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Article 1: Appropriations

Overview

This article contains appropriations for the following: Supreme Court, Court of Appeals, District Courts, Tax Court, GAL Board, Uniform Laws Commission, Board on Judicial Standards, Public Defense Board, Sentencing Guidelines, Department of Public Safety, Peace Officers Standards and Training Board, Private Detective Board, and Department of Corrections.

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1 Appropriations. Summarizes direct appropriations by fund.

2 Supreme Court.

Subd. 1. Total appropriation. Appropriates a total of \$50,539,000 in FY18 and \$51,350,000 in FY19 to the supreme court.

Subd. 2. Supreme Court Operations. Appropriates \$37,263,000 in FY18 and \$38,074,000 in FY19 for supreme court operations.

Subd. 3. Civil Legal Services. Appropriates \$13,276,000 in FY18 and FY19 to civil legal services to provide legal representation to low-income clients. \$948,000 each year is to improve access in family law matters.

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- 3 Court of Appeals.** Appropriates \$12,178,000 in FY18 and \$12,357,000 in FY19 for the court of appeals.
- 4 District courts.** Appropriates \$285,147,000 in FY18 and \$289,933,000 in FY19 for trial courts.
- Subd. 1. Treatment court stability.** Provides that \$100,000 each year to treatment court stability.
- Subd. 2. New trial judges.** Provides \$884,000 in FY18 and \$818,000 in FY19 for two trial judges.
- 5 Guardian ad litem board.** Appropriates \$15,652,000 in FY18 and \$15,890,000 in FY19 to the GAL board.
- 6 Tax court.** Appropriates \$1,402,000 in FY18 and \$1,406,000 in FY19 to the tax court.
- 7 Uniform laws commission.** Appropriates \$93,000 each year to the ULC.
- 8 Board on Judicial Standards.** Appropriates \$486,000 in FY18 and \$496,000 in FY19 to the Board on Judicial Standards. Provides that \$125,000 each year is for special investigative and hearing costs.
- 9 Board of Public Defense.** Appropriates \$85,087,000 in FY18 and \$87,831,000 in FY19 for the Board of Public Defense.
- 10 Sentencing Guidelines.** Appropriates \$658,000 in FY18 and \$675,000 in FY19 to the sentencing guidelines commission.
- 11 Public Safety.**
- Subd. 1. Total appropriation.** Appropriates \$195,414,000 for FY18, \$194,035,000 for FY19.
- Subd. 2. Emergency management.** Appropriates \$6,076,000 in FY18 and \$4,133,000 in FY19 to the emergency management division.
- (a) Hazmat and chemical assessment teams.** Appropriates \$850,000 each year from the Fire Safety Account to fund Hazmat and Chemical Assessment Teams. **[H.F. 2121]**
- (b) Emergency response teams.** Appropriates \$736,000 each year to fund emergency response teams in St. Cloud, St. Paul, Duluth, and Moorhead. **[H.F. 1179]**
- (c) Disaster assistance account.** Appropriates \$2,000,000 in the first year for the disaster assistance contingency account in Minn. Stat. §12.221.
- (d) Supplemental nonprofit security grant program.** Appropriates \$75,000 each year to a supplemental nonprofit security grant program. **[H.F. 1802]**
- Subd. 3. Criminal apprehension.** Appropriates \$57,891,000 in FY18 and \$58,559,000 in FY19 to the BCA.
- (a) DWI analysis.** Transfers funding for DWI lab analysis from the trunk highway fund to the general fund.

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(b) Predatory registration system. Appropriates \$4,100,000 over the next biennium to rebuild the predatory registration system. [H.F. 896]

(c) BCA investment initiative. Appropriates \$275,000 each year for the following: (1) an additional firearms examiner; and (2) additional staff in the drug chemistry lab.

(d) Livescan fingerprinting. Appropriates \$650,000 each year to replace livescan fingerprinting equipment.

(e) Base adjustment. Establishes the FY20 and FY21 base funding for the BCA.

Subd. 4. Fire Marshal. Appropriates \$6,297,000 each year to fund the state fire marshal.

Subd. 5. Board of Firefighter Training. Appropriates \$5,015,000 each year to the Board of Firefighter Training. Directs funds to be used for Minnesota Task Force 1 and the Minnesota Air Rescue Team. [H.F. 2121]

Subd. 6. Alcohol and Gambling Enforcement. Appropriates \$2,585,000 in FY18 and \$2,641,000 in FY19 to the alcohol and gambling enforcement division. \$500,000 from the alcohol enforcement account is transferred to the general fund.

Subd. 7. Office of Justice Programs. Appropriates \$40,115,000 in FY18 and \$39,921,000 in FY19 to OJP.

(a) OJP administration costs. Permits OJP to use up to 2.5 percent of the funds to administer the grant program.

(b) Violent crime enforcement. Appropriates \$35,000 each year for additional grants to statewide violent crime enforcement teams.

(c) Combatting terrorism recruitment. Appropriates \$250,000 in each year to develop strategies to combat recruitment of state residents by terrorist organizations. [H.F. 2068]

(d) Sex trafficking prevention grants. Appropriates \$290,000 in FY18 and \$180,000 in FY19 for grants to combat sex trafficking.

(e) Pathway to Policing. Appropriates \$500,000 each year to reimburse police departments that offer pathway to policing programs. [H.F. 346]

Subd. 8. Emergency communications networks. Appropriates \$77,187,000 in FY18 and \$77,221,000 in FY19 from the 911 emergency telecommunications service fee account for emergency communications. Funds public safety answering points, medical resource communication centers, ARMER debt service, ARMER state backbone operating costs, and ARMER improvements.

12 Peace Officers Standards and Training Board. Appropriates \$11,269,000 in FY18 and \$11,281,000 in FY19 to the POST Board. \$2,859,000 each year is from the peace officers training account for reimbursements to local governments for peace officer training costs. \$7,000,000 each year is from the general fund for peace officer training. [H.F. 346] \$100,000 each year is for de-escalation training. [H.F. 261] \$100,000 each year from the peace officers training account for an outreach officer.

