

S.F. No. 2673 and H.F. No. 4608, which had been referred to the Chief Clerk for comparison, were examined and found to be not identical.

The following document shows the differences between S.F. No. 2673, the third engrossment, and H.F. No. 4608, the second engrossment.

April 26, 2022

Patrick D. Murphy
Chief Clerk, House of Representatives

Explanation of Comparison Reports

When a Senate File is received from the Senate, it is given its first reading and must be referred to the appropriate standing committee or division under Rule 1.11. But if the House File companion of that Senate File has already been reported out of Committee and given its second reading and is on the General Register, the Senate File must be referred to the Chief Clerk for comparison pursuant to Rule 1.15. The Chief Clerk reports whether the bills were found to be identical or not identical. Once the bills have been compared and the differences have been reported, the Senate File is given its second reading and is substituted for the House File. The House File is then considered withdrawn. Pursuant to rule 3.33, if the bills are not identical and the chief author of the bill wishes to use the House language, the chief author must give notice of their intent to substitute the House language when the bill is placed on the Calendar for the Day or the Fiscal Calendar. If the chief author of the bill wishes to keep the Senate language, no action is required.

1.1 A bill for an act

1.2 relating to state government; providing policy for general crimes and public safety,

1.3 law enforcement, controlled substances, corrections and sentencing, and judiciary;

1.4 modifying wine shipment policy; providing for public safety communicators;

1.5 modifying interstate compact for juveniles; establishing Office for Missing and

1.6 Murdered Black Women and Girls; establishing reward fund for information on

1.7 missing and murdered Indigenous relatives; providing for community supervision

1.8 reform; modifying certain expungement law; establishing clemency review

1.9 commission; establishing supervision standards committee for probation, supervised

1.10 release, and community supervision; establishing a State Board of Appellate

1.11 Counsel for Parents; modifying certain fees; eliminating fee for uncertified copies

1.12 of instruments from civil or criminal proceedings; modifying time limit for

1.13 postconviction relief for petitioners with immigration consequences; appropriating

1.14 money for the courts, State Guardian Ad Litem Board, Board of Public Defense,

1.15 human rights, and State Board of Appellate Counsel for Parents; modifying various

1.16 data practices, human rights, and civil law provisions; classifying data; adopting

1.17 the Uniform Registration of Canadian Money Judgments Act; establishing task

1.18 forces and boards; providing for grants; imposing penalties; requiring reports;

1.19 providing for rulemaking; appropriating money; amending Minnesota Statutes

1.20 2020, sections 5B.02; 5B.05; 5B.10, subdivision 1; 13.045, subdivisions 1, 2, 3,

1.21 4a; 13.32, subdivisions 1, 3, 5, by adding subdivisions; 13.6905, by adding a

1.22 subdivision; 13.825, subdivision 2; 13.871, subdivision 14; 152.01, subdivisions

1.23 9a, 12a, 16, by adding subdivisions; 152.021, subdivision 2; 152.022, subdivision

1.24 2; 152.023, subdivision 2; 152.025, subdivision 4; 152.027, subdivision 4;

1.25 152.0271; 152.096, subdivision 1; 152.18, subdivisions 1, 3; 152.32, by adding a

1.26 subdivision; 214.10, subdivision 10; 241.01, subdivision 3a; 241.021, subdivisions

1.27 2a, 2b, by adding subdivisions; 241.272; 241.90; 242.192; 243.05, subdivision 1;

1.28 243.1606; 244.05, subdivisions 3, 5; 244.09, subdivisions 5, 10; 244.19,

1.29 subdivisions 1, 5; 244.195, subdivision 1, by adding subdivisions; 244.20; 244.21;

1.30 256I.04, subdivision 2g; 259.11; 260.515; 260B.163, subdivision 1; 260B.176,

1.31 subdivision 2, by adding a subdivision; 260B.198, subdivision 1; 260C.007,

1.32 subdivision 6; 299A.01, subdivision 2, by adding a subdivision; 299A.49,

1.33 subdivision 2; 299A.50, subdivision 1; 299A.51; 299A.706; 299A.78, subdivision

1.34 1; 299A.79, subdivision 3; 299C.10, subdivision 1; 299C.111; 299C.17; 299C.46,

1.35 subdivision 1; 299C.65, subdivisions 1a, 3a; 299F.362; 326.3361, subdivision 2;

1.36 340A.304; 340A.417; 357.021, subdivision 2; 357.17; 359.04; 363A.03, by adding

1.37 a subdivision; 363A.08, by adding a subdivision; 363A.11, subdivision 2; 363A.21,

1.38 subdivision 1; 401.01; 401.02; 401.04; 401.09; 401.10; 401.11; 401.12; 401.14,

2.1 subdivisions 1, 3; 401.15, subdivision 2; 401.16; 403.02, by adding a subdivision;

2.2 484.85; 517.04; 517.08, subdivisions 1b, 1c; 541.073, subdivision 2; 573.02,

2.3 subdivision 1; 590.01, subdivision 4; 604.21; 609.165, subdivisions 1a, 1b; 609.281,

2.4 subdivisions 3, 4, 5; 609.282, subdivision 1, by adding a subdivision; 609.748,

2.5 subdivision 2; 609.87, by adding a subdivision; 609.89, subdivision 1; 609A.01;

1.1 A bill for an act

1.2 relating to public safety; amending certain statutes regarding public safety, criminal

1.3 justice, and corrections; establishing new crimes and expanding existing ones;

1.4 modifying sentencing provisions; modifying fees; requiring reporting; authorizing

1.5 pilot projects; providing for grant programs; appropriating money for the judiciary,

1.6 public safety, public defenders, sentencing guidelines, and corrections; amending

1.7 Minnesota Statutes 2020, sections 13A.02, subdivisions 1, 2; 144.6586, subdivision

1.8 2; 152.01, by adding a subdivision; 152.021, subdivisions 1, 2; 152.022,

1.9 subdivisions 1, 2; 152.023, subdivision 2; 152.025, subdivision 4; 169A.44;

1.10 169A.51, subdivisions 3, 4, by adding a subdivision; 171.174; 171.177, subdivisions

1.11 1, 3, 4, 5, 8, 12, 14; 171.306, by adding a subdivision; 244.01, subdivision 8;

1.12 244.05, subdivisions 4, 5; 244.09, subdivisions 2, 11, by adding subdivisions;

1.13 244.101, subdivision 1; 244.14, subdivision 3; 244.171, subdivision 4; 299A.41,

1.14 subdivisions 3, 4, by adding a subdivision; 357.021, subdivision 2; 517.08,

1.15 subdivision 1c; 609.035, subdivision 1, by adding a subdivision; 609.106,

1.16 subdivision 2; 609.1095, subdivisions 2, 3, 4, by adding a subdivision; 609.11,

1.17 subdivision 8, by adding a subdivision; 609.115, subdivision 2a; 609.2231,

1.18 subdivisions 2, 3; 609.35; 609.487, subdivision 5, by adding a subdivision; 609.52,

1.19 subdivisions 3, 3a; 609.527, subdivision 1, by adding a subdivision; 609.582,

1.20 subdivisions 3, 4; 609B.205; 626.15; 626.8452, by adding subdivisions; Minnesota

1.21 Statutes 2021 Supplement, sections 357.021, subdivision 1a; 609.135, subdivision

1.22 2; 609.2325, subdivision 1; 609.5151; proposing coding for new law in Minnesota

1.23 Statutes, chapters 299A; 388; 609; 617; 626.

2.6 609A.02, by adding a subdivision; 609A.03, subdivisions 5, 9; 611A.03, subdivision
 2.7 1; 626.76, by adding a subdivision; 626.843, subdivision 1, by adding subdivisions;
 2.8 626.8473, subdivision 3; 626.89, subdivision 17; 626.93, by adding a subdivision;
 2.9 626A.35, by adding a subdivision; 629.341, subdivisions 3, 4; 629.72, subdivision
 2.10 6; 638.01; 641.15, subdivision 2; Minnesota Statutes 2021 Supplement, sections
 2.11 152.01, subdivision 18; 169A.63, subdivision 8; 253B.18, subdivision 5a; 253D.14,
 2.12 subdivision 2; 299C.72, subdivision 2; 357.021, subdivision 1a; 363A.50; 401.06;
 2.13 403.11, subdivision 1; 609.02, subdivision 16; 609.5314, subdivision 3; 609A.03,
 2.14 subdivision 7a; 628.26; Laws 2021, First Special Session chapter 11, article 1,
 2.15 section 15, subdivision 3; article 2, section 12; proposing coding for new law in
 2.16 Minnesota Statutes, chapters 13; 152; 244; 259; 260C; 299A; 299C; 325E; 340A;
 2.17 359; 403; 548; 609A; 638; repealing Minnesota Statutes 2020, sections 244.18;
 2.18 244.19, subdivisions 6, 7, 8; 244.22; 244.24; 244.30; 299A.49, subdivision 7;
 2.19 363A.20, subdivision 3; 363A.27; 401.025; 403.02, subdivision 17c; 609.102,
 2.20 subdivisions 1, 2, 2a; 609.281, subdivision 2; 609.293, subdivisions 1, 5; 609.34;
 2.21 609.36; 638.02; 638.03; 638.04; 638.05; 638.06; 638.07; 638.075; 638.08.

