

Subject Public Safety Omnibus

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Table of Contents

Overview	1
Article 1: Appropriations.....	2
Article 2: General Crimes and Public Safety Policy	2
Article 3: Law Enforcement Policy	11
Article 4: Controlled Substance Policy	13
Article 5: Corrections and Sentencing	16
Article 6: Interstate Compacts	24
Article 7: Community Supervision Reform	24
Article 8: Appropriations.....	27
Article 9: Civil Policy with Fiscal Impact.....	29
Article 10: Government Data Practices and Privacy	31
Article 11: Uniform Canadian Judgments	34
Article 12: Human Rights	35
Article 13: Other Civil Law Policy	37

Overview

This bill is the public safety and judiciary omnibus budget bill. It includes appropriations to the various agencies, boards, commissions, courts, public defenders, civil legal services, Guardian ad Litem Board, and Department of Human Rights subject to the jurisdiction of the public safety policy and finance committee and the judiciary policy and finance committee. Several policy articles on topics impacting entities subject to the jurisdiction of the two committees are also included.

Article 1: Appropriations

Section	Description – Article 1: Appropriations
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1, 3-10	Appropriations.
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	Provides supplemental appropriations to the various agencies, boards, and entities subject to the jurisdiction of the public safety policy and finance committee. Specific appropriation amounts are provided in the fiscal tracking spreadsheet.
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2	Public safety appropriations.
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	Establishes the fiscal years used for purposes of the appropriations provided in this bill and notes that many of the appropriations are supplemental to appropriations from the previous legislative session.
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11	Transfers; MINNCOR.
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	Transfers \$7,000,000 in fiscal year 2023 from the MINNCOR fund to the general fund.
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12	Transfer; opiate epidemic response.
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	Transfers \$10,000,000 in fiscal year 2023 from the general fund to the opiate epidemic response fund.
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13	Fund transfer.
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	Transfers responsibility for issuing grants to the Minnesota Firefighter Initiative to manage the hometown heroes assistance program from the Office of Justice Programs to the state fire marshal. [HF 2746]
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Article 2: General Crimes and Public Safety Policy

This article contains provisions establishing or modifying criminal penalties and addressing public safety. In addition, the article contains provisions modifying the state's direct ship wine law.

Section	Description – Article 2: General Crimes and Public Safety Policy
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1	Direct wine shipments.
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	Creates a cross-reference in the data practices chapter to the data classification provisions for direct wine shippers. [H.F. 2675]
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2	Body camera data classification.
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	Establishes timelines for law enforcement agencies to disclose body camera recordings of incidents involving the use of deadly force that result in death to (1) the decedent's family and legal representatives, and (2) the public.
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Section Description – Article 2: General Crimes and Public Safety Policy

3 Commissioner; powers and duties.

Requires the commissioner of corrections to prioritize public safety and human rights when implementing their missions and duties. Creates a definition of “public safety.” [H.F. 2433]

4 Promulgation of sentencing guidelines.

Requires the Sentencing Guidelines Commission to prioritize public safety and human rights when implementing their missions and duties. Creates a definition of “public safety.” [H.F. 2433]

5 Victim notification of petition and release; right to submit statement.

Modifies the requirement for county attorneys to provide victim notice in civil commitment proceedings to those victims who have submitted a written request to receive notice. [H.F. 3957]

6 Notice of filing petition.

Conforming change related to section 5. [H.F. 3957]

7 Domestic abuse programs.

Clarifies that the Office of Justice Programs, not the Department of Corrections, is the designated agency responsible for domestic abuse funding. [H.F. 3957]

8 Mandated reports; annual audit.

Requires that the commissioner annually report to the legislature a list of reports that the commissioner is obligated to submit to the legislature. Provides that if the legislature does not repeal or otherwise modify by law a reporting requirement, the commissioner must continue to provide each mandated report as required by law. [H.F. 3957]

9 Duties of commissioner.

Requires the commissioner of public safety to prioritize public safety and human rights when implementing their missions and duties. Creates a definition of “public safety.” [H.F. 2433]

10 Public safety officer soft body armor reimbursement.

Authorizes firefighters and qualified emergency medical service providers (i.e., EMTs) to participate in the state’s soft body armor reimbursement program. Currently, only peace officers are eligible to participate. [HF 2867]

Section Description – Article 2: General Crimes and Public Safety Policy

11 Hazardous materials response.

Changes the name of “chemical assessment teams” to “hazardous materials response teams.” [H.F. 3957]

12 Elements of plan; rules.

Directs the commissioner of public safety to consult with his/her agency when preparing the statewide hazardous materials incident response team. [H.F. 3957]

13 Liability and worker’s compensation.

Removes an obsolete term. [H.F. 3957]

14 Public Safety Innovation Board.

Subd. 1. Establishment. Establishes the Public Safety Innovation Board within the Office of Justice Programs in the Department of Public Safety.

Subd. 2. Membership. Establishes the membership for the board, including three academics, five individuals appointed by the governor, four members appointed by the community-specific boards, and three members representing law enforcement. Directs the members to elect a chair.

Subd. 3. Terms; removal; vacancy. Provides that members serve three-year terms following an initial staggered-term determination. Provides that compensation is governed by section 15.0575.

Subd. 4. Powers and duties. Establishes the powers and duties of the board including monitoring trends and research on crime, identifying gaps and imbalances in grant funds and programs, coordinating with OJP to properly target grants, advising the commissioner of public safety, and making recommendations to the legislature.

Subd. 5. Meetings. Requires the board to meet at least quarterly and provides that meetings are subject to the open meeting requirements in chapter 13D. Requires at least two meetings in a year take place outside of the metro area.

Subd. 6. Report. Requires the board to submit a report by January 15 of each year. The report must describe the work of the board, a description of grants issued to address public safety, a review of grants related to portable recording systems, and recommendations to the legislature.

[H.F. 4200]

Section Description – Article 2: General Crimes and Public Safety Policy

15 Alcohol enforcement account appropriation.

Appropriates money from the alcohol enforcement account for costs to the Alcohol and Gambling Enforcement Division in enforcing the new regulatory provisions for direct wine shippers. [H.F. 2675]

16 Definitions.

Deletes the definition of “blackmail.” [H.F. 4078]

17 Public awareness initiative.

Makes a conforming change to remove the term “blackmail.” [H.F. 4078]

18 Reward fund for information on MMIR.

Creates a reward fund for information on missing and murdered Indigenous relatives. Establishes a reward advisory group to make recommendations for payment of rewards from the fund and limits award to no more than \$1,000,000. [H.F. 3055]

19 Office for missing and murdered Black women and girls.

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

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

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

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

Subd. 5. Reports. Directs the office to provide an annual report on its actions, data related to missing and murdered Black women and girls, and objectives for the coming year.

Section Description – Article 2: General Crimes and Public Safety Policy

Subd. 6. Grants. Permits the office to apply for and receive grants from public and private entities.

