

Subject Public Safety Omnibus Bill

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Overview

This is the public safety omnibus bill.

Article 1: Appropriations

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

| Section | Description |
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| 1 | <p>Appropriations.</p> <p>Summarizes direct appropriations by fund.</p> |
| 2 | <p>Sentencing Guidelines.</p> <p>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. [H.F. 997]</p> |
| 3 | <p>Public safety.</p> <p>Subd. 1. Total appropriation. Appropriates \$100,000 in FY19, \$195,414,000 in FY20, and \$194,035,000 in FY21.</p> <p>Subd. 2. Deficiency. Appropriates \$100,000 in FY19 to pay systems costs related to license reinstatement fee changes and driver diversion programs.</p> <p>Subd. 3. Emergency management. Appropriates \$4,668,000 in FY20 and \$4,418,000 in FY21 to the emergency management division.</p> <p>(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]</p> |

| Section | Description |
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| | <p>(b) Supplemental nonprofit security grant program. Appropriates \$300,000 each year to a supplemental nonprofit security grant program. [H.F. 1850]</p> |
| | <p>(c) Emergency responder training; autism spectrum disorder. Appropriates \$250,000 each year to train emergency responders and use technology to de-escalate emergency encounters with persons on the autism spectrum. [H.F. 377]</p> |
| | <p>(d) Local government emergency management. Appropriates \$300,000 each year for grants to local emergency management entities. [H.F. 1273]</p> |
| | <p>(e) Bomb squad reimbursements. Appropriates \$50,000 each year to local governments for bomb squad services. [H.F. 2711]</p> |
| | <p>Subd. 4. Criminal apprehension. Appropriates \$64,877,000 in FY20 and \$64,216,000 in FY21 to the BCA.</p> |
| | <p>(a) DWI analysis. Transfers funding for DWI lab analysis from the trunk highway fund to the general fund.</p> |
| | <p>(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]</p> |
| | <p>(c) Automated fingerprint ID system. Appropriates \$1,500,000 each year to replace the current fingerprint ID system.</p> |
| | <p>(d) Equipment. Appropriates \$50,000 the first year for information and technology to receive and store police discipline data. [H.F. 2709]</p> |
| | <p>(e) Base adjustment. Creates a small base adjustment in FY22 and FY23.</p> |
| | <p>(f) Opioid Stewardship. Creates a conditional appropriation from the opioid stewardship fund to fund investigations, and training and process evidence. [H.F. 400]</p> |
| | <p>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.</p> |
| | <p>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 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]</p> |
| | <p>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</p> |

| Section | Description |
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| | fund. Appropriates funds for regulating out-of-state direct wine shippers. [H.F. 1909] |
| | Subd. 8. Office of Justice Programs (OJP). Appropriates \$41,983,000 in FY20 and \$41,301,000 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) Medical resource control centers. Appropriates \$100,000 each year to medical resource control centers. [H.F. 2405] |
| | (d) 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] |
| | (e) Criminal sexual conduct statutory reform working group. Appropriates \$23,000 the first year to convene a criminal sexual conduct statutory reform working group. [H.F. 418] |
| | (f) 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] |
| | (g) Youth intervention programs. Appropriates \$500,000 each year for youth intervention. [H.F. 665] |
| | (h) Telephone CPR. Appropriates \$50,000 the first year for grants to reimburse PSAPs for 911 operator CPR training. [H.F. 1520] |
| | (i) Domestic abuse transformation programs. Appropriates \$783,000 each year for grants to domestic abuse transformation programs. [H.F. 464] |
| | (j) Peace Officer Excellence Task Force. Appropriates \$250,000 the first year to support the Peace Officer Excellence Task Force. [H.F. 2324] |
| | (k) 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] |
| | (l) Sex trafficking investigations coordinator. Appropriates \$100,000 each year for a sex trafficking investigations coordinator. [H.F. 2785] |

| Section | Description |
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| | <p>(m) Cannabis Task Force. Appropriates \$100,000 the first year to support the Cannabis Task Force. [H.F. 717]</p> <p>Subd. 9. Emergency communications networks. Appropriates \$77,650,000 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.</p> |
| 4 | <p>Peace Officers Standards and Training Board.</p> <p>Appropriates \$500,000 in FY19, \$10,313,000 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]</p> |
| 5 | <p>Private Detective Board.</p> <p>Appropriates \$277,000 each year to the private detective board.</p> |
| 6 | <p>Department of Corrections.</p> <p>Subd. 1. Total appropriation. Appropriates \$634,333,000 in FY20 year and 656,569,000 in FY21 to the Department of Corrections.</p> <p>Subd. 2. Correctional institutions. Appropriates \$460,991,000 in FY20 and \$476,612,000 in FY21 to correctional institutions.</p> <p>(a) Base adjustment. Creates a base funding adjustment.</p> <p>(b) Facility staff positions. Appropriates funds to hire an additional 110 guards. [H.F. 1315]</p> <p>(c) Staffing recruitment and retention. Appropriates \$4,000,000 each year for staff recruitment and retention. [H.F. 2711]</p> <p>(d) Offender healthcare. Appropriates funds to maintain full funding of inmate healthcare. [H.F. 2711]</p> <p>(e) Security. Appropriates \$8,500,000 the first year and \$5,600,000 the second year to upgrade critical security infrastructure and modernize critical security systems.</p> <p>(f) Safety and security staff. Appropriates funds to hire additional full-time staff deemed critical to facility safety and security.</p> |