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- 13 Private Detective Board.** Appropriates \$191,000 in FY18 and \$192,000 in FY19 to the private detective board.
- 14 Department of Corrections.**
- Subd. 1. Total appropriation.** Appropriates \$9,200,000 in FY16, \$572,817,000 in FY18 year, and \$568,208,000 in FY19 to the department of corrections.
- Subd. 2. Correctional institutions.** Appropriates \$9,200,000 in FY16, \$416,890,000 in FY17, and \$410,501,000 in FY18 to correctional institutions.
- (a) Offender healthcare.** Appropriates funds to cover a deficiency in inmate healthcare. Requires the commissioner to report details on the process of contracting for a new inmate healthcare agreement.
- (b) Federal Prison Rape Elimination Act.** Appropriates funds to comply with the act.
- (c) Mentally ill offenders.** Appropriates funds to provide care to mentally ill inmates.
- Subd. 3. Community services.** Appropriates \$129,853,000 in FY18 and \$131,764,000 in FY19 for community services. Provides funds for supervised release agents, CCA subsidy, county probation officer reimbursements, out-patient sex offender treatment, the alternatives to incarceration pilot program [**H.F. 2176**], the targeted domestic violence prevention program [**H.F. 2337**], and intensive probation supervision [**H.F. 1572**].
- Subd. 4. Operations support.** Appropriates \$26,074,000 in FY18 and \$26,043,000 in FY19 for the department's operations support group. \$208,000 is for a transfer to the commissioner of administration to inspect and appraise the private prison in Appleton, MN. [**H.F. 1841**]
- 15 Transfer.** Transfers \$1,000,000 each year from the MINNCOR fund to the general fund.
- 16 Transfer; community justice reinvestment account.** Delays the transfer of funds to the community justice reinvestment account for two years.

Article 2: Courts

Overview

This article contains provisions relating to courts.

- 1 Commitment papers; duty of court administrator.** Strikes requirement to submit transcript of sentencing proceedings to detention facility. [**H.F. 2431**]
- 2 Appointment of counsel.** Allows a child who is ten or over to be appointed counsel -- who is not a public defender -- in a juvenile proceeding at the public expense and requires the parent, guardian, or custodian of the child to be appointed counsel when the parent meets certain income guidelines. This section also requires the court to notify a child over the age of ten of their rights to free counsel and requires the social service agency to notify the child

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of the right if they are the subject of a case and they turn ten during an on-going case. [H.F. 1702]

- 3 **Waiver.** Requires a child over the age of ten to waive the right to counsel in writing and does not allow the parent or other party to a case to waive the child's right to counsel. [H.F. 1702]
- 4 **Notice.** Requires the court to send notice of review hearings for juvenile court to the attorney appointed for a child in the case. [H.F. 1702]
- 5 **Small claim jurisdiction.** Increases the small claims jurisdiction limit for state tax claims from \$5,000 to \$15,000. This is consistent with the jurisdiction in conciliation court. [H.F. 1773]
- 6 **Account purpose, grants.** Replaces the phrase "drug court" with "treatment court." [H.F. 2431]
- 7 **Treatment court fees.** Replaces the phrase "drug court" with "treatment court." [H.F. 2431]
- 8 **Court documents.** Expands the exemption from the notarization requirement to include documents presented in support of a request for a court order, warrant, or other relief. Provides that presenting a document to a judge or judicial officer for signature constitutes verification under oath. [H.F. 2431]
- 9 **Review of applications; selection of recipients.** Eliminates the unique income eligibility criteria for farmers who seek assistance from organizations that provide legal services. Under current law, a farmer is not eligible for legal aid if the farmer's federal adjusted gross income exceeds \$15,000.

With this section, income eligibility for farmers would be indexed to Federal Poverty Guidelines, as it is for others who request legal aid. In general, legal aid is available to individuals and families with income that does not exceed 125 percent of Federal Poverty Guidelines. According to federal regulations, in 2017 a family of one that qualifies for legal aid can have no more than \$15,075 of income; income for a family of four cannot exceed \$30,750 (Code of Federal Regulations, Title 45, Subtitle B, Chapter XVI, Part 1611).

Under this section, farmers would remain subject to a unique asset-to-debt eligibility standard. Under current law, farmers eligible for legal aid in Minnesota must have a debt-to-asset ratio greater than 50 percent. [H.F. 1165]

- 10 **Referee duties.** Requires a direct appeal to the Court of Appeals for review of referee orders in probate and civil commitment proceedings. [H.F. 2431]
- 11 **Expedited child support process.** Moves language on expedited child support hearings reported through electronic recording equipment. [H.F. 2431]
- 12 **Salaries.** Strikes outdated salary provisions that are now contained in the judicial branch personnel policies and collective bargaining agreements. [H.F. 2431]
- 13 **Charge for transcript.** Strikes the old statutory rate that may be charged for a transcript and replaces it with a current reference to the rate set by the chief justice. [H.F. 2431]
- 14 **Definitions.** Changes the definition of transfers in the Uniform Voidable Transfers Act to exclude donations or contributions, including promissory notes, stocks, and bonds, to charitable or religious organizations, except when the donation happened within two years of

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the start of an action against the debtor, the donation was made by the debtor, and the donation was done to intentionally defraud a creditor or was made at the time the debtor was insolvent or about to be insolvent.

The existing law and provisions of this bill provide certain exceptions for when the donation can be captured by the creditors. The federal bankruptcy court issued a decision in 2015 finding that a third party's transfer of a promissory note did not constitute a transfer of the insolvent party's assets for later payments made directly to the charity as a result of that promissory note. This change will protect contributions made to charitable and religious organizations so that later payments made in compliance with a contribution cannot be made "void" by the court and force the return of the donation.

Effective date: This section is effective the day after final enactment and applies to cases of action arising before, on, or after that date. [H.F. 2067]

- 15** **Applicable crimes.** Adds the crime of felony assault by strangulation against a family member to the list of crimes a parent has been convicted of committing that shift the burden for determining custody and parenting time. Existing law requires the court to appoint a guardian ad litem to look out for the child's best interest in these cases.