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

[H.F. 2849]

20 Questioned identity process.

Creates a questioned identity (QI) statute in chapter 299C to codify the BCA's QI process. Details how a person can challenge data contained in BCA databases that is wrongfully associated with their name and the steps the BCA must take to disassociate wrongful information from a person's file. **[H.F. 3957]**

21 Establishment.

Permits the BCA to approve authorized agencies to access necessary systems or services for additional criminal justice uses of the criminal justice data communications network. **[H.F. 3772]**

22 Membership; duties.

Amends the name of the Criminal and Juvenile Justice Advisory Group to include a reference to the Bureau of Criminal Apprehension and adds duties including advising the superintendent on emerging technology, privacy interests, and other bureau initiatives. **[H.F. 3772]**

23 Report.

Makes a conforming change to the contents of the report by the Criminal and Juvenile Justice Advisory Group. **[H.F. 3772]**

24 Smoke alarm; installation; rules; penalty.

Changes references to "smoke detectors" to "smoke alarms" in statute. **[H.F. 3957]**

25 Required contents.

Requires the Board of Private Detective and Protective Agent Services to accept proof of the required preassignment training from employees of licensed private detectives and protective agents if the training was provided by another Minnesota license holder within the past three years. Requires license holders to provide a certificate of preassignment training to employees even when the license holder paid for the training. **[H.F. 3955]**

Section	Description – Article 2: General Crimes and Public Safety Policy
26	License suspension and revocation. Applies the liquor license suspension and revocation provisions to direct ship winery licensees. [H.F. 2675]
27	Wine shipments. Modifies the direct ship wine law by increasing the shipping limit from two cases to 12. [H.F. 2675]
28	Direct shipments of wine; licensing, taxation, and restrictions. Establishes regulatory requirements for out-of-state direct ship wineries relating to licensing, oversight, taxation, reporting, and data collection. [H.F. 2675]
29	Common carrier regulations for direct shipments of wine. Establishes reporting and record retention requirements for common carriers other than railroads that transport direct shipped wine into Minnesota. [H.F. 2675]
30	Public safety telecommunicator. Defines the term “public safety telecommunicator” for purposes of the Minnesota code. [H.F. 3974]
31	Public safety telecommunicators; certification; training; and continuing education. Subd. 1. Certification required. Requires PSTs to be certified by the commissioner of public safety by August 1, 2024. Subd. 2. Certification requirements; rulemaking. Specifies skills that PSTs must demonstrate proficiency to earn certification. Authorizes the commissioner to adopt rules to implement the certification process. Subd. 3. Continuing education. Establishes continuing education requirements for PSTs. [H.F. 3974]
32	Emergency telecommunications service fee; account. Authorizes use of the 911 fee proceeds to fund PST training, certification, and continuing education. [H.F. 3974]
33	Qualified domestic violence-related offense. Expands the list of qualified domestic violence-related offenses to include first-degree manslaughter, second-degree manslaughter, kidnapping, and false imprisonment. [H.F. 2734]

Section Description – Article 2: General Crimes and Public Safety Policy

- 34 **Debt bondage.**
Amends the definition of “debt bondage” by removing references to a pledge by a debtor and defining the term as the status of a person who provides labor or services for a real or alleged debt when the value of the labor or services is not deducted from the debt or the length and nature of the services is not limited or defined. [H.F. 4078]
- 35 **Forced labor or services.**
Makes changes to the definition of “forced labor or services” to specify the types of harm or threat of harm that qualifies as forcing labor or services. [H.F. 4078]
- 36 **Labor trafficking.**
Amends the definition of “labor trafficking” to include actions done in furtherance of prohibited conduct and makes additional technical changes. [H.F. 4078]
- 37 **Labor trafficking resulting in death.**
Establishes the crime of labor trafficking resulting in death. Provides that a person who knowingly engages in the labor trafficking of an individual may be sentenced to up to 25 years in prison if the labor trafficking victim dies and the death arose out of and in the course of the trafficking. [H.F. 4078]
- 38 **Individuals under age 18; extended period of time; great bodily harm.**
Establishes an enhanced crime of labor trafficking a person over an extended period of time or when the victim suffers great bodily harm. Includes the existing crime of trafficking a person under age 18 in the new subdivision. Establishes a maximum penalty of 20 years for the offense. [H.F. 4078]
- 39 **Data.**
Defines the term “data” for purposes of the state’s computer crime statutes. [H.F. 3957]
- 40 **Acts.**
Expands the list of computer related criminal conduct to include the unauthorized use and retention of computer software and data. [H.F. 3957]
- 41 **Rules required.**
Requires the POST Board to prioritize public safety and human rights when implementing their missions and duties. Creates a definition of “public safety.” [H.F. 2433]

Section Description – Article 2: General Crimes and Public Safety Policy

42 Exception; stolen motor vehicles.

Permits law enforcement officers to attach a mobile tracking device to stolen vehicles without prior court approval if the owner of the vehicle either grants consent or reported to law enforcement that the vehicle was stolen. **[H.F. 2910]**

43 Limitations.

Establishes that the statute of limitations for the crime of surreptitious intrusion is the later of three years from the date of offense or three years from when the offense was reported to law enforcement. **[H.F. 2815]**

44 Notice of rights.

Clarifies that the Office of Justice Programs, not the Department of Corrections, is the designated agency responsible for domestic abuse funding. **[H.F. 3957]**

45 Report required.

Clarifies that the Office of Justice Programs, not the Department of Corrections, is the designated agency responsible for domestic abuse funding. **[H.F. 3957]**

46 Notice; release of arrested person.

Removes an obsolete term. **[H.F. 3957]**

47 Hometown heroes assistance program.

Subd. 1. Definitions. Defines “critical illness.”

Subd. 2. Program established. Clarifies which firefighters with critical illness diagnoses are eligible for payments from the assistance program. Contains additional clarifying language.

Subd. 3. Critical illness monetary support program. Clarifies that a firefighter is eligible for financial payments for a critical illness only if the diagnosis was made on or after August 1, 2021.

[H.F. 2746]

48 Task force on a coordinated approach to juvenile wellness and justice.

Establishes a task force that includes professionals and youth to examine the juvenile justice system, identify underlying factors that contribute to delinquent behavior, and propose policies and legislative changes that both hold juveniles accountable and increase their connection with the community. Requires a report by January 1, 2024.

Section Description – Article 2: General Crimes and Public Safety Policy

49 Emergency community safety grants.

Establishes grants to cities, towns, Tribal governments, and law enforcement agencies for crime prevention programs. Requires that requests for proposals be available by July 15 and provides for awarding grants on a first come, first served basis. Requires grant recipients to file a report on the use of funds by December 15. **[H.F. 4200]**

50 Local co-responder grants.

Establishes grants to cities, towns, Tribal governments, and law enforcement agencies for embedded social workers, mobile crisis teams, or violence interrupters who work with law enforcement agencies. Requires that requests for proposals be available by August 15 and requires that applicants who are not eligible for local community innovation grants, local community policing grants, and local investigation grants be given priority. Requires grant recipients to file a report on the use of funds by December 15. **[H.F. 4200]**

51 Local community innovation grants.

Establishes grants to cities, towns, and Tribal governments with high rates of crime or rapid increases in crime rates. Requires award decisions to be made within six months of an appropriation to fund the grants and directs the Office of Justice Programs to establish a final review panel to make decisions on awards. Requires that funds be used for programs designed to reduce crime. Requires recipients to undergo a standardized evaluation every two years. **[H.F. 4200]**

52 Local community policing grants.

Establishes grants to cities, towns, and Tribal governments with high rates of crime or rapid increases in crime rates. Requires award decisions to be made within six months of an appropriation to fund the grants and directs the Office of Justice Programs to establish a final review panel to make decisions on awards. Requires that funds be used for programs designed to reduce crime by increasing the capacity, efficiency, and effectiveness of law enforcement community policing efforts. Requires recipients to undergo a standardized evaluation every two years. **[H.F. 4200]**

53 Local investigation grants.

Establishes grants to cities, towns, and Tribal governments with high rates of crime or rapid increases in crime rates. Requires award decisions to be made within six months of an appropriation to fund the grants and directs the Office of Justice Programs to establish a final review panel to make decisions on awards. Requires that funds be used for programs designed to reduce crime by increasing the capacity,

Section	Description – Article 2: General Crimes and Public Safety Policy
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efficiency, and effectiveness of law enforcement investigations. Requires recipients to undergo a standardized evaluation every two years. [H.F. 4200]

54 Repealer.

Repeals the crimes of sodomy, fornication, and adultery. Repeals the definition of “blackmail.” Deletes an obsolete term (“regional hazardous materials response team”) from statute. [H.F. 2770; H.F. 4078; H.F. 3957]

Article 3: Law Enforcement Policy

This article contains provisions related to peace officers and the POST Board.

Section	Description – Article 3: Law Enforcement Policy
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1 Board of Peace Officer Standards and Training; receipt of complaint.