| Section | Description |
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| | <p>(g) Restrictive housing reform. Appropriates \$844,000 the first year and \$1,688,000 the second year to implement restrictive housing reform. [H.F. 493]</p> <p>(h) Offender medical services. Appropriates funds to expand and improve offender medical services.</p> <p>(i) Juvenile correction management. Appropriates funds to replace the juvenile correctional management system.</p> <p>(j) Opioid treatment. Provides a contingent appropriation from the opioid stewardship fund to provide treatment. [H.F. 400]</p> <p>Subd. 3. Community services. Appropriates \$141,384,000 in FY20 and \$146,498,000 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, dosage probation [H.F. 1934], the alternatives to incarceration pilot program [H.F. 1028], mental health community supervision [H.F. 474], and transition from supervised release [H.F. 689].</p> <p>Subd. 4. Operations support. Appropriates \$31,958,000 in FY20 and \$33,459,000 in FY21 for the department's operations support group.</p> |
| 7 | <p>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]</p> |
| 8 | <p>Department of Health. Appropriates \$229,000 in FY20 and \$121,000 in FY21 for rulemaking [H.F. 733] and creating marijuana DWI standards. [H.F. 469]</p> |
| 9 | <p>Supreme court. Appropriates \$259,000 in FY20 and \$379,000 in FY21 to the supreme court for collateral consequence reforms. [H.F. 981]</p> |
| 10 | <p>Department of Human Services. Appropriates \$404,000 in FY20 and \$461,000 in FY21 for costs related to collateral consequence reform. [H.F. 981]</p> |
| 11 | <p>Pathways to policing. Declares that FY18 and FY19 funding for the pathways to policing program is onetime.</p> |

| Section | Description |
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| 12 | Transfer. 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. [H.F. 1061] |

Article 2: Public Safety

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

| Section | Description – Article 2: Public Safety |
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| 1 | Direct wine shipments. Creates a cross-reference in the data practices chapter to the data classification provisions in sections of this article. [H.F. 1909] |
| 2 | Felony conviction; restoration of civil right to vote. Restores the civil right to vote to individuals who have been convicted of a felony once the individual has completed any incarceration imposed and executed for the offense. If no incarceration is imposed, the right to vote is restored upon sentencing. If the individual is later subject to incarceration for that offense, the individual loses the right to vote only during the period of incarceration. [H.F. 40] |
| 3 | Form. Requires updates to the voter registration application to reflect the change in the restoration of the civil right to vote provided by this article. [H.F. 40] |
| 4 | Duties of secretary of state; information about voting rights. Requires the secretary of state to prepare a publication that describes the voting rights of individuals who have been charged with or convicted of a crime. The publication must be electronically available to the state court administrator and the commissioner of corrections for further distribution. [H.F. 40] |
| 5 | Polling place roster; voter signature certificate; voter receipt. Requires updates to the certification signed by voters in a polling place attesting to their eligibility to vote, to reflect the change in the restoration of the civil right to vote provided by this article. [H.F. 40] |
| 6 | Notice of restoration of right to vote. Requires the chief executive officer of each state and local correctional facility to designate one official within the facility to provide a notice of restoration of rights and a voter registration application to individuals whose rights are restored following a release from incarceration. |

