the person may be sentenced as
254.30 provided in section 609.52, subdivision 3, clause (1); and

255.1 (6) if the offense is related to possession or distribution of pornographic work in violation
255.2 of section 617.246 or 617.247; ~~the person may be sentenced as provided in section 609.52,~~
255.3 ~~subdivision 3, clause (1).~~

255.4 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes
255.5 committed on or after that date.

255.6 Sec. 31. Minnesota Statutes 2020, section 609.595, subdivision 1a, is amended to read:

255.7 Subd. 1a. **Criminal damage to property in the second degree.** (a) Whoever intentionally
255.8 causes damage described in subdivision 2, paragraph (a), ~~because of the property owner's~~
255.9 ~~or another's actual or perceived race, color, religion, sex, sexual orientation, disability as~~
255.10 ~~defined in section 363A.03, age, or national origin~~ is guilty of a felony and may be sentenced
255.11 to imprisonment for not more than one year and a day or to payment of a fine of not more
255.12 than \$3,000, or both; ~~if the damage:~~

255.13 (1) was committed in whole or in part because of the property owner's or another's actual
255.14 or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity,
255.15 gender expression, age, national origin, or disability as defined in section 363A.03;

255.16 (2) was committed in whole or in part because of the victim's actual or perceived
255.17 association with another person or group of a certain actual or perceived race, color, ethnicity,
255.18 religion, sex, gender, sexual orientation, gender identity, gender expression, age, national
255.19 origin, or disability as defined in section 363A.03;

255.20 (3) was motivated in whole or in part by an intent to intimidate or harm an individual
255.21 or group of individuals because of actual or perceived race, color, ethnicity, religion, sex,
255.22 gender, sexual orientation, gender identity, gender expression, age, national origin, or
255.23 disability as defined in section 363A.03; or

255.24 (4) was motivated in whole or in part by an intent to intimidate or harm an individual
255.25 or group of individuals because of the victim's actual or perceived association with another
255.26 person or group of a certain actual or perceived race, color, ethnicity, religion, sex, gender,
255.27 sexual orientation, gender identity, gender expression, age, national origin, or disability as
255.28 defined in section 363A.03.

255.29 (b) In any prosecution under paragraph (a), the value of property damaged by the
255.30 defendant in violation of that paragraph within any six-month period may be aggregated
255.31 and the defendant charged accordingly in applying this section. When two or more offenses
255.32 are committed by the same person in two or more counties, the accused may be prosecuted

256.1 in any county in which one of the offenses was committed for all of the offenses aggregated
256.2 under this paragraph.

256.3 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes
256.4 committed on or after that date.

256.5 Sec. 32. Minnesota Statutes 2020, section 609.595, subdivision 2, is amended to read:

256.6 Subd. 2. **Criminal damage to property in the third degree.** (a) Except as otherwise
256.7 provided in subdivision 1a, whoever intentionally causes damage to another person's physical
256.8 property without the other person's consent may be sentenced to imprisonment for not more
256.9 than one year or to payment of a fine of not more than \$3,000, or both, if: (1) the damage
256.10 reduces the value of the property by more than \$500 but not more than \$1,000 as measured
256.11 by the cost of repair and replacement; or (2) the damage was to a public safety motor vehicle
256.12 and the defendant knew the vehicle was a public safety motor vehicle.

256.13 (b) Whoever intentionally causes damage to another person's physical property without
256.14 the other person's consent ~~because of the property owner's or another's actual or perceived~~
256.15 ~~race, color, religion, sex, sexual orientation, disability as defined in section 363A.03, age,~~
256.16 ~~or national origin~~ may be sentenced to imprisonment for not more than one year or to
256.17 payment of a fine of not more than \$3,000, or both, if the damage reduces the value of the
256.18 property by not more than \$500; and:

256.19 (1) was committed in whole or in part because of the property owner's or another's actual
256.20 or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity,
256.21 gender expression, age, national origin, or disability as defined in section 363A.03;

256.22 (2) was committed in whole or in part because of the victim's actual or perceived
256.23 association with another person or group of a certain actual or perceived race, color, ethnicity,
256.24 religion, sex, gender, sexual orientation, gender identity, gender expression, age, national
256.25 origin, or disability as defined in section 363A.03;

256.26 (3) was motivated in whole or in part by an intent to intimidate or harm an individual
256.27 or group of individuals because of actual or perceived race, color, ethnicity, religion, sex,
256.28 gender, sexual orientation, gender identity, gender expression, age, national origin, or
256.29 disability as defined in section 363A.03; or

256.30 (4) was motivated in whole or in part by an intent to intimidate or harm an individual
256.31 or group of individuals because of the victim's actual or perceived association with another
256.32 person or group of a certain actual or perceived race, color, ethnicity, religion, sex, gender,
257.1 sexual orientation, gender identity, gender expression, age, national origin, or disability as
257.2 defined in section 363A.03.

257.3 (c) In any prosecution under paragraph (a), clause (1), the value of property damaged
257.4 by the defendant in violation of that paragraph within any six-month period may be
257.5 aggregated and the defendant charged accordingly in applying this section. When two or
257.6 more offenses are committed by the same person in two or more counties, the accused may

257.7 be prosecuted in any county in which one of the offenses was committed for all of the
257.8 offenses aggregated under this paragraph.

257.9 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes
257.10 committed on or after that date.

257.11 Sec. 33. Minnesota Statutes 2020, section 609.605, subdivision 2, is amended to read:

257.12 Subd. 2. **Gross misdemeanor.** Whoever trespasses upon the grounds of a facility
257.13 providing emergency shelter services for battered women, as defined under section 611A.31,
257.14 subdivision 3, or providing comparable services for sex trafficking victims, as defined under
257.15 section 609.321, subdivision 7b, or of a facility providing transitional housing for battered
257.16 women and their children or sex trafficking victims and their children, without claim of
257.17 right or consent of one who has right to give consent, and refuses to depart from the grounds
257.18 of the facility on demand of one who has right to give consent, is guilty of a gross
257.19 misdemeanor.

257.20 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes
257.21 committed on or after that date.

257.22 Sec. 34. Minnesota Statutes 2020, section 609.66, subdivision 1e, is amended to read:

257.23 Subd. 1e. **Felony; drive-by shooting.** ~~(a) Whoever, A person is guilty of a felony who,~~
257.24 while in or having just exited from a motor vehicle, recklessly discharges a firearm at or
257.25 toward ~~another:~~

257.26 ~~(1) an unoccupied motor vehicle or a building is guilty of a felony and may be sentenced~~
257.27 ~~to imprisonment for not more than three years or to payment of a fine of not more than~~
257.28 ~~\$6,000, or both;~~

257.29 ~~(2) an occupied motor vehicle or building; or~~

257.30 ~~(3) a person.~~

258.1 ~~(b) Any person who violates this subdivision by firing at or toward a person, or an~~
258.2 ~~occupied building or motor vehicle, may be sentenced~~ A person convicted under paragraph
258.3 (a), clause (1), may be sentenced to imprisonment for not more than three years or to payment
258.4 of a fine of not more than \$6,000, or both. A person convicted under paragraph (a), clause
258.5 (2) or (3), may be sentenced to imprisonment for not more than ten years or to payment of
258.6 a fine of not more than \$20,000, or both.

258.7 (c) For purposes of this subdivision, "motor vehicle" has the meaning given in section
258.8 609.52, subdivision 1, and "building" has the meaning given in section 609.581, subdivision
258.9 2.

258.10 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes
258.11 committed on or after that date.

42.22 Sec. 17. Minnesota Statutes 2020, section 609.605, subdivision 2, is amended to read:

42.23 Subd. 2. **Gross misdemeanor.** Whoever trespasses upon the grounds of a facility
42.24 providing emergency shelter services for battered women, as defined under section 611A.31,
42.25 subdivision 3, or providing comparable services for sex trafficking victims, as defined under
42.26 section 609.321, subdivision 7b, or of a facility providing transitional housing for battered
42.27 women and their children or sex trafficking victims and their children, without claim of
42.28 right or consent of one who has right to give consent, and refuses to depart from the grounds
42.29 of the facility on demand of one who has right to give consent, is guilty of a gross
42.30 misdemeanor.

43.1 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes
43.2 committed on or after that date.

258.12 Sec. 35. Minnesota Statutes 2020, section 609.749, subdivision 3, is amended to read:

258.13 Subd. 3. **Aggravated violations.** (a) A person who commits any of the following acts
258.14 is guilty of a felony and may be sentenced to imprisonment for not more than five years or
258.15 to payment of a fine of not more than \$10,000, or both:

258.16 (1) commits any offense described in subdivision 2 because of the victim's or another's
258.17 actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender
258.18 identity, gender expression, age, national origin, or disability as defined in section 363A.03,
258.19 age, or national origin or because of the victim's actual or perceived association with another
258.20 person or group of a certain actual or perceived race, color, ethnicity, religion, sex, gender,
258.21 sexual orientation, gender identity, gender expression, age, national origin, or disability as
258.22 defined in section 363A.03;

258.23 (2) commits any offense described in subdivision 2 by falsely impersonating another;

258.24 (3) commits any offense described in subdivision 2 and a dangerous weapon was used
258.25 in any way in the commission of the offense;

258.26 (4) commits any offense described in subdivision 2 with intent to influence or otherwise
258.27 tamper with a juror or a judicial proceeding or with intent to retaliate against a judicial
258.28 officer, as defined in section 609.415, or a prosecutor, defense attorney, or officer of the
258.29 court, because of that person's performance of official duties in connection with a judicial
258.30 proceeding; or

258.31 (5) commits any offense described in subdivision 2 against a victim under the age of
258.32 18, if the actor is more than 36 months older than the victim.

259.1 (b) A person who commits any offense described in subdivision 2 against a victim under
259.2 the age of 18, if the actor is more than 36 months older than the victim, and the act is
259.3 committed with sexual or aggressive intent, is guilty of a felony and may be sentenced to
259.4 imprisonment for not more than ten years or to payment of a fine of not more than \$20,000,
259.5 or both.

259.6 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes
259.7 committed on or after that date.

259.8 Sec. 36. Minnesota Statutes 2020, section 609A.01, is amended to read:

259.9 **609A.01 EXPUNGEMENT OF CRIMINAL RECORDS.**

259.10 This chapter provides the grounds and procedures for expungement of criminal records
259.11 under section 13.82; 152.18, subdivision 1; 299C.11, where expungement is automatic under
259.12 section 609A.015, or a petition is authorized under section 609A.02, subdivision 3; or other
259.13 applicable law. The remedy available is limited to a court order sealing the records and
259.14 prohibiting the disclosure of their existence or their opening except under court order or
259.15 statutory authority. Nothing in this chapter authorizes the destruction of records or their
259.16 return to the subject of the records.

259.17 EFFECTIVE DATE. This section is effective August 1, 2023.

259.18 Sec. 37. [609A.015] AUTOMATIC EXPUNGEMENT OF RECORDS.

259.19 Subdivision 1. Eligibility; dismissal; exoneration. A person who is the subject of a
259.20 criminal record or delinquency record is eligible for a grant of expungement relief without
259.21 the filing of a petition:

259.22 (1) upon the dismissal and discharge of proceedings against a person under section
259.23 152.18, subdivision 1, for violation of section 152.024, 152.025, or 152.027 for possession
259.24 of a controlled substance;

259.25 (2) if the person was arrested and all charges were dismissed prior to a determination
259.26 of probable cause; or

259.27 (3) if all pending actions or proceedings were resolved in favor of the person. For
259.28 purposes of this chapter, a verdict of not guilty by reason of mental illness is not a resolution
259.29 in favor of the person. For purposes of this chapter, an action or proceeding is resolved in
259.30 favor of the person if the petitioner received an order under section 590.11 determining that
259.31 the person is eligible for compensation based on exoneration.

260.1 Subd. 2. Eligibility; diversion and stay of adjudication. A person is eligible for a grant
260.2 of expungement relief if the person has successfully completed the terms of a diversion
260.3 program or stay of adjudication and has not been petitioned or charged with a new crime
260.4 for one year immediately following completion of the diversion program or stay of
260.5 adjudication.

260.6 Subd. 3. Eligibility; certain criminal and delinquency proceedings. (a) A person is
260.7 eligible for a grant of expungement relief if the person:

260.8 (1) was adjudicated delinquent for, convicted of, or received a stayed sentence for a
260.9 qualifying offense;

260.10 (2) has not been convicted of a new crime in Minnesota during the applicable waiting
260.11 period immediately following discharge of the disposition or sentence for the crime;

260.12 (3) is not incarcerated or charged with an offense in Minnesota at the time the person
260.13 reaches the end of the applicable waiting period; and

260.14 (4) has not been convicted of a new crime in any other jurisdiction during the applicable
260.15 waiting period immediately following discharge of the disposition or sentence for the crime,
260.16 if the qualifying offense was a felony.

260.17 (b) As used in this subdivision, "qualifying offense" means an adjudication, conviction,
260.18 or stayed sentence for:

260.19 (1) any petty misdemeanor offense other than a violation of a traffic regulation relating
260.20 to the operation or parking of motor vehicles;

- 260.21 (2) any misdemeanor offense other than:
- 260.22 (i) section 169A.27 (fourth-degree driving while impaired);
- 260.23 (ii) section 518B.01, subdivision 14 (violation of an order for protection);
- 260.24 (iii) section 609.224 (assault in the fifth degree);
- 260.25 (iv) section 609.2242 (domestic assault);
- 260.26 (v) section 609.748 (violation of a harassment restraining order);
- 260.27 (vi) section 609.78 (interference with emergency call);
- 260.28 (vii) section 609.79 (obscene or harassing phone calls);
- 260.29 (viii) section 617.23 (indecent exposure); or
- 260.30 (ix) section 629.75 (violation of domestic abuse no contact order);
- 261.1 (3) any gross misdemeanor offense other than:
- 261.2 (i) section 169A.25 (second-degree driving while impaired);
- 261.3 (ii) section 169A.26 (third-degree driving while impaired);
- 261.4 (iii) section 518B.01, subdivision 14 (violation of an order for protection);
- 261.5 (iv) section 609.2231 (assault in the fourth degree);
- 261.6 (v) section 609.224 (assault in the fifth degree);
- 261.7 (vi) section 609.2242 (domestic assault);
- 261.8 (vii) section 609.233 (criminal neglect);
- 261.9 (viii) section 609.3451 (criminal sexual conduct in the fifth degree);
- 261.10 (ix) section 609.377 (malicious punishment of child);
- 261.11 (x) section 609.485 (escape from custody);
- 261.12 (xi) section 609.498 (tampering with witness);
- 261.13 (xii) section 609.582, subdivision 4 (burglary in the fourth degree);
- 261.14 (xiii) section 609.746 (interference with privacy);
- 261.15 (xiv) section 609.748 (violation of a harassment restraining order);
- 261.16 (xv) section 609.749 (harassment; stalking);
- 261.17 (xvi) section 609.78 (interference with emergency call);

- 261.18 (xvii) section 617.23 (indecent exposure);
- 261.19 (xviii) section 617.261 (nonconsensual dissemination of private sexual images); or
- 261.20 (xix) section 629.75 (violation of domestic abuse no contact order); and
- 261.21 (4) any of the following felony offenses:
- 261.22 (i) section 152.025 (controlled substance crime in the fifth degree);
- 261.23 (ii) section 152.097 (simulated controlled substances);
- 261.24 (iii) section 256.98 (wrongfully obtaining assistance; theft);
- 261.25 (iv) section 256.984 (false declaration in assistance application);
- 261.26 (v) any offense sentenced under section 609.52, subdivision 3, clause (3)(a) (theft of
- 261.27 \$5,000 or less);
- 262.1 (vi) any offense sentenced under section 609.528, subdivision 3, clause (3) (possession
- 262.2 or sale of stolen or counterfeit check);
- 262.3 (vii) section 609.529 (mail theft);
- 262.4 (viii) section 609.53 (receiving stolen property);
- 262.5 (ix) any offense sentenced under section 609.535, subdivision 2a, paragraph (a), clause
- 262.6 (1) (dishonored check over \$500);
- 262.7 (x) section 609.59 (possession of burglary tools);
- 262.8 (xi) section 609.595, subdivision 1, clauses (3) to (5) (criminal damage to property);
- 262.9 (xii) section 609.63 (forgery);
- 262.10 (xiii) any offense sentenced under section 609.631, subdivision 4, clause (3)(a) (check
- 262.11 forgery \$2,500 or less); and
- 262.12 (xiv) any offense sentenced under section 609.821, subdivision 3, paragraph (a), clause
- 262.13 (1), item (iii) (financial transaction card fraud).
- 262.14 (c) As used in this subdivision, "applicable waiting period" means:
- 262.15 (1) if the offense was a petty misdemeanor or a misdemeanor, two years;
- 262.16 (2) if the offense was a gross misdemeanor, four years; and
- 262.17 (3) if the offense was a felony, five years.
- 262.18 (d) Offenses ineligible for a grant of expungement under this section remain ineligible
- 262.19 if deemed to be for a misdemeanor pursuant to section 609.13, subdivision 1, clause (2) or
- 262.20 subdivision 2, clause (2).

262.21 Subd. 4. Notice. (a) The court shall notify a person who may become eligible for an
262.22 automatic expungement under this section of that eligibility at any hearing where the court
262.23 dismisses and discharges proceedings against a person under section 152.18, subdivision
262.24 1, for violation of section 152.024, 152.025, or 152.027 for possession of a controlled
262.25 substance; concludes that all pending actions or proceedings were resolved in favor of the
262.26 person; grants a person's placement into a diversion program; or sentences a person or
262.27 otherwise imposes a consequence for a qualifying offense.

262.28 (b) To the extent possible, prosecutors, defense counsel, supervising agents, and
262.29 coordinators or supervisors of a diversion program shall notify a person who may become
262.30 eligible for an automatic expungement under this section of that eligibility.

263.1 (c) If any party gives notification under this subdivision, the notification shall inform
263.2 the person that:

263.3 (1) an expunged record of a conviction may be opened for purposes of a background
263.4 study by the Department of Human Services under section 245C.08 and for purposes of a
263.5 background check by the Professional Educator Licensing and Standards Board as required
263.6 under section 122A.18, subdivision 8; and

263.7 (2) the person can file a petition to expunge the record and request that it be directed to
263.8 the commissioner of human services and the Professional Educator Licensing and Standards
263.9 Board.

263.10 **Subd. 5. Bureau of Criminal Apprehension to identify eligible persons and grant**
263.11 **expungement relief.** (a) The Bureau of Criminal Apprehension shall identify adjudications
263.12 and convictions that qualify for a grant of expungement relief pursuant to this subdivision
263.13 or subdivision 1, 2, or 3.

263.14 (b) The Bureau of Criminal Apprehension shall grant expungement relief to qualifying
263.15 persons and seal its own records without requiring an application, petition, or motion.

263.16 (c) Nonpublic criminal records maintained by the Bureau of Criminal Apprehension and
263.17 subject to a grant of expungement relief shall display a notation stating "expungement relief
263.18 granted pursuant to section 609A.015."

263.19 (d) The Bureau of Criminal Apprehension shall inform the judicial branch of all cases
263.20 for which expungement relief was granted pursuant to this section. Notification may be
263.21 through electronic means and may be made in real time or in the form of a monthly report.
263.22 Upon receipt of notice, the judicial branch shall seal all records relating to an arrest,
263.23 indictment or information, trial, verdict, or dismissal and discharge for any case in which
263.24 expungement relief was granted.

263.25 (e) The Bureau of Criminal Apprehension shall inform each agency, other than the
263.26 Department of Human Services and Department of Health, and jurisdiction whose records
263.27 are affected by the grant of expungement relief. Notification may be through electronic
263.28 means and may be made in real time or in the form of a monthly report. Each notified agency

263.29 shall seal all records relating to an arrest, indictment or information, trial, verdict, or dismissal
263.30 and discharge for any case in which expungement relief was granted.

263.31 (f) Data on the person whose offense has been expunged under this subdivision are
263.32 private data on individuals as defined in section 13.02.

264.1 (g) The prosecuting attorney shall notify the victim that an offense qualifies for automatic
264.2 expungement under this section in the manner provided in section 611A.03, subdivisions
264.3 1 and 2.

264.4 (h) In any subsequent prosecution of a person granted expungement relief, the expunged
264.5 criminal record may be pleaded and has the same effect as if the relief had not been granted.

264.6 (i) The Bureau of Criminal Apprehension is directed to develop a system to provide
264.7 criminal justice agencies with uniform statewide access to criminal records sealed by
264.8 expungement.

264.9 (j) At sentencing, the prosecuting agency with jurisdiction over the criminal record may
264.10 ask the court to prohibit the Bureau of Criminal Apprehension from granting expungement
264.11 relief under this section. The court shall grant the request upon a showing of clear and
264.12 convincing evidence that the interests of the public and public safety outweigh the
264.13 disadvantages to the defendant of not sealing the record.

264.14 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to individuals
264.15 with dismissals, discharges, or resolutions described in subdivision 1; who successfully
264.16 complete diversion as described in subdivision 2; or who are adjudicated delinquent for,
264.17 convicted of, or receive a stayed sentence for a qualifying offense as described in subdivision
264.18 3 on or after that date and retroactively to individuals:

264.19 (1) with dismissals, discharges, or resolutions described in subdivision 1 that take place
264.20 on or after August 1, 2021;

264.21 (2) who successfully complete diversion as described in subdivision 2 on or after August
264.22 1, 2021; or

264.23 (3) adjudicated delinquent for, convicted of, or who received a stayed sentence for a
264.24 qualifying offense described in paragraph (b), clause (1), (2), or (3) on or after August 1,
264.25 2021.

264.26 Sec. 38. Minnesota Statutes 2020, section 609A.02, is amended by adding a subdivision
264.27 to read:

264.28 Subd. 2a. **Expungement of arrest.** A petition may be filed under section 609A.03 to
264.29 seal all records relating to an arrest if:

264.30 (1) the prosecuting authority declined to file any charges and a grand jury did not return
264.31 an indictment; and

265.1 (2) the applicable limitations period under section 628.26 has expired, and no indictment
265.2 or complaint was found or made and filed against the person.

265.3 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to individuals
265.4 arrested on or after that date.

265.5 Sec. 39. Minnesota Statutes 2020, section 609A.02, subdivision 3, is amended to read:

265.6 Subd. 3. **Certain criminal proceedings.** (a) A petition may be filed under section
265.7 609A.03 to seal all records relating to an arrest, indictment or information, trial, or verdict
265.8 if the records are not subject to section 299C.11, subdivision 1, paragraph (b), and if:

265.9 (1) all pending actions or proceedings were resolved in favor of the petitioner. For
265.10 purposes of this chapter, a verdict of not guilty by reason of mental illness is not a resolution
265.11 in favor of the petitioner. For the purposes of this chapter, an action or proceeding is resolved
265.12 in favor of the petitioner, if the petitioner received an order under section 590.11 determining
265.13 that the petitioner is eligible for compensation based on exoneration;

265.14 (2) the petitioner has successfully completed the terms of a diversion program or stay
265.15 of adjudication and has not been charged with a new crime for at least one year since
265.16 completion of the diversion program or stay of adjudication;

265.17 (3) the petitioner was convicted of or received a stayed sentence for a petty misdemeanor
265.18 or misdemeanor and has not been convicted of a new crime for at least two years since
265.19 discharge of the sentence for the crime;

265.20 (4) the petitioner was convicted of or received a stayed sentence for a gross misdemeanor
265.21 and has not been convicted of a new crime for at least four years since discharge of the
265.22 sentence for the crime; or

265.23 (5) the petitioner was convicted of or received a stayed sentence for a felony violation
265.24 of an offense listed in paragraph (b), and has not been convicted of a new crime for at least
265.25 five years since discharge of the sentence for the crime.

265.26 (b) Paragraph (a), clause (5), applies to the following offenses:

265.27 (1) section 35.824 (altering livestock certificate);

265.28 (2) section 62A.41 (insurance regulations);

265.29 (3) section 86B.865, subdivision 1 (certification for title on watercraft);

265.30 (4) section 152.025 (controlled substance in the fifth degree); or 152.097 (sale of
265.31 simulated controlled substance);

266.1 (5) section 168A.30, subdivision 1 (certificate of title false information); or 169.09,
266.2 subdivision 14, paragraph (a), clause (2) (accident resulting in great bodily harm);

266.3 (6) chapter 201; 203B; or 204C (voting violations);

- 266.4 (7) section 228.45; 228.47; 228.49; 228.50; or 228.51 (false bill of lading);
- 266.5 (8) section 256.98 (wrongfully obtaining assistance);
- 266.6 (9) section 256.984 (false declaration in assistance application);
- 266.7 ~~(9)~~ (10) section 296A.23, subdivision 2 (willful evasion of fuel tax);
- 266.8 ~~(10)~~ (11) section 297D.09, subdivision 1 (failure to affix stamp on scheduled substances);
- 266.9 ~~(11)~~ (12) section 297G.19 (liquor taxation); or 340A.701 (unlawful acts involving liquor);
- 266.10 ~~(12)~~ (13) section 325F.743 (precious metal dealers); or 325F.755, subdivision 7 (prize
266.11 notices and solicitations);
- 266.12 ~~(13)~~ (14) section 346.155, subdivision 10 (failure to control regulated animal);
- 266.13 ~~(14)~~ (15) section 349.2127; or 349.22 (gambling regulations);
- 266.14 ~~(15)~~ (16) section 588.20 (contempt);
- 266.15 ~~(16)~~ (17) section 609.27, subdivision 1, clauses (2) to (5) (coercion);
- 266.16 ~~(17)~~ (18) section 609.31 (leaving state to evade establishment of paternity);
- 266.17 ~~(18)~~ (19) section 609.485, subdivision 4, paragraph (a), clause (2) or (4) (escape from
266.18 civil commitment for mental illness);
- 266.19 ~~(19)~~ (20) section 609.49 (failure to appear in court);
- 266.20 ~~(20)~~ (21) section 609.52, subdivision 3, clause (3)(a) (theft of \$5,000 or less), or other
266.21 theft offense that is sentenced under this provision; 609.52, subdivision 3, clause (2) (theft
266.22 of \$5,000 to \$35,000); or 609.52, subdivision 3a, clause (1) (theft of \$1,000 or less with
266.23 risk of bodily harm);
- 266.24 ~~(21)~~ (22) section 609.525 (bringing stolen goods into state);
- 266.25 ~~(22)~~ (23) section 609.526, subdivision 2, clause (2) (metal dealer receiving stolen goods);
- 266.26 ~~(23)~~ (24) section 609.527, subdivision 5b (possession or use of scanning device or
266.27 reencoder); 609.528, subdivision 3, clause (3) (possession or sale of stolen or counterfeit
266.28 check); or 609.529 (mail theft);
- 266.29 ~~(24)~~ (25) section 609.53 (receiving stolen goods);
- 267.1 ~~(25)~~ (26) section 609.535, subdivision 2a, paragraph (a), clause (1) (dishonored check
267.2 over \$500);
- 267.3 ~~(26)~~ (27) section 609.54, clause (1) (embezzlement of public funds \$2,500 or less);
- 267.4 ~~(27)~~ (28) section 609.551 (rustling and livestock theft);
- 267.5 ~~(28)~~ (29) section 609.5641, subdivision 1a, paragraph (a) (wildfire arson);

- 267.6 ~~(29)~~ (30) section 609.576, subdivision 1, clause (3), item (iii) (negligent fires);
- 267.7 (31) section 609.59 (possession of burglary or theft tools);
- 267.8 ~~(30)~~ (32) section 609.595, subdivision 1, clauses (3) to (5), ~~and subdivision 1a, paragraph~~
- 267.9 ~~(a) (criminal damage to property);~~
- 267.10 ~~(31)~~ (33) section 609.597, subdivision 3, clause (3) (assaulting or harming police horse);
- 267.11 ~~(32)~~ (34) section 609.625 (aggravated forgery); 609.63 (forgery); 609.631, subdivision
- 267.12 4, clause (3)(a) (check forgery \$2,500 or less); 609.635 (obtaining signature by false
- 267.13 pretense); 609.64 (recording, filing forged instrument); or 609.645 (fraudulent statements);
- 267.14 ~~(33)~~ (35) section 609.65, clause (1) (false certification by notary); or 609.651, subdivision
- 267.15 4, paragraph (a) (lottery fraud);
- 267.16 ~~(34)~~ (36) section 609.652 (fraudulent driver's license and identification card);
- 267.17 ~~(35)~~ (37) section 609.66, subdivision 1a, paragraph (a) (discharge of firearm; silencer);
- 267.18 or 609.66, subdivision 1b (furnishing firearm to minor);
- 267.19 ~~(36)~~ (38) section 609.662, subdivision 2, paragraph (b) (duty to render aid);
- 267.20 ~~(37)~~ (39) section 609.686, subdivision 2 (tampering with fire alarm);
- 267.21 ~~(38)~~ (40) section 609.746, subdivision 1, paragraph (e) (interference with privacy;
- 267.22 subsequent violation or minor victim);
- 267.23 ~~(39)~~ (41) section 609.80, subdivision 2 (interference with cable communications system);
- 267.24 ~~(40)~~ (42) section 609.821, subdivision 2 (financial transaction card fraud);
- 267.25 ~~(41)~~ (43) section 609.822 (residential mortgage fraud);
- 267.26 ~~(42)~~ (44) section 609.825, subdivision 2 (bribery of participant or official in contest);
- 267.27 ~~(43)~~ (45) section 609.855, subdivision 2, paragraph (c), clause (1) (interference with
- 267.28 transit operator);
- 267.29 ~~(44)~~ (46) section 609.88 (computer damage); or 609.89 (computer theft);
- 268.1 ~~(45)~~ (47) section 609.893, subdivision 2 (telecommunications and information services
- 268.2 fraud);
- 268.3 ~~(46)~~ (48) section 609.894, subdivision 3 or 4 (cellular counterfeiting);
- 268.4 ~~(47)~~ (49) section 609.895, subdivision 3, paragraph (a) or (b) (counterfeited intellectual
- 268.5 property);
- 268.6 ~~(48)~~ (50) section 609.896 (movie pirating);

268.7 ~~(49)~~ (51) section 624.7132, subdivision 15, paragraph (b) (transfer pistol to minor);
268.8 624.714, subdivision 1a (pistol without permit; subsequent violation); or 624.7141,
268.9 subdivision 2 (transfer of pistol to ineligible person); or

268.10 ~~(50)~~ (52) section 624.7181 (rifle or shotgun in public by minor).