2.22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

2.23 **ARTICLE 1**

2.24 **APPROPRIATIONS**

2.25 Section 1. **APPROPRIATIONS.**

2.26 The sums shown in the columns marked "Appropriations" are added to or, if shown in
 2.27 parentheses, subtracted from the appropriations in Laws 2021, First Special Session chapter
 2.28 11, article 1, to the agencies and for the purposes specified in this article. The appropriations
 2.29 are from the general fund, or another named fund, and are available for the fiscal years
 2.30 indicated for each purpose. The figures "2022" and "2023" used in this article mean that
 2.31 the addition to or subtraction from the appropriation listed under them is available for the
 2.32 fiscal year ending June 30, 2022, or June 30, 2023, respectively. "The first year" is fiscal
 2.33 year 2022. "The second year" is fiscal year 2023. Supplemental appropriations and reductions
 2.34 to appropriations for the fiscal year ending June 30, 2022, are effective the day following
 2.35 final enactment.

<u>APPROPRIATIONS</u>	
<u>Available for the Year</u>	
<u>Ending June 30</u>	
<u>2022</u>	<u>2023</u>

2.40 Sec. 2. **PUBLIC SAFETY**

1.24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.27 Section 1. **APPROPRIATIONS.**

1.28 The sums shown in the columns marked "Appropriations" are added to or, if shown in
 1.29 parentheses, subtracted from the appropriations in Laws 2021, First Special Session chapter
 1.30 11, article 1, to the agencies and for the purposes specified in this article. The appropriations
 1.31 are from the general fund, or another named fund, and are available for the fiscal years
 2.1 indicated for each purpose. The figures "2022" and "2023" used in this article mean that
 2.2 the addition to or subtraction from the appropriation listed under them is available for the
 2.3 fiscal year ending June 30, 2022, or June 30, 2023, respectively. "The first year" is fiscal
 2.4 year 2022. "The second year" is fiscal year 2023. Supplemental appropriations and reductions
 2.5 to appropriations for the fiscal year ending June 30, 2022, are effective the day following
 2.6 final enactment.

<u>APPROPRIATIONS</u>	
<u>Available for the Year</u>	
<u>Ending June 30</u>	
<u>2022</u>	<u>2023</u>

5.8 Sec. 8. **PUBLIC SAFETY** \$ **-0-** \$ **108,185,000**

5.9 **(a) Promoting Peace Officers**

2.41	Subdivision 1. Total		
2.42	Appropriation	\$	<u>15,000,000</u> \$ <u>148,543,000</u>
3.1	Appropriations by Fund		
3.2		2022	2023
3.3	Trunk Highway	-0-	252,000
3.4	Special Revenue	-0-	4,050,000
3.5	General	15,000,000	144,241,000
3.6	The amounts that may be spent for each		
3.7	purpose are specified in the following		
3.8	subdivisions.		
3.9	Subd. 2. Emergency Management	-0-	<u>4,225,000</u>
3.10	(a) Local Government Emergency		
3.11	Management		
3.12	<u>\$1,500,000 in fiscal year 2023 is for grants in</u>		
3.13	<u>equal amounts to the emergency management</u>		
3.14	<u>organizations of the 87 counties, 11 federally</u>		
3.15	<u>recognized Tribes, and four cities of the first</u>		
3.16	<u>class for planning and preparedness activities,</u>		
3.17	<u>including capital purchases. Local emergency</u>		
3.18	<u>management organizations must make a</u>		
3.19	<u>request to the Homeland Security and</u>		
3.20	<u>Emergency Management Division for these</u>		
3.21	<u>grants. Current local funding for emergency</u>		
3.22	<u>management and preparedness activities may</u>		
3.23	<u>not be supplanted by these additional state</u>		
3.24	<u>funds. The commissioner may use up to one</u>		
3.25	<u>percent of the appropriation received under</u>		
3.26	<u>this paragraph to pay costs incurred by the</u>		
3.27	<u>department in administering the local</u>		
3.28	<u>government emergency management grant</u>		
3.29	<u>program.</u>		
3.30	<u>By March 15, 2023, the commissioner of</u>		
3.31	<u>public safety must submit a report on the grant</u>		

5.10 \$1,000,000 is to implement, in coordination
5.11 with the Peace Officer Standards and Training
5.12 Board, a marketing and advertising campaign
5.13 to publicly promote the importance of peace
5.14 officers for the safety of Minnesotans and to
5.15 recruit more persons into law enforcement
5.16 careers. This is a onetime appropriation.

5.17 By January 15, 2024, the commissioner shall
5.18 report to the chairs and ranking minority
5.19 members of the legislative committees having
5.20 jurisdiction over criminal justice policy and
5.21 finance on the campaign required by this
5.22 paragraph. The report must provide a detailed
5.23 overview on how the appropriation was spent,
5.24 including but not limited to information that
5.25 itemizes how the campaign was conducted,
5.26 the types of marketing and advertising
5.27 activities conducted, and the types of media
5.28 used. In addition, the report must address the
5.29 level of success and efficacy of the campaign
5.30 using objective and verifiable criteria.

5.31 **(b) Pathway to Policing**

5.32 \$2,000,000 is for reimbursement grants to state
5.33 and local law enforcement agencies that
5.34 operate pathway to policing programs intended
6.1 to bring persons with nontraditional
6.2 backgrounds into law enforcement. Applicants
6.3 for reimbursement grants may receive up to
6.4 50 percent of the cost of compensating and
6.5 training pathway to policing participants.
6.6 Reimbursement grants must be proportionally
6.7 allocated based on the number of grant
6.8 applications approved by the commissioner.

6.9 By February 15 of each odd-numbered year,
6.10 the commissioner shall report to the chairs and
6.11 ranking minority members of the legislative
6.12 committees with jurisdiction over public safety
6.13 policy and finance on the pathway to policing
6.14 grant program. At a minimum, the report must
6.15 identify the agencies receiving the grants and

3.32 awards to the chairs and ranking minority
 3.33 members of the legislative committees with
 3.34 jurisdiction over emergency management and
 3.35 preparedness activities. At a minimum, the
 4.1 report must identify grant recipients and
 4.2 summarize grantee activities.

4.3 **(b) First Responder Wellness Office**

4.4 \$2,000,000 in fiscal year 2023 is to establish
 4.5 an office that will provide leadership and
 4.6 resources for improving the mental health of
 4.7 first responders statewide. The base is
 4.8 \$1,000,000 in fiscal year 2024 and thereafter.

4.9 **(c) Mutual Aid**
 4.10 **Response Training**

4.11 \$500,000 in fiscal year 2023 is for mutual aid
 4.12 response training. This appropriation is
 4.13 onetime.

4.14 **(d) Supplemental Nonprofit Security Grants**

4.15 \$225,000 in fiscal year 2023 is for
 4.16 supplemental nonprofit security grants under
 4.17 this paragraph.

4.18 Nonprofit organizations whose applications
 4.19 for funding through the Federal Emergency
 4.20 Management Agency's nonprofit security grant
 4.21 program that have been approved by the
 4.22 Division of Homeland Security and
 4.23 Emergency Management are eligible for grants
 4.24 under this paragraph. No additional application
 4.25 shall be required for grants under this
 4.26 paragraph, and an application for a grant from
 4.27 the federal program is also an application for
 4.28 funding from the state supplemental program.

4.29 Eligible organizations may receive grants of
 4.30 up to \$75,000, except that the total received
 4.31 by any individual from both the federal
 4.32 nonprofit security grant program and the state

6.16 the number of individuals recruited or hired
 6.17 based on the grants and the nature of the
 6.18 individual's nontraditional backgrounds, and
 6.19 include an evaluation of the success of the
 6.20 program in achieving its goals.

6.21 **(c) Gunshot Detection System**

6.22 \$2,000,000 is for a grant to the Ramsey
 6.23 County Sheriff's Office to improve the
 6.24 detection of incidents involving gunfire and
 6.25 facilitate a rapid response to those incidents.
 6.26 This is a onetime appropriation.

6.27 This money may be used to:

6.28 (1) purchase technology systems, including
 6.29 portable devices, that detect outdoor audible
 6.30 gunfire within a specific coverage area using
 6.31 acoustic sensors that accurately pinpoint the
 6.32 location of the gunfire; and

6.33 (2) obtain and maintain software that allows
 6.34 peace officers to receive an alert on a mobile
 7.1 computer, smartphone, or tablet indicating the
 7.2 address of the gunfire, the time frame in which
 7.3 shots were fired, the number of shots fired,
 7.4 and any other available information.

