

**Subject** Public Safety and Judiciary Omnibus Bill

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## Overview

This is the public safety and judiciary omnibus bill.

## Article 1: Appropriations

This article contains appropriations for the following: Sentencing Guidelines, Department of Public Safety, Peace Officers Standards and Training Board, Private Detective Board, Department of Corrections, supreme court, Department of Human Services, Department of Health, and Public Defense Board.

Section	Description – Article 1: Appropriations
1	<b>Appropriations.</b> Summarizes direct appropriations by fund.
2	<b>Sentencing Guidelines.</b> Appropriates \$1,330,000 in FY20 and \$988,000 in FY21 to the Sentencing Guidelines Commission. Of this appropriation, \$651,000 the first year and \$301,000 the second year are to establish early discharge targets. <b>[H.F. 997]</b>
3	<b>Public safety.</b> <b>Subd. 1. Total appropriation.</b> Appropriates \$160,000 in FY19, \$202,143,000 in FY20, and \$201,171,000 in FY21. <b>Subd. 2. Deficiency.</b> Appropriates \$160,000 in FY19 to pay systems costs related to license reinstatement fee changes and driver diversion programs. <b>Subd. 3. Emergency management.</b> Appropriates \$5,343,000 in FY20 and \$5,093,000 in FY21 to the emergency management division.

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**(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. 2711]

**(b) Supplemental nonprofit security grant program.** Appropriates \$300,000 each year to a supplemental nonprofit security grant program. [H.F. 1850]

**(c) Emergency responder training; autism spectrum disorder.** Appropriates \$250,000 the first year to train emergency responders and use technology to de-escalate emergency encounters with persons on the autism spectrum. [H.F. 377]

**(d) Local government emergency management.** Appropriates \$300,000 each year for grants to local emergency management entities. [H.F. 1273]

**(e) Bomb squad reimbursements.** Appropriates \$50,000 each year to local governments for bomb squad services. [H.F. 2711]

**(f) School safety center.** Appropriates \$250,000 each year to hire two additional school safety specialists.

**(g) Emergency response teams.** Appropriates \$675,000 each year to maintain four emergency response teams [H.F. 595]

**Subd. 4. Criminal apprehension.** Appropriates \$63,229,000 in FY20 and \$62,974,000 in FY21 to the BCA.

**(a) DWI analysis.** Transfers funding for DWI lab analysis from the trunk highway fund to the general fund.

**(b) FBI cybersecurity compliance.** Appropriates \$1,501,000 in FY20 and \$1,325,000 in FY21 for staff and technology costs to meet FBI cybersecurity requirements. [H.F. 2711]

**(c) Automated fingerprint ID system.** Appropriates \$1,500,000 each year to replace the current fingerprint ID system.

**(d) Equipment.** Appropriates \$50,000 the first year for information and technology to receive and store police discipline data. [H.F. 2709]

**(e) Base adjustment.** Creates a small base adjustment in FY22 and FY23.

**Subd. 5. Fire marshal.** Appropriates \$6,622,000 each year to fund the state fire marshal. Of this amount, \$300,000 each year is to inspect nursing homes and boarding care facilities.

**Subd. 6. Board of Firefighter Training.** Appropriates \$5,015,000 each year to the Board of Firefighter Training. Directs \$4,265,000 each year for firefighter training

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and education, \$500,000 each year for Minnesota Task Force 1, and \$250,000 each year for the Minnesota Air Rescue Team. **[H.F. 2711]**

**Subd. 7. Alcohol and gambling enforcement.** Appropriates \$2,929,000 in FY20 and \$2,927,000 in FY21 to the alcohol and gambling enforcement division. \$694,000 from the alcohol enforcement account is transferred to the general fund. Appropriates funds for regulating out-of-state direct wine shippers. **[H.F. 1909]**

**Subd. 8. Office of Justice Programs (OJP).** Appropriates \$41,730,000 in FY20 and \$41,365,000 in FY21 to OJP.

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

**(b) Indigenous Women Task Force.** Appropriates \$105,000 the first year and \$45,000 the second year to convene an Indigenous Women Task Force. **[H.F. 70]**

**(c) Domestic abuse prevention grants.** Appropriates \$200,000 each year to an entity that addresses domestic abuse in current and former military service members. **[H.F. 530]**

**(d) Criminal sexual conduct statutory reform working group.** Appropriates \$20,000 the first year and \$14,000 the second year to convene a criminal sexual conduct statutory reform working group. **[H.F. 418]**

**(e) Legal representation of children.** Appropriates \$150,000 each year to an organization that provides legal representation to children in need of protection. **[H.F. 1604]**

**(f) Youth intervention programs.** Appropriates \$500,000 each year for youth intervention. **[H.F. 665]**

**(g) Domestic abuse transformation programs.** Appropriates \$783,000 each year for grants to domestic abuse transformation programs. **[H.F. 464]**

**(h) Peace officer community policing excellence report database.** Appropriates \$200,000 in the first year for a grant to a community based research organization to develop a system to record peace officer discipline data. **[H.F. 2709]**

**(i) Sex trafficking investigations coordinator.** Appropriates \$100,000 each year for a sex trafficking investigations coordinator. **[H.F. 2785]**

**(j) Cannabis Task Force.** Appropriates \$100,000 the first year to support the Cannabis Task Force. **[H.F. 717]**

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**(k) Safe and secure storage of firearms.** \$100,000 each year for grants to law enforcement agencies for safe and secure storage of firearms. **[H.F. 9]**

**(l) Community policing database maintenance.** Appropriates \$50,000 in the second year to maintain the community policing database. **[H.F. 2709]**

**Subd. 9. Emergency communications networks.** Appropriates \$77,750,000 each year 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. Appropriates \$100,000 each year to medical resource control centers. **[H.F. 2405]** Appropriates \$50,000 the first year for grants to reimburse PSAPs for 911 operator CPR training. **[H.F. 1520]**

**Subd. 10. Traffic safety.** Appropriates \$200,000 in the first year and \$100,000 the second year to report on screening tests for marijuana. **[H.F. 469]**

**4 Peace Officers Standards and Training Board.**

Appropriates \$500,000 in FY19, \$10,563,000 in FY20, and \$10,316,000 in FY21 to the POST Board. \$500,000 is a deficiency appropriation to cover operating costs this FY. \$2,859,000 each year is from the peace officers training account for reimbursements to local governments for peace officer training costs. \$6,000,000 the first year is from the general fund for peace officer training assistance. **[H.F. 2709]** \$100,000 each year is for de-escalation training. **[H.F. 2711]** Appropriates \$250,000 the first year to support the Peace Officer Excellence Task Force. **[H.F. 2324]**

**5 Private Detective Board.**

Appropriates \$277,000 each year to the private detective board.

**6 Department of Corrections.**

**Subd. 1. Total appropriation.** Appropriates \$633,129,000 in FY20 year and 655,572,000 in FY21 to the Department of Corrections.

**Subd. 2. Correctional institutions.** Appropriates \$460,026,000 in FY20 and \$475,654,000 in FY21 to correctional institutions.

**(a) Base adjustment.** Creates a base funding adjustment.

**(b) Prison population.** Increases the base in FY22 and FY23 to account for prison population growth.

**(c) Facility staff positions.** Appropriates funds to hire an additional 110 guards. **[H.F. 1315]**

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**(d) Staffing recruitment and retention.** Appropriates \$4,000,000 each year for staff recruitment and retention. **[H.F. 2711]**

**(e) Offender healthcare.** Appropriates funds to maintain full funding of inmate healthcare. **[H.F. 2711]**

**(f) Security.** Appropriates \$5,250,000 the first year and \$3,935,000 the second year to upgrade critical security infrastructure and modernize critical security systems.

**(g) Safety and security staff.** Appropriates funds to hire additional full-time staff deemed critical to facility safety and security.

**(h) Office of Ombudsperson for Corrections.** Appropriates \$900,000 each year to reestablish the corrections ombudsperson.

**(i) Restrictive housing reform.** Appropriates \$844,000 the first year and \$1,688,000 the second year to implement restrictive housing reform. **[H.F. 493]**

**(j) Offender medical services.** Appropriates funds to expand and improve offender medical services.

**(k) Juvenile correction management.** Appropriates funds to replace the juvenile correctional management system.

**Subd. 3. Community services.** Appropriates \$141,145,000 in FY20 and \$146,459,000 in FY21 for community services. Provides funds for a base adjustment, pretrial services and supervision, a CCA subsidy, county probation officer reimbursements, intensive supervision agents, integrated case management services, victim notification system replacement, electronic monitoring of high-risk offenders, transportation of children to the prisons **[H.F. 754]**, American Indian reintegration services, parenting skills, juvenile justice reform **[H.F. 2711]**, the alternatives to incarceration pilot program **[H.F. 1028]**, mental health community supervision **[H.F. 474]**, and transition from supervised release **[H.F. 689]**.

**Subd. 4. Operations support.** Appropriates \$31,958,000 in FY20 and \$33,459,000 in FY21 for the department's operations support group.

**7      Board of Public Defense.**

Appropriates \$164,000 in FY20 and \$204,000 in FY21 for the Board of Public Defense for an increase in workload related to criminal vehicular operation statutes. **[H.F. 1375]**

**8      District court.**

Appropriates \$259,000 in FY20 and \$379,000 in FY21 to the supreme court for collateral consequence reforms. **[H.F. 981]**

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9	<b>Department of Human Services.</b> Appropriates \$404,000 in FY20 and \$461,000 in FY21 for costs related to collateral consequence reform. <b>[H.F. 981]</b>
10	<b>Pathways to policing.</b> Declares that FY18 and FY19 funding for the pathways to policing program is onetime.
11	<b>Transfer.</b> Transfers \$453,000 in FY20 and \$474,000 in FY 21 to driver services account to replace a loss of revenue from a reduced number of driver's license reinstatement fees. <b>[H.F. 1061]</b>
12	<b>Interpretation.</b> Provides that, if an appropriation in this act is enacted more than once, the appropriation must be given effect only once.

## Article 2: Public Safety

This article contains a variety of provisions related to public safety.

Section	Description – Article 2: Public Safety
1	<b>Direct wine shipments.</b> Creates a cross-reference in the data practices chapter to the data classification provisions in sections of this article. <b>[H.F. 1909]</b>
2	<b>Railroad and pipeline safety account.</b> Redefines the purposes and amounts that funds in the pipeline safety account may be used for. <b>[H.F. 2711]</b>
3	<b>Assessments.</b> Removes the sunset on the railroad and pipeline safety fee. <b>[H.F. 2711]</b>
4	<b>Alcohol enforcement account; appropriation.</b> Appropriates money from the alcohol enforcement account for costs to the Alcohol and Gambling Enforcement Division in enforcing the new regulatory provisions in sections 15 and 18 of the article. <b>[H.F. 1909]</b>

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5	<p><b>Annual transfer.</b></p> <p>Transfers \$461,000 each year from the general fund to the community justice reinvestment account. <b>[H.F. 2711]</b></p>
6	<p><b>Statewide sex trafficking coordinator.</b></p> <p>Creates a new position, the statewide sex trafficking investigation coordinator, in the unclassified service. The position’s duties include facilitating training, coordinating and monitoring multijurisdictional sex trafficking task forces, assuring that law enforcement and prosecutors engage in best practices, and providing technical assistance related to the investigation and prosecution of trafficking offenses. <b>[H.F. 2785]</b></p>
7	<p><b>Criminal justice data communications network.</b></p> <p>Clarifies the uses of the criminal justice data communications network. <b>[H.F. 2711]</b></p>
8	<p><b>Reduced cigarette ignition propensity account.</b></p> <p>Expands the uses of funds in this account. <b>[H.F. 2711]</b></p>
9	<p><b>Off-sale license.</b></p> <p>Clarifies that the commissioner of public safety shall approve microdistillery permits. <b>[H.F. 2711]</b></p>
10	<p><b>License suspension and revocation.</b></p> <p>Applies the liquor license suspension and revocation provisions to direct ship winery licensees under section 12. <b>[H.F. 1909]</b></p>
11	<p><b>Shipments into Minnesota.</b></p> <ul style="list-style-type: none"><li>▪ Increases the current law maximum number of cases that may be shipped to Minnesota residents from two to 12.</li><li>▪ Strikes the language in current law that deems deliveries of direct shipped wine to not be in-state sales.</li><li>▪ Applies the current law penalties for violating the direct shipped wine law to violations arising under sections 10 and 12 of the article and clarifies that the violation of tax laws by direct ship wineries are not subject to the exclusive remedies provided by this paragraph.</li></ul> <p><b>[H.F. 1909]</b></p>
12	<p><b>Direct shipments of wine; licensing, taxation, and restrictions.</b></p> <p>This section creates regulatory and taxation requirements for direct ship wineries.</p> <ul style="list-style-type: none"><li>▪ Subdivision 1 creates definitions for this new section of law.</li></ul>

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- A “direct ship purchaser” is a person who purchases direct shipped wine for personal use from an out-of-state winery to a Minnesota address.
- A “direct ship winery” is a licensed out-of-state winery that sells and ships wine to a direct ship purchaser.
- Subdivision 2 creates new licensing requirements for direct ship wineries. The license fee is \$50 and is required to be deposited in the alcohol enforcement account. To obtain a license, a direct ship winery must:
  - provide a copy of its license;
  - provide a shipping address list;
  - agree to pay the required state alcohol taxes;
  - agree to the jurisdiction of Minnesota courts, laws, and applicable agencies of the state; and
  - annually renew its license.
- Subdivision 3 prohibits a direct ship winery from shipping wine to any address other than an address provided to the commissioner of public safety under subdivision 2, or from shipping wine through a third-party purchaser whose name and address has not been provided to the commissioner. In addition, only wine from the direct ship winery’s own production may be shipped into the state.
- Subdivision 4 requires a direct ship winery to pay the applicable alcohol gross receipts tax, sales tax, and wine excise tax and provide the commissioner of public safety a list of shipments made into the state.
- Subdivision 5 classifies the data collected under this section as private data, and requires the commissioner of public safety to share this data with the commissioner of revenue.
- Subdivision 6 imposes the penalties provided in section 13 of the article to violations of this section.

**[H.F. 1909]**

**13**      **Common carrier regulations for direct shipped wine.**

- Subdivision 1 requires common carriers to file a monthly report with the commissioner of public safety detailing the shipments of wine the common carrier has made into the state from a direct ship winery. The report must include:
  - the name of the common carrier;

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- the reporting period;
  - the name and address of the person causing the wine to be shipped;
  - the name and address of the recipients;
  - the weight of each package;
  - a unique tracking number; and
  - the date of delivery.
- Subdivision 2 requires the report under subdivision 1 to be retained for two years and to be made available for inspection by the commissioner of public safety. The reports must also be made available to law enforcement agencies or local regulatory authorities.
  - Subdivision 3 imposes a fine of \$500 on a common carrier each violation of the reporting requirements after the first violation.
  - Subdivision 4 exempts railroad carriers from the reporting requirement under this section.
  - Subdivision 5 classifies the data collected under this section as private data, and requires the commissioner of public safety to share this data with the commissioner of revenue.

**[H.F. 1909]**

14      **911 telecommunicator.**  
Creates a definition for “911 telecommunicator” that is consistent with the definition used by the National Emergency Number Association. **[H.F. 1520]**

15      **911 services to be provided.**  
Requires training and policies regarding telephone cardiopulmonary resuscitation (CPR).

**Subd. 1. Emergency response services.** Maintains the current requirement for services through a 911 system.

**Subd. 2. Telephone cardiopulmonary resuscitation program.** Requires public safety answering points to either train individuals taking 911 emergency calls in how to provide instruction for CPR or transfer such calls to another answering point that provides such training. Establishes minimum requirements for the training. Requires answering points to conduct ongoing quality assurance of its telephone CPR program.

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**Subd. 3. Monitoring and enforcing training requirements.** Directs the Statewide Emergency Communications Board to adopt and implement protocols to ensure compliance with the requirements in subdivision 2.

**Subd. 4. Liability exemption.** Provides that, if a caller refuses or is otherwise unwilling or unable to provide CPR, the 911 telecommunicator is not required to provide CPR instruction and is immune from civil liability for damages resulting from the fact that instruction was not provided. States that telephone CPR is a public duty. Identifies discretionary acts.

**[H.F. 1520]**

**16 Burglary in the third degree.**

Establishes a felony offense for a person who enters a building while it 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 served with a valid trespass notice; **and**
- 2) five years of being convicted of theft or a related offense.

The offense may be punished by imprisonment of up to five years, a fine of up to \$10,000, or both.

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

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

**[H.F. 301]**

**17 Burglary in the fourth degree.**

Establishes a gross misdemeanor offense for a person who enters a building while it is open to the public, other than a building listed in subdivision 2, paragraph (b), if the person does so within one year of being served with a valid trespass notice, but without a conviction for theft or a related offense within the previous five years.

