

H.F. 2890

As amended by H2890DE1

Subject Public safety omnibus bill

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Overview

This is the public safety omnibus bill.

Article 1: Appropriations

This article contains appropriations for the following: Sentencing Guidelines, Department of Public Safety, Peace Officers Standards and Training Board, Private Detective Board, Department of Corrections, Ombudsperson for Corrections, Board of Public Defense, Board of

Trustees of the Minnesota State Colleges and Universities, the Office of Higher Education, and the supreme court.

The article also contains transfers to special revenue accounts, guidelines for grant programs and reports, and direction on the use of money appropriated in 2021 for law enforcement training.

Specific appropriations may be found in the spreadsheet. The article contains provisions from the following:

- H.F. 25
- H.F. 506
- H.F. 1127
- H.F. 818
- H.F. 610
- H.F. 600
- H.F. 1048
- H.F. 147
- H.F. 855
- H.F. 2253
- H.F. 2282
- H.F. 2167
- H.F. 1836
- H.F. 46
- H.F. 1075
- H.F. 1273
- H.F. 2078
- H.F. 1617
- H.F. 1948
- H.F. 41
- H.F. 1279
- H.F. 2034
- H.F. 2023
- H.F. 2295
- H.F. 2251
- H.F. 2294
- H.F. 14
- H.F. 15
- H.F. 1103
- H.F. 1415
- H.F. 824
- H.F. 424
- H.F. 615
- H.F. 1406
- H.F. 450
- H.F. 2609
- H.F. 1134
- H.F. 1376
- H.F. 2465.

Article 2: General Crimes

This article contains provisions related to crimes and criminal penalties.

Section	Description – Article 2: General Crimes
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- | | |
|---|---|
| 1 | Registration required.
Makes a conforming change related to the crime of surreptitious intrusion. [H.F. 111] |
| 2 | Definitions.
Deletes the definition of “blackmail” and makes a conforming change to adopt the term “forced or coerced labor or services.” [H.F. 42] |
| 3 | Public awareness initiative.
Makes a conforming change to remove the term “blackmail” and adopt the term “forced or coerced labor or services.” [H.F. 42] |

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- 4 **Qualified domestic violence-related offense.**
Expands the list of qualified domestic violence-related offenses to include certain forms of third-degree murder, certain forms of first-degree manslaughter, certain forms of second-degree manslaughter, kidnapping, false imprisonment, and burglary in the first degree. **[H.F. 424]**
- 5 **Exception.**
Establishes a limitation on liability for certain murders committed by another. The limitation applies to murder in the first degree under section 609.185, paragraph (a), clause (3) and provides that a person is only liable for a murder committed by another if the person intentionally aided and abetted the person who caused the death and did so with the intent to cause the death of a human being. The limitation also applies to murder in the second degree under section 609.19, subdivision 2, clause (1) and provides that a person is only liable for a murder committed by another if the person was a major participant in the underlying felony and acted with extreme indifference to human life. **[H.F. 1406]**
- 6 **Assaults motivated by bias.**
Expands the crime of an assault motivated by bias to include bias against a person due to the person’s gender, gender identity, or gender expression, and bias against a person who associates with someone in a protected group. **[H.F. 181]**
- 7 **Felony assault motivated by bias; increased statutory maximum sentence.**
Expands the enhanced sentencing for a felony assault motivated by bias to include bias against a person due to the person’s gender, gender identity, or gender expression, and bias against a person who associates with someone in a protected group. **[H.F. 181]**
- 8 **Sentence.**
Amends the sentencing provision for the crime of kidnapping to clarify the conditions under which an enhanced sentence is appropriate and permit more accurate tracking of relevant data. **[H.F. 803]**
- 9 **Exception.**
Amends an exception to statutes establishing penalties for crimes against unborn children, by removing a reference to a description of abortion in section 145.412, which is being repealed, and providing that the following does not violate these statutes: an act by a person providing reproductive health care for the purpose of terminating a pregnancy and with the consent of the pregnant individual or the

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- pregnant individual’s representative, except in a medical emergency in which consent cannot be obtained. **[H.F. 91]**
- 10 **Debt bondage.**
Amends the definition of “debt bondage” by removing references to a pledge by a debtor and defining the term as the status of a person who provides labor or services for a real or alleged debt when the value of the labor or services is not deducted from the debt or the length and nature of the services is not limited or defined. **[H.F. 42]**
- 11 **Forced or coerced labor or services.**
Makes changes to the definition of “forced or coerced labor or services” to specify the types of harm or threat of harm that qualifies as forcing labor or services. **[H.F. 42]**
- 12 **Labor trafficking.**
Amends the definition of “labor trafficking” to include actions done in furtherance of prohibited conduct and makes additional technical changes. **[H.F. 42]**
- 13 **Labor trafficking resulting in death.**
Establishes the crime of labor trafficking resulting in death. Provides that a person who knowingly engages in the labor trafficking of an individual may be sentenced to up to 25 years in prison if the labor trafficking victim dies and the death arose out of and in the course of the trafficking. **[H.F. 42]**
- 14 **Individuals under age 18; extended period of time; great bodily harm.**
Establishes an enhanced crime of labor trafficking a person over an extended period of time or when the victim suffers great bodily harm. Includes the existing crime of trafficking a person under age 18 in the new subdivision. Establishes a maximum penalty of 20 years for the offense. **[H.F. 42]**
- 15 **Debt bondage.**
Adopts a definition established in the labor trafficking crimes for the sex trafficking statutes. **[H.F. 42]**
- 16 **Forced or coerced labor or services.**
Adopts a definition established in the labor trafficking crimes for the sex trafficking statutes. **[H.F. 42]**

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- 17 **Labor trafficking.**
Adopts a definition established in the labor trafficking crimes for the sex trafficking statutes. [H.F. 42]
- 18 **Labor trafficking victim.**
Adopts a definition established in the labor trafficking crimes for the sex trafficking statutes. [H.F. 42]
- 19 **Trafficking.**
Adopts a definition established in the labor trafficking crimes for the sex trafficking statutes. [H.F. 42]
- 20 **Trafficking victim.**
Adopts a definition established in the labor trafficking crimes for the sex trafficking statutes. [H.F. 42]
- 21 **Solicitation, inducement, and promotion of prostitution; sex trafficking in the first degree.**
Makes a conforming change to adopt a revised term. [H.F. 42]
- 22 **Sentence.**
Makes a conforming change related to when certain prior offenses can enhance the penalty for a theft offense. [H.F. 450]
- 23 **Organized retail theft.**
 Subd. 1. Definitions. Defines the terms “article surveillance system,” “retailer,” “retail merchandise,” and “value” for the purposes of this new section of law.

 Subd. 2. Organized retail theft. Establishes the offense of organized retail theft. Provides that a person who steals or fraudulently obtains retail merchandise from a retailer commits the offense if the person resells or intends to resell the merchandise, advertises or displays the merchandise for sale, returns the merchandise for anything of value, or steals retail merchandise within five years of a conviction under this section. Further provides that a person who receives stolen retail merchandise knowing that it was stolen may be sentenced for the crime of organized retail theft. Also establishes that any person who possesses a device or other gear designed to assist in shoplifting or defeating an electronic article surveillance system with the intent to use the device or gear for that purpose may be sentenced to a felony.

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Subd. 3. Sentence. Establishes penalties for committing organized retail theft that include:

- a gross misdemeanor penalty if the property stolen has a value of no more than \$500;
- a felony with a maximum sentence of two years if the property stolen has a value of more than \$500, but not more than \$1,000 or the person has a prior offense;
- a felony with a maximum sentence of seven years if the property stolen has a value of more than \$1,000, but not more than \$5,000 or the person has two prior offenses; and
- a felony with a maximum sentence of 15 years in prison if the value of the property stolen exceeds \$5,000.

Subd. 4. Aggregation. Provides that the value of retail property stolen or received in a six-month period may be aggregated. Further provides that offenses committed in multiple counties may be consolidated.

Subd. 5. Enhanced penalty. Provides that, if the offense creates a reasonably foreseeable risk of bodily harm, a gross misdemeanor offense shall be enhanced to a felony with a maximum sentence of three years, and the maximum penalty for a felony offense shall be increased by 50 percent. **[H.F. 450]**

24 **Burglary in the third degree.**

Establishes a felony offense for a person who enters a building that is open to the public, other than a building listed in subdivision 2, paragraph (b), if the person does so within:

- 1) one year of being told to leave the building and not return; and
- 2) five years of being convicted of theft or a related offense. The offense may be punished by imprisonment of up to five years, a fine of up to \$10,000, or both.

The buildings listed in subdivision 2, paragraph (b) are: government buildings, religious establishments, historic properties, and school buildings. Violations of subdivision 2 are felonies and may be punished by imprisonment of up to ten years, a fine of up to \$20,000, or both.

Theft and related offenses are the offenses that can be used for enhancement purposes under the theft statute: section 609.52, subdivision 3, paragraph (c). **[H.F. 450]**

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25 Burglary in the fourth degree.

Establishes a gross misdemeanor offense for a person who enters a building that is open to the public, other than a building listed in section 609.582, subdivision 2, paragraph (b), if the person does so within one year of being told to leave the building and not return. **[H.F. 450]**

26 Criminal damage to property in the second degree.

Amends the crime of damage to property that causes at least \$500 but not more than \$1,000 in damage but was motivated by bias to apply when the crime (1) is committed because of the victim’s actual or perceived status in a protected group; (2) is committed because the victim associated with someone who is, or was believed to be, part of a protected group; (3) was motivated by an intent to intimidate or harm a person who is, or was believed to be, part of a protected group; or (4) was motivated by an intent to intimidate or harm someone who associated with someone who is, or was believed to be, part of a protected group. **[H.F. 181]**

27 Criminal damage to property in the third degree.

Amends the crime of damage to property that causes no more than \$500 in damage but was motivated by bias to apply when the crime (1) is committed because of the victim’s actual or perceived status in a protected group; (2) is committed because the victim associated with someone who is, or was believed to be, part of a protected group; (3) was motivated by an intent to intimidate or harm a person who is, or was believed to be, part of a protected group; or (4) was motivated by an intent to intimidate or harm someone who associated with someone who is, or was believed to be, part of a protected group. **[H.F. 181]**

28 Definitions.

Amends the definition of “trigger activator” to include a device that allows a semiautomatic firearm to shoot more than one shot with a single pull of the trigger or by harnessing the recoil of energy of the semiautomatic firearm to which it is affixed so that the trigger resets and continues firing without additional physical manipulation of the trigger. **[H.F. 2609]**

29 Acts prohibited.

Increases the penalty for persons who unlawfully possess or operate machine guns, trigger activators, or machine gun conversion kits from a five-year felony to a 20-year felony. **[H.F. 2609]**

30 Surreptitious intrusion; observation device.

Establishes a new crime for recording or broadcasting images of a person’s intimate parts if the person is in a home or other place where a reasonable person would have

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an expectation of privacy and the image is captured without the person’s consent. Violation is a gross misdemeanor. Establishes a new crime for recording images of a person’s intimate parts or the clothing covering those parts that are taken under or around the person’s outer clothing with the intent to interfere with a person’s privacy. A first violation against an adult is a misdemeanor. A second violation or recording images of a minor is a gross misdemeanor. A third or subsequent violation is a felony. **[H.F. 111]**

31 Aggravated violations.

Expands the crime of harassment motivated by bias to include bias against a person due to the person’s gender, gender identity, or gender expression, and bias against a person who associates with someone in a protected group. **[H.F. 181]**