| Section | Description – Article 2: Public Safety |
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| | <p>Subd. 1. Correctional facilities; designation of official. Requires designation of the official, and that the official maintain a sufficient supply of voter registration applications and informational materials.</p> <p>Subd. 2. Notice requirement. Establishes standards for when a notice of restored voting rights must be provided.</p> <p>Subd. 3. Form of notice. Sets the full text of the notice that must be provided when an individual is restored to voting rights following release from incarceration.</p> <p>Subd. 4. Failure to provide notice. Provides that the failure of a corrections official to provide the notice required by this section does not prevent the restoration of voting rights.</p> <p>[H.F. 40]</p> |
| 7 | <p>Alcohol enforcement account; appropriation.</p> <p>Appropriates money from the alcohol enforcement account for costs to the Alcohol and Gambling Enforcement Division in enforcing the new regulatory provisions in sections 9 and 12 of the article. [H.F. 1909]</p> |
| 8 | <p>Statewide sex trafficking coordinator.</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. [H.F. 2785]</p> |
| 9 | <p>License suspension and revocation.</p> <p>Applies the liquor license suspension and revocation provisions to direct ship winery licensees under section 10. [H.F. 1909]</p> |
| 10 | <p>Shipments into Minnesota.</p> <ul style="list-style-type: none">▪ Increases the current law maximum number of cases that may be shipped to Minnesota residents from two to 12.▪ Strikes the language in current law that deems deliveries of direct shipped wine to not be in-state sales.▪ Applies the current law penalties for violating the direct shipped wine law to violations arising under sections 8 and 10 of the bill and clarifies that the violation of tax laws by direct ship wineries are not subject to the exclusive remedies provided by this paragraph. <p>[H.F. 1909]</p> |

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| 11 | Direct shipments of wine; licensing, taxation, and restrictions. |
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This section creates regulatory and taxation requirements for direct ship wineries.

- Subdivision 1 creates definitions for this new section of law.
 - 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 12 of the bill to violations of this section.

[H.F. 1909]

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| 12 | Common carrier regulations for direct shipped wine. |
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- Subdivision 1 requires common carriers to file a monthly report with the commissioner of public safety detailing the shipments of wine the common

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carrier has made into the state from a direct ship winery. The report must include:

- the name of the common carrier;
 - 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]

13 **911 telecommunicator.**

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

14 **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

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training. Requires answering points to conduct ongoing quality assurance of its telephone CPR program.

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]

15 License suspension and revocation.

Applies the liquor license suspension and revocation provisions to direct ship winery licensees under section 11. **[H.F. 1909]**

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.

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| | 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] |
| 18 | Definition Replaces the term “stalking” with “harass.” [H.F. 560] |
| 19 | Harassment crimes. Makes a conforming change to adopt the terms “harassment” and “harasses.” [H.F. 560] |
| 20 | Aggravated violations. Replaces the term “stalks” with “harasses.” [H.F. 560] |
| 21 | Stalking. 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 | Harassment; stalking; firearms. 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 | Crime of violence. Makes a conforming change in response to replacing the term “stalking” with “harassment.” [H.F. 560] |
| 24 | Evidence of conduct. 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] |

| Section | Description – Article 2: Public Safety |
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| 25 | <p>Task force on missing and murdered indigenous women. Creates a task force to address violence against indigenous women and defines the standards and requirements for the task force.</p> <p>Subd. 1. Creation and duties. Creates a task force to examine and report on five specific subjects addressing the systemic causes behind violence against 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.</p> <p>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.</p> <p>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.</p> <p>Subd. 4. Report. Requires a report to the legislature by December 15, 2020.</p> <p>Subd. 5. Expiration. States that the task force expires on December 31, 2020.</p> <p>[H.F. 70]</p> |
| 26 | <p>Revisor instruction. Directs the revisor to make conforming changes in statute to reflect the change in section 18.</p> |

Article 3: Corrections

This article contains a variety of provisions related to corrections.

| Section | Description – Article 3: Corrections |
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| 1 | <p>Mental health screening. Contains a cross-reference in the data practices chapter to data collected pursuant to section 23. [H.F. 1575]</p> |
| 2 | <p>Ombudsman for corrections. Contains a cross-reference to the re-established Ombudsman for Corrections under sections 9 to 14. [H.F. 1399]</p> |

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| 3to 4 | <p>Security screening equipment. Regulates security screening systems as they are used in correctional facilities. [H.F. 733]</p> |
| 5 | <p>Administration of opiate antagonists for drug overdose. Authorizes DOC employees to administer opiate antagonists. [H.F. 2127]</p> |
| 6 | <p>Authorization. Authorizes the DOC’s Fugitive Apprehension Unit to exercise general police powers upon request from a law enforcement agency. [H.F. 2127]</p> |
| 7 | <p>Limitations. Conforming amendment to reflect proposal in section 6. [H.F. 2127]</p> |
| 8 | <p>Mental health care decisions. 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> |
| 9 to 14 | <p>Office of the Ombudsman for Corrections. Re-establishes the Ombudsman for Corrections which the legislature eliminated in 2003. The ombudsman is tasked with promoting “the highest standards of competence, efficiency, and justice in the administration of corrections.” The ombudsman 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 ombudsman, 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 ombudsman to investigate complaints from jails and detention facilities.</p> <p>These sections also provide guidance on ombudsman qualifications, employee selection, access to data, complaint form and handling, publication of ombudsman recommendations, and annual reports. [H.F. 1399]</p> |
| 15 | <p>Charges to counties. Modifies how the commissioner determines the per diem cost of confinement for juvenile offenders. [H.F. 2127]</p> |
| 16 | <p>General searches. Cross-reference to ombudsman for corrections. [H.F. 1399]</p> |

Section **Description – Article 3: Corrections**

17

Administrative and disciplinary segregation.