Gross misdemeanors may be punished by a jail sentence of up to one year, a fine of up to \$3,000, or both.

**[H.F. 301]**

Section	Description – Article 2: Public Safety
18	<b>Definition</b> Replaces the term “stalking” with “harass.” [H.F. 560]
19	<b>Harassment crimes.</b> Makes a conforming change to adopt the terms “harassment” and “harasses.” [H.F. 560]
20	<b>Aggravated violations.</b> Replaces the term “stalks” with “harasses.” [H.F. 560]
21	<b>Stalking.</b> Replaces the term “pattern of stalking conduct” with “stalking” and defines the crime of stalking consistent with the existing crime of “pattern of stalking conduct.” [H.F. 560]
22	<b>Harassment; stalking; firearms.</b> Makes conforming changes to the provision of section 609.749 relating to firearms to reference both the crimes of “harassment” and “stalking.” [H.F. 560]
23	<b>Crime of violence.</b> Makes a conforming change in response to replacing the term “stalking” with “harassment.” [H.F. 560]
24	<b>Evidence of conduct.</b> Adds violation of a domestic abuse no contact order under section 629.75 to the definition of “domestic conduct.” In general, rules and case law governing the admissibility of evidence disfavor admitting evidence of a defendant’s prior conduct. Courts have expressed concern that a jury will be inclined to convict a defendant based on prior bad behavior, not on the evidence that the person committed the crime in question. For example, prior convictions are generally limited to use in questioning a defendant’s honesty and evidence of other bad acts, known as <i>Spiegel</i> evidence in Minnesota, can only be admitted for specific reasons identified in Rule 404(b) of the Minnesota Rules of Evidence. Minnesota statutes create an exception to this general rule by permitting admission of evidence that a defendant has committed prior acts that constitute “domestic conduct.” The term “domestic conduct” includes domestic abuse, violations of an order for protection, violations of a harassment restraining order, stalking, and making obscene or harassing phone calls. [H.F. 901]
25	<b>Task force on missing and murdered indigenous women.</b> Creates a task force to address violence against indigenous women and defines the standards and requirements for the task force.  <b>Subd. 1. Creation and duties.</b> Creates a task force to examine and report on five specific subjects addressing the systemic causes behind violence against

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indigenous women, appropriate methods for tracking and collecting data, government policies and institutions that impact violence against indigenous women, and appropriate measures to address the violence and assist victims and their families.

**Subd. 2. Membership.** Identifies individuals to serve on the task force including representatives from law enforcement, prosecutors, judges, defense attorneys, tribal government officials, nongovernment agencies, and indigenous women.

**Subd. 3. Officers; meetings.** Directs the task force to elect a chair and vice-chair from its members and meet at least quarterly. Further directs the task force to enlist the cooperation of experts.

**Subd. 4. Report.** Requires a report to the legislature by December 15, 2020.

**Subd. 5. Expiration.** States that the task force expires on December 31, 2020.

[H.F. 70]

26	<b>Interagency opioid enforcement coordinator.</b>
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Encourages the governor to appoint an interagency opioid enforcement coordinator.

27	<b>Revisor instruction.</b>
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Directs the revisor to make conforming changes in statute to reflect the change in section 18.

## Article 3: Corrections

This article contains a variety of provisions related to corrections.

Section	Description – Article 3: Corrections
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1	<b>Mental health screening.</b>
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Contains a cross-reference in the data practices chapter to data collected pursuant to section 23. [H.F. 1575]

2	<b>Ombudsperson for corrections; data.</b>
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Classifies data maintained by the ombudsperson for corrections [H.F. 1339]

Section	Description – Article 3: Corrections
3	<p><b>Ombudsperson for corrections.</b></p> <p>Contains a cross-reference to the re-established Ombudsperson for Corrections under sections 9 to 14. [H.F. 1399]</p>
4 to 5	<p><b>Security screening equipment.</b></p> <p>Regulates security screening systems as they are used in correctional facilities. [H.F. 733]</p>
6	<p><b>Administration of opiate antagonists for drug overdose.</b></p> <p>Authorizes DOC employees to administer opiate antagonists. [H.F. 2127]</p>
7	<p><b>Commissioner, powers and duties.</b></p> <p>Prohibits the commissioner of corrections from housing inmates in privately owned jails and prisons after July 1, 2019. [H.F. 1237]</p>
8	<p><b>Authorization.</b></p> <p>Authorizes the DOC’s Fugitive Apprehension Unit to exercise general police powers upon request from a law enforcement agency. [H.F. 2127]</p>
9	<p><b>Limitations.</b></p> <p>Conforming amendment to reflect proposal in section 6. [H.F. 2127]</p>
10	<p><b>Mental health care decisions.</b></p> <p>Extends the authority of the DOC’s medical director to make inmate health care decisions to inmates who are being treated outside of a correctional facility. [H.F. 2127]</p>
11 to 16	<p><b>Office of the Ombudsperson for Corrections.</b></p> <p>Re-establishes the Ombudsperson for Corrections which the legislature eliminated in 2003. The ombudsperson is tasked with promoting “the highest standards of competence, efficiency, and justice in the administration of corrections.” The ombudsperson is empowered with the authority to investigate decisions, acts, and other matters of the Department of Corrections. The bill delineates the specific powers granted to the ombudsperson, including subpoena power, the right to access agency data and information, and the authority to file suit to invoke its powers. Further, the bill defines the scope of appropriate investigations and authorizes the ombudsperson to investigate complaints from jails and detention facilities.</p> <p>These sections also provide guidance on ombudsperson qualifications, employee selection, access to data, complaint form and handling, publication of ombudsperson recommendations, and annual reports. [H.F. 1399]</p>

Section	Description – Article 3: Corrections
17	<p><b>Charges to counties.</b></p> <p>Modifies how the commissioner determines the per diem cost of confinement for juvenile offenders. [H.F. 2127]</p>
18	<p><b>General searches.</b></p> <p>Cross-reference to ombudsperson for corrections. [H.F. 1399]</p>
19	<p><b>Administrative and disciplinary segregation.</b></p> <p><b>Subd. 1. Authorization.</b> Establishes the grounds that the Commissioner of Corrections can rely upon to place an inmate in segregation.</p> <p><b>Subd. 2. Conditions in segregated housing.</b> Establishes the minimum conditions that the commissioner must offer inmates in segregated housing.</p> <p><b>Subd. 3. Review of disciplinary segregation status.</b> Establishes mandatory review periods for inmates in segregated housing.</p> <p><b>Subd. 4. Graduated disciplinary sanctions.</b> Requires the commissioner to design and implement a graduated scale of responses to infractions.</p> <p><b>Subd. 5. Mental health assessments; transfer to treatment.</b> Requires inmates placed in segregation to be assessed for mental illness. If an inmate is diagnosed with an acute mental illness, the inmate should be placed in an alternative setting.</p> <p><b>Subd. 6. Mental health care within segregated housing.</b> Requires regular mental health checks of inmates in segregation.</p> <p><b>Subd. 7. Incentives for return to the general population.</b> Requires the commissioner to design and implement a system of incentives for inmates to return to the general population.</p> <p><b>Subd. 8. Discharge from segregated housing.</b> Prohibits the commissioner from releasing an inmate directly to the community from segregated housing. Requires a mental health exam before an inmate who served more than 30 days in segregation returns to the general population.</p> <p><b>Subd. 9. Reporting.</b> Requires the commissioner to prepare an annual report to the legislature detailing the commissioner’s use of segregated housing.</p> <p>[H.F. 493]</p>
20	<p><b>Private prison contracts prohibited.</b></p> <p>Prohibits the commissioner of corrections from entering into a contract with privately owned and operated prisons to care for state inmates. [H.F. 1237]</p>

Section	Description – Article 3: Corrections
21	<p data-bbox="354 275 829 302"><b>Indeterminate sentence release board.</b></p> <p data-bbox="354 317 1390 380">Establishes the Indeterminate Sentence Release Board and describes the members and duties.</p> <p data-bbox="453 422 1382 659"><b>Subd. 1. Establishment; members.</b> Establishes a board, the Indeterminate Sentence Release Board, to review eligible cases and make release determinations for inmates serving indeterminate sentences. States that the board consists of five members including the commissioner of corrections and four individuals appointed by the governor from recommendations by the majority and minority leaders of each legislative body. Establishes minimum criteria for the members.</p> <p data-bbox="453 701 1403 835"><b>Subd. 2. Terms; compensation.</b> Provides that members of the board serve four-year staggered terms except that two initial members will be appointed to two-year terms. Provides for compensation and removal consistent with Minnesota Statutes, section 15.0575.</p> <p data-bbox="453 877 1354 974"><b>Subd. 3. Quorum; administrative duties.</b> States that a majority of members constitutes a quorum. Directs the commissioner of corrections to provide administrative services, meeting space and other administrative support.</p> <p data-bbox="453 1016 1333 1043"><b>Subd. 4. Majority vote.</b> Requires a majority vote of the members present.</p> <p data-bbox="453 1085 1382 1182"><b>Subd. 5. Limitation.</b> 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.</p> <p data-bbox="453 1224 1422 1320"><b>Subd. 6. Report.</b> 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.</p>
22	<p data-bbox="354 1440 760 1467"><b>Supervised release, life sentence.</b></p> <p data-bbox="354 1482 1263 1549">Replaces the term "commissioner" with "board" and defines "board" as the Indeterminate Sentence Release Board established in section 18. <b>[H.F. 2128]</b></p>
23	<p data-bbox="354 1608 721 1635"><b>Removal of data from system.</b></p> <p data-bbox="354 1650 1425 1885">The Bureau of Criminal Apprehension (BCA) maintains a computerized criminal gang investigative data system for the purpose of assisting criminal justice agencies in the investigation and prosecution of criminal activity by gang members. An individual's information is placed in the database if that individual is involved in criminal gang activity and meets at least three of the nine criteria established by the Violent Crime Coordinating Council. Under current law, the BCA must destroy data entered into the system within three years of entry unless the individual is convicted, adjudicated delinquent, or has a</p>

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stayed adjudication during the three year period after data is entered into the system. In that case, records are maintained for an additional three years.

This section allows the BCA to retain records for three years after a person is released from the custody of the commissioner of corrections if the commissioner documents activities meeting the criminal gang identification criteria that took place while the inmate was confined in a state correctional facility. **[H.F. 339]**

**24 Same sex escort for inmates being transferred.**

Establishes an exclusion to the requirement that inmates transferred more than 100 miles receive a custodial escort of the same sex as the transferee when the vehicle used to for the transfer is equipped with video and audio recording equipment that actively records the portion of the vehicle where the transferee is held for the duration of the transfer. Requires the recording to be stored for at least 12 months after the date of transfer. **[H.F. 1020]**

**25 Placement in private prisons prohibited.**

Prohibits the placement of jail inmates in privately owned facilities. **[H.F. 1237]**

**26 Local correctional officers discipline procedures.**

Creates a local correctional discipline procedures act. Establishes minimum standards for obtaining formal statements of local correctional officers who are named in a complaint. Regulates:

- the place a formal statement may be taken;
- what constitutes an actionable complaint;
- disclosure of witness statements to the accused correctional officer;
- the timing of formal statement sessions;
- maintenance of a record of proceedings;
- the presence of union representation at proceedings;
- advance notice of evidence against the accused; and
- other related matters.

**[H.F. 2010]**

**27 Intake procedure; approved mental health screening.**

Permits a sheriff or local corrections official to share certain mental health data on inmates. Allows a jail to refer an inmate to county human services personnel in order to arrange services after the inmate is released. The bill also allows a jail to share private data on an inmate in order to:

- assist the inmate in applying for medical assistance of MinnesotaCare;
- refer the inmate for case management by a county;

**Section Description – Article 3: Corrections**

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- assist the inmate in obtaining state photo identification;
- secure an appointment with a mental health provider;
- obtain necessary medications; or
- provide behavioral health service coordination.

**[H.F. 1575]**

**28 Coordinated crisis response plan.**

Requires the commissioner to develop and implement a coordinated crisis response plan to support facility, central office, and field services staff.

**29 Pilot program to address mental health in correctional facilities.**

Creates and funds a pilot program to address mental health issues among correctional officers and inmates at the Stillwater Correctional Facility. The bill requires a report to the legislature on the pilot program’s impact and outcomes. **[H.F. 1948]**

**30 Repealer.**

Repeals an obsolete provision related to juvenile offender reimbursement. **[H.F. 2127]**

## **Article 4: Law Enforcement**

This article contains a variety of provisions related to law enforcement.

**Section Description – Article 4: Law Enforcement**

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**1 Reinstatement fee.**

Eliminates a transfer of license reinstatement fees to the peace officer training reimbursement fund. **[H.F. 2710]**

**2 Driver services operating account.**

Conforming change. **[H.F. 2710]**

**3 Disbursement of surcharges by commissioner of management and budget.**

Transitions the funding of the Peace Officer Standards and Training (POST) Board to the general fund from a special revenue account that is funded with criminal surcharges and driver’s license reinstatement fees. **[H.F. 2710]**

**4 Certification for victims of crimes.**

Requires law enforcement agencies to provide victims of certain crimes who are foreign nationals a certificate identifying them as a crime victim. The victim can show this certificate to federal immigration authorities to support their request to remain in the United States under a U-visa. A U-visa is intended to protect crime victims and to ensure

**Section**      **Description – Article 4: Law Enforcement**

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that foreign national crime victims are available to assist in the prosecution of their perpetrators. [H.F. 2367]

**5**              **Use of unmanned aerial vehicles.**

**Subd. 1. Application; definitions.** Defines which law enforcement agencies must comply with this section. Defines the terms “law enforcement agency” and “unmanned aerial vehicle” (UAV).

**Subd. 2. Use of unmanned aerial vehicles limited.** Requires a search warrant for a law enforcement agency to operate a UAV, except as provided in subdivision 3.

**Subd. 3. Exceptions.** Authorizes warrantless UAV use in the following circumstances:

(a) during or immediately after an emergency situation that involves the risk of death or serious physical harm to a person;

(b) Over a public event where there is a substantial risk to the safety of the participants or bystanders. Requires an agency that acts under this provision to follow special protocols related to record keeping.

(c) To counter a high risk of terrorist attack by specific individual or organization if the agency determines there is credible intelligence;

(d) In natural or man-made disaster situations;

(e) officer training; and

(f) for a non-law enforcement agency upon written request.

**Subd. 4. Limitations on use.** Establishes certain limits on the use of UAVs. Requires compliance with FAA requirements. Requires governing body approval prior to purchasing a UAV. Requires UAV data collection be limited to narrowly defined target. Prohibits the use of facial recognition or other biometric matching technology unless expressly authorized by a court. Prohibits UAV surveillance at public protests or demonstrations unless authorized by court order. UAVs may not be equipped with weapons.

**Subd. 5. Access by data subjects.** Declares that a person who is the subject of data collected by a UAV has access to the data.

**Subd. 6. Data classification; retention.** Labels UAV collected data as private or nonpublic with limited exceptions. Requires destruction of UAV collected data seven days after collection unless part of an active criminal investigation.

**Subd. 7. Evidence.** Prohibits evidence collected in violation of this section from being admitted in criminal, administrative, civil proceedings.

**Section**      **Description – Article 4: Law Enforcement**

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**Subd. 8. Remedies.** Authorizes a civil cause of action for parties aggrieved by a violation of this section.

**Subd. 9. Written policies required.** Requires agencies that use UAVs to adopt a written policy governing the use of UAVs.

**Subd. 10. Notice; disclosure of warrant.** Requires notice to be given to a subject of a search warrant for UAV surveillance. Delayed notice is permitted in limited circumstances.

**Subd. 11. Reporting.** Requires law enforcement agencies, through the commissioner of public safety, to annually create a public report to the legislature on their use of UAVs. Requires the judiciary to annually create a public report to the legislature on requests for UAV warrants.

**6**      **Board; members.**

Expands the number of public members on the POST Board from 2 to 4 and requires two of the public members be out-state residents and one member to represent crime victims. **[H.F. 334]**

**7**      **Eyewitness identification policies required.**

Requires the POST Board to develop, and law enforcement agencies to adopt, policies on eyewitness identification.

**Subd. 1. Statewide model policy required.** Directs the Board of Peace Officers Standards and Training to develop a model policy by November 1, 2019, that articulates best practices for eyewitness identification. The policy must require that: (1) the person administering a lineup be unaware of the suspect or be unaware of which lineup member is being viewed; (2) the witness be given introductory instructions including the statement that the perpetrator may or may not be in the lineup; (3) the lineup include “fillers” that match the description of the suspect; and (4) the witness give a statement that articulates the level of confidence in the identification.