7.5 The Ramsey County Sheriff's Office shall
 7.6 place technology that detects outdoor audible
 7.7 gunfire in areas in the county where there are
 7.8 a disproportionately high number of gunfire
 7.9 incidents.

7.10 **(d) First Responders Mental Health**

7.11 \$1,000,000 is for a grant to a nonprofit
 7.12 organization that provides nonmedical mental
 7.13 health support to first responders who have
 7.14 experienced traumatic events. The grant
 7.15 recipient shall use the money to fund mental
 7.16 health treatment for present and former law
 7.17 enforcement officers and first responders
 7.18 facing employment-related mental health

6.1 available through June 30, 2024. The base is
6.2 \$900,000 in fiscal year 2024 and thereafter.

6.3 **(d) Marijuana Penalties**
6.4 **Modified**

6.5 \$208,000 in fiscal year 2023 is for computer
6.6 programming, forensic testing, and supplies
6.7 related to changes in criminal penalties for
6.8 marijuana. The base is \$191,000 in fiscal year
6.9 2024 and thereafter.

6.10 **(e) Expungements**

6.11 \$1,100,000 in fiscal year 2023 is for costs
6.12 related to expungements of criminal records.
6.13 The base is \$520,000 in fiscal year 2024 and
6.14 \$0 for fiscal year 2025.

6.15 **Subd. 4. Office of Justice Programs; Total**
6.16 **Appropriation**

15,000,000 119,936,000

6.17 **Appropriations by Fund**

6.18 **Special Revenue** **-0-** **2,600,000**

6.19 **General** **15,000,000** **117,336,000**

6.20 **(a) Minnesota Heals**

6.21 \$1,000,000 in fiscal year 2023 is for a
6.22 statewide community healing program; for
6.23 statewide critical incident stress management
6.24 services for first responders; and grants for
6.25 trauma services and burial costs following
6.26 officer-involved deaths. This appropriation
6.27 may be used for new staff to support these
6.28 programs. From this amount, the director may
6.29 award a grant to a nonprofit that provides
6.30 equine experiential mental health therapy to
6.31 first responders suffering from job-related
6.32 trauma and post-traumatic stress disorder. For

8.25 grant awards to the chairs and ranking
8.26 minority members of the legislative
8.27 committees with jurisdiction over emergency
8.28 management and preparedness activities. At
8.29 a minimum, the report must identify grant
8.30 recipients and give detailed information on
8.31 how the grantees used the money received.

8.32 **(g) Youth Intervention Grants**

8.33 \$5,000,000 is for youth intervention program
8.34 grants under Minnesota Statutes, section
8.35 299A.73.

9.1 **(h) School Safety Center**

9.2 \$250,000 is for two school safety specialists
9.3 at the Minnesota School Safety Center.

9.4 **(i) Prosecutorial Training**

9.5 \$100,000 is for a grant to the Minnesota
9.6 County Attorneys Association to be used for
9.7 prosecutorial and law enforcement training,
9.8 including trial school training and
9.9 train-the-trainers courses.

9.10 **(j) Ramsey County Sheriff Violent Crime**
9.11 **Initiative; Air Patrol**

9.12 \$2,400,000 is for a grant to the Ramsey
9.13 County Sheriff's Office. In coordination with
9.14 other sheriffs' offices, police departments, and
9.15 Metro Transit, the Ramsey County sheriff shall
9.16 use the funds to prevent and combat surging
9.17 rates of violent crime, including murder,
9.18 assault, carjacking, and other crimes against
9.19 the person, in the seven-county metropolitan
9.20 area with a concentration of efforts in areas
9.21 that have experienced the largest increase in
9.22 violent crimes since July 1, 2020. The Ramsey
9.23 County sheriff may use these funds to
9.24 reimburse or directly compensate peace
9.25 officers from other jurisdictions who assist in

6.33 purposes of this paragraph, "first responder"
6.34 means a peace officer as defined in Minnesota
7.1 Statutes, section 626.84, subdivision 1,
7.2 paragraph (c); a full-time firefighter as defined
7.3 in Minnesota Statutes, section 299N.03,
7.4 subdivision 5; or a volunteer firefighter as
7.5 defined in Minnesota Statutes, section
7.6 299N.03, subdivision 7. If the commissioner
7.7 issues a grant for equine experiential mental
7.8 health therapy, the grant recipient must report
7.9 to the commissioner of public safety and the
7.10 chairs and ranking minority members of the
7.11 legislative committees with jurisdiction over
7.12 public safety policy and finance on the therapy
7.13 provided to first responders. The report must
7.14 include an overview of the program's budget,
7.15 a detailed explanation of program
7.16 expenditures, the number of first responders
7.17 served by the program, and a list and
7.18 explanation of the services provided to, and
7.19 benefits received by, program participants. An
7.20 initial report is due by January 15, 2023, and
7.21 a final report is due by January 15, 2024.

7.22 **(b) General Crime and Trauma Recovery**
7.23 **Grants Funding**

7.24 \$1,000,000 in fiscal year 2023 is for programs
7.25 supporting victims of general crime. These
7.26 funds may also be used to establish trauma
7.27 recovery centers in the state to support victims
7.28 of violent crime who experience trauma and
7.29 are in need of services and provide new staff
7.30 to support these programs.

7.31 **(c) Youth Development Grants**

7.32 \$500,000 in fiscal year 2023 is to provide
7.33 grants to programs serving youth and for youth
7.34 violence intervention and prevention
7.35 programs. Priority for these funds must be
8.1 given to programs that employ or utilize
8.2 trauma-informed therapists to support the

9.26 crime prevention efforts coordinated by the
9.27 sheriff. This is a onetime appropriation.

9.28 \$600,000 is for the State Patrol's use of the air
9.29 patrol, in coordination with the Ramsey
9.30 County sheriff, to prevent and combat violent
9.31 crime in the seven-county metropolitan area
9.32 with a concentration of efforts in areas that
9.33 have experienced the largest increase in
10.1 violent crimes since July 1, 2020. This is a
10.2 onetime appropriation.

10.3 By February 1, 2024, the commissioner shall
10.4 report to the chairs and ranking minority
10.5 members of the legislative committees with
10.6 jurisdiction over criminal justice policy and
10.7 finance on how the appropriations in this
10.8 paragraph were used. The report must detail
10.9 the impact the appropriations had on reducing
10.10 violent criminal activity in the seven-county
10.11 metropolitan area and make recommendations
10.12 on how future state appropriations can be used
10.13 to reduce violent crime in the seven-county
10.14 metropolitan area. The report must provide
10.15 specific details on the number of arrests made
10.16 in whole or in part from the grant, the crimes
10.17 for which the arrests were made, the
10.18 convictions obtained, the number of resulting
10.19 forfeitures, and the specific uses to which the
10.20 air patrol was employed. In addition, the report
10.21 must identify instances in which a portion of
10.22 the appropriation was used to reimburse or
10.23 directly compensate peace officers from other
10.24 jurisdictions, specifying this by agency and
10.25 amount.

10.26 **(k) Portable Recording Systems**

10.27 \$5,000,000 is to provide grants for portable
10.28 recording systems and portable recording
10.29 system data under Minnesota Statutes, section
10.30 299A.88, purchased or contracted for on or
10.31 after July 1, 2022.

8.3 youth the programs serve. These funds may
8.4 be used to administer these grants.

8.5 **(d) Crossover and Dual-Status Youth Model**
8.6 **Grants**

8.7 \$1,000,000 in fiscal year 2023 from the
8.8 prevention services account in the special
8.9 revenue fund is to provide grants to local units
8.10 of government and federally recognized Indian
8.11 Tribes to initiate or expand crossover youth
8.12 practice model and dual-status youth programs
8.13 that provide services for youth who are in both
8.14 the child welfare and juvenile justice systems,
8.15 in accordance with the Robert F. Kennedy
8.16 National Resource Center for Juvenile Justice
8.17 model.

8.18 **(e) Staffing and Board Expenses**

8.19 \$3,639,000 in fiscal year 2023 is to increase
8.20 staffing in the Office of Justice Programs for
8.21 grant management and compliance; build
8.22 capacity and provide technical assistance to
8.23 applicants; provide training to individuals and
8.24 entities seeking to become applicants; perform
8.25 community outreach and engagement to
8.26 improve the experiences and outcomes of
8.27 applicants, grant recipients, and crime victims
8.28 throughout Minnesota; establish and support
8.29 a final review panel; and maintain a Minnesota
8.30 Statistical Analysis Center to create ongoing
8.31 grant evaluation programs and other research
8.32 and data analysis. These funds may also be
8.33 used for the per diem and other costs necessary
8.34 to establish and support the Public Safety
8.35 Innovation Board.