268.11 **EFFECTIVE DATE.** This section is effective August 1, 2021.

268.12 Sec. 40. Minnesota Statutes 2020, section 609A.025, is amended to read:

268.13 **609A.025 NO PETITION REQUIRED IN CERTAIN CASES WITH**
268.14 **PROSECUTOR AGREEMENT AND NOTIFICATION.**

268.15 (a) If the prosecutor agrees to the sealing of a criminal record, the court shall seal the
268.16 criminal record for a person described in section 609A.02, subdivision 3, without the filing
268.17 of a petition unless it determines that the interests of the public and public safety in keeping
268.18 the record public outweigh the disadvantages to the subject of the record in not sealing it.
268.19 The prosecutor shall inform the court whether the context and circumstances of the underlying
268.20 crime indicate a nexus between the criminal record to be expunged and the person's status
268.21 as a crime victim and, if so, request that the court make the appropriate findings to support
268.22 the relief described in section 609A.03, subdivision 6a.

268.23 (b) At least 90 days before agreeing to the sealing of a record under this section, the
268.24 prosecutor shall make a good faith effort to notify any identifiable victims of the offense
268.25 of the intended agreement and the opportunity to object to the agreement.

268.26 (c) Subject to paragraph (b), the agreement of the prosecutor to the sealing of records
268.27 for a person described in section 609A.02, subdivision 3, paragraph (a), clause (2), may
268.28 occur before or after the criminal charges are dismissed.

268.29 (d) A prosecutor shall agree to the sealing of a criminal record for a person described
268.30 in section 609A.02, subdivision 2a, unless substantial and compelling reasons exist to object
268.31 to the sealing.

269.1 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to agreements
269.2 to the sealing of a criminal record entered into by a prosecutor on or after that date.

269.3 Sec. 41. Minnesota Statutes 2020, section 609A.03, subdivision 5, is amended to read:

269.4 Subd. 5. **Nature of remedy; standard.** (a) Except as otherwise provided by paragraph
269.5 (b), expungement of a criminal record under this section is an extraordinary remedy to be
269.6 granted only upon clear and convincing evidence that it would yield a benefit to the petitioner
269.7 commensurate with the disadvantages to the public and public safety of:

269.8 (1) sealing the record; and

269.9 (2) burdening the court and public authorities to issue, enforce, and monitor an
269.10 expungement order.

269.11 (b) Except as otherwise provided by this paragraph, if the petitioner is petitioning for
269.12 the sealing of a criminal record under section 609A.02, subdivision 3, paragraph (a), clause
269.13 (1) or (2), the court shall grant the petition to seal the record unless the agency or jurisdiction
269.14 whose records would be affected establishes by clear and convincing evidence that the
269.15 interests of the public and public safety outweigh the disadvantages to the petitioner of not
269.16 sealing the record.

269.17 (c) In making a determination under this subdivision, the court shall consider:

269.18 (1) the nature and severity of the underlying crime, the record of which would be sealed;

269.19 (2) the risk, if any, the petitioner poses to individuals or society;

269.20 (3) the length of time since the crime occurred;

269.21 (4) the steps taken by the petitioner toward rehabilitation following the crime;

269.22 (5) aggravating or mitigating factors relating to the underlying crime, including the
269.23 petitioner's level of participation and context and circumstances of the underlying crime;

269.24 (6) the reasons for the expungement, including the petitioner's attempts to obtain
269.25 employment, housing, or other necessities;

269.26 (7) the petitioner's criminal record;

269.27 (8) the petitioner's record of employment and community involvement;

269.28 (9) the recommendations of interested law enforcement, prosecutorial, and corrections
269.29 officials;

270.1 (10) the recommendations of victims or whether victims of the underlying crime were
270.2 minors;

270.3 (11) the amount, if any, of restitution outstanding, past efforts made by the petitioner
270.4 toward payment, and the measures in place to help ensure completion of restitution payment
270.5 after expungement of the record if granted; and

270.6 (12) other factors deemed relevant by the court.

270.7 (d) Notwithstanding section 13.82, 13.87, or any other law to the contrary, if the court
270.8 issues an expungement order it may require that the criminal record be sealed, the existence
270.9 of the record not be revealed, and the record not be opened except as required under
270.10 subdivision 7. Records must not be destroyed or returned to the subject of the record.

270.11 (e) Information relating to a criminal history record of an employee, former employee,
270.12 or tenant that has been expunged before the occurrence of the act giving rise to the civil
270.13 action may not be introduced as evidence in a civil action against a private employer or
270.14 landlord or its employees or agents that is based on the conduct of the employee, former
270.15 employee, or tenant.

270.16 **EFFECTIVE DATE.** This section is effective August 1, 2021.

270.17 Sec. 42. Minnesota Statutes 2020, section 609A.03, subdivision 7, is amended to read:

270.18 Subd. 7. **Limitations of order effective before January 1, 2015.** (a) Upon issuance of
270.19 an expungement order related to a charge supported by probable cause, the DNA samples
270.20 and DNA records held by the Bureau of Criminal Apprehension and collected under authority
270.21 other than section 299C.105, shall not be sealed, returned to the subject of the record, or
270.22 destroyed.

270.23 (b) Notwithstanding the issuance of an expungement order:

270.24 (1) an expunged record may be opened for purposes of a criminal investigation,
270.25 prosecution, or sentencing, upon an ex parte court order;

270.26 (2) an expunged record of a conviction may be opened for purposes of evaluating a
270.27 prospective employee in a criminal justice agency without a court order; ~~and~~

270.28 (3) an expunged record of a conviction may be opened for purposes of a background
270.29 study under section 245C.08 unless the court order for expungement is directed specifically
270.30 to the commissioner of human services; and

270.31 (4) the Bureau of Criminal Apprehension shall include summary entries of expunged
270.32 records in all nonpublic criminal histories it generates for use by criminal justice agencies.

271.1 Upon request by law enforcement, prosecution, or corrections authorities, an agency or
271.2 jurisdiction subject to an expungement order shall inform the requester of the existence of
271.3 a sealed record and of the right to obtain access to it as provided by this paragraph. For
271.4 purposes of this section, a "criminal justice agency" means courts or a government agency
271.5 that performs the administration of criminal justice under statutory authority.

271.6 (c) This subdivision applies to expungement orders subject to its limitations and effective
271.7 before January 1, 2015.

271.8 **EFFECTIVE DATE.** This section is effective August 1, 2023.

271.9 Sec. 43. Minnesota Statutes 2020, section 609A.03, subdivision 7a, is amended to read:

271.10 Subd. 7a. **Limitations of order effective January 1, 2015, and later.** (a) Upon issuance
271.11 of an expungement order related to a charge supported by probable cause, the DNA samples
271.12 and DNA records held by the Bureau of Criminal Apprehension and collected under authority
271.13 other than section 299C.105 shall not be sealed, returned to the subject of the record, or
271.14 destroyed.

271.15 (b) Notwithstanding the issuance of an expungement order:

271.16 (1) except as provided in clause (2), an expunged record may be opened, used, or
271.17 exchanged between criminal justice agencies without a court order for the purposes of

271.18 initiating, furthering, or completing a criminal investigation or prosecution or for sentencing
271.19 purposes or providing probation or other correctional services;

271.20 (2) when a criminal justice agency seeks access to a record that was sealed under section
271.21 609A.02, subdivision 3, paragraph (a), clause (1), or 609A.015, subdivision 1, clause (3),
271.22 after an acquittal or a court order dismissing for lack of probable cause, for purposes of a
271.23 criminal investigation, prosecution, or sentencing, the requesting agency must obtain an ex
271.24 parte court order after stating a good-faith basis to believe that opening the record may lead
271.25 to relevant information;

271.26 (3) an expunged record of a conviction may be opened for purposes of evaluating a
271.27 prospective employee in a criminal justice agency without a court order;

271.28 (4) an expunged record of a conviction may be opened for purposes of a background
271.29 study under section 245C.08 unless the commissioner had been properly served with notice
271.30 of the petition for expungement and the court order for expungement is directed specifically
271.31 to the commissioner of human services;

272.1 (5) an expunged record of a conviction may be opened for purposes of a background
272.2 check required under section 122A.18, subdivision 8, unless the court order for expungement
272.3 is directed specifically to the Professional Educator Licensing and Standards Board or the
272.4 licensing division of the Department of Education; ~~and~~

272.5 (6) the court may order an expunged record opened upon request by the victim of the
272.6 underlying offense if the court determines that the record is substantially related to a matter
272.7 for which the victim is before the court;

272.8 (7) a prosecutor may request, and the district court shall provide, certified records of
272.9 conviction for a record expunged pursuant to sections 609A.015, 609A.02, and 609A.025,
272.10 and the certified records of conviction may be disclosed and introduced in criminal court
272.11 proceedings as provided by the rules of court and applicable law;

272.12 (8) the Bureau of Criminal Apprehension shall include summary entries of expunged
272.13 records in all nonpublic criminal histories it generates for use by criminal justice agencies;
272.14 and

272.15 (9) the subject of an expunged record may request, and the court shall provide, certified
272.16 or uncertified records of conviction for a record expunged pursuant to sections 609A.015,
272.17 609A.02, and 609A.025.

272.18 (c) An agency or jurisdiction subject to an expungement order shall maintain the record
272.19 in a manner that provides access to the record by a criminal justice agency under paragraph
272.20 (b), clause (1) or (2), but notifies the recipient that the record has been sealed. The Bureau
272.21 of Criminal Apprehension shall notify the commissioner of human services, the Professional
272.22 Educator Licensing and Standards Board, or the licensing division of the Department of
272.23 Education of the existence of a sealed record and of the right to obtain access under paragraph
272.24 (b), clause (4) or (5). Upon request, the agency or jurisdiction subject to the expungement

272.25 order shall provide access to the record to the commissioner of human services, the
272.26 Professional Educator Licensing and Standards Board, or the licensing division of the
272.27 Department of Education under paragraph (b), clause (4) or (5).

272.28 (d) An expunged record that is opened or exchanged under this subdivision remains
272.29 subject to the expungement order in the hands of the person receiving the record.

272.30 (e) A criminal justice agency that receives an expunged record under paragraph (b),
272.31 clause (1) or (2), must maintain and store the record in a manner that restricts the use of the
272.32 record to the investigation, prosecution, or sentencing for which it was obtained.

273.1 (f) For purposes of this section, a "criminal justice agency" means a court or government
273.2 agency that performs the administration of criminal justice under statutory authority.

273.3 (g) This subdivision applies to expungement orders subject to its limitations and effective
273.4 on or after January 1, 2015.

273.5 **EFFECTIVE DATE.** This section is effective August 1, 2021, except that paragraph
273.6 (b), clause (8) is effective August 1, 2023.

273.7 Sec. 44. Minnesota Statutes 2020, section 609A.03, subdivision 9, is amended to read:

273.8 Subd. 9. **Stay of order; appeal.** An expungement order issued under this section shall
273.9 be stayed automatically for 60 days after the order is filed and, if the order is appealed,
273.10 during the appeal period. A person or an agency or jurisdiction whose records would be
273.11 affected by the order may appeal the order within 60 days of service of notice of filing of
273.12 the order. An agency or jurisdiction or its officials or employees need not file a cost bond
273.13 or supersedeas bond in order to further stay the proceedings or file an appeal.

273.14 **EFFECTIVE DATE.** This section is effective August 1, 2021.

273.15 Sec. 45. Minnesota Statutes 2020, section 611A.03, subdivision 1, is amended to read:

273.16 Subdivision 1. **Plea agreements; notification of victim.** Prior to the entry of the factual
273.17 basis for a plea pursuant to a plea agreement recommendation, a prosecuting attorney shall
273.18 make a reasonable and good faith effort to inform the victim of:

273.19 (1) the contents of the plea agreement recommendation, including the amount of time
273.20 recommended for the defendant to serve in jail or prison if the court accepts the agreement;
273.21 ~~and~~

273.22 (2) the right to be present at the sentencing hearing and at the hearing during which the
273.23 plea is presented to the court and to express orally or in writing, at the victim's option, any
273.24 objection to the agreement or to the proposed disposition. If the victim is not present when
273.25 the court considers the recommendation, but has communicated objections to the prosecuting
273.26 attorney, the prosecuting attorney shall make these objections known to the court; and

273.27 (3) the eligibility of the offense for automatic expungement pursuant to section 609A.015,
273.28 and the victim's right to express to the court orally or in writing, at the victim's option, any

273.29 objection to a grant of expungement relief. If the victim is not present, but has communicated
273.30 objections to the prosecuting attorney, the prosecuting attorney shall make these objections
273.31 known to the court.

274.1 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to plea
274.2 agreements entered into on or after that date.

274.3 Sec. 46. **TASK FORCE ON THE CONTENTS AND USE OF PRESENTENCE**
274.4 **INVESTIGATION REPORTS AND IMPOSITION OF CONDITIONS OF**
274.5 **PROBATION.**

274.6 Subdivision 1. **Establishment.** The task force on the contents and use of presentence
274.7 investigation reports and imposition of conditions of probation is established to review the
274.8 statutory requirements in Minnesota Statutes, section 609.115, for the content of presentence
274.9 investigation reports and determine whether that level of information is useful and necessary
274.10 in all cases; determine whether presentence investigation reports should be required in all
274.11 cases or only a subset of cases; collect and analyze data on the conditions of probation
274.12 ordered by courts; assess whether current practices promote public safety and equity in
274.13 sentencing; and make recommendations to the legislature.

274.14 Subd. 2. **Membership.** (a) The task force consists of the following members:

274.15 (1) two members of the house of representatives, one appointed by the speaker of the
274.16 house and one appointed by the minority leader;

274.17 (2) two members of the senate, one appointed by the majority leader and one appointed
274.18 by the minority leader;

274.19 (3) the commissioner of corrections or a designee;

274.20 (4) two district court judges of which one shall be a judge in a metropolitan county and
274.21 one shall be a judge in a county other than a metropolitan county, appointed by the chief
274.22 justice of the supreme court;

274.23 (5) the chair of the Minnesota Sentencing Guidelines Commission or a designee;

274.24 (6) the state public defender or a designee;

274.25 (7) one county attorney, appointed by the Minnesota County Attorneys Association; and

274.26 (8) three probation officers including one employee of the Department of Corrections,
274.27 one employee of a county that takes part in the Community Corrections Act, and one
274.28 employee of a county that does not take part in the Community Corrections Act, appointed
274.29 by the commissioner of corrections.

274.30 (b) As used in this section, "metropolitan county" has the meaning given in Minnesota
274.31 Statutes, section 473.121, subdivision 4.

- 275.1 (c) Appointments must be made no later than July 30, 2021.
- 275.2 (d) Members shall serve without compensation.
- 275.3 (e) Members of the task force serve at the pleasure of the appointing authority or until
275.4 the task force expires. Vacancies shall be filled by the appointing authority consistent with
275.5 the qualifications of the vacating member required by this subdivision.
- 275.6 Subd. 3. **Officers; meetings.** (a) The task force shall elect a chair and vice-chair and
275.7 may elect other officers as necessary.
- 275.8 (b) The commissioner of corrections shall convene the first meeting of the task force no
275.9 later than August 1, 2021, and shall provide meeting space and administrative assistance
275.10 as necessary for the task force to conduct its work.
- 275.11 (c) The task force shall meet at least monthly or upon the call of its chair. The task force
275.12 shall meet sufficiently enough to accomplish the tasks identified in this section. Meetings
275.13 of the task force are subject to Minnesota Statutes, chapter 13D.
- 275.14 (d) To compile and analyze data, the task force may request the cooperation and assistance
275.15 of local law enforcement agencies, the Minnesota Sentencing Guidelines Commission, the
275.16 judicial branch, the Bureau of Criminal Apprehension, county attorneys, and Tribal
275.17 governments, academics, and others with experience and expertise in researching probation
275.18 and criminal sentences.
- 275.19 Subd. 4. **Duties.** (a) The task force shall, at a minimum:
- 275.20 (1) collect and analyze available data on how often presentence investigation reports
275.21 are filed with the court, and in which types of cases;
- 275.22 (2) review and discuss whether presentence investigation reports should be required in
275.23 all felony cases, and make recommendations to the legislature;
- 275.24 (3) review and discuss the required content of presentence investigation reports, determine
275.25 whether that level of detail is needed in every case, and consider recommendations for
275.26 changing the required content;
- 275.27 (4) collect and analyze available data on conditions of probation imposed by courts;
- 275.28 (5) assess what factors courts consider when imposing conditions of probation;
- 275.29 (6) determine what data is available to show whether particular conditions of probation
275.30 are effective in promoting public safety and rehabilitation of an offender;
- 276.1 (7) determine whether conditions of probation are consistent across geographic and
276.2 demographic groups and, if not, how they differ;
- 276.3 (8) determine the most effective methods to provide a court with relevant information
276.4 to establish appropriate conditions of probation;

276.5 (9) review relevant state statutes and state and federal court decisions; and

276.6 (10) make recommendations for legislative action, if any, on laws affecting presence
276.7 investigation reports and appropriate conditions of probation.

276.8 (b) At its discretion, the task force may examine, as necessary, other related issues
276.9 consistent with this section.

276.10 Subd. 5. **Report.** On or before January 15, 2023, the task force shall submit a report to
276.11 the chairs and ranking minority members of the house of representatives and senate
276.12 committees and divisions with jurisdiction over criminal sentencing on the findings and
276.13 recommendations of the task force.

276.14 Subd. 6. **Expiration.** The task force expires the day after submitting its report under
276.15 subdivision 5.

276.16 Sec. 47. **TITLE.**

276.17 Sections 36 to 45 may be referred to as the "Clean Slate Act."

276.18 Sec. 48. **SENTENCING GUIDELINES MODIFICATION.**

276.19 The Sentencing Guidelines Commission shall comprehensively review and consider
276.20 modifying how the Sentencing Guidelines and the sex offender grid address the crimes
276.21 described in Minnesota Statutes, section 609.322.

276.22 **EFFECTIVE DATE.** This section is effective August 1, 2021.

276.23 Sec. 49. **REVISOR INSTRUCTION.**

276.24 In Minnesota Statutes, the revisor of statutes shall substitute "364 days" for "one year"
276.25 consistent with the change in section 10. The revisor shall also make other technical changes
276.26 resulting from the change of term to the statutory language if necessary to preserve the
276.27 meaning of the text.

43.8 Sec. 19. **SENTENCING GUIDELINES COMPREHENSIVE REVIEW.**

43.9 The Sentencing Guidelines Commission shall comprehensively review and consider
43.10 modifying how the Sentencing Guidelines and the sex offender grid address the crimes
43.11 described in Minnesota Statutes, section 609.322.

43.12 **EFFECTIVE DATE.** This section is effective August 1, 2021.

43.13 Sec. 20. **SENTENCING GUIDELINES COMMISSION DIRECTED TO INCREASE**
43.14 **THE RANKINGS FOR CERTAIN CHILD PORNOGRAPHY CRIMES.**

43.15 The Sentencing Guidelines Commission is directed to increase the severity rankings on
43.16 the sex offender grid for a violation of Minnesota Statutes, section 617.247, subdivision 3,
43.17 paragraph (b), from severity level D to C, and subdivision 4, paragraph (b), from severity
43.18 level F to E, consistent with the recommendations contained in the minority report in the
43.19 commission's 2021 report to the legislature. The other modifications to the grid relating to
43.20 child pornography crimes proposed in the main report are adopted.

43.21 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes
43.22 committed on or after that date.

276.28 Sec. 50. **REPEALER.**

276.29 Minnesota Statutes 2020, section 609.324, subdivision 3, is repealed.

277.1 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes
277.2 committed on or after that date.

277.3 Sec. 51. **EFFECTIVE DATE.**

277.4 Sections 1 to 3, 7, 12, 13, 27, and 28 are effective the day following final enactment and
277.5 apply to offenders sentenced on or after that date, and retroactively to offenders:

277.6 (1) sentenced to life imprisonment without possibility of release following a conviction
277.7 under Minnesota Statutes, section 609.185, paragraph (a), for an offense committed when
277.8 the offender was under 18 years of age and when a sentence was imposed pursuant to
277.9 Minnesota Statutes, section 609.106, subdivision 2;

277.10 (2) sentenced to life imprisonment without possibility of release following a conviction
277.11 under Minnesota Statutes, section 609.3455, subdivision 2, for an offense committed when
277.12 the offender was under 18 years of age;

277.13 (3) sentenced to life imprisonment under Minnesota Statutes, section 609.185, paragraph
277.14 (a), clause (3), (5), or (6); or Minnesota Statutes 2004, section 609.109, subdivision 3, for
277.15 an offense committed when the offender was under 18 years of age;

277.16 (4) sentenced to life imprisonment under Minnesota Statutes, section 609.385, for an
277.17 offense committed when the offender was under 18 years of age;

277.18 (5) sentenced to life imprisonment under Minnesota Statutes, section 609.3455,
277.19 subdivision 3 or 4, if the minimum term of imprisonment specified by the court in its sentence
277.20 exceeds 15 years for an offense committed when the offender was under 18 years of age;
277.21 or

277.22 (6) sentenced to an executed sentence that includes a term of imprisonment of more than
277.23 15 years or separate, consecutive executed sentences for two or more crimes that include
277.24 combined terms of imprisonment that total more than 15 years for an offense committed
277.25 when the offender was under 18 years of age.

43.23 Sec. 21. **REPEALER.**

43.24 Minnesota Statutes 2020, section 609.324, subdivision 3, is repealed.

43.25 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes
43.26 committed on or after that date.

277.26

ARTICLE 15

277.27

PUBLIC SAFETY

277.28 Section 1. Minnesota Statutes 2020, section 169A.55, subdivision 2, is amended to read:

277.29 Subd. 2. **Reinstatement of driving privileges; notice.** Upon expiration of a period of
277.30 revocation under section 169A.52 (license revocation for test failure or refusal), 169A.54
277.31 (impaired driving convictions and adjudications; administrative penalties), or 171.177
278.1 (revocation; search warrant), the commissioner shall notify the person of the terms upon
278.2 which driving privileges can be reinstated, and new registration plates issued, which terms
278.3 are: (1) ~~successful completion of an examination and~~ proof of compliance with any terms
278.4 of alcohol treatment or counseling previously prescribed, if any; and (2) any other
278.5 requirements imposed by the commissioner and applicable to that particular case. The
278.6 commissioner shall notify the owner of a motor vehicle subject to an impoundment order
278.7 under section 169A.60 (administrative impoundment of plates) as a result of the violation
278.8 of the procedures for obtaining new registration plates, if the owner is not the violator. The
278.9 commissioner shall also notify the person that if driving is resumed without reinstatement
278.10 of driving privileges or without valid registration plates and registration certificate, the
278.11 person will be subject to criminal penalties.

278.12 Sec. 2. Minnesota Statutes 2020, section 169A.55, subdivision 4, is amended to read:

278.13 Subd. 4. **Reinstatement of driving privileges; multiple incidents.** (a) A person whose
278.14 driver's license has been revoked as a result of an offense listed under clause (2) shall not
278.15 be eligible for reinstatement of driving privileges without an ignition interlock restriction
278.16 until the commissioner certifies that either:

278.17 (1) the person did not own or lease a vehicle at the time of the offense or at any time
278.18 between the time of the offense and the driver's request for reinstatement, or commit a
278.19 violation of chapter 169, 169A, or 171 between the time of the offense and the driver's
278.20 request for reinstatement or at the time of the arrest for the offense listed under clause (2),
278.21 item (i), subitem (A) or (B), or (ii), subitem (A) or (B), as based on:

278.22 (i) a request by the person for reinstatement, on a form to be provided by the Department
278.23 of Public Safety;

278.24 (ii) the person's attestation under penalty of perjury; and

278.25 (iii) the submission by the driver of certified copies of vehicle registration records and
278.26 driving records for the period from the arrest until the driver seeks reinstatement of driving
278.27 privileges; or

278.28 (2) the person used the ignition interlock device and complied with section 171.306 for
278.29 a period of not less than:

278.30 (i) one year, for a person whose driver's license was revoked for:

- 278.31 (A) an offense occurring within ten years of a qualified prior impaired driving incident;
278.32 or
- 279.1 (B) an offense occurring after two qualified prior impaired driving incidents; or
279.2 (ii) two years, for a person whose driver's license was revoked for:
- 279.3 (A) an offense occurring under item (i), subitem (A) or (B), and the test results indicated
279.4 an alcohol concentration of twice the legal limit or more; or
- 279.5 (B) an offense occurring under item (i), subitem (A) or (B), and the current offense is
279.6 for a violation of section 169A.20, subdivision 2.
- 279.7 ~~(a)~~ (b) A person whose driver's license has been canceled or denied as a result of three
279.8 or more qualified impaired driving incidents shall not be eligible for reinstatement of driving
279.9 privileges without an ignition interlock restriction until the person:
- 279.10 (1) has completed rehabilitation according to rules adopted by the commissioner or been
279.11 granted a variance from the rules by the commissioner; and
- 279.12 (2) has submitted verification of abstinence from alcohol and controlled substances
279.13 under paragraph (c), as evidenced by the person's use of an ignition interlock device or other
279.14 chemical monitoring device approved by the commissioner.
- 279.15 ~~(b)~~ (c) The verification of abstinence must show that the person has abstained from the
279.16 use of alcohol and controlled substances for a period of not less than:
- 279.17 (1) three years, for a person whose driver's license was canceled or denied for an offense
279.18 occurring within ten years of the first of two qualified prior impaired driving incidents, or
279.19 occurring after three qualified prior impaired driving incidents;
- 279.20 (2) four years, for a person whose driver's license was canceled or denied for an offense
279.21 occurring within ten years of the first of three qualified prior impaired driving incidents; or
- 279.22 (3) six years, for a person whose driver's license was canceled or denied for an offense
279.23 occurring after four or more qualified prior impaired driving incidents.
- 279.24 ~~(e) The commissioner shall establish performance standards and a process for certifying~~
279.25 ~~chemical monitoring devices. The standards and procedures are not rules and are exempt~~
279.26 ~~from chapter 14, including section 14.386.~~
- 279.27 Sec. 3. Minnesota Statutes 2020, section 169A.60, subdivision 2, is amended to read:
- 279.28 Subd. 2. **Plate impoundment violation; impoundment order.** (a) The commissioner
279.29 shall issue a registration plate impoundment order when:
- 279.30 (1) a person's driver's license or driving privileges are revoked for a plate impoundment
279.31 violation; ~~or~~

280.1 (2) a person is arrested for or charged with a plate impoundment violation described in
280.2 subdivision 1, paragraph (d), clause (5); or

280.3 (3) a person issued new registration plates pursuant to subdivision 13, paragraph (f),
280.4 violates the terms of the ignition interlock program as described in subdivision 13, paragraph
280.5 (g).

280.6 (b) The order must require the impoundment of the registration plates of the motor
280.7 vehicle involved in the plate impoundment violation and all motor vehicles owned by,
280.8 registered, or leased in the name of the violator, including motor vehicles registered jointly
280.9 or leased in the name of the violator and another. The commissioner shall not issue an
280.10 impoundment order for the registration plates of a rental vehicle, as defined in section
280.11 168.041, subdivision 10, or a vehicle registered in another state.

280.12 Sec. 4. Minnesota Statutes 2020, section 169A.60, subdivision 3, is amended to read:

280.13 Subd. 3. **Notice of impoundment.** An impoundment order is effective when the
280.14 commissioner or a peace officer acting on behalf of the commissioner notifies the violator
280.15 or the registered owner of the motor vehicle of the intent to impound and order of
280.16 impoundment. The notice must advise the violator of the duties and obligations set forth in
280.17 subdivision 6 (surrender of plates) and of the right to obtain administrative and judicial
280.18 review. The notice to the registered owner who is not the violator must include the procedure
280.19 to obtain new registration plates under subdivision 8. If mailed, the notice and order of
280.20 impoundment is deemed received three days after mailing to the last known address of the
280.21 violator or the registered owner, including the address provided when the person became a
280.22 program participant in the ignition interlock program under section 171.306.