**Subd. 2. Agency policies required.** Requires chief law enforcement officers to adopt and implement a policy that is substantially similar to the policy developed under subdivision 1. The policy must be adopted by February 1, 2020. **[H.F. 627]**

**8**      **Peace officer community policing excellence data.**

Requires chief law enforcement officers to submit peace officer discipline data to the bureau of criminal apprehension. **[H.F. 2709]**

Section	Description – Article 4: Law Enforcement
9	<p><b>Investigating sexual assault cases; policies required.</b></p> <p>Directs each law enforcement agency in the state to adopt a sexual assault investigation policy by January 1, 2020. [H.F. 327]</p>
10	<p><b>Concurrent jurisdiction.</b></p> <p>Provides that tribal police departments have concurrent state law jurisdictional authority with the local sheriff within the boundaries of their reservation regardless of whether a cooperative agreement exists, provided it meets the requirements set forth in Minnesota Statutes, section 626.93, subdivision 2. [H.F. 719]</p>
11	<p><b>Cooperative agreements.</b></p> <p>Conforming amendment. [H.F. 719]</p>
12	<p><b>Peace officer excellence task force.</b></p> <p>Establishes the Peace Officer Excellence Task Force. The purpose of the task force is to study the laws, rules, contracts, and policies that govern the employer-employee relationship between political subdivisions and peace officers. By January 15, 2020, the task force is directed to submit a report to the legislature that contains the task force’s recommendations. [H.F. 2324]</p>

## Article 5: Sex Offenders

This article amends provisions related to sex offenders.

Section	Description – Article 5: Sex Offenders
1	<p><b>Current or recent position of authority.</b></p> <p>Broadens the definition of “position of authority” in the criminal sexual conduct statutes. Currently, felony penalties apply to an adult who sexually penetrates or contacts a 16 or 17 year old juvenile when the adult is in a position of authority over the juvenile. This section:</p> <ul style="list-style-type: none"><li>▪ Extends the definition so that an adult who was recently (i.e., within the past 120 days) in a position of authority over a 16 or 17 year old is also subject to criminal penalties for having a sexual relationship with the juvenile. [H.F. 812/H.F. 480]</li><li>▪ Extends the definition of position of authority to cases where an adult “assumed” authority over a victim. Currently, the provision only applies when the adult is “charged” with providing some parental obligation to the juvenile. [H.F. 812/H.F. 480]</li></ul>

Section	Description – Article 5: Sex Offenders
	<ul style="list-style-type: none"><li>▪ Contains language that recognizes the new extended position of authority law that applies to school employees. <b>[H.F. 491]</b></li></ul>
2	<p><b>Sexual contact.</b></p> <p>Updates a reference to “position of authority” to reflect changes made to the definition of the term in section 1. <b>[H.F. 812]</b></p>
3	<p><b>Sexual penetration.</b></p> <p>Updates a reference to “position of authority” to reflect changes made to the definition of the term in section 1. <b>[H.F. 812]</b></p>
4	<p><b>Secondary school.</b></p> <p>Defines “secondary school” for purposes of the 3rd and 4th degree criminal sexual conduct statutes in chapter 609. <b>[H.F. 491]</b></p>
5	<p><b>Independent contractor.</b></p> <p>Defines “independent contractor” for purposes of the 3<sup>rd</sup> and 4<sup>th</sup> degree criminal sexual conduct statutes in chapter 609. <b>[H.F. 491]</b></p>
6	<p><b>Crime defined.</b></p> <p>Updates a reference to “position of authority” to reflect changes made to the definition of the term in section 1. Clarifies that certain first degree criminal sexual conduct convictions for “sexual contact with a person under 13 years of age” do not require proof of sexual penetration. <b>[H.F. 812/H.F. 480 and HF 1014]</b></p>
7	<p><b>Crime defined.</b></p> <p>Updates a reference to “position of authority” to reflect changes made to the definition of the term in section 1. <b>[H.F. 812/H.F. 480]</b></p>
8	<p><b>Crime defined.</b></p> <p>Contains two changes to the offense of 3<sup>rd</sup> degree criminal sexual conduct:</p> <ul style="list-style-type: none"><li>▪ Updates a reference to “position of authority” to reflect changes made to the definition of the term in section 1. <b>[H.F. 812/H.F. 480]</b></li><li>▪ Creates a new criminal sexual conduct offense specific to peace officers. Prohibits a peace officer from sexually penetrating a person who is restrained by the peace officer or otherwise does not reasonably feel free to leave the officer’s presence. A peace officer would not be entitled to assert victim consent as a defense. Provides an exception for lawful searches. <b>[H.F. 1055]</b></li><li>▪ Limits the mistake of age defense to defendants who are less than three years older than a victim who is at least 13 years of age. <b>[H.F. 480]</b></li><li>▪ Establishes a new third degree criminal sexual conduct offense for secondary school employees and independent contractors who sexually penetrate a student enrolled at the perpetrator’s school, the student is between the age</li></ul>

**Section**      **Description – Article 5: Sex Offenders**

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of 16 and 21, and the actor is in a position of authority over the student. A violation of this provision is a felony and subjects the offender to incarceration for up to 15 years. Neither mistake of age nor the consent of the student is a defense. **[H.F. 491]**

**9**              **Crime defined.**

Contains three changes to the offense of 4th degree criminal sexual conduct:

- Updates a reference to “position of authority” to reflect changes made to the definition of the term in section 1. **[H.F. 812/H.F. 480]**
- Creates a new criminal sexual conduct offenses specific to peace officers. Prohibits a peace officer from sexually contacting a person who is restrained by the peace officer or otherwise does not reasonably feel free to leave the officer’s presence. A peace officer would not be entitled to assert victim consent as a defense. **[H.F. 1055]**
- Removes the mistake of age defense for defendants who are less than ten years older than a victim who is at least 13 years of age. **[H.F. 480]**
- Establishes a new fourth degree criminal sexual conduct offense for secondary school employees and independent contractors who have sexual contact with a student enrolled at the perpetrator’s school, the student is between the age of 16 and 21, and the actor is in a position of authority over the student. A violation of this provision is a felony and subjects the offender to incarceration for up to 10 years. Neither mistake of age nor the consent of the student is a defense. **[H.F. 491]**

**10**             **Crime defined.**

Eliminates the exclusion to fifth degree criminal sexual conduct—a first-time violation of which is a gross misdemeanor—for intentionally touching the clothing covering the immediate area of the buttocks. **[H.F. 74]**

**11**             **Use of minor.**

Increases the penalty for using a minor in a sexual performance or pornographic work. **[H.F. 89]**

**12**             **Operation or ownership of business.**

Increases the penalty for a business owner who shows a pornographic work involving a minor. **[H.F. 89]**

**13**             **Dissemination.**

Increases the maximum sentence for dissemination of child pornography for a profit to 15 years. **[H.F. 89]**

Section	Description – Article 5: Sex Offenders
14	<p><b>Conditional release term.</b></p> <p>Increases the conditional release term for offenders convicted of child pornography for profit from five years to ten years. Imposes a 15-year conditional release term on repeat offenders. [H.F. 89]</p>
15	<p><b>Mandatory minimum sentence.</b></p> <p>Provides a mandatory minimum sentence of six months in jail for first time offenders convicted under section 617.246 (use of minors in sexual performance prohibited). 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. [H.F. 89]</p>
16	<p><b>Dissemination prohibited.</b></p> <p>Increases the maximum sentence for dissemination of child pornography to 10 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. [H.F. 89]</p>
17	<p><b>Possession prohibited.</b></p> <p>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. [H.F. 89]</p>
18	<p><b>Conditional release term.</b></p> <p>Increases the conditional release term for offenders convicted of child pornography from five years to ten years. Imposes a 15-year conditional release term on repeat offenders. [H.F. 89]</p>
19	<p><b>Mandatory minimum sentence.</b></p> <p>Provides a mandatory minimum sentence of six months in jail for first time offenders convicted of distribution and possession of child pornography (Minn. Stat. § 617.247). Predatory offenders and repeat offenders of either section 617.246 or section 617.247 receive a mandatory minimum of 12 months of incarceration. [H.F. 89]</p>
20	<p><b>Definitions.</b></p> <p>Updates a reference to “position of authority” to reflect changes made in section 1.</p>
21	<p><b>Limitations.</b></p> <p>Eliminates the existing statutes of limitations that apply in sex trafficking and first through fourth degree criminal sexual conduct offenses and provides that criminal charges for those offenses can be brought at any time after the commission of the offense. [ H.F. 734/H.F. 480]</p>

Section	Description – Article 5: Sex Offenders
22	<p><b>Sentencing Guidelines modification.</b></p> <p>Directs the Sentencing Guidelines Commission to comprehensively review the issue and consider modifications of the sex offender grid for the offenses of manufacturing, disseminating, and possessing child pornography. <b>[H.F. 341]</b></p>
23	<p><b>Criminal Sexual Conduct Statutory Reform Working Group; report.</b></p> <p>Directs the commissioner of public safety to convene a working group to develop recommendations to the legislature for statutory changes to the state’s criminal sexual conduct laws. The working group must make its recommendations by October 15, 2020. <b>[H.F. 418]</b></p>
24	<p><b>Repealer.</b></p> <p>Repeals the shield to prosecution for certain criminal sexual conduct offenses granted to participants in designated voluntary relationships, commonly referred to as the marital rape exception. <b>[H.F. 15]</b></p>

## Article 6: Controlled Substances

This article addresses controlled substance policy.

Section	Description – Article 6: Controlled Substances
1	<p><b>Methamphetamine; dimethyltryptamine; manufacture crime.</b></p> <p>Treats the controlled substance known as dimethyltryptamine (DMT) the same as meth for purposes of criminal penalties and clandestine lab response, remediation, and restitution. DMT is a schedule I hallucinogen drug. DMT produces a brief but intense visual and auditory hallucinogenic experience. <b>[H.F. 2351]</b></p>
2	<p><b>Sale crimes.</b></p> <p>Provides that a person who unlawfully sells a total weight of more than 42.5 grams of a mixture containing marijuana or tetrahydrocannabinols is guilty of a fifth degree controlled substances crime. <b>[H.F. 2013]</b></p>
3	<p><b>Possession and other crimes.</b></p> <p>Provides that a person who unlawfully possesses more than 250 grams of the nonresinous form of marijuana is guilty of a fifth degree controlled substances crime. <b>[H.F. 2013]</b></p>

Section	Description – Article 6: Controlled Substances
4	<p><b>Penalty.</b></p> <p>Makes a conforming change related to fifth degree controlled substances crimes. [H.F. 2013]</p>
5	<p><b>Nonfelony controlled substance offenses; marijuana.</b></p> <p><b>Subd. 1. Sale crimes.</b> Establishes a new offense for the sale of the nonresinous form of marijuana in amounts of (1) more than ten grams but less than 42.5 grams, and (2) not more than ten grams.</p> <p><b>Subd. 2. Possession crimes.</b> Establishes a new offense for the possession of the nonresinous form of marijuana in amounts of (1) more than 100 grams but not more than 250 grams, and (2) more than 42.5 grams but not more than 100 grams.</p> <p><b>Subd. 3. Penalty.</b> Establishes gross misdemeanor and misdemeanor penalties for sale and possession of marijuana in violation of subdivisions 1 and 2.</p> <p><b>Subd. 4. Possession of marijuana in a motor vehicle.</b> Moves the crime of possession of marijuana in a motor vehicle to this new section. Increases the amount of marijuana that constitutes a misdemeanor violation to five grams.</p> <p><b>Subd. 5. Petty misdemeanors.</b> Moves the existing petty misdemeanor offenses of the sale of a small amount of marijuana for no remuneration and possession of a small amount of marijuana to this new section. Eliminates the misdemeanor offense for possession of a small amount of marijuana.</p> <p>[H.F. 2013]</p>
6	<p><b>Certain controlled substance offenses.</b></p> <p>Conforming change. [H.F. 2351]</p>
7	<p><b>Deferring prosecution for certain first time drug offenders.</b></p> <p>Makes conforming changes to reference the new section addressing nonfelony marijuana offenses. [H.F. 2013]</p>
8	<p><b>Possession or sale of cannabidiol.</b></p> <p>Provides that cannabidiol that is derived from industrial hemp is not a controlled substance that possession or sale does not constitute a controlled substance crime. Asserts that the new provision does not prevent charge or conviction for any other criminal conduct. [H.F. 793]</p>
9	<p><b>Account established.</b></p> <p>Conforming change. [H.F. 2351]</p>

**Section**      **Description – Article 6: Controlled Substances**

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**Cannabis task force.**

Establishes a cannabis task force, establishes duties for the task force, and requires a comprehensive plan to be submitted to certain members of certain legislative committees and divisions by January 1, 2020.

**Subd. 1. Establishment.** Establishes a cannabis task force to advise the legislature on the legalization, taxation, and regulation of the production, sale, and use of cannabis.

**Subd. 2. Membership.** Lists membership on the task force, and specifies that members shall serve without compensation.

**Subd. 3. Organization.** Directs the commissioner of public safety to convene the task force's first meeting, and directs the task force to elect a chair and other officers as necessary. Directs the task force to meet monthly or as determined by the chair and subjects the meetings to chapter 13D.

**Subd. 4. Staff.** Directs the commissioner of public safety to provide staff, office space, and administrative services for the task force.

**Subd. 5. Duties.** Directs the task force to identify and study potential effects of cannabis legalization, consult with experts and officials in other states where cannabis has been legalized, and develop a comprehensive plan covering:

- statutory changes needed to legalize cannabis;
- taxation of cannabis sales and appropriate dedicated uses for revenue raised;
- state and local regulation of cannabis cultivation, processing, transporting, packaging, labeling, sale, possession, and use;
- federal law, policy, and regulation of cannabis;
- public education of scientific knowledge of the effects of cannabis;
- treatment services for people with substance use disorder as it relates to cannabis;
- expungement of nonviolent marijuana convictions;
- security of cannabis retail and manufacturing settings, and the safe handling of proceeds from cannabis sales;
- policies that promote access to the legal cannabis market for people in communities disproportionately impacted by the ban on cannabis;
- statutory and policy changes to discourage motor vehicle use while under the influence of cannabis; and
- recommendations for other steps related to cannabis legalization.

**Subd. 6. Report.** Requires the task force to submit the comprehensive plan developed under subdivision 5 to the chairs and ranking minority members of the

**Section Description – Article 6: Controlled Substances**

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legislative committees with jurisdiction over health, human services, revenue, public safety, labor and industry, and agriculture, by January 1, 2020.

**Subd. 7. Expiration.** Makes this section expire no later than February 1, 2020, or the date the report is submitted under subdivision 6.

**[H.F. 717]**

- 11 **Repealer.**  
Repeals the existing crimes of possession of marijuana in a motor vehicle and sale or possession of a small amount of marijuana which are moved to a new section of law in this article. **[H.F. 2013]**

## **Article 7: DWI**

This article addresses DWI related policy.

**Section Description – Article 7: DWI**

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- 1 **Acts prohibited.**  
Directs that a person’s snowmobile and ATV operating privileges must be revoked when a person fails a lawfully administered test to determine if the person was operating under the influence. **[H.F. 1263]**
- 2 **Acts prohibited.**  
Directs that a person’s motorboat operating privileges must be revoked when a person fails a lawfully administered test to determine if the person was operating under the influence. **[H.F. 1263]**
- 3 **Peace officer.**  
Removes limitations on when a conservation officer qualifies as a “peace officer” under the DWI chapter. Under current law, conservation officers only have the authority to enforce provisions of the driving while intoxicated chapter against individuals who are hunting while under the influence, or operating off-road recreational vehicles or motorboats. **[H.F. 1149]**
- 4 **Crime described.**  
Establishes a crime for removing or obliterating a permanent sticker invalidating a registration plate pursuant to the license plate impoundment sanction for driving while intoxicated. **[H.F. 1001]**

Section	Description – Article 7: DWI
5	<p><b>Reinstatement of driving privileges; notice.</b></p> <p>Strikes the requirement that an individual whose license was revoked for committing a driving while intoxicated offense must take an examination before reinstatement. <b>[H.F. 1002]</b></p>
6	<p><b>Peace officer as agent for notice of impoundment.</b></p> <p>Permits an officer empowered to seize license plates pursuant to DWI impoundment to affix a permanent sticker on the plate. <b>[H.F. 1001]</b></p>
7	<p><b>Temporary permit.</b></p> <p>Directs officers to provide temporary vehicle permits when impounding a vehicle's license plates following a DWI offense. Establishes that the permit will be valid for 14 days if the person either fails a breath test or refuses to submit to a test. Further establishes that the permit will be valid for 45 days if the person submits to a blood or urine test. <b>[H.F. 1001]</b></p>
8	<p><b>Reissuance of registration plates.</b></p> <p>Requires vehicle plates to be replaced at no cost if they were invalidated by affixing a permanent sticker and an impoundment order was rescinded.</p>
9	<p><b>Exception.</b></p> <p>Exempts a motor vehicle from the administrative forfeiture provision for driving under the influence if the driver enters the ignition interlock program within 60 days of receiving a Notice of Seizure and Intent to Forfeit the vehicle. Provides that, if the driver commits an act that results in a license revocation under the DWI statutes within three years or the date on which driving privileges are restored, whichever is later, the person's vehicle must be summarily forfeited. Under current law, a motor vehicle can be seized and is subject to administrative forfeiture if the driver commits a designated driving while intoxicated (DWI) offense. Designated offenses are first-degree and second-degree DWI, or any DWI if the driver's license is either cancelled as inimical to public safety or contains a restriction stating that the driver may not consume any amount of alcohol. <b>[H.F. 628]</b></p>
10	<p><b>Examination required.</b></p> <p>Strikes the requirement that someone whose license is revoked for refusing or failing a breath test related to a DWI offense must take an examination before the license can be reinstated. Provides that the examination requirement does not apply to a person whose license has been revoked following a conviction for a DWI offense. <b>[H.F. 1002]</b></p>
11	<p><b>DWI study; measurement of controlled substances.</b></p> <p>Requires the commissioner of public safety to consult with stakeholders and experts to report on screening tests to measure the level of marijuana in a person stopped or arrested for driving while impaired. The study must include a review of oral fluid roadside tests, the measured amount of marijuana in a driver's blood or urine that constitutes the legal threshold for driver impairment, practices and laws in other states, and any other</p>

Section	Description – Article 7: DWI
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necessary information. The commissioner must submit a report by March 15, 2020. [H.F. 469]

## Article 8: Vehicle Operations

This article addresses policy impacting vehicle operations.