Permits, rather than requires, POST to order a law enforcement agency to conduct an inquiry into a written statement or complaint that alleges a violation of a statute or rule that the board is empowered to enforce. [H.F. 4200]

2 Limitations period.

Provides that an action for damages based on sexual abuse may be brought at any time in the case of alleged sexual abuse by a peace officer. Makes the elimination retroactive, but requires actions that would otherwise be time-barred under a previous version of the statute must be brought within five years of the effective date of the section. [H.F. 717]

3 Death action.

Provides that an action for damages based on wrongful death may be brought at any time in the case of alleged act by a peace officer. Makes the elimination retroactive, but requires actions that would otherwise be time-barred under a previous version of the statute must be brought within five years of the effective date of the section. [H.F. 717]

4 Compliance review officers.

Requires state law enforcement agencies participating in a joint response to certain major public safety events to appoint a compliance review officer to ensure that agencies participating in the response are complying with applicable laws and policies.

Section Description – Article 3: Law Enforcement Policy

5 Physical strength and agility examinations.

Requires law enforcement agencies to use only scientifically content-validated, job related physical strength and agility screening exams for peace officer applicants. Authorizes agencies to seek reimbursement from the state for administering screening exams that comply with this section. **[H.F. 3785]**

6 Rules governing certain misconduct.

Directs POST to adopt rules under chapter 14 that permit POST to take action on a licensee for a violation of a standard of conduct whether or not criminal charges have been filed and in accordance with the standards and processes for boards under chapter 214. **[H.F. 4200]**

7 Written policies and procedures required.

Adds additional requirements that must be included in body camera policies adopted by law enforcement agencies that have officers who use portable recording systems (a.k.a. body cameras). **[H.F. 4200]**

8 Civilian review.

Authorizes local units of government to establish civilian oversight councils and grant an oversight council the authority to make findings of fact and impose discipline on officers. **[H.F. 4200]**

9 Exception; Leech Lake Band of Ojibwe.

Provides that the Leech Lake Band of Ojibwe has concurrent jurisdictional law enforcement 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. 1378]**

10 Peace officer training assistance Philando Castile memorial training fund.

Amends the appropriation of \$6,000,000 to reimburse peace officer training expenses that passed in the 2021 First Special Session to limit the use of the appropriation to training courses that qualify for reimbursement under sections 626.8469 (training in crisis response, conflict management, and cultural diversity) and 626.8474 (autism training). **[H.F. 4200]**

11 Task Force on Alternative Courses to Peace Officer Licensure.

Subd. 1. Establishment. Establishes a task force to increase recruitment of new peace officers, increase the diversity of the racial makeup and professional background of licensed peace officers, promote education and training in community policing models, maintain the high standards of education and

Section	Description – Article 3: Law Enforcement Policy
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training required for licensure, and make policy and funding recommendations to the legislature.

Subd. 2. Membership. Establishes the task force membership. Requires appointments to be made by August 30, 2022. Provides that members serve without compensation.

Subd. 3. Officers; meetings. Requires the members to elect a chair and vice-chair from among its members. Requires the first meeting to be called by September 15, 2022. Directs the task force to meet at least monthly and provides that meetings are subject to chapter 13D (the Open Meetings Law).

Subd. 4. Duties. Lists the duties of the task force including development of policies and strategies to recruit new peace officers with a diverse professional background.

Subd. 5. Report. Requires the task force to submit a report by January 15, 2024.

Subd. 6. Expiration. Provides that the task force expires upon submission of its report.

[H.F. 4200]

12	Title.
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Provides that the sections relating to amending the statutes of limitations for certain offenses committed by a peace officer may be known as “Justin Teigen’s Law.” [H.F. 717]

Article 4: Controlled Substance Policy

This article contains provisions related to controlled substance policy.

Section	Description – Article 4: Controlled Substance Policy
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1	Mixture.
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Makes a conforming change to remove a reference to the definition of “small amount.” [H.F. 1355]

2	Marijuana flower.
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Creates a new definition of “marijuana flower” that means the flower, leaves, stems, seeds, or plant form of marijuana. [H.F. 1355]

Section Description – Article 4: Controlled Substance Policy

- 3 Nonflower marijuana.**
Creates a new definition of “nonflower marijuana” that means the resinous form of marijuana. **[H.F. 1355]**
- 4 Park zone.**
Amends the definition of park zone in the controlled substances chapter to include public park land designated by a federally recognized Indian Tribe. **[H.F. 4673]**
- 5 Small amount.**
Amends the definition of “small amount” in relation to marijuana to include nonflower marijuana mixtures that weigh eight grams or less and prohibits combining the weight of nonflower marijuana to determine the weight of flower marijuana. **[H.F. 1355]**
- 6 Drug paraphernalia.**
Changes the definition of “drug paraphernalia” by specifying that the permitted uses of controlled substances includes the permitted uses of marijuana, and by eliminating products that are intended for “testing the strength, effectiveness, or purity of a controlled substance. **[H.F. 883 and H.F. 1355]**
- 7 Possession crimes.**
Provides that the weight of fluid used in a water pipe may not be considered in measuring the weight of a marijuana mixture and makes a conforming change to clarify that existing law permitting the weight of water to be considered in determining the weight of other mixtures when the mixture contains four or more fluid ounces is unchanged. **[H.F. 1355]**
- 8 Possession crimes.**
Provides that the weight of fluid used in a water pipe may not be considered in measuring the weight of a marijuana mixture and makes a conforming change to clarify that existing law permitting the weight of water to be considered in determining the weight of other mixtures when the mixture contains four or more fluid ounces is unchanged. **[H.F. 1355]**
- 9 Possession crimes.**
Provides that the weight of fluid used in a water pipe may not be considered in measuring the weight of a marijuana mixture and makes a conforming change to clarify that existing law permitting the weight of water to be considered in determining the weight of other mixtures when the mixture contains four or more fluid ounces is unchanged. **[H.F. 1355]**

Section Description – Article 4: Controlled Substance Policy

10 Penalty.

Amends the penalty provision for a first-time offender convicted of possession of a controlled substance in the fifth degree to establish a gross misdemeanor penalty for a first-time offender who possesses between 42.5 grams and 85 grams of leaf marijuana, or between eight grams and 16 grams of any nonflower marijuana mixture. [H.F. 1355]

11 Possession or sale of small amounts of marijuana.

Removes the provisions that require a person sentenced to a petty misdemeanor for possession of a small amount of marijuana to participate in a drug education program. [H.F. 1355]

12 Notice of drug convictions; driver's license revocation.

Removes a conviction for possessing or giving away a small amount of marijuana from the list of convictions that trigger a driver's license revocation. [H.F. 1355]

13 Prohibited acts; penalties.

Amends the prohibition on conspiring to commit a controlled substance offense to apply to only felony offenses. [H.F. 1355]

14 Expungement of certain marijuana offenses.

Amends the provision providing for expungement of certain marijuana offenses adopted when Minnesota's laws changed in the 1970s to provide that a person convicted of fifth degree possession of a controlled substance before August 1, 2022, can petition for expungement based on the change in law effective August 1, 2022. Requires restoration of the right to possess firearms to an individual whose conviction is expunged. [H.F. 1355]

15 Probation; supervised release.

Prohibits a court or the commissioner of corrections from preventing a person from participating in the medical cannabis program as a condition of release, revoking a person's release for participation in the program, or consider the person's participation in the program when imposing penalties for violations of conditions of release. [H.F. 1020]

16 Criminal affirmative defense.

Establishes an affirmative defense to charges of fifth degree possession of marijuana and possession of a small amount of marijuana for patients enrolled in the registry program ("medical marijuana program"). [H.F. 1355]