280.23 Sec. 5. Minnesota Statutes 2020, section 169A.60, subdivision 13, is amended to read:

280.24 Subd. 13. **Special registration plates.** (a) At any time during the effective period of an
280.25 impoundment order, a violator or registered owner may apply to the commissioner for new
280.26 registration plates, which must bear a special series of numbers or letters so as to be readily
280.27 identified by traffic law enforcement officers. The commissioner may authorize the issuance
280.28 of special plates if:

280.29 (1) the violator has a qualified licensed driver whom the violator must identify;

280.30 (2) the violator or registered owner has a limited license issued under section 171.30;

280.31 (3) the registered owner is not the violator and the registered owner has a valid or limited
280.32 driver's license;

281.1 (4) a member of the registered owner's household has a valid driver's license; or

281.2 (5) the violator has been reissued a valid driver's license.

281.3 (b) The commissioner may not issue new registration plates for that vehicle subject to
281.4 plate impoundment for a period of at least one year from the date of the impoundment order.

281.5 In addition, if the owner is the violator, new registration plates may not be issued for the
281.6 vehicle unless the person has been reissued a valid driver's license in accordance with chapter
281.7 171.

281.8 (c) A violator may not apply for new registration plates for a vehicle at any time before
281.9 the person's driver's license is reinstated.

281.10 (d) The commissioner may issue the special plates on payment of a \$50 fee for each
281.11 vehicle for which special plates are requested, except that a person who paid the fee required
281.12 under paragraph (f) must not be required to pay an additional fee if the commissioner issued
281.13 an impoundment order pursuant to paragraph (g).

281.14 (e) Paragraphs (a) to (d) notwithstanding, the commissioner must issue upon request
281.15 new registration plates for a any vehicle owned by a violator or registered owner for which
281.16 the registration plates have been impounded if:

281.17 (1) the impoundment order is rescinded;

281.18 (2) the vehicle is transferred in compliance with subdivision 14; or

281.19 (3) the vehicle is transferred to a Minnesota automobile dealer licensed under section
281.20 168.27, a financial institution that has submitted a repossession affidavit, or a government
281.21 agency.

281.22 (f) Notwithstanding paragraphs (a) to (d), the commissioner, upon request and payment
281.23 of a \$100 fee for each vehicle for which special plates are requested, must issue new
281.24 registration plates for any vehicle owned by a violator or registered owner for which the
281.25 registration plates have been impounded if the violator becomes a program participant in
281.26 the ignition interlock program under section 171.306. This paragraph does not apply if the
281.27 registration plates have been impounded pursuant to paragraph (g).

281.28 (g) The commissioner shall issue a registration plate impoundment order for new
281.29 registration plates issued pursuant to paragraph (f) if, before a program participant in the
281.30 ignition interlock program under section 171.306 has been restored to full driving privileges,
281.31 the program participant:

282.1 (1) either voluntarily or involuntarily ceases to participate in the program for more than
282.2 30 days; or

282.3 (2) fails to successfully complete the program as required by the Department of Public
282.4 Safety due to:

282.5 (i) two or more occasions of the participant's driving privileges being withdrawn for
282.6 violating the terms of the program, unless the withdrawal is determined to be caused by an
282.7 error of the department or the interlock provider; or

282.8 (ii) violating the terms of the contract with the provider as determined by the provider.

282.9 Sec. 6. Minnesota Statutes 2020, section 171.29, subdivision 1, is amended to read:

282.10 Subdivision 1. **Examination required.** (a) No person whose driver's license has been
282.11 revoked by reason of conviction, plea of guilty, or forfeiture of bail not vacated, under
282.12 section 169.791, 169.797, 171.17, or 171.172, or revoked under section 169.792, ~~169A.52,~~
282.13 ~~or 171.177~~ shall be issued another license unless and until that person shall have successfully
282.14 passed an examination as required by the commissioner of public safety. This subdivision
282.15 does not apply to an applicant for early reinstatement under section 169.792, subdivision
282.16 7a.

282.17 (b) The requirement to successfully pass the examination described in paragraph (a)
282.18 does not apply to a person whose driver's license has been revoked because of an impaired
282.19 driving offense.

282.20 Sec. 7. Minnesota Statutes 2020, section 171.30, subdivision 1, is amended to read:

282.21 Subdivision 1. **Conditions of issuance.** (a) The commissioner may issue a limited license
282.22 to the driver under the conditions in paragraph (b) in any case where a person's license has
282.23 been:

282.24 (1) suspended under section 171.18, 171.173, 171.186, or 171.187;

282.25 (2) revoked, canceled, or denied under section:

282.26 (i) 169.792;

282.27 (ii) 169.797;

282.28 (iii) 169A.52:

282.29 (A) subdivision 3, paragraph (a), clause (1) or (2); or

283.1 ~~(B) subdivision 3, paragraph (a), clause (4), (5), or (6), if in compliance with section~~
283.2 ~~171.306;~~

283.3 ~~(C)~~ (B) subdivision 4, paragraph (a), clause (1) or (2), if the test results indicate an
283.4 alcohol concentration of less than twice the legal limit;

283.5 ~~(D) subdivision 4, paragraph (a), clause (4), (5), or (6), if in compliance with section~~
283.6 ~~171.306;~~

283.7 (iv) 171.17; or

283.8 (v) 171.172;

283.9 (3) revoked, canceled, or denied under section 169A.54:

283.10 (i) subdivision 1, clause (1), if the test results indicate an alcohol concentration of less
283.11 than twice the legal limit;

- 283.12 (ii) subdivision 1, clause (2); or
- 283.13 ~~(iii) subdivision 1, clause (5), (6), or (7), if in compliance with section 171.306; or~~
- 283.14 ~~(iv)~~ (iii) subdivision 2, if the person does not have a qualified prior impaired driving
283.15 incident as defined in section 169A.03, subdivision 22, on the person's record, and the test
283.16 results indicate an alcohol concentration of less than twice the legal limit; or
- 283.17 (4) revoked, canceled, or denied under section 171.177:
- 283.18 (i) subdivision 4, paragraph (a), clause (1) or (2); or
- 283.19 ~~(ii) subdivision 4, paragraph (a), clause (4), (5), or (6), if in compliance with section~~
283.20 ~~171.306;~~
- 283.21 ~~(iii)~~ (ii) subdivision 5, paragraph (a), clause (1) or (2), if the test results indicate an
283.22 alcohol concentration of less than twice the legal limit; ~~or.~~
- 283.23 ~~(iv) subdivision 5, paragraph (a), clause (4), (5), or (6), if in compliance with section~~
283.24 ~~171.306.~~
- 283.25 (b) The following conditions for a limited license under paragraph (a) include:
- 283.26 (1) if the driver's livelihood or attendance at a chemical dependency treatment or
283.27 counseling program depends upon the use of the driver's license;
- 283.28 (2) if the use of a driver's license by a homemaker is necessary to prevent the substantial
283.29 disruption of the education, medical, or nutritional needs of the family of the homemaker;
283.30 or
- 284.1 (3) if attendance at a postsecondary institution of education by an enrolled student of
284.2 that institution depends upon the use of the driver's license.
- 284.3 (c) The commissioner in issuing a limited license may impose such conditions and
284.4 limitations as in the commissioner's judgment are necessary to the interests of the public
284.5 safety and welfare including reexamination as to the driver's qualifications. The license may
284.6 be limited to the operation of particular vehicles, to particular classes and times of operation,
284.7 and to particular conditions of traffic. The commissioner may require that an applicant for
284.8 a limited license affirmatively demonstrate that use of public transportation or carpooling
284.9 as an alternative to a limited license would be a significant hardship.
- 284.10 (d) For purposes of this subdivision:
- 284.11 (1) "homemaker" refers to the person primarily performing the domestic tasks in a
284.12 household of residents consisting of at least the person and the person's dependent child or
284.13 other dependents; and
- 284.14 (2) "twice the legal limit" means an alcohol concentration of two times the limit specified
284.15 in section 169A.20, subdivision 1, clause (5).

284.16 (e) The limited license issued by the commissioner shall clearly indicate the limitations
284.17 imposed and the driver operating under the limited license shall have the license in possession
284.18 at all times when operating as a driver.

284.19 (f) In determining whether to issue a limited license, the commissioner shall consider
284.20 the number and the seriousness of prior convictions and the entire driving record of the
284.21 driver and shall consider the number of miles driven by the driver annually.

284.22 (g) If the person's driver's license or permit to drive has been revoked under section
284.23 169.792 or 169.797, the commissioner may only issue a limited license to the person after
284.24 the person has presented an insurance identification card, policy, or written statement
284.25 indicating that the driver or owner has insurance coverage satisfactory to the commissioner
284.26 of public safety. The commissioner of public safety may require the insurance identification
284.27 card provided to satisfy this subdivision be certified by the insurance company to be
284.28 noncancelable for a period not to exceed 12 months.

284.29 (h) The limited license issued by the commissioner to a person under section 171.186,
284.30 subdivision 4, must expire 90 days after the date it is issued. The commissioner must not
284.31 issue a limited license to a person who previously has been issued a limited license under
284.32 section 171.186, subdivision 4.

285.1 (i) The commissioner shall not issue a limited driver's license to any person described
285.2 in section 171.04, subdivision 1, clause (6), (7), (8), (11), or (14).

285.3 (j) The commissioner shall not issue a class A, class B, or class C limited license.

285.4 Sec. 8. Minnesota Statutes 2020, section 171.306, subdivision 2, is amended to read:

285.5 Subd. 2. **Performance standards; certification; manufacturer and provider**
285.6 **requirements.** (a) The commissioner shall establish performance standards and a process
285.7 for certifying devices used in the ignition interlock program, except that the commissioner
285.8 may not establish standards that, directly or indirectly, require devices to use or enable
285.9 location tracking capabilities without a court order.

285.10 (b) The manufacturer of a device must apply annually for certification of the device by
285.11 submitting the form prescribed by the commissioner. The commissioner shall require
285.12 manufacturers of certified devices to:

285.13 (1) provide device installation, servicing, and monitoring to indigent program participants
285.14 at a discounted rate, according to the standards established by the commissioner; ~~and~~

285.15 (2) include in an ignition interlock device contract a provision that a program participant
285.16 who voluntarily terminates participation in the program is only liable for servicing and
285.17 monitoring costs incurred during the time the device is installed on the motor vehicle,
285.18 regardless of whether the term of the contract has expired; and

285.19 (3) include in an ignition interlock device contract a provision that requires manufacturers
285.20 of certified devices to pay any towing or repair costs caused by device failure or malfunction,
285.21 or by damage caused during device installation, servicing, or monitoring.

285.22 (c) The manufacturer of a certified device must include with an ignition interlock device
285.23 contract a separate notice to the program participant regarding any location tracking
285.24 capabilities of the device.

285.25 Sec. 9. Minnesota Statutes 2020, section 171.306, subdivision 4, is amended to read:

285.26 Subd. 4. **Issuance of restricted license.** (a) The commissioner shall issue a class D
285.27 driver's license, subject to the applicable limitations and restrictions of this section, to a
285.28 program participant who meets the requirements of this section and the program guidelines.
285.29 The commissioner shall not issue a license unless the program participant has provided
285.30 satisfactory proof that:

286.1 (1) a certified ignition interlock device has been installed on the participant's motor
286.2 vehicle at an installation service center designated by the device's manufacturer; and

286.3 (2) the participant has insurance coverage on the vehicle equipped with the ignition
286.4 interlock device. ~~If the participant has previously been convicted of violating section 169.791,~~
286.5 ~~169.793, or 169.797 or the participant's license has previously been suspended or canceled~~
286.6 ~~under section 169.792 or 169.797, the commissioner shall require the participant to present~~
286.7 ~~an insurance identification card, policy, or written statement as proof of insurance coverage,~~
286.8 ~~and may require the insurance identification card provided be that is certified by the insurance~~
286.9 company to be noncancelable for a period not to exceed 12 months.

286.10 (b) A license issued under authority of this section must contain a restriction prohibiting
286.11 the program participant from driving, operating, or being in physical control of any motor
286.12 vehicle not equipped with a functioning ignition interlock device certified by the
286.13 commissioner. A participant may drive an employer-owned vehicle not equipped with an
286.14 interlock device while in the normal course and scope of employment duties pursuant to
286.15 the program guidelines established by the commissioner and with the employer's written
286.16 consent.

286.17 (c) A program participant whose driver's license has been: (1) revoked under section
286.18 169A.52, subdivision 3, paragraph (a), clause (1), (2), or (3), or subdivision 4, paragraph
286.19 (a), clause (1), (2), or (3); 169A.54, subdivision 1, clause (1), (2), (3), or (4); or 171.177,
286.20 subdivision 4, paragraph (a), clause (1), (2), or (3), or subdivision 5, paragraph (a), clause
286.21 (1), (2), or (3); or (2) revoked under section 171.17, subdivision 1, paragraph (a), clause
286.22 (1), or suspended under section 171.187, for a violation of section 609.2113, subdivision
286.23 1, clause (2), item (i) or (iii), (3), or (4); subdivision 2, clause (2), item (i) or (iii), (3), or
286.24 (4); or subdivision 3, clause (2), item (i) or (iii), (3), or (4); or 609.2114, subdivision 2,
286.25 clause (2), item (i) or (iii), (3), or (4), resulting in bodily harm, substantial bodily harm, or
286.26 great bodily harm, where the participant has fewer than two qualified prior impaired driving
286.27 incidents within the past ten years or fewer than three qualified prior impaired driving

286.28 incidents ever; may apply for conditional reinstatement of the driver's license, subject to
286.29 the ignition interlock restriction.

286.30 (d) A program participant whose driver's license has been: (1) revoked, canceled, or
286.31 denied under section 169A.52, subdivision 3, paragraph (a), clause (4), (5), or (6), or
286.32 subdivision 4, paragraph (a), clause (4), (5), or (6); 169A.54, subdivision 1, clause (5), (6),
286.33 or (7); or 171.177, subdivision 4, paragraph (a), clause (4), (5), or (6), or subdivision 5,
286.34 paragraph (a), clause (4), (5), or (6); or (2) revoked under section 171.17, subdivision 1,
286.35 paragraph (a), clause (1), or suspended under section 171.187, for a violation of section
287.1 609.2113, subdivision 1, clause (2), item (i) or (iii), (3), or (4); subdivision 2, clause (2),
287.2 item (i) or (iii), (3), or (4); or subdivision 3, clause (2), item (i) or (iii), (3), or (4); or
287.3 609.2114, subdivision 2, clause (2), item (i) or (iii), (3), or (4), resulting in bodily harm,
287.4 substantial bodily harm, or great bodily harm, where the participant has two or more qualified
287.5 prior impaired driving incidents within the past ten years or three or more qualified prior
287.6 impaired driving incidents ever; may apply for a ~~limited conditional reinstatement of the~~
287.7 driver's license, subject to the ignition interlock restriction, if the program participant is
287.8 enrolled in a licensed chemical dependency treatment or rehabilitation program as
287.9 recommended in a chemical use assessment, and if the participant meets the other applicable
287.10 requirements of section 171.30. After completing, as a prerequisite to eligibility for eventual
287.11 reinstatement of full driving privileges, a participant whose chemical use assessment
287.12 recommended treatment or rehabilitation shall complete a licensed chemical dependency
287.13 treatment or rehabilitation program and one year of limited license use without violating
287.14 the ignition interlock restriction, the conditions of limited license use, or program guidelines,
287.15 the participant may apply for conditional reinstatement of the driver's license, subject to the
287.16 ignition interlock restriction. If the program participant's ignition interlock device
287.17 subsequently registers a positive breath alcohol concentration of 0.02 or higher, the
287.18 commissioner shall cancel the driver's license, and the program participant may apply for
287.19 another limited license according to this paragraph. extend the time period that the participant
287.20 must participate in the program until the participant has reached the required abstinence
287.21 period described in section 169A.55, subdivision 4.

287.22 (e) Notwithstanding any statute or rule to the contrary, the commissioner has authority
287.23 to determine when a program participant is eligible for restoration of full driving privileges,
287.24 except that the commissioner shall not reinstate full driving privileges until the program
287.25 participant has met all applicable prerequisites for reinstatement under section 169A.55 and
287.26 until the program participant's device has registered no positive breath alcohol concentrations
287.27 of 0.02 or higher during the preceding 90 days.

287.28 Sec. 10. Minnesota Statutes 2020, section 241.01, subdivision 3a, is amended to read:

287.29 Subd. 3a. **Commissioner, powers and duties.** The commissioner of corrections has the
287.30 following powers and duties:

287.31 (a) To accept persons committed to the commissioner by the courts of this state for care,
287.32 custody, and rehabilitation.

287.33 (b) To determine the place of confinement of committed persons in a correctional facility
287.34 or other facility of the Department of Corrections and to prescribe reasonable conditions
288.1 and rules for their employment, conduct, instruction, and discipline within or outside the
288.2 facility. Inmates shall not exercise custodial functions or have authority over other inmates.

288.3 (c) To administer the money and property of the department.

288.4 (d) To administer, maintain, and inspect all state correctional facilities.

288.5 (e) To transfer authorized positions and personnel between state correctional facilities
288.6 as necessary to properly staff facilities and programs.

288.7 (f) To utilize state correctional facilities in the manner deemed to be most efficient and
288.8 beneficial to accomplish the purposes of this section, but not to close the Minnesota
288.9 Correctional Facility-Stillwater or the Minnesota Correctional Facility-St. Cloud without
288.10 legislative approval. The commissioner may place juveniles and adults at the same state
288.11 minimum security correctional facilities, if there is total separation of and no regular contact
288.12 between juveniles and adults, except contact incidental to admission, classification, and
288.13 mental and physical health care.

288.14 (g) To organize the department and employ personnel the commissioner deems necessary
288.15 to discharge the functions of the department, including a chief executive officer for each
288.16 facility under the commissioner's control who shall serve in the unclassified civil service
288.17 and may, under the provisions of section 43A.33, be removed only for cause.

288.18 (h) To define the duties of these employees and to delegate to them any of the
288.19 commissioner's powers, duties and responsibilities, subject to the commissioner's control
288.20 and the conditions the commissioner prescribes.

288.21 (i) To annually develop a comprehensive set of goals and objectives designed to clearly
288.22 establish the priorities of the Department of Corrections. This report shall be submitted to
288.23 the governor commencing January 1, 1976. The commissioner may establish ad hoc advisory
288.24 committees.

288.25 (j) To perform these duties with the goal of promoting public safety. Promoting public
288.26 safety includes the promotion of human rights. "Public safety" means reducing or preventing
288.27 crime while maintaining the basic rights, freedoms, and privileges that belong to every
288.28 person including the right to dignity, fairness, equality, respect, and freedom from
288.29 discrimination, and is achieved by preferring the use of community services to imprisonment
288.30 or other confinement unless confinement is necessary to protect the public, promoting the
288.31 rehabilitation of those convicted through the provision of evidence-based programming and
288.32 services, and imposing sanctions that are the least restrictive necessary to achieve
288.33 accountability, address the harm for the offense, and ensure victim safety.

289.1 Sec. 11. Minnesota Statutes 2020, section 243.166, subdivision 1b, is amended to read:

289.2 Subd. 1b. **Registration required.** (a) A person shall register under this section if:

289.3 (1) the person was charged with or petitioned for a felony violation of or attempt to
289.4 violate, or aiding, abetting, or conspiracy to commit, any of the following, and convicted
289.5 of or adjudicated delinquent for that offense or another offense arising out of the same set
289.6 of circumstances:

289.7 (i) murder under section 609.185, paragraph (a), clause (2);

289.8 (ii) kidnapping under section 609.25;

289.9 (iii) criminal sexual conduct under section 609.342; 609.343; 609.344; 609.345; 609.3451,
289.10 subdivision 3; or 609.3453;

289.11 (iv) indecent exposure under section 617.23, subdivision 3; or

289.12 (v) surreptitious intrusion under the circumstances described in section 609.746,
289.13 subdivision 1, paragraph (f);

289.14 (2) the person was charged with or petitioned for a violation of, or attempt to violate, or
289.15 aiding, abetting, or conspiring to commit any of the following and convicted of or adjudicated
289.16 delinquent for that offense or another offense arising out of the same set of circumstances:

289.17 (i) criminal abuse in violation of section 609.2325, subdivision 1, paragraph (b);

289.18 (ii) false imprisonment in violation of section 609.255, subdivision 2;

289.19 (iii) solicitation, inducement, or promotion of the prostitution of a minor or engaging in
289.20 the sex trafficking of a minor in violation of section 609.322;

289.21 (iv) a prostitution offense in violation of section 609.324, subdivision 1, paragraph (a);

289.22 (v) soliciting a minor to engage in sexual conduct in violation of section 609.352,
289.23 subdivision 2 or 2a, clause (1);

289.24 (vi) using a minor in a sexual performance in violation of section 617.246; or

289.25 (vii) possessing pornographic work involving a minor in violation of section 617.247;

289.26 (3) the person was sentenced as a patterned sex offender under section 609.3455,
289.27 subdivision 3a; or

289.28 (4) the person was charged with or petitioned for, including pursuant to a court martial,
289.29 violating a law of the United States, including the Uniform Code of Military Justice, similar
289.30 to the offenses an offense or involving similar circumstances to an offense described in
290.1 clause (1), (2), or (3), and convicted of or adjudicated delinquent for that offense or another
290.2 offense arising out of the same set of circumstances.

290.3 (b) A person also shall register under this section if:

290.4 (1) the person was charged with or petitioned for an offense in another state ~~that would~~
290.5 ~~be a violation of a law~~ similar to an offense or involving similar circumstances to an offense
290.6 described in paragraph (a) ~~if committed in this state~~, clause (1), (2), or (3), and convicted

290.7 of or adjudicated delinquent for that offense or another offense arising out of the same set
290.8 of circumstances;

290.9 (2) the person enters this state to reside, work, or attend school, or enters this state and
290.10 remains for 14 days or longer or for an aggregate period of time exceeding 30 days during
290.11 any calendar year; and

290.12 (3) ten years have not elapsed since the person was released from confinement or, if the
290.13 person was not confined, since the person was convicted of or adjudicated delinquent for
290.14 the offense that triggers registration, unless the person is subject to a longer registration
290.15 period under the laws of another state in which the person has been convicted or adjudicated,
290.16 or is subject to lifetime registration.

290.17 If a person described in this paragraph is subject to a longer registration period in another
290.18 state or is subject to lifetime registration, the person shall register for that time period
290.19 regardless of when the person was released from confinement, convicted, or adjudicated
290.20 delinquent.

290.21 (c) A person also shall register under this section if the person was committed pursuant
290.22 to a court commitment order under Minnesota Statutes 2012, section 253B.185, chapter
290.23 253D, Minnesota Statutes 1992, section 526.10, or a similar law of another state or the
290.24 United States, regardless of whether the person was convicted of any offense.

290.25 (d) A person also shall register under this section if:

290.26 (1) the person was charged with or petitioned for a felony violation or attempt to violate
290.27 any of the offenses listed in paragraph (a), clause (1), or a similar law of another state or
290.28 the United States, or the person was charged with or petitioned for a violation of any of the
290.29 offenses listed in paragraph (a), clause (2), or a similar law of another state or the United
290.30 States;

290.31 (2) the person was found not guilty by reason of mental illness or mental deficiency
290.32 after a trial for that offense, or found guilty but mentally ill after a trial for that offense, in
290.33 states with a guilty but mentally ill verdict; and

291.1 (3) the person was committed pursuant to a court commitment order under section
291.2 253B.18 or a similar law of another state or the United States.

291.3 **EFFECTIVE DATE.** This section is effective July 1, 2021, and applies to offenders
291.4 who live in the state or who enter the state on or after that date.

291.5 Sec. 12. Minnesota Statutes 2020, section 243.166, subdivision 4b, is amended to read:

291.6 Subd. 4b. **Health care facility; notice of status.** (a) For the purposes of this subdivision:

291.7 (1) "health care facility" means a facility:

291.8 (i) licensed by the commissioner of health as a hospital, boarding care home or supervised
291.9 living facility under sections 144.50 to 144.58, or a nursing home under chapter 144A;

1.6 Section 1. Minnesota Statutes 2020, section 243.166, subdivision 4b, is amended to read:

1.7 Subd. 4b. **Health care facility; notice of status.** (a) For the purposes of this subdivision:

1.8 (1) "health care facility" means a facility:

1.9 (i) licensed by the commissioner of health as a hospital, boarding care home or supervised
1.10 living facility under sections 144.50 to 144.58, or a nursing home under chapter 144A;

291.10 (ii) registered by the commissioner of health as a housing with services establishment
291.11 as defined in section 144D.01; or

291.12 (iii) licensed by the commissioner of human services as a residential facility under
291.13 chapter 245A to provide adult foster care, adult mental health treatment, chemical dependency
291.14 treatment to adults, or residential services to persons with disabilities; ~~and~~

291.15 (2) "home care provider" has the meaning given in section 144A.43; and
291.16 (3) "hospice provider" has the meaning given in section 144A.75.

291.17 (b) Prior to admission to a health care facility or home care services from a home care
291.18 provider or hospice services from a hospice provider, a person required to register under
291.19 this section shall disclose to:

291.20 (1) the health care facility employee or the home care provider or hospice provider
291.21 processing the admission the person's status as a registered predatory offender under this
291.22 section; and

291.23 (2) the person's corrections agent, or if the person does not have an assigned corrections
291.24 agent, the law enforcement authority with whom the person is currently required to register,
291.25 that admission will occur.

291.26 (c) A law enforcement authority or corrections agent who receives notice under paragraph
291.27 (b) or who knows that a person required to register under this section is planning to be
291.28 admitted and receive, or has been admitted and is receiving health care at a health care
291.29 facility or home care services from a home care provider or hospice services from a hospice
291.30 provider, shall notify the administrator of the facility or the home care provider or the hospice
291.31 provider and deliver a fact sheet to the administrator or provider containing the following
292.1 information: (1) name and physical description of the offender; (2) the offender's conviction
292.2 history, including the dates of conviction; (3) the risk level classification assigned to the
292.3 offender under section 244.052, if any; and (4) the profile of likely victims.

292.4 (d) Except for a hospital licensed under sections 144.50 to 144.58, if a health care facility
292.5 receives a fact sheet under paragraph (c) that includes a risk level classification for the
292.6 offender, and if the facility admits the offender, the facility shall distribute the fact sheet to
292.7 all residents at the facility. If the facility determines that distribution to a resident is not
292.8 appropriate given the resident's medical, emotional, or mental status, the facility shall
292.9 distribute the fact sheet to the patient's next of kin or emergency contact.

292.10 (e) If a home care provider or hospice provider receives a fact sheet under paragraph (c)
292.11 that includes a risk level classification for the offender, the provider shall distribute the fact
292.12 sheet to any individual who will provide direct services to the offender before the individual
292.13 begins to provide the service.

1.11 (ii) registered by the commissioner of health as a housing with services establishment
1.12 as defined in section 144D.01; or

1.13 (iii) licensed by the commissioner of human services as a residential facility under
1.14 chapter 245A to provide adult foster care, adult mental health treatment, chemical dependency
1.15 treatment to adults, or residential services to persons with disabilities; ~~and~~

1.16 (2) "home care provider" has the meaning given in section 144A.43; and
1.17 (3) "hospice provider" has the meaning given in section 144A.75.

1.18 (b) Prior to admission to a health care facility or home care services from a home care
1.19 provider or hospice services from a hospice provider, a person required to register under
1.20 this section shall disclose to:

2.1 (1) the health care facility employee or the home care provider or hospice provider
2.2 processing the admission the person's status as a registered predatory offender under this
2.3 section; and

2.4 (2) the person's corrections agent, or if the person does not have an assigned corrections
2.5 agent, the law enforcement authority with whom the person is currently required to register,
2.6 that admission will occur.

2.7 (c) A law enforcement authority or corrections agent who receives notice under paragraph
2.8 (b) or who knows that a person required to register under this section is planning to be
2.9 admitted and receive, or has been admitted and is receiving health care at a health care
2.10 facility or home care services from a home care provider or hospice services from a hospice
2.11 provider, shall notify the administrator of the facility or the home care provider or the hospice
2.12 provider and deliver a fact sheet to the administrator or provider containing the following
2.13 information: (1) name and physical description of the offender; (2) the offender's conviction
2.14 history, including the dates of conviction; (3) the risk level classification assigned to the
2.15 offender under section 244.052, if any; and (4) the profile of likely victims.

2.16 (d) Except for a hospital licensed under sections 144.50 to 144.58, if a health care facility
2.17 receives a fact sheet under paragraph (c) that includes a risk level classification for the
2.18 offender, and if the facility admits the offender, the facility shall distribute the fact sheet to
2.19 all residents at the facility. If the facility determines that distribution to a resident is not
2.20 appropriate given the resident's medical, emotional, or mental status, the facility shall
2.21 distribute the fact sheet to the patient's next of kin or emergency contact.

2.22 (e) If a home care provider or hospice provider receives a fact sheet under paragraph (c)
2.23 that includes a risk level classification for the offender, the provider shall distribute the fact
2.24 sheet to any individual who will provide direct services to the offender before the individual
2.25 begins to provide the service.

292.14 Sec. 13. Minnesota Statutes 2020, section 244.09, subdivision 5, is amended to read:

292.15 Subd. 5. **Promulgation of Sentencing Guidelines.** The commission shall promulgate
292.16 Sentencing Guidelines for the district court. The guidelines shall be based on reasonable
292.17 offense and offender characteristics. The guidelines promulgated by the commission shall
292.18 be advisory to the district court and shall establish:

292.19 (1) the circumstances under which imprisonment of an offender is proper; and

292.20 (2) a presumptive, fixed sentence for offenders for whom imprisonment is proper, based
292.21 on each appropriate combination of reasonable offense and offender characteristics. The
292.22 guidelines shall provide for an increase of 20 percent and a decrease of 15 percent in the
292.23 presumptive, fixed sentence.