9.1 **(f) Community-Based Public Safety Grants**

9.2 \$1,968,000 in fiscal year 2023 is for
9.3 community-based public safety grants. The

10.32 **(l) Use of Force Training; Reimbursement**

10.33 \$2,625,000 is for reimbursement grants, to be
10.34 made in consultation with the executive
11.1 director of the Peace Officer Standards and
11.2 Training Board, to postsecondary schools
11.3 certified to provide programs of professional
11.4 peace officer education for providing
11.5 in-service training programs on the use of
11.6 force, including deadly force, by peace
11.7 officers. This is a onetime appropriation and
11.8 is available until June 30, 2025.

11.9 To be eligible for reimbursement, training
11.10 offered by a postsecondary school must:

11.11 (1) satisfy the requirements of Minnesota
11.12 Statutes, section 626.8452, and be approved
11.13 by the Peace Officer Standards and Training
11.14 Board;

11.15 (2) utilize scenario-based training that
11.16 simulates real-world situations and involves
11.17 the use of real firearms that fire nonlethal
11.18 ammunition; and

11.19 (3) be offered to peace officers at no charge
11.20 to the peace officer or law enforcement
11.21 agency.

11.22 A postsecondary school that offers training
11.23 consistent with the requirements of this
11.24 paragraph may apply for reimbursement for
11.25 the costs of offering the training.
11.26 Reimbursement shall be made at a rate of \$250
11.27 for each officer who participates in the
11.28 training. The postsecondary school shall
11.29 submit the name and peace officer license
11.30 number of the peace officer who received the
11.31 training.

11.32 As used in this paragraph:

9.4 base is \$75,000 in fiscal year 2024 and
 9.5 thereafter.

9.6 **(g) Prosecutor Training**

9.7 \$25,000 in fiscal year 2023 is for prosecutor
 9.8 training.

9.9 **(h) Alternatives to Juvenile Detention -**
 9.10 **Youth Conflict Resolution Centers Grants**

9.11 \$1,400,000 in fiscal year 2023 is to establish
 9.12 and maintain youth conflict resolution centers
 9.13 as alternatives to juvenile detention.

9.14 **(i) Direct Assistance to Crime Victim**
 9.15 **Survivors**

9.16 \$4,000,000 in fiscal year 2023 is for an
 9.17 increase in base funding for crime victim
 9.18 services for the Office of Justice Programs to
 9.19 provide grants for direct services and advocacy
 9.20 for victims of sexual assault, general crime,
 9.21 domestic violence, and child abuse. Funding
 9.22 must support the direct needs of organizations
 9.23 servicing victims of crime by providing: direct
 9.24 client assistance to crime victims; competitive
 9.25 wages for direct service staff; hotel stays and
 9.26 other housing-related supports and services;
 9.27 culturally responsive programming; prevention
 9.28 programming, including domestic abuse
 9.29 transformation and restorative justice
 9.30 programming; and other needs of
 9.31 organizations and crime victim survivors.
 9.32 Services funded must include services for
 9.33 victims of crime in underserved communities
 9.34 most impacted by violence and reflect the
 10.1 ethnic, racial, economic, cultural, and
 10.2 geographic diversity of the state. The Office
 10.3 of Justice Programs shall prioritize culturally
 10.4 specific programs, or organizations led and
 10.5 staffed by persons of color that primarily serve
 10.6 communities of color, in funding allocation.
 10.7 The base is \$2,000,000 in fiscal year 2024 and
 10.8 thereafter.

12.1 (i) "law enforcement agency" has the meaning
 12.2 given in Minnesota Statutes, section 626.84,
 12.3 subdivision 1, paragraph (f); and

12.4 (ii) "peace officer" has the meaning given in
 12.5 Minnesota Statutes, section 626.84,
 12.6 subdivision 1, paragraph (c).

12.7 **(m) Peace Officer Education**
 12.8 **Reimbursement**

12.9 \$2,500,000 is for education reimbursement
 12.10 grants, to be made in consultation with the
 12.11 executive director of the Peace Officer
 12.12 Standards and Training Board, to eligible
 12.13 peace officers.

12.14 An eligible peace officer is a person who:

12.15 (1) is a peace officer as defined in Minnesota
 12.16 Statutes, section 626.84, subdivision 1,
 12.17 paragraph (c);

12.18 (2) began employment as a peace officer on
 12.19 or after July 1, 2021;

12.20 (3) has been continuously employed as a peace
 12.21 officer for at least 12 months;

12.22 (4) has not been found to be in violation of the
 12.23 standards of conduct set forth in Minnesota
 12.24 Rules, part 6700.1600; and

12.25 (5) paid tuition or other fees to a
 12.26 postsecondary school to participate in a
 12.27 professional peace officer education program
 12.28 as defined in Minnesota Statutes, section
 12.29 626.84, subdivision 1, paragraph (g).

12.30 An eligible peace officer may receive
 12.31 reimbursement equal to the amount paid in
 12.32 tuition or other fees to a postsecondary school
 12.33 to participate in a professional peace officer
 13.1 education program or \$5,000, whichever is
 13.2 less. An eligible peace officer may not receive
 13.3 reimbursement for any amount paid by a third

10.9 **(j) Combatting Sex Trafficking**

10.10 \$1,500,000 in fiscal year 2023 is for grants to
 10.11 state and local units of government for the
 10.12 following purposes:

10.13 (1) to support new or existing
 10.14 multijurisdictional entities to investigate sex
 10.15 trafficking crimes; and

10.16 (2) to provide technical assistance for sex
 10.17 trafficking crimes, including case consultation,
 10.18 to law enforcement agencies statewide.

10.19 **(k) Epinephrine Auto-Injector**
 10.20 **Reimbursement Grants**

10.21 \$1,000,000 in fiscal year 2023 is for grants to
 10.22 local law enforcement agencies to reimburse
 10.23 the costs of obtaining epinephrine
 10.24 auto-injectors and replacing epinephrine
 10.25 auto-injectors that have expired.

10.26 **(l) Office of Missing and Murdered Black**
 10.27 **Women and Girls**

10.28 \$500,000 in fiscal year 2023 is to establish
 10.29 and operate the Office of Missing and
 10.30 Murdered Black Women and Girls.

10.31 **(m) Reward Fund for Missing and**
 10.32 **Murdered Indigenous Relatives**

11.1 \$110,000 in fiscal year 2023 is to pay rewards
 11.2 for information related to investigations of
 11.3 missing and murdered Indigenous relatives
 11.4 under Minnesota Statutes, section 299A.86.

11.5 **(n) Youth Intervention Program**

11.6 \$1,000,000 in fiscal year 2023 is for the youth
 11.7 intervention grants program under Minnesota
 11.8 statutes, section 299A.73. Money appropriated
 11.9 under this section is available to programs that
 11.10 are currently supported by youth intervention

13.4 party or reimbursed by any other entity, or any
 13.5 amount of a loan that was forgiven or is
 13.6 eligible to be forgiven from money borrowed
 13.7 from a financial institution or other entity.

13.8 The commissioner, in consultation with the
 13.9 executive director, shall establish the
 13.10 requirements for an application for
 13.11 reimbursement of education expenses. At a
 13.12 minimum, the application must include:

13.13 (i) the name, date of birth, and peace officer
 13.14 license number of the applicant;

13.15 (ii) the postsecondary school to which tuition
 13.16 or other fees were paid and the amount paid;

13.17 (iii) the date of completion of a professional
 13.18 peace officer education program;

13.19 (iv) the date on which the person began
 13.20 employment as a peace officer;

13.21 (v) certification by a chief law enforcement
 13.22 officer that the person is employed as a peace
 13.23 officer at the time of application and has been
 13.24 employed as a peace officer for at least the
 13.25 previous 12 months; and

13.26 (vi) a statement signed by the applicant, under
 13.27 penalty of perjury as provided in Minnesota
 13.28 Statutes, section 609.48, attesting that the
 13.29 applicant paid the tuition or fees being
 13.30 claimed; the amount paid was not reimbursed
 13.31 by any other entity or through any other
 13.32 program; and the applicant is not claiming
 13.33 reimbursement for any amount of a loan that
 13.34 was forgiven or is eligible to be forgiven from
 14.1 money borrowed from a financial institution
 14.2 or other entity.

14.3 The commissioner shall prepare and make
 14.4 forms available on its website for use by
 14.5 applicants and chief law enforcement officers.

11.11 program grants. This is a onetime
 11.12 appropriation.

11.13 **(o) Task Force on the Statewide Response**
 11.14 **to Substance Abuse**

11.15 \$144,000 in fiscal year 2023 is to implement
 11.16 the Task Force on the Statewide Response to
 11.17 Substance Abuse. The base is \$154,000 in
 11.18 fiscal year 2024 and \$66,000 in fiscal year
 11.19 2025. The base is \$0 in fiscal year 2026 and
 11.20 thereafter.

11.21 **(p) Task Force on a Coordinated Approach**
 11.22 **to Juvenile Wellness and Justice**

11.23 \$150,000 in fiscal year 2023 is to implement
 11.24 the Task Force on a Coordinated Approach to
 11.25 Juvenile Wellness and Justice. This is a
 11.26 onetime appropriation.

