

# Chapter 52

2023 Regular Session

**Subject** Judiciary and public safety finance and policy act

**Bill** S.F. 2909

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## Overview

This is the judiciary and public safety finance and policy act.

### Article 1: Judiciary Appropriations

This article contains appropriations for the following: Minnesota Supreme Court, Minnesota Court of Appeals, Minnesota District Courts, civil legal services, Guardian Ad Litem Board, Tax Court, Uniform Laws Commission, Board on Judicial Standards, Board of Public Defense, Department of Human Rights, Office of Appellate Counsel and Training, and Department of Human Services.

The article also contains a change in dates for implementation of the statutory competency attainment provisions and a reduction in the related appropriations for fiscal year 2024.

Specific appropriations may be found in the spreadsheet.

### Article 2: Public Safety Appropriations

This article contains appropriations for the following: Sentencing Guidelines Commission, Department of Public Safety, Peace Officer 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, and Department of Natural Resources.

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.

## Article 3: Judiciary Policy

This article contains provisions creating the Statewide Office of Appellate Counsel and Training, eliminating the fee charged for uncertified copies of court records, adjusting the disposition of fines for offenses committed in Ramsey County, and directing the commissioner of human rights to collect certain information on incidents committed based on another's race, religion, sex, or other protected category.

### Section Description – Article 3: Judiciary Policy

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- 1 Statewide Office of Appellate Counsel and Training.**  
Establishes the Statewide Office of Appellate Counsel and Training to establish and maintain a system for providing appellate counsel for parents in juvenile protection matters, provide training to parent attorneys, and collaborate with the Department of Human Services to coordinate federal funds. Provides that the office must be governed by a board and specifies membership requirements for the board. Specifies board duties.
- 2 Fee amounts.**  
Removes the existing \$8 fee for uncertified copies of any instrument in a civil or criminal proceeding and prohibits charging a fee for viewing or downloading such publicly available uncertified copies.
- 3 Formulation of policies.**  
Directs the commissioner of human rights to analyze civil rights trends and prepare a report each biennium.
- 4 Disposition of fines, fees, and other money; accounts; Ramsey County District Court.**  
Amends the distribution of fines, penalties, and forfeiture collected by the court administrator by providing that every municipality or subdivision of government within Ramsey County shall receive two-thirds of money with the balance going to the general fund.
- 5 Office of State Public Defender; appointment; salary.**  
Removes the limitation that state public defender salaries must not exceed the salary of a district court judge.

## Article 4: General Crimes

This article contains provisions related to crimes and criminal penalties.

**Section Description – Article 4: General Crimes**

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- 1 Registration required.**  
Makes a conforming change related to the crime of surreptitious intrusion.
- 2 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.
- 3 Exception.**  
Establishes a limitation on liability for certain murders where the death was caused 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. Defines “major participant.”
- 4 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.
- 5 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.
- 6 Carjacking.**  
Establishes the crime of carjacking. Essentially under current law, carjacking is considered a form of robbery and is punishable as a felony with a ten-, 15-, or 20-year statutory maximum sentence depending upon the underlying circumstances. The new crime of carjacking is defined in the same manner and carries the same penalties as currently applies to robbery.

**Section Description – Article 4: General Crimes**

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**7 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.

**8 Exception.**

Amends an exception to statutes establishing penalties for crimes against unborn children, by removing a cross reference to a description of abortion in another statute. Provides that the following do 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 pregnant individual's representative, except in a medical emergency in which consent cannot be obtained.

**9 Sentence.**

Makes a conforming change related to when certain prior offenses can enhance the penalty for a theft offense.

**10 Organized retail theft.**

**Subd. 1. Definitions.** Defines the terms “pattern of retail theft,” “retailer,” “retail merchandise,” “retail establishment,” “retail theft enterprise,” and “value” for the purposes of this new section of law.

**Subd. 2. Organized retail theft.** Establishes the offense of organized retail theft. A person is guilty of the new crime if: the person is employed by or associated with a retail theft organization; the person has previously engaged in a pattern of retail theft and intentionally commits or directs another member of the retail theft enterprise to commit a specified theft-related crime involving retail merchandise; and the person or another member of the retail theft enterprise resells or intends to resell the merchandise, advertises or displays the merchandise for sale, or returns the merchandise for anything of value.

**Subd. 3. Sentence.** Establishes penalties for committing organized retail theft that range from a gross misdemeanor to a two-, seven-, or 15-year statutory maximum felony depending on the value of the property stolen and the offender's prior criminal history.

**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

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to a felony with a maximum sentence of three years, and the maximum penalty for a felony offense shall be increased by 50 percent.

**11 Burglary in the third degree.**

Establishes a felony offense (five-year statutory maximum sentence) 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 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).

**12 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.

**13 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.

**14 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

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- intimidate or harm someone who associated with someone who is, or was believed to be, part of a protected group.
- 15     **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.
- 16     **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.
- 17     **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 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.
- 18     **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.
- 19     **Felony offense; reporting fictitious emergency resulting in serious injury.**  
Adds a three-year felony penalty for a person who places an emergency call reporting a fictitious emergency with the intent of prompting an emergency response by law enforcement, fire, or EMS personnel, and, as a result of the response, someone suffers substantial bodily harm. Under current law, the base crime for doing this is a gross misdemeanor. It is a ten-year felony if the response results in someone’s death or great bodily harm, but there is no enhanced penalty for lower-level injuries.
- 20     **Concealing birth.**  
Modifies the concealing birth crime to clarify that concealing a birth of a child by any disposition of its dead body when the child died after its birth is a misdemeanor and

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that the crime does not apply to the disposition of remains resulting from an abortion or miscarriage.

**21 Mailing and carrying obscene matter.**

Makes a conforming change due to the repeal of Minnesota Statutes, section 617.201 (see section 25).

**22 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.

**23 Task Force on Aiding and Abetting Felony Murder.**

Revives the Task Force on Aiding and Abetting Felony Murder and expands its duties. Requires a report to the legislature by January 15, 2024, before once again sunseting it.

**24 Liability for murder committed by another; retroactive application.**

**Subd. 1. Purpose.** Provides that certain persons 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), under an accomplice liability theory, may petition to have the conviction vacated under this section.

**Subd. 2. Definition.** Defines “major participant.”

**Subd. 3. 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 for relief.

**Subd. 4. 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 preliminary applications to be filed by October 1, 2025, and provides that no fee will be charged for the application.

**Subd. 5. Review of preliminary application.** Directs the Ramsey County District Court to assign preliminary applications to a judge and permits the appointment



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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 in certain circumstances. 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. 6. 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. Requires the prosecutor to attempt to notify any victims of the underlying offense. Directs a county attorney to respond to the petition within 45 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. 7. 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 total period of confinement 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.

25 **Repealer.**

Repeals the crimes of sodomy, fornication, and adultery. Also repeals provisions in Minnesota Statutes, chapter 617, relating to miscarriages, abortions, contraception, and certain diseases.