292.24 The Sentencing Guidelines promulgated by the commission may also establish appropriate
292.25 sanctions for offenders for whom imprisonment is not proper. Any guidelines promulgated
292.26 by the commission establishing sanctions for offenders for whom imprisonment is not proper
292.27 shall make specific reference to noninstitutional sanctions, including but not limited to the
292.28 following: payment of fines, day fines, restitution, community work orders, work release
292.29 programs in local facilities, community based residential and nonresidential programs,
292.30 incarceration in a local correctional facility, and probation and the conditions thereof.

292.31 Although the Sentencing Guidelines are advisory to the district court, the court shall
292.32 follow the procedures of the guidelines when it pronounces sentence in a proceeding to
292.33 which the guidelines apply by operation of statute. Sentencing pursuant to the Sentencing
293.1 Guidelines is not a right that accrues to a person convicted of a felony; it is a procedure
293.2 based on state public policy to maintain uniformity, proportionality, rationality, and
293.3 predictability in sentencing.

293.4 In establishing and modifying the Sentencing Guidelines, the primary consideration of
293.5 the commission shall be public safety. Promoting public safety includes the promotion of
293.6 human rights. "Public safety" means reducing or preventing crime while maintaining the
293.7 basic rights, freedoms, and privileges that belong to every person including the right to
293.8 dignity, fairness, equality, respect, and freedom from discrimination, and is achieved by
293.9 preferring the use of community services to imprisonment or other confinement unless
293.10 confinement is necessary to protect the public, promoting the rehabilitation of those convicted
293.11 through the provision of evidence-based programming and services, and imposing sanctions
293.12 that are the least restrictive necessary to achieve accountability, address the harm for the
293.13 offense, and ensure victim safety. The commission shall also consider current sentencing
293.14 and release practices; correctional resources, including but not limited to the capacities of
293.15 local and state correctional facilities; and the long-term negative impact of the crime on the
293.16 community.

293.17 The provisions of sections 14.001 to 14.69 do not apply to the promulgation of the
293.18 Sentencing Guidelines, and the Sentencing Guidelines, including severity levels and criminal
293.19 history scores, are not subject to review by the legislative commission to review

293.20 administrative rules. However, the commission shall adopt rules pursuant to sections 14.001
293.21 to 14.69 which establish procedures for the promulgation of the Sentencing Guidelines,
293.22 including procedures for the promulgation of severity levels and criminal history scores,
293.23 and these rules shall be subject to review by the Legislative Coordinating Commission.

293.24 Sec. 14. Minnesota Statutes 2020, section 299A.01, subdivision 2, is amended to read:

293.25 Subd. 2. **Duties of commissioner.** (a) The duties of the commissioner shall include the
293.26 following:

293.27 (1) the coordination, development and maintenance of services contracts with existing
293.28 state departments and agencies assuring the efficient and economic use of advanced business
293.29 machinery including computers;

293.30 (2) the execution of contracts and agreements with existing state departments for the
293.31 maintenance and servicing of vehicles and communications equipment, and the use of related
293.32 buildings and grounds;

294.1 (3) the development of integrated fiscal services for all divisions, and the preparation
294.2 of an integrated budget for the department;

294.3 (4) the publication and award of grant contracts with state agencies, local units of
294.4 government, and other entities for programs that will benefit the safety of the public; and

294.5 (5) the establishment of a planning bureau within the department.

294.6 (b) The commissioner shall exercise these duties with the goal of promoting public
294.7 safety. Promoting public safety includes the promotion of human rights. "Public safety"
294.8 means reducing or preventing crime while maintaining the basic rights, freedoms, and
294.9 privileges that belong to every person including the right to dignity, fairness, equality,
294.10 respect, and freedom from discrimination, and is achieved by engaging in practices that
294.11 include promoting community cohesion, employing meaningful problem-solving strategies,
294.12 and utilizing the least restrictive sanctions or interventions necessary to reduce or repair
294.13 harm, ensure victim safety, and ensure accountability for offending.

294.14 Sec. 15. **[299A.011] ACCEPTANCE OF PRIVATE FUNDS; APPROPRIATION.**

294.15 The commissioner may accept donations, grants, bequests, and other gifts of money to
294.16 carry out the purposes of this chapter. Donations, nonfederal grants, bequests, or other gifts
294.17 of money accepted by the commissioner must be deposited in an account in the special
294.18 revenue fund and are appropriated to the commissioner for the purpose for which it was
294.19 given.

294.20 Sec. 16. **[299A.477] HOMETOWN HEROES ASSISTANCE PROGRAM.**

294.21 Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this section.

294.22 (b) "Firefighter" means a volunteer, paid on-call, part-time, or career firefighter serving
294.23 a general population within the boundaries of the state.

294.24 (c) "Minnesota Firefighter Initiative" means a collaborative that is established by major
294.25 fire service organizations in Minnesota, is a nonprofit organization, and is tax exempt under
294.26 section 501(c)(3) of the Internal Revenue Code.

294.27 **Subd. 2. Program established.** The commissioner of public safety shall award a grant
294.28 to the Minnesota Firefighter Initiative to administer a hometown heroes assistance program
294.29 for Minnesota firefighters. The Minnesota Firefighter Initiative shall use the grant funds:

295.1 (1) to provide a onetime critical illness monetary support payment to each firefighter
295.2 who is diagnosed with cancer or heart disease and who applies for the payment. Monetary
295.3 support shall be provided according to the requirements in subdivision 3;

295.4 (2) to develop a psychotherapy program customized to address emotional trauma
295.5 experienced by firefighters and to offer all firefighters in the state up to five psychotherapy
295.6 sessions per year under the customized program, provided by mental health professionals;

295.7 (3) to offer additional psychotherapy sessions to firefighters who need them;

295.8 (4) to develop, annually update, and annually provide to all firefighters in the state at
295.9 least two hours of training on cancer, heart disease, and emotional trauma as causes of illness
295.10 and death for firefighters; steps and best practices for firefighters to limit the occupational
295.11 risks of cancer, heart disease, and emotional trauma; provide evidence-based suicide
295.12 prevention strategies; and ways for firefighters to address occupation-related emotional
295.13 trauma and promote emotional wellness. The training shall be presented by firefighters who
295.14 attend an additional course to prepare them to serve as trainers; and

295.15 (5) for administrative and overhead costs of the Minnesota Firefighter Initiative associated
295.16 with conducting the activities in clauses (1) to (4).

295.17 **Subd. 3. Critical illness monetary support program.** (a) The Minnesota Firefighter
295.18 Initiative shall establish and administer a critical illness monetary support program which
295.19 shall provide a onetime support payment of up to \$20,000 to each firefighter diagnosed with
295.20 cancer or heart disease. A firefighter may apply for monetary support from the program, in
295.21 a form specified by the Minnesota Firefighter Initiative, if the firefighter has a current
295.22 diagnosis of cancer or heart disease or was diagnosed with cancer or heart disease in the
295.23 year preceding the firefighter's application. A firefighter's application for monetary support
295.24 must include a certification from the firefighter's health care provider of the firefighter's
295.25 diagnosis with cancer or heart disease. The Minnesota Firefighter Initiative shall establish
295.26 criteria to guide disbursement of monetary support payments under this program, and shall
295.27 scale the amount of monetary support provided to each firefighter according to the severity
295.28 of the firefighter's diagnosis.

295.29 (b) The commissioner of public safety may access the accounts of the critical illness
295.30 monetary support program and may conduct periodic audits of the program to ensure that

295.31 payments are being made in compliance with this section and disbursement criteria
295.32 established by the Minnesota Firefighter Initiative.

295.33 Subd. 4. **Money from nonstate sources.** The commissioner may accept contributions
295.34 from nonstate sources to supplement state appropriations for the hometown heroes assistance
296.1 program. Contributions received under this subdivision are appropriated to the commissioner
296.2 for the grant to the Minnesota Firefighter Initiative for purposes of this section.

296.3 Sec. 17. Minnesota Statutes 2020, section 299A.52, subdivision 2, is amended to read:

296.4 Subd. 2. **Expense recovery.** The commissioner shall assess the responsible person for
296.5 the regional hazardous materials response team costs of response. The commissioner may
296.6 bring an action for recovery of unpaid costs, reasonable attorney fees, and any additional
296.7 court costs. Any funds received by the commissioner under this subdivision are appropriated
296.8 to the commissioner to pay for costs for which the funds were received. Any remaining
296.9 funds at the end of the biennium shall be transferred to the Fire Safety Account.

296.10 Sec. 18. Minnesota Statutes 2020, section 299A.55, is amended to read:

296.11 **299A.55 RAILROAD AND PIPELINE SAFETY; OIL AND OTHER HAZARDOUS**
296.12 **MATERIALS.**

296.13 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have
296.14 the meanings given them.

296.15 (b) "Applicable rail carrier" means a railroad company that is subject to an assessment
296.16 under section 219.015, subdivision 2.

296.17 (c) "Hazardous substance" has the meaning given in section 115B.02, subdivision 8.

296.18 (d) "Oil" has the meaning given in section 115E.01, subdivision 8.

296.19 (e) "Pipeline company" means any individual, partnership, association, or public or
296.20 private corporation who owns and operates pipeline facilities and is required to show specific
296.21 preparedness under section 115E.03, subdivision 2.

296.22 Subd. 2. **Railroad and pipeline safety account.** (a) A railroad and pipeline safety
296.23 account is created in the special revenue fund. The account consists of funds collected under
296.24 subdivision 4 and funds donated, allotted, transferred, or otherwise provided to the account.

296.25 ~~(b) \$104,000 is annually appropriated from the railroad and pipeline safety account to~~
296.26 ~~the commissioner of the Pollution Control Agency for environmental protection activities~~
296.27 ~~related to railroad discharge preparedness under chapter 115E.~~

296.28 ~~(c) \$600,000 in fiscal year 2018 and \$600,000 in fiscal year 2019 are appropriated from~~
296.29 ~~the railroad and pipeline safety account to the commissioner of transportation for improving~~
296.30 ~~safety at railroad grade crossings.~~

18.3 Section 1. Minnesota Statutes 2020, section 299A.52, subdivision 2, is amended to read:

18.4 Subd. 2. **Expense recovery.** The commissioner shall assess the responsible person for
18.5 the regional hazardous materials response team costs of response. The commissioner may
18.6 bring an action for recovery of unpaid costs, reasonable attorney fees, and any additional
18.7 court costs. Any funds received by the commissioner under this subdivision are appropriated
18.8 to the commissioner to pay for costs for which the funds were received. Any remaining
18.9 funds at the end of the biennium shall be transferred to the Fire Safety Account.

- 297.1 ~~(d) Following the appropriation in paragraphs (b) and (c), the remaining money in the~~
297.2 ~~account is~~ (b) Funds are annually appropriated to the commissioner of public safety for the
297.3 purposes specified in subdivision 3.
- 297.4 Subd. 3. **Allocation of funds.** (a) Subject to funding appropriated for this subdivision,
297.5 the commissioner shall provide funds for training and response preparedness related to (1)
297.6 derailments, discharge incidents, or spills involving trains carrying oil or other hazardous
297.7 substances, and (2) pipeline discharge incidents or spills involving oil or other hazardous
297.8 substances.
- 297.9 (b) The commissioner shall allocate available funds as follows:
- 297.10 ~~(1) \$100,000 annually for emergency response teams; and~~
297.11 ~~(2) the remaining amount to the Board of Firefighter Training and Education under~~
297.12 ~~section 299N.02 and the Division of Homeland Security and Emergency Management.~~
- 297.13 (1) \$225,000 for existing full-time equivalent and on-call funding at the Department of
297.14 Public Safety, State Fire Marshal Division;
- 297.15 (2) \$122,000 for program operating expenses;
- 297.16 (3) \$128,000 transferred to the Minnesota Pollution Control Agency for program
297.17 operating expenses;
- 297.18 (4) \$125,000 for Minnesota Board of Firefighter Training and Education training
297.19 programs for fire departments;
- 297.20 (5) \$200,000 to facilitate and support trainings and exercises for State Emergency
297.21 Response Teams;
- 297.22 (6) \$200,000 to support local planning;
- 297.23 (7) \$200,000 to replace state hazmat response team equipment;
- 297.24 (8) \$700,000 for capital equipment and vehicle replacement; and
- 297.25 (9) \$600,000 transferred to the Department of Transportation for statewide rail crossing
297.26 improvements.
- 297.27 (c) Prior to making allocations under paragraph (b), the commissioner shall consult with
297.28 the Fire Service Advisory Committee under section 299F.012, subdivision 2.
- 297.29 (d) The commissioner and the entities identified in paragraph (b), clause (2), shall
297.30 prioritize uses of funds based on:
- 297.31 (1) firefighter training needs;
- 298.1 (2) community risk from discharge incidents or spills;
- 298.2 (3) geographic balance; and

- 298.3 (4) recommendations of the Fire Service Advisory Committee.
- 298.4 (e) The following are permissible uses of funds provided under this subdivision:
- 298.5 (1) training costs, which may include, but are not limited to, training curriculum, trainers,
298.6 trainee overtime salary, other personnel overtime salary, and tuition;
- 298.7 (2) costs of gear and equipment related to hazardous materials readiness, response, and
298.8 management, which may include, but are not limited to, original purchase, maintenance,
298.9 and replacement;
- 298.10 (3) supplies related to the uses under clauses (1) and (2); and
- 298.11 (4) emergency preparedness planning and coordination.
- 298.12 (f) Notwithstanding paragraph (b), clause (2), from funds in the railroad and pipeline
298.13 safety account provided for the purposes under this subdivision, the commissioner may
298.14 retain a balance in the account for budgeting in subsequent fiscal years.
- 298.15 Subd. 4. **Assessments.** (a) The commissioner of public safety shall annually assess
298.16 \$2,500,000 to railroad and pipeline companies based on the formula specified in paragraph
298.17 (b). The commissioner shall deposit funds collected under this subdivision in the railroad
298.18 and pipeline safety account under subdivision 2.
- 298.19 (b) The assessment for each railroad is 50 percent of the total annual assessment amount,
298.20 divided in equal proportion between applicable rail carriers based on route miles operated
298.21 in Minnesota. The assessment for each pipeline company is 50 percent of the total annual
298.22 assessment amount, divided in equal proportion between companies based on the yearly
298.23 aggregate gallons of oil and hazardous substance transported by pipeline in Minnesota.
- 298.24 ~~(e) The assessments under this subdivision expire July 1, 2017.~~
- 298.25 Sec. 19. **[299A.625] INNOVATION IN COMMUNITY SAFETY.**
- 298.26 Subdivision 1. Definitions. (a) As used in this section, the following terms have the
298.27 meanings given them.
- 298.28 (b) "Civilian review board" means a board, commission, or other oversight body created
298.29 to provide civilian oversight of the conduct of peace officers and law enforcement agencies.
- 298.30 (c) "Local commission" has the meaning given in section 363A.03, subdivision 23.
- 299.1 (d) "Metropolitan area" has the meaning given in section 473.121, subdivision 2.
- 299.2 (e) "Targeted area" means one or more contiguous census tracts as reported in the most
299.3 recently completed decennial census published by the United States Bureau of the Census
299.4 that has a poverty rate of at least 20 percent and which experiences a disproportionately
299.5 high rate of violent crime.

299.6 Subd. 2. **Innovation in community safety; coordinator; qualifications.** (a) The
299.7 commissioner shall appoint a coordinator to work in the Office of Justice Programs in the
299.8 Department of Public Safety to direct a targeted, community-centered response to violence.
299.9 The coordinator shall serve in the unclassified service.

299.10 (b) The coordinator shall have experience:

299.11 (1) living in a targeted area;

299.12 (2) providing direct services to victims or others in communities impacted by violence;

299.13 (3) writing or reviewing grant applications;

299.14 (4) building coalitions within the African American community and other communities
299.15 that have experienced systemic discrimination; and

299.16 (5) leading a nonprofit organization.

299.17 Subd. 3. **Coordinator; duties.** The coordinator shall work with community members
299.18 to develop a strategy to address violence within targeted areas and promote community
299.19 healing and recovery. Additionally, the coordinator shall:

299.20 (1) serve as a liaison between the office and the councils created in sections 3.922 and
299.21 15.0145;

299.22 (2) provide technical assistance or navigation services to individuals seeking to apply
299.23 for grants issued by the office;

299.24 (3) identify targeted areas;

299.25 (4) organize and provide technical assistance to local grant advisory boards;

299.26 (5) assist local grant advisory boards in soliciting applications for grants;

299.27 (6) develop simplified grant application materials;

299.28 (7) identify effective forms of community-led intervention to promote public safety;

299.29 (8) encourage the use of restorative justice programs including but not limited to
299.30 sentencing circles; and

300.1 (9) administer grants.

300.2 Subd. 4. **Innovation in community safety grants.** (a) Pursuant to the decisions of
300.3 community grant advisory boards, the coordinator shall award grants to organizations in
300.4 targeted areas for the purposes identified in this subdivision. The coordinator may prioritize
300.5 targeted areas, determine which targeted areas are eligible for grants, and establish the total
300.6 amount of money available for grants in each targeted area provided that an eligible targeted
300.7 area must receive at least \$1,000,000 for grants. In prioritizing targeted areas, the coordinator
300.8 shall prioritize areas that have the highest rates of violent crime.

- 300.9 (b) Recipients of youth, young adult, and family antiviolen
300.10 ce outreach program grants
300.11 may work with other organizations including but not limited to law enforcement, state and
300.12 local public agencies, interfaith organizations, nonprofit organizations, and African immigrant
300.13 and African American community organizations and stakeholders; may focus on African
300.14 immigrant and African American youth and young adults; and must:
- 300.14 (1) identify behaviors indicating that an individual is vulnerable to committing or being
300.15 the victim of bullying or interfamily, community, or domestic abuse;
- 300.16 (2) identify and assess factors and influences, including but not limited to family
300.17 dysfunction and cultural disengagement that make youth and young adults vulnerable to
300.18 recruitment by violent organizations;
- 300.19 (3) develop strategies to reduce and eliminate abusive and bullying behaviors among
300.20 youth and adults;
- 300.21 (4) develop and implement strategies to reduce and eliminate the factors and influences
300.22 that make youth and young adults vulnerable to recruitment by violent organizations;
- 300.23 (5) develop strategies, programs, and services to educate parents and other family
300.24 members to recognize and address behaviors indicating that youth are being recruited by
300.25 violent organizations; and
- 300.26 (6) in collaboration with public entities and other community and private organizations
300.27 that provide services to at-risk youth and families, develop strategies, programs, and services
300.28 to reduce and eliminate bullying, abusive behavior, and the vulnerability of youth to
300.29 recruitment by violent organizations, including but not limited to:
- 300.30 (i) expressive and receptive communications programs including music, art, theater,
300.31 dance, and play designed to teach and develop appropriate skills for interfaith family
300.32 communication;
- 301.1 (ii) development of protective skills and positive coping skills to deal with bullying,
301.2 domestic abuse and interfaith family violence, and violent confrontations in the community;
- 301.3 (iii) culturally appropriate individual and family counseling focusing on communication
301.4 and interpersonal relations with the family and, when appropriate, the African immigrant
301.5 and African American community;
- 301.6 (iv) after-school and summer programs for youth and young adults that are structured
301.7 and include components offering physical recreation, sports, mentorship, education
301.8 enrichment, art, music, and social activities that are culturally appropriate;
- 301.9 (v) individual and family-oriented financial planning and management skill building;
- 301.10 (vi) culturally appropriate individual and family counseling focusing on education and
301.11 employment counseling; and

- 301.12 (vii) information regarding, and direct links to, entities that provide employment skills
301.13 training, job search and placement, and employment support activities and services.
- 301.14 (c) Recipients of grants to implement the Minnesota SafeStreets program must work
301.15 with other organizations and persons in the community to develop community-based
301.16 responses to violence that:
- 301.17 (1) use and adapt critical incident response methods which have been identified as best
301.18 practices in the field including violence prevention, situational de-escalation, mitigation of
301.19 trauma, and restorative justice;
- 301.20 (2) provide targeted interventions to prevent the escalation of violence after the occurrence
301.21 of serious incidents, such as a shooting, murder, or other violent crime;
- 301.22 (3) de-escalate violence with the use of community-based interventions designed to
301.23 prevent conflict from becoming violent;
- 301.24 (4) provide an alternative to adjudication through a restorative justice model for persons
301.25 who commit lower level offenses;
- 301.26 (5) develop working relationships with community providers to enable young people to
301.27 care for themselves and their families in healthy and empowered ways; and
- 301.28 (6) culminate in a collective action plan which, at a minimum, includes the following:
- 301.29 (i) increased educational opportunities;
- 301.30 (ii) meaningful workforce opportunities;
- 301.31 (iii) leadership-based entrepreneurial and social enterprise opportunities;
- 302.1 (iv) expanded mental health and chemical health services; and
- 302.2 (v) access to critically needed human and social services.
- 302.3 (d) Recipients of grants to promote community healing must provide programs and direct
302.4 intervention to promote wellness and healing justice and may use funds for:
- 302.5 (1) programmatic and community care support for wellness and healing justice
302.6 practitioners;
- 302.7 (2) the establishment and expansion of community organizations that provide wellness
302.8 and healing justice services;
- 302.9 (3) placing wellness and healing justice practitioners in organizations that provide direct
302.10 service to Black, Indigenous, and people of color communities in Minnesota;
- 302.11 (4) providing healing circles;

- 302.12 (5) establishing and expanding Community Coach Certification programs to train
302.13 community healers and establish a long-term strategy to build the infrastructure for
302.14 community healers to be available during times of tragedy; or
- 302.15 (6) restorative justice programs including but not limited to sentencing circles.
- 302.16 (e) Recipients of grants to establish or maintain co-responder teams must partner with
302.17 local units of government or Tribal governments to build on existing mobile mental health
302.18 crisis teams and identify gaps in order to do any of the following:
- 302.19 (1) develop and establish independent crisis-response teams to de-escalate volatile
302.20 situations;
- 302.21 (2) respond to situations involving a mental health crisis;
- 302.22 (3) promote community-based efforts designed to enhance community safety and
302.23 wellness; or
- 302.24 (4) support community-based strategies to interrupt, intervene in, or respond to violence.
- 302.25 (f) Recipients of grants to establish or maintain community-based mental health and
302.26 social service centers must provide direct services to community members in targeted areas.
- 302.27 Subd. 5. **Appropriation; distribution.** (a) Of the amount appropriated for grants issued
302.28 pursuant to subdivision 4, two-thirds shall be distributed in the metropolitan area and
302.29 one-third shall be distributed outside the metropolitan area.
- 302.30 (b) No grant recipient shall receive more than \$1,000,000 each year.
- 303.1 Subd. 6. **Community grant advisory boards; members.** (a) The coordinator shall work
303.2 with the chair or director of a local commission, civilian review board, or similar organization
303.3 to establish a community grant advisory board within a targeted area.
- 303.4 (b) Community grant advisory boards shall review grant applications and direct the
303.5 coordinator to award grants to approved applicants.
- 303.6 (c) The chair or director of a local commission, civilian review board, or similar
303.7 organization shall serve as the chair of a community grant advisory board.
- 303.8 (d) A community grant advisory board shall include the chair and at least four but not
303.9 more than six other members.
- 303.10 (e) The membership of community grant advisory boards shall reflect the demographic
303.11 makeup of the targeted area and the members, other than the chair, must reside in the targeted
303.12 area over which a board has jurisdiction. A majority of the members of a board must provide
303.13 direct services to victims or others in the targeted area as a part of the person's employment
303.14 or regular volunteer work.

- 303.15 (f) Community grant advisory board members may not accept gifts, donations, or any
303.16 other thing of value from applicants.
- 303.17 Subd. 7. **Community grant advisory board; procedure.** (a) Community grant advisory
303.18 boards shall provide notice of available grants and application materials for organizations
303.19 or individuals to apply for grants.
- 303.20 (b) Community grant advisory boards shall establish reasonable application deadlines
303.21 and review grant applications. Boards may interview applicants and invite presentations.
- 303.22 (c) Community grant advisory boards shall determine which applicants will receive
303.23 funds and the amount of those funds, and shall inform the coordinator of their decisions.
- 303.24 Sec. 20. **[299A.783] STATEWIDE ANTITRAFFICKING INVESTIGATION**
303.25 **COORDINATION.**
- 303.26 Subdivision 1. **Antitrafficking investigation coordinator.** The commissioner of public
303.27 safety must appoint a statewide antitrafficking investigation coordinator who shall work in
303.28 the Office of Justice Programs. The coordinator must be a current or former law enforcement
303.29 officer or prosecutor with experience investigating or prosecuting trafficking-related offenses.
303.30 The coordinator must also have knowledge of services available to and Safe Harbor response
303.31 for victims of sex trafficking and sexual exploitation and Minnesota's child welfare system
304.1 response. The coordinator serves at the pleasure of the commissioner in the unclassified
304.2 service.
- 304.3 Subd. 2. **Coordinator's responsibilities.** The coordinator shall have the following duties:
- 304.4 (1) develop, coordinate, and facilitate training for law enforcement officers, prosecutors,
304.5 courts, child welfare workers, social service providers, medical providers, and other
304.6 community members;
- 304.7 (2) establish standards for approved training and review compliance with those standards;
- 304.8 (3) coordinate and monitor multijurisdictional sex trafficking task forces;
- 304.9 (4) review, develop, promote, and monitor compliance with investigative protocols to
304.10 ensure that law enforcement officers and prosecutors engage in best practices;
- 304.11 (5) provide technical assistance and advice related to the investigation and prosecution
304.12 of trafficking offenses and the treatment of victims;
- 304.13 (6) promote the efficient use of resources by addressing issues of deconfliction, providing
304.14 advice regarding questions of jurisdiction, and promoting the sharing of data between entities
304.15 investigating and prosecuting trafficking offenses;
- 304.16 (7) assist in the appropriate distribution of grants;

- 304.17 (8) perform other duties necessary to ensure effective and efficient investigation and
304.18 prosecution of trafficking-related offenses; and
- 304.19 (9) coordinate with other federal, state, and local agencies to ensure multidisciplinary
304.20 responses to trafficking and exploitation of youth in Minnesota.
- 304.21 Sec. 21. [299A.85] OFFICE FOR MISSING AND MURDERED INDIGENOUS
304.22 RELATIVES.
- 304.23 Subdivision 1. Definitions. As used in this section, the following terms have the meanings
304.24 given.
- 304.25 (a) "Indigenous" means descended from people who were living in North America at
304.26 the time people from Europe began settling in North America.
- 304.27 (b) "Missing and murdered Indigenous relatives" means missing and murdered Indigenous
304.28 people.
- 304.29 (c) "Missing and Murdered Indigenous Women Task Force report" means the report
304.30 titled "Missing and Murdered Indigenous Women Task Force: a Report to the Minnesota
304.31 Legislature," published by the Wilder Research organization in December 2020.
- 305.1 Subd. 2. Establishment. The commissioner shall establish and maintain an office
305.2 dedicated to preventing and ending the targeting of Indigenous women, children, and
305.3 two-spirited people with the Minnesota Office of Justice Programs.
- 305.4 Subd. 3. Executive director; staff. (a) The commissioner must appoint an executive
305.5 director who is a person closely connected to a Tribe or Indigenous community and who is
305.6 highly knowledgeable about criminal investigations. The commissioner is encouraged to
305.7 consider candidates for appointment who are recommended by Tribes and Indigenous
305.8 communities. The executive director serves in the unclassified service.
- 305.9 (b) The executive director may select, appoint, and compensate out of available funds
305.10 assistants and employees as necessary to discharge the office's responsibilities. The executive
305.11 director may appoint an assistant executive director in the unclassified service.
- 305.12 (c) The executive director and full-time staff shall be members of the Minnesota State
305.13 Retirement Association.
- 305.14 Subd. 4. Duties. The office has the following duties:
- 305.15 (1) advocate in the legislature for legislation that will facilitate the accomplishment of
305.16 the mandates identified in the Missing and Murdered Indigenous Women Task Force report;
- 305.17 (2) advocate for state agencies to take actions to facilitate the accomplishment of the
305.18 mandates identified in the Missing and Murdered Indigenous Women Task Force report;

- 305.19 (3) develop recommendations for legislative and agency actions to address injustice in
305.20 the criminal justice system's response to the cases of missing and murdered Indigenous
305.21 relatives;
- 305.22 (4) facilitate research to refine the mandates in the Missing and Murdered Indigenous
305.23 Women Task Force report and to assess the potential efficacy, feasibility, and impact of the
305.24 recommendations;
- 305.25 (5) develop tools and processes to evaluate the implementation and impact of the efforts
305.26 of the office;
- 305.27 (6) facilitate technical assistance for local and Tribal law enforcement agencies during
305.28 active missing and murdered Indigenous relatives cases;
- 305.29 (7) conduct case reviews and report on the results of case reviews for the following types
305.30 of missing and murdered Indigenous relatives cases: cold cases for missing Indigenous
305.31 people and death investigation review for cases of Indigenous people ruled as suicide or
305.32 overdose under suspicious circumstances;
- 306.1 (8) conduct case reviews of the prosecution and sentencing for cases where a perpetrator
306.2 committed a violent or exploitative crime against an Indigenous person. These case reviews
306.3 should identify those cases where the perpetrator is a repeat offender;
- 306.4 (9) prepare draft legislation as necessary to allow the office access to the data required
306.5 for the office to conduct the reviews required in this section and advocate for passage of
306.6 that legislation;
- 306.7 (10) review sentencing guidelines for missing and murdered Indigenous women-related
306.8 crimes, recommend changes if needed, and advocate for consistent implementation of the
306.9 guidelines across Minnesota courts;
- 306.10 (11) develop and maintain communication with relevant divisions in the Department of
306.11 Public Safety regarding any cases involving missing and murdered Indigenous relatives and
306.12 on procedures for investigating cases involving missing and murdered Indigenous relatives;
306.13 and
- 306.14 (12) coordinate, as relevant, with the Bureau of Indian Affairs' Cold Case Office through
306.15 Operation Lady Justice and other federal efforts, as well as efforts in neighboring states and
306.16 Canada. This recommendation pertains to state efforts. Tribes are sovereign nations that
306.17 have the right to determine if and how they will coordinate with these other efforts.
- 306.18 Subd. 5. **Coordination with other organizations.** In fulfilling its duties the office may
306.19 coordinate, as useful, with stakeholder groups that were represented on the Missing and
306.20 Murdered Indigenous Women Task Force and state agencies that are responsible for the
306.21 systems that play a role in investigating, prosecuting, and adjudicating cases involving
306.22 violence committed against Indigenous women, those who have a role in supporting or
306.23 advocating for missing or murdered Indigenous women and the people who seek justice for
306.24 them, and those who represent the interests of Indigenous people. This includes the following

306.25 entities: Minnesota Chiefs of Police Association; Minnesota Sheriffs' Association; Bureau
306.26 of Criminal Apprehension; Minnesota Police and Peace Officers Association; Tribal law
306.27 enforcement; Minnesota County Attorneys Association; United States Attorney's Office;
306.28 juvenile courts; Minnesota Coroners' and Medical Examiners' Association; United States
306.29 Coast Guard; state agencies, including the Departments of Health, Human Services,
306.30 Education, Corrections, and Public Safety; the Minnesota Indian Affairs Council; service
306.31 providers who offer legal services, advocacy, and other services to Indigenous women and
306.32 girls; the Minnesota Indian Women's Sexual Assault Coalition; Mending the Sacred Hoop;
306.33 Indian health organizations; Indigenous women and girls who are survivors; the 11 Tribal
307.1 nations that share geography with Minnesota; and organizations and leadership from urban
307.2 and statewide American Indian communities.