Subd. 1. Authorization. Establishes the grounds that the Commissioner of Corrections can rely upon to place an inmate in segregation.

Subd. 2. Conditions in segregated housing. Establishes the minimum conditions that the commissioner must offer inmates in segregated housing.

Subd. 3. Review of disciplinary segregation status. Establishes mandatory review periods for inmates in segregated housing.

Subd. 4. Graduated disciplinary sanctions. Requires the commissioner to design and implement a graduated scale of responses to infractions.

Subd. 5. Mental health assessments; transfer to treatment. 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.

Subd. 6. Mental health care within segregated housing. Requires regular mental health checks of inmates in segregation.

Subd. 7. Incentives for return to the general population. Requires the commissioner to design and implement a system of incentives for inmates to return to the general population.

Subd. 8. Discharge from segregated housing. 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.

Subd. 9. Reporting. Requires the commissioner to prepare an annual report to the legislature detailing the commissioner's use of segregated housing.

[H.F. 493]

18

Indeterminate sentence release board.

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

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

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

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

Subd. 4. Majority vote. Requires a majority vote of the members present.

Subd. 5. Limitation. Asserts that nothing in the new section of law supersedes the commissioner of corrections' ability to revoke an inmate's release or the authority of the Board of Pardons to grant a pardon or commute a sentence.

Subd. 6. Report. Requires the board to submit a report regarding inmates reviewed and identifying individuals granted release. Further directs the board to make recommendations for legislative action.

[H.F. 2128]

19 **Supervised release, life sentence.**

Replaces the term "commissioner" with "board" and defines "board" as the Indeterminate Sentence Release Board established in section 18. **[H.F. 2128]**

20 **Removal of data from system.**

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 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]**

21 **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

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| | 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] |
| 22 | 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: <ul style="list-style-type: none">▪ 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] |
| 23 | 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: <ul style="list-style-type: none">▪ assist the inmate in applying for medical assistance of MinnesotaCare;▪ refer the inmate for case management by a county;▪ 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] |
| 24 | Coordinated crisis response plan. Creates a pilot program to address mental health issues among correctional officers and inmates at the Stillwater Correctional Facility. Requires a report to the legislature on the pilot program’s impact and outcomes. [H.F. 1948] |
| 25 | 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 |
|---------|--|
| 1 | <p>Reinstatement fee. Eliminates a transfer of license reinstatement fees to the peace officer training reimbursement fund. [H.F. 2710]</p> |
| 2 | <p>Driver services operating account. Conforming change. [H.F. 2710]</p> |
| 3 | <p>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]</p> |
| 4 | <p>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 that foreign national crime victims are available to assist in the prosecution of their perpetrators. [H.F. 2367]</p> |
| 5 | <p>Board; members. Expands the number of public members on the POST Board from 2 to 4. [H.F. 334]</p> |
| 6 | <p>Eyewitness identification policies required. Requires the POST Board to develop, and law enforcement agencies to adopt, policies on eyewitness identification.</p> <p>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.</p> <p>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]</p> |

| Section | Description |
|---------|--|
| 7 | 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] |
| 8 | Investigating sexual assault cases; policies required. Directs each law enforcement agency in the state to adopt a sexual assault investigation policy by January 1, 2020. [H.F. 327] |
| 9 | Concurrent jurisdiction. 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] |
| 10 | Cooperative agreements. Conforming amendment. [H.F. 719] |
| 11 | Peace officer excellence task force. 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] |

Article 5: Sex Offenders

This article amends provisions related to sex offenders.

| Section | Description – Article 5: Sex Offenders |
|---------|---|
| 1 | Current or recent position of authority. 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: <ul style="list-style-type: none">▪ 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] |

| Section | Description – Article 5: Sex Offenders |
|---------|--|
| | <ul style="list-style-type: none">▪ 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]▪ Contains language that recognizes the new extended position of authority law that applies to school employees. [H.F. 491] |
| 2 | Sexual contact. Updates a reference to “position of authority” to reflect changes made to the definition of the term in section 1. [H.F. 812] |
| 3 | Sexual penetration. Updates a reference to “position of authority” to reflect changes made to the definition of the term in section 1. [H.F. 812] |
| 4 | Secondary school. Defines “secondary school” for purposes of the 3rd and 4th degree criminal sexual conduct statutes in chapter 609. [H.F. 491] |
| 5 | Independent contractor. Defines “independent contractor” for purposes of the 3 rd and 4 th degree criminal sexual conduct statutes in chapter 609. [H.F. 491] |
| 6 | Crime defined. 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. [H.F. 812/H.F. 480 and HF 1014] |
| 7 | Crime defined. 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] |
| 8 | Crime defined. Contains two changes to the offense of 3 rd degree criminal sexual conduct: <ul style="list-style-type: none">▪ 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 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. [H.F. 1055] |