## Article 5: Public Safety and Crime Victims

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

Section	Description – Article 5: Public Safety and Crime Victims
1	<p><b>Contents of notice.</b></p> <p>Requires the state, instead of the county, to pay for medical examination costs for criminal sexual conduct victims.</p>
2	<p><b>Emergency care to sexual assault victims.</b></p> <p>Expands the requirements that apply to hospitals that provide emergency care to sexual assault victims to other health care facilities.</p>
3	<p><b>Certain DWI offenders; custodial arrest.</b></p> <p>Eliminates the requirement that certain individuals arrested for DWI be held in custody until their first court appearance. The change applies to individuals arrested under circumstances supporting a charge of second-degree DWI, under circumstances supporting a charge of third-degree DWI, when the individual was operating with a blood alcohol concentration of 0.16 or more, or when the individual was operating a vehicle with a child under the age of 16 and the operator was more than 36 months older than the child.</p>
4	<p><b>When authorized.</b></p> <p>Authorizes the use of a preliminary breath test when a peace officer has probable cause to believe that the operator of a commercial motor vehicle is operating the commercial motor vehicle in violation of federal regulations prohibiting the consumption of alcohol.</p>
5	<p><b>Use of test results.</b></p> <p>Authorizes the use of the results of a preliminary breath test in a prosecution for a violation of federal regulations prohibiting the consumption of alcohol by a commercial motor vehicle operator.</p>
6	<p><b>Conditional release.</b></p> <p>Creates an exception to the requirement that certain individuals charged with DWI submit to a program of electronic alcohol monitoring while released pending trial if the individual becomes a participant in the ignition interlock program. Prohibits judges, counties, and probation officers from recommending particular interlock providers unless the recommendation involves a specific program for indigent defendants.</p>

<b>Section</b>	<b>Description – Article 5: Public Safety and Crime Victims</b>
7	<p><b>Plate impoundment violation; impoundment order.</b></p> <p>Removes the requirement that an individual subject to plate impoundment for a DWI offense also surrender the plates for all motor vehicles owned by, registered, or leased in the name of the violator.</p>
8	<p><b>Choice of vendor.</b></p> <p>Prohibits judges, counties, and probation officers from recommending particular interlock providers unless the recommendation involves a specific program for indigent defendants.</p>
9	<p><b>Crisis shelters.</b></p> <p>Updates a reference to the Department of Corrections to the Department of Public Safety to reflect current responsibility for designating crisis shelters.</p>
10	<p><b>Insurance policies surcharge.</b></p> <p>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.</p>
11	<p><b>Acceptance of private funds; appropriation.</b></p> <p>Authorizes the commissioner of public safety to accept donations, grants, and other gifts of money to carry out the purposes of chapter 299A.</p>
12	<p><b>Community crime intervention and prevention programs; grants.</b></p> <p>Amends the community crime prevention program to include programs designed to intervene in violent situations and requires that programs provide direct services to community members. Requires that programs be culturally competent and identify specific, measurable outcomes. Amends and expands the types of programs eligible for grants to include homelessness assistance programs, programs educating community members on the risks of sex trafficking, programs ameliorating the effects of sex trafficking, programs that intervene in violent situations, and programs that provide services to individuals and families harmed by gun violence. Permits applicants to demonstrate the need for programs in a specific area. Requires the commissioner to prioritize funding certain programs.</p>
13	<p><b>Soft body armor reimbursement.</b></p> <p>Expands the soft body armor reimbursement program to include firefighters, public safety officers, and qualified emergency medical service providers in addition to peace officers.</p>

<b>Section</b>	<b>Description – Article 5: Public Safety and Crime Victims</b>
14	<p><b>Killed in the line of duty.</b></p> <p>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 suicide resulting from PTSD or within 45 days of exposure to a traumatic event.</p>
15	<p><b>Traumatic event.</b></p> <p>Defines “traumatic event” for the purposes of public safety officer and survivor benefits to include certain events involving death, significant danger or threat of serious bodily harm, and criminal sexual conduct.</p>
16	<p><b>Citation.</b></p> <p>Makes a conforming change to the Minnesota Emergency Incident Response Act.</p>
17	<p><b>Definitions.</b></p> <p>Updates definitions in the Minnesota Emergency Incident Response Act.</p>
18	<p><b>Response plan.</b></p> <p>Removes “regional” from the definition of “hazardous materials emergency response teams.”</p>
19	<p><b>Liability and workers’ compensation.</b></p> <p>Removes an obsolete term.</p>
20	<p><b>Responsible party.</b></p> <p>Clarifies that entities as well as individuals can be held responsible for emergency response costs.</p>
21	<p><b>Required reports.</b></p> <p>Requires the annual report from the commissioner of public safety to include a report on how funds appropriated for violent crime reduction strategies were used.</p>
22	<p><b>Report.</b></p> <p>Requires the Minnesota Youth Intervention Programs Association to report to the legislative committees with jurisdiction over public safety on the administration of the grant program created in statute. The annual report must include certain specific information including the grant recipients, the number and demographic breakdown of the individuals served by the programs, the amount of money each program received, and information on outcomes from the programs.</p>

**Section Description – Article 5: Public Safety and Crime Victims**

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**23 Antitrafficking investigation coordinator.**

Removes the requirement that the antitrafficking investigation coordinator work within the Office of Justice Programs.

**24 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 the Gaagige-Mikwendaagoziwag reward account.

**25 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.

**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 does not expire.

**26 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.

**Section**    **Description – Article 5: Public Safety and Crime Victims**

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

**Subd. 7. 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.

**Subd. 8. Access to data.** Provides that, notwithstanding any law to the contrary, the director has access to corrections and detention data and medical data maintained by an agency and classified as private data on individuals or confidential data on individuals to the extent the data is necessary for the office to perform its duties under this section.

**Section**    **Description – Article 5: Public Safety and Crime Victims**

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**27**            **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 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 practices initiatives and provides that grants must be in an amount of up to \$500,000. Establishes requirements for grant applications.

**Subd. 7. Restorative practices advisory committees; membership and duties.** Establishes the required membership for local restorative practices 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 practices advisory committees.** Provides that the new office can oversee the local restorative practices advisory committees and may review complaints and take other actions to ensure that grant recipients meet minimum requirements.

**Section Description – Article 5: Public Safety and Crime Victims**

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**Subd. 9. Report.** Requires the new office to submit an annual report by February 15 of each year.

**28 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.

**29 Bomb disposal expense reimbursement.**

Modifies the terms used and reimbursable expenditures under the bomb disposal expense reimbursement statute. Authorizes the commissioner to enter into reimbursement agreements with event organizers to recover the cost of explosive sweeps.

**30 Questioned identity process.**

Establishes a procedure for a person whose name or other identifying information is associated with the criminal record of another to allow the person to obtain proof of that use and include information in the Criminal History System and warrant file to indicate that the person's identifying information was incorrectly associated with the record. Requires the person seeking that proof and notation to submit information including fingerprints. Permits the Bureau of Criminal Apprehension (BCA) to remove the person's name as an alias from the criminal history record under certain circumstances. Requires law enforcement to take information indicating a questioned identity into account when determining if an individual has a warrant.

**31 Submission and storage of sexual assault examination kits.**

Requires forensic laboratories to strive to test all sexual assault examination kits within 90 days of receipt from a hospital or law enforcement agency. Requires that testing be prioritized along with other violent crimes. Requires the forensic laboratory to update the tracking database when testing is complete. Requires the testing laboratory to report when a kit is not tested within 90 days and provide an estimated time frame for testing. Provides that the provision expires on June 30, 2029.

**32 Establishment.**

Permits the BCA to approve authorized agencies to access necessary systems or services for additional criminal justice uses of the criminal justice data communications network.