32 Use of deep fake technology to influence an election.

Establishes a crime for a person who disseminates a deep fake or enters into an agreement to disseminate a deep fake if the person disseminating the deep fake knows, or should know, that it is a deep fake and dissemination: (1) takes place within 90 days before an election; (2) is made without the consent of the depicted person; and (3) is made with the intent to injure a candidate or influence the result of an election. Establishes a penalty of a felony if the person commits a second or subsequent violation within five years, a gross misdemeanor if the person commits the violation with the intent to cause violence, and a misdemeanor in all other cases. Establishes the right for the attorney general, a county or city attorney, the depicted individual, or a candidate harmed by the deep fake to seek an injunction when someone is about to commit a violation, or is in the course of violating, this section. **[H.F. 1370]**

33 Nonconsensual dissemination of a deep fake depicting intimate parts or sexual acts.

Establishes a crime for intentionally disseminating a deep fake when the actor knows, or should know, that the person depicted does not consent to dissemination and the deep fake realistically depicts the person as being naked or engaging in a sexual act. Establishes a felony penalty for certain violations including posting the deep fake to a website, disseminating the deep fake with the intent to profit from dissemination, disseminating the deep fake with the intent to harass the person, or committing a second or subsequent offense. Provides that consent to the creation of the deep fake is not a defense for unauthorized dissemination. Establishes that venue is proper in the county where the offense occurred; where the plaintiff or defendant resides; or, if venue cannot be located in either of those locations, where the deep fake is produced, reproduced, found, stored, received, or possessed. Establishes exemptions to liability including when dissemination is related to a lawful investigation, medical

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- or mental health treatment, or a matter of public interest. Establishes immunities for internet service providers and similar providers. **[H.F. 1370]**
- 34 **Limitations.**
Provides that violations of the crime of surreptitious intrusion may be charged within the later of three years after the commission of the offense or three years after the offense was reported to law enforcement. **[H.F. 111]**
- 35 **Repealer.**
Repeals the definition of “blackmail” in section 609.281, subdivision 2. **[H.F. 42]**

Repeals the crimes of sodomy, fornication, and adultery. **[H.F. 91]**

Article 3: Public Safety and Crime Victims

This article contains policies related to public safety and crime victims.

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- 1 **Contents of notice.**
Requires the state, instead of the county, to pay for medical examination costs for criminal sexual conduct victims. **[H.F. 1279]**
- 2 **Emergency care to sexual assault victims.**
Expands the requirements that apply to hospitals that provide emergency care to sexual assault victims to other health care facilities. **[H.F. 1279]**
- 3 **Office of Restorative Practices.**
Subd. 1. Definition. Defines “restorative practices” as used in the new section of law.
Subd. 2. Establishment. Establishes the Office of Restorative Practices in the Department of Public Safety.
Subd. 3. Department of Children, Youth, and Family; automatic transfer. Provides that the office transfers to the Department of Children, Youth, and Family six months after that department is created.
Subd. 4. Director; other staff. Requires the commissioner of public safety to appoint a director of the new office and establishes requirements a person

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should meet to be considered for appointment. Provides for hiring additional staff who shall serve in the classified service.

Subd. 5. Duties. Establishes the duties of the new office, including the responsibility to promote the use of restorative initiatives throughout the state, encourage collaboration and information sharing between those initiatives, and oversee local restorative practices advisory committees.

Subd. 6. Grants. Directs the office to issue grants to local restorative justice initiatives and provides that grants must be in an amount of up to \$500,000. Establishes requirements for grant applications.

Subd. 7. Restorative practice advisory committees; membership and duties. Establishes the required membership for local restorative practice advisory committees and requires that community members make up at least 1/3 of the membership. Requires the committees to use restorative practices in their own decision-making process. Directs the committees to establish eligibility requirements for referrals to local initiatives. Further requires that children, families, and cases be referred to the initiatives once the initiatives are established. Provides that referrals may be made for cases involving acts by a juvenile that involve truancy, running away, or committing acts that involve delinquent acts or other violations of law. Also permits referrals for substance use issues and through self-referral.

Subd. 8. Oversight of restorative practice advisory committees. Provides that the new office can oversee the local restorative practice advisory committees and may review complaints and take other actions to ensure that grant recipients meet minimum requirements.

Subd. 9. Report. Requires the new office to submit an annual report by February 15 of each year. [H.F. 46]

4 Insurance policies surcharge.

Increases the fire safety account fee that insurance companies are obligated to collect on insurance premiums and submit to the state from 0.5 percent to 0.65 percent. [H.F. 2678]

5 Soft body armor reimbursement.

Expands the soft body armor reimbursement program to include firefighters, public safety officers, and qualified emergency medical service providers in addition to peace officers. [H.F. 2890/1127]

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6 Killed in the line of duty.

Expands the definition of “killed in the line of duty” in the section of law addressing public safety officer and survivor benefits to include death from certain cancers, suicide resulting from PTSD, or within 45 days of exposure to a traumatic event. [H.F. 2890/2681]

7 Reports.

Requires the report completed by the Office of Missing and Murdered Indigenous Relatives to include information about any reward advisory group and a description of the expenditures from any reward fund. [H.F. 1376]

8 Office for missing and murdered Black women and girls.

Subd. 1. Establishment. Establishes an office dedicated to preventing and ending the targeting of violence against Black women and girls within the Office of Justice Programs in the Department of Public Safety.

Subd. 2. Director; staff. Directs the commissioner of public safety to appoint a director of the office. Establishes that the director must be closely connected to the Black community and have familiarity with criminal investigations. Encourages the commissioner to consider individuals recommended by members of the Black community. Permits the director to hire employees as necessary. Provides that the director and staff are members of the Minnesota State Retirement Association.

Subd. 3. Duties. Establishes the duties of the new office, including facilitating research, collecting data, advocating for action by the legislature and state agencies to address violence against Black women and girls, proposing legislation, and maintaining communication with other departments and offices regarding cases involving missing Black women and girls.

Subd. 4. Coordination with other organizations. Directs the office to coordinate with stakeholders, community members, state agencies, local law enforcement agencies, prosecutors, and survivors to fulfill its duties.

Subd. 5. Reports. Directs the office to provide an annual report on its actions, data related to missing and murdered Black women and girls, and objectives for the coming year. Reports must be submitted by January 15 each year to the chair and ranking members of the legislative committees with jurisdiction over public safety.

Subd. 6. Acceptance of gifts and receipt of grants. Creates a special revenue fund account. Authorizes the office to accept gifts and apply for grants. Requires

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money received to be deposited in the special revenue account and appropriates that money to the office.

Subd. 7. Access to data. States that the office has access to confidential and private corrections, detention, and medical data maintained by an agency in order for the office to perform its duties.

Subd. 8. Grants to organizations. Establishes a grant program for the Office of Missing and Murdered Black Women and Girls to award grants to organizations providing services designed to prevent or end the targeting of Black women and girls. Requires reporting from grant recipients. Authorizes the office to coordinate with the Office of Justice Programs to administer the grants. **[H.F. 55]**

9 Legislative report on fusion center activities.

Requires the superintendent of the Bureau of Criminal Apprehension to submit an annual report to the legislature on activities of the Minnesota Fusion Center. **[H.F. 41]**

10 State fraud unit.

Establishes a state fraud unit within the Bureau of Criminal Apprehension. Requires local law enforcement agencies to report certain identified offenses to the new unit and permits reporting of other offenses. Requires the unit to submit an annual report. **[H.F. 2890]**

11 Submission and storage of sexual assault examination kits.

Requires forensic laboratories to complete testing of sexual exam kits within 90 days of receipt and promptly update the kit-tracking database. **[H.F. 2034]**

12 Missing and endangered persons.

Directs the Bureau of Criminal Apprehension to operate an alert program and requires issuance of an alert when a person is determined to be missing and endangered. **[H.F. 55]**

13 Hotel inspection.

Adds the carbon monoxide alarm requirements explicitly to the sections the commissioner of public safety has authority to enforce. **[H.F. 406]**

14 Hotel.

Adds a definition of “hotel” to the statutes about carbon monoxide alarms. **[H.F. 406]**

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- 15 **Lodging house.**
Adds a definition of a “lodging house” to the statutes about carbon monoxide alarms. **[H.F. 406]**
- 16 **Generally.**
Requires that every guest room in a hotel or lodging house have an approved and operational carbon monoxide alarm installed in each room lawfully used for sleeping purposes. **[H.F. 406]**
- 17 **Owner’s duties.**
States that the owner of a hotel or lodging house must provide, install, and keep operational any carbon monoxide alarms required by statute. **[H.F. 406]**
- 18 **Exceptions; certain multifamily dwellings and state-operated facilities.**
Makes a technical correction to current law. **[H.F. 406]**
- 19 **Safety warning.**
Stipulates that the first violation of this section results in only a safety warning and that subsequent violations are petty misdemeanors. **[H.F. 406]**
- 20 **Money credited to general fund.**
Directs that fees and penalties collected under chapter 299M (fire protection industry licensing) must be deposited in a state fire marshal account in the special revenue fund. Money in the fund is annually appropriated to the commissioner of public safety to administer programs under chapter 299M. **[H.F. 2026]**
- 21 **License holder.**
Amends the definition of “license holder” to refer to the definition of “partnership” in chapter 323A, the Uniform Partnership Act of 1994. **[H.F. 2890]**
- 22 **Cause of action for nonconsensual dissemination of a deep fake depicting intimate parts or sexual acts.**
 Subd. 1. Definitions. Defines the term “deep fake” to include a video, motion picture, sound recording, electronic image, photograph, or any similar technology that appears to depict the speech or conduct of an individual who did not engage in that speech or conduct and the production of which was substantially dependent upon technical means rather than impersonation. Also defines the terms “depicted individual,” intimate parts,” and “personal information.”

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Subd. 2. Nonconsensual dissemination of a deep fake. Establishes a civil cause of action against a person for the nonconsensual dissemination of a deep fake when the deep fake is disseminated without the consent of the depicted individual and the deep fake realistically depicts the person as being naked or engaging in a sexual act. Provides that consent to the creation of a deep fake is not a defense to dissemination of the deep fake without permission.

Subd. 3. Damages. Establishes that a plaintiff may recover actual damages, an amount equal to any profit made from the dissemination of the deep fake, a civil penalty of up to \$10,000, and attorney fees.

Subd. 4. Injunction; temporary relief. Expressly authorizes a court to issue an injunction or restraining order and permits the court to impose a civil fine for a violation of the order in an amount of up to \$1,000 each day.

Subd. 5. Confidentiality. Directs the court to permit confidential filings to protect the privacy of a plaintiff.

Subd. 6. Liability; exceptions. Establishes exceptions to liability including when dissemination is related to a lawful investigation, medical or mental health treatment, or a matter of public interest. Provides that the section does not alter liabilities and protections established under federal law and does not prevent bringing a cause of action or seeking other remedy available under the law.

Subd. 7. Jurisdiction. Provides that a court has jurisdiction over a cause of action if the plaintiff or defendant resides in the state.

Subd. 8. Venue. Provides that a plaintiff may bring a suit in the county where the defendant or plaintiff resides, or the county where any deep fake is produced, reproduced, or stored in violation of this section.