11.27 **(q) Juvenile Prevention Services**

11.28 In fiscal year 2023, \$150,000 from the general
 11.29 fund and \$1,600,000 from the prevention
 11.30 services account in the special revenue fund
 11.31 are appropriated for grants to provide
 11.32 prevention services. Grant recipients may be
 11.33 local units of government, federally
 12.1 recognized Indian Tribes, or nonprofit
 12.2 organizations. Recipients must use funds to
 12.3 establish or support programs designed to
 12.4 prevent juveniles from entering the criminal
 12.5 or juvenile justice systems through approaches
 12.6 that encourage a youth's involvement in the
 12.7 community, provide wrap-around services for
 12.8 at-risk youth, or include culturally appropriate
 12.9 behavioral health interventions for youth.
 12.10 Specific programs may include but are not
 12.11 limited to after-school programs, mentorship
 12.12 programs, tutoring programs, programs that
 12.13 employ restorative justice techniques such as
 12.14 peacemaking circles, or programs based on
 12.15 the Developmental Assets Framework of the
 12.16 Search Institute.

14.6 By February 15 of each odd-numbered year,
 14.7 the commissioner shall report to the chairs and
 14.8 ranking minority members of the legislative
 14.9 committees having jurisdiction over public
 14.10 safety policy and finance on the grants made
 14.11 under this paragraph. At a minimum, the report
 14.12 must give details on the number of grants
 14.13 made, the amount of each grant, the
 14.14 postsecondary schools attended, and the law
 14.15 enforcement agency the peace officer is
 14.16 employed by.

14.17 **(n) Reimbursement Grants to Law**
 14.18 **Enforcement Agencies for New Peace**
 14.19 **Officer Hiring Bonuses**

14.20 \$20,000,000 is for grants, to be made in
 14.21 consultation with the executive director of the
 14.22 Peace Officer Standards and Training Board,
 14.23 to law enforcement agencies under this
 14.24 paragraph. This is a onetime appropriation and
 14.25 is available until June 30, 2025.

14.26 The commissioner, in consultation with the
 14.27 executive director, may make reimbursement
 14.28 grants as provided in this paragraph to law
 14.29 enforcement agencies that have paid
 14.30 recruitment bonuses to newly hired peace
 14.31 officers. Agencies may apply for grants on
 14.32 forms and as directed by the commissioner.
 14.33 The maximum amount of a grant is \$10,000
 14.34 per officer hired. An agency may apply for
 15.1 multiple grants to cover multiple eligible
 15.2 bonuses. Grants are awarded at the discretion
 15.3 of the commissioner, in consultation with the
 15.4 executive director, and are limited to the
 15.5 amount appropriated for this purpose.

15.6 Law enforcement agencies may offer
 15.7 recruitment bonuses to provide incentives to
 15.8 individuals to become peace officers with the
 15.9 agency. A reimbursement grant under this
 15.10 paragraph may be made only if the peace
 15.11 officer was hired after having received notice

12.17 **(r) Juvenile Intervention Services**

12.18 \$2,500,000 in fiscal year 2023 is to provide

12.19 intervention and healing services. Grant

12.20 recipients may be local units of government,

12.21 federally recognized Indian Tribes, or

12.22 nonprofit organizations. Recipients must use

12.23 funds to provide intervention services to youth

12.24 involved in the juvenile or criminal justice

12.25 systems. Intervention services must engage

12.26 youth who have been involved in the justice

12.27 system with the aim to create community

12.28 connections between the youth and their

12.29 community, promote community healing, and

12.30 employ restorative justice techniques such as

12.31 circles, panels, or victim-offender mediation.

12.32 **(s) Mental Health Services and Wellness**

12.33 **Support for Juveniles and Families**

12.34 \$1,750,000 in fiscal year 2023 is for grants to

12.35 organizations to provide mental health and

13.1 wellness support services for youth involved

13.2 in the juvenile justice system and their

13.3 families. Funding for mental health services

13.4 is for individuals or organizations that provide

13.5 mental health services for youth involved in

13.6 the juvenile justice system, including

13.7 residential settings or community-based

13.8 treatment. Funds must be used to support

13.9 programs designed with input from youth with

13.10 lived experience, as well as individuals with

13.11 professional expertise. Wellness support

13.12 services for families of young people placed

13.13 out of home following a juvenile delinquency

13.14 adjudication must create family support

13.15 groups, provide resources to support families

13.16 during out-of-home placements, or support

13.17 the family through the period of

13.18 post-placement reentry.

13.19 **(t) Local Community Innovation Grants**

13.20 \$55,000,000 in fiscal year 2023 is for local

13.21 community innovation grants. The base is

15.12 of the availability of a recruitment bonus and

15.13 only after the agency has paid the bonus. An

15.14 officer is eligible for a bonus upon reaching

15.15 the officer's one year anniversary of starting

15.16 employment at the agency and only if the

15.17 officer is a member in good standing with the

15.18 agency. A grant may be awarded only for a

15.19 bonus paid to a newly licensed peace officer

15.20 hire. Grants may not reimburse bonuses paid

15.21 to officers moving laterally from other

15.22 jurisdictions within the state or officers who

15.23 previously served as correctional officers

15.24 within the state. If the demand for grants

15.25 exceeds the amount appropriated, the

15.26 commissioner, in consultation with the

15.27 executive director, shall award grants in a

15.28 manner that ensures that grants are distributed

15.29 to agencies in a geographically balanced

15.30 manner and also in a balanced manner in terms

15.31 of the size of the law enforcement agencies

15.32 receiving grants.

15.33 By January 15, 2025, the commissioner shall

15.34 report to the chairs and ranking minority

15.35 members of the legislative committees having

16.1 jurisdiction over criminal justice policy and

16.2 finance on the grant program. At a minimum,

16.3 the report must provide detailed information

16.4 on the grants awarded under this paragraph,

16.5 including the amount of each grant and the

16.6 recipient agency, and the number of new hires

16.7 made in whole or in part because of the grants.

16.8 **(o) Peace Officer Bonus Program**

16.9 \$2,000,000 is for the bonus program described

16.10 in Minnesota Statutes, section 626.8415.

16.11 **(p) Bonus Payments to Peace Officers**

16.12 \$47,000,000 is to distribute, in consultation

16.13 with the executive director of the Peace

16.14 Officer Standards and Training Board, a

16.15 onetime bonus payment to each peace officer,

16.16 as defined in Minnesota Statutes, section

13.22 \$30,000,000 in fiscal year 2024 and beyond.
13.23 Any unencumbered grant balances at the end
13.24 of the fiscal year do not cancel but are
13.25 available for grants in the following year.

13.26 **(u) Emergency Community Safety Grants**

13.27 \$15,000,000 in fiscal year 2022 is for grants
13.28 to crime prevention programs for the purpose
13.29 of providing public safety. Any unencumbered
13.30 balance at the end of fiscal year 2023 does not
13.31 cancel but is available for the purposes of this
13.32 section until spent. This is a onetime
13.33 appropriation.

13.34 **(v) Local Co-Responder Grants**

14.1 \$10,000,000 in fiscal year 2023 is for grants
14.2 to establish, maintain, or expand the use of
14.3 co-responder programs that work with law
14.4 enforcement agencies. Any unencumbered
14.5 balance at the end of the fiscal year does not
14.6 cancel but is available for the purposes of this
14.7 section until spent.

14.8 **(w) Local Community Policing Grants**

14.9 \$15,000,000 in fiscal year 2023 is for local
14.10 community policing grants. The base is
14.11 \$10,000,000 in each of fiscal years 2024 and
14.12 2025. The base is \$0 in fiscal year 2026 and
14.13 thereafter. Any unencumbered grant balances
14.14 at the end of the fiscal year do not cancel but
14.15 are available for grants in the following year.

14.16 **(x) Local Investigation Grants**

14.17 \$15,000,000 in fiscal year 2023 is for local
14.18 investigation grants. The base is \$10,000,000
14.19 in each of fiscal years 2024 and 2025. The
14.20 base is \$0 in fiscal year 2026 and thereafter.
14.21 Any unencumbered grant balances at the end
14.22 of the fiscal year do not cancel but are
14.23 available for grants in the following year.

16.17 626.84, subdivision 1, who is employed as of
16.18 July 1, 2022. The bonus payment must be
16.19 \$3,000 for peace officers under the age of 50
16.20 as of July 1, 2022, and \$10,000 for peace
16.21 officers aged 55 or over as of July 1, 2022.
16.22 For a peace officer aged 50 to 54 as of July 1,
16.23 2022, the bonus payment is \$3,000. However,
16.24 the peace officer must be paid an additional
16.25 \$7,000 bonus upon reaching 55 years of age
16.26 if the person is still employed as a peace
16.27 officer or upon working an additional two
16.28 years as a peace officer, whichever occurs
16.29 first. This is a onetime appropriation and is
16.30 available until June 30, 2025.