When the parent of a child has been convicted of certain violent crimes and crimes against children and the crime occurred in the last five years or the person is still incarcerated, on probation, under supervised release, or where the victim of the crime was a household member, then the presumption is against the parent convicted of the crime and they have to prove that visiting with the child or having custody is in the child's best interest.

In cases where the victim of the crime was a family or household member, the parent convicted must prove it is in the child's best interest by clear and convincing evidence, which is a high standard than most civil family law cases. [H.F. 1654]

- 16** **When owed; rate.** Removes the ten percent interest rate from the period between commencement of suit and entry of judgment for judgments or awards of \$50,000 or more. Interest is added to civil judgments by looking at three time periods:

1. from commencement of the suit or claim until a verdict or award (paragraph (b));
2. from verdict or award until entry of judgment by a court (paragraph (a)); and
3. from entry of judgment until payment (paragraph (c)).

Under current law, the interest rate on judgments or awards of \$50,000 or more is ten percent for all three time periods, except that it is not applied to the state or political subdivisions of the state. The interest rate on judgments under \$50,000 is set by the court administrator based on the secondary market and calculated as a simple interest per year, but is no less than four percent. This section would give all state and nonstate civil judgments the same interest rate for the period from commencement of the suit or claim until the entry of judgment but would exempt cases where an insured person was awarded a judgment against some insurers for a failure to provide payment, which is set by statute at ten percent. Minn. Stat. § 60A.0811. The interest rate on judgments or awards of \$50,000 or more would remain ten percent for the period from entry of judgment until payment. [H.F. 1281]

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- 17** **Venue.** Adds a venue provision in the perjury statute. Provides that a violation relating to false statements in court documents may be prosecuted where the statement was signed or filed. [H.F. 2431]
- 18** **Temporary restraining order; relief by court.** Changes the requirement that a request for a temporary restraining order hearing be made within 45 days after the temporary order is issued to within 20 days of the date of completed service of the petition for a hearing. [H.F. 2431]
- 19** **Application.** Requires a sentencing criminal court to refer a case to family court if the person being sentenced has been convicted of the crime of felony assault by strangulation against a family member and the person convicted has custody or visitation with their child and there is no pending family court action. Existing law requires that the court appoint a guardian ad litem in these family law cases. [H.F. 1654]
- 20** **Evidence of videotapes, audiotapes, or other recordings.** Currently, a video or audio recording prepared by a peace officer using recording equipment in an officer's vehicle cannot be excluded from evidence at a trial on the ground that there was no written transcript of the recording prepared and available before trial. This section expands the category of covered recordings to include an officer's body camera. [H.F. 1343]
- 21** **Effective date; sunset.** Extends the pilot project permitting the use of electronic monitoring to protect victims of domestic abuse from August 1, 2017 to August 1, 2021. [H.F. 1806]
- 22** **Repealer.** Repeals:
- 169.685, subd. 4 -- Eliminates the "seat belt gag rule". Currently, the gag rule prohibits introduction of evidence regarding the use of or failure to use a seat belt in any civil action for damages arising from a motor vehicle accident. The rule does not apply in an action that alleges a defectively designed, manufactured, installed, or operated seat belt or child passenger restraint system. This section would allow a party to submit evidence regarding the use of a seat belt in a civil action, subject to standard evidentiary rules. [H.F. 251]
 - 486.05, subd. 1a – Court reporter reimbursement provisions which allow court reporters to be reimbursed for travelling expenses when absent from the home chambers where the judge the reporter serves is assigned. [H.F. 2431]
 - 525.112 – Hennepin County court reporter salary provisions, last updated in 1941, which permit an annual salary of \$3,000 for a court reporter. [H.F. 2431]

Article 3: Corrections

Overview

This article contains policy provisions regulating corrections and probation.

- 1** **Permissible claims.** Claims for medical expenses or compensation for total disability, permanent partial disability, or death may be submitted to the Department of Corrections

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and, if valid, the department shall pay the portion of a claim that is not covered by the claimant's insurance. Under current law, eligible claims are for individuals who suffer injury or death and are:

1. inmates of a correctional facility or local jail conditionally released to perform compensated or uncompensated work; or
2. individuals subject to a court order who perform work (a) in restitution, (b) to work off fines or court ordered costs, (c) in lieu of incarceration, or (d) as a condition of a sentence.

This section limits claims by inmates to injury or death that occurred while performing work in the community. It also expands the list of covered individuals to include those performing work service in lieu of correctional fees and those on a sentence-to-service work crew. [**H.F. 1452**]

- 2 **Commissioner, powers and duties.** Authorizes the commissioner of corrections to house inmates in non-publicly owned correctional facilities. The section directs the commissioner to either: (1) purchase and operate; or (2) enter into a lease-to-own agreement to operate the private prison in Appleton, Minnesota, in order to address bed capacity shortfalls in state correctional facilities. [**H.F. 1510**]
- 3 **Conditional release.** Requires probation and parole agents supervising nonviolent controlled substance offenders to identify community options, including substance abuse treatment, in response to technical violations of the conditions of supervision. Allows offenders, by written stipulation, to restructure terms of supervision to include participation in appropriate community options. Permits courts to amend the terms of supervision based on offenders' written stipulations. Requires supervising agents to attempt to place offenders in a local jail when revoking supervision. [**H.F. 2176**]
- 4 **Allowed expenses.** Reforms the billing process for reimbursement to counties for costs they incur transporting inmates to and from state correctional facilities. Under current law, counties submit bills for each specific trip. The section allows payments be made up to two times each fiscal year based on a fee schedule agreed to by the Department of Corrections and the Minnesota Sheriff's Association. The total amount of payments may not exceed \$500,000 annually. [**H.F. 1579**]
- 5 **Administrative and disciplinary segregation.** Establishes guidelines for the use of administrative and disciplinary segregation in state prisons.
 - Subd. 1. Authorization.** Establishes the grounds that the Commissioner of Corrections can rely upon to place an inmate in segregation.
 - Subd. 2. Conditions in segregated housing.** Establishes the minimum conditions that the commissioner must offer inmates in segregated housing.
 - Subd. 3. Review of disciplinary segregation status.** Establishes mandatory review periods for inmates in segregated housing.
 - Subd. 4. Graduated disciplinary sanctions.** Requires the commissioner to design and implement a graduated scale of responses to infractions.