Subd. 9. Discovery of dissemination. Establishes that the civil statute of limitations for a claim under this section is tolled until the plaintiff discovers that the deep fake has been disseminated. **[H.F. 1370]**

23 **Costs of medical examination.**

Establishes a process for hospitals and other medical providers to receive reimbursement for the costs of examinations of victims of criminal sexual conduct. Requires submission of the costs to the Office of Justice Programs and limits reimbursement to no more than \$1,400. Provides that the limit on reimbursement shall be adjusted for inflation beginning on January 1, 2024. **[H.F. 1279]**

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- 24 **Grants.**
Authorizes the commissioner of public safety to include programs that provide emergency shelter and housing support in the award of grants to agencies that provide services to victims of sexual assault. [H.F. 2890]
- 25 **Domestic abuse victim.**
Changes the term “battered woman” to “domestic abuse victim.” [H.F. 2890]
- 26 **Emergency shelter services.**
Makes a conforming change related to the change in the term “battered woman” to “domestic abuse victim.” [H.F. 2890]
- 27 **Housing supports.**
Defines the term “housing supports” to include services to enable victims to secure and maintain transitional and permanent housing placement. [H.F. 2890]
- 28 **Domestic abuse programs.**
Makes conforming changes related to the change in the term “battered woman” to “domestic abuse victim” and the authorization to include housing services as a type of service provided to victims of domestic abuse. [H.F. 2890]
- 29 **Rules; soft body armor reimbursement.**
Directs the commissioner of public safety to amend rules related to the expansion of the soft body armor reimbursement program. [H.F. 2890]
- 30 **Gaagige-Mikwendaagoziwag reward account for information on missing and murdered Indigenous relatives.**
 Subd. 1. Definitions. Defines terms including “Gaagige-Mikwendaagoziwag,” which means “they will be remembered forever,” and “Two-Spirit.”

 Subd. 2. Account created. Establishes an account for rewards for information on missing and murdered Indigenous women, girls, and Two-Spirit relatives in the special revenue fund and appropriates money in the account to the commissioner of corrections to pay rewards.

 Subd. 3. Reward. Authorizes the director of the Office of Missing and Murdered Indigenous Relatives, in consultation with the Gaagige-Mikwendaagoziwag reward advisory group, to establish eligibility criteria for rewards and to pay rewards that meet the eligibility requirements.

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Subd. 4. Reward advisory group. Establishes a reward advisory group, defines the duties of that group, and establishes the membership.

Subd. 5. Advertising. Authorizes the director of the Office of Missing and Murdered Indigenous Relatives, in consultation with the Gaagige-Mikwendaagoziwag reward advisory group, to spend up to four percent of available funds on advertising to raise awareness of the availability of rewards.

Subd. 6. Grants; donations. Authorizes the director of the Office of Missing and Murdered Indigenous Relatives, in consultation with the Gaagige-Mikwendaagoziwag reward advisory group, to apply for grants and accept donations for deposit in the reward fund.

Subd. 7. Expiration. Provides that this section expires on June 30, 2025. **[H.F. 1376]**

31 **Repealer.**

Repeals section 299C.80, subdivision 7 which establishes an expiration for the independent Use of Force Investigations Unit in the Bureau of Criminal Apprehension. **[H.F. 2890]**

Article 4: Sentencing

This article contains provisions related to the Minnesota Sentencing Guidelines Commission, criminal sentences, and resentencing under certain conditions.

Section Description – Article 4: Sentencing

1 **Members.**

Changes the appointing authority for the member of the Minnesota Sentencing Guidelines Commission representing the court of appeals from the chief justice to the chief judge of the appellate court. Changes the appointing authority for the member representing the district court judges from the chief justice to the Judicial Council and requires that the council make the decision upon recommendation of the Minnesota District Judges Association. Makes a technical change to from “parole” to “supervised release.” Adds a new member to the commission who must work for an organization that provides treatment or rehabilitative services for individuals convicted of felony offenses. Adds a second new member who is an academic with a background in criminal justice or corrections. Both new members are appointed by the governor. Amends the requirement that one public member have been a victim of a crime to include a person who is a victim advocate. Requires that one public member be a

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- person who was convicted of a felony offense and has been discharged from that sentence. [H.F. 2956]
- 2 **Appointment terms.**
Provides that the terms of any members of the Minnesota Sentencing Guidelines Commission appointed by the governor before the first Monday in January 2027 expire on that date. Five members appointed to fill those openings will serve four-year terms and four members will serve two-year terms. All members will serve four-year terms after those initial appointments. [H.F. 2956]
- 3 **Report on sentencing adjustments.**
Directs the Sentencing Guidelines Commission to include a summary and analysis of prosecutor-initiated resentencing in the commission’s annual report to the legislature. [H.F. 226]
- 4 **Felony.**
Amends the definition of “felony” to include sentences of one year or more. [H.F. 43]
- 5 **Punishment when not otherwise fixed.**
Amends the default length of a gross misdemeanor sentence to 346 days instead of “one year.” Provides that the change is retroactive. [H.F. 43]
- 6 **Maximum punishment for gross misdemeanors.**
Establishes that the maximum punishment for a gross misdemeanor is 364 days of imprisonment, provides that sentences of “one year” or 365 days imposed or executed before July 1, 2023, shall be deemed to be sentences of 364 days and provides for resentencing. [H.F. 43]
- 7 **Sentence to one year or more.**
Makes a conforming change related to the definition of “felony” including sentences of one year or more. [H.F. 43]
- 8 **Sentence to less than one year.**
Makes a conforming change related to the definition of “felony” including sentences of one year or more. [H.F. 43]
- 9 **Offenders with serious and persistent mental illness; alternative placement.**
Makes a conforming change related to the definition of “felony” including sentences of one year or more. [H.F. 43]

Section Description – Article 4: Sentencing

10 Sentence adjustment.

Subd. 1. Definition. Defines the term “prosecutor” to include the attorney general, county attorney, or city attorney responsible for prosecuting an individual charged with a crime. Defines the term “victim” as provided in chapter 611A.

Subd. 2. Prosecutor-initiated sentence adjustment. Authorizes the prosecutor responsible for the prosecution of an individual convicted of a crime to commence a proceeding to adjust the person’s sentence provided the adjustment does not increase the period of confinement or supervision.

Subd. 3. Review by prosecutor. Permits a prosecutor to review cases at that prosecutor’s discretion. Directs prosecutors to make a reasonable effort to seek input from any identifiable victim. Authorizes the commissioner of corrections, a supervising agent, or an offender to request review. Establishes that inaction by a prosecutor is not the basis for any other person to seek a sentence adjustment under this section.

Subd. 4. Petition; contents; fee. Provides that the petition for a sentence adjustment must include specific information including details of the offense, a statement of the reason the prosecutor is seeking the adjustment, and information about any steps the offender has taken toward rehabilitation. Waives the filing fee for a petition under this section.

Subd. 5. Service of petition. Requires the prosecutor to serve the petition on any person on whose behalf the petition is sought. Requires a reasonable effort to notify any person determined to be a victim in the offense for which an adjustment is sought, and requires that the notice include information about the victim’s right to make or submit a statement regarding the adjustment.

Subd. 6. Hearing. Requires the court to hold a hearing on the petition no sooner than 60 days after it is filed. Requires the attendance of the offender unless the offender is excused pursuant to court rules. Permits a victim to make or submit a statement and requires the court to consider any victim statement. Authorizes individuals with relevant information to make statements.

Subd. 7. Nature of remedy; standard. Requires the court to determine if there are substantial and compelling reasons to adjust a sentence. Directs the court to consider specific factors, including what impact the adjustment would have on public safety and whether it would promote the rehabilitation of the individual. Authorizes the court to adjust a sentence provided the adjustment does not increase the period of confinement or supervision, reduce or eliminate restitution, or reduce or eliminate a term of conditional release. Specifies that an

Section Description – Article 4: Sentencing

adjustment is not a valid basis to vacate a judgment of conviction or impose a conviction for any other offense. Requires the court to state the reasons for its decision on the record and forward a sentencing worksheet that specifically indicates that it is for a sentence adjustment.

Subd. 8. Appeals. Provides that an order issued under this section must be treated as an order imposing or staying a sentence and not a final judgment. **[H.F. 226]**

11 Failure to pay restitution.

Makes a conforming change related to the limit on probation length. **[H.F. 1607]**

12 Failure to complete court-ordered treatment.

Makes a conforming change related to the limit on probation length. **[H.F. 1607]**

13 Stay of sentence maximum periods.

Provides that the maximum length of probation for most felony sentences is the lesser of five years or the maximum sentence of imprisonment that could be imposed for the offense. Establishes exceptions to the five-year limit for certain offenses including homicide and criminal sexual conduct. Establishes a limit of five years on certain gross misdemeanor offenses. **[H.F. 1607]**

14 Liability for murder committed by another; retroactive application.

Subd. 1. Purpose. Provides that a person convicted of murder in the first degree under section 609.185, paragraph (a), clause (3) or murder in the second degree under section 609.19, subdivision 2, clause (1) may petition to have the conviction vacated under this section.

Subd. 2. Notification. Directs the commissioner of corrections to notify individuals who might be eligible to have a conviction vacated of the right to file a preliminary application in Ramsey County District Court.

Subd. 3. Preliminary application. Requires individuals seeking to have a conviction vacated to file a preliminary application in Ramsey County District Court. Establishes that the application must include the applicant's name and date of birth, the relevant case number, a statement as to whether the person entered a plea of guilty or was convicted at a trial, a statement as to whether the person filed an appeal or petition for postconviction relief, and a brief statement explaining why the person is entitled to relief. Permits an applicant to provide additional information about any other person involved in the underlying offense. Permits the judicial branch to establish a standardized form. Requires

Section Description – Article 4: Sentencing

preliminary applications to be filed by October 1, 2024, and provides that no fee will be charged for the application.

Subd. 3. Review of preliminary application. Directs the Ramsey County District Court to assign preliminary applications to a judge and permits the appointment of a special master and additional staff as needed to review the applications. Requires the reviewing judge to determine whether there is a reasonable probability that the applicant is entitled to relief based on the preliminary application and any other materials contained in judicial records that the judge chooses to review. Permits a judge to summarily deny an application that clearly does not meet the requirements of the section or for an applicant who previously had an application rejected. Directs the reviewing judge to send notice to the applicant and the applicant’s attorney, if any, if the judge denies the application, and to send notice to those individuals and the relevant prosecutor if the application is approved. Directs the court to send notice to the Office of the Public Defender if the judge approves the application and the applicant does not have an attorney.

Subd. 5. Petition for relief; hearing. Directs a person whose application was approved to file a petition for relief within 60 days of receiving notice that the application was approved and provides that the petition and any subsequent filings are without any costs or fees. Directs a county attorney to respond to the petition within 30 days and provides that the response may indicate an intent to support the petition or include a statement explaining why the petitioner is not entitled to relief. Provides that the response and any subsequent filings are without cost to the prosecutor. Directs the court to either issue an order dismissing the charge and scheduling the matter for resentencing if the prosecutor supports the petition, deny the petition if additional information demonstrates that there is not a reasonable probability that the applicant is entitled to relief, or schedule the matter for a hearing. Provides that the hearing shall be conducted in a matter consistent with a hearing on a petition for postconviction relief.