**33 Missing and endangered persons.**

Requires the Bureau of Criminal Apprehension to operate a missing person alert program. Requires the BCA to issue an alert under certain circumstances and



<b>Section</b>	<b>Description – Article 5: Public Safety and Crime Victims</b>
	directs the BCA to provide assistance to other agencies in issuing missing person alerts.
34	<b>Membership; duties.</b> Amends the name of the Criminal and Juvenile Justice Advisory Group to include a reference to the Bureau of Criminal Apprehension and adds duties including advising the superintendent on emerging technology, privacy interests, and other bureau initiatives.
35	<b>Report.</b> Makes a conforming change to the contents of the report by the Criminal and Juvenile Justice Advisory Group.
36	<b>Smoke alarm installation; rules; penalty.</b> Changes references to “smoke detectors” to “smoke alarms” in statute.
37	<b>Hotel inspection.</b> Adds the carbon monoxide alarm requirements explicitly to the sections the commissioner of public safety has authority to enforce.
38	<b>Hotel.</b> Adds a definition of “hotel” to the statutes about carbon monoxide alarms.
39	<b>Lodging house.</b> Adds a definition of a “lodging house” to the statutes about carbon monoxide alarms.
40	<b>Generally.</b> 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.
41	<b>Owner’s duties.</b> States that the owner of a hotel or lodging house must provide, install, and keep operational any carbon monoxide alarms required by statute.
42	<b>Exceptions; certain multifamily dwellings and state-operated facilities.</b> Makes a technical correction to current law.

<b>Section</b>	<b>Description – Article 5: Public Safety and Crime Victims</b>
43	<b>Safety warning.</b> Stipulates that the first violation of this section results in only a safety warning and that subsequent violations are petty misdemeanors.
44	<b>License holder.</b> Amends the definition of “license holder” to refer to the definition of “partnership” in chapter 323A, the Uniform Partnership Act of 1994.
45	<b>Disqualification.</b> Requires applicants for a private detective license to submit fingerprints and directs the Bureau of Criminal Apprehension to forward fingerprints to the FBI for a national criminal history check of each prospective licensee.
46	<b>Costs of medical examination.</b> 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.
47	<b>Electronic data.</b> Defines the term “electronic data” as used in certain criminal statutes involving computer crimes.
48	<b>Computer or electronic data theft.</b> Establishes that it is a crime to intentionally access or alter computer data without authorization, or to retain such data without authorization to retain it.
49	<b>Speedy trial; notice of hearings and schedule change.</b> Requires prosecutors to make reasonable efforts to notify victims of the date and time of a sentencing hearing and a hearing at which a plea will be presented.
50	<b>Notice required.</b> Requires the prosecutor to provide certain notifications to victims instead of requiring the court or its designee to provide that notice.
51	<b>Grants.</b> 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.

<b>Section</b>	<b>Description – Article 5: Public Safety and Crime Victims</b>
52	<b>Domestic abuse victim.</b> Changes the term “battered woman” to “domestic abuse victim.”
53	<b>Emergency shelter services.</b> Makes a conforming change related to the change in the term “battered woman” to “domestic abuse victim.”
54	<b>Housing supports.</b> Defines the term “housing supports” to include services to enable victims to secure and maintain transitional and permanent housing placement.
55	<b>Domestic abuse programs.</b> 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.
56	<b>Title.</b> Makes conforming changes in the definitions related to victim reimbursement to replace the terms “reparations” and “reparable” with “reimbursement” or “reimbursable.”
57	<b>Board.</b> Makes conforming changes in the definitions related to victim reimbursement to replace the terms “reparations” and “reparable” with “reimbursement” or “reimbursable.”
58	<b>Claimant.</b> Makes conforming changes in the definitions related to victim reimbursement to replace the terms “reparations” and “reparable” with “reimbursement” or “reimbursable.”
59	<b>Collateral source.</b> Makes conforming changes in the definitions related to victim reimbursement to replace the terms “reparations” and “reparable” with “reimbursement” or “reimbursable.”
60	<b>Reimbursement awards prohibited.</b> Establishes that cooperation with law enforcement can be documented through law enforcement records, prosecution records, and certifications from victim services groups.

<b>Section</b>	<b>Description – Article 5: Public Safety and Crime Victims</b>
61	<b>Amount of reimbursement.</b> Establishes that contributory misconduct does not include current or past affiliation with any particular group.
62	<b>Crime Victims Reimbursement Board.</b> Makes conforming changes to use the term “reimbursement.”
63	<b>Powers and duties of board.</b> Makes conforming changes to use the term “reimbursement.”
64	<b>Reconsideration.</b> Makes conforming changes to use the term “reimbursement.”
65	<b>Data.</b> Makes conforming changes to use the term “reimbursement.”
66	<b>Reimbursement; how paid.</b> Makes conforming changes to use the term “reimbursement.”
67	<b>Subrogation.</b> Makes conforming changes to use the term “reimbursement.”
68	<b>Crime victims account.</b> Makes conforming changes to use the term “reimbursement.”
69	<b>Law enforcement agencies; duty to inform victims of right to file claim.</b> Makes conforming changes to use the term “reimbursement” and requires law enforcement agencies to provide website information on how to obtain an application form.
70	<b>Notice and payment of proceeds to board required.</b> Makes conforming changes to use the term “reimbursement.”
71	<b>Deductions.</b> Makes conforming changes to use the term “reimbursement.”
72	<b>Claims by victims of offender’s crime.</b> Makes conforming changes to use the term “reimbursement.”

<b>Section</b>	<b>Description – Article 5: Public Safety and Crime Victims</b>
73	<b>Claims by other crime victims.</b> Makes conforming changes to use the term “reimbursement.”
74	<b>Notice of rights.</b> Clarifies that the Office of Justice Programs, not the Department of Corrections, is the designated agency responsible for domestic abuse funding.
75	<b>Report required.</b> Clarifies that the Office of Justice Programs, not the Department of Corrections, is the designated agency responsible for domestic abuse funding.
76	<b>Notice; release of arrested person.</b> Removes an obsolete term.
77	<b>Rules; soft body armor reimbursement.</b> Directs the commissioner of public safety to amend rules related to the expansion of the soft body armor reimbursement program.
78	<b>Initial appointment and first meeting for the Gaagige-Mikwendaagoziwag reward advisory group.</b> Requires the director of the Office for Missing and Murdered Indigenous Relatives to appoint the first members of the reward advisory group by August 15, 2023, and convene the group’s first meeting by October 1, 2023. The group must elect a chair at its first meeting.
79	<b>Revisor instruction</b> Requires the revisor to make conforming changes to use the term “reimbursement.”
80	<b>Repealer.</b> Repeals section 299C.80, subdivision 7 which establishes an expiration for the independent Use of Force Investigations Unit in the Bureau of Criminal Apprehension and section 518B.02, subdivision 3 which contains an obsolete provision from the domestic abuse statute.

## **Article 6: Sentencing**

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

**Section Description – Article 6: Sentencing**

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**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 person who was convicted of a felony offense and has been discharged from that sentence.

**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.

**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.

**4 Felony.**

Amends the definition of “felony” to include sentences of one year or more.

**5 Punishment when not otherwise fixed.**

Amends the default length of a gross misdemeanor sentence to 364 days instead of “one year.” Provides that the change is retroactive.

**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.

**Section Description – Article 6: Sentencing**

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**7 Sentence to one year or more.**

Makes a conforming change related to the definition of “felony” including sentences of one year or more.

**8 Sentence to less than one year.**

Makes a conforming change related to the definition of “felony” including sentences of one year or more.

**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.

**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.

**Section Description – Article 6: Sentencing**

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**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 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.