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Subd. 5. Discharge from segregated housing. Prohibits the commissioner from releasing an inmate directly to the community from segregated housing. Requires the transfer of an inmate who served more than 30 days in segregation to the general population to be reviewed and approved by a mental health professional.

Subd. 6. Reporting. Requires the commissioner to prepare an annual report to the legislature detailing the commissioner's use of segregated housing. [H.F. 742]

- 6 Sanctions for violation.** Requires supervised release agents supervising nonviolent controlled substance offenders to identify community options, including substance abuse treatment, in response to technical violations of the conditions of supervision. Requires agents to restructure the terms of supervised release to include participation in appropriate community options. Requires supervising agents to attempt to place offenders in a local jail when revoking supervision. [H.F. 2176]
- 7 Modification.** Requires that changes to the Sentencing Guidelines receive legislative approval before they take effect. There is no change to the requirement that the Sentencing Guidelines Commission submit proposed changes by January 15th of any year in which the commission wishes to make a change. Currently, the legislature has the power to reject proposed changes, but the changes take effect on August 1st if the legislature does not reject them. [H.F. 33]
- 8 Alternatives to incarceration.** Requires county probation agents conducting sanctions conferences regarding nonviolent controlled substance offenders to identify and recommend appropriate community options, including substance abuse treatment, in response to technical violations of the conditions of probation. [H.F. 2176]
- 9 Alternatives to incarceration.** Requires probation agents at probation revocation hearings for technical violations of probation by nonviolent controlled substance offenders to present courts with local options in response to violations. [H.F. 2176]
- 10 Alternatives to incarceration pilot program fund.** Establishes a program and fund to facilitate access to local community options, including chemical dependency treatment, for nonviolent controlled substance offenders. Requires that the department provide a report. [H.F. 2176]
- 11 Targeted domestic violence prevention programming.**

Subd. 1. Domestic violence offender identification. Directs the commissioner of corrections to implement a process to identify offenders sentenced for domestic violence related offenses.

Subd. 2. Threat assessment and screening. Directs the commissioner to develop a process to identify offenders who are most likely to commit domestic violence and abuse upon release from confinement.

Subd. 3. Programming. Requires the commissioner to provide programming consistent with best practices to offenders identified as posing the highest threat to commit domestic violence and abuse upon release from confinement.

Subd. 4. Report. Requires the commissioner to submit a report describing the screening developed pursuant to subdivisions 1 and 2, the number of offenders

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identified as being likely to commit domestic violence offenses upon release, the number who participated in programming, and recidivism rates of released offenders including the number who committed domestic violence offenses. [H.F. 2337]

Article 4: Public Safety

Overview

This article contains policy provisions related to the Department of Public safety, drivers' licenses, nonprofit security, peace officer training, and crime victims.

- 1** **Disaster assistance contingency account; appropriation.** Adds a conforming change to the disaster assistance statute to reflect the addition of utility cooperatives to the statutory list of entities that are eligible for state disaster assistance appropriations. The legislature designated utility cooperatives as eligible for disaster assistance in 2015. [H.F. 2119]
- 2** **Applicant.** Adds a conforming change to the disaster assistance statute to reflect the addition of utility cooperatives to the statutory list of entities that are eligible for state disaster assistance appropriations. The legislature designated utility cooperatives as eligible for disaster assistance in 2015. [H.F. 2119]
- 3** **Disposal.** Requires the sheriff of each county to provide federally compliant receptacles for the collection of noncontrolled substances, pharmaceutical controlled substances, and other legend drugs. Each county shall maintain at least one collection receptacle for disposal of these substances. [H.F. 916]
- 4** **Mandatory court appearance.** Requires a court appearance for individuals who fail to provide proof of insurance and are involved in a collision that causes injury or damage to the property of another. [H.F. 1670]
- 5** **License revocation.** Requires courts to report to the Department of Public Safety when a driver or owner provides the court with proof of insurance. [H.F. 1670]
- 6** **Mandatory court appearance.** Requires a court appearance for individuals who drive without insurance and are involved in a collision that causes injury or damage to the property of another. [H.F. 1670]
- 7** **Limitations; misdemeanor.** Establishes motor vehicle weight limit exemptions for police special response vehicles and ambulances (including per-axle and gross vehicle weight limits as well as posted limits). It also makes a technical change to move an existing weight limit exemption for fire apparatus to a new subdivision. The change would go into effect the day after enactment. [H.F. 1833]
- 8** **Certain emergency vehicles.** Establishes motor vehicle weight limit exemptions for police special response vehicles and ambulances (including per-axle and gross vehicle weight limits as well as posted limits). It also makes a technical change to move an existing weight limit exemption for fire apparatus to a new subdivision. The change would go into effect the day after enactment. [H.F. 1833]

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- 9** **Notice of surcharge.** Requires the uniform traffic ticket to provide a telephone number for questions and inform recipients that:
1. the criminal and traffic surcharge will be imposed following a conviction; and
 2. programs including driver diversion may be available. **[H.F. 1670]**
- 10** **Collision.** Requires the uniform traffic ticket to include an indication if an offense involved a collision that caused bodily harm or damage to the property of another. **[H.F. 1670]**
- 11** **Mandatory court appearance.** Requires a court appearance for individuals who drive after suspension, revocation, or cancellation and are involved in a collision that causes injury or damage to the property of another. **[H.F. 1670]**
- 12** **License reinstatement diversion program.** Makes the license reinstatement diversion program permanent. It is currently a pilot program.

Subd. 1. Establishment. Permits a city or county to establish a license reinstatement diversion program for individuals charged with driving after suspension or driving after revocation and defines which offenses are eligible offenses. All driving after suspension offenses are eligible for diversion programs. Driving after revocation offenses are only eligible if a defendant's license was revoked for a violation of: (1) failing to provide proof of insurance, (2) failing to carry insurance, (3) test refusal, (4) DWI, (5) repeat driving offenses, or (6) a controlled substance offense. Driving after cancellation as inimical to public safety is an eligible offense if the defendant complies with the ignition interlock program. An individual who holds a commercial driver's license, or committed an offense in a commercial motor vehicle, is not eligible for the program.