Section	Description – Article 8: Vehicle Operations
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**1 Suspension of driver's license.**

Prohibits the commissioner from re-suspending a person's driver's license based on the failure to appear in court after receiving a citation for a petty misdemeanor or driving after suspension. Under current law, failure to appear in court in compliance with the terms of a citation is grounds for a license suspension. [H.F. 1061]

**2 Commissioner shall suspend.**

Prohibits the suspension of a person's driver's license following a conviction for driving after suspension or driving after revocation. [H.F. 1061]

**3 Failure to pay fine.**

Forbids suspension of a person's driver's license based solely on the fact that the person failed to pay a traffic ticket, parking fine, or surcharge. [H.F. 1061]

**4 Offenses.**

Reiterates the prohibition on suspending a person's driver's license following a conviction for driving after suspension or driving after revocation. [H.F. 1061]

**5 License reinstatement diversion program.**

Permits a city or county to establish a license reinstatement diversion program for certain drivers.

**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, or (5) repeat driving offenses. An individual who holds a commercial driver's license, or committed an offense in a commercial motor vehicle, is not eligible for the program.

**Section**      **Description – Article 8: Vehicle Operations**

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**Subd. 2. Contract.** Permits cities and counties to contract with third parties to administer the diversion program. Driver and Vehicle Services Division may charge a third-party administrator a fee of \$3 for every person who is accepted into the program and completes the required class. The fee is for use in reviewing and authorizing new individuals to enter the program.

**Subd. 3. Diversion of an individual.** Allows prosecutors to determine whether to accept an individual into the program and provides guidance for making that determination. Prosecutors may request a review without a formal city or county diversion program being established. A judge may also submit a request for an individual to apply for entry into a diversion program.

**Subd. 4. Diversion driver's license.** Permits the Department of Public Safety (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. Program components.** Requires diversion program 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; reinstatement of driver's license.** Terminates participation in a program for individuals who violate the terms of the program. Termination for a violation results in cancellation of the diversion driver's license and permits prosecutors to reinstate the original charge of driving after suspension or revocation. If an individual successfully completes the program, the participant's driver's license must be reinstated and the original charge must be dismissed.

**Subd. 7. Fees held on termination of participant.** Fees paid by an individual who leaves the program before completion must be retained for 12 months and, if the individual returns to the program, must be applied to the later participation. After 12 months, the fees are forfeited.

**Subd. 8. Biennial report.** Requires a biennial report from the third-party administrator. Permits any city or county to request an audit of the administrator at the expense of the city or county.

**Effective date.** Makes the new law effective July 1, 2019, and permits a city or county participating in the pilot program to continue to accept individuals until June 30, 2019, and to disperse fees under current law until that time. **[H.F. 898]**

Section	Description – Article 8: Vehicle Operations
6	<p><b>Driver’s license suspensions and revocations; reports.</b></p> <p>Requires the commissioner of public safety to provide an annual report identifying the number of driver’s licenses issued, suspended, and revoked each year in each county; the total number of licenses suspended and reinstated in the previous eight years; and the total number of licenses revoked and reinstate in the previous eight years. Also requires the state court administrator to report on the number of charges and convictions for driving after suspension or revocation in the previous eight years and information on the payment of fines for all motor vehicle violations listed on the uniform fine schedule. Both reports are due by February 15. [H.F. 1061]</p>
7 to 11	<p><b>Wheelchair securement in vehicle.</b></p> <p>Provide updates to the wheelchair securement vehicle inspection procedure. The current procedure is in MN Rule 7450 and is not compliant with the ADA standards. The article adopts the ADA standards and incorporates the standards outlined in 49 CFR 38.23. The driver responsibilities currently listed in the rule are added to statute allowing the rule to be rescinded. Requires lifts to be included in the inspection. [H.F. 1955]</p>
12	<p><b>Motor vehicle charges and conviction data; report.</b></p> <p>Requires the court administrator to collect, compile, and report data on charges and convictions for driving after suspension or revocation, and payment of fines for violations related to the operation of a motor vehicle. [H.F. 1061]</p>
13 to 16	<p><b>Criminal vehicular homicide.</b></p> <p>Amends criminal vehicular homicide and criminal vehicular operation to include situations when a person operating a motor vehicle in a negligent manner causes death or bodily harm while in violation of the use of wireless communications device statute, section 169.475. Further amends the statute to include situations when a person operating a motor vehicle in a negligent manner causes death or bodily harm while the person’s license has been suspended, revoked, cancelled, or denied under certain circumstances. Those circumstances are the following:</p> <ul style="list-style-type: none"><li>▪ 169.89, subd. 5 – failing to attend a driver improvement clinic;</li><li>▪ 169A.52 – DWI-related test refusal or failure;</li><li>▪ 169A.54 – DWI-related convictions;</li><li>▪ 171.05, sub. 2b(d) – instruction permit holder with moving or DWI violations;</li><li>▪ 171.13, sub. 3 or 4 – suspended for being medically incompetent to drive;</li><li>▪ 171.17, sub. 1(a)(1) or (10) – manslaughter convictions for CVH/CVO and driving over 100 mph.;</li><li>▪ 171.177 – DWI-related test refusal or failure pursuant to a warrant;</li><li>▪ 171.18, sub. 1(a)(2)(3)(3)(4)(5) or (11) – a misdemeanor traffic violation that resulted in injury or damage, habitual recklessness, being a habitual violator, having been found incompetent to drive by a court, or having failed to report a relevant medical condition;</li><li>▪ 171.32 – blindness;</li></ul>

**Section Description – Article 8: Vehicle Operations**

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- 260B.225, sub. 9 – being a juvenile major highway or water traffic offender;
- 169.13 – careless or reckless driving;
- 169.21 – failing to yield to pedestrians;
- 169.444 – failing to yield to a school bus;
- 609.19, sub. 1(2) – drive-by shooting;
- 609.487, sub. 3-5 – fleeing a police officer in a motor vehicle; or
- Any violation of chapter 169A – DWI provisions.

**[H.F. 1375]**

**17 Sunset; transition.**

Establishes that the diversion pilot program ends when the permanent program becomes effective. Permits individuals enrolled in the pilot program to transfer to the permanent program. **[H.F. 898]**

**18 Retroactive license reinstatement.**

Requires the commissioner of public safety to make an individual's driver's license eligible for reinstatement if that license is suspended based on (1) failure to appear, (2) a conviction for driving after suspension or revocation, (3) the failure to pay a fee or fine, or (4) any combination of these three situations. Directs the commissioner to send notice by December 1, 2019, to individuals whose licenses are eligible for reinstatement. Requires individuals eligible for reinstatement to pay a \$20 reinstatement fee. Clarifies that suspensions, revocations, or cancellations for any other reason remain in effect. **[H.F. 1061]**

**19 Traffic stop study.**

Establishes a grant to a qualified research organization to review and analyze data on traffic stops and provide a report to the legislature.

**Subd. 1. Appropriation.** Appropriates \$250,000 in 2020 from the general fund for a grant to a qualified research organization to conduct a study on traffic stops in Minnesota.

**Subd. 2. Study requirements.** Requires the recipient to conduct a study to determine what impact, if any, changes in Minnesota traffic laws since 2003 have had on traffic stops in the state. Specifically requires the study to review the impact of the wireless communications device law, changes to that law, the primary seatbelt law, and the adoption of the 0.08 standard for DWI offenses. Directs the recipient to coordinate with law enforcement agencies to acquire relevant data and to compare recent data with data collected pursuant to a study authorized in 2001. Requires an assessment of data based on factors including the geographic area of the stops and the demographics of stopped drivers. Further requires the recipient to assure the confidentiality of data.

Section	Description – Article 8: Vehicle Operations
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**Subd. 3. Report.** Requires the grant recipient to provide a report on the results of the study by February 15, 2021.

[H.F. 50]

20

**Repealer.**

Repeals existing wheelchair securement statutes which are repealed with new requirements. [H.F. 1955]

## Article 9: Pretrial Release, Sentencing, Probation, and Diversion

This article contains provisions related to the custody status of individuals following a criminal charge.

Section	Description – Article 9: Pretrial Release, Sentencing, Probation, and Diversion
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1

**Minimum imprisonment, life sentence.**

Provides that an inmate serving a life sentence under the heinous crimes provision or the egregious first-time and repeat sex offender provision who committed the offense when the defendant was under 18 years of age is not eligible for parole until that person has served 25 years of imprisonment.

Heinous crimes are the following:

- first or second degree murder, or attempted first or second degree murder;
- third degree murder or first degree assault; and
- criminal sexual conduct in the first, second, or third degree when committed with force or violence.

Egregious first-time and repeat criminal sexual assault offenders are those who commit certain first or second degree criminal sexual conduct offenses with either two heinous elements, or a prior offense and one heinous element.

Further provides that an inmate serving a life sentence for first degree murder who committed the offense when the defendant was under 18 years of age and was certified as an adult or designated an extended jurisdiction juvenile is not eligible for parole until that person has served 25 years of imprisonment. [H.F. 1717]

2

**Supervised release, life sentence.**

Makes a conforming change to reference new statutory provisions. [H.F. 1717]

Section	Description – Article 9: Pretrial Release, Sentencing, Probation, and Diversion
3	<p><b>Clearinghouse and information center.</b></p> <p>Expands the topics for which the MSGC must serve as a clearinghouse and information center to include probation terms, conditions of probation, probation revocations, and recidivism in addition to the topics of use of imprisonment and alternatives to imprisonment, plea bargaining, and other matters relating to the improvement of the criminal justice system which the MSGC currently collects, prepares, and disseminates. [H.F. 997]</p>
4	<p><b>Administrative services.</b></p> <p>Permits the MSGC to establish data integrations with any agency of the state for the collection of data so long as law authorizes the sharing of that data. [H.F. 997]</p>
5	<p><b>Use of restraints.</b></p> <p>Prohibits the use of restraints on children appearing in court unless the court makes findings that there are no less restrictive alternatives available and the use is necessary to prevent physical harm to the child or another, or to prevent the child from fleeing. Describes factors the court can consider. Requires the court to hold a hearing before ordering the use of restraints, and further requires the court to make findings of fact in support of the order. [H.F. 1678]</p>
6	<p><b>Alternative to arrest of certain juvenile offenders authorized.</b></p> <p>Permits a law enforcement officer to refer a child to a program that the law enforcement agency deems appropriate when the officer has the lawful authority to arrest the child. Excludes violent felony offenses from the category of offenses for which a peace officer may refer a child. Permits a program authorized under this section to defer prosecution of juvenile offenders and directs that charges against juvenile offenders shall be dismissed upon completion of the program. [H.F. 1678]</p>
7	<p><b>Risk assessment instrument.</b></p> <p>Requires the court to use an objective juvenile detention risk assessment instrument developed in coordination with the Minnesota Juvenile Detention Alternative Initiative. Directs the risk assessment instrument to 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. [H.F. 1678]</p>
8	<p><b>Time limit.</b></p> <p>Adds situations where the petitioner is placed into removal proceedings, detained for the purpose of deportation, deportation may be likely, or is unable to apply for an immigration benefit to the exceptions that permit a petition for postconviction relief to be heard more than two years following either conviction or the appellate court’s disposition of the petitioner’s direct appeal. Clarifies that a claim justifying the invocation of an exception arises when a petitioner has actual knowledge of the consequences of the</p>

**Section**      **Description – Article 9: Pretrial Release, Sentencing, Probation, and Diversion**

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criminal conviction. Under current law, a person who has been convicted of a crime can file a petition for postconviction relief in certain limited situations. Petitions can only be filed after the person filed a direct appeal or the deadline to file a direct appeal has expired. Petitions are limited to claims that the person’s conviction violated the Constitution or laws of the United States or Minnesota, or that there is newly obtained scientific evidence that establishes the person’s actual innocence. Petitions must usually be filed within two years of either a conviction or the appellate court’s disposition of the person’s direct appeal, whichever occurs later. There are several exceptions to the two-year limitation and this section expands the exceptions. **[H.F. 739]**

**9**                      **Definitions.**

Amends the definition of “exonerated” in response to a Minnesota Supreme Court decision. In *Back v. State*, the court of appeals and supreme court found that section 590.11 includes an unconstitutional violation of the right to equal protection. The supreme court addressed the equal protection violation by severing subdivision 1, clause (1), item (i) from the remainder of the statute. As a result, a person whose conviction was vacated or reversed on grounds consistent with innocence is not currently eligible for compensation as an exonerated person. The amended definition indicates that “exonerated” means either:

- a court vacated or reversed a judgment of conviction on grounds consistent with innocence and either (1) there are no remaining felony charges in effect against the petitioner arising from the same behavioral incident or (2) if there are remaining felony charges arising from the same behavioral incident, the prosecutor dismissed those charges; or
- a court ordered a new trial on grounds consistent with innocence and either (1) the prosecutor dismissed all felony charges against the petitioner that arose from the same behavioral incident or (2) the petitioner was found not guilty of all felony charges that arose from the same behavioral incident.

Further amends the definition to apply only to situations where 60 days have passed since the court reversed or vacated the judgment of conviction and either (1) the prosecutor has not filed new felony charges arising out of the same behavioral incident or (2) any newly filed felony charges were dismissed or resulted in a not guilty verdict at trial.