16.31 By February 1, 2026, the commissioner shall
16.32 report to the chairs and ranking minority
16.33 members of the legislative committees with
16.34 jurisdiction over public safety policy and
17.1 finance on the bonus payments made under
17.2 this paragraph. At a minimum, the report must
17.3 identify the number of grants made, the
17.4 amount of each grant, the number of grants
17.5 by category, and the number of grants made
17.6 to peace officers aged 50 to 54 that were later
17.7 supplemented upon the peace officer working
17.8 two additional years or turning 55.

17.9 **(q) Police Officer Skills Training and**
17.10 **Provider Program Grants**

17.11 \$5,000,000 is to transfer to the Minnesota
17.12 State Colleges and Universities Board of
17.13 Trustees for grants to the nine Minnesota State
17.14 Colleges and Universities police officer skills
17.15 training and provider programs. The grants
17.16 may be used for technological needs, including
17.17 body cameras to enhance student learning
17.18 through the use of real-time review; fleet
17.19 vehicles and accessories such as automatic
17.20 vehicle locators, light bars, and radio racks; a
17.21 de-escalation simulation program; a
17.22 360-degree force continuum simulator; a

14.24	<u>Subd. 5. State Patrol</u>	<u>-0-</u>	<u>252,000</u>
14.25	<u>(a) Criminal Record Expungement</u>		
14.26	<u>\$84,000 in fiscal year 2023 from the trunk</u>		
14.27	<u>highway fund is for costs related to criminal</u>		
14.28	<u>record expungement. The base is \$168,000 in</u>		
14.29	<u>fiscal year 2024 and thereafter.</u>		
14.30	<u>(b) Marijuana Penalties Modified</u>		
14.31	<u>\$168,000 in fiscal year 2023 from the trunk</u>		
14.32	<u>highway fund is for costs related to changes</u>		
14.33	<u>in marijuana criminal penalties.</u>		
15.1	<u>Subd. 6. Administrative Services</u>	<u>-0-</u>	<u>16,016,000</u>
15.2	<u>(a) Public Safety Officer Soft Body Armor</u>		
15.3	<u>\$1,000,000 in fiscal year 2023 is for public</u>		
15.4	<u>safety officer soft body armor reimbursements</u>		
15.5	<u>under Minnesota Statutes, section 299A.381.</u>		
15.6	<u>Of this amount, the commissioner may use up</u>		
15.7	<u>to \$60,000 to staff and administer the program.</u>		
15.8	<u>(b) Body Camera Grants</u>		
15.9	<u>\$9,000,000 in fiscal year 2023 is for grants to</u>		
15.10	<u>local law enforcement agencies for portable</u>		
15.11	<u>recording systems. The commissioner shall</u>		
15.12	<u>award grants to local law enforcement</u>		
15.13	<u>agencies for the purchase and maintenance of</u>		
15.14	<u>portable recording systems and portable</u>		
15.15	<u>recording system data. The base is \$4,500,000</u>		
15.16	<u>in fiscal year 2024 and thereafter.</u>		
15.17	<u>(c) Body Camera Data Storage</u>		
15.18	<u>\$6,016,000 in fiscal year 2023 is to develop</u>		
15.19	<u>and administer a statewide cloud-based body</u>		
15.20	<u>camera data storage program. Of this amount,</u>		
15.21	<u>the commissioner may use up to \$1,000,000</u>		
15.22	<u>for staff and operating costs to administer this</u>		

17.23	<u>tactical warehouse recording system; personal</u>
17.24	<u>interaction replay equipment, such as</u>
17.25	<u>electronic tablets for crime scene investigation</u>
17.26	<u>scenarios; and other costs associated with</u>
17.27	<u>operating a skills program.</u>
17.28	<u>The Board of Trustees shall award the grants</u>
17.29	<u>based on the nine police officer skills training</u>
17.30	<u>and provider program enrollment. This is a</u>
17.31	<u>onetime appropriation.</u>
17.32	<u>(r) Racially Diverse Youth</u>
17.33	<u>\$210,000 is for grants to organizations to</u>
17.34	<u>address racial disparity of youth using shelter</u>
18.1	<u>services in the Rochester and St. Cloud</u>
18.2	<u>regional areas. A grant recipient shall establish</u>
18.3	<u>and operate a pilot program connected to</u>
18.4	<u>shelter services to engage in community</u>
18.5	<u>intervention outreach, mobile case</u>
18.6	<u>management, family reunification, aftercare,</u>
18.7	<u>and follow up when family members are</u>
18.8	<u>released from shelter services. A pilot program</u>
18.9	<u>must specifically address the high number of</u>
18.10	<u>racially diverse youth that enter shelters in the</u>
18.11	<u>regions. This is a onetime appropriation.</u>
18.12	<u>(s) Administration Costs</u>
18.13	<u>Except as otherwise provided, up to 2.5</u>
18.14	<u>percent of the money appropriated in this</u>
18.15	<u>section may be used by the commissioner to</u>
18.16	<u>administer the grant programs described.</u>
18.17	<u>(t) Costs of Sexual Assault Medical</u>
18.18	<u>Examinations</u>
18.19	<u>\$3,500,000 is to pay for the cost of medical</u>
18.20	<u>examinations for sexual assault victims in</u>
18.21	<u>accordance with Minnesota Statutes, section</u>
18.22	<u>609.35.</u>
18.23	<u>(u) Prohibition on Supplanting</u>

15.23 program and the body camera grants program
 15.24 in the preceding section. The base is
 15.25 \$6,036,000 in fiscal year 2024 and \$6,057,000
 15.26 in fiscal year 2025.

15.27 Subd. 7. **Emergency Communication Networks** -0- 2,450,000

15.28 Appropriations by Fund

15.29 Special Revenue -0- 1,450,000

15.30 General -0- 1,000,000

15.31 (a) Local Grants

15.32 \$1,000,000 in fiscal year 2023 is for grants to
 15.33 local government units participating in the
 16.1 statewide public safety radio communication
 16.2 system established under Minnesota Statutes,
 16.3 section 403.36. The grants must be used to
 16.4 purchase portable radios and related equipment
 16.5 that is interoperable with the Allied Radio
 16.6 Matrix for Emergency Response (ARMER)
 16.7 system. Each local government unit may
 16.8 receive only one grant. The grant is contingent
 16.9 upon a match of at least five percent from
 16.10 nonstate funds. The director of the Emergency
 16.11 Communication Networks division, in
 16.12 consultation with the Statewide Emergency
 16.13 Communications Board, must administer the
 16.14 grant program. This is a onetime
 16.15 appropriation.

16.16 (b) Public Safety Telecommunicator
 16.17 Certification and Training Reimbursement
 16.18 Grants

16.19 \$1,450,000 in fiscal year 2023 is appropriated
 16.20 from the nondedicated 911 emergency special
 16.21 revenue account for administrative and
 16.22 software costs and rulemaking to establish and
 16.23 review 911 public safety telecommunicator
 16.24 certification and continuing education
 16.25 standards as described in Minnesota Statutes,

18.24 Notwithstanding any contrary provision in
 18.25 ordinance or contract, a local unit of
 18.26 government may not use any money
 18.27 appropriated or granted under this section to
 18.28 supplant its funding of peace officer salaries,
 18.29 salary ranges, or other compensation, or use
 18.30 it in a manner that differs from the purposes
 18.31 specified.

18.32 (v) Public Safety Officers; Benefits

19.1 \$1,000,000 is for costs associated with the
 19.2 amendments to Minnesota Statutes, section
 19.3 299A.41, made in sections 13 to 15.

16.26	<u>section 403.051. The base is \$1,000,000 in</u>			
16.27	<u>each of fiscal years 2024 and 2025.</u>			
16.28	Sec. 3. <u>PEACE OFFICER STANDARDS AND</u>			
16.29	<u>TRAINING (POST) BOARD</u>	\$	<u>165,000</u>	\$ <u>1,550,000</u>
16.30	<u>(a) Database for Public Records</u>			
16.31	<u>\$165,000 in fiscal year 2023 is for a database</u>			
16.32	<u>for public records. This is a onetime</u>			
16.33	<u>appropriation.</u>			
17.1	<u>(b) Task Force on Alternative Courses to</u>			
17.2	<u>Peace Officer Licensure</u>			
17.3	<u>\$50,000 in fiscal year 2023 is for a task force</u>			
17.4	<u>on alternative courses to peace officer</u>			
17.5	<u>licensure. This is a onetime appropriation.</u>			
17.6	<u>(c) Investigators</u>			
17.7	<u>\$1,250,000 in fiscal year 2023 is to hire</u>			
17.8	<u>investigators and additional staff to perform</u>			
17.9	<u>compliance reviews and investigate alleged</u>			
17.10	<u>code of conduct violations and to obtain or</u>			
17.11	<u>improve equipment for that purpose.</u>			
17.12	<u>(d) Strength and Agility Testing</u>			
17.13	<u>\$250,000 in fiscal year 2023 is to reimburse</u>			
17.14	<u>law enforcement agencies for funding</u>			
17.15	<u>scientifically content-validated and job-related</u>			
17.16	<u>physical strength and agility examinations to</u>			
17.17	<u>screen applicants as required under Minnesota</u>			
17.18	<u>Statutes, section 626.843, subdivision 1c. The</u>			
17.19	<u>board must establish guidelines for the</u>			
17.20	<u>administration of reimbursement payments</u>			
17.21	<u>under this section.</u>			
17.22	Sec. 4. <u>PRIVATE DETECTIVE BOARD</u>	\$	<u>80,000</u>	\$ <u>518,000</u>
17.23	<u>(a) Record Management System and</u>			
17.24	<u>Background Checks</u>			

19.27 \$10,450,000 in fiscal year 2023 is for services
 19.28 provided by the Department of Corrections
 19.29 Field Services, County Probation Officers,
 19.30 and Community Corrections Act counties. The
 19.31 base is \$25,750,000 in fiscal year 2024 and
 19.32 \$38,300,000 in fiscal year 2025 and shall be
 19.33 distributed based on the formula established
 19.34 in article 7, section 16, subdivision 3.