Subd. 2. Contract. Permits cities and counties to contract with third parties to administer the program.

Subd. 3. Diversion of an individual. Allows prosecutors in consultation with the commissioner to determine whether to accept an individual into the program and provides guidance for making that determination.

Subd. 4. Diversion driver's license. Permits DPS to issue a diversion driver's license to a program participant who pays the applicable reinstatement fee. Allows DPS to place additional restrictions, including participation in the ignition interlock program, on program participants. Describes how payments made by program participants must be distributed. Prohibits an additional revocation of a program participant's license based purely on making payments.

Subd. 5. Components of program. Requires diversion programs participants to: (1) attend educational classes, (2) participate in a payment program, (3) comply with all traffic laws, and (4) maintain motor vehicle insurance. Allows individuals accepted in the program to apply for a diversion driver's license.

Subd. 6. Termination of participation in diversion program. Terminates participation in a program for individuals who violate the terms of the program or successfully complete the program. Termination for a violation results in cancellation of the diversion driver's license and permits prosecutors to reinstate the original charge

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of driving after suspension or revocation. Termination for successful completion requires reinstatement of the participant's driver's license and dismissal of the original charge. Fees paid by an individual who leaves the program before completion must be retained for five years and, if the individual returns to the program, must be applied to the later participation. After five years, the fees are forfeited.

Subd. 7. Biennial report. Requires a biennial report.

Effective date. The program becomes effective on July 1, 2020 or the day following the date the Minnesota Licensing and Registration System (MNLARS) becomes effective, whichever is earlier. [H.F. 1670]

- 13 Supplemental nonprofit security grant program.** Creates a supplemental nonprofit security grant program. The Federal Emergency Management Agency offers nonprofit security grants to promote target hardening and other physical security enhancements to nonprofit organizations that are at high risk of terrorist attack. Minnesota's Division of Homeland Security and Emergency Management currently reviews, scores, and ranks each application before submitting the applications to the federal agency.

The section would create a state program to supplement the federal program. Applications for the federal program would also be treated as applications for the state program. Once recipients of the federal grants are announced, the Division of Homeland Security and Emergency Management will award state grants of up to \$75,000 beginning with the highest ranked applicant. No applicant could receive more than a total of \$75,000 from both the state and federal programs. [H.F. 1802]

- 14 Orders for protection and no contact orders.** Permits the courts to share data regarding harassment restraining orders through the criminal justice data communications network. [H.F. 1148]

- 15 Contents of petition; hearing; notice.** Expands the category of individuals authorized to serve process in harassment restraining order procedures exclusively from the county sheriff to all peace officers and expands the prohibition on fees for the service of process to all peace officers. [H.F. 1148]

- 16 Filing fee; cost of service.** Expands the category of individuals authorized to serve process in harassment restraining order procedures exclusively from the county sheriff to all peace officers and expands the prohibition on fees for the service of process to all peace officers. [H.F. 1148]

- 17 Restraining order.** Expands the category of individuals authorized to serve process in harassment restraining order procedures exclusively from the county sheriff to all peace officers and expands the prohibition on fees for the service of process to all peace officers. [H.F. 1148]

- 18 Short-form notification.**

Para. (a). Creates a short-form notification to inform a respondent of the existence of a harassment restraining order. The short-form notification form must include the:

- respondent's name;
- respondent's date of birth, if known;

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- petitioner's name;
- names of other protected parties;
- date and county in which the temporary restraining order was filed;
- court file number;
- hearing date and time, if known;
- conditions that apply to the respondent; and
- name of the judge who signed the order.

Para. (b). Permits a law enforcement officer to detain a respondent for the time necessary to complete and serve a short-form notification.

Para. (c). Authorizes the use of a law enforcement officer's affidavit to prove proof of service of a short-form notification.

Para. (d). Permits service of a short-form notification at any time.

Para. (e). Requires the BCA to provide the short-form notification form to law enforcement agencies.

Effective date. This section becomes effective 30 days after the Bureau of Criminal Apprehension posts notice that a computer system is available to transmit data on harassment restraining orders from the courts to law enforcement. **[H.F. 1148]**

19 Service by others. Allows peace officers, corrections officers including probation agents, court services officers, parole officers, and employees of jail and other correctional facilities to serve temporary restraining orders and restraining orders. **[H.F. 1148]**

20 Posting; trespass. This section clarifies that off-duty peace officers have the statutory right to carry firearms in private establishments and that a private establishment may not bar an off-duty peace officer who is carrying a firearm from entering the establishment. **[H.F. 1159]**

21 Training in crisis response, conflict management, and cultural diversity

Subd. 1. In-service training required. Beginning July 1, 2018, requires 16 continuing education credits to be completed within an officer's three-year licensing cycle that cover crisis intervention and mental illness crisis, conflict management and mediation, and recognizing and valuing community diversity and cultural awareness. Officers with a renewal date after June 30, 2018, will be required to complete this training in their next full three-year cycle.

Subd. 2. Record keeping required. The head of local and state law enforcement agencies shall maintain records of compliance with subdivision 1.

Subd. 3. Licensing sanctions; injunctive relief. Allows the board to impose licensing sanctions and seek injunctive relief for failure to comply with this section. **[H.F. 346]**

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- 22 **Sunset; transition.** Terminates the license reinstatement diversion pilot program the day following the date the permanent program goes into effect and transfers participants in the pilot program to the permanent program. **[H.F. 1670]**

Article 5: General Criminal Provisions

Overview

This article contains provisions relating to crimes and crime victims.