**11 Failure to pay restitution.**

Makes a conforming change related to the limit on probation length.

**12 Failure to complete court-ordered treatment.**

Makes a conforming change related to the limit on probation length.

**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 four years on certain gross misdemeanor offenses.

**14 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 the caps described in section 13. 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 more than the probation cap under section



**Section Description – Article 6: Sentencing**

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- 13 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.
- 15     **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.
- 16     **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.

## **Article 7: 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 7: Expungement**

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- 1     **Expungement petitions.**  
Makes a conforming change related to the classification of data related to an automatic expungement.
- 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).
- 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.
- 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.

**Section Description – Article 7: Expungement**

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- 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.
- 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.
- 7      **Required fingerprinting.**  
Amends the list of “targeted misdemeanors” for which fingerprinting is required to include obscene or harassing telephone calls.
- 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.
- 9      **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.
- 10     **Report by court administrator.**  
Makes a conforming change related to the information that court administration must transmit to the BCA.
- 11     **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.
- 12     **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.

**Section Description – Article 7: Expungement**

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**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.

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

**Section Description – Article 7: Expungement**

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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.

**13 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 that situation, and establishes that the effect of the order is to return the person to the position the person held before the charge.

**14 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 5<sup>th</sup> 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.

**15 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.

**Section Description – Article 7: Expungement**

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- 16      **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.
- 17      **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.
- 18      **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.
- 19      **No duty to discover; employers and landlords.**  
Provides that a landlord or employer does not have a duty to discover a record that has been expunged for purposes of making a housing or employment decision.
- 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.

## **Article 8: 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.)

**Section Description – Article 8: Clemency Reform**

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- 1      **Clemency Review Commission records.**  
Designates how records of the Clemency Review Commission shall be treated under the data practices chapter.
- 2      **Definitions.**  
Adds a definition of “mistaken identity” to section 299C.11 and makes conforming changes.

**Section Description – Article 8: Clemency Reform**

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- 3 Board of Pardons; how constituted; duties.**  
Declares that clemency shall be issued by the governor in conjunction with the board 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.
- 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 board or 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 recommendation.**  
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.



## Article 9: 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 9: Evidence Gathering and Reporting

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- 1        **Access by government.**  
Makes a conforming change related to the government’s right to access certain financial data.
  
- 2        **Release prohibited.**  
Makes a conforming change related to the situations in which a financial institution may release certain financial data.
  
- 3        **Definitions.**  
Defines “financial institution” in the statute that establishes the offense of identity theft.
  
- 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.
  
- 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.
  
- 6        **No-knock search warrants.**  
Prohibits courts from issuing no-knock search warrants unless the judge determines there is probable cause to believe that the search cannot be executed while the dwelling is unoccupied and the occupant of the dwelling will present an immediate threat of death or injury to the officers executing the warrant or other persons.
  
- 7        **Requirements for a no-knock search warrant.**  
Modifies the information that must be included in an application for a no-knock search warrant.













**Section Description – Article 11: Corrections Policy**

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- 3 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.
- 4 Affected municipality; notice.**  
Makes a conforming change to use consistent terms in section 241.021.
- 5 Licensing; facilities; juveniles from outside state.**  
Makes a conforming change to use consistent terms in section 241.021.
- 6 Language access.**  
Directs the commissioner to provide meaningful access to limited English proficient inmates.
- 7 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.
- 8 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.
- 9 Limitations.**  
Modifies how the Fugitive Apprehension Unit interacts with other agencies regarding investigations and arrests.
- 10 Policies.**  
Removes obsolete language.
- 11 Free communication services for incarcerated persons.**  
Directs the commissioner to provide free communication services to inmates.

**Section Description – Article 11: Corrections Policy**

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- 12      **Office of Ombudsperson; creation; qualifications; function.**  
Requires that the governor have just cause prior to removing the Ombudsperson for Corrections.
- 13      **Study of offender’s background; rehabilitation.**  
Authorizes the commissioner to place juveniles convicted of crime and sentenced to the custody of the commissioner in the facility that best provides for the juvenile’s rehabilitative needs.
- 14      **Advisory Council on Interstate Adult Offender Supervision.**  
Combines the State Advisory Council on Interstate Adult Supervision with the Advisory Council on the Interstate Compact for Juveniles and expands council membership.
- 15      **Interstate adult offender transfer transportation expenses.**  
Directs the commissioner of corrections to reimburse counties for transportation costs incurred when returning probationers to Minnesota under the Interstate Compact for Adult Supervision, if the transport exceeded 250 miles.
- 16      **Issuing warrant for escaped inmate or convicted defendant.**  
Grants the commissioner the authority to issue a warrant when an individual who was given a report date to prison fails to report.
- 17      **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.
- 18      **Intensive supervised release.**  
Amends the requirements for an offender being placed on intensive supervised release, including the use of electronic home monitoring.
- 19      **Conditional medical and epidemic release.**  
Authorizes the commissioner to release certain inmates during an epidemic and clarifies the commissioner’s authority to revoke conditional medical and epidemic release.
- 20      **Conditional release of certain nonviolent controlled substance offenders.**  
Updates substance use disorder treatment standards of care to align with community standards and updated DHS standards.

**Section Description – Article 11: Corrections Policy**

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- 21      **Substance use disorder treatment program components.**  
Updates substance use disorder treatment standards of care to align with community standards and updated DHS standards.
- 22      **Sanctions.**  
Authorizes the commissioner to readmit an inmate into the challenge incarceration program.
- 23      **Phase I.**  
Authorizes the commissioner to operate a challenge incarceration program at MCF-Shakopee.
- 24      **Interstate compact for juveniles.**  
Combines the State Advisory Council on Interstate Adult Supervision with the Advisory Council on the Interstate Compact for Juveniles and expands council membership.
- 25      **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.
- 26      **Public safety officer.**  
Expands the definition of “public safety officer” in the section of law applicable to line of duty disability and death benefits to include staff providing correctional supervision in the community and non-uniformed staff working in prisons.
- 27      **Procedure for receipt of request.**  
Authorizes the commissioner to send requests for disposition of detainer paperwork to the court and prosecutor electronically.
- 28      **Placement in private prisons prohibited.**  
Prohibits the placement of jail inmates in privately owned facilities.



**Section Description – Article 11: Corrections Policy**

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- 29     **Medical aid.**  
Prohibits counties from charging jail inmates for external phone calls made by inmates to mental health care providers.
- 30     **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.
- 31     **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.
- 32     **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.
- 33     **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.
- 34     **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.

**Section Description – Article 11: Corrections Policy**

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**35 Repealer.**

Repeals an obsolete program – Community Intensive Supervised Release – which has not been operational since 1995.

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

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

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

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**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.

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

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**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.

**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.**

Provides that inmates serving life sentences, those given indeterminate sentences before April 30, 1980, or those subject to the old good time system are ineligible for 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.

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

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- 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.
- 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. Establishing 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 13: Firearms 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.

**Section Description – Article 13: Firearms and Background Checks**

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**1 Transferee permit; penalty.**

**Subd. 1. Information.** No changes.

**Subd. 2. Information.** No changes.

**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.** No changes.

**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.

**Section Description – Article 13: Firearms and Background Checks**

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**Subd. 3. Notification.** No changes.

**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.** Contains clarifying language.

**Subd. 8. Report not required.** No changes.

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

**Section Description – Article 13: Firearms and Background Checks**

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**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 ten 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 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 14: 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.