20.1 **(c) Work Release Program**

20.2 \$1,000,000 in fiscal year 2023 is to expand
 20.3 the use of the existing Department of
 20.4 Corrections work release program to increase
 20.5 the availability of educational programming
 20.6 for incarcerated individuals who are eligible
 20.7 and approved for work release.

20.8 **(d) Healing House**

20.9 \$150,000 in fiscal year 2023 is to provide
 20.10 project management services in support of the
 20.11 Healing House model. The Healing House
 20.12 provides support and assistance to Native
 20.13 American women who have been victims of
 20.14 trauma. The base is \$0 in fiscal year 2026 and
 20.15 thereafter.

20.16 Subd. 4. **Organizational, Regulatory, and**
 20.17 **Administrative Services**

1,000,000 11,970,000

20.18 **(a) Technology**

20.19 \$1,000,000 in fiscal year 2022 and
 20.20 \$11,000,000 in fiscal year 2023 are to replace
 20.21 or improve existing corrections data
 20.22 management systems that have significant
 20.23 deficiencies, create a statewide public safety
 20.24 information sharing infrastructure, and
 20.25 improve data collection and reportability. The
 20.26 base is \$17,500,000 in fiscal year 2024 and
 20.27 thereafter.

4.31 By February 1, 2023, the commissioner shall
 4.32 collate the information received under
 4.33 paragraph (d) and submit it to the chairs and
 4.34 ranking minority members of the legislative
 5.1 committees having jurisdiction over criminal
 5.2 justice policy and finance. The commissioner
 5.3 shall also report on how the additional funds
 5.4 appropriated in paragraph (c) to the
 5.5 Department of Corrections for probation and
 5.6 supervised release were spent, using the same
 5.7 statistical indexes and format.

20.28 In the development, design, and
 20.29 implementation of the statewide public safety
 20.30 data information sharing infrastructure, the
 20.31 department shall, at a minimum, consult with
 20.32 county correctional supervision providers, the
 20.33 judicial branch, the Minnesota Sheriffs'
 20.34 Association, the Minnesota Chiefs of Police
 21.1 Association, and the Bureau of Criminal
 21.2 Apprehension.

21.3 **(b) Property Insurance Premiums**

21.4 \$650,000 in fiscal year 2023 is to fund cost
 21.5 increases for property insurance premiums at
 21.6 state correctional facilities.

21.7 **(c) Project Management Office**

21.8 \$230,000 in fiscal year 2023 is to expand the
 21.9 Department of Corrections project
 21.10 management office, including the addition of
 21.11 two project manager full-time-equivalent
 21.12 positions.

21.13 **(d) Indeterminate Sentence Release Board**

21.14 \$40,000 in fiscal year 2023 is to fund the
 21.15 establishment of an Indeterminate Sentence
 21.16 Release Board (ISRB) to review eligible cases
 21.17 and make release decisions for persons serving
 21.18 indeterminate sentences under the authority
 21.19 of the commissioner of corrections. The ISRB
 21.20 must consist of five members, including four
 21.21 persons appointed by the governor from two
 21.22 recommendations of each of the majority and
 21.23 minority leaders of the house of
 21.24 representatives and the senate and the
 21.25 commissioner of corrections who shall serve
 21.26 as chair.

21.27 **(e) Task Force on Felony Murder**

21.28 \$50,000 in fiscal year 2023 is to implement
 21.29 the Task Force on Felony Murder. This is a
 21.30 onetime appropriation.

21.31 Sec. 6. **OMBUDSPERSON FOR**
 21.32 **CORRECTIONS** **\$ 21,000 \$ 12,000**

21.33 Sec. 7. **OFFICE OF HIGHER EDUCATION** **\$ -0- \$ 2,500,000**

22.1 \$2,500,000 in fiscal year 2023 is to provide
 22.2 reimbursement grants to postsecondary
 22.3 schools certified to provide programs of
 22.4 professional peace officer education for
 22.5 providing in-service training programs for
 22.6 peace officers on the proper use of force,
 22.7 including deadly force, the duty to intercede,
 22.8 and conflict de-escalation. Of this amount, up
 22.9 to 2.5 percent is for administration and
 22.10 monitoring of the program.

22.11 To be eligible for reimbursement, training
 22.12 offered by a postsecondary school must consist
 22.13 of no less than eight hours of instruction and:

22.14 (1) satisfy the requirements of Minnesota
 22.15 Statutes, section 626.8452, and be approved
 22.16 by the Peace Officer Standards and Training
 22.17 Board, for use of force training;

22.18 (2) utilize scenario-based training that
 22.19 simulates real-world situations and involves
 22.20 the use of real firearms that fire nonlethal
 22.21 ammunition when appropriate;

22.22 (3) include a block of instruction on the
 22.23 physical and psychological effects of stress
 22.24 before, during, and after a high risk or
 22.25 traumatic incident and the cumulative impact
 22.26 of stress on the health of officers;

22.27 (4) include blocks of instruction on
 22.28 de-escalation methods and tactics, bias

22.29 motivation, unknown risk training, defensive
 22.30 tactics, and force-on-force training; and
 22.31 (5) be offered to peace officers at no charge
 22.32 to the peace officer or an officer's law
 22.33 enforcement agency.

23.1 A postsecondary school that offers training
 23.2 consistent with the above requirements may
 23.3 apply for reimbursement for the costs of
 23.4 offering the training. Reimbursement shall be
 23.5 made at a rate of \$450 for each officer who
 23.6 participates in the training. The postsecondary
 23.7 school must submit the name and peace officer
 23.8 license number of the peace officer who
 23.9 received the training.

23.10 As used in this section, "law enforcement
 23.11 agency" has the meaning given in Minnesota
 23.12 Statutes, section 626.84, subdivision 1,
 23.13 paragraph (f), and "peace officer" has the
 23.14 meaning given in Minnesota Statutes, section
 23.15 626.84, subdivision 1, paragraph (c).

23.16	Sec. 8. <u>CLEMENCY REVIEW COMMISSION</u>	<u>\$</u>	<u>-0-</u>	<u>\$</u>	<u>705,000</u>
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23.17	Sec. 9. <u>OFFICE OF THE ATTORNEY</u>				
23.18	<u>GENERAL</u>	<u>\$</u>	<u>-0-</u>	<u>\$</u>	<u>1,821,000</u>

23.19 \$1,821,000 in fiscal year 2023 is for enhanced
 23.20 criminal enforcement.

23.21	Sec. 10. <u>SENTENCING GUIDELINES</u>				
23.22	<u>COMMISSION</u>	<u>\$</u>	<u>-0-</u>	<u>\$</u>	<u>117,000</u>

23.23 \$117,000 in fiscal year 2023 is for providing
 23.24 meeting space and administrative assistance
 23.25 for the Task Force on Collection of Charging
 23.26 and Related Data. The base is \$121,000 in
 23.27 fiscal year 2024 and \$0 for fiscal year 2025.

23.28 Sec. 11. **TRANSFERS; MINNCOR.**

23.29 \$7,000,000 in fiscal year 2023 is transferred from the MINNCOR fund to the general
23.30 fund.

23.31 Sec. 12. **TRANSFER; OPIATE EPIDEMIC RESPONSE.**

23.32 \$10,000,000 in fiscal year 2023 is transferred from the general fund to the opiate epidemic
23.33 response fund established pursuant to Minnesota Statutes, section 256.043. Grants issued
24.1 from this amount are for prevention and education as described in Minnesota Statutes,
24.2 section 256.042, subdivision 1, paragraph (a), clause (1). Grant recipients must be located
24.3 outside the seven-county metropolitan area.