- 1 **Violations by drivers.** Increases the minimum fine from \$300 to \$500 for failure to stop for a school bus that has activated its stop system (flashing red lights and a stop-arm) and for passing a school bus on the right when its warning light system is activated. **[H.F. 380]**
- 2 **Gross misdemeanor.** Creates a gross misdemeanor for persons who impersonate a peace officer and (1) attempt to gain access to a public building that is not open to the public; (2) possess false credentials or identification; or (3) direct or order another person to act. **[H.F. 839]**
- 3 **Horn, siren.** Increases the penalty for violating current prohibitions on the use of certain horns and sirens on a vehicle from a misdemeanor to a gross misdemeanor if the violation occurs while the offender is impersonating a peace officer. **[H.F. 839]**
- 4 **Security guard vehicle.** Requires security guard vehicles to be predominately grey and specifies the size and nature of permissible vehicle markings. **[H.F. 839]**
- 5 **Offense.** Prohibits the ownership and operation of vehicles modified to look like a law enforcement or security guard vehicle. **[H.F. 839]**
- 6 **Violations; driving without a valid license.** Enhances the penalties for driving without a valid license under some circumstances. Under current law, it is generally a misdemeanor to drive after a license has been suspended, revoked, or canceled, or after the person is disqualified for or denied a commercial driver's license. The section makes it a gross misdemeanor if the person drives after loss of driving privileges and:
- causes a crash resulting in substantial bodily harm or death; or
 - commits the violation for a third or subsequent time within ten years.

The section also sets minimum fine amounts on repeat offenses, at \$750 for a second conviction and \$1,500 for third or subsequent convictions (which apply for any type of prior conviction for driving after loss of a license). A court can instead order community service if the offender is indigent or the court finds that the fine would create an undue hardship.

The provision would go into effect August 1, 2017, for offenses committed on or after that date. **[H.F. 192]**

- 7 **Predatory offender registration required.** Requires predatory offender registration for stalking a minor with sexual or aggressive intent. **[H.F. 184]**

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- 8 Prohibition.** Prohibits private detectives and protective agents from using the words “marshal” and “agent” in their advertisements or on a form of identification such as a badge. **[H.F. 839]**
- 9 Firefighters and medical personnel.** Amends section 609.2231 which criminalizes assaults on firefighters and emergency medical personnel. The section makes the following changes to the statute:
1. Expands the class of protected persons to include all medical providers who work in a hospital. The current law applies only to medical providers who work in a hospital emergency room.
 2. Creates a gross misdemeanor penalty for a physical assault on a firefighter or a medical provider who works in a hospital where the assault does not cause demonstrable bodily harm. The current law applies only when there is demonstrable bodily harm.
 3. Creates a felony offense punishable by up to three years in prison and a fine of \$6,000 for intentionally throwing or transferring bodily fluids or feces onto a firefighter or a medical provider who works in a hospital.
 4. Increases the maximum period of imprisonment for assaulting a firefighter or a medical provider who works in a hospital when the assault causes demonstrable bodily harm from two years to three, and increases the maximum fine from \$4,000 to \$6,000. **[H.F. 1481]**
- 10 Impersonating a military service member; veteran; or public official.** Extends and modifies the current misdemeanor offense of impersonating a military officer to impersonating any member of the military or a veteran. To be convicted, an impersonator must intend to wrongfully obtain money, property, or any other tangible benefit. **[H.F. 1892]**
- 11 Impersonating a peace officer.**
- Subd. 1. Misdemeanor.** Maintains a misdemeanor penalty for garden variety impersonating a peace officer cases.
 - Subd. 2. Gross misdemeanor.** Creates a gross misdemeanor for persons who impersonate a peace officer and (1) attempt to gain access to a public building that is not open to the public; (2) possess false credentials or identification; or (3) direct or order another person to act.
 - Subd. 3. Felony.** Creates a felony for persons who (1) violate subdivision 1 or 2 while possessing a firearm or operating a vehicle that is modified to look like a law enforcement vehicle; and (2) have a previous violation of subdivision 1 or 2 in the past five years. **[H.F. 839]**
- 12 Impersonating a security guard.** Creates a gross misdemeanor penalty for a person who impersonates a security officer with the intent of entering a government facility that the person is either not otherwise authorized to enter or for a criminal purpose. **[H.F. 839]**
- 13 Public safety motor vehicle tampering.**

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Subd. 1. Offenses. Para. (a). Establishes that intentional damage to or tampering with a public safety vehicle is a felony offense.

Para. (b). Establishes intentional damage to or tampering with a motor vehicle owned by a public safety officer, because the vehicle belongs to a public safety officer, as a crime.

Subd. 2. Penalties. Para. (a). Establishes a five-year felony for violating subdivision 1, paragraph (a).

Para (b). Except as provided in paragraph (c), establishes a gross misdemeanor for violating subdivision 1, paragraph (b), if the violation reduces the value of the property by \$500 or less. Establishes a two-year felony for violating subdivision 1, paragraph (b) and the damage exceeds \$500 or the violation creates a reasonably foreseeable risk of bodily harm.

Para. (c). Establishes a ten-year felony for a violation of subdivision 1 that results in a substantial interruption or impairment of a service offered by the affected public safety agency.

Subd. 3. Definitions. Defines “public safety motor vehicle” and “public safety officer.” [H.F. 470]

14 Trespass on a school bus. Creates a misdemeanor penalty of trespass when: an unauthorized person (1) boards a bus that has pupils on it or is in operation, (2) a bus operator demands that a person leave the bus, and (3) a person refuses to leave. [H.F. 1601]

15 Geographic restriction.

Subd. 1. Definition. Defines “geographic restriction” as a limitation which prohibits a defendant from entering a designated property or geographic area.

Subd. 2. Prohibited conduct; penalty. Establishes a misdemeanor penalty for a person who is subject to a geographic restriction order and enters the restricted area.

Subd. 3. Notice. Permits a court to issue a geographic restriction as a pretrial order, postconviction order, or both. Clarifies that the order can mirror conditions of pretrial release or probation, but is a separate order. Requires courts to consider individualized factors in determining appropriate geographic restrictions. Allows courts to hold hearings on a geographic restriction order immediately following a hearing on pretrial release or sentencing. Requires courts to notify defendants of the area subject to a restriction and that a violation constitutes a separate crime.

Subd. 4. Cancellation. Requires a court to cancel a pretrial geographic restriction order at the final disposition of the underlying criminal case. Requires a court to cancel a postconviction geographic restriction order when a defendant completes probation or is sent to prison. Allows a court to cancel a postconviction geographic restriction order at any time during which the offender is on probation. [H.F. 1429]

16 Soliciting or providing support for an act of terrorism.

Subd. 1. Crime. Establishes a new felony offense for a person who raises, solicits, collects, or provides material support or resources to further an act of terrorism.