| Section | Description – Article 5: Sex Offenders |
|---------|--|
| | <ul style="list-style-type: none">▪ 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 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 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 | <p>Crime defined.</p> <p>Contains three changes to the offense of 4th degree criminal sexual conduct:</p> <ul style="list-style-type: none">▪ 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 <u>contact</u> 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 | <p>Crime defined.</p> <p>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]</p> |
| 11 | <p>Use of minor.</p> <p>Increases the penalty for using a minor in a sexual performance or pornographic work. [H.F. 89]</p> |
| 12 | <p>Operation or ownership of business.</p> <p>Increases the penalty for a business owner who shows a pornographic work involving a minor. [H.F. 89]</p> |

| Section | Description – Article 5: Sex Offenders |
|---------|---|
| 13 | <p>Dissemination.</p> <p>Increases the maximum sentence for dissemination of child pornography for a profit to 15 years. [H.F. 89]</p> |
| 14 | <p>Conditional release term.</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>Mandatory minimum sentence.</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>Dissemination prohibited.</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>Possession prohibited.</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>Conditional release term.</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>Mandatory minimum sentence.</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>Definitions.</p> <p>Updates a reference to “position of authority” to reflect changes made in section 1.</p> |

| Section | Description – Article 5: Sex Offenders |
|---------|--|
| 21 | <p>Limitations.</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> |
| 22 | <p>Sentencing Guidelines modification.</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. [H.F. 341]</p> |
| 23 | <p>Criminal Sexual Conduct Statutory Reform Working Group; report.</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. [H.F. 418]</p> |
| 24 | <p>Repealer.</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. [H.F. 15]</p> |

Article 6: Controlled Substances

This article addresses controlled substance policy.

| Section | Description – Article 6: Controlled Substances |
|---------|---|
| 1 | <p>Methamphetamine; dimethyltryptamine; manufacture crime.</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. [H.F. 2351]</p> |
| 2 | <p>Sale crimes.</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. [H.F. 2013]</p> |

| Section | Description – Article 6: Controlled Substances |
|---------|---|
| 3 | <p>Possession and other crimes.</p> <p>Provides that a person who unlawfully possesses more than 250 grams of a mixture containing marijuana or tetrahydrocannabinols is guilty of a fifth degree controlled substances crime. [H.F. 2013]</p> |
| 4 | <p>Penalty.</p> <p>Makes a conforming change related to fifth degree controlled substances crimes. [H.F. 2013]</p> |
| 5 | <p>Nonfelony controlled substance offenses; marijuana.</p> <p>Subd. 1. Sale crimes. Establishes a new offense for the sale of marijuana or tetrahydrocannabinols in amounts of (1) more than ten grams but less than 42.5 grams, and (2) more than five grams but not more than ten grams.</p> <p>Subd. 2. Possession crimes. Establishes a new offense for the possession of marijuana or tetrahydrocannabinols 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>Subd. 3. Penalty. Establishes gross misdemeanor and misdemeanor penalties for sale and possession of marijuana in violation of subdivisions 1 and 2.</p> <p>Subd. 4. Possession of marijuana in a motor vehicle. 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>Subd. 5. Petty misdemeanors. Establishes a petty misdemeanor offense for the sale of five grams or less of marijuana or tetrahydrocannabinols. 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>Certain controlled substance offenses.</p> <p>Conforming change. [H.F. 2351]</p> |
| 7 | <p>Deferring prosecution for certain first time drug offenders.</p> <p>Makes conforming changes to reference the new section addressing nonfelony marijuana offenses. [H.F. 2013]</p> |
| 8 | <p>Possession or sale of cannabidiol.</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.</p> |

| Section | Description – Article 6: Controlled Substances |
|---------|---|
| | Asserts that the new provision does not prevent charge or conviction for any other criminal conduct. [H.F. 793] |
| 9 | Account established. Conforming change. [H.F. 2351] |
| 10 | 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 health 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. Subd. 4. Staff. Directs the commissioner of health 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: <ul style="list-style-type: none">▪ 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 |

| Section | Description – Article 6: Controlled Substances |
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- 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 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]

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| 11 | Repealer. |
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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. |
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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]

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| 2 | Acts prohibited. |
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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]