**Section Description – Article 14: Extreme Risk Protection Orders**

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**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 may be filed in the county of residence of either party 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.

(g) Provides that the state court administrator shall create all court forms necessary to implement the act.



**Section Description – Article 14: Extreme Risk Protection Orders**

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(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 providers.** Requires mental health providers to notify the appropriate sheriff when a person is a threat to others or themselves.

**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 the hearing, there is a presumption that the respondent is entitled to continuance of 14 days.

(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.)

**Section Description – Article 14: Extreme Risk Protection Orders**

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**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 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 been 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 possessing a firearm. Application for termination of an order is limited to one application for each six months 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

**Section Description – Article 14: Extreme Risk Protection Orders**

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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. Law enforcement is not permitted to charge the respondent a storage fee. There is no transfer of ownership for temporary transfers. Requires sheriffs to reimburse respondents for firearms that are not returned to the respondent. 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 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 similar protections for mental health professionals regarding their duty to notify the sheriff. 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 ERPOs.

**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.

**Section Description – Article 14: Extreme Risk Protection Orders**

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- 11 **Federal Bryne State Crisis Intervention Program.**  
Designates the Department of Public Safety as the state agency eligible to apply for ERPO support grants.
- 12 **Effective date.**  
Provides that the bill has a January 1, 2024, effective date.

**Article 15: 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.

**Section Description – Article 15: Controlled Substances Policy**

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- 1 **Law enforcement records.**  
Amends section 121A.28. Strikes reference to section 152.092 (possession of drug paraphernalia crime), which is being repealed, from the statutory section requiring a law enforcement agency to provide notice to schools of drug incidents involving students.
- 2 **Syringe services provider.**  
Amends section 151.01 by adding subd. 43. Adds definition of “syringe services provider.”
- 3 **Generally.**  
Amends section 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.  
  
Adds syringe services providers and their employees and agents, and participants receiving services from a syringe services provider to list of exceptions.
- 4 **Sales of clean needles and syringes.**  
Amends section 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.

**Section Description – Article 15: Controlled Substances Policy**

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- 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.
- 6        **Drug paraphernalia.**  
Amends section 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 that can be adapted for subcutaneous injections.
- 7        **Fentanyl.**  
Defines “fentanyl” for purposes of the controlled substance sections of law.
- 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.
- 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.
- 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.
- 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.
- 12       **Possession crimes.**  
Amends the third-degree possession offense to create a specific penalty for possession of fentanyl. Creates a dosage limit for fentanyl.
- 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.
- 14       **Manufacture or delivery of drug paraphernalia prohibited.**  
Limits the prohibition on drug paraphernalia to manufacturing.

**Section Description – Article 15: Controlled Substances Policy**

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- 15      **Local regulations.**  
Amends section 152.205. Removes reference to section 152.092, which is being repealed.
- 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.
- 17      **Repealer.**  
Repeals section 152.092 (possession of drug paraphernalia crime).

## **Article 16: Controlled Substances Schedules**

This article makes changes in the state’s controlled substances schedules to reflect recent revisions to the federal schedules.

**Section Description – Article 16: Controlled Substances Schedules**

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- 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 17: Community Supervision Reform**

This article modifies laws governing the state’s community supervision system and funding model, including authorizing Tribal Nations to provide community supervision services within the state’s regulatory and funding system.

**Section Description – Article 17: Community Supervision Reform**

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- 1        **Conditional release.**  
Strikes language related to (1) community work service for offenders, and (2) revocation of community supervision for nonviolent drug offenders.
  
- 2        **Revoking supervised release; alternative interventions.**  
Modifies provisions regulating revocation of community supervision for technical violations.
  
- 3        **Correctional fees; schedule, collection, and use.**  
Modifies statutory regulation of correctional fees imposed on offenders on community supervision. Correctional fees must be phased out by August 1, 2027.
  
- 4        **Probation services and officers.**  
Establishes criteria for designating “CPO counties” and “non-CPO jurisdictions” for purposes of receiving a state community supervision funds, integrates Tribal Nations into statutory regulatory structure, and accounts for status of employees when a county changes delivery models.
  
- 5        **Definitions.**  
Defines various terms for purposes of probation statutes.
  
- 6        **Detention and release; intermediate sanctions; supervision contacts.**  
Establishes statutory guidance for detaining individuals pending a revocation hearing and authorizes probation officers to impose intermediate sanctions.
  
- 7        **Initiating sanctions conference.**  
Modifies the process for initiating sanctions conferences.
  
- 8        **Participating in sanctions conference.**  
Modifies the process for participation in sanctions conferences.
  
- 9        **Electing not to participate.**  
Clarifies the statute governing an individual’s decision not to participate in a sanctions conference.
  
- 10       **Sanctions conference procedures.**  
Modifies the statute governing sanctions conference procedures.
  
- 11       **Probation; felony supervision.**  
Authorizes Tribal Nations to provide felony supervision.

**Section Description – Article 17: Community Supervision Reform**

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- 12      **Information on individuals on probation; reports.**  
Requires probation service providers to submit annual reports to the commissioner. Failure to comply could result in discontinuation of state funding.
- 13      **Assessing risk for individuals on probation.**  
Requires written policies on assessing risk of individuals on probation and for agencies to use risk screeners and risk assessment tools.
- 14      **Community supervision; targeted innovation grants.**  
Establishes a community supervision targeted innovation grant account to issue grants to fund innovative probation initiatives.
- 15      **Community corrections act; purpose and definition.**  
Defines various terms for purposes of state community supervision subsidy model. Strikes obsolete language.
- 16      **Counties or regions; included correctional services.**  
Provides that Tribal Nations are eligible for community supervision subsidies. Adds additional requirements regarding participation and withdrawal from the CCA. Strikes language related to intermediate sanctions that is recodified in another section.
- 17      **Detention and release; probationers, conditional releasees, and pretrial releasees.**  
Modifies the standard for securing an order for certain persons on community supervision to be detained pending a hearing.
- 18      **Rulemaking authority; technical assistance.**  
Makes conforming changes to the commissioner’s rulemaking authority.
- 19      **Acquiring property; selecting administrative structure; employees.**  
Makes conforming changes to implement the reforms in this article.
- 20      **Authorization to use and accept funds.**  
Contains conforming changes.
- 21      **Comprehensive plan; standards of eligibility; compliance.**  
Requires agencies to have a comprehensive supervision plan and directs the commissioner of corrections to develop a comprehensive community supervision plan for jurisdictions that elect not to provide local supervision services. Authorizes the commissioner to sanction a jurisdiction for noncompliance with the jurisdiction’s plan.



**Section Description – Article 17: Community Supervision Reform**

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- 22      **Corrections Advisory Board.**  
Contains conforming changes.
- 23      **Other grant or subsidy programs; purchasing state services.**  
Contains conforming changes.
- 24      **Funding community supervision.**  
Modifies the process of determining funding for community supervision of offenders. Establishes one funding formula and dictates a schedule for reviewing and adjusting the formula.
- 25      **Comprehensive plan items; grant review.**  
Contains conforming changes.
- 26      **Minimum spending level.**  
Requires jurisdictions to maintain a certain level of funding for community supervision.
- 27      **Paying subsidy.**  
Contains conforming changes and repeals obsolete language.
- 28      **Determining payment amount; annual review.**  
Contains conforming and clarifying changes.
- 29      **Withdrawing from subsidy program.**  
Clarifies the process for withdrawing from the state community supervision subsidy program and contains conforming changes.
- 30      **Community Supervision Advisory Committee.**  
Establishes a Community Supervision Advisory Committee to develop standards for probation, supervised release, and community supervision.
- 31      **Correctional fees; imposition of offenders.**  
Makes conforming changes to correctional fee statute.
- 32      **Grounds.**  
Directs that revocation shall only be used as a last resort when rehabilitation has failed.