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Subd. 2. Penalty. Establishes both a 15-year and seven year sentence for violating subdivision 1 with the more severe penalty applying in cases where the value of the material support provided exceeds \$5,000.

Subd. 3. Definitions. Defines “act of terrorism,” “coercion,” and “material support or resources” for purposes of this section. [H.F. 1475]

- 17 **Public nuisance.** Amends the criminal code’s public nuisance crime. Makes it a gross misdemeanor to intentionally interfere with or obstruct traffic on a freeway or a major airport’s public roadway. Creates certain exceptions for law enforcement and other officials. Defines freeways and airports. [H.F. 390/S.F. 676]
- 18 **Surreptitious intrusion; observation device.** Increases the maximum sentence from two years to five years for repeat violations of the interference with privacy statute and when a first time violation of the statute involves a person under the age of 18. [H.F. 184]
- 19 **Aggravated violations.** Increases the maximum sentence from ten years to 15 years for aggravated stalking offenses that involve a victim under the age of 18 and the offender is more than 36 months older than the victim. [H.F. 184]
- 20 **Unlawful interference with transit.** Amends the criminal code’s interference with transit crime. Increases the penalty for certain violations not involving force or violence from a misdemeanor to a gross misdemeanor. Also adds to the crime’s scope a specific reference to restricting passenger access to transit vehicles. [H.F. 390/S.F. 676]
- 21 **Authorization.** Expands the definition of “authorization” to include access at limited times by certain employees of the Department of Commerce, meter inspectors, and others who have express permission to access a device at approved times. [H.F. 817]
- 22 **Electronic terminal.** Defines “electronic terminal” to include ATMs, gas pumps, and similar devices used to withdraw cash, make payments, or electronically transfer funds. [H.F. 817]
- 23 **Access device.** Defines access device to include credit cards, debit cards, gift cards, EBT cards, and other cards used to make financial transactions. [H.F. 817]
- 24 **Crime.** Expands the crime of unauthorized computer access to include penetrating, or attempting to penetrate, an electronic terminal. [H.F. 817]
- 25 **Felony.** Creates a felony offense for accessing, or attempting to access, an ATM, gas pump, or similar device without authorization by opening a panel or access door and attaching, or attempting to attach, a device to collect information from credit, debit, and similar cards. [H.F. 817]
- 26 **Gross misdemeanor.** Creates a gross misdemeanor offense for accessing an ATM, gas pump, or similar device without authorization in a manner that creates a risk to public health and safety. [H.F. 817]
- 27 **Unauthorized practice.** Increases the penalty for a second or subsequent conviction for the unauthorized practice of law enforcement from a gross misdemeanor to a felony. [H.F. 839]
- 28 **Uniforms.** Requires security guards and protective agents to wear uniforms that are predominately white or grey. [H.F. 839]

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- 29 Sentencing guidelines modifications.** Directs the Sentencing Guidelines Commission to modify the commission’s sentencing grid to reflect the increased sentences proposed in sections 18 and 19. [H.F. 184]

Article 6: Criminal Sexual Conduct

Overview

This article contains a variety of provisions related to sex offender sentencing and supervision and child pornography sentencing. The article prohibits the use of stays of adjudication and imposition in criminal sexual conduct cases; requires sex offenders to serve lifetime conditional release or probation; imposes intensive probation on certain sex offenders; increases penalties for child pornography offenses, including establishing mandatory minimums; and directs the Sentencing Guidelines Commission to increase the severity level of certain child pornography offenses. [H.F. 1572]

- 1 Definitions.** Contains a technical amendment that reflects the repeal of a provision in section 26.
- 2 Transfer to correctional facility.** Contains a technical amendment that reflects the repeal of a provision in section 26.
- 3 Definitions.** Contains a technical amendment that reflects the repeal of a provision in section 26.
- 4 Limits on sentences.** Prohibits prosecutors from agreeing to a stay of adjudication in felony criminal sexual conduct cases and failure to register as a predatory offender cases. Requires stays of adjudication in CSC cases to be accessible via the courts’ public website.
- 5 Terms and conditions.** Prohibits courts from staying imposition of felony sentences in criminal sexual conduct cases and failure to register as a predatory offender cases. (Stays of execution would continue to be permitted.)
- 6 Secure treatment facility personnel.** Contains a technical amendment that reflects the repeal of a provision in section 26.
- 7 Criminal sexual conduct in the first degree; penalty.** Provides notice that persons convicted of criminal sexual conduct in the first degree (CSC-1) are subject to lifetime conditional release, lifetime probation, and intensive probation.
- 8 Criminal sexual conduct in the first degree; stays prohibited.** Prohibits the use of stays of adjudication and imposition in CSC-1 cases.
- 9 Criminal sexual conduct in the second degree; penalty.** Provides notice that persons convicted of CSC-2 are subject to lifetime conditional release, lifetime probation, and intensive probation.
- 10 Criminal sexual conduct in the second degree; stays prohibited.** Prohibits the use of stays of adjudication and imposition in CSC-2 cases.