Defines “on grounds consistent with innocence” as either exonerated through (1) a pardon based on factual innocence or (2) the vacation or reversal of a judgment of conviction based on evidence of factual innocence. **[H.F. 707]**

**10**                      **Procedure.**

Eliminates a deadline for individuals exonerated before the law went into effect in 2014 which required those individuals to file a petition for compensation based on exoneration by July 1, 2016. Permits a person who did not meet both requirements of subdivision 1,

**Section Description – Article 9: Pretrial Release, Sentencing, Probation, and Diversion**

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clause (1), item (i) before July 1, 2019, to file a petition for compensation based on exoneration at any time between July 1, 2019, and July 1, 2021. [H.F. 707]

**11 Elements.**

Removes references to “in prison” and “imprisonment” and inserts the term “incarceration.” Expands the category of individuals permitted to file a petition for compensation despite serving a term of incarceration for another crime to include those sentenced to additional executed sentences that had been stayed, but were executed as a result of the conviction that is the basis of the petition. [H.F. 707]

**12 Order.**

Replaces the term “imprisonment” with “incarceration.” Adds individuals who served a sentence on probation to the class of individuals eligible for compensation. [H.F. 707]

**13 Life without release.**

Makes a conforming change identifying the exception created by section 15 of this article. [H.F. 1717]

**14 Offender under age 18; life imprisonment with possibility of release.**

Provides that an inmate serving a life sentence under the heinous crimes provision who committed the offense when the defendant was under 18 years of age must be sentenced to imprisonment for life. The sentence of “imprisonment for life” permits release on parole. [H.F. 1717]

**15 Family impact statement.**

Permits the court to order that a presentence investigation include a family impact statement discussing the impact the defendant’s imprisonment would have on any minor children or other family members. The family impact statement is for the purpose of providing the court with information regarding sentencing options other than a term of imprisonment and the court may consider the family impact statement at sentencing. [H.F. 591]

**16 Failure to pay restitution.**

Makes a conforming change to a paragraph reference. [H.F. 689]

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

Makes a conforming change to a paragraph reference. [H.F. 689]

**18 Stay of sentence maximum periods.**

Limits probation sentences for most felonies to five years. Creates an exception to the limit for certain offenses including homicide, manslaughter, and felony criminal sexual conduct offenses. Provides that gross misdemeanor DWI and criminal sexual conduct

**Section Description – Article 9: Pretrial Release, Sentencing, Probation, and Diversion**

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offenses are subject to a limit of five years of probation, and that the final year is presumed to be unsupervised probation. Permits the court to extend felony probation for up to three years if the offender did not pay court-ordered restitution or complete court-ordered treatment. Permits a court to extend probation for an additional two years if an offender does not pay restitution or complete treatment during the first extension. Permits a court to extend probation for an individual who commits a crime of violence for up to three years if the court determines that the defendant remains a threat to public safety. Clarifies that an extension for a person who remains a threat to public safety cannot require the person to serve a sentence of probation that exceeds the maximum period of incarceration that could be imposed for the offense. [H.F. 689]

**19 Stay of sentence maximum periods; sentence stayed before August 1, 2019.**

Provides that a person serving a sentence of probation which began before August 1, 2019 and is still serving that sentence on August 1, 2024 must be discharged from probation on August 1, 2024 unless the court extends the term of probation for failure to pay restitution, failure to complete treatment, or because the person remains a threat to public safety. [H.F. 689]

**20 Mandatory life sentence without release; egregious first-time and repeat offenders.**

Provides that an inmate serving a life sentence under the egregious first-time and repeat sex offender provision who committed the offense when the defendant was under 18 years of age must be sentenced to imprisonment for life. The sentence of “imprisonment for life” permits release on parole. [H.F. 1717]

**21 Identity theft or mistaken identity.**

Requires a prosecutor to provide notice to the court when charges against a person are dismissed as the result of either mistaken identity or the person using the identifying information of another as the result of identity theft. Directs the court to issue an order of expungement under those circumstances. Provides that the criminal records of a person charged as a result of mistaken identity or identity theft are not subject to the requirement under Minnesota Statutes, section 299C.11 that certain records may not be destroyed if the person committed a felony or gross misdemeanor in the preceding ten years. Reiterates the purpose of expunged records and further provides that a person who benefits from such an expungement is not responsible for any fees. Defines “law enforcement agency” and “mistaken identity.” [H.F. 1057]

**22 No petition required in certain cases with prosecutor agreement and notification.**

Adds the new subdivision created under section 1 to the category of expungements that can be granted without a petition. [H.F. 1057]

**23 Reimbursement; monetary damages; attorney fees.**

Replaces the term “imprisonment” with “incarceration.” Reiterates that individuals who served a sentence on probation are eligible for compensation. [H.F. 707]

Section	Description – Article 9: Pretrial Release, Sentencing, Probation, and Diversion
24	<p><b>Limits on damages.</b></p> <p>Replaces the term “imprisonment” with “incarceration.” Reiterates that individuals who served a sentence on probation are eligible for compensation. [H.F. 707]</p>
25	<p><b>Compensating exonerated persons; appropriations process.</b></p> <p>Removes the requirement that consideration of an appropriation for the amount of any award to an exonerated person takes place during the next legislative session. [H.F. 707]</p>
26	<p><b>Short title.</b></p> <p>Amends the title of provisions related to compensation based on exoneration from the “Imprisonment and Exoneration Remedies Act” to the “Incarceration and Exoneration Remedies Act.” [H.F. 707]</p>
27	<p><b>Notice required.</b></p> <p>Requires the probation agent or office responsible for supervising an offender to make a reasonable and good faith effort to notify a crime victim after an offender is discharged early from probation. [H.F. 689 / H.F. 997]</p>
28	<p><b>Providing release on bail; commitment.</b></p> <p>Establishes limits on the use of financial conditions of release in most misdemeanor cases.</p> <p><b>Subd. 1. Pretrial release.</b> Provides that Rule 6.02 of the Rules of Criminal Procedure and this section control the pretrial release of a defendant, and states that this section takes precedence over any conflict with court rules.</p> <p><b>Subd. 2. Release of a person charged with a misdemeanor offense.</b> Requires that a defendant charged with a misdemeanor offense, other than a domestic assault-related offense or certain DWI offenses, must be released on the defendant’s personal recognizance unless the court determines that there is a substantial likelihood that the defendant will not appear at future court proceedings or the defendant poses a threat to the victim’s safety. Requires a court that makes such a determination to set the least restrictive conditions of release that will reasonably assure the defendant’s return. Prohibits the court from imposing a financial condition of release that results in the pretrial detention of the defendant, using similar language to federal law (18 U.S.C. section 3142, paragraph (c), clause (2)). Establishes a presumption that the court imposed a financial condition that results in pretrial detention if a defendant remains in custody for 48 hours following a bail hearing. Establishes an exception for domestic violence related offenses and certain DWI offenses. Provides that, if a defendant released under this subdivision fails to appear at a required court hearing, the court must issue a summons or warrant consistent with the Rules of Criminal Procedure.</p>

**Section Description – Article 9: Pretrial Release, Sentencing, Probation, and Diversion**

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**Subd. 3. Presumption of release on personal recognizance.** Retains the current requirements in setting bail which appear in court rules for all offenses not covered under subdivision 2.

**Subd. 4. Money bail; disposition.** Adds a subdivision title to existing law.

[H.F. 741]

29 **Pardon extraordinary; filing; copies sent.**

Requires a court to order all records relating to the arrest, indictment or information, trial, verdict, and pardon sealed after a person received a pardon extraordinary and further prohibits opening the records except under a court order or pursuant to section 609A.03, subdivision 7a, paragraph (b), clause (1). A person may apply to the Board of Pardons for a pardon extraordinary. If the board determines that the person is of good character and reputation, the board may grant a pardon extraordinary which has the effect of setting aside and nullifying the conviction. Individuals who receive such a pardon are not required to disclose the conviction except in a judicial proceeding or as part of the licensing process for peace officers. Under current law, the Board of Pardons files a copy of the pardon with the district court in which the conviction occurred and the court orders the conviction set aside. The court further includes a copy of the pardon in the file and sends a copy of its order to the Bureau of Criminal Apprehension. [H.F. 705]

30 **Alternatives to incarceration pilot program.**

Directs the Department of Corrections to issue grants to agencies providing supervision to offenders to facilitate access to treatment. Requires an annual report from the DOC. Amends the components of the report to include: (1) the number of individuals who completed or were discharged from probation after participating in the program; (2) the number of those individuals who committed a new offense after discharge; (3) an identification of barriers the targeted population faces in accessing community services and a description of how the program helps participants navigate those barriers; and (4) an identification of gaps in existing community services for the target population. [H.F. 1028]

31 **Grants to facilitate exit from supervised release.**

Directs the commissioner of public safety to provide grants to help supervised offenders access treatment and other services in the community to address behavior that could result in a probation violation. Requires the commissioner of public safety to submit a report by January 15, 2021, describing the number of grants, average amount of each grant, services accessed as a result of the grant, and information about the individuals who received services as a result of the grant. [H.F. 689]

Section	Description – Article 9: Pretrial Release, Sentencing, Probation, and Diversion
32	<p><b>Rule superseded.</b></p> <p>States that section 1 supersedes rule 2.03 of the Minnesota Rules of Juvenile Delinquency Procedure. [H.F. 1678]</p>
33	<p><b>Compliance with juvenile restraint provisions.</b></p> <p>Requires each judicial district to develop a protocol on how to implement and comply with section 6. The protocol must be developed by July 1, 2020. [H.F. 1678]</p>
34	<p><b>Adoption of juvenile detention risk assessment instrument.</b></p> <p>Requires the commissioner of corrections to adopt an objective risk assessment instrument by September 15, 2019. Directs the commissioner to consult with experts and review other assessment tools in adopting the risk assessment instrument. [H.F. 1678]</p>
35	<p><b>Specialized mental health community supervision.</b></p> <p>Establishes and describes a pilot project.</p> <p><b>Subd. 1. Authorization.</b> Directs the commissioner of corrections to award a grant to up to two counties to develop and implement a pilot project to evaluate a delivery approach for offenders under supervision and struggling with mental illness.</p> <p><b>Subd. 2. Pilot project goals and design.</b> Requires the pilot project to provide enhanced services and supervision to individuals with mental illness struggling to manage symptoms and behavior. Identifies goals including improving mental health service delivery, providing expedited assessment and treatment, enhancing community supervision, offering alternatives to jail or prison, reducing the number of incarceration days related to mental illness, eliminating the duplication of services, and improving collaboration between criminal justice partners and mental health providers.</p> <p><b>Subd. 3. Target population.</b> Identifies certain adult offenders with mental illness as the target population.</p> <p><b>Subd. 4. Evaluation and report.</b> Requires a report to the commissioner of corrections by October 1, 2021, on the impact and outcome of the project.</p> <p>[H.F. 474]</p>
36	<p><b>Task force on the implementation of dosage probation.</b></p> <p>Establishes a task force on the implementation of dosage probation. Dosage probation is a model of probation that seeks to improve targeting of probation interventions and provide offenders with incentives to participate in those interventions. Washington County has begun using a dosage probation model in some cases. The task force consists of 16 members including peace officers, prosecutors, a defense attorney, judges,</p>

Section	Description – Article 9: Pretrial Release, Sentencing, Probation, and Diversion
	probation officers, individuals who served terms of probation, and nonprofit agencies that provide services to individuals on probation. The task force is directed to provide a plan to implement dosage probation, including recommended training and statutory changes. Requires a report by January 15, 2020. [H.F. 1934]
37	<b>Sentencing guidelines; modification.</b> Directs the Sentencing Guidelines Commission to propose amendments by January 1, 2020, which include guidelines related to the length of probation.
38	<b>Effective date.</b> Establishes an effective date for the sections relating to parole eligibility for certain juvenile offenders. Provides that the statutory change is effective retroactively for offenders who were under 18 years of age when the person committed first degree homicide. [H.F. 1717]

## Article 10: Firefighters

This article addresses policies related to firefighters.

Section	Description – Article 10: Firefighters
1	<b>Fire department.</b> Amends the definition of “fire department” to exclude industrial fire brigades that do not have a fire department identification number issued by the state fire marshal. Currently, all industrial fire brigades are excluded from the definition. [H.F. 2395]
2	<b>Firefighter.</b> Replaces the word “career” with “full-time” in the definition of “firefighter.” [H.F. 2395]
3	<b>Membership.</b> Makes a conforming change. [H.F. 2395]
4	<b>Terms; chair; compensation.</b> Extends the term of board members from one year to two years. [H.F. 2395]
5	<b>Powers and duties.</b> Adds maintaining a list of qualified instructors to the required duties of the Board of Firefighter Training and Education. Permits the board to accept funding from the fire safety account and reimburse fire departments for training, set guidelines regarding how

<b>Section</b>	<b>Description – Article 10: Firefighters</b>
	allocated reimbursement funds must be distributed, and set standards governing the use of reimbursement funds. <b>[H.F. 2395]</b>
6	<b>Fire department.</b> Amends the definition of “fire department” consistent with the change in section 1 of the bill. <b>[H.F. 2395]</b>
7	<b>Full-time firefighter.</b> Amends the definition of “full-time firefighter” to provide a statutory reference for the definition of “fire company.” <b>[H.F. 2395]</b>
8	<b>Licensed firefighter.</b> Amends the definition of “licensed firefighter” to specifically include a state employee. <b>[H.F. 2395]</b>
9	<b>NFPA 1001 standard.</b> Creates a new definition “NFPA 1001 standard” by referencing standards created by the National Fire Protection Association. <b>[H.F. 2395]</b>
10	<b>Firefighter examination.</b> Replaces the existing requirements for firefighter certification with the requirement that applicants demonstrate competency that meets the NFPA1001 standard or a national standard. Makes additional conforming changes. <b>[H.F. 2395]</b>
11	<b>Licensure requirement.</b> Establishes two additional requirements for a firefighter to be eligible for permanent employment: (1) the firefighter must successfully complete a firefighter examination; and (2) the chief firefighting officer or a designee must provide employment verification. <b>[H.F. 2395]</b>
12	<b>Optional licensing.</b> Provides that a volunteer firefighter may receive a license if that person is affiliated with a department under the same terms as a full-time firefighter. <b>[H.F. 2395]</b>
13	<b>Obtaining a fire license.</b> Requires that a firefighter be affiliated with a fire department to obtain a license and states that the firefighter must also meet the requirements of section 299N.04, 299N.05, or 299N.06. <b>[H.F. 2395]</b>

Section	Description – Article 10: Firefighters
14	<p><b>License renewal; expiration and reinstatement.</b></p> <p>Requires that a firefighter’s license must be renewed if the application is completed and the firefighter or chief attest that the firefighter met the required hours of training; provide proof of training upon request; verify that the person is actively serving on a department; and attests that the person has not been convicted of a felony, arson-related charge, or another offense arising from the same set of circumstances. States that the renewal fee is \$75 and lasts for three years. [H.F. 2395]</p>
15	<p><b>Duties of chief firefighting officer.</b></p> <p>Requires chief firefighting officers to verify whether individuals applying, reinstating, or renewing a license are affiliated with a Minnesota fire department. [H.F. 2395]</p>
16	<p><b>Fees; appropriation.</b></p> <p>Provides that fees collected under section 299N.05 must be credited to an account used to pay costs incurred under sections 299N.04, 299N.05, and 299N.06. [H.F. 2395]</p>
17	<p><b>Eligibility for reciprocity and examination based on relevant military experience.</b></p> <p>Creates a new right to apply for licensure for an applicant who becomes an active member of a fire department, has the appropriate certified accreditation by the International Fire Service Accreditation Congress or Pro Board, and has met the requirements in section 299N.04, contained in section 7 of the bill. Makes conforming changes to the existing provision relating to military experience. [H.F. 2395]</p>

## Article 11: Statewide Emergency Communication

This article amends chapter 403 which governs how the statewide 911 system and the statewide land mobile radio system known as the Allied Radio Matrix for Emergency Responders (ARMER) function for public safety communications.

The article expands references from just “radio” board to encompass all of the emergency communication networks including wireless broadband and Integrated Public Alert and Warning System (IPAWS). The article also expands the membership of the Statewide Emergency Communications Board (SECB) which acts on relevant matters with the input of public safety and government officials from across Minnesota. [H.F. 1955]

## Article 12: Uniform Collateral Consequences of Conviction Act

This article adopts the Uniform Collateral Consequences of Conviction Act. It requires the revisor to identify and publish a list of collateral consequences following convictions. It also requires peace officers, prosecutors, and courts to inform defendants of the existence of collateral consequences following convictions. Clarifies that individuals convicted in other jurisdictions are subject to the collateral consequences that would apply under the

most similar Minnesota laws. Individuals can petition for relief from collateral sanctions and courts may issue orders granting or denying that relief. Orders granting or denying relief may be modified and the Bureau of Criminal Apprehension (BCA) is required to include orders as part of an individual's criminal record.