**Section Description – Article 17: Community Supervision Reform**

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- 33      **Violations where policies favor continued rehabilitation.**  
Establishes a policy to favor continued supervision in the community and provides guidelines for implementing this policy.
- 34      **Revisor instruction.**  
Directs the revisor to work with the Department of Corrections to correct any cross-references to chapters 244 and 401.
- 35      **Repealer.**  
Repeals obsolete language or language that is made obsolete by the article’s proposed changes.

**Article 18: Supervised Release Board; Life Sentences for Certain Offenders**

This article establishes a board to make release decisions for adults sentenced to life in prison with the possibility of release and for certain individuals sentenced to prison for offenses committed when the person was a juvenile. The article also eliminates the sentence of life without parole for offenders who commit offenses while they are juveniles and provides for the possibility of early release for certain other offenders who committed crimes when they were under the age of 18.

**Section Description – Article 18: Supervised Release Board; Life Sentences for Certain Offenders**

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- 1      **Supervised Release Board.**  
Establishes the Supervised Release Board and describes the members and duties.
- Subd. 1. Establishment; members.** Establishes the Supervised Release Board to review eligible cases and make release determinations for inmates serving indeterminate sentences and for certain inmates who committed an offense while under the age of 18. States that the board consists of seven members including the commissioner of corrections, four individuals with certain academic and professional experience related to law or corrections, and two individuals with expertise in the neurological development of juveniles. Permits the majority leader of the senate, the minority leader of the senate, the speaker of the house, and the minority leader of the house to submit recommendations for appointing the individuals with legal or correctional experience.

**Section Description – Article 18: Supervised Release Board; Life Sentences for Certain Offenders**

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**Subd. 2. Terms; compensation.** Provides that members of the board serve four-year staggered terms. Provides for compensation and removal consistent with Minnesota Statutes, section 15.0575.

**Subd. 3. Quorum; compensation; administrative duties.** Provides that the two individuals with expertise in the neurological development of juveniles shall not participate in release decisions for individuals who were 18 years of age or older at the time of the offense in question, but must participate in decisions involving individuals who were juveniles at the time of the commission of the relevant offense. Requires board members to visit at least one state correctional facility every 12 months. 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.

**2 Supervised release; offenders who commit crimes on or after August 1, 1993.**

Makes a conforming change.

**3 Minimum imprisonment, life sentence.**

Provides that an inmate serving a life sentence who committed the offense when the person was under 18 years of age is not eligible for release until that person has served the minimum term of imprisonment described in section 244.05, subdivision 4b.

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

Provides that an inmate who committed that offense when the person was under 18 years of age is eligible for early supervised release after serving the minimum term of imprisonment described in section 244.05, subdivision 4b.

**5 Offenders who were under age 18 at the time of offense; minimum terms of imprisonment.**

Establishes subdivision 4b in section 244.05 to describe when an offender who was under age 18 at the time of an offense is eligible for supervised release. Provides that such an offender is eligible for release after serving 15 years if the person: (1) received a single determinate sentence of more than 15 years; (2) received separate

**Section Description – Article 18: Supervised Release Board; Life Sentences for Certain Offenders**

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sentences that include a combined period of confinement that exceeds 15 years and do not involve separate victims; or (3) was sentenced to one mandatory life sentence and was not sentenced to another consecutive sentence involving a victim. Provides that such an offender is eligible for release after 20 years if the person: (1) received separate determinate sentences with a combined term of imprisonment that exceeds 20 years and involves separate victims; (2) was sentenced to a mandatory life sentence and was sentenced to a consecutive sentence involving a separate victim; or (3) was sentenced to two consecutive life sentences. Provides that such an offender is eligible for release after 30 years if the person was sentenced to three or more consecutive life sentences.

**6 Supervised release, life and indeterminate sentences.**

Provides that the Supervised Release Board, and not the commissioner of corrections, must make decisions on parole and early supervised release for eligible individuals. Establishes that, for cases involving multiple sentences, release must be granted or denied on all concurrent sentences and release may be granted on consecutive sentences for individuals who were under the age of 18 at the time of the commission of the offenses. Requires the board to review the status of individuals at least three years before the individual is eligible for release to make programming recommendations and requires the board to conduct a release review as soon as practicable before an inmate has served the relevant period of imprisonment. Requires the board to review certain information when making decisions, requires the preparation of a development report for individuals who were under 18 at the time of the relevant offense, permits prosecutors and victims to submit statements for consideration, and requires the board to consider specific information when making a release decision. Requires a quorum of voting members to grant release and provides that release will be granted if the vote is a tie and the commissioner is in favor of release. Directs the board to explain decisions denying release and to establish pre-release conditions the individual must follow until the specified release date. Requires the board to establish a new review date for certain individuals denied release or whose release is revoked.

**7 Executed sentences.**

Makes a conforming change.

**8 Life without release.**

Makes a conforming change and adds murder of an unborn child to the offenses eligible for a sentence of life in prison without the possibility of release in certain circumstances.

**Section Description – Article 18: Supervised Release Board; Life Sentences for Certain Offenders**

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- 9 **Offender under age 18; life imprisonment.**  
Establishes that a court must sentence an offender who commits a heinous offense, as defined in the statute, when the person was under 18 years old to life in prison with the possibility of release.
- 10 **Mandatory life sentence without release; certain first-time and repeat egregious offenders.**  
Provides that a court must sentence an offender who commits an offense under the conditions identified in the dangerous sex offender statute when the person was under 18 years old to life in prison with the possibility of release.
- 11 **Life sentences; minimum term of imprisonment.**  
Provides that, if an offender was under 18 at the time of commission of an offense that qualifies for life in prison, the minimum term of imprisonment imposed by the court must not exceed the applicable minimum terms of imprisonment described in section 244.05, subdivision 4b.
- 12 **Supervised Release Board; transition period.**  
Provides that the Supervised Release Board must not review eligible cases and make decisions until July 1, 2024, and that the commissioner of corrections has the authority to make release decisions, including decisions for individuals sentenced for crimes committed when the person was under age 18, until that date.
- 13 **Revisor instruction.**  
Directs the revisor to make conforming changes to reflect the establishment of the Supervised Release Board.
- 14 **Effective date.**  
Provides that the provisions related to individuals sentenced for offenses committed when the person was under age 18 are effective July 1, 2023, and apply retroactively to individuals sentenced before that date.

## **Article 19: Civil Law**

This article contains provisions related to real property, board membership, civil remedies, human rights, marriage, name changes, access to records, government data privacy, and landlord and tenant law.