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| 3 | Peace officer. |
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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]

| Section | Description – Article 7: DWI |
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| 4 | <p>Crime described.</p> <p>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]</p> |
| 5 | <p>Reinstatement of driving privileges; notice.</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. [H.F. 1002]</p> |
| 6 | <p>Peace officer as agent for notice of impoundment.</p> <p>Permits an officer empowered to seize license plates pursuant to DWI impoundment to affix a permanent sticker on the plate. [H.F. 1001]</p> |
| 7 | <p>Temporary permit.</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. [H.F. 1001]</p> |
| 8 | <p>Exception.</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. [H.F. 628]</p> |
| 9 | <p>Examination required.</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. [H.F. 1002]</p> |
| 10 | <p>DWI study; measurement of controlled substances.</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 Reckless driving.**
Makes operators of light rail transit vehicles subject to prohibitions on reckless driving. Violations for reckless driving carry a misdemeanor penalty, which is punishable by a fine of up to \$1,000, imprisonment for up to 90 days, or both. A violation of reckless driving that involves great bodily harm or death is enhanced to a gross misdemeanor (with a fine of up to \$3,000, imprisonment for up to one year, or both). [H.F. 1568]
- 2 Careless driving.**
Makes operators of light rail transit vehicles subject to prohibitions on careless driving. Violations for careless driving carry a misdemeanor penalty. [H.F. 1568]
- 3 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]
- 4 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]
- 5 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]
- 6 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]

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

7 **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.

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.

Section Description – Article 8: Vehicle Operations

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]**

- 8 **Driver’s license suspensions and revocations; reports.**
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]**
- 9 to 13 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]**
- 14 **Motor vehicle charges and conviction data; report.**
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]**
- 15 to 18 **Criminal vehicular homicide.**
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:
- 169.89, subd. 5 – failing to attend a driver improvement clinic;
 - 169A.52 – DWI-related test refusal or failure;
 - 169A.54 – DWI-related convictions;

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

- 171.05, sub. 2b(d) – instruction permit holder with moving or DWI violations;
- 171.13, sub. 3 or 4 – suspended for being medically incompetent to drive;
- 171.17, sub. 1(a)(1) or (10) – manslaughter convictions for CVH/CVO and driving over 100 mph.;
- 171.177 – DWI-related test refusal or failure pursuant to a warrant;
- 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;
- 171.32 – blindness;
- 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]

19

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]**

20

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) a conviction for driving after suspension or revocation, (2) the failure to pay a fee or fine, or (3) both (1) and (2). 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]**

21

Traffic stop study; appropriation.

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

| Section | Description – Article 8: Vehicle Operations |
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| | <p>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.</p> <p>Subd. 3. Report. Requires the grant recipient to provide a report on the results of the study by February 15, 2021.</p> <p>[H.F. 50]</p> |
| 22 | <p>Repealer.</p> <p>Repeals existing wheelchair securement statutes which are repealed with new requirements. [H.F. 1955]</p> |

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 | <p>Minimum imprisonment, life sentence.</p> <p>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.</p> <p>Heinous crimes are the following:</p> <ul style="list-style-type: none">▪ 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. <p>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.</p> <p>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</p> |

| Section | Description – Article 9: Pretrial Release, Sentencing, Probation, and Diversion |
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| | 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] |
| 3 | Promulgation of sentencing guidelines. Requires the Minnesota Sentencing Guidelines Commission (MSGC) to establish an early discharge target for offenders placed on probation based on reasonable offense and offender characteristics. Clarifies that district court judges retain the power to impose sentences for felony offenses that are within the limits for misdemeanor and gross misdemeanor offenses. Describes an early discharge target as a presumptive period of time within which an offender is expected to meet the goals of probation. Requires the MSGC to consider current probation practices when establishing or modifying the guidelines. [H.F. 997] |
| 4 | Clearinghouse and information center. 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] |
| 5 | Administrative services. 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] |
| 6 | Use of restraints. 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] |
| 7 | Alternative to arrest of certain juvenile offenders authorized. 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 |

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

of juvenile offenders and directs that charges against juvenile offenders shall be dismissed upon completion of the program. [H.F. 1678]

8 Risk assessment instrument.

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]

9 Time limit.

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 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]

10 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

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

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]**

11 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 exonerated by July 1, 2016. Permits a person who did not meet both requirements of subdivision 1, clause (1), item (i) before July 1, 2019, to file a petition for compensation based on exonerated at any time between July 1, 2019, and July 1, 2021. **[H.F. 707]**