307.3 Subd. 6. **Reports.** The office must report on measurable outcomes achieved to meet its
307.4 statutory duties, along with specific objectives and outcome measures proposed for the
307.5 following year. The office must submit the report by January 15 each year to the chairs and
307.6 ranking minority members of the legislative committees with primary jurisdiction over
307.7 public safety.

307.8 Subd. 7. **Grants.** The office may apply for and receive grants from public and private
307.9 entities for purposes of carrying out the office's duties under this section.

307.10 Subd. 8. **Access to data.** Notwithstanding section 13.384 or 13.85, the executive director
307.11 has access to corrections and detention data and medical data maintained by an agency and
307.12 classified as private data on individuals or confidential data on individuals when access to
307.13 the data is necessary for the office to perform its duties under this section.

307.14 Sec. 22. **[299A.86] MINNESOTA HEALS.**

307.15 (a) The Minnesota Heals Initiative is established in the Department of Public Safety to
307.16 provide:

307.17 (1) grants to community healing networks;

307.18 (2) resources for families after an officer-involved death; and

307.19 (3) a statewide critical incident stress management service.

307.20 (b) The commissioner of public safety shall establish and maintain a Statewide Critical
307.21 Incident Stress Management Service Office for first responders. The office shall manage a
307.22 mental health and wellness program for first responders including but not limited to regular
307.23 trainings and education videos, self-assessment tools, and professional guidance and
307.24 coaching. The office shall establish response teams across the state; provide support and
307.25 technical assistance in establishing mutual aid requests; and develop and implement new
307.26 trainings, services, online resources, and meetings. The office shall also maintain a referral
307.27 program.

307.28 (c) The Office of Justice Programs shall administer a grant program to fund community
307.29 healing networks to sustain trauma-informed responses to promote healing after critical

307.30 events and natural disasters. Grants are for culturally, trauma-informed training and for
307.31 coordinating a statewide response network of trainers and responders in collaboration with
307.32 local or Tribal governments, or both governments in impacted areas.

308.1 (d) The Office of Justice Programs shall establish and maintain a fund to reimburse costs
308.2 related to funeral and burial expenses, cultural healing ceremonies, and mental health and
308.3 trauma healing services for family members impacted by officer-involved deaths.

308.4 Sec. 23. Minnesota Statutes 2020, section 299C.80, subdivision 3, is amended to read:

308.5 Subd. 3. **Additional duty.** (a) The unit shall investigate all criminal sexual conduct
308.6 cases;

308.7 (1) involving peace officers, including criminal sexual conduct cases involving chief
308.8 law enforcement officers; and

308.9 (2) where a member of the Minnesota National Guard is the victim, the accused is a
308.10 member of the Minnesota National Guard, and the incident occurred in Minnesota.

308.11 (b) The unit shall assist the agency investigating an alleged sexual assault of a member
308.12 of the Minnesota National Guard by another member of the Minnesota National Guard that
308.13 occurred in a jurisdiction outside of the state, if the investigating agency requests assistance
308.14 from the unit.

308.15 (c) The unit may also investigate conflict of interest cases involving peace officers.

308.16 Sec. 24. Minnesota Statutes 2020, section 340A.504, subdivision 7, is amended to read:

308.17 Subd. 7. **Sales after 1:00 a.m.; permit fee.** (a) No licensee may sell intoxicating liquor
308.18 or 3.2 percent malt liquor on-sale between the hours of 1:00 a.m. and 2:00 a.m. unless the
308.19 licensee has obtained a permit from the commissioner. Application for the permit must be
308.20 on a form the commissioner prescribes. Permits are effective for one year from date of
308.21 issuance. For retailers of intoxicating liquor, the fee for the permit is based on the licensee's
308.22 gross receipts from on-sales of alcoholic beverages in the 12 months prior to the month in
308.23 which the permit is issued, and is at the following rates:

308.24 (1) up to \$100,000 in gross receipts, \$300;

308.25 (2) over \$100,000 but not over \$500,000 in gross receipts, \$750; and

308.26 (3) over \$500,000 in gross receipts, \$1,000.

308.27 For a licensed retailer of intoxicating liquor who did not sell intoxicating liquor at on-sale
308.28 for a full 12 months prior to the month in which the permit is issued, the fee is \$200. For a
308.29 retailer of 3.2 percent malt liquor, the fee is \$200.

308.30 (b) The commissioner shall deposit all permit fees received under this subdivision in
308.31 the alcohol enforcement account in the ~~special revenue~~ general fund.

31.29 Sec. 5. Minnesota Statutes 2020, section 299C.80, subdivision 3, is amended to read:

31.30 Subd. 3. **Additional duty.** (a) The unit shall investigate all criminal sexual conduct
31.31 cases;

32.1 (1) involving peace officers, including criminal sexual conduct cases involving chief
32.2 law enforcement officers; and

32.3 (2) where a member of the Minnesota National Guard is the victim, the accused is a
32.4 member of the Minnesota National Guard, and the incident occurred in Minnesota.

32.5 (b) The unit shall assist the agency investigating an alleged sexual assault of a member
32.6 of the Minnesota National Guard by another member of the Minnesota National Guard that
32.7 occurred in a jurisdiction outside of the state, if the investigating agency requests assistance
32.8 from the unit.

32.9 (c) The unit may also investigate conflict of interest cases involving peace officers.

18.10 Sec. 2. Minnesota Statutes 2020, section 340A.504, subdivision 7, is amended to read:

18.11 Subd. 7. **Sales after 1:00 a.m.; permit fee.** (a) No licensee may sell intoxicating liquor
18.12 or 3.2 percent malt liquor on-sale between the hours of 1:00 a.m. and 2:00 a.m. unless the
18.13 licensee has obtained a permit from the commissioner. Application for the permit must be
18.14 on a form the commissioner prescribes. Permits are effective for one year from date of
18.15 issuance. For retailers of intoxicating liquor, the fee for the permit is based on the licensee's
18.16 gross receipts from on-sales of alcoholic beverages in the 12 months prior to the month in
18.17 which the permit is issued, and is at the following rates:

18.18 (1) up to \$100,000 in gross receipts, \$300;

18.19 (2) over \$100,000 but not over \$500,000 in gross receipts, \$750; and

18.20 (3) over \$500,000 in gross receipts, \$1,000.

18.21 For a licensed retailer of intoxicating liquor who did not sell intoxicating liquor at on-sale
18.22 for a full 12 months prior to the month in which the permit is issued, the fee is \$200. For a
18.23 retailer of 3.2 percent malt liquor, the fee is \$200.

18.24 (b) The commissioner shall deposit all permit fees received under this subdivision in
18.25 the alcohol enforcement account in the ~~special revenue~~ general fund.

309.1 (c) Notwithstanding any law to the contrary, the commissioner of revenue may furnish
309.2 to the commissioner the information necessary to administer and enforce this subdivision.

309.3 Sec. 25. Minnesota Statutes 2020, section 403.11, subdivision 1, is amended to read:

309.4 Subdivision 1. **Emergency telecommunications service fee; account.** (a) Each customer
309.5 of a wireless or wire-line switched or packet-based telecommunications service provider
309.6 connected to the public switched telephone network that furnishes service capable of
309.7 originating a 911 emergency telephone call is assessed a fee based upon the number of
309.8 wired or wireless telephone lines, or their equivalent, to cover the costs of ongoing
309.9 maintenance and related improvements for trunking and central office switching equipment
309.10 for 911 emergency telecommunications service, to offset administrative and staffing costs
309.11 of the commissioner related to managing the 911 emergency telecommunications service
309.12 program, to make distributions provided for in section 403.113, and to offset the costs,
309.13 including administrative and staffing costs, incurred by the State Patrol Division of the
309.14 Department of Public Safety in handling 911 emergency calls made from wireless phones.

309.15 (b) Money remaining in the 911 emergency telecommunications service account after
309.16 all other obligations are paid must not cancel and is carried forward to subsequent years
309.17 and may be appropriated from time to time to the commissioner to provide financial
309.18 assistance to counties for the improvement of local emergency telecommunications services.

309.19 (c) The fee may not be ~~less than eight cents nor more than 65 cents a month until June~~
309.20 ~~30, 2008, not less than eight cents nor more than 75 cents a month until June 30, 2009, not~~
309.21 ~~less than eight cents nor more than 85 cents a month until June 30, 2010, and not less than~~
309.22 ~~eight cents nor more than 95 cents a month on or after July 1, 2010, for each customer access~~
309.23 line or other basic access service, including trunk equivalents as designated by the Public
309.24 Utilities Commission for access charge purposes and including wireless telecommunications
309.25 services. With the approval of the commissioner of management and budget, the
309.26 commissioner of public safety shall establish the amount of the fee within the limits specified
309.27 and inform the companies and carriers of the amount to be collected. When the revenue
309.28 bonds authorized under section 403.27, subdivision 1, have been fully paid or defeased, the
309.29 commissioner shall reduce the fee to reflect that debt service on the bonds is no longer
309.30 needed. The commissioner shall provide companies and carriers a minimum of 45 days'
309.31 notice of each fee change. The fee must be the same for all customers, except that the fee
309.32 imposed under this subdivision does not apply to prepaid wireless telecommunications
309.33 service, which is instead subject to the fee imposed under section 403.161, subdivision 1,
309.34 paragraph (a).

310.1 (d) The fee must be collected by each wireless or wire-line telecommunications service
310.2 provider subject to the fee. Fees are payable to and must be submitted to the commissioner
310.3 monthly before the 25th of each month following the month of collection, except that fees
310.4 may be submitted quarterly if less than \$250 a month is due, or annually if less than \$25 a
310.5 month is due. Receipts must be deposited in the state treasury and credited to a 911
310.6 emergency telecommunications service account in the special revenue fund. The money in
310.7 the account may only be used for 911 telecommunications services.

18.26 (c) Notwithstanding any law to the contrary, the commissioner of revenue may furnish
18.27 to the commissioner the information necessary to administer and enforce this subdivision.

20.9 Sec. 5. Minnesota Statutes 2020, section 403.11, subdivision 1, is amended to read:

20.10 Subdivision 1. **Emergency telecommunications service fee; account.** (a) Each customer
20.11 of a wireless or wire-line switched or packet-based telecommunications service provider
20.12 connected to the public switched telephone network that furnishes service capable of
20.13 originating a 911 emergency telephone call is assessed a fee based upon the number of
20.14 wired or wireless telephone lines, or their equivalent, to cover the costs of ongoing
20.15 maintenance and related improvements for trunking and central office switching equipment
20.16 for 911 emergency telecommunications service, to offset administrative and staffing costs
20.17 of the commissioner related to managing the 911 emergency telecommunications service
20.18 program, to make distributions provided for in section 403.113, and to offset the costs,
20.19 including administrative and staffing costs, incurred by the State Patrol Division of the
20.20 Department of Public Safety in handling 911 emergency calls made from wireless phones.

20.21 (b) Money remaining in the 911 emergency telecommunications service account after
20.22 all other obligations are paid must not cancel and is carried forward to subsequent years
20.23 and may be appropriated from time to time to the commissioner to provide financial
20.24 assistance to counties for the improvement of local emergency telecommunications services.

20.25 (c) The fee may not be ~~less than eight cents nor more than 65 cents a month until June~~
20.26 ~~30, 2008, not less than eight cents nor more than 75 cents a month until June 30, 2009, not~~
20.27 ~~less than eight cents nor more than 85 cents a month until June 30, 2010, and not less than~~
20.28 ~~eight cents nor more than 95 cents a month on or after July 1, 2010, for each customer access~~
20.29 line or other basic access service, including trunk equivalents as designated by the Public
20.30 Utilities Commission for access charge purposes and including wireless telecommunications
20.31 services. With the approval of the commissioner of management and budget, the
20.32 commissioner of public safety shall establish the amount of the fee within the limits specified
20.33 and inform the companies and carriers of the amount to be collected. When the revenue
21.1 bonds authorized under section 403.27, subdivision 1, have been fully paid or defeased, the
21.2 commissioner shall reduce the fee to reflect that debt service on the bonds is no longer
21.3 needed. The commissioner shall provide companies and carriers a minimum of 45 days'
21.4 notice of each fee change. The fee must be the same for all customers, except that the fee
21.5 imposed under this subdivision does not apply to prepaid wireless telecommunications
21.6 service, which is instead subject to the fee imposed under section 403.161, subdivision 1,
21.7 paragraph (a).

21.8 (d) The fee must be collected by each wireless or wire-line telecommunications service
21.9 provider subject to the fee. Fees are payable to and must be submitted to the commissioner
21.10 monthly before the 25th of each month following the month of collection, except that fees
21.11 may be submitted quarterly if less than \$250 a month is due, or annually if less than \$25 a
21.12 month is due. Receipts must be deposited in the state treasury and credited to a 911
21.13 emergency telecommunications service account in the special revenue fund. The money in
21.14 the account may only be used for 911 telecommunications services.

310.8 (e) Competitive local exchanges carriers holding certificates of authority from the Public
310.9 Utilities Commission are eligible to receive payment for recurring 911 services.

310.10 Sec. 26. **[604A.06] AID TO SEXUAL ASSAULT VICTIMS.**

310.11 Subdivision 1. **Person seeking assistance; immunity from prosecution.** (a) A person
310.12 acting in good faith who contacts a 911 operator or first responder to report that a sexual
310.13 assault victim is in need of assistance may not be charged or prosecuted for:

310.14 (1) the possession, sharing, or use of a controlled substance under section 152.025, or
310.15 possession of drug paraphernalia; and

310.16 (2) if the person is under the age of 21 years, the possession, purchase, or consumption
310.17 of alcoholic beverages under section 340A.503.

310.18 (b) A person qualifies for the immunities provided in this subdivision only if:

310.19 (1) the evidence for the charge or prosecution was obtained as a result of the person's
310.20 seeking assistance for a sexual assault victim; and

310.21 (2) the person seeks assistance for a sexual assault victim who is in need of assistance
310.22 for an immediate health or safety concern, provided that the person who seeks the assistance
310.23 is the first person to seek the assistance, provides a name and contact information, and
310.24 remains on the scene until assistance arrives or is provided.

310.25 (c) This subdivision applies to one or two persons acting in concert with the person
310.26 initiating contact provided all the requirements of paragraphs (a) and (b) are met.

310.27 Subd. 2. **Person experiencing sexual assault; immunity from prosecution.** (a) A
310.28 sexual assault victim who is in need of assistance may not be charged or prosecuted for:

310.29 (1) the possession, sharing, or use of a controlled substance under section 152.025, or
310.30 possession of drug paraphernalia; and

310.31 (2) if the victim is under the age of 21 years, the possession, purchase, or consumption
310.32 of alcoholic beverages under section 340A.503.

311.1 (b) A victim qualifies for the immunities provided in this subdivision only if the evidence
311.2 for the charge or prosecution was obtained as a result of the request for assistance related
311.3 to the sexual assault.

311.4 Subd. 3. **Persons on probation or release.** A person's pretrial release, probation,
311.5 furlough, supervised release, or parole shall not be revoked based on an incident for which
311.6 the person would be immune from prosecution under subdivision 1 or 2.

311.7 Subd. 4. **Effect on other criminal prosecutions.** (a) The act of providing assistance to
311.8 a sexual assault victim may be used as a mitigating factor in a criminal prosecution for
311.9 which immunity is not provided.

21.15 (e) Competitive local exchanges carriers holding certificates of authority from the Public
21.16 Utilities Commission are eligible to receive payment for recurring 911 services.

311.10 (b) Nothing in this section shall:

311.11 (1) be construed to bar the admissibility of any evidence obtained in connection with
311.12 the investigation and prosecution of other crimes or violations committed by a person who
311.13 otherwise qualifies for limited immunity under this section;

311.14 (2) preclude prosecution of a person on the basis of evidence obtained from an
311.15 independent source;

311.16 (3) be construed to limit, modify, or remove any immunity from liability currently
311.17 available to public entities, public employees by law, or prosecutors; or

311.18 (4) prevent probation officers from conducting drug or alcohol testing of persons on
311.19 pretrial release, probation, furlough, supervised release, or parole.

311.20 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to actions
311.21 arising from incidents occurring on or after that date.

311.22 Sec. 27. Minnesota Statutes 2020, section 609.3459, is amended to read:

311.23 **609.3459 LAW ENFORCEMENT; REPORTS OF SEXUAL ASSAULTS.**

311.24 (a) A victim of any violation of sections 609.342 to 609.3453 may initiate a law
311.25 enforcement investigation by contacting any law enforcement agency, regardless of where
311.26 the crime may have occurred. The agency must prepare a summary of the allegation and
311.27 provide the person with a copy of it. The agency must begin an investigation of the facts,
311.28 or, if the suspected crime was committed in a different jurisdiction, refer the matter along
311.29 with the summary to the law enforcement agency where the suspected crime was committed
311.30 for an investigation of the facts. If the agency learns that both the victim and the accused
311.31 are members of the Minnesota National Guard, the agency receiving the report must refer
312.1 the matter along with the summary to the Bureau of Criminal Apprehension for investigation
312.2 pursuant to section 299C.80.

312.3 (b) If a law enforcement agency refers the matter to the law enforcement agency where
312.4 the crime was committed, it need not include the allegation as a crime committed in its
312.5 jurisdiction for purposes of information that the agency is required to provide to the
312.6 commissioner of public safety pursuant to section 299C.06, but must confirm that the other
312.7 law enforcement agency has received the referral.

312.8 Sec. 28. Minnesota Statutes 2020, section 626.843, subdivision 1, is amended to read:

312.9 Subdivision 1. **Rules required.** (a) The board shall adopt rules with respect to:

312.10 (1) the certification of postsecondary schools to provide programs of professional peace
312.11 officer education;

312.12 (2) minimum courses of study and equipment and facilities to be required at each certified
312.13 school within the state;

41.15 Sec. 14. Minnesota Statutes 2020, section 609.3459, is amended to read:

41.16 **609.3459 LAW ENFORCEMENT; REPORTS OF SEXUAL ASSAULTS.**

41.17 (a) A victim of any violation of sections 609.342 to 609.3453 may initiate a law
41.18 enforcement investigation by contacting any law enforcement agency, regardless of where
41.19 the crime may have occurred. The agency must prepare a summary of the allegation and
41.20 provide the person with a copy of it. The agency must begin an investigation of the facts,
41.21 or, if the suspected crime was committed in a different jurisdiction, refer the matter along
41.22 with the summary to the law enforcement agency where the suspected crime was committed
41.23 for an investigation of the facts. If the agency learns that both the victim and the accused
41.24 are members of the Minnesota National Guard, the agency receiving the report must refer
41.25 the matter along with the summary to the Bureau of Criminal Apprehension for investigation
41.26 pursuant to section 299C.80.

41.27 (b) If a law enforcement agency refers the matter to the law enforcement agency where
41.28 the crime was committed, it need not include the allegation as a crime committed in its
41.29 jurisdiction for purposes of information that the agency is required to provide to the
41.30 commissioner of public safety pursuant to section 299C.06, but must confirm that the other
41.31 law enforcement agency has received the referral.

312.14 (3) minimum qualifications for coordinators and instructors at certified schools offering
312.15 a program of professional peace officer education located within this state;

312.16 (4) minimum standards of physical, mental, and educational fitness which shall govern
312.17 the admission to professional peace officer education programs and the licensing of peace
312.18 officers within the state, by any state, county, municipality, or joint or contractual
312.19 combination thereof, including members of the Minnesota State Patrol;

312.20 (5) board-approved continuing education courses that ensure professional competence
312.21 of peace officers and part-time peace officers;

312.22 (6) minimum standards of conduct which would affect the individual's performance of
312.23 duties as a peace officer. These standards shall be established and published. The board
312.24 shall review the minimum standards of conduct described in this clause for possible
312.25 modification in 1998 and every three years after that time;

312.26 (7) a set of educational learning objectives that must be met within a certified school's
312.27 professional peace officer education program. These learning objectives must concentrate
312.28 on the knowledge, skills, and abilities deemed essential for a peace officer. Education in
312.29 these learning objectives shall be deemed satisfactory for the completion of the minimum
312.30 basic training requirement;

312.31 (8) the establishment and use by any political subdivision or state law enforcement
312.32 agency that employs persons licensed by the board of procedures for investigation and
313.1 resolution of allegations of misconduct by persons licensed by the board. The procedures
313.2 shall be in writing and shall be established on or before October 1, 1984;

313.3 (9) the issues that must be considered by each political subdivision and state law
313.4 enforcement agency that employs persons licensed by the board in establishing procedures
313.5 under section 626.5532 to govern the conduct of peace officers who are in pursuit of a
313.6 vehicle being operated in violation of section 609.487, and requirements for the training of
313.7 peace officers in conducting pursuits. The adoption of specific procedures and requirements
313.8 is within the authority of the political subdivision or agency;

313.9 (10) supervision of part-time peace officers and requirements for documentation of hours
313.10 worked by a part-time peace officer who is on active duty. These rules shall be adopted by
313.11 December 31, 1993;

313.12 (11) citizenship requirements for peace officers and part-time peace officers;

313.13 (12) driver's license requirements for peace officers and part-time peace officers; and

313.14 (13) such other matters as may be necessary consistent with sections 626.84 to 626.863.
313.15 Rules promulgated by the attorney general with respect to these matters may be continued
313.16 in force by resolution of the board if the board finds the rules to be consistent with sections
313.17 626.84 to 626.863.

313.18 (b) In adopting and enforcing the rules described under paragraph (a), the board shall
313.19 prioritize the goal of promoting public safety. Promoting public safety includes the promotion
313.20 of human rights. "Public safety" means reducing or preventing crime while maintaining the
313.21 basic rights, freedoms, and privileges that belong to every person including the right to
313.22 dignity, fairness, equality, respect, and freedom from discrimination, and is achieved by
313.23 engaging in practices that include promoting community cohesion, employing meaningful
313.24 problem-solving strategies, and utilizing the least restrictive sanctions or interventions
313.25 necessary to reduce or repair harm, ensure victim safety, and ensure accountability for
313.26 offending.

313.27 Sec. 29. Minnesota Statutes 2020, section 628.26, is amended to read:

313.28 **628.26 LIMITATIONS.**

313.29 (a) Indictments or complaints for any crime resulting in the death of the victim may be
313.30 found or made at any time after the death of the person killed.

313.31 (b) Indictments or complaints for a violation of section 609.25 may be found or made
313.32 at any time after the commission of the offense.

314.1 (c) Indictments or complaints for violation of section 609.282 may be found or made at
314.2 any time after the commission of the offense if the victim was under the age of 18 at the
314.3 time of the offense.

314.4 (d) Indictments or complaints for violation of section 609.282 where the victim was 18
314.5 years of age or older at the time of the offense, or 609.42, subdivision 1, clause (1) or (2),
314.6 shall be found or made and filed in the proper court within six years after the commission
314.7 of the offense.

314.8 (e) Indictments or complaints for violation of sections 609.322 and 609.342 to 609.345;
314.9 ~~if the victim was under the age of 18 years at the time the offense was committed, shall may~~
314.10 ~~be found or made and filed in the proper court within the later of nine years after the~~
314.11 ~~commission of the offense or three years after the offense was reported to law enforcement~~
314.12 ~~authorities at any time after the commission of the offense.~~

314.13 ~~(f) Notwithstanding the limitations in paragraph (e), indictments or complaints for~~
314.14 ~~violation of sections 609.322 and 609.342 to 609.344 may be found or made and filed in~~
314.15 ~~the proper court at any time after commission of the offense, if physical evidence is collected~~
314.16 ~~and preserved that is capable of being tested for its DNA characteristics. If this evidence is~~
314.17 ~~not collected and preserved and the victim was 18 years old or older at the time of the~~
314.18 ~~offense, the prosecution must be commenced within nine years after the commission of the~~
314.19 ~~offense.~~

314.20 ~~(g)~~ (f) Indictments or complaints for violation of sections 609.466 and 609.52, subdivision
314.21 2, paragraph (a), clause (3), item (iii), shall be found or made and filed in the proper court
314.22 within six years after the commission of the offense.

76.27 Sec. 22. Minnesota Statutes 2020, section 628.26, is amended to read:

76.28 **628.26 LIMITATIONS.**

76.29 (a) Indictments or complaints for any crime resulting in the death of the victim may be
76.30 found or made at any time after the death of the person killed.

77.1 (b) Indictments or complaints for a violation of section 609.25 may be found or made
77.2 at any time after the commission of the offense.

77.3 (c) Indictments or complaints for violation of section 609.282 may be found or made at
77.4 any time after the commission of the offense if the victim was under the age of 18 at the
77.5 time of the offense.

77.6 (d) Indictments or complaints for violation of section 609.282 where the victim was 18
77.7 years of age or older at the time of the offense, or 609.42, subdivision 1, clause (1) or (2),
77.8 shall be found or made and filed in the proper court within six years after the commission
77.9 of the offense.

77.10 (e) Indictments or complaints for violation of sections 609.322 and 609.342 to 609.345;
77.11 ~~if the victim was under the age of 18 years at the time the offense was committed, shall may~~
77.12 ~~be found or made and filed in the proper court within the later of nine years after the~~
77.13 ~~commission of the offense or three years after the offense was reported to law enforcement~~
77.14 ~~authorities at any time after the commission of the offense.~~

77.15 ~~(f) Notwithstanding the limitations in paragraph (e), indictments or complaints for~~
77.16 ~~violation of sections 609.322 and 609.342 to 609.344 may be found or made and filed in~~
77.17 ~~the proper court at any time after commission of the offense, if physical evidence is collected~~
77.18 ~~and preserved that is capable of being tested for its DNA characteristics. If this evidence is~~
77.19 ~~not collected and preserved and the victim was 18 years old or older at the time of the~~
77.20 ~~offense, the prosecution must be commenced within nine years after the commission of the~~
77.21 ~~offense.~~

77.22 ~~(g)~~ (f) Indictments or complaints for violation of sections 609.466 and 609.52, subdivision
77.23 2, paragraph (a), clause (3), item (iii), shall be found or made and filed in the proper court
77.24 within six years after the commission of the offense.

314.23 ~~(h)~~ (g) Indictments or complaints for violation of section 609.2335, 609.52, subdivision
314.24 2, paragraph (a), clause (3), items (i) and (ii), (4), (15), or (16), 609.631, or 609.821, where
314.25 the value of the property or services stolen is more than \$35,000, or for violation of section
314.26 609.527 where the offense involves eight or more direct victims or the total combined loss
314.27 to the direct and indirect victims is more than \$35,000, shall be found or made and filed in
314.28 the proper court within five years after the commission of the offense.

314.29 ~~(h)~~ (h) Except for violations relating to false material statements, representations or
314.30 omissions, indictments or complaints for violations of section 609.671 shall be found or
314.31 made and filed in the proper court within five years after the commission of the offense.

314.32 ~~(i)~~ (i) Indictments or complaints for violation of sections 609.561 to 609.563, shall be
314.33 found or made and filed in the proper court within five years after the commission of the
314.34 offense.

315.1 ~~(j)~~ (j) In all other cases, indictments or complaints shall be found or made and filed in
315.2 the proper court within three years after the commission of the offense.