Subd. 6. Determination; order; resentencing. Establishes the requirements for relief under this section. Permits a court to issue an order denying or granting relief. Requires the court to resentence the petitioner if the court grants relief and requires that resentencing must be held at a time that gives a victim an opportunity to be present or submit a statement. Prohibits imposing a greater sentence than the sentence that was vacated and requires that the person receive credit for any time served in custody on the sentence that was vacated. Provides that relief granted shall not be treated as an exoneration for the purposes of the Incarceration and Exoneration Remedies Act. **[H.F. 1406]**

Section Description – Article 4: Sentencing

15 Probation limits; retroactive application.

Establishes that a person placed on probation is eligible for resentencing if the person was placed on probation for a period of time that exceeded five years and the new changes to the law would have limited that period of probation to no more than five years. Provides that the resentencing does not apply to individuals whose sentences were executed. Establishes that resentencing applies to each individual sentence if a person received consecutive sentences. Permits resentencing to take place without a hearing. Provides that the term of probation for a person eligible for resentencing who has served five or more years of probation shall be considered to have expired on October 1, 2023, unless the length of probation is extended for failure to pay restitution or failure to complete treatment. **[H.F. 1607]**

16 Sentencing guidelines commission; modification.

Directs the Minnesota Sentencing Guidelines Commission to make conforming changes related to the limit on the maximum length of probation established in statute. **[H.F. 1607]**

17 Revisor instruction.

Directs the revisor of statutes to make conforming changes related to the adjustment of the limit on gross misdemeanor sentences from one year to 364 days. **[H.F. 43]**

Article 5: Expungement

This article contains provisions relating to expungement following mistaken identity, expungement following a pardon, automatic expungement for certain offenses, and changes in the petition expungement process.

Section Description – Article 5: Expungement

1 Expungement petitions.

Makes a conforming change related to the classification of data related to an automatic expungement. **[H.F. 2023]**

2 Deferring prosecution for certain first time drug offenders.

Makes a conforming change related to the automatic expungement of certain criminal records related to sentences under section 152.18 (certain drug offenses). **[H.F. 2023]**

Section Description – Article 5: Expungement

- 3 Limitation on admissibility of criminal history.**
Provides that evidence of the criminal history of an employee or former employee may not be introduced into evidence in a civil action based on the conduct of the employee if the record was sealed as the result of an automatic expungement. **[H.F. 2023]**
- 4 Background studies conducted by Department of Human Services.**
Establishes that the commissioner of human services cannot consider information contained in a record expunged pursuant to the new sections granting expungement in cases involving mistaken identity or following a pardon. **[H.F. 1083/1084]**
- 5 Background studies conducted by a county agency for family child care.**
Establishes that the commissioner of human services cannot consider information contained in a record expunged pursuant to the new sections granting expungement in cases involving mistaken identity or following a pardon. **[H.F. 1083/1084]**
- 6 Database for identifying individuals eligible for expungement.**
Directs the BCA to establish a database for petty misdemeanor offenses and misdemeanor offenses that may become eligible for expungement and for which no fingerprints are collected. **[H.F. 2023]**
- 7 Required fingerprinting.**
Amends the list of “targeted misdemeanors” for which fingerprinting is required to include obscene or harassing telephone calls. **[H.F. 2023]**
- 8 Identification data other than DNA.**
Establishes that a law enforcement agency, the Bureau of Criminal Apprehension, or both must destroy fingerprints, other records of distinctive physical marks, and other identification data if there is a determination that the person was arrested as the result of mistaken identity. Requires prosecuting authorities that decline to charge a person based on the discovery that the person was charged as a result of mistaken identity to notify the relevant law enforcement agency. **[H.F. 1083]**
- 9 Definitions.**
Defines the term “mistaken identity” to include situations where a person is the victim of identity theft or where there is a misidentification by a witness or law enforcement. **[H.F. 1083]**

Section Description – Article 5: Expungement

10 Suspense file reporting.

Makes a conforming change related to the BCA’s maintenance of certain disposition data that cannot be connected to an arrest record. **[H.F. 2023]**

11 Report by court administrator.

Makes a conforming change related to the information that court administration must transmit to the BCA. **[H.F. 2023]**

12 Expungement of criminal records.

Makes conforming changes to reference expungements based on mistaken identity, expungements following a pardon, and automatic expungements as forms of expungement. **[H.F. 1083/1084/2023]**

13 Automatic expungement of records.

Subd. 1. Eligibility; dismissal; exoneration. Provides that people are eligible for automatic expungement relief if charges were dismissed based on a finding that the person was incompetent to proceed, the proceedings were dismissed pursuant to section 152.18 (certain drug offenses), or all pending charges were resolved in favor of the person.

Subd. 2. Eligibility; diversion and stay of adjudication. Provides that a person who successfully completes a diversion program or the term of probation for a stay of adjudication is eligible for expungement if the person is not convicted of a new offense, other than a petty misdemeanor, for a period of one year immediately following completion of the diversion program or one year before a subsequent review.

Subd. 3. Eligibility; certain criminal proceedings. Establishes that a person is eligible for a grant of expungement if the person was convicted of a qualifying offense, has not been convicted of any other offense in Minnesota during the applicable waiting period, and is not charged with an offense at the time of the review. Establishes that qualifying offenses include:

- petty misdemeanors, other than traffic and parking offenses;
- misdemeanors, other than listed offenses including DWI and offenses related to domestic violence;
- gross misdemeanors, other than listed offenses including DWI and offenses related to domestic violence; and
- felonies that are eligible for expungement through the petition process other than excluded offenses.

Section Description – Article 5: Expungement

Establishes waiting periods for eligibility during which the person cannot have committed a new offense. The periods are:

- for a misdemeanor, two years;
- for a gross misdemeanor, three years;
- for a 5th degree controlled substance felony, four years; and
- for any other eligible felony, five years.

Subd. 4. Notice. Requires the court to notify a defendant of eligibility for automatic expungement when dismissing charges. Requires prosecutors, defense attorneys, supervising agents, and coordinators or supervisors of a diversion program to notify individuals who will be eligible for automatic expungement when providing notice is feasible. Directs that the notice should include information about certain background studies and background checks.

Subd. 5. Bureau of Criminal Apprehension to identify eligible persons and grant expungement relief. Directs the BCA to identify individuals who are eligible for expungement under this section. Requires the BCA to rely on available information, including relying on the name and date of birth of the person when finger and thumb prints are not available. Requires the BCA to seal its own records 60 days after notifying the judicial branch that a record is eligible for expungement. Requires nonpublic records to indicate that the record has been granted expungement. Directs the BCA to notify the courts of records that are eligible for expungement and directs the courts to issue an order sealing the records. Requires the BCA to notify every agency with relevant records of the expungement and require that records be sealed. Classifies the data on expungement in a manner consistent with classification of data in an expungement based on a petition. Requires prosecutors to notify victims when a case is eligible for automatic expungement. Requires the BCA to update a system to provide criminal justice agencies uniform access to records sealed by expungement.

Subd. 6. Immunity. Establishes that employees of the BCA are immune for acts or omissions occurring within the scope of performance of their duties under this section. [H.F. 2023]

14 Mistaken identity; automatic expungement.

Establishes a process for automatic expungement in cases where a prosecutor becomes aware that a person was charged with an offense as the result of mistaken identity. Requires the prosecutor to notify the court that a case is being dismissed because of mistaken identity, directs the court to issue an order expunging records in

Section Description – Article 5: Expungement

- that situation, and establishes that the effect of the order is to return the person to the position the person held before the charge. **[H.F. 1803]**
- 15 **Certain criminal proceedings.**
Reduces the waiting period for filing a petition for expungement of a gross misdemeanor conviction from four years to three years. Establishes a waiting period of four years for felony convictions for 5th degree controlled substance offenses. Establishes that a person sentenced to a misdemeanor or gross misdemeanor sentence is eligible for expungement relief on the timeline for that level of offense even if the conviction was for a more serious offense. Establishes that a person convicted of an offense that is deemed to be a misdemeanor offense after successfully completing a stay of imposition must follow the waiting period that applies to the underlying offense. Amends the list of felony offenses that are eligible for expungement relief to add clarity around which theft offenses are eligible for expungement, and include the crimes of possession of shoplifting gear, burglary in the third degree, and possession of burglary or theft tools. Makes a conforming change related to the change to the crime of surreptitious intrusion. **[H.F. 2023/111]**
- 16 **Nature of remedy; standard.**
Establishes that the nature of the remedy for an expungement based on a petition does not apply to an automatic expungement. **[H.F. 1083/1084/2023]**
- 17 **Limitations of order effective January 1, 2015, and later.**
Clarifies that prosecutors may obtain records of convictions that were expunged and the subject of an expunged record may obtain a copy of the record. **[H.F. 1083/1084/2023]**
- 18 **Stay of order; appeal.**
Establishes that the waiting period following the grant of an expungement based on a petition does not apply to other expungements. **[H.F. 1083/1084/2023]**
- 19 **Pardon extraordinary; no petition required.**
Establishes a process for district courts to issue an expungement order following the grant of a pardon by the Board of Pardons. **[H.F. 1084]**
- 20 **Plea agreement; notification of victim.**
Requires prosecutors to make a reasonable and good faith effort to notify a victim if a conviction is eligible for automatic expungement. **[H.F. 2023]**

Section Description – Article 5: Expungement

- 21 **Petition; pardon extraordinary.**
Makes a conforming change indicating that, after a pardon is filed in district court, court records must be sealed. [H.F. 1084]
- 22 **Pardon extraordinary; filing; copies sent.**
Requires a court to order that all records related to a matter in which a person received a pardon be sealed. Provides that records may only be opened pursuant to a court order. Specifies that the order must be sent to all government entities that hold affected records. [H.F. 1084]

Article 6: Clemency Reform

This article modifies the Board of Pardons’ operations as well as the petition review and disposition process. The article creates a Clemency Review Commission to make recommendations on petitions to the Board of Pardons and requires a majority vote, with the governor required to vote in the majority, on applications. (Currently a unanimous vote is required.) [H.F. 2788]

Section Description – Article 6: Clemency Reform

- 1 **Clemency Review Commission records.**
Designates how records of the Clemency Review Commission shall be treated under the data practices chapter.
- 2 **Definitions.**
Conforming change.
- 3 **Board of Pardons; how constituted; duties.**
Declares that clemency shall be issued by the Board of Pardons as provided for in chapter 638.
- 4 **Definitions.**
Defines terms for purposes of chapter 638.
- 5 **Clemency Review Commission.**
Establishes a nine-member Clemency Review Commission to screen petitions submitted to the Board of Pardons and make disposition recommendations on the petitions to the board. The governor, attorney general, and chief justice each appoint three members.

Section Description – Article 6: Clemency Reform

- 6 Clemency application.**
Establishes standards and requirements for applications for clemency.
- 7 Third-party notifications.**
Requires notice of pardon and commutation applications be provided to victims, the sentencing judge, and the prosecuting attorney.
- 8 Types of clemency; eligibility and waiver.**
Establishes the types of available clemency and the standards, eligibility criteria, filing requirements, and reapplication procedures for clemency. (The language in this section is a revised version of current law, which is repealed in section 21).
- 9 Access to records; issuing subpoena.**
Grants the board and the commission the authority to: (1) access relevant documents held by the courts, prosecutors, and state agencies; and (2) require the presence of persons and officers with information that is necessary for the commission to resolve pending matters.
- 10 Commission meetings.**
Requires the commission to meet at least four times per year to review petitions. Mandates that meetings be open to the public. Requires applicants to appear in person before the commission.
- 11 Commission recommendations.**
Establishes the grounds for the commission recommending clemency. Directs the commission to notify applicants of the commission’s decision within 14 calendar days of making their recommendation to the board.
- 12 Board meetings.**
Requires the commission to meet at least two times per year to review referred petitions. Mandates that meetings be open to the public. Prohibits live testimony unless a board member requests testimony beyond what was provided to the commission. Directs the board to notify applicants of the board’s decision within 14 calendar days of the board’s decision.
- 13 Board decision; notifying applicant.**
Provides for an automatic approval by the board of a denial recommendation from the commission. Requires notice of the board’s decision be provided to the applicant within 14 days.