Section Description – Article 4: Controlled Substance Policy

- 17 Court order; findings, remedies, treatment.**
Amends the available dispositions for a child found to be delinquent by removing an adjudication for possessing or giving away a small amount of marijuana from the list of adjudications that trigger a driver's license revocation. **[H.F. 1355]**
- 18 Certain convicted felons ineligible to possess firearms.**
Makes a conforming change related to the restoration of an individual's right to possess firearms under the new retroactive expungement provisions. **[H.F. 1355]**
- 19 Violation and penalty.**
Makes a conforming change related to the restoration of an individual's right to possess firearms under the new retroactive expungement provisions. **[H.F. 1355]**
- 20 Certain petty misdemeanor controlled substance.**
Requires the record of petty misdemeanor violations of the law prohibiting possession of a small amount of marijuana to be sealed following an automatic expungement. **[H.F. 1355]**
- 21 No petition required for certain petty misdemeanor controlled substance violations after one-year waiting period.**
Requires courts to issue orders sealing judicial and administration records related to a charge involving possession of a small amount of marijuana. Directs the court to take action immediately following a dismissal or one year after a conviction provided the person pays any required fines and fees, and completes any required drug education program. **[H.F. 1355]**
- 22 Task Force on Abuse of Controlled Substances.**
Establishes the Task Force on Abuse of Controlled Substances to review the ways in which the state's justice, social service, and health systems respond to substance abuse issues, examine approaches taken in other jurisdictions, and make policy and funding recommendations to the legislature. **[H.F. 2958]**

Article 5: Corrections and Sentencing

This article contains provisions that affect sentencing and corrections policies.

Section Description – Article 5: Corrections and Sentencing

- 1 Expungement.**
Makes a conforming change in chapter 13 clarifying that certain data related to automatic expungements is classified in Minnesota Statutes, sections 609A.015 and 299C.007. **[H.F.1152]**
- 2 Deferring prosecution for certain first-time offenders.**
Directs the BCA to provide notice to the arresting or citing local law enforcement agency when a case is discharged and dismissed pursuant to Minnesota Statutes, section 152.18. The notice must direct the local law enforcement agency to seal its records. **[H.F. 1152]**
- 3 Affected municipality; notice.**
Makes a technical conforming change. **[H.F. 947]**
- 4 Licensing; facilities; juveniles from outside state.**
Makes a technical conforming change. **[H.F. 947]**
- 5 Searches.**
Provides that the commissioner of corrections shall not grant a license to operate a facility for the detention, care, and training of delinquent children unless the facility adopts a policy prohibiting the visual inspection of the breasts, buttocks, or genitalia of children received by the facility except during a health care procedure by a medically licensed person. **[H.F. 947]**
- 6 Disciplinary room time.**
Provides that the commissioner of corrections shall not grant a license to operate a facility for the detention, care, and training of delinquent children unless the facility adopts a policy prohibiting the use of disciplinary room time for children received by the facility. **[H.F. 947]**
- 7 Language access.**
Directs the commissioner of corrections to take steps to provide access to limited English proficient individuals detained or supervised by the Department of Corrections. **[H.F. 3376]**
- 8 Office of ombudsperson; creation; qualifications; function.**
Requires that the governor have just cause prior to removing the ombudsperson for corrections. **[H.F. 3949]**
- 9 Charges to counties.**
Provides that counties must pay 100 percent of the cost of confinement of juveniles at Red Wing or for females committed to another facility. Currently they pay 65

Section Description – Article 5: Corrections and Sentencing

percent. Directs that the additional 35 percent be deposited in a special revenue fund to provide grants to programs for preventative services and for services to youth in both the juvenile justice and child welfare systems.

10 Indeterminate Sentence Release Board.

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

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

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

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

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

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

[H.F. 1369]

11 Supervised release, life sentence.

Replaces the term "commissioner" with "board," establishes a majority vote of the board as the basis for releasing an inmate, and defines "board" as the Indeterminate Sentence Release Board established in section 10 of this article. **[H.F. 1369]**

12 Research director.

Removes a reference to the staff of the Minnesota Sentencing Guidelines Commission, establishing that only the director will be in the unclassified service.

Section Description – Article 5: Corrections and Sentencing

- Makes a conforming change to clarify that the compensation of staff remain subject to chapter 43A. **[H.F. 3013]**
- 13 **General.**
Removes the statutory requirement that the court open hearings in juvenile proceedings when a child is alleged to have committed an offense that would be a felony if committed by an adult and the child is at least 16 years old. **[H.F. 922]**
- 14 **Risk assessment instrument.**
Requires a peace officer or parole officer who does not release a child to communicate with a secure detention facility to determine whether the child should be detained. The facility must use an objective juvenile detention risk assessment instrument developed in coordination with the Minnesota Juvenile Detention Alternative Initiative. Requires that the risk assessment instrument assess the likelihood that a juvenile will return to court or be a danger to others. Further directs the instrument to identify appropriate noncustodial community-based supervision that will minimize the risk the child poses to others and increase the probability that the child will return to court. Requires release of the child pursuant to existing law if, after use of the assessment, a decision is made that release is appropriate. **[H.F. 922]**
- 15 **Reason for detention.**
Provides that no child may be detained in a secure detention facility after being taken into custody for a delinquent act unless the child is over the age of 12. **[H.F. 947]**
- 16 **Child in need of protection or services.**
Amends the definition of “child in need of protection or services” to include children who commit a juvenile petty offense or delinquent act before becoming 13 years old. Current law defines the term as including children under the age of ten. **[H.F. 947]**
- 17 **Database for identifying individuals eligible for expungement.**
Directs the BCA to store data on petty misdemeanor and misdemeanor offenses that may become eligible for expungement, do not require fingerprinting, and are not currently stored in the criminal history system. Classifies the data as private data on individuals. **[H.F. 1152]**
- 18 **Required fingerprinting.**
Adds a violation of Minnesota Statutes, section 609.749, (obscene or harassing telephone calls) to the definition of “targeted misdemeanor” which is a misdemeanor for which fingerprinting is required. **[H.F. 1152]**

Section Description – Article 5: Corrections and Sentencing

19 Suspense file reporting.

Makes a conforming change to clarify that fingerprints are not required for records other than those related to a felony, gross misdemeanor, or petty misdemeanor.

[H.F. 1152]

20 Report by court administrator.

Expands the list of offenses for which court administrators must send a disposition report to the BCA to include all misdemeanors and petty misdemeanors. **[H.F. 1152]**

21 Expungement of criminal records.

Makes a conforming change to reference the new automatic expungement provisions. **[H.F. 1152]**

22 Automatic expungement of records.

Subd. 1. Eligibility; dismissal; exoneration. Establishes that a criminal record is eligible for dismissal without the filing of a petition if the person was arrested and all charges were dismissed or if all pending actions were resolved in the person's favor. Establishes an exception if dismissal is based on a determination that the person is incompetent or if the action was resolved in the person's favor under the theory that the person is not guilty by reason of mental illness.

Subd. 2. Eligibility; diversion and stay of adjudication. Establishes that a person is eligible for expungement if the person completes the terms of a diversion or stay of adjudication for an offense other than a felony and is not convicted of, or charged with, a new offense for one year.

Subd. 3. Eligibility; certain criminal and delinquency proceedings. Provides that a person is eligible for expungement relief if the underlying offense is a listed qualifying offense, the person has not been convicted of a new offense in Minnesota during the applicable waiting period, and the person is not charged with a new offense in Minnesota at the end of the waiting period. Defines qualifying offense to include any petty misdemeanor other than a traffic or parking violation; misdemeanors other than specified offenses including assault, domestic violence offenses, and DWI; and gross misdemeanors other than specified offenses including assault, burglary, domestic violence offenses, and DWI. Defines "applicable waiting period" as two years for an eligible petty misdemeanor or misdemeanor and four years for an eligible gross misdemeanor. Provides that felony offenses and gross misdemeanor offenses that are deemed to be lesser charges based on the sentence imposed do not become eligible for automatic expungement because of the sentence imposed.