315.3 ~~(k)~~ (k) The limitations periods contained in this section shall exclude any period of time
315.4 during which the defendant was not an inhabitant of or usually resident within this state.

315.5 ~~(l)~~ (l) The limitations periods contained in this section for an offense shall not include
315.6 any period during which the alleged offender participated under a written agreement in a
315.7 pretrial diversion program relating to that offense.

315.8 ~~(m)~~ (m) The limitations periods contained in this section shall not include any period of
315.9 time during which physical evidence relating to the offense was undergoing DNA analysis,
315.10 as defined in section 299C.155, unless the defendant demonstrates that the prosecuting or
315.11 law enforcement agency purposefully delayed the DNA analysis process in order to gain
315.12 an unfair advantage.

315.13 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to violations
315.14 committed on or after that date and to crimes committed before that date if the limitations
315.15 period for the crime did not expire before August 1, 2021.

315.16 Sec. 30. Laws 2016, chapter 189, article 4, section 7, is amended to read:

315.17 Sec. 7. **PUBLIC SAFETY** \$ -0- \$ 6,100,000

315.18 Appropriations by Fund

315.19 General -0- 1,600,000

315.20 Trunk Highway -0- 4,500,000

77.25 ~~(h)~~ (g) Indictments or complaints for violation of section 609.2335, 609.52, subdivision
77.26 2, paragraph (a), clause (3), items (i) and (ii), (4), (15), or (16), 609.631, or 609.821, where
77.27 the value of the property or services stolen is more than \$35,000, or for violation of section
77.28 609.527 where the offense involves eight or more direct victims or the total combined loss
77.29 to the direct and indirect victims is more than \$35,000, shall be found or made and filed in
77.30 the proper court within five years after the commission of the offense.

77.31 ~~(h)~~ (h) Except for violations relating to false material statements, representations or
77.32 omissions, indictments or complaints for violations of section 609.671 shall be found or
77.33 made and filed in the proper court within five years after the commission of the offense.

78.1 ~~(i)~~ (i) Indictments or complaints for violation of sections 609.561 to 609.563, shall be
78.2 found or made and filed in the proper court within five years after the commission of the
78.3 offense.

78.4 ~~(j)~~ (j) In all other cases, indictments or complaints shall be found or made and filed in
78.5 the proper court within three years after the commission of the offense.

78.6 ~~(k)~~ (k) The limitations periods contained in this section shall exclude any period of time
78.7 during which the defendant was not an inhabitant of or usually resident within this state.

78.8 ~~(l)~~ (l) The limitations periods contained in this section for an offense shall not include
78.9 any period during which the alleged offender participated under a written agreement in a
78.10 pretrial diversion program relating to that offense.

78.11 ~~(m)~~ (m) The limitations periods contained in this section shall not include any period of
78.12 time during which physical evidence relating to the offense was undergoing DNA analysis,
78.13 as defined in section 299C.155, unless the defendant demonstrates that the prosecuting or
78.14 law enforcement agency purposefully delayed the DNA analysis process in order to gain
78.15 an unfair advantage.

78.16 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to violations
78.17 committed on or after that date.

315.21 The amounts that may be spent for each
315.22 purpose are specified in the following
315.23 paragraphs.

315.24 (a) **DNA Laboratory**

315.25 \$630,000 is for the Bureau of Criminal
315.26 Apprehension DNA laboratory, including the
315.27 addition of six forensic scientists. The base
315.28 for this activity is \$1,000,000 in each of the
315.29 fiscal years 2018 and 2019 for eight forensic
315.30 scientists.

315.31 (b) **Children In Need of Services or in**
315.32 **Out-Of-Home Placement**

316.1 \$150,000 is for a grant to an organization that
316.2 provides legal representation to children in
316.3 need of protection or services and children in
316.4 out-of-home placement. The grant is
316.5 contingent upon a match in an equal amount
316.6 from nonstate funds. The match may be in
316.7 kind, including the value of volunteer attorney
316.8 time, or in cash, or in a combination of the
316.9 two.

316.10 (c) **Sex Trafficking**

316.11 \$820,000 is for grants to state and local units
316.12 of government for the following purposes:

316.13 (1) to support new or existing
316.14 multijurisdictional entities to investigate sex
316.15 trafficking crimes; and

316.16 (2) to provide technical assistance for sex
316.17 trafficking crimes, including ~~training and~~ case
316.18 consultation, to law enforcement agencies
316.19 statewide.

316.20 (d) **State Patrol**

316.21 \$4,500,000 is from the trunk highway fund to
316.22 recruit, hire, train, and equip a State Patrol
316.23 Academy. This amount is added to the
316.24 appropriation in Laws 2015, chapter 75, article
316.25 1, section 5, subdivision 3. The base
316.26 appropriation from the trunk highway fund

316.27 for patrolling highways in each of fiscal years
316.28 2018 and 2019 is \$87,492,000, which includes
316.29 \$4,500,000 each year for a State Patrol
316.30 Academy.

316.31 Sec. 31. Laws 2017, chapter 95, article 1, section 11, subdivision 7, is amended to read:

316.32	Subd. 7. Office of Justice Programs	39,580,000	40,036,000
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317.1	Appropriations by Fund		
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317.2	General	39,484,000	39,940,000
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317.3	State Government		
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317.4	Special Revenue	96,000	96,000
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317.5 (a) **OJP Administration Costs**

317.6 Up to 2.5 percent of the grant funds
317.7 appropriated in this subdivision may be used
317.8 by the commissioner to administer the grant
317.9 program.

317.10 (b) **Combating Terrorism Recruitment**

317.11 \$250,000 each year is for grants to local law
317.12 enforcement agencies to develop strategies
317.13 and make efforts to combat the recruitment of
317.14 Minnesota residents by terrorist organizations
317.15 such as ISIS and al-Shabaab. This is a onetime
317.16 appropriation.

317.17 (c) **Sex Trafficking Prevention Grants**

317.18 \$180,000 each year is for grants to state and
317.19 local units of government for the following
317.20 purposes:

317.21 (1) to support new or existing
317.22 multijurisdictional entities to investigate sex
317.23 trafficking crimes; and

317.24 (2) to provide technical assistance, including
317.25 ~~training and~~ case consultation, to law
317.26 enforcement agencies statewide.

317.27 (d) Pathway to Policing Reimbursement Grants

317.28 \$400,000 the second year is for reimbursement
317.29 grants to local units of government that operate
317.30 pathway to policing programs intended to
317.31 bring persons with nontraditional backgrounds
317.32 into law enforcement. Applicants for
317.33 reimbursement grants may receive up to 50
318.1 percent of the cost of compensating and
318.2 training pathway to policing participants.
318.3 Reimbursement grants shall be proportionally
318.4 allocated based on the number of grant
318.5 applications approved by the commissioner.

318.6 Sec. 32. Laws 2020, Second Special Session chapter 1, section 9, the effective date, is
318.7 amended to read:

318.8 **EFFECTIVE DATE.** This section is effective ~~March 1~~ September 1, 2021.

318.9 **EFFECTIVE DATE.** This section is effective the day following final enactment and
318.10 applies retroactively from March 1, 2021.

318.11 Sec. 33. Laws 2020, Second Special Session chapter 1, section 10, the effective date, is
318.12 amended to read:

318.13 **EFFECTIVE DATE.** This section is effective ~~March 1~~ September 1, 2021.

318.14 **EFFECTIVE DATE.** This section is effective the day following final enactment and
318.15 applies retroactively from March 1, 2021.

318.16 Sec. 34. Laws 2020, Seventh Special Session chapter 2, article 2, section 4, is amended
318.17 to read:

318.18 Sec. 4. **TRANSFER; ALCOHOL ENFORCEMENT ACCOUNT.**

318.19 ~~(a)~~ By July 15, 2021, the commissioner of public safety must certify to the commissioner
318.20 of management and budget the amount of permit fees waived under section 3, clause (2),
318.21 during the period from January 1, 2021, to June 30, 2021, and the commissioner of
318.22 management and budget must transfer the certified amount from the general fund to the
318.23 alcohol enforcement account in the special revenue fund established under Minnesota
318.24 Statutes, section 299A.706.

318.25 ~~(b) By January 15, 2022, the commissioner of public safety must certify to the~~
318.26 ~~commissioner of management and budget the amount of permit fees waived under section~~
318.27 ~~3, clause (2), during the period from July 1, 2021, to December 31, 2021, and the~~
318.28 ~~commissioner of management and budget must transfer the certified amount from the general~~

7.6 Sec. 3. Laws 2020, Second Special Session chapter 1, section 9, the effective date, is
7.7 amended to read:

7.8 **EFFECTIVE DATE.** This section is effective ~~March~~ September 1, 2021.

7.9 **EFFECTIVE DATE.** This section is effective retroactively from March 1, 2021.

7.10 Sec. 4. Laws 2020, Second Special Session chapter 1, section 10, the effective date, is
7.11 amended to read:

7.12 **EFFECTIVE DATE.** This section is effective ~~March~~ September 1, 2021.

7.13 **EFFECTIVE DATE.** This section is effective retroactively from March 1, 2021.

25.1 Sec. 13. Laws 2020, Seventh Special Session chapter 2, article 2, section 4, is amended
25.2 to read:

25.3 Sec. 4. **TRANSFER; ALCOHOL ENFORCEMENT ACCOUNT.**

25.4 ~~(a)~~ By July 15, 2021, the commissioner of public safety must certify to the commissioner
25.5 of management and budget the amount of permit fees waived under section 3, clause (2),
25.6 during the period from January 1, 2021, to June 30, 2021, and the commissioner of
25.7 management and budget must transfer the certified amount from the general fund to the
25.8 alcohol enforcement account in the special revenue fund established under Minnesota
25.9 Statutes, section 299A.706.

25.10 ~~(b) By January 15, 2022, the commissioner of public safety must certify to the~~
25.11 ~~commissioner of management and budget the amount of permit fees waived under section~~
25.12 ~~3, clause (2), during the period from July 1, 2021, to December 31, 2021, and the~~
25.13 ~~commissioner of management and budget must transfer the certified amount from the general~~

318.29 ~~fund to the alcohol enforcement account in the special revenue fund established under~~
318.30 ~~Minnesota Statutes, section 299A.706.~~

319.1 **EFFECTIVE DATE.** This section is effective the day following final enactment.

319.2 Sec. 35. **SURVIVOR SUPPORT AND PREVENTION GRANTS.**

319.3 Subdivision 1. **Meeting victim needs; grants.** The Office of Justice Programs shall
319.4 award grants to organizations serving victims of crime to (1) provide direct financial
319.5 assistance to victims in order to support their immediate financial needs and mitigate the
319.6 impacts of crime, and (2) stop the cycles of violence by meeting emerging or unmet needs
319.7 impacting victims of crime.

319.8 Subd. 2. **Eligibility and awards.** (a) For grants to organizations to provide direct financial
319.9 assistance, the director shall establish the eligibility requirements and mechanisms for
319.10 distribution of funds in consultation with Violence Free Minnesota, the Minnesota Coalition
319.11 Against Sexual Assault, Minnesota Alliance on Crime, the Minnesota Indian Women Sexual
319.12 Assault Coalition, and Sacred Hoop Coalition. Eligibility requirements shall prioritize victim
319.13 survivors based on economic need; whether the victim survivor is a member of an
319.14 underserved population; whether the person was a victim of sexual assault, domestic violence,
319.15 child abuse, or other violent crime; and whether the victim was a juvenile.

319.16 (b) For grants to stop the cycles of violence by meeting emerging or unmet needs
319.17 impacting victims of crime, the director shall award grants to individuals or organizations
319.18 who provide direct support to victims, including but not limited to providing support for
319.19 immediate and emerging needs for victims of crime or for domestic abuse transformative
319.20 justice programs. The director shall prioritize applicants seeking to establish, maintain, or
319.21 expand services to underserved populations.

319.22 (c) Of the amount appropriated for survivor support and prevention grants, at least 30
319.23 percent must be awarded to organizations to provide direct financial assistance pursuant to
319.24 paragraph (a) and at least 30 percent must be awarded to individuals or organizations
319.25 providing support to victims pursuant to paragraph (b).

319.26 Subd. 3. **Report.** (a) By January 15 of each odd-numbered year the director shall submit
319.27 a report to the legislative committees with jurisdiction over public safety on the survivor
319.28 support and prevention grants. At a minimum, the report shall include the following:

319.29 (1) the number of grants awarded to organizations to provide direct financial assistance
319.30 to victims and the total amount awarded to each organization;

319.31 (2) the average amount of direct financial assistance provided to individual victims by
319.32 each organization;

320.1 (3) summary demographic information of recipients of direct financial assistance,
320.2 including the age, sex, and race of the recipients;

25.14 ~~fund to the alcohol enforcement account in the special revenue fund established under~~
25.15 ~~Minnesota Statutes, section 299A.706.~~

25.16 **EFFECTIVE DATE.** This section is effective the day following final enactment.

- 320.3 (4) summary information identifying the crimes committed against the recipients of
320.4 direct financial assistance;
- 320.5 (5) summary information identifying the counties in which recipients of direct financial
320.6 assistance resided at the time they received the assistance;
- 320.7 (6) the total number of grants issued to individuals or organizations providing support
320.8 for crime victims;
- 320.9 (7) the amount of grants issued to individuals or organizations providing support for
320.10 crime victims; and
- 320.11 (8) the services provided by the grant recipients that provided support for crime victims.
- 320.12 (b) If the director enters into an agreement with any other organization for the distribution
320.13 of funds, the director shall require that organization to provide the information identified
320.14 in paragraph (a).
- 320.15 Sec. 36. **TASK FORCE ON MISSING AND MURDERED AFRICAN AMERICAN**
320.16 **WOMEN.**
- 320.17 Subdivision 1. **Creation and duties.** (a) The Task Force on Missing and Murdered
320.18 African American Women is established to advise the commissioner of public safety and
320.19 report to the legislature on recommendations to reduce and end violence against African
320.20 American women and girls in Minnesota. The task force may also serve as a liaison between
320.21 the commissioner and agencies and nonprofit, nongovernmental organizations that provide
320.22 legal, social, or other community services to victims, victims' families, and victims'
320.23 communities.
- 320.24 (b) The Task Force on Missing and Murdered African American Women must examine
320.25 and report on the following:
- 320.26 (1) the systemic causes behind violence that African American women and girls
320.27 experience, including patterns and underlying factors that explain why disproportionately
320.28 high levels of violence occur against African American women and girls, including
320.29 underlying historical, social, economic, institutional, and cultural factors which may
320.30 contribute to the violence;
- 321.1 (2) appropriate methods for tracking and collecting data on violence against African
321.2 American women and girls, including data on missing and murdered African American
321.3 women and girls;
- 321.4 (3) policies and institutions such as policing, child welfare, coroner practices, and other
321.5 governmental practices that impact violence against African American women and girls
321.6 and the investigation and prosecution of crimes of gender violence against African American
321.7 people;

- 321.8 (4) measures necessary to address and reduce violence against African American women
321.9 and girls; and
- 321.10 (5) measures to help victims, victims' families, and victims' communities prevent and
321.11 heal from violence that occurs against African American women and girls.
- 321.12 (c) At its discretion, the task force may examine other related issues consistent with this
321.13 section as necessary.
- 321.14 Subd. 2. **Membership.** (a) To the extent practicable, the Task Force on Missing and
321.15 Murdered African American Women shall consist of the following individuals, or their
321.16 designees, who are knowledgeable in crime victims' rights or violence protection and, unless
321.17 otherwise specified, members shall be appointed by the commissioner of public safety:
- 321.18 (1) two members of the senate, one appointed by the majority leader and one appointed
321.19 by the minority leader;
- 321.20 (2) two members of the house of representatives, one appointed by the speaker of the
321.21 house and one appointed by the minority leader;
- 321.22 (3) two representatives from among the following:
- 321.23 (i) the Minnesota Chiefs of Police Association;
- 321.24 (ii) the Minnesota Sheriffs' Association;
- 321.25 (iii) the Bureau of Criminal Apprehension; or
- 321.26 (iv) the Minnesota Police and Peace Officers Association;
- 321.27 (4) one or more representatives from among the following:
- 321.28 (i) the Minnesota County Attorneys Association;
- 321.29 (ii) the United States Attorney's Office; or
- 321.30 (iii) a judge or attorney working in juvenile court;
- 322.1 (5) a county coroner or a representative from a statewide coroner's association or a
322.2 representative of the Department of Health; and
- 322.3 (6) three or more representatives from among the following:
- 322.4 (i) a statewide or local organization that provides legal services to African American
322.5 women and girls;
- 322.6 (ii) a statewide or local organization that provides advocacy or counseling for African
322.7 American women and girls who have been victims of violence;

- 322.8 (iii) a statewide or local organization that provides services to African American women
322.9 and girls; or
- 322.10 (iv) an African American woman who is a survivor of gender violence.
- 322.11 (b) In making appointments under paragraph (a), the commissioner of public safety shall
322.12 consult with the Council for Minnesotans of African Heritage.
- 322.13 (c) Appointments to the task force must be made by September 1, 2021.
- 322.14 (d) Members are eligible for compensation and expense reimbursement consistent with
322.15 Minnesota Statutes, section 15.059, subdivision 3.
- 322.16 (e) Members of the task force serve at the pleasure of the appointing authority or until
322.17 the task force expires. Vacancies in commissioner-appointed positions shall be filled by the
322.18 commissioner consistent with the qualifications of the vacating member required by this
322.19 subdivision.
- 322.20 Subd. 3. **Officers; meetings.** (a) The task force shall elect a chair and vice-chair and
322.21 may elect other officers as necessary.
- 322.22 (b) The commissioner of public safety shall convene the first meeting of the task force
322.23 no later than October 1, 2021, and shall provide meeting space and administrative assistance
322.24 as necessary for the task force to conduct its work.
- 322.25 (c) The task force shall meet at least quarterly, or upon the call of its chair, and may
322.26 hold meetings throughout the state. The task force shall meet sufficiently enough to
322.27 accomplish the tasks identified in this section. Meetings of the task force are subject to
322.28 Minnesota Statutes, chapter 13D.
- 322.29 (d) To accomplish its duties, the task force shall seek out and enlist the cooperation and
322.30 assistance of nonprofit, nongovernmental organizations that provide legal, social, or other
322.31 community services to victims, victims' families, and victims' communities; community
322.32 and advocacy organizations working with the African American community; and academic
323.1 researchers and experts, specifically those specializing in violence against African American
323.2 women and girls, those representing diverse communities disproportionately affected by
323.3 violence against women and girls, or those focusing on issues related to gender violence
323.4 and violence against African American women and girls. Meetings of the task force may
323.5 include reports from, or information provided by, those individuals or groups.
- 323.6 Subd. 4. **Report.** On or before December 15, 2022, the task force shall report to the
323.7 chairs and ranking minority members of the legislative committees with jurisdiction over
323.8 public safety, human services, and state government on the work of the task force. The
323.9 report must contain the task force's findings and recommendations and shall include
323.10 institutional policies and practices, or proposed institutional policies and practices, that are
323.11 effective in reducing gender violence and increasing the safety of African American women
323.12 and girls; recommendations for appropriate tracking and collecting of data on violence
323.13 against African American women and girls; and recommendations for legislative action to

323.14 reduce and end violence against African American women and girls and help victims and
323.15 communities heal from gender violence and violence against African American women and
323.16 girls.

323.17 Subd. 5. **Expiration.** The task force expires upon submission of the report required
323.18 under subdivision 4.

323.19 Sec. 37. **STUDY ON LIABILITY INSURANCE FOR PEACE OFFICERS.**

323.20 (a) The commissioner of public safety shall issue a grant to an organization with
323.21 experience in studying issues related to community safety and criminal justice for a study
323.22 on the effects of requiring peace officers to carry liability insurance to pay for any valid
323.23 claim based upon an act or omission of a licensed peace officer during paid on-duty time
323.24 or paid off-duty work approved by the employing agency.

323.25 (b) At a minimum, the study shall analyze:

323.26 (1) the availability of liability insurance for peace officers;

323.27 (2) the cost of premiums for liability insurance to cover individual peace officers;

323.28 (3) the terms of relevant policies of liability insurance, including the amount of any
323.29 deductible and applicable exclusions;

323.30 (4) what activities, if any, should be covered by liability insurance, including whether
323.31 the negligent operation of a motor vehicle should be subject to a liability insurance
323.32 requirement;

324.1 (5) whether the employer of the peace officer, the insurance company, or both would
324.2 have a duty to defend the officer;

324.3 (6) whether limits should be placed on the subrogation rights of an employer, insurer,
324.4 or both;

324.5 (7) whether limits should be placed on the subrogation rights of an insurer for claims
324.6 involving joint and several liability with a peace officer insured by a separate insurer;

324.7 (8) whether statutory direction is necessary to establish priorities of coverage if multiple
324.8 policies apply;

324.9 (9) what impact, if any, the existence of a requirement that peace officers carry liability
324.10 insurance would be expected to have on claims against peace officers;

324.11 (10) the cost to employers, if any, if there was a requirement that peace officers carry
324.12 liability insurance; and

324.13 (11) the expected impact on public safety, if any, if there was a requirement that peace
324.14 officers carry liability insurance.

324.15 (c) By January 15, 2023, the grant recipient shall provide a report to the commissioner
324.16 of public safety. By February 1, 2023, the commissioner shall forward the report to the
324.17 chairs and ranking members of the legislative committees with primary jurisdiction over
324.18 public safety.

324.19 (d) As used in this section, "peace officer" has the meaning given in Minnesota Statutes,
324.20 section 626.84, subdivision 1, paragraph (c).

324.21

ARTICLE 16

324.22

CHILD PROTECTION BACKGROUND CHECKS

324.23 Section 1. Minnesota Statutes 2020, section 299C.60, is amended to read:

324.24 **299C.60 CITATION.**

324.25 Sections 299C.60 to 299C.64 may be cited as the "Minnesota Child, Elder, and

324.26 Individuals with Disabilities Protection Background Check Act."

325.1 Sec. 2. Minnesota Statutes 2020, section 299C.61, is amended by adding a subdivision to

325.2 read:

325.3 Subd. 1a. **Authorized agency.** "Authorized agency" means the licensing agency or, if

325.4 one does not exist, the Bureau of Criminal Apprehension. Licensing agencies include but

325.5 are not limited to the:

325.6 (1) Department of Human Services;

325.7 (2) Department of Health; and

325.8 (3) Professional Educator Licensing and Standards Board.

325.9 Sec. 3. Minnesota Statutes 2020, section 299C.61, subdivision 2, is amended to read:

325.10 Subd. 2. **Background check crime.** "Background check crime" includes child abuse

325.11 crimes, murder, manslaughter, felony level assault or any assault crime committed against

325.12 a minor or vulnerable adult, kidnapping, arson, criminal sexual conduct, and

325.13 prostitution-related crimes.

325.14 Sec. 4. Minnesota Statutes 2020, section 299C.61, is amended by adding a subdivision to

325.15 read:

325.16 Subd. 2a. **Care.** "Care" means the provision of care, treatment, education, training,

325.17 instruction, supervision, or recreation to children, the elderly, or individuals with disabilities.

325.18 Sec. 5. Minnesota Statutes 2020, section 299C.61, subdivision 4, is amended to read:

325.19 Subd. 4. **Child abuse crime.** "Child abuse crime" means:

325.20 (1) an act committed against a minor victim that constitutes a violation of section 609.185,

325.21 paragraph (a), clause (5); 609.221; 609.222; 609.223; 609.224; 609.2242; 609.322; 609.324;

325.22 609.342; 609.343; 609.344; 609.345; 609.352; 609.377; ~~or 609.378;~~ or 617.247; or

325.23 (2) a violation of section 152.021, subdivision 1, clause (4); 152.022, subdivision 1,

325.24 clause (5) or (6); 152.023, subdivision 1, clause (3) or (4); 152.023, subdivision 2, clause

325.25 (4) or (6); or 152.024, subdivision 1, clause (2), (3), or (4).

325.26 Sec. 6. Minnesota Statutes 2020, section 299C.61, is amended by adding a subdivision to
325.27 read:

325.28 Subd. 8b. **Covered individual.** "Covered individual" means an individual:

326.1 (1) who has, seeks to have, or may have access to children, the elderly, or individuals
326.2 with disabilities, served by a qualified entity; and

326.3 (2) who:

326.4 (i) is employed by or volunteers with, or seeks to be employed by or volunteer with, a
326.5 qualified entity; or

326.6 (ii) owns or operates, or seeks to own or operate, a qualified entity.

326.7 Sec. 7. Minnesota Statutes 2020, section 299C.61, is amended by adding a subdivision to
326.8 read:

326.9 Subd. 8c. **Individuals with disabilities.** "Individuals with disabilities" means persons
326.10 with a mental or physical impairment who require assistance to perform one or more daily
326.11 living tasks.

326.12 Sec. 8. Minnesota Statutes 2020, section 299C.61, is amended by adding a subdivision to
326.13 read:

326.14 Subd. 8d. **National criminal history background check system.** "National criminal
326.15 history background check system" means the criminal history record system maintained by
326.16 the Federal Bureau of Investigation based on fingerprint identification or any other method
326.17 of positive identification.

326.18 Sec. 9. Minnesota Statutes 2020, section 299C.61, is amended by adding a subdivision to
326.19 read:

326.20 Subd. 8e. **Qualified entity.** "Qualified entity" means a business or organization, whether
326.21 public, private, for-profit, not-for-profit, or voluntary, that provides care or care placement
326.22 services, including a business or organization that licenses or certifies others to provide care
326.23 or care placement services.

326.24 Sec. 10. Minnesota Statutes 2020, section 299C.62, subdivision 1, is amended to read:

326.25 Subdivision 1. **Generally.** The superintendent shall develop procedures in accordance
326.26 with United States Code, title 34, section 40102, to enable a children's service provider
326.27 qualified entity to request a background check to determine whether a children's service
326.28 worker covered worker is the subject of any reported conviction for a background check
326.29 crime. The superintendent shall perform the background check by retrieving and reviewing
326.30 data on background check crimes. The superintendent is authorized to exchange fingerprints
327.1 with the Federal Bureau of Investigation for purposes of a criminal history the background
327.2 check. The superintendent shall recover the cost of a background check through a fee charged

327.3 ~~the children's service provider to the qualified entity and make reasonable efforts to respond~~
327.4 ~~to the inquiry within 15 business days.~~

327.5 Sec. 11. Minnesota Statutes 2020, section 299C.62, subdivision 2, is amended to read:

327.6 Subd. 2. **Background check; requirements.** ~~(a) The superintendent may not perform~~
327.7 ~~a background check under this section unless the children's service provider submits a~~
327.8 ~~written document, signed by the children's service worker on whom the background check~~
327.9 ~~is to be performed, containing the following:~~

327.10 (1) ~~a question asking whether the children's service worker has ever been convicted of~~
327.11 ~~a background check crime and if so, requiring a description of the crime and the particulars~~
327.12 ~~of the conviction;~~

327.13 (2) ~~a notification to the children's service worker that the children's service provider will~~
327.14 ~~request the superintendent to perform a background check under this section; and~~

327.15 (3) ~~a notification to the children's service worker of the children's service worker's rights~~
327.16 ~~under subdivision 3.~~

327.17 (b) ~~Background checks performed under this section may only be requested by and~~
327.18 ~~provided to authorized representatives of a children's service provider who have a need to~~
327.19 ~~know the information and may be used only for the purposes of sections 299C.60 to 299C.64.~~
327.20 ~~Background checks may be performed pursuant to this section not later than one year after~~
327.21 ~~the document is submitted under this section.~~

327.22 The superintendent may not perform a background check of a covered individual under
327.23 this section unless the covered individual:

327.24 (1) completes and signs a statement that:

327.25 (i) contains the name, address, and date of birth appearing on a valid identification
327.26 document, as defined in United States Code, title 18, section 1028, of the covered individual;

327.27 (ii) the covered individual has not been convicted of a crime and, if the covered individual
327.28 has been convicted of a crime, contains a description of the crime and the particulars of the
327.29 conviction;

327.30 (iii) notifies the covered individual that the entity may request a background check under
327.31 subdivision 1;

328.1 (iv) notifies the covered individual of the covered individual's rights under subdivision
328.2 3; and

328.3 (v) notifies the covered individual that prior to the completion of the background check
328.4 the qualified entity may choose to deny the covered individual access to a person to whom
328.5 the qualified entity provides care; and

328.6 (2) if requesting a national criminal history background check, provides a set of
328.7 fingerprints.