<b>Section</b>	<b>Description – 12: Uniform Collateral Consequences of Conviction Act</b>
1	<p><b>Disqualification decisions related to chapter 638.</b></p> <p>Establishes that the disqualification procedure in section 245C.24 relating to human services background studies meets the individualized assessment required under section 638.17. [H.F. 981]</p>
2	<p><b>Disqualification decisions related to chapter 638.</b></p> <p>Permits the commissioner to consider issuing a set-aside of a disqualification under section 245C.24, the human services background studies section, for offenders issued an order of limited relief. Requires individuals who receive a set-aside to notify the commissioner if a court modifies or revokes an order. Requires the commissioner to revoke a set-aside upon receiving notice that a court revoked or modified an order. [H.F. 981]</p>
3	<p><b>Application.</b></p> <p>Establishes that the provisions of sections 638.10 through 638.26 take precedence over the provisions of sections 364.01 through 364.10 which relates to the rehabilitation of criminal offenders. [H.F. 981]</p>
4	<p><b>Short title.</b></p> <p>Refers to the new section as the “Uniform Collateral Consequences of Conviction Act.” [H.F. 981]</p>
5	<p><b>Definitions.</b></p> <p>Defines “collateral consequence,” “collateral sanction,” “conviction,” “convicted,” “decision maker,” “disqualification,” “offense,” “person,” and “state” as used within the new section. [H.F. 981]</p>
6	<p><b>Limitation on scope.</b></p> <p>Clarifies that the new section does not create a basis for a claim for relief under criminal or civil law, and does not affect duties owed by attorneys or other rights of convicted persons. [H.F. 981]</p>
7	<p><b>Identification, collection, and publication of laws regarding collateral consequences.</b></p> <p>Requires the revisor to identify, publish, and regularly update a list of statutes and rules which impose a collateral consequence and any provision that may provide relief from a collateral consequence. [H.F. 981]</p>

Section	Description – 12: Uniform Collateral Consequences of Conviction Act
8	<b>Notice of collateral consequences in citation, pretrial proceeding, and at guilty plea.</b> Requires peace officers issuing citations and prosecutors issuing formal charges to provide notice of the possible existence of collateral consequences. Requires judges to confirm that defendants received notice of potential collateral consequences and time to discuss those with counsel before accepting guilty pleas. <b>[H.F. 981]</b>
9	<b>Notice of collateral consequences at sentencing and upon release.</b> Requires courts and prisons or jails to provide notice of the possible existence of collateral consequences at sentencing and before release from custody. <b>[H.F. 981]</b>
10	<b>Authorization required for collateral sanction; ambiguity.</b> Limits mandatory collateral sanctions to those created by statute, ordinance, or rule adopted under chapter 14. Directs that any ambiguity as to whether a consequence is mandatory or optional shall be interpreted as creating an optional consequence. <b>[H.F. 981]</b>
11	<b>Decision to disqualify.</b> Requires individualized assessments to determine whether an optional collateral consequence should be imposed. <b>[H.F. 981]</b>
12	<b>Effect of conviction by another state or the United States; relieved or pardoned conviction.</b> Permits convictions from other states and the United States to be treated as a violation of a Minnesota law with the same elements or, if there is no identical law, the most serious Minnesota law established by the elements of the other offense. Prohibits misdemeanors in other jurisdictions from being treated as felony convictions under Minnesota law, or offenses lesser than misdemeanors in another jurisdiction from being treated as criminal offenses in Minnesota. Allows juvenile adjudications in other jurisdictions to be treated as juvenile adjudications under Minnesota law with the same requirements as adult convictions. Requires Minnesota to recognize when convictions in other jurisdictions are reversed or pardoned. Requires Minnesota to recognize when convictions in other jurisdictions are expunged or vacated if the same relief is available under Minnesota law. Permits individuals convicted in other jurisdictions to seek relief from collateral consequences under Minnesota law. Prohibits using participation in a deferred adjudication or diversion programs as a basis to impose collateral consequences. <b>[H.F. 981]</b>
13	<b>Order of limited relief.</b> Permits individuals to petition for relief from collateral sanctions any time after sentencing. Provides guidance for courts to consider granting or denying petitions for relief. Authorizes the court to charge a fee for petitions. <b>[H.F. 981]</b>

<b>Section</b>	<b>Description – 12: Uniform Collateral Consequences of Conviction Act</b>
14	<p><b>Collateral sanctions not subject to order of limited relief.</b></p> <p>Exempts certain collateral sanctions, including: (1) registration as a predatory offender; (2) driver’s license suspensions and revocations for driving while intoxicated; (3) ineligibility for employment by law enforcement agencies; and (4) eligibility to possess a firearm from relief granted by an order of limited relief. <b>[H.F. 981]</b></p>
15	<p><b>Issuance, modification, and revocation of order of limited relief.</b></p> <p>Permits judges to issue orders subject to restrictions, conditions, or additional requirements. Permits judges to restrict or revoke an order of limited relief on just cause. The modification proceeding is subject to the civil law standard requiring a preponderance of evidence. Courts may require tests, investigations, or disclosures before issuing, revoking, or modifying an order. Orders issued under this section are public and the BCA must include orders as part of criminal history records. <b>[H.F. 981]</b></p>
16	<p><b>Reliance on order as evidence of due care.</b></p> <p>Permits orders issued under this chapter to be offered as evidence in judicial or administrative proceedings alleging negligence or other fault in hiring, retaining, licensing, leasing to, admitting to school, or otherwise transacting business with individuals to whom orders were issued. <b>[H.F. 981]</b></p>
17	<p><b>Uniformity of application and construction.</b></p> <p>Requires application and interpretation of the uniform act to consider the need to promote uniformity of the law between the states that adopt it. <b>[H.F. 981]</b></p>
18	<p><b>Savings and transitional provisions.</b></p> <p>Affirms that the provisions of the uniform act apply to all collateral consequences unless the law creating the consequence expressly exempts the consequence from the act. Affirms that existing consequences are unchanged, but that the act applies to those existing consequences. <b>[H.F. 981]</b></p>
19	<p><b>Change to uniform traffic ticket and statewide standard citation.</b></p> <p>Requires the uniform traffic ticket to adopt the notice requirements in section 638.14 by January 1, 2020. <b>[H.F. 981]</b></p>
20	<p><b>Repealer.</b></p> <p>Repeals the provisions of chapter 609B. Chapter 609B contains cross-references to Minnesota Statutes imposing collateral sanctions in 22 separate categories but does not create collateral consequences. This chapter would be replaced by the list published by the revisor under section 638.13. <b>[H.F. 981]</b></p>

Section	Description – 12: Uniform Collateral Consequences of Conviction Act
21	<p><b>Effective date.</b></p> <p>Establishes January 1, 2020, as the effective date for all sections other than the section requiring a change to the uniform traffic ticket. That section is effective July 1, 2024. [H.F. 981]</p>

## Article 13: Predatory Offenders

This article addresses policies impacting predatory offenders.

Section	Description – Article 13: Predatory Offenders
1	<p><b>Filing photograph or image.</b></p> <p>Authorizes the use of an offender’s driver’s license photograph to locate a non-compliant predatory offender. [H.F. 1955]</p>
2	<p><b>Definitions.</b></p> <p>Defines “corrections agent” and re-defines “law enforcement authority” for purposes of the predatory offender registration statute. [H.F. 1955]</p>
3	<p><b>Registration required.</b></p> <p>Re-formats the list of offenses in the predatory offender statute and adds offenses committed in another country when the other country’s laws have sufficient safeguards for fundamental fairness and due process to the list of registrable offenses. [H.F. 1955]</p>
4	<p><b>Notice.</b></p> <p>Provides the correct name for a court form and directs that local law enforcement with jurisdiction over an offender provide notice of the registration requirements to the offender, if the offender does not have an assigned corrections agent. [H.F. 1955]</p>
5	<p><b>Contents of registration.</b></p> <ul style="list-style-type: none"><li>▪ Requires collection of a DNA sample as part of registration. Establishes the protocol that existing registrants who do not already have a DNA sample on file will comply with the new DNA requirement.</li><li>▪ Expands the amount of time an offender has to return verification forms, but the time begins to run from the date the BCA mails the verification form.</li><li>▪ Authorizes a corrections agent or law enforcement authority to determine if an individual is in compliance with the registration requirements at any time and at any frequency chosen by the agent or authority.</li><li>▪ Requires registrants to provide fingerprints to the probation agency or law enforcement authority within one year of the effective date of the legislation.</li></ul>

Section	Description – Article 13: Predatory Offenders
	<ul style="list-style-type: none"><li>▪ Directs the BCA to monitor predatory offender compliance by individuals discharged from commitment as a sexually dangerous person or a sexually psychopathic personality and subject to community notification. <b>[H.F. 1955]</b></li></ul>
6	<p><b>Information required to be provided.</b> Expands the items that offenders must report to include expiration date of license plate tabs and telephone numbers (home, work, school, cell). <b>[H.F. 1955]</b></p>
7	<p><b>Health care facility; notice of status.</b> Expands the definition of “health care facility” in the predatory offender registration statute to include licensed home care providers. By expanding the definition, the law will require that predatory offender notice be provided to licensed home care providers in the same manner that the other entities listed in the definition of health care facility receive notice. <b>[H.F. 1209]</b></p>
8	<p><b>Notices in writing.</b> Defines a signature to include ink, electronic means established by the BCA, or biometrics established by the BCA. <b>[H.F. 1955]</b></p>
9	<p><b>Travel.</b> Requires offenders traveling outside of the United States to notify their agent or local law enforcement of their travel dates, locations, flight information, purpose of travel, visa information, and other itinerary information requested by the agent or local law enforcement. The information must be provided 21 days in advance of travel and forwarded to the BCA. Establishes guidelines if offender travel must occur sooner than 21 days or if there is an emergency. The BCA is required to share this information per federal law with federal agencies who share the travel information with the destination country. These changes are intended to conform to the federal International Megan’s Law. <b>[H.F. 1955]</b></p>
10	<p><b>Criminal penalty.</b> Modifies the criminal penalty section of the predatory offender statute. This change is in response to <i>State v. Mikulak</i>, a Minnesota Supreme Court decision which overturned a conviction for failing to register as a predatory offender because the defendant claimed he did not know about the specific registration requirement that he was convicted of violating. <b>[H.F. 1955]</b></p>
11	<p><b>Registration period.</b> Establishes that failure to comply with certain requirements will subject an offender to an extended registration period (five years). Also provides that if an individual is not in compliance with his registration requirement at the end of his registration period, the offender is required to register for an additional two years. <b>[H.F. 1955]</b></p>

Section	Description – Article 13: Predatory Offenders
12	<b>Use of data.</b> Ensures that corrections agents share predatory offender data with child protection services as required under section 244.057. (See also section 13.) [H.F. 1955]
13	<b>Availability of information on offenders who are out of compliance with registration law.</b> Authorizes the BCA to disclose to the public that an offender—who is over 16 years old and out of compliance for 30 days or more—is out of compliance because the offender did not comply with certain requirements. [H.F. 1955]
14	<b>Database of registered predatory offenders.</b> Ensures that corrections agents share predatory offender data with child protection services as required under section 244.057. [H.F. 1955]

## Article 14: Firearm Background Checks and Transfers

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 14: Firearm Background Checks and Transfers
1	<b>Transferee permit; penalty.</b> <ul style="list-style-type: none"><li><b>Subd. 1. Information.</b> No changes</li><li><b>Subd. 2. Investigation.</b> No changes.</li><li><b>Subd. 3. Forms.</b> No changes.</li><li><b>Subd. 4. Grounds for disqualification.</b> Grants a chief law enforcement officer the authority to deny an application for a transferee permit if the person is a danger to self or others.</li><li><b>Subd. 5. Granting of permits.</b> Clarifying, non-substantive changes.</li><li><b>Subd. 6. Permits valid state wide.</b> No changes.</li><li><b>Subd. 7. Permit voided; revocation.</b> Establishes a protocol for when a permit holder becomes ineligible and must surrender the permit. Also contains a clarifying change.</li><li><b>Subd. 8. Hearing upon denial.</b> No changes.</li></ul>

**Section**      **Description – Article 14: Firearm Background Checks and Transfers**

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**Subd. 9. Permit to carry.** Eliminates the provision that treats a permit to carry as the equivalent of a transferee permit.

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

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

**Subd. 12. Local regulation.** No changes.

**2**              **Report of transfer.**

**Subd. 1. Required information.** No changes.

**Subd. 2. Investigation.** No changes.

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

**Subd. 4. Delivery.** Clarifies that the waiting period for a record to transfer is five business days. Also contains technical changes.

**Subd. 5. Grounds for disqualification.** Grants a chief law enforcement officer the authority to deny a transfer application if the person is a danger to self or others.

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

**Subd. 8. Report not required.** Eliminates the exception to the transfer report requirement for those who possess a transferee permit.

**Subd. 9. Number of firearms.** No changes.

**Subd. 10. Restriction on records.** No changes.

**Subd. 11. Forms; cost.** No changes.

**Subd. 12. Exclusions.** No changes.

**Subd. 13. Appeal.** No changes.

**Subd. 14. Transfer to unknown party.** Repeals language penalizing the transfer of firearms to unknown parties.

**Subd. 15. Penalties.** No changes.

Section Description – Article 14: Firearm Background Checks and Transfers

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**Subd. 16. Local regulation.** No changes.

3 **Private party transfers; background check required.**

**Subd. 1. Definitions.** Defines “firearms dealer” and “state or federally issued identification.”

**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 and government issued identification.

**Subd. 3. Record of transfer; required information.** Requires that private parties who transfer a pistol or semiautomatic military-style assault weapon under subdivision 2 complete a record of transfer. Specifies the information that must be included in the record of transfer including the firearm’s serial number, type, manufacturer, and model. The report must also contain a copy of the transferee’s permit and ID. Both parties must retain a copy of the record of transfer and attachments for 20 years. The copy may be in digital format.

**Subd. 4. Compulsory production of a record of transfer; gross misdemeanor penalty.** Requires both parties to a private pistol or semiautomatic military-style assault weapon transfer to produce the record of transfer upon the request of a law enforcement officer who is investigating a crime. A person who refuses or is unable to produce a record of transfer upon request is guilty of a gross misdemeanor.

**Subd. 5. Immunity.** Grants immunity from prosecution under this section to persons who present a valid record of transfer.

**Subd. 6. 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 15: Possession of Firearms

This article provides a procedure under which a chief law enforcement officer or a city or county attorney can petition for an “extreme risk protection order” (ERPO) which would prohibit the respondent from possessing firearms for a fixed period.

Section	Description – Article 15: Possession of Firearms
1	<p><b>Ineligible persons.</b></p> <p>Amends section 624.713, subdivision 1, (Persons Ineligible to Possess Firearms) to include persons subject to an extreme risk protection order.</p>
2	<p><b>Extreme risk protection orders.</b></p> <p><b>Subd. 1. Definitions.</b> Defines “firearm” for the purposes of the bill.</p> <p><b>Subd. 2. Court jurisdiction.</b> Provides that an application for relief shall be filed in the county of residence of the respondent and that actions under this section shall be given docket priority by the court.</p> <p><b>Subd. 3. Generally.</b> (a) Creates an action called a petition for an extreme risk protection order, which prohibits respondents to the action from possessing firearms for a certain period of time.</p> <p>(b) Provides that petitioners may be chief law enforcement officers or their deputies, or city or county attorneys.</p> <p>(c) Provides that the petition shall allege that the respondent poses a significant danger of bodily harm to self or to others 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.</p> <p>(d) Provides that the petition must also allege that the respondent presents an immediate and present danger of bodily harm, if the petitioner is seeking emergency issuance of an ERPO.</p> <p>(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.</p> <p>(f) Provides that the state court administrator shall create all court forms necessary to implement the act.</p> <p>(g) Waives the court filing fees for both parties and mandates that service of process fees are not the petitioner’s responsibility.</p> <p>(h) Provides that an ERPO applies throughout the state.</p> <p>(i) Provides that any proceedings under this section shall be in addition to other civil or criminal remedies.</p> <p>(j) Provides that any health records provided in a petition are private data.</p> <p>(k) Provides that any ERPO or subsequent extension shall be forwarded by the court administrator within 24 hours to the local law enforcement agency with</p>

**Section**      **Description – Article 15: Possession of Firearms**

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jurisdiction over the respondent, which then must make the order known to other law enforcement agencies.

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

(c) Permits a respondent to be served with an ERPO petition any time prior to 12 hours before the time set for the hearing. If service occurs less than five days prior to hearing, there is a presumption that the respondent is entitled to continuance of five days.

(d) 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.)

**Subd. 2. Relief by court.** (a) Requires a petitioner to prove by a preponderance of evidence that the respondent poses a significant danger of bodily harm to self or other persons 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 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 two years, subject to renewal or extension.

(f) Requires a court to determine if the respondent presents an immediate and present danger of bodily harm 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.

Section	Description – Article 15: Possession of Firearms
4	<b>Subsequent extensions and termination.</b> Provides the process and procedures for subsequent extension and termination of an ERPO. An ERPO may be extended for six to 24 months. Provides that a respondent may apply for the order to be terminated at a hearing at which the respondent must prove by a preponderance of evidence that the respondent does not pose a significant danger of bodily harm to himself or others by possessing a firearm. Application for termination of an order is limited to one application for each year the order is in effect.
5	<b>Emergency issuance of extreme risk protection order.</b> Provides procedures for the emergency issuance of an ERPO. A court shall issue an emergency ERPO if there is reasonable grounds that the respondent poses a significant danger of bodily harm to the respondent's self or to other persons by possessing a firearm AND the respondent presents an immediate and present danger of bodily harm. Emergency orders are for a fixed period of 14 days.
6	<b>Transfer of firearms.</b> Provides procedures for the transfer of a respondent's firearms upon the issuance of an ERPO. Transfer must be made, within 24 hours, to a federally licensed firearms dealer or a law enforcement agency which may charge the respondent a reasonable storage fee. (Antique, curio, and relic firearms may be transferred to a third party.) There is no transfer of ownership for temporary transfers. Establishes requirements for proving that firearms were indeed transferred. When an emergency order is issued and there is probable cause to believe the respondent owns firearms, the court shall issue a search warrant to law enforcement to take immediate possession of the respondent's firearms "as soon as practicable."
7	<b>Return of firearms.</b> 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	<b>Offenses.</b> 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	<b>Liability protection.</b> Provides that law enforcement officers and prosecutors who decide to not petition for a protective order are immune from criminal or civil liability. Provides limited liability protection for law enforcement agencies 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	<b>Extreme risk protection order; development of model procedures.</b> Directs the Peace Officer Standards and Training Board to develop a model policy for storing firearms under this act.
11	<b>Revisor's instruction.</b> Directs the Revisor to make conforming changes to statutes impacted by this act.