Subd. 4. Notice. Requires the court to notify a defendant that an offense is eligible for automatic expungement at the time a case is dismissed or resolved in

Section Description – Article 5: Corrections and Sentencing

the person's favor, or when the court sentences a person to a qualifying offense. Directs prosecutors, defense attorneys, supervising agents, and diversion supervisors or coordinators to notify individuals of their eligibility to the extent possible. Notice must inform the person that an expunged record may be used for background studies performed by the Department of Human Services and background checks performed by the Professional Educator Licensing and Standards Board, and that the person may file for a statutory expungement to request that the records not be usable for those purposes.

Subd. 5. Bureau of Criminal Apprehension (BCA) to identify eligible persons and grant expungement relief. Directs the BCA to identify individuals who may be eligible for a grant of expungement relief. Directs the BCA to use finger and thumbprints to identify individuals when those prints are available. Directs the BCA to use an individual's name and date of birth when prints are not available. Establishes a presumption that records with the same names and dates of birth identify the same individual unless other evidence demonstrates, by a preponderance of the evidence, that the two are not the same. Provides that the BCA does not need to review additional information when making this determination. Directs the BCA to identify records eligible for expungement and to seal those records 60 days after sending notice to the judicial branch unless an order or additional information informs the BCA that the records should not be sealed. Requires nonpublic copies of the record to indicate that they were expunged pursuant to this section. Requires the BCA to inform the judicial branch of records that have been identified and directs the judicial branch to seal those records and issue any other necessary order. Directs the BCA to notify the law enforcement agency that cited or arrested an individual that records must be sealed unless an order of the court previously notified the agency. Establishes that data on the expunged offense, including any notice sent by the BCA, is private data on individuals. Directs the prosecutor to notify any victim of an offense of the expungement. Permits expunged offenses to be used in a later criminal action against the person. Directs the BCA to develop or expand a system to provide criminal justice agencies with uniform access to records that have been expunged.

Subd. 6. Immunity from civil liability. Establishes that the BCA and its employees are immune from civil suits based on the exercise or failure to exercise the powers and duties under this section.

Effective date. Establishes that the new section is effective January 1, 2024, and applies retroactively to offenses that are stored in the BCA's criminal history system on that date.

[H.F. 1152]

Section Description – Article 5: Corrections and Sentencing

23 Nature of remedy; standard.

Makes a conforming change in the section of law related to petitions for expungement to clarify that orders issued under the section do not apply to orders issued based on an automatic expungement. [H.F. 1152]

24 Limitations of order effective January 1, 2015, and later.

Provides that prosecutors may request and obtain a certified copy of a record of expungement and may introduce the record in criminal proceedings. Establishes that the subject of expunged records may request and obtain certified or uncertified copies of an expunged record. Makes a conforming change to clarify that the subdivision applies to records expunged under the automatic expungement process. [H.F. 1152]

25 Stay of order; appeal.

Makes a conforming change to clarify that this section applies to orders issued under the statutory expungement section, not the automatic expungement section. [H.F. 1152]

26 Plea agreements; notification of victims.

Makes a conforming change requiring that prosecutors notify victims when an offense is eligible for automatic expungement. [H.F. 1152]

27 Board of Pardons; how constituted; duties.

Grants additional voting authority to the governor in pardon board votes. Currently, the three members of the board—chief justice, attorney general, and governor—have equal authority in the board’s decisions. [H.F. 3464]

28 Clemency Review Commission.

Establishes a nine member Clemency Review Commission to screen petitions submitted to the board and make disposition recommendations on the petitions to the board. The governor, attorney general, and chief justice each appoint three members. [H.F. 3464]

29 Pardons and commutations.

Establishes standards, eligibility criteria, filing requirements, and reapplication procedures for pardons and commutations. (The language in this section is a revised version of current law, which is repealed in section 44.) [H.F. 3464]

30 Applications.

Establishes standards and requirements for applications for pardons and commutations. [H.F. 3464]

Section Description – Article 5: Corrections and Sentencing

31 Notifications.

Requires notice of pardon and commutation applications be provided to victims, the sentencing judge, and the prosecuting attorney. **[H.F. 3464]**

32 Meetings.

Subd. 1. Commission meetings. Requires the commission to meet at least four times per year to review petitions. Mandates that meetings be open to the public. Requires applicants to appear in person before the commission. Directs the commission to notify applicants of the commission's decision within ten working days of the hearing.

Subd. 2. Board meetings. Requires the commission to meet at least two times per year to review referred petitions. Mandates that meetings be open to the public. Prohibits live testimony unless a board member requests testimony beyond what was provided to the commission. Directs the board to notify applicants of the board's decision within ten working days of the hearing.

[H.F. 3464]

33 Grounds for recommending clemency.

Establishes the factors for the commission to consider in reviewing applications. Establishes grounds for the commission to reject an application without a hearing. **[H.F. 3464]**

34 Access to records; issuance of process.

Grants the board and the commission the authority to (1) access relevant documents held by the courts, prosecutors, and state agencies, and (2) to require the presence of persons and officers with information that is necessary for the commission to resolve pending matters. **[H.F. 3464]**

35 Rules.

Grants the board and commission rulemaking authority. **[H.F. 3464]**

36 Records.

Establishes record retention standards. **[H.F. 3464]**

37 Report to legislature.

Directs the commission to assume responsibility for filing the mandated report to the legislature and expands the list of information that must be addressed in the report. **[H.F. 3464]**

Section	Description – Article 5: Corrections and Sentencing
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38	Medical aid.
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Prohibits counties from charging jail inmates for external phone calls made by inmates to mental health care providers. [H.F. 3857]

39	Task Force on Felony Murder.
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Establishes a Task Force on Felony Murder to propose legislation based on the recommendations in the report of the Task Force on Aiding and Abetting Felony Murder and to look more broadly at Minnesota's laws increasing the seriousness of offenses in which a person causes the death of another while committing an underlying felony and those that establish liability for crimes committed by another.

40	Task force on the collection of charges and related data.
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Establishes a Task Force on the Collection of Charging and Related Data to identify data that should be collected and analyzed to determine the ways in which individuals are charged and prosecuted in Minnesota. [H.F. 1369]

41	Staff transition to classified service.
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Provides that staff of the Minnesota Sentencing Guidelines Commission, other than the director, who are in the unclassified service shall be placed in the classified service without loss of seniority. Provides that staff employed in the same position on January 1, 2022 shall not be required to complete a probationary period. [H.F. 3013]

42	Repealer.
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Repeals most of the current statutes governing the pardon board. [H.F. 3464]

Article 6: Interstate Compacts

This article combines the State Advisory Council for the Interstate Compact for Juveniles with the Advisory Council on Interstate Adult Supervision. [HF 3308]

Article 7: Community Supervision Reform

This article modifies the state's community supervision system and funding model. [H.F. 4609]

Section	Description – Article 7: Community Supervision Reform
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1	Fee collection; prohibited.
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Prohibits assessment and collection of fees from offenders for community supervision.

Section Description – Article 7: Community Supervision Reform

- 2 Conditional release.**
Strikes language related to (1) community service for offenders and (2) revocation of community supervision for nonviolent drug offenders.
- 3 Sanctions for violation.**
Modifies provisions regulating revocation of community supervision for technical violations.
- 4 Appointment; joint services; state services.**
Establishes criteria for designating “CPO counties” for purposes of receiving a state community supervision reimbursement grant.
- 5 Compensation.**
Removes the district court in counties with populations in excess of 200,000 from the process of compensating probation officers. Repeals language related to calculating probation reimbursement costs. (This process is consolidated in section 17 of this article.)
- 6 Definitions.**
Adds definitions of “probation agency” and “probation officer” to chapter 244.
- 7 Intermediate sanctions.**
Recodifies language stricken in section 12.
- 8 Contacts.**
Authorizes supervision contacts to be conducted over video conference.
- 9 Probation supervision.**
Strikes a reference related to probation services being dictated by local judicial policy.
- 10 Information on offenders under supervision; reports.**
Amends reporting requirements for counties that receive state community supervision reimbursement grants.
- 11 Purpose and definition; assistance grants.**
Defines “CPO county” and “Tribal government” for purposes of state community supervision reimbursement grants. Requires agencies that provide community supervision to report each year to the commissioner the number of days that offenders have their community supervision revoked.