328.8 Sec. 12. Minnesota Statutes 2020, section 299C.62, subdivision 3, is amended to read:

328.9 Subd. 3. **Children's service worker Covered individuals rights.** (a) ~~The children's~~
328.10 ~~service provider shall notify the children's service worker of the children's service worker's~~
328.11 ~~rights under paragraph (b).~~

328.12 (b) ~~A children's service worker who is the subject of a background check request has~~
328.13 ~~the following rights:~~

328.14 (1) ~~the right to be informed that a children's service provider will request a background~~
328.15 ~~check on the children's service worker:~~

328.16 (i) ~~for purposes of the children's service worker's application to be employed by, volunteer~~
328.17 ~~with, be an independent contractor for, or be an owner of a children's service provider or~~
328.18 ~~for purposes of continuing as an employee, volunteer, independent contractor, or owner;~~
328.19 ~~and~~

328.20 (ii) ~~to determine whether the children's service worker has been convicted of any crime~~
328.21 ~~specified in section 299C.61, subdivision 2 or 4;~~

328.22 (2) ~~the right to be informed by the children's service provider of the superintendent's~~
328.23 ~~response to the background check and to obtain from the children's service provider a copy~~
328.24 ~~of the background check report;~~

328.25 (3) ~~the right to obtain from the superintendent any record that forms the basis for the~~
328.26 ~~report;~~

328.27 (4) ~~the right to challenge the accuracy and completeness of any information contained~~
328.28 ~~in the report or record pursuant to section 13.04, subdivision 4;~~

328.29 (5) ~~the right to be informed by the children's service provider if the children's service~~
328.30 ~~worker's application to be employed with, volunteer with, be an independent contractor for,~~
328.31 ~~or be an owner of a children's service provider, or to continue as an employee, volunteer,~~
329.1 ~~independent contractor, or owner, has been denied because of the superintendent's response;~~
329.2 ~~and~~

329.3 (6) ~~the right not to be required directly or indirectly to pay the cost of the background~~
329.4 ~~check.~~

329.5 The qualified entity shall notify the covered individual who is subjected to a background
329.6 check under subdivision 1 that the individual has the right to:

329.7 (1) obtain a copy of any background check report;

329.8 (2) challenge the accuracy or completeness of the information contained in the background
329.9 report or record pursuant to section 13.04, subdivision 4, or applicable federal authority;
329.10 and

329.11 (3) be given notice of the opportunity to appeal and instructions on how to complete the
329.12 appeals process.

329.13 Sec. 13. Minnesota Statutes 2020, section 299C.62, subdivision 4, is amended to read:

329.14 Subd. 4. **Response of bureau.** The superintendent shall respond to a background check
329.15 request within a reasonable time after receiving a request from a qualified entity or the
329.16 signed, written document described in subdivision 2. The superintendent shall provide the
329.17 ~~children's service provider~~ qualified entity with a copy of the applicant's covered individual's
329.18 criminal record or a statement that the applicant covered individual is not the subject of a
329.19 criminal history record at the bureau. It is the responsibility of the ~~service provider~~ qualified
329.20 entity to determine if the applicant covered individual qualifies as an employee, volunteer,
329.21 or independent contractor under this section.

329.22 Sec. 14. Minnesota Statutes 2020, section 299C.62, subdivision 6, is amended to read:

329.23 Subd. 6. **Admissibility of evidence.** Evidence or proof that a background check of a
329.24 volunteer was not requested under sections 299C.60 to 299C.64 by a ~~children's service~~
329.25 ~~provider~~ qualified entity is not admissible in evidence in any litigation against a nonprofit
329.26 or charitable organization.

329.27 Sec. 15. Minnesota Statutes 2020, section 299C.63, is amended to read:

329.28 **299C.63 EXCEPTION; OTHER LAWS.**

329.29 The superintendent is not required to respond to a background check request concerning
329.30 a ~~children's service worker~~ covered individual who, as a condition of occupational licensure
329.31 or employment, is subject to the background study requirements imposed by any statute or
330.1 rule other than sections 299C.60 to 299C.64. ~~A background check performed on a licensee,~~
330.2 ~~license applicant, or employment applicant under this section does not satisfy the~~
330.3 ~~requirements of any statute or rule other than sections 299C.60 to 299C.64, that provides~~
330.4 ~~for background study of members of an individual's particular occupation.~~

330.5 Sec. 16. Minnesota Statutes 2020, section 299C.72, is amended to read:

330.6 **299C.72 MINNESOTA CRIMINAL HISTORY CHECKS.**

330.7 Subdivision 1. **Definitions.** For purposes of this section, the following terms have the
330.8 meanings given.

330.9 (a) "Applicant for employment" means an individual who seeks either county or city
330.10 employment or has applied to serve as a volunteer in the county or city.

330.11 (b) "Applicant for licensure" means the individual seeks a license issued by the county
330.12 or city which is not subject to a federal- or state-mandated background check.

330.13 (c) "Authorized law enforcement agency" means the county sheriff for checks conducted
330.14 for county purposes, the police department for checks conducted for city purposes, or the
330.15 county sheriff for checks conducted for city purposes where there is no police department.

330.16 (d) "Criminal history check" means retrieval of criminal history data via the secure
330.17 network described in section 299C.46.

330.18 (e) "Criminal history data" means adult convictions and adult open arrests less than one
330.19 year old found in the Minnesota computerized criminal history repository.

330.20 (f) "Current employee" means an individual presently employed by either a county or
330.21 city or who presently serves as a volunteer in the county or city.

330.22 (g) "Current licensee" means an individual who has previously sought and received a
330.23 license, which is still presently valid, issued by a county or city.

330.24 ~~(h)~~ (h) "Informed consent" has the meaning given in section 13.05, subdivision 4,
330.25 paragraph (d).

330.26 Subd. 2. **Criminal history check authorized.** (a) The criminal history check authorized
330.27 by this section shall not be used in place of a statutorily mandated or authorized background
330.28 check.

330.29 (b) An authorized law enforcement agency may conduct a criminal history check of an
330.30 individual who is an applicant for employment ~~or, current employee,~~ applicant for licensure,
331.1 or current licensee. Prior to conducting the criminal history check, the authorized law
331.2 enforcement agency must receive the informed consent of the individual.

331.3 (c) The authorized law enforcement agency shall not disseminate criminal history data
331.4 and must maintain it securely with the agency's office. The authorized law enforcement
331.5 agency can indicate whether the applicant for employment or applicant for licensure has a
331.6 criminal history that would prevent hire, acceptance as a volunteer to a hiring authority, or
331.7 would prevent the issuance of a license to the department that issues the license.

331.8

ARTICLE 17

331.9

CRIME VICTIM REIMBURSEMENTS

331.10 Section 1. Minnesota Statutes 2020, section 611A.51, is amended to read:

331.11 **611A.51 TITLE.**

331.12 Sections 611A.51 to 611A.68 shall be known as the "Minnesota Crime Victims
331.13 ~~Reparations~~ Reimbursement Act."

331.14 Sec. 2. Minnesota Statutes 2020, section 611A.52, subdivision 3, is amended to read:

331.15 Subd. 3. **Board.** "Board" means the Crime Victims ~~reparations~~ Reimbursement Board
331.16 established by section 611A.55.

331.17 Sec. 3. Minnesota Statutes 2020, section 611A.52, subdivision 4, is amended to read:

331.18 Subd. 4. **Claimant.** "Claimant" means a person entitled to apply for ~~reparations~~
331.19 reimbursement pursuant to sections 611A.51 to 611A.68.

331.20 Sec. 4. Minnesota Statutes 2020, section 611A.52, subdivision 5, is amended to read:

331.21 Subd. 5. **Collateral source.** "Collateral source" means a source of benefits or advantages
331.22 for economic loss otherwise ~~reparable~~ reimbursable under sections 611A.51 to 611A.68
331.23 which the victim or claimant has received, or which is readily available to the victim, from:

331.24 (1) the offender;

331.25 (2) the government of the United States or any agency thereof, a state or any of its
331.26 political subdivisions, or an instrumentality of two or more states, unless the law providing
331.27 for the benefits or advantages makes them excess or secondary to benefits under sections
331.28 611A.51 to 611A.68;

331.29 (3) Social Security, Medicare, and Medicaid;

332.1 (4) state required temporary nonoccupational disability insurance;

332.2 (5) workers' compensation;

332.3 (6) wage continuation programs of any employer;

332.4 (7) proceeds of a contract of insurance payable to the victim for economic loss sustained
332.5 because of the crime;

332.6 (8) a contract providing prepaid hospital and other health care services, or benefits for
332.7 disability;

332.8 (9) any private source as a voluntary donation or gift; or

332.9 (10) proceeds of a lawsuit brought as a result of the crime.

332.10 The term does not include a life insurance contract.

332.11 Sec. 5. Minnesota Statutes 2020, section 611A.53, is amended to read:

332.12 **611A.53 REPARATIONS REIMBURSEMENT AWARDS PROHIBITED.**

332.13 Subdivision 1. **Generally.** Except as provided in subdivisions 1a and 2, the following
332.14 persons shall be entitled to ~~reparations~~ reimbursement upon a showing by a preponderance
332.15 of the evidence that the requirements for ~~reparations~~ reimbursement have been met:

332.16 (1) a victim who has incurred economic loss;

332.17 (2) a dependent who has incurred economic loss;

332.18 (3) the estate of a deceased victim if the estate has incurred economic loss;

332.19 (4) any other person who has incurred economic loss by purchasing any of the products,
332.20 services, and accommodations described in section 611A.52, subdivision 8, for a victim;

332.21 (5) the guardian, guardian ad litem, conservator or authorized agent of any of these
332.22 persons.

332.23 Subd. 1a. **Providers; limitations.** No hospital, medical organization, health care provider,
332.24 or other entity that is not an individual may qualify for reparations under subdivision 1,
332.25 clause (4). If a hospital, medical organization, health care provider, or other entity that is
332.26 not an individual qualifies for ~~reparations~~ reimbursement under subdivision 1, clause (5),
332.27 because it is a guardian, guardian ad litem, conservator, or authorized agent, any ~~reparations~~
332.28 reimbursement to which it is entitled must be made payable solely or jointly to the victim,
332.29 if alive, or to the victim's estate or successors, if the victim is deceased.

333.1 Subd. 1b. **Minnesota residents injured elsewhere.** (a) A Minnesota resident who is
333.2 the victim of a crime committed outside the geographical boundaries of this state but who
333.3 otherwise meets the requirements of this section shall have the same rights under this chapter
333.4 as if the crime had occurred within this state upon a showing that the state, territory, United
333.5 States possession, country, or political subdivision of a country in which the crime occurred
333.6 does not have a crime victim ~~reparations~~ reimbursement law covering the resident's injury
333.7 or death.

333.8 (b) Notwithstanding paragraph (a), a Minnesota resident who is the victim of a crime
333.9 involving international terrorism who otherwise meets the requirements of this section has
333.10 the same rights under this chapter as if the crime had occurred within this state regardless
333.11 of where the crime occurred or whether the jurisdiction has a crime victims ~~reparations~~
333.12 reimbursement law.

333.13 Subd. 2. **Limitations on awards.** No ~~reparations~~ reimbursement shall be awarded to a
333.14 claimant otherwise eligible if:

333.15 (1) the crime was not reported to the police within 30 days of its occurrence or, if it
333.16 could not reasonably have been reported within that period, within 30 days of the time when

333.17 a report could reasonably have been made. A victim of criminal sexual conduct in the first,
333.18 second, third, or fourth degree who does not report the crime within 30 days of its occurrence
333.19 is deemed to have been unable to have reported it within that period;

333.20 (2) the victim or claimant failed or refused to cooperate fully with the police and other
333.21 law enforcement officials, based on a review of information available from law enforcement,
333.22 prosecutors, and other professionals familiar with the case;

333.23 (3) the victim or claimant was the offender or an accomplice of the offender or an award
333.24 to the claimant would unjustly benefit the offender or an accomplice;

333.25 (4) the victim or claimant was in the act of committing a crime at the time the injury
333.26 occurred;

333.27 (5) no claim was filed with the board within three years of victim's injury or death; except
333.28 that (i) if the claimant was unable to file a claim within that period, then the claim can be
333.29 made within three years of the time when a claim could have been filed; and (ii) if the
333.30 victim's injury or death was not reasonably discoverable within three years of the injury or
333.31 death, then the claim can be made within three years of the time when the injury or death
333.32 is reasonably discoverable. The following circumstances do not render a claimant unable
333.33 to file a claim for the purposes of this clause: (A) lack of knowledge of the existence of the
333.34 Minnesota Crime Victims ~~Reparations~~ Reimbursement Act, (B) the failure of a law
334.1 enforcement agency to provide information or assistance to a potential claimant under
334.2 section 611A.66, (C) the incompetency of the claimant if the claimant's affairs were being
334.3 managed during that period by a guardian, guardian ad litem, conservator, authorized agent,
334.4 or parent, or (D) the fact that the claimant is not of the age of majority; or

334.5 (6) the claim is less than \$50.

334.6 The limitations contained in clauses (1) and (6) do not apply to victims of child abuse.
334.7 In those cases the three-year limitation period commences running with the report of the
334.8 crime to the police.

334.9 Sec. 6. Minnesota Statutes 2020, section 611A.54, is amended to read:

334.10 **611A.54 AMOUNT OF REPARATIONS REIMBURSEMENT.**

334.11 ~~Reparations~~ Reimbursement shall equal economic loss except that:

334.12 (1) ~~reparations~~ reimbursement shall be reduced to the extent that economic loss is
334.13 recouped from a collateral source or collateral sources. Where compensation is readily
334.14 available to a claimant from a collateral source, the claimant must take reasonable steps to
334.15 recoup from the collateral source before claiming ~~reparations~~ reimbursement;

334.16 (2) ~~reparations~~ reimbursement shall be denied or reduced to the extent, if any, that the
334.17 board deems reasonable because of the contributory misconduct of the claimant or of a
334.18 victim through whom the claimant claims. Contributory misconduct may not be based on
334.19 current or past affiliation with any particular group; and

334.20 (3) ~~reparations~~ reimbursement paid to all claimants suffering economic loss as the result
334.21 of the injury or death of any one victim shall not exceed \$50,000.

334.22 No employer may deny an employee an award of benefits based on the employee's
334.23 eligibility or potential eligibility for ~~reparations~~ reimbursement.

334.24 Sec. 7. Minnesota Statutes 2020, section 611A.55, is amended to read:

334.25 **611A.55 CRIME VICTIMS ~~REPARATIONS~~ REIMBURSEMENT BOARD.**

334.26 Subdivision 1. **Creation of board.** There is created in the Department of Public Safety,
334.27 for budgetary and administrative purposes, the Crime Victims ~~Reparations~~ Reimbursement
334.28 Board, which shall consist of five members appointed by the commissioner of public safety.
334.29 One of the members shall be designated as chair by the commissioner of public safety and
334.30 serve as such at the commissioner's pleasure. At least one member shall be a medical or
335.1 osteopathic physician licensed to practice in this state, and at least one member shall be a
335.2 victim, as defined in section 611A.01.

335.3 Subd. 2. **Membership, terms and compensation.** The membership terms, compensation,
335.4 removal of members, and filling of vacancies on the board shall be as provided in section
335.5 15.0575.

335.6 Subd. 3. **Part-time service.** Members of the board shall serve part time.

335.7 Sec. 8. Minnesota Statutes 2020, section 611A.56, is amended to read:

335.8 **611A.56 POWERS AND DUTIES OF BOARD.**

335.9 Subdivision 1. **Duties.** In addition to carrying out any duties specified elsewhere in
335.10 sections 611A.51 to 611A.68 or in other law, the board shall:

335.11 (1) provide all claimants with an opportunity for hearing pursuant to chapter 14;

335.12 (2) adopt rules to implement and administer sections 611A.51 to 611A.68, including
335.13 rules governing the method of practice and procedure before the board, prescribing the
335.14 manner in which applications for ~~reparations~~ reimbursement shall be made, and providing
335.15 for discovery proceedings;

335.16 (3) publicize widely the availability of ~~reparations~~ reimbursement and the method of
335.17 making claims; and

335.18 (4) prepare and transmit annually to the governor and the commissioner of public safety
335.19 a report of its activities including the number of claims awarded, a brief description of the
335.20 facts in each case, the amount of ~~reparation~~ reimbursement awarded, and a statistical
335.21 summary of claims and awards made and denied.

335.22 Subd. 2. **Powers.** In addition to exercising any powers specified elsewhere in sections
335.23 611A.51 to 611A.68 or other law, the board upon its own motion or the motion of a claimant
335.24 or the attorney general may:

335.25 (1) issue subpoenas for the appearance of witnesses and the production of books, records,
335.26 and other documents;

335.27 (2) administer oaths and affirmations and cause to be taken affidavits and depositions
335.28 within and without this state;

335.29 (3) take notice of judicially cognizable facts and general, technical, and scientific facts
335.30 within their specialized knowledge;

336.1 (4) order a mental or physical examination of a victim or an autopsy of a deceased victim
336.2 provided that notice is given to the person to be examined and that the claimant and the
336.3 attorney general receive copies of any resulting report;

336.4 (5) suspend or postpone the proceedings on a claim if a criminal prosecution arising out
336.5 of the incident which is the basis of the claim has been commenced or is imminent;

336.6 (6) request from prosecuting attorneys and law enforcement officers investigations and
336.7 data to enable the board to perform its duties under sections 611A.51 to 611A.68;

336.8 (7) grant emergency ~~reparations~~ reimbursement pending the final determination of a
336.9 claim if it is one with respect to which an award will probably be made and undue hardship
336.10 will result to the claimant if immediate payment is not made; and

336.11 (8) reconsider any decision granting or denying ~~reparations~~ reimbursement or determining
336.12 their amount.

336.13 Sec. 9. Minnesota Statutes 2020, section 611A.57, subdivision 5, is amended to read:

336.14 Subd. 5. **Reconsideration.** The claimant may, within 30 days after receiving the decision
336.15 of the board, apply for reconsideration before the entire board. Upon request for
336.16 reconsideration, the board shall reexamine all information filed by the claimant, including
336.17 any new information the claimant provides, and all information obtained by investigation.
336.18 The board may also conduct additional examination into the validity of the claim. Upon
336.19 reconsideration, the board may affirm, modify, or reverse the prior ruling. A claimant denied
336.20 ~~reparations~~ reimbursement upon reconsideration is entitled to a contested case hearing within
336.21 the meaning of chapter 14.

336.22 Sec. 10. Minnesota Statutes 2020, section 611A.57, subdivision 6, is amended to read:

336.23 Subd. 6. **Data.** Claims for ~~reparations~~ reimbursement and supporting documents and
336.24 reports are investigative data and subject to the provisions of section 13.39 until the claim
336.25 is paid, denied, withdrawn, or abandoned. Following the payment, denial, withdrawal, or
336.26 abandonment of a claim, the claim and supporting documents and reports are private data
336.27 on individuals as defined in section 13.02, subdivision 12; provided that the board may
336.28 forward any ~~reparations~~ reimbursement claim forms, supporting documents, and reports to
336.29 local law enforcement authorities for purposes of implementing section 611A.67.

337.1 Sec. 11. Minnesota Statutes 2020, section 611A.60, is amended to read:

337.2 **611A.60 REPARATIONS REIMBURSEMENT; HOW PAID.**

337.3 ~~Reparations~~ Reimbursement may be awarded in a lump sum or in installments in the
337.4 discretion of the board. The amount of any emergency award shall be deducted from the
337.5 final award, if a lump sum, or prorated over a period of time if the final award is made in
337.6 installments. ~~Reparations are~~ Reimbursement is exempt from execution or attachment except
337.7 by persons who have supplied services, products or accommodations to the victim as a result
337.8 of the injury or death which is the basis of the claim. The board, in its discretion may order
337.9 that all or part of the ~~reparations~~ reimbursement awarded be paid directly to these suppliers.

337.10 Sec. 12. Minnesota Statutes 2020, section 611A.61, is amended to read:

337.11 **611A.61 SUBROGATION.**

337.12 Subdivision 1. **Subrogation rights of state.** The state shall be subrogated, to the extent
337.13 of ~~reparations~~ reimbursement awarded, to all the claimant's rights to recover benefits or
337.14 advantages for economic loss from a source which is or, if readily available to the victim
337.15 or claimant would be, a collateral source. Nothing in this section shall limit the claimant's
337.16 right to bring a cause of action to recover for other damages.

337.17 Subd. 2. **Duty of claimant to assist.** A claimant who receives ~~reparations~~ reimbursement
337.18 must agree to assist the state in pursuing any subrogation rights arising out of the claim.
337.19 The board may require a claimant to agree to represent the state's subrogation interests if
337.20 the claimant brings a cause of action for damages arising out of the crime or occurrence for
337.21 which the board has awarded ~~reparations~~ reimbursement. An attorney who represents the
337.22 state's subrogation interests pursuant to the client's agreement with the board is entitled to
337.23 reasonable attorney's fees not to exceed one-third of the amount recovered on behalf of the
337.24 state.

337.25 Sec. 13. Minnesota Statutes 2020, section 611A.612, is amended to read:

337.26 **611A.612 CRIME VICTIMS ACCOUNT.**

337.27 A crime victim account is established as a special account in the state treasury. Amounts
337.28 collected by the state under section 611A.61, paid to the Crime Victims ~~Reparations~~
337.29 Reimbursement Board under section 611A.04, subdivision 1a, or amounts deposited by the
337.30 court under section 611A.04, subdivision 5, shall be credited to this account. Money credited
337.31 to this account is annually appropriated to the Department of Public Safety for use for crime
337.32 victim ~~reparations~~ reimbursement under sections 611A.51 to 611A.67.

338.1 Sec. 14. Minnesota Statutes 2020, section 611A.66, is amended to read:

338.2 **611A.66 LAW ENFORCEMENT AGENCIES; DUTY TO INFORM VICTIMS**
338.3 **OF RIGHT TO FILE CLAIM.**

338.4 All law enforcement agencies investigating crimes shall provide victims with notice of
338.5 their right to apply for ~~reparations~~ reimbursement with the telephone number ~~to call to~~
338.6 ~~request~~ and website information to obtain an application form.

338.7 Law enforcement agencies shall assist the board in performing its duties under sections
338.8 611A.51 to 611A.68. Law enforcement agencies within ten days after receiving a request
338.9 from the board shall supply the board with requested reports, notwithstanding any provisions
338.10 to the contrary in chapter 13, and including reports otherwise maintained as confidential or
338.11 not open to inspection under section 260B.171 or 260C.171. All data released to the board
338.12 retains the data classification that it had in the possession of the law enforcement agency.

338.13 Sec. 15. Minnesota Statutes 2020, section 611A.68, subdivision 2a, is amended to read:

338.14 Subd. 2a. **Notice and payment of proceeds to board required.** A person that enters
338.15 into a contract with an offender convicted in this state, and a person that enters into a contract
338.16 in this state with an offender convicted in this state or elsewhere within the United States,
338.17 must comply with this section if the person enters into the contract during the ten years after
338.18 the offender is convicted of a crime or found not guilty by reason of insanity. If an offender
338.19 is imprisoned or committed to an institution following the conviction or finding of not guilty
338.20 by reason of insanity, the ten-year period begins on the date of the offender's release. A
338.21 person subject to this section must notify the Crime Victims ~~Reparations~~ Reimbursement
338.22 Board of the existence of the contract immediately upon its formation, and pay over to the
338.23 board money owed to the offender or the offender's representatives by virtue of the contract
338.24 according to the following proportions:

338.25 (1) if the crime occurred in this state, the person shall pay to the board 100 percent of
338.26 the money owed under the contract;

338.27 (2) if the crime occurred in another jurisdiction having a law applicable to the contract
338.28 which is substantially similar to this section, this section does not apply, and the person
338.29 must not pay to the board any of the money owed under the contract; and

338.30 (3) in all other cases, the person shall pay to the board that percentage of money owed
338.31 under the contract which can fairly be attributed to commerce in this state with respect to
338.32 the subject matter of the contract.

339.1 Sec. 16. Minnesota Statutes 2020, section 611A.68, subdivision 4, is amended to read:

339.2 Subd. 4. **Deductions.** When the board has made ~~reparations~~ reimbursement payments
339.3 to or on behalf of a victim of the offender's crime pursuant to sections 611A.51 to 611A.68,
339.4 it shall deduct the amount of the ~~reparations~~ reimbursement award from any payment
339.5 received under this section by virtue of the offender's contract unless the board has already
339.6 been reimbursed for the ~~reparations~~ award from another collateral source.

339.7 Sec. 17. Minnesota Statutes 2020, section 611A.68, subdivision 4b, is amended to read:

339.8 Subd. 4b. **Claims by victims of offender's crime.** A victim of a crime committed by
339.9 the offender and the estate of a deceased victim of a crime committed by the offender may
339.10 submit the following claims for ~~reparations~~ reimbursement and damages to the board to be
339.11 paid from money received by virtue of the offender's contract:

339.12 (1) claims for ~~reparations~~ reimbursement to which the victim is entitled under sections
339.13 611A.51 to 611A.68 and for which the victim has not yet received an award from the board;

339.14 (2) claims for ~~reparations~~ reimbursement to which the victim would have been entitled
339.15 under sections 611A.51 to 611A.68, but for the \$50,000 maximum limit contained in section
339.16 611A.54, clause (3); and

339.17 (3) claims for other uncompensated damages suffered by the victim as a result of the
339.18 offender's crime including, but not limited to, damages for pain and suffering.

339.19 The victim must file the claim within five years of the date on which the board received
339.20 payment under this section. The board shall determine the victim's claim in accordance with
339.21 the procedures contained in sections 611A.57 to 611A.63. An award made by the board
339.22 under this subdivision must be paid from the money received by virtue of the offender's
339.23 contract that remains after a deduction or allocation, if any, has been made under subdivision
339.24 4 or 4a.

339.25 Sec. 18. Minnesota Statutes 2020, section 611A.68, subdivision 4c, is amended to read:

339.26 Subd. 4c. **Claims by other crime victims.** The board may use money received by virtue
339.27 of an offender's contract for the purpose of paying ~~reparations~~ reimbursement awarded to
339.28 victims of other crimes pursuant to sections 611A.51 to 611A.68 under the following
339.29 circumstances:

339.30 (1) money remain after deductions and allocations have been made under subdivisions
339.31 4 and 4a, and claims have been paid under subdivision 4b; or

340.1 (2) no claim is filed under subdivision 4b within five years of the date on which the
340.2 board received payment under this section.

340.3 None of this money may be used for purposes other than ~~the payment of reparations~~
340.4 reimbursement.

340.5 Sec. 19. REVISOR INSTRUCTION.

340.6 In Minnesota Statutes, the revisor of statutes shall change "reparations," "reparable," or
340.7 the same or similar terms to "reimbursement," "reimbursable," or the same or similar terms
340.8 consistent with this article. The revisor shall also make other technical changes resulting
340.9 from the change of term to the statutory language, sentence structure, or both, if necessary
340.10 to preserve the meaning of the text.

340.11

ARTICLE 18

340.12

CRIME VICTIM NOTIFICATION

340.13 Section 1. Minnesota Statutes 2020, section 253B.18, subdivision 5a, is amended to read:

340.14 Subd. 5a. **Victim notification of petition and release; right to submit statement.** (a)

340.15 As used in this subdivision:

340.16 (1) "crime" has the meaning given to "violent crime" in section 609.1095, and includes
340.17 criminal sexual conduct in the fifth degree and offenses within the definition of "crime
340.18 against the person" in section 253B.02, subdivision 4e, and also includes offenses listed in
340.19 section 253D.02, subdivision 8, paragraph (b), regardless of whether they are sexually
340.20 motivated;

340.21 (2) "victim" means a person who has incurred loss or harm as a result of a crime the
340.22 behavior for which forms the basis for a commitment under this section or chapter 253D;
340.23 and

340.24 (3) "convicted" and "conviction" have the meanings given in section 609.02, subdivision
340.25 5, and also include juvenile court adjudications, findings under Minnesota Rules of Criminal
340.26 Procedure, rule 20.02, that the elements of a crime have been proved, and findings in
340.27 commitment cases under this section or chapter 253D that an act or acts constituting a crime
340.28 occurred or were part of their course of harmful sexual conduct.

340.29 (b) A county attorney who files a petition to commit a person under this section or chapter
340.30 253D shall make a reasonable effort to provide prompt notice of filing the petition to any
340.31 victim of a crime for which the person was convicted. In addition, the county attorney shall
340.32 make a reasonable effort to promptly notify the victim of the resolution of the petition and
341.1 the process for requesting notification of an individual's change in status as provided in
341.2 paragraph (c).

341.3 (c) A victim may request notification of an individual's discharge or release as provided
341.4 in paragraph (d) by submitting a written request for notification to the executive director of
341.5 the facility in which the individual is confined. The Department of Corrections or a county
341.6 attorney who receives a request for notification from a victim under this section shall
341.7 promptly forward the request to the executive director of the treatment facility in which the
341.8 individual is confined.

341.9 ~~(d)~~ (d) Before provisionally discharging, discharging, granting pass-eligible status,
341.10 approving a pass plan, or otherwise permanently or temporarily releasing a person committed
341.11 under this section from a state-operated treatment program or treatment facility, the head
341.12 of the state-operated treatment program or head of the treatment facility shall make a
341.13 reasonable effort to notify any victim of a crime for which the person was convicted that
341.14 the person may be discharged or released and that the victim has a right to submit a written
341.15 statement regarding decisions of the medical director, special review board, or commissioner
341.16 with respect to the person. To the extent possible, the notice must be provided at least 14

341.17 days before any special review board hearing or before a determination on a pass plan.
341.18 Notwithstanding section 611A.06, subdivision 4, the commissioner shall provide the judicial
341.19 appeal panel with victim information in order to comply with the provisions of this section.
341.20 The judicial appeal panel shall ensure that the data on victims remains private as provided
341.21 for in section 611A.06, subdivision 4. These notices shall only be provided to victims who
341.22 have submitted a written request for notification as provided in paragraph (c).