Section	Description – Article 15: Possession of Firearms
12	<b>Effective date.</b> Provides that the bill has a January 1, 2020, effective date, and applies to firearm permit background checks made on or after that date.

## Article 16: Disaster Assistance

This article transfers \$10,000,000 each year from the general fund to the disaster assistance contingency account. Money in this account is available to fund responses to disasters immediately and without further legislative action. This section is effective the day following final enactment. [H.F. 682]

## Article 17: Appropriations

This article provides funding for the courts, civil legal services, Guardian ad Litem Board, Tax Court, Uniform Laws Commission, Board on Judicial Standards, Board of Public Defense, and Human Rights Department. The article further provides supplemental funding for the Bureau of Mediation Services and the Legislative Coordinating Commission.

Section	Description – Article 17: Appropriations
1	<b>Appropriations.</b> Summarizes direct appropriations by fund.
2	<b>Supreme court.</b> <b>Subd. 1. Total appropriation.</b> Appropriates a total of \$59,131,000 in FY20 and \$61,304,000 in FY21 to the supreme court. <b>Subd. 2. Supreme court operations.</b> Appropriates \$43,608,000 in FY20 and \$44,858,000 in FY21 for supreme court operations. <b>(a) Contingent account.</b> Specifies that \$5,000 each year is for a contingent account for which no other reimbursement is provided. <b>(b) Judges' compensation.</b> Judges' compensation is increased by three percent each year. <b>(c) Cybersecurity program.</b> \$2,500,000 each year is for a cybersecurity program. <b>(d) Early neutral evaluation.</b> \$50,000 in FY20 is to contract with the Board of Regents of the University of Minnesota for a survey of early neutral evaluation participants. [H.F. 1784] <b>Subd. 3. Civil legal services.</b> Appropriates \$15,523,000 in FY20 and \$16,446,000 in FY21 to civil legal services to provide legal representation to low-income

Section	Description – Article 17: Appropriations
3	<p>clients. \$1,062,000 in FY20 and \$1,125,000 in FY21 is to improve access in family law matters.</p> <p><b>Court of appeals.</b> Appropriates \$12,878,000 in FY20 and \$13,258,000 in FY21 for the court of appeals. Specifies that judges' compensation is increased by three percent each year.</p>
4	<p><b>District courts.</b> Appropriates \$311,201,000 in FY20 and \$321,140,000 in FY21 for trial courts.</p> <p><b>(a) Judges' compensation.</b> Judges' compensation is increased by four percent each year.</p> <p><b>(b) New trial judges.</b> \$912,000 in FY20 and \$846,000 in FY21 are for two new trial court judge units.</p> <p><b>(c) Mandated psychological services.</b> \$1,070,000 each year is for mandated court psychological services.</p> <p><b>(d) Treatment courts stability.</b> \$306,000 each year is for treatment courts stability.</p> <p><b>(e) Gun violence prevention.</b> \$81,000 each year is to process petitions for extreme risk prevention orders.</p>
5	<p><b>Guardian ad Litem Board.</b> Appropriates \$21,876,000 in FY20 and \$22,578,000 in FY21 to the GAL Board. Provides that \$4,205,000 in FY20 and \$4,443,000 in FY21 are for new positions to maintain compliance with federal and state mandates.</p>
6	<p><b>Tax Court.</b> Appropriates \$1,807,000 in FY20 and \$1,808,000 in FY21 to the Tax Court.</p>
7	<p><b>Uniform Laws Commission.</b> Appropriates \$98,000 each year to the Uniform Laws Commission.</p>
8	<p><b>Board on Judicial Standards.</b> Appropriates \$535,000 in FY20 and \$509,000 in FY21 to the Board on Judicial Standards. Provides that \$125,000 each year is for special investigative and hearing costs.</p>

Section	Description – Article 17: Appropriations
9	<p><b>Board of Public Defense.</b> Appropriates \$100,029,000 in FY20 and \$111,657,000 in FY21 for the Board of Public Defense.</p> <p><b>(a) New positions.</b> \$3,296,000 in FY20 and \$9,472,000 in FY21 are contingent on participation in veteran’s specialty courts.</p> <p><b>(b) Forfeiture representation.</b> \$205,000 in FY20 and \$515,000 in FY21 are for providing representation in forfeiture proceedings.</p> <p><b>(c) Base adjustment.</b> Increases the general fund base by \$108,000 beginning in FY22.</p>
10	<p><b>Human Rights.</b> Appropriates \$6,421,000 in FY20 and \$6,698,000 in FY21 for the Department of Human Rights. Provides that \$10,000 in FY21 is for a micro-grant program for capacity building by local units of government and local groups.</p>
11	<p><b>Bureau of Mediation Services.</b> Appropriates \$2,200,000 in FY20 and \$413,000 in FY21 to the Bureau of Mediation Services to develop and implement the private divorce program. <b>[H.F. 1115]</b></p>
12	<p><b>Legislative Coordinating Commission.</b> Appropriates \$7,000 in each year for the Legislative Commission on Intelligence and Technology. <b>[H.F. 1404]</b></p>
13	<p><b>Transfer.</b> Transfers \$10,000 in fiscal year 2020 and \$20,000 in fiscal year 2021 and annually thereafter to the displaced homemaker program.</p>
14	<p><b>Transfer.</b> Transfers \$1,075,000 each year to the Minnesota State Patrol’s forfeiture account.</p>
15	<p><b>Transfer.</b> Transfers \$753,000 each year to the Bureau of Criminal Apprehension’s forfeiture account.</p>

## Article 18: Courts

This article contains provisions relating to court fees and an early neutral evaluation study.

Section	Description – Article 18: Courts
1	<p><b>Notice of surcharge.</b></p> <p>Requires the uniform traffic ticket to notify recipients that they may be required to pay a surcharge. [H.F. 1060]</p>
2	<p><b>Financial hardship.</b></p> <p>Contains the language required to be printed on the uniform traffic ticket informing recipients that the cost of the summons may be waived on a showing of financial hardship. [H.F. 1060]</p>
3	<p><b>Fee amounts.</b></p> <p>Increases the civil filing fee from \$285 to \$335. The marriage dissolution fee remains \$315. [H.F. 2743]</p>
4	<p><b>Court cybersecurity fee.</b></p> <p>Establishes a \$1 cybersecurity fee imposed on fees charged and collected by the court administrator under section 357.021, subdivision 2, clauses (1) through (13). The fee expires after two years. [H.F. 2743]</p>
5	<p><b>Surcharges on criminal and traffic offenders.</b></p> <p>Allows courts to reduce or waive the surcharge imposed on criminal and traffic offenders based on their ability to pay. Courts may also impose community work service in lieu of the surcharge. [H.F. 1060]</p>
6	<p><b>Disposition of fines, fees, and other money; accounts; Ramsey County District Court.</b></p> <p>Amends the distribution of fines, penalties, and forfeiture collected by the court administrator by providing that, as of July 1, 2019, every municipality or subdivision of government within Ramsey County shall receive two-thirds of money with the balance going to the general fund. Under current law:</p> <ul style="list-style-type: none"><li>▪ municipalities in Hennepin County receive 80 percent of the money collected with the balance going to the general fund;</li><li>▪ St. Paul receives 66.67 percent of the money collected with the balance going to the general fund;</li><li>▪ other municipalities in Ramsey County receive 50 percent of the money collected with the balance going to the general fund; and</li><li>▪ municipalities in all other counties received 66.67 percent of the nonparking ticket money collected with the balance going to the general fund, and receive 100 percent of the money collected from parking tickets.</li></ul> <p>[H.F. 113]</p>

Section	Description – Article 18: Courts
7	<p><b>Waiver prohibited; reduction and installment payments.</b></p> <p>Requires the court to consider a defendant’s ability to pay, including the hardship payment would place on the person’s immediate family, before imposing a fine, fee, or surcharge. The bill includes six factors a court must consider to determine a defendant’s ability to pay. The requirement does not apply to a violation listed on the statewide payables list if the person does not request a hearing. <b>[H.F. 1060]</b></p>
8	<p><b>Early neutral evaluation study and report.</b></p> <p>Requests that the supreme court contract with the Board of Regents of the University of Minnesota to develop and conduct a survey and report of early neutral evaluation participants. The survey includes demographic information of participants, satisfaction levels with the process, opinions on the fairness of the process, and recommendations for improvement. Requests a report by January 15, 2021, detailing the findings of the study. <b>[H.F. 1748]</b></p>

## Article 19: Forfeiture

This article revises Minnesota’s forfeiture system for property seized in relation to criminal activity. Forfeiture under Minnesota law follows one of two tracks: judicial or administrative forfeiture.

Under judicial forfeiture, the prosecuting authority must institute a civil proceeding to forfeit property. The prosecuting authority carries the burden in that proceeding and must prove by clear and convincing evidence that the person was convicted of the criminal offense related to the action for forfeiture and that the property is an instrument, or represents the proceeds, of the underlying offense.

Under administrative forfeiture, the law enforcement agency seizing property provides the owner with a notice that property was seized. If the owner does nothing, the property is forfeit without any hearing. If the owner challenges the forfeiture, then the requirements under judicial forfeiture apply. This procedure applies to specific crimes including controlled substance violations, DWI offenses, and drive-by shootings.

In Minnesota, attention to asset forfeiture increased following reports on abuses of the system by the Metro Gang Strike Force. The legislative auditor’s financial audit division conducted a special review of the Metro Gang Strike Force and, in May 2009, concluded that “internal controls were not adequate to safeguard seized and forfeited property, properly authorize its financial transactions, accurately record its financial activity in the accounting records, and conduct its financial activities in a reasonable and prudent manner.” An additional report by the Department of Public Safety, the “Luger Report,” found credible allegations of misconduct relating to strike force employees that included

illegal seizures and improper handling of seized property. The legislature passed significant changes to the state's forfeiture laws in 2010 and made additional changes in 2012, 2013, 2014, and 2017.

Recent decisions by the Minnesota Supreme Court and the United States Supreme Court discuss forfeiture. In *Olson v. One 1999 Lexus*, a Minnesota woman with three prior DWI convictions was stopped for a new DWI. The officers took the vehicle under the forfeiture statute and gave proper notice to both the driver (Megan Olson) and her mother (Helen Olson, the registered owner). The Olsons filed the proper challenge to the forfeiture and that initiated a judicial forfeiture process. The Olsons challenged the constitutionality of the statute and the district court ruled that the statute was unconstitutional as applied to the Olsons. The court of appeals upheld the district court decision, but the supreme court reversed that decision in part in an opinion filed on March 13, 2019. The supreme court upheld the portion of the court of appeals decision holding that the law is not unconstitutional on its face. The opinion reversed the court of appeals in part, concluding that the law was not unconstitutional as applied to the driver, Megan Olson. But the court agreed that the law was unconstitutional as applied to the owner, Helen Olson. That decision was based primarily on the fact that no hearing was held for about 18 months.

On February 20, 2019, the United States Supreme Court issued a decision in *Timbs v. Indiana*. In *Timbs*, the defendant pled guilty to dealing heroin with a value of less than \$250. His sentence included five years of probation and a combination of fines and fees totaling \$1,203. In addition, the state sought forfeiture of a vehicle worth approximately \$42,000 which Timbs had purchased with money from a life insurance policy paid out after his father's death but used to transport heroin. The district court denied the forfeiture, concluding that the forfeiture amounted to an excessive fine. The Indiana Supreme Court reversed the decision, concluding that the excessive fines clause of the Eighth Amendment to the United States Constitution did not apply to the state. In a unanimous decision, the United States Supreme Court reversed the Indiana court, finding that the excessive fines clause does apply to the states. The United States Supreme Court did not rule on the question of whether the forfeiture was excessive in this case, but returned the case to the state courts for further proceedings on that question.

Section	Description – Article 19: Forfeiture
1	<b>Reporting.</b> Makes a conforming change for the citation relating to reporting forfeiture. [H.F. 1971]
2	<b>Reporting.</b> Makes a conforming change for the citation relating to reporting forfeiture. [H.F. 1971]

Section	Description – Article 19: Forfeiture
3	<p><b>Reporting.</b> Makes a conforming change for the citation relating to reporting forfeiture. [H.F. 1971]</p>
4	<p><b>Reporting.</b> Makes a conforming change for the citation relating to reporting forfeiture. [H.F. 1971]</p>
5	<p><b>Exemption from criminal sanctions.</b> Makes a conforming change for the statutory citation relating to forfeiture. [H.F. 1971]</p>
6	<p><b>Criminal and civil protections.</b> Makes a conforming change for the statutory citation relating to forfeiture. [H.F. 1971]</p>
7	<p><b>Forfeiture.</b> Makes a conforming change for the statutory citation relating to forfeiture. [H.F. 1971]</p>
8	<p><b>Transmittal of fees to the commissioner of management and budget.</b> Makes a conforming change for the statutory citation relating to forfeiture. [H.F. 1971]</p>
9	<p><b>Criminal forfeiture.</b> Establishes definitions, limitations, and procedures for forfeiture of certain property used in, or representing the proceeds of, criminal offenses.</p> <p><b>Subd. 1. Definitions.</b> Defines terms related to forfeiture used in the section governing criminal forfeiture.</p> <p><b>Subd. 2. Purpose.</b> States that forfeiture is disfavored and that the purpose of the section is to deter criminal activity, confiscate certain property used in violation of the law, and protect property rights.</p> <p><b>Subd. 3. Seizure of personal property with process.</b> Allows the state to seek, and the court to issue, an ex parte preliminary order to attach, seize, or secure personal property.</p> <p><b>Subd. 4. Seizure of personal property without process.</b> Allows personal property to be seized if it is the subject of a prior judgment in favor of the state; is incident to a lawful arrest for a designated offense and there is probable cause that the property was used in, or is the proceeds of, the offense; or there is probable cause to believe that delay will result in removal or destruction of the property and the property is connected to a felony or is dangerous to health and safety. Asserts that the mere possession of currency does not justify seizure of that currency.</p>

Section      Description – Article 19: Forfeiture

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**Subd. 5. Seizure or restraint of real property with process.** Requires a court order for seizing real property and requires notice before issuing that order.

**Subd. 6. Rental property.** Incorporates the existing protections for owners of rental property that appear in section 609.5317. The protections require notice to landlords, an opportunity to bring an eviction, and a defense when the tenant was not aware of the presence of a controlled substance on the property.

**Subd. 7. Exemptions.** Fully exempts the following property from seizure and forfeiture: (1) homestead real property; (2) currency totaling \$300 or less; and (3) a motor vehicle worth no more than \$2,500 in market value unless the vehicle was used in a drive-by shooting. Permits local jurisdictions to establish alternative exemptions with a minimum dollar amount that exceeds that set by statute.

**Subd. 8. Contraband.** Establishes that no property right exists in contraband.

**Subd. 9. Waiver prohibited.** Prohibits an appropriate agency, as defined in subdivision 1, from asking or requiring a person to sign a waiver of the person's interest in property. Permits waivers signed at the behest of a prosecutor in the litigation of the forfeiture case.

**Subd. 10. Receipt.** Requires an appropriate agency to provide a receipt when property is seized.

**Subd. 11. Criminal forfeiture; property subject to forfeiture.** Provides that property is subject to forfeiture when a person is convicted of a designated offense and either: (1) the property constitutes, or was derived directly from, proceeds of the underlying offense for which the person is convicted; or (2) the property was used in any manner to commit, or facilitate the commission of, the offense.

**Subd. 12. Conviction required; standard of proof.** States that there shall be no civil asset forfeiture under the criminal law chapter. Permits property to be forfeited if (1) the offense is a designated offense, (2) the offense is established by proof of a criminal conviction, and (3) the state proves by clear and convincing evidence that the property is subject to forfeiture pursuant to subdivision 11. Permits property to be forfeited by plea agreement unless any other person asserted a right to the property under this new section of law. Provides for waiver of the conviction requirement in some situations. Permits the sale of certain property, and certain seized currency, to be credited to the general fund.

**Subd. 13. Forfeiture indictment.** Permits the state to seek forfeiture through an indictment or information that includes a criminal charge and a charge for which forfeiture may be ordered. Permits the court to enter an order, effective for up to 90 days, restraining property. Requires notice to persons known to have an interest in the property who are not named in the indictment or information.