12 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]**

13 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]**

14 Life without release.

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

15 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]**

| Section | Description – Article 9: Pretrial Release, Sentencing, Probation, and Diversion |
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| 16 | <p>Family impact statement.</p> <p>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]</p> |
| 17 | <p>Failure to pay restitution.</p> <p>Makes a conforming change to a paragraph reference. [H.F. 689]</p> |
| 18 | <p>Failure to complete court-ordered treatment.</p> <p>Makes a conforming change to a paragraph reference. [H.F. 689]</p> |
| 19 | <p>Stay of sentence maximum periods.</p> <p>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 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]</p> |
| 20 | <p>Stay of sentence maximum periods; sentence stayed before August 1, 2019.</p> <p>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]</p> |
| 21 | <p>Early discharge target.</p> <p>Defines “early discharge target” to mean a presumptive period of time within which a defendant is expected to meet the goals of probation. Requires the court to explain the early discharge target to an offender at sentencing. Provides that the early discharge target period is stayed during any time the person serves in custody for a probation violation or offense committed after sentencing. Requires that a person be discharged from probation upon reaching the early discharge target unless the prosecutor or</p> |

| Section | Description – Article 9: Pretrial Release, Sentencing, Probation, and Diversion |
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| | probation agent request a hearing and the court determines, by a preponderance of the evidence, that the person failed to pay restitution or complete treatment, or that the person remains a threat to public safety. [H.F. 689] |
| 22 | 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] |
| 23 | 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] |
| 24 | 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] |
| 25 | 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] |
| 26 | Limits on damages. Replaces the term “imprisonment” with “incarceration.” Reiterates that individuals who served a sentence on probation are eligible for compensation. [H.F. 707] |
| 27 | Compensating exonerated persons; appropriations process. 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] |
| 28 | Short title. 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] |

| Section | Description – Article 9: Pretrial Release, Sentencing, Probation, and Diversion |
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| 29 | <p>Notice required.</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> |
| 30 | <p>Providing release on bail; commitment.</p> <p>Establishes limits on the use of financial conditions of release in most misdemeanor cases.</p> <p>Subd. 1. Pretrial release. 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>Subd. 2. Release of a person charged with a misdemeanor offense. 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> <p>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.</p> <p>Subd. 4. Money bail; disposition. Adds a subdivision title to existing law.</p> <p>[H.F. 741]</p> |
| 31 | <p>Pardon extraordinary; filing; copies sent.</p> <p>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</p> |

| Section | Description – Article 9: Pretrial Release, Sentencing, Probation, and Diversion |
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| | 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] |
| 32 | 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] |
| 33 | 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] |
| 34 | Rule superseded. States that section 1 supersedes rule 2.03 of the Minnesota Rules of Juvenile Delinquency Procedure. [H.F. 1678] |
| 35 | Compliance with juvenile restraint provisions. 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] |
| 36 | Adoption of juvenile detention risk assessment instrument. 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] |
| 37 | Specialized mental health community supervision. Establishes and describes a pilot project. |

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

Subd. 1. Authorization. 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.

Subd. 2. Pilot project goals and design. 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.

Subd. 3. Target population. Identifies certain adult offenders with mental illness as the target population.

Subd. 4. Evaluation and report. Requires a report to the commissioner of corrections by October 1, 2021, on the impact and outcome of the project.

[H.F. 474]

38 **Task force on the implementation of dosage probation.**

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, 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]

39 **Effective date.**

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 |
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| 1 | <p>Fire department.</p> <p>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]</p> |
| 2 | <p>Firefighter.</p> <p>Replaces the word “career” with “full-time” in the definition of “firefighter.” [H.F. 2395]</p> |
| 3 | <p>Membership.</p> <p>Makes a conforming change. [H.F. 2395]</p> |
| 4 | <p>Terms; chair; compensation.</p> <p>Extends the term of board members from one year to two years. [H.F. 2395]</p> |
| 5 | <p>Powers and duties.</p> <p>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 allocated reimbursement funds must be distributed, and set standards governing the use of reimbursement funds. [H.F. 2395]</p> |
| 6 | <p>Fire department.</p> <p>Amends the definition of “fire department” consistent with the change in section 1 of the bill. [H.F. 2395]</p> |
| 7 | <p>Full-time firefighter.</p> <p>Amends the definition of “full-time firefighter” to provide a statutory reference for the definition of “fire company.” [H.F. 2395]</p> |
| 8 | <p>Licensed firefighter.</p> <p>Amends the definition of “licensed firefighter” to specifically include a state employee. [H.F. 2395]</p> |
| 9 | <p>NFPA 1001 standard.</p> <p>Creates a new definition “NFPA 1001 standard” by referencing standards created by the National Fire Protection Association. [H.F. 2395]</p> |

| Section | Description – Article 10: Firefighters |
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| 10 | <p>Firefighter examination.</p> <p>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. [H.F. 2395]</p> |
| 11 | <p>Licensure requirement.</p> <p>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. [H.F. 2395]</p> |
| 12 | <p>Optional licensing.</p> <p>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. [H.F. 2395]</p> |
| 13 | <p>Obtaining a fire license.</p> <p>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. [H.F. 2395]</p> |
| 14 | <p>License renewal; expiration and reinstatement.</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>Duties of chief firefighting officer.</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>Fees; appropriation.</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>Eligibility for reciprocity and examination based on relevant military experience.</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</p> |

| Section | Description – Article 10: Firefighters |
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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]