341.23 ~~(d) This subdivision applies only to victims who have requested notification through~~
341.24 ~~the Department of Corrections electronic victim notification system, or by contacting, in~~
341.25 ~~writing, the county attorney in the county where the conviction for the crime occurred. A~~
341.26 ~~request for notice under this subdivision received by the commissioner of corrections through~~
341.27 ~~the Department of Corrections electronic victim notification system shall be promptly~~
341.28 ~~forwarded to the prosecutorial authority with jurisdiction over the offense to which the~~
341.29 ~~notice relates or, following commitment, the head of the state-operated treatment program~~
341.30 ~~or head of the treatment facility. A county attorney who receives a request for notification~~
341.31 ~~under this paragraph following commitment shall promptly forward the request to the~~
341.32 ~~commissioner of human services.~~

341.33 (e) The rights under this subdivision are in addition to rights available to a victim under
341.34 chapter 611A. This provision does not give a victim all the rights of a "notified person" or
341.35 a person "entitled to statutory notice" under subdivision 4a, 4b, or 5 or section 253D.14.

342.1 Sec. 2. Minnesota Statutes 2020, section 253D.14, subdivision 2, is amended to read:

342.2 Subd. 2. **Notice of filing petition.** A county attorney who files a petition to commit a
342.3 person under this chapter shall make a reasonable effort to provide prompt notice of filing
342.4 the petition to any victim of a crime for which the person was convicted or was listed as a
342.5 victim in the petition of commitment. In addition, the county attorney shall make a reasonable
342.6 and good faith effort to promptly notify the victim of the resolution of the petition process
342.7 for requesting the notification of an individual's change in status as provided in section
342.8 253D.14, subdivision 3.

342.9 Sec. 3. Minnesota Statutes 2020, section 253D.14, is amended by adding a subdivision to
342.10 read:

342.11 Subd. 2a. **Requesting notification.** A victim may request notification of an individual's
342.12 discharge or release as outlined in subdivision 3 by submitting a written request for
342.13 notification to the executive director of the facility in which the individual is confined. The
342.14 Department of Corrections or a county attorney who receives a request for notification from
342.15 a victim under this section following an individual's civil commitment shall promptly forward
342.16 the request to the executive director of the treatment facility in which the individual is
342.17 confined.

342.18 Sec. 4. Minnesota Statutes 2020, section 253D.14, subdivision 3, is amended to read:

342.19 Subd. 3. **Notice of discharge or release.** Before provisionally discharging, discharging,
342.20 granting pass-eligible status, approving a pass plan, or otherwise permanently or temporarily

342.21 releasing a person committed under this chapter from a treatment facility, the executive
342.22 director shall make a reasonable effort to notify any victim of a crime for which the person
342.23 was convicted that the person may be discharged or released and that the victim has a right
342.24 to submit a written statement regarding decisions of the executive director, or special review
342.25 board, with respect to the person. To the extent possible, the notice must be provided at
342.26 least 14 days before any special review board hearing or before a determination on a pass
342.27 plan. Notwithstanding section 611A.06, subdivision 4, the commissioner shall provide the
342.28 judicial appeal panel with victim information in order to comply with the provisions of this
342.29 chapter. The judicial appeal panel shall ensure that the data on victims remains private as
342.30 provided for in section 611A.06, subdivision 4. This subdivision applies only to victims
342.31 who have submitted a written request for notification as provided in subdivision 2a.

343.1 Sec. 5. Minnesota Statutes 2020, section 611A.039, subdivision 1, is amended to read:

343.2 Subdivision 1. **Notice required.** (a) Except as otherwise provided in subdivision 2,
343.3 within 15 working days after a conviction, acquittal, or dismissal in a criminal case in which
343.4 there is an identifiable crime victim, the prosecutor shall make reasonable good faith efforts
343.5 to provide to each affected crime victim oral or written notice of the final disposition of the
343.6 case and of the victim rights under section 611A.06. When the court is considering modifying
343.7 the sentence for a felony or a crime of violence or an attempted crime of violence, the court
343.8 or its designee shall make a reasonable and good faith effort to notify the victim of the
343.9 crime. If the victim is incapacitated or deceased, notice must be given to the victim's family.
343.10 If the victim is a minor, notice must be given to the victim's parent or guardian. The notice
343.11 must include:

343.12 (1) the date and approximate time of the review;

343.13 (2) the location where the review will occur;

343.14 (3) the name and telephone number of a person to contact for additional information;

343.15 and

343.16 (4) a statement that the victim and victim's family may provide input to the court
343.17 concerning the sentence modification.

343.18 (b) The Office of Justice Programs in the Department of Public Safety shall develop and
343.19 update a model notice of postconviction rights under this subdivision and section 611A.06.

343.20 (c) As used in this section, "crime of violence" has the meaning given in section 624.712,
343.21 subdivision 5, and also includes gross misdemeanor violations of section 609.224, and
343.22 nonfelony violations of sections 518B.01, 609.2231, 609.3451, 609.748, and 609.749.

343.23 Sec. 6. Minnesota Statutes 2020, section 611A.06, subdivision 1, is amended to read:

343.24 Subdivision 1. **Notice of release required.** (a) The commissioner of corrections or other
343.25 custodial authority shall make a good faith effort to notify the victim that the offender is to
343.26 be released from imprisonment or incarceration, including release on extended furlough
343.27 and for work release; ~~released~~ and release from a juvenile correctional facility; ~~released~~

343.28 ~~from a facility in which the offender was confined due to incompetency, mental illness, or~~
343.29 ~~mental deficiency, or commitment under section 253B.18 or chapter 253D,~~ or if the
343.30 offender's custody status is reduced, ~~if the victim has mailed to the commissioner of~~
343.31 ~~corrections or.~~ These notices shall only be provided to victims who have submitted a written
343.32 request for notification to the head of the county correctional facility in which the offender
343.33 is confined a written request for this notice, or the victim has made if committed to the
344.1 Department of Corrections, submitted a written request for this notice to the commissioner
344.2 of corrections or electronic request through the Department of Corrections electronic victim
344.3 notification system. The good faith effort to notify the victim must occur prior to the
344.4 offender's release or when the offender's custody status is reduced. For a victim of a felony
344.5 crime against the person for which the offender was sentenced to imprisonment for more
344.6 than 18 months, the good faith effort to notify the victim must occur 60 days before the
344.7 offender's release.

344.8 (b) The commissioner of human services shall make a good faith effort to notify the
344.9 victim in writing that the offender is to be released from confinement in a facility due to
344.10 incompetency, mental illness, or mental deficiency, or commitment under section 253B.18
344.11 or chapter 253D if the victim has submitted a written request for notification to the executive
344.12 director of the facility in which the individual is confined.

344.13 **Sec. 7. REPEALER.**

344.14 Minnesota Statutes 2020, sections 253D.14, subdivision 4; and 611A.0385, are repealed.

344.15

ARTICLE 19

344.16

EMERGENCY RESPONSE AND FIRE SAFETY344.17 Section 1. **[299F.0115] EXEMPTION FOR MEMBERS OF FEDERALLY**344.18 **RECOGNIZED TRIBES.**

344.19 (a) The state fire marshal shall issue building-specific waivers for elements of the State
344.20 Fire Code that conflict with a federally recognized Tribe's religious beliefs, traditional
344.21 building practices, or established teachings. Both individual members of federally recognized
344.22 Tribes, direct lineal descendents of federally recognized Tribes, and organizations of members
344.23 of federally recognized Tribes may apply for these waivers.

344.24 (b) Waivers may only be granted for the following types of buildings:

344.25 (1) traditional residential buildings that will be used solely by an individual applicant's
344.26 household or an organizational applicant's members;

344.27 (2) meeting houses; and344.28 (3) one-room educational buildings.

344.29 (c) To obtain a waiver, an applicant must apply to the state fire marshal on a form
344.30 established by the state fire marshal. The application must:

344.31 (1) identify the building the waiver will apply to;345.1 (2) identify the Tribe the applicant is a member of; and

345.2 (3) declare that requirements of the State Fire Code conflict with religious beliefs,
345.3 traditional building practices, or established teachings of the identified Tribe, which the
345.4 applicant adheres to.

345.5 (d) Any building for which a waiver is granted may not be sold or leased until:

345.6 (1) the building is brought into compliance with the version of the State Fire Code in
345.7 force at the time of the sale or lease; or

345.8 (2) the prospective buyer or lessee to which the building is being sold or leased to obtains
345.9 a waiver under this section for the building.

345.10 Sec. 2. **[299F.3605] PETROLEUM REFINERIES.**

345.11 (a) As used in this section, "petroleum refinery" has the meaning given in section
345.12 115C.02, subdivision 10a.

345.13 (b) By January 1, 2022, each petroleum refinery operating in the state shall maintain or
345.14 contract for a full-time paid on-site fire department regularly charged with the responsibility
345.15 of providing fire protection to the refinery that is sufficiently trained, equipped, and staffed

345.16 to respond to fires at the refinery and to conduct inspections and employee training to prevent
345.17 fires.

345.18 Sec. 3. Minnesota Statutes 2020, section 299N.04, subdivision 1, is amended to read:

345.19 Subdivision 1. **Examination; requirements.** (a) The board must appoint an organization
345.20 ~~that is accredited by the International Fire Service Accreditation Congress~~ to prepare and
345.21 administer firefighter certification examinations. Firefighter certification examinations must
345.22 be designed to ensure and demonstrate competency that meets ~~the applicable NFPA 1001~~
345.23 ~~standard or a national standard in areas including but not limited to:~~ standards.

345.24 ~~(1) fire prevention;~~

345.25 ~~(2) fire suppression; and~~

345.26 ~~(3) hazardous materials operations.~~

345.27 ~~(b) Certification must be obtained by the individual demonstrating competency in fire~~
345.28 ~~prevention and protection under the NFPA 1001 standard.~~

345.29 ~~(c)~~ (b) Nothing in this section shall be construed to prohibit any requirement imposed
345.30 by a local fire department for more comprehensive training.

346.1 Sec. 4. Minnesota Statutes 2020, section 299N.04, is amended by adding a subdivision to
346.2 read:

346.3 Subd. 1a. Firefighter Certification Board; appointments; duties. (a) By July 1, 2022,
346.4 the commissioner shall appoint a Firefighter Certification Board consisting of 18 members
346.5 as recommended by the following organizations:

346.6 (1) one member recommended by the Minnesota State Fire Chiefs Association;

346.7 (2) one member recommended by the Minnesota State Fire Department Association;

346.8 (3) one member recommended by the Minnesota Chapter of the International Association
346.9 of Arson Investigators;

346.10 (4) one member recommended by the Fire Marshals Association of Minnesota;

346.11 (5) one member recommended by the State Fire Marshal Division;

346.12 (6) one member recommended by the Minnesota State Fire Training Program
346.13 Coordinator's Group;

346.14 (7) two members recommended by Minnesota Professional Fire Fighters;

346.15 (8) one member recommended by a private fire training organization;

346.16 (9) one member recommended by regional fire training academies;

- 346.17 (10) five members recommended by the regional director of Greater Minnesota Fire
346.18 Service;
- 346.19 (11) one member recommended by the League of Minnesota Cities;
- 346.20 (12) one member recommended by the Minnesota Association of Townships; and
- 346.21 (13) one public member not affiliated or associated with any member or interest,
346.22 appointed by the commissioner.
- 346.23 (b) Each member shall serve an initial term of two years. The commissioner shall appoint
346.24 at least eight members from outside the metropolitan area.
- 346.25 (c) Appointed members serve without compensation.
- 346.26 (d) By January 1, 2023, the board must be accredited by the International Fire Service
346.27 Accreditation Congress and begin to carry out the following duties:
- 346.28 (1) establish qualifications for, appoint, and train examiners to conduct both the written
346.29 and skills tests required for firefighter certification;
- 346.30 (2) maintain a list of examiners that have met the qualifications;
- 347.1 (3) develop and maintain a program to determine and certify the competency of and
347.2 issue certificates to individuals who pass examinations based on the NFPA fire service
347.3 professional qualifications and other standards approved by the certification assembly;
- 347.4 (4) make recommendations to the legislature to improve the quality of firefighter training;
- 347.5 (5) conduct studies and surveys and make reports to the commissioner; and
- 347.6 (6) conduct other activities as necessary to carry out these duties.
- 347.7 (e) The commissioner shall provide the necessary staff and support to the board and may
347.8 charge back any costs related to the board to the special account created in subdivision 4.
- 347.9 Sec. 5. Minnesota Statutes 2020, section 299N.04, subdivision 2, is amended to read:
- 347.10 Subd. 2. **Eligibility for certification examination.** Except as provided in subdivision
347.11 3, any person may take the firefighter certification examination who has successfully
347.12 completed the following:
- 347.13 (1)(i) a firefighter course from a postsecondary educational institution, an accredited
347.14 institution of higher learning, or another entity that teaches a course that has been approved
347.15 by the board; or (ii) an apprenticeship or cadet program maintained by a Minnesota fire
347.16 department that has been approved by the ~~board~~ Board of Firefighter Training and Education;
347.17 and
- 347.18 (2) a skills-oriented basic training course.

- 347.19 Sec. 6. Minnesota Statutes 2020, section 299N.04, is amended by adding a subdivision to
347.20 read:
- 347.21 Subd. 4. **Revenues.** (a) The board and its programs shall be funded through fees collected
347.22 from individuals who apply for certification and for certification renewal.
- 347.23 (b) A firefighter certification account is created in the special revenue fund. The account
347.24 consists of the fees collected under this section and any other money donated, allotted,
347.25 transferred, or otherwise provided to the account. Money in the account is annually
347.26 appropriated to the commissioner to pay costs incurred under this section.
- 347.27 (c) The board may accept funding from the fire safety account established in section
347.28 2971.06 for special or distinctive projects.
- 347.29 (d) The board shall recommend a certification fee schedule to the commissioner. The
347.30 commissioner shall set the fee on an annual basis to coincide with the state's fiscal year.
- 348.1 Sec. 7. Minnesota Statutes 2020, section 299N.04, is amended by adding a subdivision to
348.2 read:
- 348.3 Subd. 5. **Definitions.** (a) Unless otherwise indicated, for purposes of this section, the
348.4 terms in this subdivision have the meanings given them.
- 348.5 (b) "Board" means the Firefighter Certification Board established under subdivision 1a.
- 348.6 (c) "Commissioner" means the commissioner of public safety.
- 348.7 Sec. 8. **[326B.125] EXEMPTION FOR MEMBERS OF FEDERALLY RECOGNIZED**
348.8 **TRIBES.**
- 348.9 (a) The commissioner of labor and industry shall issue building-specific waivers for
348.10 elements of the State Building Code that conflict with a federally recognized Tribe's religious
348.11 beliefs, traditional building practices, or established teachings. Both individual members
348.12 of federally recognized Tribes, direct lineal descendants of federally recognized Tribes, and
348.13 organizations of members of federally recognized Tribes may apply for these waivers.
- 348.14 (b) Waivers may only be granted for the following types of buildings:
- 348.15 (1) traditional residential buildings that will be used solely by an individual applicant's
348.16 household or an organizational applicant's members;
- 348.17 (2) meeting houses; and
- 348.18 (3) one-room educational buildings.
- 348.19 (c) To obtain a waiver, an applicant must apply to the commissioner on a form established
348.20 by the commissioner. The application must:
- 348.21 (1) identify the building the waiver will apply to;

- 348.22 (2) identify the Tribe the applicant is a member of; and
- 348.23 (3) declare that requirements of the State Building Code conflict with religious beliefs,
348.24 traditional building practices, or established teachings of the identified Tribe, which the
348.25 applicant adheres to.
- 348.26 (d) Any building for which a waiver is granted may not be sold or leased until:
- 348.27 (1) the building is brought into compliance with the version of the State Building Code
348.28 in force at the time of the sale or lease; or
- 348.29 (2) the prospective buyer or lessee to which the building is being sold or leased to obtains
348.30 a waiver under this section for the building.
- 349.1 Sec. 9. Minnesota Statutes 2020, section 403.02, subdivision 16, is amended to read:
- 349.2 Subd. 16. **Metropolitan area.** "Metropolitan area" means the counties of Anoka, Carver,
349.3 Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, and Washington.
- 349.4 Sec. 10. Minnesota Statutes 2020, section 403.03, subdivision 1, is amended to read:
- 349.5 Subdivision 1. **Emergency response services.** Services available through a 911 system
349.6 must include police, firefighting, and emergency medical and ambulance services. Other
349.7 emergency and civil defense services may be incorporated into the 911 system at the
349.8 discretion of the public agency operating the public safety answering point. The 911 system
349.9 may shall include a referral to mental health crisis teams, where available when appropriate.
- 349.10 Sec. 11. Minnesota Statutes 2020, section 403.07, subdivision 2, is amended to read:
- 349.11 Subd. 2. **Design standards for metropolitan area.** The Metropolitan ~~911~~ Emergency
349.12 Services Board shall establish and adopt design standards for the metropolitan area 911
349.13 system and transmit them to the commissioner for incorporation into the rules adopted
349.14 pursuant to this section.
- 349.15 Sec. 12. Minnesota Statutes 2020, section 403.11, subdivision 1, is amended to read:
- 349.16 Subdivision 1. **Emergency telecommunications service fee; account.** (a) Each customer
349.17 of a wireless or wire-line switched or packet-based telecommunications service provider
349.18 connected to the public switched telephone network that furnishes service capable of
349.19 originating a 911 emergency telephone call is assessed a fee based upon the number of
349.20 wired or wireless telephone lines, or their equivalent, to cover the costs of ongoing
349.21 maintenance and related improvements for trunking and central office switching equipment
349.22 for 911 emergency telecommunications service, to offset administrative and staffing costs
349.23 of the commissioner related to managing the 911 emergency telecommunications service
349.24 program, to make distributions provided for in section 403.113, ~~and~~ to offset the costs,
349.25 including administrative and staffing costs, incurred by the State Patrol Division of the
349.26 Department of Public Safety in handling 911 emergency calls made from wireless phones;
349.27 and to offset costs to state and local governments for ongoing increases in expenditures

349.28 related to the updating and maintenance of systems to comply with Next-Generation-IP-based
 349.29 911 telecommunications systems.

349.30 (b) Money remaining in the 911 emergency telecommunications service account after
 349.31 all other obligations are paid and defined reserves met must not cancel and is carried forward
 349.32 to subsequent years and may ~~shall~~ be appropriated ~~from time to time~~ to the commissioner
 350.1 to provide financial assistance to counties for the improvement of local emergency
 350.2 telecommunications services in compliance with the uses designated in section 403.113,
 350.3 subdivision 3.

350.4 (c) The fee may not be less than eight cents nor more than 65 cents a month until June
 350.5 30, 2008, not less than eight cents nor more than 75 cents a month until June 30, 2009, not
 350.6 less than eight cents nor more than 85 cents a month until June 30, 2010, and not less than
 350.7 eight cents nor more than 95 cents a month on or after July 1, 2010, for each customer access
 350.8 line or other basic access service, including trunk equivalents as designated by the Public
 350.9 Utilities Commission for access charge purposes and including wireless telecommunications
 350.10 services. With the approval of the commissioner of management and budget, the
 350.11 commissioner of public safety shall establish the amount of the fee within the limits specified
 350.12 and inform the companies and carriers of the amount to be collected. ~~When the revenue~~
 350.13 ~~bonds authorized under section 403.27, subdivision 1, have been fully paid or defeased, the~~
 350.14 ~~commissioner shall reduce the fee to reflect that debt service on the bonds is no longer~~
 350.15 ~~needed.~~ The commissioner shall provide companies and carriers a minimum of 45 days'
 350.16 notice of each fee change. The fee must be the same for all customers, except that the fee
 350.17 imposed under this subdivision does not apply to prepaid wireless telecommunications
 350.18 service, which is instead subject to the fee imposed under section 403.161, subdivision 1,
 350.19 paragraph (a).

350.20 (d) The fee must be collected by each wireless or wire-line telecommunications service
 350.21 provider subject to the fee. Fees are payable to and must be submitted to the commissioner
 350.22 monthly before the 25th of each month following the month of collection, except that fees
 350.23 may be submitted quarterly if less than \$250 a month is due, or annually if less than \$25 a
 350.24 month is due. Receipts must be deposited in the state treasury and credited to a 911
 350.25 emergency telecommunications service account in the special revenue fund. The money in
 350.26 the account may only be used for 911 telecommunications services.

350.27 (e) Competitive local exchanges carriers holding certificates of authority from the Public
 350.28 Utilities Commission are eligible to receive payment for recurring 911 services.

350.29 Sec. 13. Minnesota Statutes 2020, section 403.21, subdivision 3, is amended to read:

350.30 Subd. 3. **First phase.** "First phase" or "first phase of the regionwide public safety radio
 350.31 communication system" means the initial backbone which serves the following ~~nine-county~~
 350.32 ~~ten-county~~ metropolitan area: Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey,
 350.33 Scott, Sherburne, and Washington Counties.

351.1 Sec. 14. Minnesota Statutes 2020, section 403.21, subdivision 12, is amended to read:

351.2 Subd. 12. **Greater Minnesota.** "Greater Minnesota" means the area of the state outside
351.3 the ~~nine-county~~ ten-county metropolitan area served by the first phase.

351.4 Sec. 15. Minnesota Statutes 2020, section 403.36, subdivision 1, is amended to read:

351.5 Subdivision 1. **Membership.** (a) The commissioner of public safety shall convene and
351.6 chair the Statewide Radio Board to develop a project plan for a statewide, shared, trunked
351.7 public safety radio communication system. The system may be referred to as "Allied Radio
351.8 Matrix for Emergency Response," or "ARMER."

351.9 (b) The board consists of the following members or their designees:

351.10 (1) the commissioner of public safety;

351.11 (2) the commissioner of transportation;

351.12 (3) the state chief information officer;

351.13 (4) the commissioner of natural resources;

351.14 (5) the chief of the Minnesota State Patrol;

351.15 (6) the chair of the Metropolitan Council;

351.16 (7) two elected city officials, one from the ~~nine-county~~ ten-county metropolitan area
351.17 and one from Greater Minnesota, appointed by the governing body of the League of
351.18 Minnesota Cities;

351.19 (8) two elected county officials, one from the ~~nine-county~~ ten-county metropolitan area
351.20 and one from Greater Minnesota, appointed by the governing body of the Association of
351.21 Minnesota Counties;

351.22 (9) two sheriffs, one from the ~~nine-county~~ ten-county metropolitan area and one from
351.23 Greater Minnesota, appointed by the governing body of the Minnesota Sheriffs' Association;

351.24 (10) two chiefs of police, one from the ~~nine-county~~ ten-county metropolitan area and
351.25 one from Greater Minnesota, appointed by the governor after considering recommendations
351.26 made by the Minnesota Chiefs' of Police Association;

351.27 (11) two fire chiefs, one from the ~~nine-county~~ ten-county metropolitan area and one
351.28 from Greater Minnesota, appointed by the governor after considering recommendations
351.29 made by the Minnesota Fire Chiefs' Association;

352.1 (12) two representatives of emergency medical service providers, one from the
352.2 ~~nine-county~~ ten-county metropolitan area and one from Greater Minnesota, appointed by
352.3 the governor after considering recommendations made by the Minnesota Ambulance
352.4 Association;

352.5 (13) the chair of the ~~regional radio board for the metropolitan area~~ Metropolitan
352.6 Emergency Services Board; and

352.7 (14) a representative of Greater Minnesota elected by those units of government in phase
352.8 three and any subsequent phase of development as defined in the statewide, shared radio
352.9 and communication plan, who have submitted a plan to the Statewide Radio Board and
352.10 where development has been initiated.

352.11 (c) The Statewide Radio Board shall coordinate the appointment of board members
352.12 representing Greater Minnesota with the appointing authorities and may designate the
352.13 geographic region or regions from which an appointed board member is selected where
352.14 necessary to provide representation from throughout the state.

352.15 **Sec. 16. 911 TELECOMMUNICATOR WORKING GROUP.**

352.16 Subdivision 1. **Membership.** (a) The commissioner of public safety shall convene a 911
352.17 telecommunicator working group that consists of the commissioner, or a designee, and one
352.18 representative of each of the following organizations:

352.19 (1) the Minnesota Chiefs of Police Association;
352.20 (2) the Minnesota Sheriffs' Association;
352.21 (3) the Minnesota Police and Peace Officers Association;
352.22 (4) the Emergency Communications Network;
352.23 (5) the Minnesota State Fire Chiefs Association;
352.24 (6) the Association of Minnesota Counties;
352.25 (7) the League of Minnesota Cities;
352.26 (8) Tribal dispatchers;
352.27 (9) the Metropolitan Emergency Services Board;
352.28 (10) the Emergency Medical Services Regulatory Board;
352.29 (11) the Statewide Emergency Communications Board;
352.30 (12) each of the Statewide Emergency Communications Board's seven regional boards;
353.1 (13) mental health crisis team providers;
353.2 (14) the Minnesota Association of Public Safety Communications Officials (MN APCO)
353.3 and the National Emergency Number Association of Minnesota (NENA of MN); and
353.4 (15) the Minnesota Ambulance Association.

26.13 **Sec. 15. 911 TELECOMMUNICATOR WORKING GROUP.**

26.14 Subdivision 1. **Membership.** (a) The commissioner of public safety shall convene a 911
26.15 telecommunicator working group that consists of the commissioner or a designee and one
26.16 representative of each of the following organizations:

26.17 (1) the Minnesota Chiefs of Police Association;
26.18 (2) the Minnesota Sheriffs' Association;
26.19 (3) the Minnesota Police and Peace Officers Association;
26.20 (4) the Emergency Communications Network;
26.21 (5) the Minnesota State Fire Chiefs Association;
26.22 (6) the Association of Minnesota Counties;
26.23 (7) the League of Minnesota Cities;
26.24 (8) Tribal dispatchers;
26.25 (9) the Metropolitan Emergency Services Board;
26.26 (10) the Emergency Medical Services Regulatory Board;
26.27 (11) the Statewide Emergency Communications Board;
26.28 (12) each of the Statewide Emergency Communications Board's seven regional boards;
26.29 (13) mental health crisis team providers; and
27.1 (14) the Minnesota Association of Public Safety Communications Officials (MN APCO)
27.2 and the National Emergency Number Association of Minnesota (NENA of MN).

27.3 (b) The organizations specified in paragraph (a) shall provide the commissioner with a
27.4 designated member to serve on the working group by June 15, 2021. The commissioner

353.5 (b) The working group must also include a nonsupervisory telecommunicator working
 353.6 in a regional center outside of the seven-county metropolitan area, a nonsupervisory
 353.7 telecommunicator working in rural Minnesota, and a nonsupervisory telecommunicator
 353.8 working in the seven-county metropolitan area.

353.9 (c) The organizations specified in paragraph (a) shall provide the commissioner with a
 353.10 designated member to serve on the working group by June 15, 2021. The commissioner
 353.11 shall appoint these members to the working group. Appointments to the working group
 353.12 must be made by July 1, 2021.

353.13 Subd. 2. **Duties; report.** The working group must submit a report to the chairs and
 353.14 ranking minority members of the legislative committees with jurisdiction over public safety
 353.15 policy and finance by January 15, 2022. The report must:

353.16 (1) recommend a statutory definition of 911 telecommunicators;

353.17 (2) recommend minimum training and continuing education standards for certification
 353.18 of 911 telecommunicators;

353.19 (3) recommend standards for certification of 911 telecommunicators;

353.20 (4) recommend funding options for mandated 911 telecommunicators training;

353.21 (5) recommend best practices in incident response command structure for the state's first
 353.22 responders to implement that do not violate either the United States or Minnesota
 353.23 Constitutions, after reviewing the various incident response command structures used in
 353.24 the field across the nation and world; and

353.25 (6) provide other recommendations the working group deems appropriate.

353.26 Subd. 3. **First meeting; chair.** The commissioner of public safety must convene the
 353.27 first meeting of the working group by August 1, 2021. At the first meeting, the members
 353.28 must elect a chair. The working group may conduct meetings remotely. The chair shall be
 353.29 responsible for document management of materials for the working group.

353.30 Subd. 4. **Compensation; reimbursement.** Members serve without compensation.

354.1 Subd. 5. **Administrative support.** The commissioner of public safety must provide
 354.2 administrative support to the working group.

354.3 Subd. 6. **Expiration.** The working group expires January 15, 2022.

354.4 **EFFECTIVE DATE.** This section is effective the day following final enactment.

27.5 shall appoint these members to the working group. Appointments to the working group
 27.6 must be made by July 1, 2021.

27.7 Subd. 2. **Duties; report.** The working group must submit a report to the chairs and
 27.8 ranking minority members of the legislative committees with jurisdiction over public safety
 27.9 policy and finance by January 15, 2022. The report must:

27.10 (1) recommend a statutory definition of 911 telecommunicators;

27.11 (2) recommend minimum training and continuing education standards for certification
 27.12 of 911 telecommunicators;

27.13 (3) recommend standards for certification of 911 telecommunicators;

27.14 (4) recommend funding options for mandated 911 telecommunicators training; and

27.15 (5) provide other recommendations the working group deems appropriate.

27.16 Subd. 3. **First meeting; chair.** The commissioner of public safety must convene the
 27.17 first meeting of the working group by August 1, 2021. At the first meeting, the members
 27.18 must elect a chair. The working group may conduct meetings remotely. The chair shall be
 27.19 responsible for document management of materials for the working group.

27.20 Subd. 4. **Compensation; reimbursement.** Members serve without compensation.

27.21 Subd. 5. **Administrative support.** The commissioner of public safety must provide
 27.22 administrative support to the working group.

27.23 Subd. 6. **Expiration.** The working group expires January 15, 2022.

27.24 **EFFECTIVE DATE.** This section is effective the day following final enactment.

354.5 Sec. 17. TITLE.

354.6 Section 10 shall be known as "Travis's Law."