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- 11 **Criminal sexual conduct in the third degree; penalty.** Provides notice that persons convicted of CSC-3 are subject to lifetime conditional release, lifetime probation, and intensive probation.
- 12 **Criminal sexual conduct in the third degree; stays prohibited.** Prohibits the use of stays of adjudication and imposition in CSC-3 cases.
- 13 **Criminal sexual conduct in the fourth degree; penalty.** Provides notice that persons convicted of CSC-4 are subject to lifetime conditional release, lifetime probation, and intensive probation.
- 14 **Criminal sexual conduct in the fourth degree; stays prohibited.** Prohibits the use of stays of adjudication and imposition in CSC-4 cases.
- 15 **Criminal sexual conduct in the fifth degree; penalty; stays prohibited.** Provides notice that persons convicted of felony CSC-5 are subject to lifetime conditional release, lifetime probation, and intensive probation. Prohibits the use of stays of adjudication and imposition in felony CSC-5 cases.
- 16 **Mandatory lifetime conditional release.** Requires lifetime conditional release for all offenders convicted of felony CSC who are committed to the commissioner of corrections.
- 17 **Lifetime probation.** Requires lifetime probation for all offenders convicted for felony CSC who are NOT sent to prison.
- 18 **Terms of conditional release; applicable to all sex offenders.** Technical amendment that reflects the requirement that lifetime conditional release applies to all felony sex offenders.
- 19 **Intensive probation.** Establishes an intensive probation program for all felony sex offenders who are not committed to the commissioner of corrections following their convictions. Intensive probation is modeled after intensive supervised release, which applies to certain high risk offenders released from prison.
- 20 **Conditional release term.** Increases the conditional release term for offenders convicted of child pornography from five years to ten years. Imposes lifetime conditional release on repeat offenders.
- 21 **Mandatory minimum sentence.** Provides a mandatory minimum sentence of six months in jail for first time offenders convicted of engaging in sexual performance with a minor (Minn. Stat. § 617.246). Predatory offenders and repeat offenders of either section 617.246 or section 617.247 (distribution and possession of child pornography) receive a mandatory minimum of 12 months of incarceration.
- 22 **Dissemination prohibited.** Increases the maximum sentence for dissemination of child pornography to 15 years for a first time offender and 20 years for each subsequent conviction, or if the person is required to register as a predatory offender.
- 23 **Possession prohibited.** Increases the maximum sentence for possession of child pornography to seven years for first time offenders and 15 years for each subsequent conviction, or if the person is required to register as a predatory offender.
- 24 **Mandatory minimum.** Provides a mandatory minimum sentence of six months in jail for first time offenders convicted under section 617.247 (distribution and possession of child

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pornography). Predatory offenders and repeat offenders of either section 617.246 (engaging in sexual performance with a minor) or section 617.247 receive a mandatory minimum of 12 months of incarceration.

- 25 Sentencing guidelines modification.** Directs the Sentencing Guidelines Commission to modify the sex offender grid by increasing the severity level ranking of the offenses of manufacturing, disseminating, and possessing child pornography.
- 26 Repealer.** Repeals: (1) the statutory provisions that expressly authorize the use of stays of imposition and execution in familial sex abuse cases; and (2) a provision that would be obsolete if lifetime conditional release is extended to all sex offenders.

Article 7: DWI

Overview

This article amends existing statutes to reflect recent court decisions related to the warrant requirement for blood and urine testing of individuals suspected of driving under the influence and establishes a new section addressing license revocations based on a refusal to comply with a warrant for blood or urine testing, or failing a test performed pursuant to a warrant.

In 2015 and 2016, both the Minnesota and U.S. Supreme Courts decided several cases addressing the question of whether law enforcement officers must obtain warrants to conduct breath, blood, and urine tests of individuals suspected of driving under the influence of alcohol or a controlled substance. Both courts determined that:

- (1) no warrant is necessary to require drivers to take a breath test when there is probable cause to believe that the driver is under the influence; and
- (2) a warrant is required before requiring a blood or urine test.

In *State v. Thompson*, the Minnesota Supreme Court concluded that conducting a blood or urine test without a warrant violates the Fourth Amendment, and that no one can be prosecuted for refusing to submit to an unconstitutional warrantless blood or urine test.

- 1 Prior impaired driving-related loss of license.** Amends the definition of “prior impaired driving-related loss of license” to include a license revoked pursuant to a search warrant for a blood or urine test under new section 171.177. [**H.F. 2364**]
- 2 Refusal to submit to chemical test crime.** Moves the refusal to submit to a blood or urine test to a new clause, clarifying that a warrant is required for a blood or urine test. [**H.F. 2364**]
- 3 Breath test advisory.** Removes references to blood and urine tests, and to the presence of controlled or hazardous substances, from the advisory that must be given to individuals

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before they can be required, without a warrant, to take a test to determine if they were driving under the influence of alcohol. **[H.F. 2364]**

- 4 Requirement for urine or blood test.** Establishes that a blood or urine test may only be required pursuant to a search warrant and where there is probable cause to believe that: (1) there is impairment by a substance not subject to testing by a breath test; (2) a controlled substance listed in Schedule I or II is in the person's body; or (3) the person is unconscious or incapacitated to the point that the person is unable to comprehend a breath test advisory or otherwise voluntarily submit to testing. **[H.F. 2364]**
- 5 Revocation; pursuant to search warrant.** Requires peace officers who execute warrants for the collection of blood or urine samples in a suspected DUI to certify to the commissioner of public safety when suspects refuse to submit to tests or provide samples that exceed the legal limits. Establishes license revocation standards and administrative and judicial review procedures for blood and urine tests that mirror the existing standards and procedures for test refusal and failure in sections 169A.52 and 169A.53, but include specific provisions related to the warrant requirement. **[H.F. 2364]**
- 6 Repealer.** Repeals section 169A.51, subdivision 3, which permits a peace officer to direct whether a chemical test for intoxication is of blood, breath, or urine. **[H.F. 2364]**

Article 8: Controlled Substances

Overview

This article updates Schedule I of the controlled substance schedules listed in chapter 152. Minnesota law requires the Executive Director of the Board of Pharmacy to recommend to the legislature updates to the statutory controlled substance schedules so that the statutory schedules match the schedules maintained by the board. The article adds nine synthetic drugs to Schedule I. These drugs include cannabinoids, stimulants, hallucinogens, psychedelics, and opioids. The Board of Pharmacy has concluded that each of the drugs can be abused, are potentially addictive, and have no approved medical uses, which are the criteria for placing a drug on Schedule I. The Bureau of Criminal Apprehension and local law enforcement agencies have notified the Board of Pharmacy that these drugs have been confiscated in Minnesota.

This article modifies state law so that drug scheduling changes made by the Federal Food and Drug Administration (FDA) and Drug Enforcement Administration (DEA) are automatically adopted in Minnesota and remain aligned with the federal schedules until the Board of Pharmacy or legislature schedules the affected drugs differently. **[H.F. 1875]**