Section Description – Article 6: Clemency Reform

- 14 **Filing copy of clemency; court action.**
Requires the board file copy of a pardon with the court. Directs the court to take specified steps in response to notice of commutations.
- 15 **Reapplying for clemency.**
Provides the timelines and guidelines for reapplying for clemency after a denial.
- 16 **Commission record keeping.**
Establishes record retention standards for the commission.
- 17 **Language access and victim support.**
Provides guidance on providing language access and victim support.
- 18 **Legislative report.**
Directs the commission to assume responsibility for filing the mandated report to the legislature and expands the list of information that must be addressed in the report.
- 19 **Rulemaking.**
Grants the board and commission rulemaking authority.
- 20 **Transition period.**
Establishes a transition period for the Commission to begin reviewing applications.
- 21 **Repealer.**
Repeals most of the current statutes governing the Board of Pardons.
- 22 **Effective date.**
Establishes a July 1, 2024, effective date for sections 4 to 17 and 20.

Article 7: Evidence Gathering and Reporting

This article contains provisions related to the gathering of evidence and reporting certain information, including information on carjacking.

Section Description – Article 7: Evidence Gathering and Reporting

- 1 Access by government.**
Makes a conforming change related to the government’s right to access certain financial data. **[H.F. 450]**
- 2 Release prohibited.**
Makes a conforming change related to the situations in which a financial institution may release certain financial data. **[H.F. 450]**
- 3 Definitions.**
Defines “financial institution” in the statute that establishes the offense of identity theft. **[H.F. 450]**
- 4 Release of limited account information to law enforcement authorities.**
Establishes that a financial institution may release certain information to a law enforcement or prosecuting authority that certifies that it is investigating an identity theft crime. Indicates the law enforcement or prosecuting authority to include specific information in the request. Permits the financial institution to release information and provides that the institution is not liable in any criminal or civil proceeding for releasing the information. Classifies the information as criminal investigative data. **[H.F. 450]**
- 5 Definition.**
Amends the definition of “no-knock search warrant” to include requirements related to loudly and understandably announcing an officer’s presence and waiting a reasonable time before entering a dwelling. **[H.F. 2290]**
- 6 No-knock search warrants prohibited.**
Bars courts from issuing no-knock search warrants. **[H.F. 2290]**
- 7 Execution.**
Provides that, if a peace officer enters a dwelling to serve or execute a search warrant without loudly and understandably announcing the officer’s presence and waiting a reasonable time before entering the dwelling, evidence discovered must be suppressed. Provides for an exception related to exigent circumstances or other exceptions to the warrant requirement. **[H.F. 2290]**
- 8 Execution and return of warrant; time.**
Provides that a search warrant on a financial institution for financial records is valid for 30 days. Provides that a district court judge may grant an extension of a warrant

Section Description – Article 7: Evidence Gathering and Reporting

- when a financial institution has not produced financial records within 30 days. **[H.F. 450]**
- 9 **Return of property and suppression of evidence.**
Makes conforming changes related to the requirement that evidence be suppressed when a peace officer serves or executes a search warrant without loudly and understandably announcing the officer’s presence and waiting a reasonable time before entering the dwelling. **[H.F. 2290]**
- 10 **Carjacking report required.**
Requires law enforcement agencies to file annual carjacking reports with the commissioner of public safety. Requires the commissioner to include the carjacking data received in the department’s annual uniform crime report. **[H.F. 281]**
- 11 **Exception; stolen motor vehicles.**
permits law enforcement officers to attach a mobile tracking device to stolen vehicles without prior court approval if the owner of the vehicle either grants consent or reported to law enforcement that the vehicle was stolen. Law enforcement must remove or disable the device after 24 hours or secure court approval to continue to use the device to track the vehicle. **[H.F. 686]**
- 12 **Repealer.**
Repeals provisions regulating the use of no-knock search warrants. **[H.F. 2290]**

Article 8: Policing and Private Security

This article contains a variety of provisions that impact policing and private security personnel and services in the state.

Section Description – Article 8: Policing and Private Security

- 1 **Data classification; court-authorized disclosure.**
Establishes timelines for law enforcement agencies to disclose body camera recordings of incidents involving the use of deadly force that result in death to (1) the decedent’s family and legal representatives, and (2) the public. Requires law enforcement agencies to release all recordings of incidents where an officer discharges a firearm. **[H.F. 855]**

Section Description – Article 8: Policing and Private Security

- 2 Board of peace officers standards and training; receipt of complaint.**
Permits, rather than requires, POST to order a law enforcement agency to conduct an inquiry into a written statement or complaint that alleges a violation of a statute or rule that the board is empowered to enforce. **[H.F. 855]**
- 3 Powers and duties.**
Empowers the Private Detectives Board to investigate suspected criminal violations by license holders and their employees and the unlicensed delivery of services regulated by the board. **[H.F. 2510]**
- 4 Identification card.**
Requires protective agent license holders to present a copy of the license upon request. **[H.F. 2510]**
- 5 Required contents.**
Requires the Board of Private Detective and Protective Agent Services to accept proof of the required preassignment training from employees of licensed private detectives and protective agents if the training was provided by another Minnesota license holder within the past three years. Further, requires license holders to provide a certificate of preassignment training to employees even when the license holder paid for the training. **[H.F. 2510]**
- 6 Basis for action.**
Establishes that previously operating as protective agent without a license is grounds for the board to revoke, suspend, or refuse to issue a license. **[H.F. 2510]**
- 7 Reports required.**
Expands the situations in which a peace officer must report a crime as a crime motivated by bias to include crimes motivated by bias against a person due to the person’s gender, gender identity, or gender expression, and bias against a person who associates with someone in a protected group. **[H.F. 181]**
- 8 Rules governing certain misconduct.**
Directs POST to adopt rules under chapter 14 that permit POST to take action on a licensee for a violation of a standard of conduct whether or not criminal charges have been filed and in accordance with the standards and processes for boards under chapter 214. **[H.F. 855]**

Section Description – Article 8: Policing and Private Security

- 9 **Grounds for revocation, suspension, or denial.**
Authorizes the POST board to revoke, suspend, or deny a license of person who violates the prohibition against peace officers associating with gangs and hate or extremist groups. **[H.F. 538]**
- 10 **Hate or extremist groups.**
Prohibits peace officers from joining, supporting, or affiliating with a criminal gang or a hate or extremist group. **[H.F. 538]**
- 11 **Training course; crimes motivated by bias.**
Expands the training course on crimes motivated by bias that the Board of Peace Officer Standards and Training must prepare to include crimes committed due to bias against a person due to the person’s gender, gender identity, or gender expression, and bias against a person who associates with someone in a protected group. Directs the board to review the course every three years. Requires the board to receive the approval of the commissioner of human rights when updating the course. **[H.F. 181]**
- 12 **Data to be shared with board.**
Directs local government officials to cooperate with the POST Board when provided notice that the board is investigating a peace officer. Local officials must provide the board with public, private, and confidential data related to the peace officer who is the subject of the board’s investigation. Requires local officials to notify the board when a peace officer was discharged for misconduct. Allows local officials to withhold the data from the POST Board if the data is part of an active criminal investigation or legal proceeding. **[H.F. 822]**
- 13 **Immunity from liability.**
Grants immunity from civil and criminal penalties under the data practices chapter for local officials who comply with the data sharing and notice requirements in previous section. **[H.F. 822]**
- 14 **In-service training required.**
Requires training to assist peace officers in recognizing incidents motivated by bias. Directs the Board of Peace Officer Standards and Training to review the learning objectives on an annual basis and to consult with the commissioner of human services when assessing the objectives. **[H.F. 181]**

Section Description – Article 8: Policing and Private Security

15 Written policies and procedures required.

Adds additional requirements that must be included in body camera policies adopted by law enforcement agencies that have officers who use portable recording systems (a.k.a. body cameras). [H.F. 855]

16 Intensive comprehensive peace officer education and training program.

Subd. 1. Establishment; title. Establishes the intensive comprehensive peace officer education and training program in the Department of Public Safety.

Subd. 2. Purpose. Sets forth the program’s purpose – recruiting and training highly qualified college graduates to become peace officers.

Subd. 3. Eligibility for reimbursement; grant cap. Establishes eligibility criteria for chief law enforcement officers (CLEOs) to apply for a maximum reimbursement grant of \$50,000 per participant.

Subd. 4. Eligibility for retention bonus reimbursement grant. Authorizes CLEOs to seek reimbursement of up to \$10,000 per officer for retention bonuses awarded to graduates of this program who serve at least two years as a peace officer.

Subd. 5. Eligibility for student loan reimbursement. Authorizes peace officers who complete the program to seek college student loan reimbursement after serving a to-be-determined number of years as a peace officer.

Subd. 6. Forms. Requires the commissioner to provide the necessary grant application forms.

Subd. 7. Intensive education and skills program. Directs the commissioner of public safety to develop an intensive comprehensive law enforcement education and skills training program to educate and train program participants.

Subd. 8. Education providers; sites. Directs MnState to designate at least two regionally diverse campuses to host the program. Authorizes private, nonprofit, accredited schools to provide the education and training that participants are required to complete.

Subd. 9. Account established. Establishes an intensive comprehensive peace officer education and training program account in the special revenue fund.

Subd. 10. Definitions. Defines terms used in this section.

[H.F. 2465]

Section Description – Article 8: Policing and Private Security

- 17 **Background records checks.**
Requires law enforcement agencies to conduct a criminal history background check on applicants who are being considered for employment by the agency as peace officers. The bill also provides direction to the superintendent of the Bureau of Criminal Apprehension on how to process background checks submitted under this section. Additionally, the bill authorizes law enforcement agencies to share the results of the background checks with the Minnesota Board of Peace Officer Standards and Training. **[H.F. 823]**
- 18 **Disclosure of employment information.**
Authorizes law enforcement agencies to share the results of background checks with the Minnesota Board of Peace Officer Standards and Training. **[H.F. 823]**
- 19 **Refusal to disclose a personnel record.**
Clarifies the requirements for disclosing peace officer personnel records. **[H.F. 823]**
- 20 **Notice of investigation.**
Conforming change. **[H.F. 823]**
- 21 **Civilian review.**
Authorizes local units of government to establish civilian oversight councils and grant an oversight council the authority to make findings of fact and impose discipline on officers. **[H.F. 855]**
- 22 to 29 **Tribal law enforcement.**
Provides that Tribal law enforcement agencies are not required to enter cooperative agreements with the local sheriff as a condition of exercising concurrent jurisdiction within the boundaries of their reservations. **[H.F. 2173]**

Article 9: Corrections Policy

Section Description – Article 9: Corrections Policy

- 1 **Commissioner, powers and duties.**
Prohibits the commissioner of corrections from housing inmates in privately owned jails and prisons after July 1, 2023. **[H.F. 1200]**

Section Description – Article 9: Corrections Policy

- 2 Public notice of restriction, revocation, or suspension.**
Clarifies that the commissioner of corrections is required to provide public notice when a correctional facility’s license is restricted by the commissioner due to a correction order. **[H.F. 824]**
- 3 Affected municipality; notice.**
Makes a conforming change to use consistent terms in section 241.021. **[H.F. 1233]**
- 4 Licensing; facilities; juveniles from outside state.**
Makes a conforming change to use consistent terms in section 241.021. **[H.F. 1233]**
- 5 Juvenile detention facilities; restrictions on strip searches and discipline.**
Defines “strip searches” and “health care professional” as used in the new section of law. Restricts the use of strip searches to situations where there is an immediate concern about contraband, other techniques cannot be used, and the chief administrator of the facility (or that person’s designee) approves the specific search. Requires such a search to be conducted by a health care professional or a staff person with appropriate training, and requires a report on searches to be made to the commissioner of corrections. Prohibits the use of isolation of juveniles for punishment of a juvenile, but permits isolation to be used for the safety of a juvenile or others. Authorizes the commissioner of corrections to take action to address violations and requires a report. **[H.F. 1322]**
- 6 Authorization.**
Authorizes the DOC’s Fugitive Apprehension Unit to assist another law enforcement agency upon request and to investigate criminal offenses in agency-operated correctional facilities and surrounding property. **[H.F. 1523]**
- 7 Limitations.**
Modifies how the Fugitive Apprehension Unit interacts with other agencies regarding investigations and arrests. **[H.F. 1523]**
- 8 Policies.**
Removes obsolete language. **[H.F. 1523]**
- 9 Office of Ombudsperson; creation; qualifications; function.**
Requires that the governor have just cause prior to removing the Ombudsperson for Corrections. **[H.F. 745]**

Section Description – Article 9: Corrections Policy

10 Private prison contracts prohibited.

Prohibits the commissioner of corrections from entering into a contract with privately owned and operated prisons to care for state inmates. **[H.F. 1200]**

11 Indeterminate Sentence Release Board.

Establishes the Indeterminate Sentence Release Board and describes the members and duties.