**Part A: Civil Law, Property, and Board Membership**

**Section Description – Article 19A: Civil Law, Property, and Board Membership**

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- 1-4,  
18-20     **Board appointment process and “ban the box.”**  
Amends the “ban the box” law by prohibiting appointing authorities from inquiring into or considering the criminal history of an applicant for appointment to multimember agencies, including boards, commissions, and taskforces, until the applicant has been selected for an interview or, if there is not an interview, before a conditional offer of appointment is made. Includes various other changes to statutes governing the process for filling vacancies for appointments to multimember agencies.
- 5-9       **Right to reclaim; retrieval of contents.**  
Amends the requirements and procedures for retrieving the contents of a vehicle that has been towed to an impound lot and establishes a cause of action by the vehicle owner when a private impound lot operator violates certain requirements and refuses to release the contents from a towed vehicle.
- 10, 22,  
40, 42    **Civil forfeiture procedures.**  
Amends civil procedure related to DWI and controlled substances forfeitures. These sections permit the service of a statement of claim and other filings as provided under the Rules of Conciliation Court Procedure; provide that the forfeiture proceedings are governed by the Rules of Conciliation Court Procedure, where applicable; and delete or repeal obsolete language.
- 11-12,  
14        **Postdissolution name change process.**  
Permits a person to change their name to the name on their birth certificate without paying a filing fee or completing a criminal history check if they have resided in Minnesota for at least six months and submit certified copies of their birth certificate and most recent certificate of dissolution. Proof of identity by two witnesses is not required unless the court finds it is necessary to determine whether the person has an intent to defraud or mislead the court. The court must approve the name change unless the person has a felony conviction or the court finds that the person has an intent to defraud or mislead the court.
- 12-13,  
25-26    **Name change process modified for persons with a felony conviction.**  
Prohibits a person with a felony conviction from changing their name through the county marriage application process. Instead, the person must use the process for changing their name specific to individuals with felony convictions under section 259.13, which requires service on the prosecuting authority with jurisdiction over the conviction and proof of service to be filed with the court.

**Section Description – Article 19A: Civil Law, Property, and Board Membership**

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- 15      **Private enforcement.**  
Authorizes a consumer, including a family farmer, to bring a civil action in connection with the sale of merchandise for personal, family, household, or agricultural purposes, for the recovery of damages, costs, and attorney fees and provides that such an action benefits the public.
- 16      **Penalties; remedies.**  
Establishes that those who are aggrieved by a violation of the prohibition against assigning military pay may receive equitable relief in addition to damages, reasonable attorney fees, and court costs.
- 17, 23, 24, 27, 28, 30, 31, 36-39, 42      **Real estate transactions.**  
Makes clarifying and technical changes to various statutes governing real estate transactions, including the Uniform Commercial Code, the Farmer-Lender Mediation Act, and statutes governing dissolution proceedings. The sections require the court to direct the parties or their counsel to submit a proposed summary real estate disposition judgment if real estate disposition is at issue during the dissolution proceedings and provides that the recorder or registrar is not responsible for determining if a summary real estate disposition judgment is court approved.
- 21      **Attorney access to court records.**  
Permits an attorney licensed in Minnesota to apply for a Minnesota Government Access account to access electronic state district court records stored in the Minnesota Court Information System.
- 29      **Limitations; certain titles not affected.**  
Amends the Marketable Title Act (MTA), which provides that if a source of title has been recorded for at least 40 years, no action may be commenced to enforce an interest executed or occurring more than 40 years before such action, unless within 40 years following the execution or occurrence of the interest the claimant recorded a notice. Under current law, the MTA does not apply to any rights of the federal government and does not bar the rights of persons in possession of real estate. This section provides an exemption for state agencies and departments in possession of real estate.
- 32-34      **Survival of causes.**  
Provides that a personal injury action survives the death of any party and a trustee may bring the action for all damages suffered by the decedent before the decedent's death. The action may be commenced within three years of the date of the decedent's death provided that the action must be commenced within six years of the wrongful act or omission.

**Section Description – Article 19A: Civil Law, Property, and Board Membership**

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**35 Peacetime emergency injury action; statute of limitations.**

Provides that a personal injury action against a health care provider that accrued during the peacetime emergency declared from March 14, 2020, to July 1, 2021, related to COVID-19 must be filed within one year from the date of death of the former patient or resident.

**41 Structure; membership.**

Increases the membership of the State Board of Public Defense from seven to nine members. Requires that one member appointed by the supreme court has been a public defender within the previous five years. Increases the number of public members appointed by the governor from three to four. This section also provides that the State Board of Public Defense is subject to the Open Meeting Law.

**Part B: Civil Rights Law**

**Section Description – Article 19B: Civil Rights Law**

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**43-55, 57-61, 63-72 Human rights act definitions.**

Modifies the definition of “sexual orientation” and creates a definition for “gender identity” for purposes of the Minnesota Human Rights Act (MHRA). These sections clarify that nondiscrimination provisions apply to discrimination based on gender identity. These sections also repeal current law exemptions allowing discrimination based on sexual orientation in certain housing and employment contexts.

**56 Inquiries into pay history prohibited.**

Prohibits employers from inquiring into an applicant’s pay history from any source to determine the applicant’s compensation. The prohibition does not apply if the applicant’s pay history is publicly available unless the employer sought access to those records with the intent of obtaining pay history to determine compensation. This section does not prevent applicants from voluntarily disclosing pay history and does not prohibit employers from acting on that information to support a higher wage or salary than initially offered by the employer.

**62 General prohibitions.**

Amends a section of the MHRA providing specific instances of discrimination against persons with disabilities to include that places of public accommodation must provide closed-captioned television when television is provided at that location to others.



## Part C: Data

### Section Description – Article 19C: Data

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- 73      **Opinion; when required.**  
Amends the Minnesota Government Data Practices Act by removing the \$200 fee for requesting opinions from the commissioner of administration; requires the commissioner to provide notice in writing for decisions not to issue an opinion; and extends the time for the commissioner to issue an opinion.
- 74      **Political subdivisions licensing data.**  
Classifies tax returns and bank account statements as private or nonpublic data when they are submitted to a political subdivision by a person seeking to obtain a license. This section requires political subdivisions to destroy tax return and bank account statement data no later than 90 days after a final decision on the license application.
- 75-76   **Educational data; directory information.**  
Prohibits an educational institution from designating a student’s personal contact information as publicly available directory information. Because the contact information cannot be made public as directory information, it will remain private educational data. As private educational data, the contact information may still be disclosed with parental consent. Also provides that a student’s personal contact information that was previously designated as publicly available directory information before this law came into effect must now be treated as private educational data. Authorizes student contact information to be disclosed to a public library for purposes of issuing a library card.
- 77      **Animal premises data.**  
Requires the Board of Animal Health to provide the public access to data that identifies the location of registered cervid farms.
- 78-80   **Transit customer data.**  
Classifies the following data as private data on individuals: (1) transit customer data collected by telephone or through a third-party software program; and (2) applicant and user data for Metropolitan Council transit assistance programs. These sections authorize the council to release transit assistance program data to administer or coordinate human services programs and other support services.

## Part D: Civil Marriages

**Section Description – Article 19D: Civil Marriages**

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

Authorizes an individual who registers as a civil marriage officiant with a local registrar in a county of this state to perform civil marriages.

**Part E: Health Care Mediation**

**Section Description – Article 19E: Health Care Mediation**

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**82 Communication and resolution after a health care adverse incident.**

Creates an “open discussion” process that patients, or their legal representatives, can engage in with health care providers and health care facilities after a patient has died or been injured arising from or related to the care the patient received. This section expires on June 30, 2031.