Section Description – Article 7: Community Supervision Reform

- 12 Counties or regions; services includable.**
Provides that Tribal governments are eligible for community supervision reimbursement grants. Strikes language related to intermediate sanctions. (Recodified in section 7.) Requires that funding for community supervision not be reduced because offenders received early release from probation for good conduct.
- 13 Acquisition of property; selection of administrative structure; employees.**
Contains a conforming change.
- 14 Comprehensive plan; standards of eligibility; compliance.**
Directs the commissioner of corrections to develop a comprehensive community supervision plan for counties that elect not to provide local supervision services.
- 15 Other subsidy programs; purchase of state services.**
Contains conforming changes.
- 16 Community corrections aid.**
Modifies the process of determining funding for community supervision of offenders. Establishes one funding formula and dictates a schedule for reviewing and adjusting the formula.
- 17 Comprehensive plan items; grant review.**
Contains conforming changes.
- 18 Continuation of current spending level by counties.**
Contains conforming changes.
- 19 Payment.**
Contains conforming changes.
- 20 Installment payments.**
Repeals obsolete language.
- 21 Ranking reviews.**
Contains a conforming change.
- 22 Withdrawal from program.**
Strikes language related to counties withdrawing from the state community supervision grant program.

Section	Description – Article 7: Community Supervision Reform
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| 23 | <p>Supervision standards committee.</p> <p>Establishes a supervision standards committee to develop standards for probation, supervised release, and community supervision.</p> |
| 24 | <p>Repealer.</p> <p>Repeals obsolete language or language that is made obsolete by the article's proposed changes.</p> |

Article 8: Appropriations

This article provides supplemental funding for the courts, civil legal services, Guardian ad Litem Board, Board of Public Defense, and Human Rights Department.

Section	Description – Article 8: Appropriations
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| 1 | <p>Appropriations.</p> <p>Summarizes direct appropriations by fund.</p> |
| 2 | <p>Supreme court.</p> <p>Subd. 1. Total appropriation. Appropriates a total of \$63,760,000 in FY23 to the supreme court.</p> <p>Subd. 2. Supreme court operations. Appropriates \$4,054,000 in FY23 for supreme court operations.</p> <p>(a) Compensation. Specifies that compensation for staff is increased by at least six percent. Compensation for justices must be increased by six percent.</p> <p>(b) Maintain core operations. Specifies that \$2,304,000 in FY23 is for maintaining core operations.</p> <p>(c) Cyber security. Specifies that \$1,750,000 in FY23 is for cyber security.</p> <p>Subd. 3. Civil legal services. Appropriates \$59,706,000 in FY23 for civil legal services.</p> <p>(a) Salary equity. Specifies that \$4,304,000 in FY23 is for salary equity.</p> <p>(b) COVID response. Specifies that \$7,463,000 in FY23 is for COVID response. Sets a general fund base of \$7,051,000 in FY24 and FY25.</p> |

Section Description – Article 8: Appropriations

(c) Increased legal services. Specifies that \$47,939,000 in FY23 is for increased legal services. Sets a general fund base of \$58,806,000 in FY24 and FY25.

3 Court of appeals.

Appropriates \$621,000 in FY23 for the court of appeals.

Compensation. Specifies that compensation for staff is increased by at least six percent. Compensation for judges must be increased by six percent.

4 District courts.

Appropriates \$16,799,000 in FY23 for the district courts.

(a) Compensation. Specifies that compensation for staff is increased by at least six percent. Compensation for judges must be increased by six percent.

(b) Psychological services. Specifies that \$1,996,000 is for mandated psychological services.

(c) Base adjustment. Provides that the general fund base is increased by \$200,000 in FY24 to maintain funding for interpreter pay.

5 Guardian ad Litem Board.

Appropriates \$909,000 in FY23 to the Guardian ad Litem Board.

6 Board of Public Defense.

Appropriates \$1,740,000 in FY22 and \$52,453,000 in FY23 to the Board of Public Defense.

(a) Electronic file storage and remote hearing access. Specifies that \$627,000 in FY23 is for electronic file storage and remote hearing access. This is a onetime appropriation.

(b) Salary equity. Specifies that \$1,113,000 in FY22 and \$2,266,000 in FY23 are for salary equity.

(c) Increased services. Specifies that \$50,000,000 in FY23 is for increased public defender services.

(d) Postconviction relief petitions. Specifies that \$187,000 in FY23 is for contract attorneys to represent people who file postconviction relief petitions. The appropriation is onetime.

Section Description – Article 8: Appropriations

7 Human rights.

Appropriates \$2,543,000 in FY23 to the Department of Human Rights.

(a) Improve caseload processing. Specifies that \$492,000 in FY23 is to improve caseload processing. Sets a general fund base of \$461,000 in FY24 and FY25.

(b) Bias and discrimination data gathering and reporting. Specifies that \$388,000 in FY23 is to improve bias and discrimination data gathering and reporting. Sets a general fund base of \$243,000 in FY24 and FY25.

(c) Bias response community equity outreach. Specifies that \$1,185,000 in FY23 is for bias response community equity outreach. Sets a general fund base of \$1,001,000 in FY24 and FY25.

(d) Equity and inclusion strategic compliance. Specifies that \$228,000 in FY23 is for equity and inclusion strategic compliance.

(e) Equity and inclusion strategic compliance data consultant. Specifies that \$250,000 in FY23 is for an equity and inclusion strategic compliance data consultant. This is a onetime appropriation, but funds are available until June 20, 2024.

8 Board of Appellate Counsel for Parents.

Appropriates \$699,000 in FY23 to establish and operate the Board of Appellate Counsel for Parents and appellate counsel program. Sets an ongoing base of \$1,835,000 beginning in FY24.

Article 9: Civil Policy with Fiscal Impact

This article establishes the Board of Appellate Counsel for Parents, makes changes to the portion of fees used for the Minnesota Family Resiliency Partnership, amends the percentage of fines and other fees that municipalities in Ramsey County receive, eliminates fees for uncertified copies of court documents, and establishes an additional exception to the limitations period for postconviction relief petitions.

Section Description – Article 9: Civil Policy with Fiscal Impact

1 State Board of Appellate Counsel for Parents.

Subd. 1. Structure; membership. Establishes the State Board of Appellate Counsel for Parents in the judicial branch. Provides that the board is not under the control of the judiciary. Establishes that the board consists of seven members including three public members appointed by the governor and four members

Section Description – Article 9: Civil Policy with Fiscal Impact

appointed by the supreme court, at least one of whom has experience representing parents in juvenile court and at least one of whom is a public member. Prohibits appointment of certain members including judges, guardians ad litem, attorneys currently providing representation for parents, or current city or county attorneys. Requires that the members reflect geographic and other diversity and have familiarity with the relevant laws.

Subd. 2. Head appellate counsel for parents; assistant and contracted attorneys. Requires the board to appoint a head appellate counsel for parents to be in charge of appellate services. Provides that the head appellate counsel for parents serves a four-year term and may only be removed for cause. Requires the head appellate counsel for parents to be a licensed attorney and prohibits that person from the general practice of law. Directs the board to establish compensation for the person. Permits the head appellate counsel for parents to employ assistants or hire independent contractors to provide counsel for parents. Requires assistant or contracted attorneys to be licensed to practice law and, if practicing in Tribal court, licensed to practice in Tribal court. Permits the general practice of law if the assistants or contracted attorneys are not hired or contracted to provide full-time services.

Subd. 3. Program administrator. Directs the board to hire a program administrator to keep the board advised of the board's finances and other relevant information. Provides that the program administrator is not required to be licensed to practice law.