Subd. 1. Establishment; members. Establishes a board, the Indeterminate Sentence Release Board, to review eligible cases and make release determinations for inmates serving indeterminate sentences. States that the board consists of five members including the commissioner of corrections and four individuals appointed by the governor from recommendations by the majority and minority leaders of each legislative body. Establishes minimum criteria for the members.

Subd. 2. Terms; compensation. Provides that members of the board serve four-year staggered terms except that two initial members will be appointed to two-year terms. Provides for compensation and removal consistent with Minnesota Statutes, section 15.0575.

Subd. 3. Quorum; administrative duties. States that a majority of members constitutes a quorum. Directs the commissioner of corrections to provide administrative services, meeting space, and other administrative support.

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

Subd. 5. Report. Requires the board to submit a report regarding inmates reviewed and identifying individuals granted release. Further directs the board to make recommendations for legislative action. **[H.F. 1321]**

12 Rules.

Conforming amendment. **[H.F. 1321]**

13 Supervised release, life sentence.

Authorizes the board, by majority vote, to grant supervised release to inmates serving life sentences, transfers other powers currently granted to the commissioner to the board, defines "board" as the Indeterminate Sentence Release Board

Section Description – Article 9: Corrections Policy

- established in section 1 of the bill, and defines “constructive parole” for purposes of this section. **[H.F. 1321]**
- 14 **Probation officers.**
Authorizes Tribal Nations to provide the delivery of probation and post-release prison supervision through the Tribal Nations’ community supervision departments. **[H.F. 1864]**
- 15 **Risk assessment instrument.**
Requires a peace officer or parole officer who does not release a child to communicate with a secure detention facility to determine whether the child should be detained. The facility must use an objective juvenile detention risk assessment instrument developed in coordination with the Minnesota Juvenile Detention Alternative Initiative. Requires that the risk assessment instrument assess the likelihood that a juvenile will return to court or be a danger to others. Further directs the instrument to identify appropriate noncustodial community-based supervision that will minimize the risk the child poses to others and increase the probability that the child will return to court. Requires release of the child pursuant to existing law if, after use of the assessment, a decision is made that release is appropriate. **[H.F. 1511]**
- 16-33 **Tribal supervision.**
Makes conforming changes related to the authorization for Tribal Nations to provide the delivery of probation and post-release prison supervision. **[H.F. 1864]**
- 34 **Placement in private prisons prohibited.**
Prohibits the placement of jail inmates in privately owned facilities. **[H.F. 1200]**
- 35 **Medical aid.**
Prohibits counties from charging jail inmates for external phone calls made by inmates to mental health care providers. **[H.F. 824]**
- 36 **Discharge plans.**
Modifies the commissioner of corrections’ obligation to develop and distribute a model discharge planning process for jails. Establishes a timeline for development of a discharge plan for mentally ill jail inmates. Authorizes counties to establish reentry coordination programs. **[H.F. 824]**

Section Description – Article 9: Corrections Policy

37 Mental health unit pilot program.

directs the commissioner of corrections to establish a mental health unit pilot program for county jails to provide mental health care to incarcerated individuals with serious and persistent mental illness. **[H.F. 1462]**

38 Revised facility plans.

Requires the commissioner of corrections to direct juvenile facilities to update their plans on searches and isolation to be consistent with the new requirements in law. **[H.F. 1233]**

39 Rulemaking.

Directs the commissioner of corrections to establish new rules regarding strip searches and the use of isolation. Requires the use of the exempt rulemaking process. Provides that the joint rulemaking authority with the commissioner of human services does not apply to amendments applicable only to the Department of Corrections. **[H.F. 1233]**

40 Regional and county jails; study and report.

Subd. 1. Study. Requires the commissioner of corrections to study and make recommendations on the consolidation or merger of county jails and alternatives to incarceration for persons experiencing mental health disorders. The commissioner must consult with the public and with local government officials and administrators on the study and recommendations.

Subd. 2. Report. A report is due to the legislature on or before December 1, 2024, with information on a variety of metrics and recommendations relating to county jail facilities.

Subd. 3. Evaluations. Requires the commissioner to evaluate the need for capital improvement projects that request state funds to build new jails or expand existing jails.

Effective the day following final enactment. **[H.F. 1134]**

41 Indeterminate Sentence Release Board.

Prohibits the Indeterminate Sentence Release Board from reviewing cases until July 1, 2024. **[H.F. 1321]**

42 Revisor instruction.

Directs the revisor to update statutory references to reflect changes to the inmate release process proposed in section 3. **[H.F. 1321]**

Article 10: Minnesota Rehabilitation and Reinvestment Act

This article establishes the Minnesota Rehabilitation and Reinvestment Act which is designed to reduce the length of incarceration for offenders who demonstrate their rehabilitation. [H.F. 1319]

Section Description – Article 10: Minnesota Reinvestment and Rehabilitation Act

- 1 **Rehabilitative programs.**
Specifies rehabilitation programming that the commissioner must provide inmates to include substance abuse treatment programs; sexual offender treatment programming; medical and mental health services; and vocational, employment and career, educational, and other rehabilitative programs.
- 2 **Supervised release; inmates who commit crimes on or after August 1, 1993.**
Updates current law on supervised release terms to reflect the proposal to award earned incentive release credit.
- 3 **Minnesota Rehabilitation and Reinvestment Act.**
Establishes sections 3 to 14 as the Minnesota Rehabilitation and Reinvestment Act (“the act” or “MRRA”).
- 4 **Definitions.**
Defines terms used in the MRRA.
- 5 **Comprehensive assessment and individualized rehabilitation plan required.**
 - Subd. 1. Comprehensive assessment.** Requires the commissioner to develop a comprehensive needs assessment for most inmates.
 - Subd. 2. Individualized rehabilitation plan.** Requires the commissioner to develop an individualized rehabilitation plan for inmates required to undergo an assessment under subdivision 1.
 - Subd. 3. Victim input.** Requires the commissioner to solicit and consider victim input when developing plans under subdivision 2.
 - Subd. 4. Transition and release plan.** Requires the commissioner to develop transition and release plans for inmates with less than 365 days of incarceration remaining on their sentence.
 - Subd. 5. Scope of act.** Declares that the MRRA is separate and distinct from other legislatively authorized release programs.

Section Description – Article 10: Minnesota Reinvestment and Rehabilitation Act

- 6 Earned incentive release credit.**
Requires the commissioner to develop a policy on earned incentive release credit in consultation with specified stakeholders.
- 7 Applying earned incentive release (EIR) credit.**
Establishes that EIR credits are subtracted from an offender’s term of imprisonment and not added to the supervised release term. Establishes the maximum amount of EIR at 17 percent of the term of imprisonment except that the term of imprisonment may not be less than 50 percent of the executed sentence.
- 8 Ineligibility for earned incentive release credit.**
Excludes certain offenders from participating in EIR.
- 9 Earned compliance credit and supervision abatement status.**
Subd. 1. Adopting policy for earned compliance credit; supervision abatement status. Mandates the commissioner to create a policy for earning compliance credits and forfeiture of the credit, requiring that once a combination of time served, EIR, and supervision term plus compliance credits equal the supervised release term, the person is placed on abatement status.
Subd. 2. Violating conditions of release; commissioner action. Establishes the commissioner’s disciplinary options when an offender on supervision abatement status violates the conditions of release.
Subd. 3. Supervision abatement status; requirements. Provides when an offender is on supervision abatement status, the offender will not be required to report to a supervision agent or pay supervision fees, but must report any new criminal charges and seek written authorization to relocate to another state.
Subd. 4. Applicability. Prohibits individuals serving life sentences, given indeterminate sentences for crimes committed on or before April 30, 1980, or subject to good time from earning compliance credit or being placed on supervision abatement status.
- 10 Victim input.**
Requires the commissioner to attempt to notify the victim of an offender’s EIR eligibility and request victim input on the offender’s EIR eligibility.
- 11 Victim notification.**
Declares that EIR participation does not absolve the commissioner of fulfilling any other statutory victim notification requirements.

Section Description – Article 10: Minnesota Reinvestment and Rehabilitation Act

12 Interstate compact.

Authorizes individuals serving Minnesota sentences in other states under the Interstate Compact for Adult Offender Supervision to be eligible for supervision abatement status.

13 Reallocating EIR savings.

Subd. 1. Establishment of reallocation of revenue account. Establishes the reallocation revenue account.

Subd. 2. Certifying EIR savings. Requires MMB to certify any savings from EIR in the prior fiscal year.

Subd. 3. Savings to be transferred to the reallocation revenue account. Requires EIR savings to be transferred to the reallocation revenue account.

Subd. 4. Distributing reallocation funds. Provides how the savings resulting from EIR (based on reduction in incarcerated days), shall be distributed.

14 Reporting required.

Requires the commissioner to report annually to the legislature on the EIR program. Requires the commissioner to include feedback on the EIR program from victim coalitions in the annual report to the legislature. Requires the commissioner to conduct regular evaluations of EIR program and publish findings on the agency's website and in annual report to the legislature.

15 Effective date.

Establishes August 1, 2023, as the effective date for this article.

Article 11: Firearms and Background Checks

This article requires that private transfers of pistols and semiautomatic military-style assault weapons be preceded by a firearms eligibility background check of the person receiving the firearm. **[H.F. 14]**

Section Description – Article 11: Firearms and Background Checks

1 Transferee permit; penalty.

Subd. 1. Information. No changes.

Subd. 2. Information. No changes.

Section Description – Article 11: Firearms and Background Checks

Subd. 3. Forms. No changes.

Subd. 4. Grounds for disqualification. Grants a chief law enforcement officer the additional authority to deny an application for a transferee permit if there is a substantial likelihood that the person is a danger to self or the public when in possession of a firearm or is listed in the gang database.

Subd. 5. Granting of permits. Allows chief law enforcement officers 30 days to process transferee permit applications. Contains additional clarifying, non-substantive changes.

Subd. 6. Permits valid state wide. No changes.

Subd. 7. Permit voided; revocation. Establishes a chief law enforcement officer's (CLEO's) obligations when the CLEO learns that a permit holder becomes ineligible. Establishes a protocol for when a permit holder becomes ineligible and must surrender the permit. Increases the penalty for failure to return a revoked permit from a misdemeanor to a gross misdemeanor. Also contains a clarifying change.

Subd. 8. Hearing upon denial. Establishes procedures and due process for appeals of denied permit applications.