**Part F: Tenant’s Rights**

**Section Description – Article 19F: Tenant’s Rights**

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**83 Pet declawing and devocalization prohibited.**

Provides that when an animal is allowed on the rental property, a landlord cannot advertise in a way that would discourage a potential renter from renting the unit who has not declawed or devocalized their pets. The landlord also cannot refuse to rent a rental unit or require a current renter, to declaw or devocalize their animal. This section allows a local government prosecutor or the attorney general to bring an action to prevent a violation of this section and to collect up to \$1,000 per advertisement that violates this section and a \$1,000 fine for each animal related to the violation of this section, to be paid to the local government or attorney general who brought the civil action.

**84 Prohibited fees.**

Requires a landlord to disclose all nonoptional fees in the lease agreement and disclose whether utilities are included or not included in the rent. Provides that a landlord who violates this section is liable to the residential tenant for treble damages and the court may award reasonable attorney fees to the tenant.

**85 Damages.**

Provides that along with other provisions related to the return of a damage deposit on a residential rental unit, the landlord can be liable for monetary damages to a tenant if they do not do an initial or final inspection as required in section 86.

**Section Description – Article 19F: Tenant’s Rights**

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- 86     **Initial and final inspection required.**  
Requires a landlord to offer an initial inspection and a move-out inspection. Prohibits attempts to waive the inspection requirements imposed in this section.
- 87     **Entry by landlord.**  
Restricts a landlord’s entry into a residential unit to between the hours of 8:00 a.m. and 8:00 p.m. and clarifies that notice must be at least 24 hours before entry.
- 88     **Penalty.**  
Changes the penalty for a landlord who enters an apartment without proper notice or in violation of the section to damages of \$500 and reasonable attorney’s fees instead of a civil penalty of \$100. Provides that a violation of the section on unlawful entry by a landlord is a violation of the lease.
- 89     **Right to counsel in public housing; breach of lease eviction actions.**  
Requires the court to appoint counsel to represent a defendant in a public housing eviction case when the eviction is filed for holding over the property or certain illegal activities on the premises. Provides specific qualifications for counsel appointed pursuant to this section and requires the chief judge of the judicial district to set a compensation rate for appointed counsel. Provides that this section is effective August 1, 2023.
- 90     **Effective date.**  
Provides that sections 83 to 89 are effective January 1, 2024, and apply to leases signed on or after that date.

**Part G: Lease Covenants and Repairs in Residential Tenancy**

**Section Description – Article 19G: Lease Covenants and Repairs in Residential Tenancy**

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- 91     **Requirements.**  
Requires a landlord to provide heat in a residential tenancy at a minimum temperature of 68 degrees when it is less than 60 degrees outside from October 1 to April 30.
- 92     **Unlawful exclusion or removal.**  
Authorizes unlawful exclusion cases to be brought for the same filing fee as conciliation court complaints.

**Section Description – Article 19G: Lease Covenants and Repairs in Residential Tenancy**

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- 93      **Petition.**  
Specifies the type of incidents that allow a tenant to petition for emergency repair in a residential rental unit.
- 94      **Relief; service of petition and order.**  
Permits the tenant to petition for emergency relief to fix an emergency repair and allows the court to order that a landlord immediately remedy the violation. Requires the court to provide notice of a hearing on the ex parte petition and order as soon as practicable.
- 95      **Filing fee.**  
Authorizes a tenant to pay the conciliation court fee to file a tenant’s remedy action.
- 96      **Effective date.**  
Provides that sections 91 to 95 are effective January 1, 2024, and apply to petitions filed on or after that date.

**Part H: Lease Termination**

**Section Description – Article 19H: Lease Termination**

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- 97      **Terminating tenancy at will.**  
Removes the provision that allows a landlord to terminate a tenancy without a written lease with 14 days’ notice. The existing law that requires notice to be as long as the interval between the time rent is due would apply.
- 98      **Early renewal of lease.**  
Requires landlords to wait until six months before the end of the lease, and not sooner, to ask the tenant if they would like to renew the lease and stay in the unit when the lease is for more than ten months.
- 99      **Limitation on crime-free lease provisions.**  
Limits the crimes for which a landlord may impose a penalty on a tenant or terminate the lease of a tenant. This section is effective June 1, 2024.
- 100     **Recovery of attorney fees.**  
Permits recovery of costs under section 549.02.
- 101     **Termination of lease upon infirmity of tenant.**  
Permits a tenant to terminate a lease if the tenant requires assistance with daily living, meets the nursing facility care criteria, or has a disability related to mental

**Section Description – Article 19H: Lease Termination**

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illness, and the tenant enters a nursing home, hospice, care, a licensed boarding care facility, assisted living, adult foster care, intensive mental health residential program, or an accessible unit. This section requires the tenant to provide notice to the landlord two months in advance along with medical documentation and proof the tenant is moving. When a tenant needs an accessible unit and one can be provided in the same complex, this section would not apply. This section is effective on January 1, 2024, and applies to leases entered into or renewed on or after that date.

**102 Effective date.**

Provides that sections 97, 98, and 100 are effective January 1, 2024, for leases entered into on or after that date.

**Part I: Residential Evictions**

**Section Description – Article 19I: Residential Evictions**

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**103 Combining allegations.**

Amends the procedure when an eviction alleges material lease violations and rent owed in an eviction.

**104 Action to recover.**

Alters existing procedure in eviction actions for nonpayment of rent including allowing a government agency to assist with redemption of the unit.

**105 Complaint and summons.**

Provides a new procedure for the summons in an eviction action, including a notice for how to get legal and financial assistance, and provides the contents for notice to tenant that is included in a summons for eviction. This section also provides that expedited evictions should only proceed as expedited matters if there is a threat of an ongoing violation of section 504B.171 (unlawful and dangerous activities). This section states the court must dismiss and expunge an eviction that doesn't follow the procedure for a summons and complaint under this section.

**106 Summons; how served.**

Expands options for notifying a tenant of an eviction action when the tenant cannot be found, including phone calls, texts, and emails.

**107 Answer; trial.**

Prevents a bond from being posted by a tenant, except when the case is being appealed.

**Section Description – Article 19I: Residential Evictions**

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- 108     **General.**  
Authorizes the court to issue an expungement when the tenant prevails in an eviction action.
- 109     **Motion to vacate judgment.**  
Permits a party to bring a motion to vacate a judgment in an eviction action.
- 110     **Summons and writ.**  
Provides new requirements for the summons on a writ of recovery and order to vacate a rental unit including notice on how to seek assistance with legal or financial help.
- 111     **Appeal bond.**  
Clarifies what the court can require in an appeal case for the bond.
- 112-  
113     **Stays.**  
Require a stay for all appeals.
- 114     **Exception.**  
Amends an exception for certain actions in an appeal proceeding, and provides the exceptions apply in claims where a plaintiff prevailed on an action related to breach of the lease by unlawful activity.
- 115     **Repealer.**  
Repeals section 504B.341 (a statute providing limitations on when a continuance of a trial may be granted).
- 116     **Effective date.**  
Provides that sections 103 to 115 are effective January 1, 2024, and apply to actions filed on or after that date.

**Part J: Eviction Records**

**Section Description – Article 19J: Eviction Records**

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- 117-  
118     **Expungements.**  
Expands the grounds for discretionary and mandatory expungements.

**Section Description – Article 19J: Eviction Records**

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- 119     **Nonpublic record.**  
Prohibits the public from accessing eviction action records until the court enters a final judgment.
- 120     **Effective date.**  
Provides that sections 117 to 119 are effective January 1, 2024.

**Article 20: Carjacking; Conforming Changes**

This article makes a number of conforming changes to law adding cross references to the new carjacking crime established in article 4, section 6.



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