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**Subd. 14. Forfeiture complaint; service of process.** Requires the prosecutor to file a criminal complaint in any case in which the prosecutor intends to seek forfeiture. The complaint must include the criminal charge, a description of the property subject to seizure, and basis for the seizure. Requires return of property if notice is not properly served to all persons appearing to have an interest in the property. Asserts that failure to file a forfeiture complaint does not invalidate the prosecution of the underlying criminal offense. Requires the prosecuting authority to send notice to the registered owner of a seized vehicle and any other individual known to have an interest in any property subject to forfeiture who is not charged with a crime in the complaint. Describes what must be maintained in the notice.

**Subd. 15. Title.** Provides that title to the property subject to forfeiture vests with the state when the court issues a forfeiture judgment.

**Subd. 16. Defendant’s pretrial replevin hearing.** Creates a right to a pretrial hearing to determine the validity of the seizure. Requires the court to hold the hearing when the court enters a plea or within 14 days of the person’s first appearance in court. Allows either party to move for an extension. Requires the court to issue a writ of replevin, returning the property, if: (1) it is likely the final judgment will require the court to return the property; (2) the property is not reasonably required to be held for evidentiary reasons; or (3) the property is the only reasonable means for the defendant to pay for legal representation and minimum living expenses unless the prosecuting authority shows by clear and convincing evidence that the property is the instrument or proceeds of an offense for which the defendant is charged. Permits the court to order the return of sufficient funds to pay for counsel of choice.

**Subd. 17. Discovery.** Provides that the Rules of Criminal Procedure govern discovery.

**Subd. 18. Venue; trial proceedings.** States that the court with jurisdiction over the related criminal matter has jurisdiction over the forfeiture proceeding. Requires litigation of forfeiture to follow a criminal trial, if any. Requires that the forfeiture trial be to a court unless the value of the property exceeds \$10,000. States that the rules of evidence or technical or formal rules of pleading do not apply in a trial to the court. Permits the public defender to elect to represent the individual in the forfeiture hearing.

**Subd. 19. Proportionality hearing.** Creates a proportionality hearing which can be held as part of a replevin hearing or forfeiture trial. Permits the defendant to petition the court to determine whether the forfeiture is unconstitutionally excessive. Establishes that the defendant has the burden of proving to the court, by preponderance of the evidence, that the forfeiture is disproportional to the seriousness of the offense. Permits the court to determine factors relating to the seriousness of the crime and the defendant’s culpability, and also the impact the

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forfeiture will have on the defendant and any members of the defendant’s family. Prohibits the court from considering the value to the state.

**Subd. 20. Secured interest.** States that property encumbered by a bona fide security interest is not subject to forfeiture. Provides for a hearing when there is dispute about a security interest.

**Subd. 21. Innocent owner.** Creates an innocent owner hearing. Permits an individual asserting an ownership interest to file a statement of interest in ownership. Requires the court, to the extent possible, to hold a hearing within 30 days. The petitioner must prove by clear and convincing evidence that the person has an ownership interest in the property. If the petitioner meets that burden, the state must prove by clear and convincing evidence that the petitioner had actual knowledge of the underlying crime, or was not a bona fide purchaser after the offense took place. Further provides that the statement of interest cannot be used in the underlying criminal matter, but permits the petitioner to testify on behalf of either party in the underlying criminal case. Permits the defendant to be called to testify in the innocent owner hearing, but further permits that person to assert the right to remain silent subject to an adverse inference in the innocent owner proceeding.

**Subd. 22. Judgment.** Requires the court to enter judgement for a claimant or the state following the appropriate hearings. Permits the court to enter judgment pursuant to a plea agreement.

**Subd. 23. Substitution of assets.** Permits the substitution of property if property subject to forfeiture is unreachable when the state proves by a preponderance that the defendant intentionally took action to put the property beyond the reach of the state.

**Subd. 24. No additional remedies.** Prohibits the state from seeking personal money judgments or other remedies related to the forfeiture of property not provided in this new section of law.

**Subd. 25. No joint and several liability.** Establishes that a defendant is not jointly and severally liable for forfeiture awards owed by other defendants. Permits the court to order each defendant to forfeit property on a pro rata basis when ownership is unclear.

**Subd. 26. Appeal.** Permits a party to forfeiture, other than the defendant, to file an interlocutory appeal regarding the court’s decision regarding seizure or forfeiture. Permits the defendant to appeal the court’s decision following a final disposition in district court.

**Subd. 27. Attorney fees.** Makes the seizing agency liable for attorney fees, postjudgment interest, and any interest the state received from the date of

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seizure if the property owner’s claims prevail by recovering at least half the value of the property.

**Subd. 28. Return of property; damages; costs.** Requires return of property within five days of entry of judgment in favor of an owner. Exempts the owner from any charges for storage of the property. Makes the storing agency responsible for any damages to the property.

**Subd. 29. Disposition of property and proceeds.** Permits contraband to be destroyed. Requires proceeds from the sale of forfeited property to be used to pay any outstanding liens, the victim, and reasonable costs related to the seizure. Remaining funds must be credited equally to the Office of Justice Programs, the commissioner of public safety for distribution to crime victim services organizations that provide services to sexually exploited youth, the Minnesota Board of Public Defense, and the general fund.

**Subd. 30. Prohibition on retaining property; sale restrictions.** Prohibits an appropriate agency from retaining forfeited or abandoned property for its own use, and further prohibits selling the property to employees, relatives of employees, or other appropriate agencies or any other law enforcement agency.

**Subd. 31. Prohibition of federal adoption.** Prohibits participation in the federal adoption program.

**Subd. 32. Limit on receiving forfeiture proceeds from joint task forces.** Requires forfeiture of property with a value of \$50,000 or less to follow state law. Prohibits the agency in this state from accepting payment from the federal government if property with a value of \$50,000 or less are forfeit under federal law. Clarifies that the limitations are not intended to limit participation in joint task forces or the right to seize appropriate property.

**Subd. 33. Preemption.** Expressly preempts any other laws in the state that regulate the forfeiture of property in crimes related to controlled substances and driving while impaired.

**Subd. 34. Reporting requirement.** Adopts the existing requirements related to reporting forfeiture. [H.F. 1971]

10      **Possession on school property; penalty.**

Makes a conforming change for the statutory citation relating to forfeiture. [H.F. 1971]

11      **Seizure.**

Makes a conforming change for the statutory citation and procedure relating to forfeiture. [H.F. 1971]

<b>Section</b>	<b>Description – Article 19: Forfeiture</b>
12	<b>Forfeiture.</b> Makes a conforming change for the statutory citation relating to forfeiture. <b>[H.F. 1971]</b>
13	<b>Forfeiture.</b> Makes a conforming change for the statutory citation relating to forfeiture. <b>[H.F. 1971]</b>
14	<b>Sale proceeds.</b> Makes a conforming change for the statutory citation relating to forfeiture. <b>[H.F. 1971]</b>
15	<b>DWI; vehicle forfeiture.</b> Makes a conforming change for the statutory citation and procedure relating to forfeiture. <b>[H.F. 1971]</b>
16	<b>Proceedings at time of apprehension or arrest.</b> Makes a conforming change for the statutory citation and procedure relating to forfeiture. <b>[H.F. 1971]</b>
17	<b>Display of permit; penalty.</b> Makes a conforming change for the statutory citation relating to forfeiture. <b>[H.F. 1971]</b>
18	<b>Change of address; loss or destruction of permit.</b> Makes a conforming change for the statutory citation relating to forfeiture. <b>[H.F. 1971]</b>
19	<b>Posting; trespass.</b> Makes a conforming change for the statutory citation relating to forfeiture. <b>[H.F. 1971]</b>
20	<b>Penalties.</b> Makes a conforming change for the statutory citation relating to forfeiture. <b>[H.F. 1971]</b>
21	<b>Surrender of firearms.</b> Makes a conforming change for the statutory citation relating to forfeiture. <b>[H.F. 1971]</b>
22	<b>Repealer.</b> Repeals existing statutes that govern administrative and judicial forfeiture. <b>[H.F. 1971]</b>
23	<b>Effective date.</b> Establishes an effective date of July 1, 2019. <b>[H.F. 1971]</b>

## Article 20: Civil Policy

This article contains provisions related to civil policy including the establishment of a Legislative Commission on Intelligence and Technology, making various changes to the classification of data, clarifying parental rights in relation to donated ova and semen, amending the definition of sexual harassment, and prohibiting the marriage of minors.

Section	Description – Article 20: Civil Policy
1	<p><b>Legislative Commission on Intelligence and Technology.</b></p> <p><b>Subd. 1. Established.</b> Establishes the Legislative Commission on Intelligence and Technology. States that the commission’s role is to study, investigate, and oversee issues related to emerging technology, government surveillance, and individual privacy.</p> <p><b>Subd. 2. Membership.</b> Provides that the commission consists of four senate members and four house members—evenly split on a bipartisan basis—and appointed by caucus leadership from each body at the beginning of a legislative session.</p> <p><b>Subd. 3. Terms; vacancies.</b> Provides for two-year terms expiring at the end of the legislative session. The appropriate appointing authority would fill any vacancy during the session.</p> <p><b>Subd. 4. Officers.</b> The commission must elect a chair and vice chair. The chair alternates between a member of the senate and a member of the house of representatives in January of each odd-numbered year.</p> <p><b>Subd. 5. Staff.</b> Requires legislative staff to provide administrative and research assistance to the commission.</p> <p><b>Subd. 6. Meetings; data.</b> Allows the commission to hold nonpublic meetings. Provides that the commission may compel law enforcement officials to disclose not public data to the commission. Subjects commission members to civil liability for further dissemination of not public data.</p> <p><b>Subd. 7. Subpoena power.</b> Provides that the chair or vice-chair of the commission may compel testimony or production of documents through legislative subpoena. <b>[H.F. 1404]</b></p>
2	<p><b>State Arts Board.</b></p> <p>Creates an exception to section 13.599 of the Government Data Practices Act which deals with data submitted to a state agency in an application for a grant. Normally, under this section, information in grant responses (other than the applicant's name and address) remain private until the completion of the evaluation process. The exception allows the State Arts Board or a regional arts council to make grant responses public at an earlier stage: the review meeting at which responses are considered. <b>[H.F. 2362]</b></p>

**Section**      **Description – Article 20: Civil Policy**

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**3**              **Assisted reproduction.**

Updates the use of the term insemination and artificial insemination which only refers to the donation of semen and instead uses the broader term of assisted reproduction which can apply to both ova and semen donation. Minnesota law currently determines when a husband is treated as the father of his wife’s child if the wife has used donated sperm to conceive. The law does not contemplate what happens if the wife uses a donated ova, or what happens if donor semen is used by a woman who is not married.

**Subd. 1. Spouse treated as biological parent.** Provides that when a woman who uses sperm donation or egg donation to conceive with her spouse, then the spouse can be treated as the parent of the child that she conceives. The spouse must provide written consent.

**Subd. 2. Donor not treated as biological parent.** Clarifies that sperm donors and egg donors are not treated as biological parents of the children conceived using their genetic material, unless they are the spouse of the person conceiving such as in the case of IVF.

The exception to this is when the court finds that there is satisfactory evidence that the donor and the woman who is conceiving the child intended for the donor to be the parent. **[H.F. 724]**

**4**              **Sexual harassment.**

This bill amends the definition of “sexual harassment” in the Minnesota Human Rights Act (MHRA). The current definition provides that one of the ways that sexual harassment discrimination can occur under the MHRA is when unwanted sexual advances, conduct, or communication creates an intimidating or hostile environment substantially interfering with an individual’s employment, education, housing, or access to public accommodation or public service.

In interpreting this provision of the MHRA, courts in Minnesota have adopted the federal standard used to interpret certain federal discrimination claims that require the discriminatory harassment to be sufficiently severe or pervasive in order to be actionable. This bill provides that the harassing conduct or communication does not have to be severe or pervasive to be discriminatory sexual harassment under the MHRA.

This bill also specifies that sexually harassing conduct or communication that creates a hostile environment must be subjectively harassing to the individual, and objectively harassing to a reasonable person in a similar situation, and should be based on the totality of the circumstances.

This bill has an effective date of August 1, 2019, and would apply to discriminatory actions creating a cause of action occurring on or after that date. **[H.F. 10]**

Section	Description – Article 20: Civil Policy
5	<p><b>Access to closed files.</b></p> <p>Provides that when a case is filed in district court, either party can access the records of the parties held by the Department of Human Rights if there was a previous closed case that went through the Department of Human Rights administrative process. Current law makes the information the Department of Human Rights has on a case private or nonpublic, except for the names and addresses of the parties, the allegation and statute the case was brought under, and the commissioner’s decision related to probable cause. <b>[H.F. 2004]</b></p>
6	<p><b>Scope of application.</b></p> <p>Extends requirement for the use of workforce compliance certificates to public officers or agencies, including the Metropolitan Council, cities, and counties, who are receiving general obligation bonds. Clarifies that workforce compliance certificates require affirmative action plans for the employment of people with disabilities, people of color, and women in certain public contracts when the employer meets certain criteria. This section also makes technical changes related to the application of the bill to employers who are operating in Minnesota and other states. <b>[H.F. 2000/2001]</b></p>
7	<p><b>Revocation of contract.</b></p> <p>Allows a public officer or agent, the Metropolitan Council, cities, and counties receiving general obligation bonds to revoke a contract when the contractor has failed to fulfill the requirements of the workforce compliance certificate. <b>[H.F. 2000/2001]</b></p>
8	<p><b>Access to data.</b></p> <p>Classifies the data that the commissioner of human rights creates, collects, or maintains regarding a workforce Certificate of Compliance as private or nonpublic. The Minnesota Human Rights Act currently requires businesses seeking to contract with the state for goods or services in excess of \$100,000 to first obtain a workforce Certificate of Compliance from the Department of Human Rights demonstrating that the business has an approved affirmative action plan. The commissioner’s final decision regarding a Certificate of Compliance would be public data. <b>[H.F. 2062]</b></p>
9	<p><b>Scope.</b></p> <p>Extends the application of Equal Pay Certificate requirements to public officers or agents receiving general obligation bonds, including cities and counties. <b>[H.F. 2000/2001]</b></p>
10	<p><b>Persons capable of contracting.</b></p> <p>Removes provisions allowing minors to marry. This section would be effective on August 1, 2019, and applies to marriages entered into on or after that date. <b>[H.F. 745]</b></p>
11	<p><b>General.</b></p> <p>Prohibits marriages for individuals under 18, and prohibits the recognition of marriages of Minnesota residents under the age of 18 who married in other jurisdictions outside the</p>

**Section**      **Description – Article 20: Civil Policy**

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- state. This section would be effective on August 1, 2019, and applies to marriages entered into on or after that date. **[H.F. 745]**
- 12      **Form.**  
Makes technical and conforming changes. **[H.F. 745]**
- 13      **Term of license; fee; premarital education.**  
Requires proof of age of individuals when applying for a license to marry. This section would be effective on August 1, 2019, and applies to applications for marriage submitted on or after that date. **[H.F. 745]**
- 14      **Proof of age.**  
Provides a definition of “proof of age” so an individual can establish they are old enough to marry, which includes a certified copy of a birth certificate, a driver’s license or government issued ID, or a school record, immigration record, court record or other document issued by a government entity that provides the individual’s date of birth. **[H.F. 745]**

## **Article 21: Cooperative Private Divorce Program**

This bill establishes a cooperative divorce program in the Bureau of Mediation Services. The program allows participants to file paperwork through the Bureau of Mediation Services and be granted a certificate of marital dissolution from the commissioner. **[H.F. 1115]**

This bill also:

- Allows participants in the cooperative divorce program to be granted a summary real estate disposition after a dissolution.
- Allows participants in the cooperative divorce program to be granted a qualified domestic relations order after a dissolution.
- Establishes a cooperative divorce program in the Bureau of Mediation Services.
- Requires parties to a divorce with children to complete a parent education program and for the commissioner to post limited public information providing public notice the parties have been granted a dissolution.
- Provides that agreements related to child custody, parenting time, and financial support are enforceable as contracts in the same way agreements between parents for parenting plans are enforceable under the child custody laws in Minnesota. Issues not addressed in the agreement are considered reserved and may be part of future agreements by the parties or available for determination in a court.

- Allows either party to the cooperative divorce program can file a divorce action in court at any time which puts the cooperative divorce on hold. Parties can also enforce or modify an agreement which is reviewed by the court de novo. The court can vacate a cooperative divorce agreement consistent with current law, and the parties may seek a dissolution in courts in Minnesota.
- Requires notices and information to be provided to the parties using the cooperative divorce program, and in languages commonly spoken in Minnesota.
- Requires the Bureau of Mediation services to provide information to participants to help evaluate if the participants are participating freely in the program.
- Provides that information shared during the cooperative divorce program participation is not admissible in court.
- Requires the Bureau of Mediation Services to do an evaluation of the program and provides the bureau with funding to operate the program.



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