Subd. 9. Permit to carry. Declares that a permit to carry is the equivalent of a transferee permit for purposes of this section, the transfer report section (624.7132), and the proposed private party transfer section (624.7134).

Subd. 10. Transfer report not required. Eliminates the exception to completing a transfer report under section 2 for firearms transfers where a transferee permit is proffered as proof of firearms eligibility.

Subd. 11. Penalty. Increases the criminal penalty for making a false statement to obtain a transferee permit from a gross misdemeanor to a felony.

Subd. 12. Local regulation. No changes.

2 **Report of transfer.**

Subd. 1. Required information. No changes.

Subd. 2. Investigation. No changes.

Subd. 3. Notification. No changes.

Section Description – Article 11: Firearms and Background Checks

Subd. 4. Delivery. Authorizes chief law officers up to 30 days to process a transfer report. Also contains clarifying and technical changes.

Subd. 5. Grounds for disqualification. Grants a chief law enforcement officer the additional authority to deny a transfer application if there is a substantial likelihood that the person is a danger to self or the public or the person is listed in the gang database. Provides guidance on the process of denying and reconsidering an application for a report of transfer.

Subd. 6. Transferee permit. Eliminates the option for a person who is approved to receive a firearm through the report of transfer process to automatically receive a transferee permit.

Subd. 8. Report not required. Eliminates the exception to the transfer report requirement for those who possess a transferee permit. A person who possesses a valid permit to carry is still exempt from the report of transfer process.

Subd. 9. Number of firearms. No changes.

Subd. 10. Restriction on records. Adds a reference to an exception to this subdivision created in section 3.

Subd. 11. Forms; cost. No changes.

Subd. 12. Exclusions. No changes.

Subd. 13. Appeal. Establishes procedures and due process for appeals of applications for a transfer report.

Subd. 14. Transfer to unknown party. Repeals language penalizing the transfer of firearms to unknown parties. This conduct is penalized elsewhere in statute and this article.

Subd. 15. Penalties. No changes.

Subd. 16. Local regulation. No changes.

3 Private party transfers; background check required.

Subd. 1. Definitions. Defines “firearms dealer,” “state or federally issued identification,” and “unlicensed person.”

Subd. 2. Background check and evidence of identity. Requires that a private party who wishes to receive a pistol or semiautomatic military-style assault

Section Description – Article 11: Firearms and Background Checks

weapon from another private party present a valid transferee permit or permit to carry and government issued identification.

Subd. 3. Background check conducted by federally licensed firearms dealer.

Creates an exception to the record of transfer process for unlicensed parties to transfer pistols and semiautomatic military-style assault weapons through a firearms dealer.

Subd. 4. Record of transfer; required information. Requires that private parties who transfer a pistol or semiautomatic military-style assault weapon complete a record of transfer unless they used a firearms dealer pursuant to subdivision 3. Specifies the information that must be included in the record of transfer including the firearm’s serial number, type, manufacturer, and model. The document must also contain a copy of the transferee’s permit and ID. Both parties must retain a copy of the record of transfer and attachments for 20 years. The copy may be in digital format.

Subd. 5. Compulsory production of a record of transfer; gross misdemeanor penalty. Unless the transfer was completed under subdivision 3, requires both parties to a private pistol or semiautomatic military-style assault weapon transfer to produce the record of transfer upon the request of a law enforcement officer who is investigating a crime. A person who refuses or is unable to produce a record of transfer upon request is guilty of a gross misdemeanor.

Subd. 6. Immunity. Grants immunity from prosecution under this section to persons who present a valid record of transfer.

Subd. 7. Exclusions. Establishes exceptions to the background check requirements of this section for certain pistol and semiautomatic military-style assault weapon transfers. Transfers involving a firearms dealer or a law enforcement agency and transfers between immediate family members, among various other transfers, are excluded.

Article 12: Extreme Risk Protection Orders

This article provides a procedure under which family or household members, a chief law enforcement officer, a city or county attorney, or a guardian can petition for an “extreme risk protection order” (ERPO) which would prohibit the respondent from possessing firearms for up to one year. [H.F. 15]

Section Description – Article 12: Extreme Risk Protection Orders

1 Ineligible persons.

Amends section 624.713, subdivision 1, (Persons Ineligible to Possess Firearms) to include persons subject to an extreme risk protection order.

2 Extreme risk protection orders.

Subd. 1. Definitions. Defines “family or household members,” “firearm,” and “mental health professional” for the purposes of the bill. The bill uses the definition of “family or household member” from section 518B.01, the Domestic Abuse Act.

Subd. 2. Court jurisdiction. Provides that an application for relief must generally be filed in the county of residence of the respondent and that actions under this section shall be given docket priority by the court.

Subd. 3. Information on petitioner’s location or residence. Provides that upon the petitioner’s request, information on the petitioner’s location or residence is private data.

Subd. 4. Generally. (a) Creates an action called a petition for an extreme risk protection order, which prohibits respondents to the action from possessing or purchasing firearms for a period of time set by the court.

(b) Provides that petitioners may be family or household members, chief law enforcement officers or their designees, city or county attorneys, or guardians.

(c) Provides that the petition shall allege that the respondent poses a significant danger of bodily injury to others or is at a significant risk of suicide by possessing a firearm. The petition must be accompanied by an affidavit made under oath stating specific facts and circumstances forming a basis to allege that an extreme risk protection order should be granted.

(d) Provides that the petition must also allege that the respondent presents an immediate and present danger of bodily injury to others or of taking their own life, if the petitioner is seeking emergency issuance of an ERPO.

(e) Provides that a petition for relief must describe, to the best of the petitioner’s knowledge, the types and locations of any firearms possessed by the respondent.

(f) Provides that the court shall provide simplified forms and clerical assistance to help with the writing and filing of a petition.

Section Description – Article 12: Extreme Risk Protection Orders

- (g) Provides that the state court administrator shall create all court forms necessary to implement the act.
- (h) Waives the court filing fees for both parties and mandates that service of process fees are not the petitioner's responsibility.
- (i) Provides that the court must advise the petitioner of the right to serve the respondent by alternate service if the respondent is avoiding personal service by concealment, and must assist in the writing and filing of the affidavit.
- (j) Provides that the court must advise the petitioner of the right to request an emergency hearing to gain relief under this section.
- (k) Provides that any proceedings under this section shall be in addition to other civil or criminal remedies.
- (l) Provides that any health records provided in a petition are private data.
- (m) Provides that any ERPO or subsequent extension shall be forwarded by the court administrator within 24 hours to the local law enforcement agency with jurisdiction over the respondent, which then must make the order known to other law enforcement agencies. Requires the court to send the order to the National Instant Criminal Background Check System.

Subd. 5. Mental health professionals. Requires mental health professionals to contact the appropriate sheriff when the clinician has a duty to report a client as danger to self or others.

3 Extreme risk protection orders issued after hearing.

Subd. 1. Hearing. (a) Requires courts to hold ERPO hearings within 14 days of receiving an ERPO petition.

(b) Requires the court to advise petitioners of their right to request an emergency ERPO under section 5.

(c) Appoints law enforcement to serve ERPOs and seize and store firearms when so ordered by the court.

(d) Permits a respondent to be served with an ERPO petition any time prior to 48 hours before the time set for the hearing. If service occurs less than five days prior to hearing, there is a presumption that the respondent is entitled to continuance of 14 days.

Section Description – Article 12: Extreme Risk Protection Orders

(e) Authorizes alternate means to serve an ERPO petition if personal service cannot be made. (This language is patterned after the alternate service language in the domestic assault statute.)

(f) Requires petitioners who are not government officials to provide notice of an ERPO petition to the appropriate sheriff.

Subd. 2. Relief by court. (a) Requires a petitioner to prove by clear and convincing evidence that the respondent poses a significant danger of bodily injury to other persons or is at significant risk of suicide by possessing a firearm.

(b) Specifies the types of information that the court should review in determining if a petition should be granted.

(c) Authorizes the court to subpoena peace officers with knowledge of the respondent's conduct to provide testimony and to look at other relevant evidence beyond the items listed in paragraph (b).

(d) If the court finds there is sufficient evidence to issue an ERPO, the court must inform the respondent that the respondent is prohibited from possessing and purchasing firearms and shall issue a transfer order for the firearms.

(e) Requires that an ERPO be for a fixed period of not less than six months and not more than one year, subject to renewal or extension.

(f) Requires a court to determine if the respondent presents an immediate and present danger of bodily injury if the court issues an ERPO and an emergency ERPO had not be issued.

(g) If the court refuses to issue an ERPO after a hearing, the court shall vacate the existing emergency ERPO (if applicable).

(h) Permits a respondent to waive the respondent's right to contest the hearing and consent to imposition of an ERPO. A respondent who consents to imposition of an ERPO may request that the petition be sealed. Requires an ERPO issued for a respondent who is solely at risk of suicide be kept from public access.

4 Subsequent extensions and termination.

Provides the process and procedures for subsequent extension and termination of an ERPO. An ERPO may be extended for six to 12 months. Provides that a respondent may apply for the order to be terminated at a hearing at which the respondent must prove by clear and convincing evidence that the respondent does not pose a significant danger of bodily injury to others or is not a significant risk of suicide by

Section Description – Article 12: Extreme Risk Protection Orders

- possessing a firearm. Application for termination of an order is limited to one application for each year the order is in effect.
- 5 **Emergency issuance of extreme risk protection order.**
Provides procedures for the emergency issuance of an ERPO. A court shall issue an emergency ERPO if there is probable cause to believe that the respondent poses a significant danger of bodily injury to other persons or is at significant risk of suicide by possessing a firearm AND the respondent presents an immediate and present danger of bodily injury. Emergency orders are for a fixed period of 14 days.
- 6 **Transfer of firearms.**
Provides procedures for the transfer of a respondent’s firearms upon the issuance of an ERPO. Transfer must be made, within 24 hours, to a federally licensed firearms dealer or a law enforcement agency which may charge the respondent a reasonable storage fee. There is no transfer of ownership for temporary transfers. Establishes requirements for proving that firearms were indeed transferred. When an emergency order is issued and there is probable cause to believe the respondent owns firearms, the court shall issue a search warrant to law enforcement to take immediate possession of the respondent’s firearms “as soon as practicable.” Directs the chief law enforcement officer to notify a respondent of the option to voluntarily surrender a firearm prior to executing the search warrant.
- 7 **Return of firearms.**
Provides for the return of a respondent’s firearms upon the expiration of an ERPO. The law enforcement agency or firearms dealer holding the firearms must ensure that the respondent is otherwise eligible to possess firearms before returning the firearms.
- 8 **Offenses.**
Provides that petitioners who file an ERPO petition that contains false information or is abusive are guilty of a gross misdemeanor. Respondents who continue to possess firearms after the issuance of an order are guilty of a misdemeanor and prohibited from possessing firearms for five years.
- 9 **Liability protection.**
Provides that law enforcement officers and county attorneys who decide, in good faith, to not petition for a protective order are immune from criminal or civil liability. Provides limited liability protection for (1) damage to stored firearms, (2) service of ERPOs, (3) execution of search warrants, and (4) harm caused by persons subject to

Section Description – Article 12: Extreme Risk Protection Orders

- ERPOs. Provides liability protection to mental health professionals who alert law enforcement of a dangerous client.
- 10 **Extreme risk protection order; development of model procedures.**
Directs the Peace Officer Standards and Training Board to develop a model policy for storing firearms under this act.
- 11 **Federal Bryne State Crisis Intervention Formula Program.**
Designates the Department of Public Safety as the state agency that is exclusively authorized to apply for federal ERPO support grants.
- 12 **Effective date.**
Provides that sections 1 to 9 of this article have a January 1, 2024, effective date, and apply to firearm permit background checks made on or after that date.