Subd. 4. Duties and responsibilities. Establishes the duties of the board and requires the board to create and administer a statewide, independent appellate counsel program to represent indigent parents on appeal in juvenile protection matters. Specific duties include approving a budget, establishing program standards, and establishing employee or contractor standards. Permits the board to propose statutory changes to the legislature.

Subd. 5. Limitation. Prohibits the board from interfering with the manner in which individual attorneys represent clients.

Subd. 6. Budget; county opt-in. Provides that the board and its employees or contractors must be funded by the state. Permits counties to opt-in to the program instead of providing counsel from the county's budget.

Subd. 7. Collection of costs; appropriation. Provides that, if the costs of providing counsel are assessed and collected or otherwise reimbursed from any source, that money is deposited in the general fund.

Section Description – Article 9: Civil Policy with Fiscal Impact

- 2 Transmittal of fees to commissioner of management and budget.**
Increases the portion of the filing fee in a dissolution action that is appropriated to the commissioner of employment and economic development for the Minnesota Family Resiliency Partnership under section 116L.96 from \$30 to \$45. This section is effective July 1, 2023.
- 3 Fee amounts.**
Eliminates the fee the judicial branch was required to charge for providing uncertified copies of a document from a civil or criminal proceeding. The elimination would apply to uncertified documents provided through an online portal.
- 4 Disposition of fines, fees, and other money; accounts; Ramsey County District Court.**
Amends the distribution of fines, penalties, and forfeiture collected by the court administrator by providing that, as of July 1, 2023, every municipality or subdivision of government within Ramsey County shall receive two-thirds of money with the balance going to the general fund. Currently, municipalities in Hennepin County receive 80 percent of the money collected, St. Paul receives two-thirds of the money, and municipalities in all other counties receive two-thirds of the money.
- 5 Disposition of license fee.**
Reduces the portion of the marriage license fee that is deposited in the general fund from \$55 to \$40 and increases the amount appropriated to the commissioner of employment and economic development for the Minnesota Family Resiliency Partnership under section 116L.96 from \$25 to \$40. This section is effective July 1, 2023.
- 6 Time limit.**
Establishes an exception to the two-year limitations period on filing a petition for postconviction relief for a person in immigration removal proceedings when the proceedings are the result of a conviction that was obtained by relying on incorrect advice or absent advice from counsel on immigration consequences.

Article 10: Government Data Practices and Privacy

This article contains provisions relating to government data practices and privacy.

Section Description – Article 10: Government Data Practices and Privacy

- 1 Safe at Home Program: Definitions.**
Amends the definition of “mail” to clarify what “packages and parcels” are excluded from the definition.
- 2 Safe at Home Program: Use of designated address.**
Clarifies what information cannot be disclosed after a participant has notified a person about his or her participation in the Safe at Home program.
- 3 Safe at Home Program: Display by landlord.**
Clarifies the requirement that a landlord not display a participant’s name at an address the rented by the participant.
- 4 Safe at Home Program: Definitions.**
Amends definitions in the Government Data Practices Act related to Safe at Home program participation. Limits the definition of “location data” to data specified by the participant. Provides a more comprehensive definition of “real property records.”
- 5 Safe at Home Program: Notification of certification.**
Adds date of birth to program notifications. Adds a parent/guardian signature to notifications if the participant is a minor. Provides a process for submitting real property notices to government entities other than county recorders given the more comprehensive definition of “real property records” in section 4.
- 6 Safe at Home Program: Classification of identity and location data; amendment of records; sharing and dissemination.**
Consolidates the prohibition on sharing private or confidential location data on a program participant. Allows existing government records to be changed to remove private location data and reflect a participant’s designated address.
- 7 Safe at Home Program: Real property records.**
Updates the protections for real property records to reflect the expanded definition in section 4. Allows protected participant data to be shared for purposes of administering assessment and taxation laws. Requires a government entity to notify the secretary of state within 90 days if a real property notice is terminated.
- 8 Political subdivisions licensing data.**
Classifies as private/nonpublic tax returns or bank account statements submitted to a political subdivision as part of an application for a license. Also imposes a destruction requirement for that data.

Section Description – Article 10: Government Data Practices and Privacy

- 9 Student Data Privacy Act: Definitions.**
Adds new definitions for “parent,” “school-issued device,” and “technology provider.”
- 10 Educational data: Private data; when is permitted.**
Allows private educational data to be disclosed to Tribal nations about Tribally-enrolled or descendant students. Also, allows student personal contact information (further addressed in section 11 of this article) to be disclosed to a government entity that is providing a school-sponsored service and that has a legitimate educational interest in the contract information.
- 11 Educational data: Directory information.**
Prohibits an educational institution from designating a student’s personal contact information as publicly available directory information.
- 12 Student Data Privacy Act: Technology providers.**
Places transparency obligations and privacy-protective restrictions on technology providers with regard to educational data that the technology provider creates, receives, or maintains as part of its contract with a school. Among other provisions, technology providers are prohibited from selling or disseminating educational data, and are prohibited from using the educational data for any commercial purposes. Schools are also required to notify parents and students of contracts with technology providers regarding curriculum, testing, or assessment and provide the parent or student an opportunity to opt-out of the associated program or activity.
- 13 Student Data Privacy Act: School-issued devices.**
Prohibits a government entity or technology provider from accessing or monitoring a student’s school-issued device, subject to the exceptions enumerated in paragraph (b). Requires notice to students or parents if monitoring occurs pursuant to an exception.
- 14 Student Data Privacy Act: Application to postsecondary institutions; exemption.**
Exempts postsecondary institutions from sections 2 and 3 of the bill. States that a “nonprofit national assessment provider” (such as the College Board, which administers the SAT exam) is exempt from sections 2 and 3 of the bill for purposes of providing specified services and so long as the provider receives student or parent consent.

Section	Description – Article 10: Government Data Practices and Privacy
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15	Education support services data.
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This section defines “education support services data” and classifies it as private data on individuals. It also requires audit trails and role-based access for education support services data.

16	Criminal history check authorized.
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Permits a law enforcement agency that performs a background check related to employment with or licensing by a city or county to disseminate the criminal history data to the hiring or licensing authority of the city or county that requested the background check. Requires law enforcement agencies, cities, and counties to maintain the data securely and to follow the notice requirements provided in section 364.05.

Article 11: Uniform Canadian Judgments

This article provides a process to register a Canadian court judgment for money in Minnesota. This process is in addition to the existing process to registering a foreign-money judgment from another jurisdiction but has a court form that simplifies the filing and notice procedures. This is a Uniform Law drafted by the Uniform Laws Commission and has been enacted in Colorado, Nevada, Nebraska, and Rhode Island.

Section	Description – Article 11: Uniform Canadian Judgments
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1	Short title.
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Provides a short title for the law “Uniform Registration of Canadian Money Judgment Act.” (URCMJA)

2	Definitions.
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Provides definitions for the terms “Canada” and “Canadian judgment” and excludes judgments from other foreign countries recognized by a Canadian court.

3	Applicability.
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Provides that the sections included in the URCMJA are only applicable to the registration and enforcement of the part of judgment that relates to the grant of the recovery of a sum of money.

4	Registration of Canadian judgment.
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Provides a process to register a Canadian judgment with a court in Minnesota and requires the court documents to include information including: the amount owed in

Section Description – Article 11: Uniform Canadian Judgments

- the judgment; the amount paid; and the amount owed due to fees and costs. This section provides a court form to use to register a Canadian money judgment.
- 5 Effect of registration.**
Provides that a judgment registered under this section is recognized and enforceable in the same manner and to the same extent as a judgment rendered in this state.
- 6 Notice of registration.**
Provides notice of the registration of the judgment to the person who the judgment is against and proof of that notice to the court.
- 7 Petition to vacate registration.**
Provides that a person may oppose the registration of a judgment against them, within 30 days of notice or later if the court allows it, and provides what the petition to oppose the registration of a judgment for money must include.
- 8 Stay of enforcement of judgment pending determination of petitions.**
Allows the court to stay the enforcement of a Canadian judgment for money until the petition to vacate the registration has been determined if the petition to vacate shows merit.
- 9 Relationship to Uniform Foreign-Country Money Judgments Recognition Act.**
Allows a person to file a Canadian judgment for money under either the URCMJA or the existing law for registering a foreign judgment for money, but not both.
- 10 Uniformity of application and interpretation.**
Requires the court to consider the need for uniformity in application of the uniform law.
- 11 Transitional provision.**
Provides that this uniform law would apply to court orders entered in a proceeding that is commenced in Canada on or after this law is passed in Minnesota.
- 12 Effective date.**
Provides that the URCMJA is effective on January 1, 2023.