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.

| Section | Description – 12: Uniform Collateral Consequences of Conviction Act |
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| 1 | <p>Disqualification decisions related to chapter 638.</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>Disqualification decisions related to chapter 638.</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 than a court revoked or modified an order. [H.F. 981]</p> |

| Section | Description – 12: Uniform Collateral Consequences of Conviction Act |
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| 3 | <p>Application.</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>Short title.</p> <p>Refers to the new section as the “Uniform Collateral Consequences of Conviction Act.” [H.F. 981]</p> |
| 5 | <p>Definitions.</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>Limitation on scope.</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>Identification, collection, and publication of laws regarding collateral consequences.</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> |
| 8 | <p>Notice of collateral consequences in citation, pretrial proceeding, and at guilty plea.</p> <p>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. [H.F. 981]</p> |
| 9 | <p>Notice of collateral consequences at sentencing and upon release.</p> <p>Requires courts and prisons or jails to provide notice of the possible existence of collateral consequences at sentencing and before release from custody. [H.F. 981]</p> |
| 10 | <p>Authorization required for collateral sanction; ambiguity.</p> <p>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. [H.F. 981]</p> |

| Section | Description – 12: Uniform Collateral Consequences of Conviction Act |
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| 11 | <p>Decision to disqualify.</p> <p>Requires individualized assessments to determine whether an optional collateral consequence should be imposed. [H.F. 981]</p> |
| 12 | <p>Effect of conviction by another state or the United States; relieved or pardoned conviction.</p> <p>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. [H.F. 981]</p> |
| 13 | <p>Order of limited relief.</p> <p>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. [H.F. 981]</p> |
| 14 | <p>Collateral sanctions not subject to order of limited relief.</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. [H.F. 981]</p> |
| 15 | <p>Issuance, modification, and revocation of order of limited relief.</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. [H.F. 981]</p> |
| 16 | <p>Reliance on order as evidence of due care.</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,</p> |

| Section | Description – 12: Uniform Collateral Consequences of Conviction Act |
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| | leasing to, admitting to school, or otherwise transacting business with individuals to whom orders were issued. [H.F. 981] |
| 17 | Uniformity of application and construction. Requires application and interpretation of the uniform act to consider the need to promote uniformity of the law between the states that adopt it. [H.F. 981] |
| 18 | Savings and transitional provisions. 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. [H.F. 981] |
| 19 | Change to uniform traffic ticket and statewide standard citation. Requires the uniform traffic ticket to adopt the notice requirements in section 638.14 by January 1, 2020. [H.F. 981] |
| 20 | Repealer. 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. [H.F. 981] |
| 21 | Effective date. 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] |

Article 13: Predatory Offenders

This article addresses policies impacting predatory offenders.

| Section | Description – Article 3: Predatory Offenders |
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| 1 | Filing photograph or image. Authorizes the use of an offender’s driver’s license photograph to locate a non-compliant predatory offender. [H.F. 1955] |

| Section | Description – Article 3: Predatory Offenders |
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| 2 | <p>Definitions.</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>Registration required.</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>Notice.</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>Contents of registration.</p> <ul style="list-style-type: none"><li data-bbox="451 877 1401 974">▪ 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 data-bbox="451 989 1365 1052">▪ 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 data-bbox="451 1066 1406 1163">▪ 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 data-bbox="451 1178 1422 1241">▪ Requires registrants to provide fingerprints to the probation agency or law enforcement authority within one year of the effective date of the legislation.<li data-bbox="451 1255 1401 1352">▪ 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. [H.F. 1955] |
| 6 | <p>Information required to be provided.</p> <p>Expands the items that offenders must report to include expiration date of license plate tabs and telephone numbers (home, work, school, cell). [H.F. 1955]</p> |
| 7 | <p>Health care facility; notice of status.</p> <p>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. [H.F. 1209]</p> |

| Section | Description – Article 3: Predatory Offenders |
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| 8 | <p>Notices in writing.</p> <p>Defines a signature to include ink, electronic means established by the BCA, or biometrics established by the BCA. [H.F. 1955]</p> |
| 9 | <p>Travel.</p> <p>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. [H.F. 1955]</p> |
| 10 | <p>Criminal penalty.</p> <p>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. [H.F. 1955]</p> |
| 11 | <p>Registration period.</p> <p>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. [H.F. 1955]</p> |
| 12 | <p>Use of data.</p> <p>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]</p> |
| 13 | <p>Availability of information on offenders who are out of compliance with registration law.</p> <p>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]</p> |
| 14 | <p>Database of registered predatory offenders.</p> <p>Ensures that corrections agents share predatory offender data with child protection services as required under section 244.057. [H.F. 1955]</p> |



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