Article 13: Controlled Substances Policy

This article modifies the weight and dosage unit limits for fentanyl in the controlled substance statutes and requires peace officers who respond to emergency calls to carry opiate antagonists. This article also repeals section 152.092 (possession of drug paraphernalia crime), makes conforming changes, adds a definition of “syringe services provider,” and modifies provisions regarding possession, control, and sales of hypodermic syringes or needles. It also modifies the definition of drug paraphernalia to remove items that may be used to test the strength, effectiveness, or purity of a controlled substance. **[H.F. 615, H.F. 1877, and H.F. 2041].**

Section Description – Article 13: Controlled Substances Policy

- 1 **Law enforcement records.**
Amends § 121A.28. Strikes reference to § 152.092 (possession of drug paraphernalia crime), which is being repealed, from section requiring a law enforcement agency to provide notice to schools of drug incidents involving students. **[H.F. 2041]**
- 2 **Syringe services provider.**
Amends § 151.01 by adding subd. 43. Adds definition of “syringe services provider.” **[H.F. 2041]**

Section Description – Article 13: Controlled Substances Policy

3 Generally.

Amends § 151.40, subd. 1. Modifies list of persons who may possess, control, manufacture, sell, furnish, dispense, or otherwise dispose of hypodermic syringes or needles. Removes “possess” and “control” from list of unlawful acts. **[H.F. 2041]**

Adds syringe services providers and their employees and agents, and participants receiving services from a syringe services provider to list of exceptions.

Makes this section effective August 1, 2023. **[H.F. 2041]**

4 Sales of clean needles and syringes.

Amends § 151.40, subd. 2. Removes limit of ten or fewer for sales of unused hypodermic needles or syringes without a prescription or direction of a practitioner. **[H.F. 2041]**

5 Park zone.

Amends the definition of park zone in the controlled substances chapter to include public park land designated by a federally recognized Indian Tribe. **[H.F. 1877]**

6 Drug paraphernalia.

Amends § 152.01, subd. 18. Modifies definition of “drug paraphernalia” by removing equipment, products, or materials used for testing the strength, effectiveness, or purity of a controlled substance. Removes limitation on possessing hypodermic syringes or needles or any instrument or implement which can be adapted for subcutaneous injections.

Makes this section effective August 1, 2023. **[H.F. 2041]**

7 Fentanyl.

Defines “fentanyl” for purposes of the controlled substance sections of law. **[H.F. 615]**

8 Sale crimes.

Amends the first-degree sale offense to equate the sale of fentanyl with the sale of heroin. Creates a dosage limit for these substances. **[H.F. 615]**

9 Possession crimes.

Amends the first-degree possession offense to equate the possession of fentanyl with the possession of heroin. Creates a dosage limit for these substances. **[H.F. 615]**

Section Description – Article 13: Controlled Substances Policy

- 10 **Sale crimes.**
Amends the second-degree sale offense to equate the sale of fentanyl with the sale of heroin. Creates a dosage limit for these substances. [H.F. 615]
- 11 **Possession crimes.**
Amends the second-degree possession offense to equate the possession of fentanyl with the possession of heroin. Creates a dosage limit for these substances. [H.F. 615]
- 12 **Possession crimes.**
Amends the third-degree possession offense to create a specific penalty for possession of fentanyl. Creates a dosage limit for fentanyl. [H.F. 615]
- 13 **Possession and other crimes.**
Excepts a residual amount of a controlled substance found in drug paraphernalia from constituting a fifth-degree drug possession offense. [H.F. 2041]
- 14 **Manufacture or delivery of drug paraphernalia prohibited.**
Limits the prohibition on drug paraphernalia to manufacturing. [H.F. 2041]
- 15 **Local regulations.**
Amends § 152.205. Removes reference to § 152.092, which is being repealed. [H.F. 2041]
- 16 **Opiate antagonists; training; carrying; use.**
Requires chief law enforcement officers to train their peace officers in the use of opiate antagonists and to supply their officers with opiate antagonists to use in overdose calls. Requires peace officers on patrol to have opiate antagonists readily available. [H.F. 615]
- 17 **Repealer.**
Repeals § 152.092 (possession of drug paraphernalia crime). [H.F. 2041]

Article 14: Controlled Substances Schedules

This article makes changes in the state’s controlled substances schedules to reflect recent revisions to the federal schedules. [H.F. 1665]

Section Description – Article 14: Controlled Substances Schedules

1-4 Changes to controlled substances schedule.

These sections add substances to the state’s controlled substances schedules 1, 2, 4, and 5, to reflect U.S. Drug Enforcement Administration changes to the federal schedules. The amendments in these sections make permanent the changes made in the Board of Pharmacy’s scheduling order of March 16, 2022. The changes in the scheduling order are effective for 12 months and cannot be renewed. The effective date of the sections is the day following final enactment.

Article 15: 911 Emergency Communication System

This article contains a variety of changes and updates to the statutes regulating the state’s 911 emergency communications system. **[H.F. 2890, Art. 8]**

Section Description – Article 15: 911 Emergency Communication System

1-31 Definitions.

Amends existing terms and proposes adoption of new terms including, “automatic location identification,” “cost recovery,” “cybersecurity,” “emergency communications network service provider,” “emergency response location,” “emergency services,” “emergency services internet,” “end user equipment,” “geographical information system,” “internet protocol,” “multiple telephone system,” “next generation core services,” “next generation 911,” “911 call,” “911 network,” “911 system,” “originating service provider,” “911 service,” “public safety telecommunicator,” “point of interconnection,” “public safety agency,” “public safety answering point,” “secondary public safety answering point,” “public utilities commission,” “regional board,” “service user,” “voice over internet protocol service provider,” “wire-line communications service provider,” “wireless communications service,” and “wireless communications service provider.”

32 Emergency communications system and services required.

Subd. 1. General requirement. Repealed.

Subd. 1a. Emergency telephone number 911. Contains conforming changes.

Subd. 1b. State requirements. Establishes the state’s requirement in providing infrastructure for the 911 system.

Subd. 1c. Contractual requirements. Directs the commissioner to enter contracts to fulfill the state’s duties related to the 911 system.

Section Description – Article 15: 911 Emergency Communication System

Subd. 1d. Intergovernmental agreements. Authorizes intergovernmental agreements.

Subd. 1e. County requirements. Establishes the requirements for counties in the 911 system.

Subd. 1f. 911 plans. Specifies which entities must maintain a 911 plan.

Subd. 1g. Secondary public safety answering point requirements. Establishes the requirements for secondary public safety answering points (PSAPs).

Subd. 2. Multijurisdictional system. Requires intergovernmental agreements to be in place for operation of a multijurisdictional system.

Subd. 3. Connected originating service provider requirements. Clarifies the requirements for connected originating service providers (OSPs).

Subd. 3a. Originating service provider contractual requirements. Establishes requirements for originating service provider contracts.

Subd. 4. Wireless requirements. Repealed.

Subd. 5. Pay phone requirements. Technical change.

Subd. 6. Multistation or private branch exchange (PBX) system. Technical change.

Subd. 7. Contractual requirements. Repealed.

33 Telephone cardiopulmonary resuscitation program.

Contains conforming changes.

34 Network operation and maintenance.

Subd. 1. Operate and maintain. Specifies that the commissioner of public safety is obligated to operate the state's 911 system.

Subd. 1a. Geographical Information System (GIS) validation and aggregation. Requires the commissioner to provide geospatial data validation and aggregation tools to counties.

Subd. 2. Rule requirements for 911 system plans. Repealed.

Section Description – Article 15: 911 Emergency Communication System

Subd. 2a. Responsibilities of PSAPs. Establishes and specifies the duties of the PSAPs that operate in the state.

Subd. 3. Agreements for service. Directs the state to enter into agreements for facilities and services necessary to operate the 911 network and ESInet.

35 Commissioner’s duties.

Subd. 1. System coordination, improvements, variations, and agreements. Clarifies the commissioner’s duties regarding the 911 system.

Subd. 1a. Biennial budget; annual financial report. Contains conforming changes.

Subd. 1b. Connection plan required; commissioner review and enforcement. Establishes requirements for the commissioner to respond to network and database change requests from OSPs.

Subd. 2. Waiver. Contains clarifying language.

36 Network standards established; data privacy.

Subd. 1. Rules. Clarifies the commissioner’s authority to adopt rules for administration of the 911 system.

Subd. 2. Design standards for metropolitan area. Modifies the duties of the Metropolitan Emergency Services Board for administration of the 911 system.

Subd. 3. Location data. Specifies the duties of OSPs regarding location data.

Subd. 3a. Access to data for accuracy verification. Directs OSPs to provide certain data upon request, at no cost to the requesting party.

Subd. 3b. Database standards in metropolitan area. Directs the Metropolitan Emergency Services Board to adopt 911 database standards for OSPs operating in the metro area.

Subd. 4. Use of furnished information. Contains conforming changes.

Subd. 5. Liability. Clarifies liability under this section.

37 Originating service providers.

Subd. 7. Duties. Clarifies duties of OSPs regarding the 911 system.

Subd. 9. Scope. Refines the scope of planning considerations for OSPs.

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Subd. 10. Plan integration. Directs OSPs to submit annual integration plans.

Subd. 11. Liability. Clarifies liability under this section.

Subd. 12. Notification of subscriber. Repealed.

38 **Commission authority.**

Adds clarifying language.

39 **Notice to government agency.**

Contains clarifying changes.

40 **Allocating costs.**

Contains a conforming change.

41 **System cost accounting requirements; fee.**

Subd. 1. Emergency telecommunications service fee; account. Contains conforming changes.

Subd. 1a. Fee collection declaration. Contains conforming changes.

Subd. 1b. Examination fees. Contains a conforming change.

Subd. 3. Method of payment. Contains conforming changes.

Subd. 3a. Timely invoices. Repealed

Subd. 3b. Declaration. Repealed.

Subd. 3c. Audit. Contains clarifying and conforming changes.

Subd. 3d. Eligible telecommunications carrier; requirement. Contains conforming changes.

Subd. 4. Local recurring costs. Clarifies which recurring costs must be covered by locals.

Subd. 5. Tariff notification. Contains a technical change.

Subd. 6. OSP report. Contains technical changes.

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- 42 **Enhanced 911 service costs; fee.**
 Subd. 1. Fee. Clarifies that the 911 fee is available through a federal authorization and must comply with rules enacted by the Federal Communications Commission (FCC).

 Subd. 2. Distribution of money. Contains technical amendments.

 Subd. 3. Local expenditures. Clarifies that 911 fee proceeds may only be used by local entities if the expenditures are allowable under federal laws and rules.

 Subd. 4. Audits. Clarifies county and city audit requirements.
- 43 **Multistation or PBX system.**
 Contains updated requirements to multistation and PBX system providers.
- 44 **Multiline telephone system (MLTS) user dialing instructions.**
 Specifies performance requirements for MLTSs.
- 45 **Shared residential multiline telephone system.**
 Contains technical and conforming changes.
- 46 **Hotel and motel MLTS.**
 Contains technical changes.
- 47 **Business MLTS.**
 Contains technical and conforming changes.
- 48 **Schools.**
 Contains a conforming change.
- 49 **MLTS location compliance notification.**
 Requires MLTS services to disclose to customers the 911 location requirements in chapter 403.
- 50 **Renumbering; revisor instruction.**
 Directs the revisor to renumber subdivisions in the definitions section of chapter 403.02.
- 51 **Repealer.**
 Repeals obsolete provisions.



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