Article 12: Human Rights

This article changes sections of the Minnesota Human Rights Act.

Section Description – Article 12: Human Rights

1 Race.

This section adds a definition for race to the Minnesota Human Rights Act. The definition provides that “race” is inclusive of traits associated with race. The definition also provides that hair texture and hair styles can be included in the traits historically associated with race. The Minnesota Human Rights Act prohibits discrimination on the basis of race in housing, education, employment, and other areas.

2 Inquiries into pay history prohibited.

This section prevents employers, including labor unions and employment agencies, from requesting a job applicant’s pay history. This provision does not prevent a job applicant from volunteering their past pay if the employer does not prompt them or require them to provide it.

The use of the job applicant or prospective employees pay history to determine their pay or benefits creates a rebuttable presumption that the employer has committed an unfair discrimination in violation of the Minnesota Human Rights Act, section 363A.08. This provision does not prohibit an employer from providing a job applicant with wage and benefit information for a position or discussing pay expectations with an applicant.

This section does not apply to existing collective bargaining agreements, but applies to new agreements executed after January 1, 2023.

3 General prohibition.

Makes it a violation of the Minnesota Human Rights Act to deny access to closed captioning to a person who needs it in a place of public accommodation when television access is available to others.

4 Housing.

Removes an exception for duplex owners to discriminate against a renter on the basis of sexual orientation.

5 Nondiscrimination in access to transplants.

Amends § 363A.50. Prohibits health care providers and entities responsible for matching anatomical gift donors to recipients from limiting an individual’s access to anatomical gifts and related services based on an individual’s race or ethnicity. Also expands the definition of auxiliary aids and services.

Subd. 1. Definitions. Amends the definition of auxiliary aids and services to include qualified interpreters or other methods of making aurally delivered materials available to non-English-speaking individuals (under current law this

Section	Description – Article 12: Human Rights
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term covers interpreters and methods to make materials available to individuals with hearing impairments).

Subd. 2. Prohibition of discrimination. Prohibits health care providers and entities responsible for matching anatomical gift donors to potential recipients from doing the following based on an individual's race or ethnicity: deeming an individual ineligible to receive an anatomical gift, denying related organ transplantation services, refusing to refer an individual to be evaluated for or to receive an anatomical gift, refusing to place an individual on an organ transplant waiting list, and declining insurance coverage for procedures associated with the anatomical gift (under current law entities cannot make the above decisions based on an individual's mental or physical disability).

Subd. 3. Remedies. No changes to this subdivision.

6 Repealer.

Repeals an exception to the human rights law for employment discrimination based on sexual orientation for certain nonprofit organizations. This section also repeals a section of the Human Rights Act that is related to the construction of the law.

Article 13: Other Civil Law Policy

This article amends various civil law provisions including provisions related to marriage licenses and records; indemnity in service contracts; civil penalties; and guardianships.

Section	Description – Article 13: Other Civil Law Policy
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1 Administrative forfeiture procedure.

Provides that a statement of claim and any other pleading or filing made in conciliation court may be served and filed as permitted by the Rules of Conciliation Court Procedure. The section is effective the day following final enactment.

2 Orders; filing copies.

Provides that a postdissolution name change does not require a criminal history search.

3 Postdissolution name change.

This bill allows a person to change their name after a dissolution of marriage without paying a filing fee and without a national criminal history check so long as the person provides a certified copy of marriage dissolution court order and a certified copy of the person's birth certificate. The court must grant the name change so long as the

Section Description – Article 13: Other Civil Law Policy

purpose is not to defraud and the name change isn't prohibited by the statute governing name changes for an individual who has a felony criminal conviction.

4 Digital fair repair.

Subd. 1. Short title. This act may be cited as the "Digital Fair Repair Act."

Subd. 2. Definitions. Provides definitions for terms used in this section, including authorized repair provider, digital electronic equipment, embedded software, fair and reasonable terms, firmware, independent repair provider, and original equipment manufacturer (OEM).

Subd. 3. Requirements. (a) Requires OEMs of digital electronic equipment to make documents, parts, and tools, available to independent repair providers or the owners of the equipment, for purposes of diagnosis, maintenance, and repair.

Subd. 4. Enforcement by attorney general. Makes violation of this section an unlawful practice under section 325D.44 and enforceable by the attorney general.

Subd. 5. Limitations. (a) Clarifies that nothing in this section requires an OEM to release trade secret information to independent repair providers or owners, except as necessary to provide the necessary documentation, tools, and parts.

(b) Clarifies that this section does not alter the terms of an agreement between an OEM and an authorized repair provider.

(c) Clarifies that nothing in this section requires an OEM or an authorized repair provider to provide independent repair providers or owners access to information, other than documentation, that is provided pursuant to an agreement between the OEM and an authorized repair provider.

Subd. 6. Exclusions. (a) Clarifies that this section does not apply to motor vehicle manufacturers, manufacturers of motor vehicle equipment, motor vehicle dealers, or any product or service they may provide.

(b) Clarifies that this section does not apply to manufacturers or distributors of medical devices, or digital electronic product or software for use in a medical setting.

Subd. 7. Applicability. This section applies to equipment sold or in use on or after January 1, 2023.

Effective date. This section is effective January 1, 2023.

Section Description – Article 13: Other Civil Law Policy

- 5 Notaries public.**
Allows a notary to charge a larger fee than allowed to notarize a document to perform a wedding, which is capped at \$5 to perform notary services otherwise.
- 6 Powers.**
Provides that notaries have the power to perform a civil marriage, along with the other powers notaries are granted when they have a valid notary commission.
- 7 Civil marriage officiant.**
Authorizes a notary to solemnize a marriage if they have registered their notary commission with the local registrar in a county and fulfills the technical filing requirements which mirror the requirements for a religious officiant.
- 8 Persons authorized to perform civil marriages.**
Adds notaries to the list of individuals able to perform a civil marriage.
- 9 Term of license; fee; premarital education.**
Replaces the existing law allowing one party to a marriage to apply in person for another party to provide a notarized statement attesting to the application and proof of age, with a provision that would allow the parties to do the oath virtually, and to accept electronic filings of the marriage license application.

The new provisions are retroactive to January 1, 2021, and would apply to the applications and oaths that occurred on or after that date. Separate laws in 2020 and 2021 provided this service to occur virtually on a temporary basis. (See Laws 2020, ch. 74, art. 1, § 18; and Laws 2021, ch. 1, § 1)
- 10 Indemnity agreements in design professional services contracts void.**
Clarifies indemnity application when insurance coverage exists in design professional services contracts.
- 11 Judicial determination.**
Permits service of a complaint challenging asset forfeiture to be made on the prosecuting authority by certified mail, consistent with the parallel provision relating to DWI forfeitures. Provides that a statement of claim and any other pleading or filing made in conciliation court may be served and filed as permitted by the Rules of Conciliation Court Procedure. The section is effective the day following final enactment.
- 12 Restraining order; court jurisdiction.**
Permits an emancipated minor to seek a restraining order on that person's own behalf if the court determines that it is in the best interests of the child. Identifies the

Section **Description – Article 13: Other Civil Law Policy**

showing necessary to establish that the minor is emancipated. Makes the change in law effective the day following final enactment.



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