24.4 Sec. 13. **FUND TRANSFER; HOMETOWN HEROES ASSISTANCE PROGRAM.**

24.5 The commissioner of public safety shall transfer any amounts remaining in the
24.6 appropriation under Laws 2021, First Special Session chapter 11, article 1, section 14,
24.7 subdivision 7, paragraph (k), from the Office of Justice Programs to the state fire marshal
24.8 for grants to the Minnesota Firefighter Initiative to fund the hometown heroes assistance
24.9 program under Minnesota Statutes, section 299A.477.

24.10 **EFFECTIVE DATE.** This section is effective the day following final enactment.

24.11 **ARTICLE 2**

24.12 **GENERAL CRIMES AND PUBLIC SAFETY POLICY**

24.13 Section 1. Minnesota Statutes 2020, section 13.6905, is amended by adding a subdivision
24.14 to read:

24.15 Subd. 36. **Direct wine shipments.** Data obtained and shared by the commissioner of
24.16 public safety relating to direct shipments of wine are governed by sections 340A.550 and
24.17 340A.555.

24.18 **EFFECTIVE DATE.** This section is effective the day following final enactment.

24.19 Sec. 2. Minnesota Statutes 2020, section 13.825, subdivision 2, is amended to read:

24.20 Subd. 2. **Data classification; court-authorized disclosure.** (a) Data collected by a
24.21 portable recording system are private data on individuals or nonpublic data, subject to the
24.22 following:

24.23 (1) data that document the discharge of a firearm by a peace officer in the course of duty,
24.24 if a notice is required under section 626.553, subdivision 2, or the use of force by a peace
24.25 officer that results in substantial bodily harm, as defined in section 609.02, subdivision 7a,
24.26 are public;

- 24.27 (2) data are public if a subject of the data requests it be made accessible to the public,
24.28 except that, if practicable, (i) data on a subject who is not a peace officer and who does not
24.29 consent to the release must be redacted, and (ii) data on a peace officer whose identity is
24.30 protected under section 13.82, subdivision 17, clause (a), must be redacted;
- 25.1 (3) portable recording system data that are active criminal investigative data are governed
25.2 by section 13.82, subdivision 7, and portable recording system data that are inactive criminal
25.3 investigative data are governed by this section;
- 25.4 (4) portable recording system data that are public personnel data under section 13.43,
25.5 subdivision 2, clause (5), are public; and
- 25.6 (5) data that are not public data under other provisions of this chapter retain that
25.7 classification.
- 25.8 (b) Notwithstanding section 13.82, subdivision 7, a deceased individual's next of kin,
25.9 legal representative of the next of kin, or other parent of the deceased individual's children
25.10 is entitled to view any and all recordings from a peace officer's portable recording system,
25.11 redacted no more than what is required by law, of an officer's use of deadly force no later
25.12 than five business days following an incident where deadly force used by a peace officer
25.13 results in the death of an individual, except that a chief law enforcement officer may deny
25.14 a request if the investigating agency requests and can articulate a compelling reason as to
25.15 why allowing the deceased individual's next of kin, legal representative of next of kin, or
25.16 other parent of the deceased individual's children to review the recordings would interfere
25.17 with a thorough investigation. If the chief law enforcement officer denies a request under
25.18 this paragraph, the involved officer's agency must issue a prompt, written denial and provide
25.19 notice to the deceased individual's next of kin, legal representative of the next of kin, or
25.20 other parent of the deceased individual's children that relief may be sought from the district
25.21 court.
- 25.22 (c) Notwithstanding section 13.82, subdivision 7, an involved officer's agency shall
25.23 release to the public no later than 14 business days after an incident all body-worn camera
25.24 recordings of the incident where a peace officer used deadly force and an individual died,
25.25 except that a chief law enforcement officer shall not release the video if the investigating
25.26 agency asserts in writing that allowing the public to view the recordings would interfere
25.27 with the ongoing investigation.
- 25.28 ~~(b)~~ (d) A law enforcement agency may redact or withhold access to portions of data that
25.29 are public under this subdivision if those portions of data are clearly offensive to common
25.30 sensibilities.
- 25.31 ~~(c)~~ (e) Section 13.04, subdivision 2, does not apply to collection of data classified by
25.32 this subdivision.

25.33 ~~(f)~~ (f) Any person may bring an action in the district court located in the county where
 25.34 portable recording system data are being maintained to authorize disclosure of data that are
 26.1 private or nonpublic under this section or to challenge a determination under paragraph (b)
 26.2 to redact or withhold access to portions of data because the data are clearly offensive to
 26.3 common sensibilities. The person bringing the action must give notice of the action to the
 26.4 law enforcement agency and subjects of the data, if known. The law enforcement agency
 26.5 must give notice to other subjects of the data, if known, who did not receive the notice from
 26.6 the person bringing the action. The court may order that all or part of the data be released
 26.7 to the public or to the person bringing the action. In making this determination, the court
 26.8 shall consider whether the benefit to the person bringing the action or to the public outweighs
 26.9 any harm to the public, to the law enforcement agency, or to a subject of the data and, if
 26.10 the action is challenging a determination under paragraph (b), whether the data are clearly
 26.11 offensive to common sensibilities. The data in dispute must be examined by the court in
 26.12 camera. This paragraph does not affect the right of a defendant in a criminal proceeding to
 26.13 obtain access to portable recording system data under the Rules of Criminal Procedure.

26.14 Sec. 3. Minnesota Statutes 2020, section 241.01, subdivision 3a, is amended to read:

26.15 Subd. 3a. **Commissioner, powers and duties.** The commissioner of corrections has the
 26.16 following powers and duties:

26.17 (a) To accept persons committed to the commissioner by the courts of this state for care,
 26.18 custody, and rehabilitation.

26.19 (b) To determine the place of confinement of committed persons in a correctional facility
 26.20 or other facility of the Department of Corrections and to prescribe reasonable conditions
 26.21 and rules for their employment, conduct, instruction, and discipline within or outside the
 26.22 facility. Inmates shall not exercise custodial functions or have authority over other inmates.

26.23 (c) To administer the money and property of the department.

26.24 (d) To administer, maintain, and inspect all state correctional facilities.

26.25 (e) To transfer authorized positions and personnel between state correctional facilities
 26.26 as necessary to properly staff facilities and programs.

26.27 (f) To utilize state correctional facilities in the manner deemed to be most efficient and
 26.28 beneficial to accomplish the purposes of this section, but not to close the Minnesota
 26.29 Correctional Facility-Stillwater or the Minnesota Correctional Facility-St. Cloud without
 26.30 legislative approval. The commissioner may place juveniles and adults at the same state
 26.31 minimum security correctional facilities, if there is total separation of and no regular contact
 26.32 between juveniles and adults, except contact incidental to admission, classification, and
 26.33 mental and physical health care.

27.1 (g) To organize the department and employ personnel the commissioner deems necessary
 27.2 to discharge the functions of the department, including a chief executive officer for each

27.3 facility under the commissioner's control who shall serve in the unclassified civil service
 27.4 and may, under the provisions of section 43A.33, be removed only for cause.

27.5 (h) To define the duties of these employees and to delegate to them any of the
 27.6 commissioner's powers, duties and responsibilities, subject to the commissioner's control
 27.7 and the conditions the commissioner prescribes.

27.8 (i) To annually develop a comprehensive set of goals and objectives designed to clearly
 27.9 establish the priorities of the Department of Corrections. This report shall be submitted to
 27.10 the governor commencing January 1, 1976. The commissioner may establish ad hoc advisory
 27.11 committees.

27.12 (j) To perform these duties with the goal of promoting public safety. Promoting public
 27.13 safety includes the promotion of human rights. "Public safety" means reducing or preventing
 27.14 crime while maintaining the basic rights, freedoms, and privileges that belong to every
 27.15 person, including the right to dignity, fairness, equality, respect, and freedom from
 27.16 discrimination, and is achieved by diverting people away from the criminal justice system
 27.17 whenever possible, imposing sanctions that are the least restrictive necessary to achieve
 27.18 accountability for the offense, preferring the use of community services to imprisonment
 27.19 or other confinement unless confinement is necessary to protect the public, and promoting
 27.20 the rehabilitation of those convicted through the provision of evidence-based programming
 27.21 and services.

27.22 Sec. 4. Minnesota Statutes 2020, section 244.09, subdivision 5, is amended to read:

27.23 Subd. 5. **Promulgation of Sentencing Guidelines.** The commission shall promulgate
 27.24 Sentencing Guidelines for the district court. The guidelines shall be based on reasonable
 27.25 offense and offender characteristics. The guidelines promulgated by the commission shall
 27.26 be advisory to the district court and shall establish:

27.27 (1) the circumstances under which imprisonment of an offender is proper; and

27.28 (2) a presumptive, fixed sentence for offenders for whom imprisonment is proper, based
 27.29 on each appropriate combination of reasonable offense and offender characteristics. The
 27.30 guidelines shall provide for an increase of 20 percent and a decrease of 15 percent in the
 27.31 presumptive, fixed sentence.

27.32 The Sentencing Guidelines promulgated by the commission may also establish appropriate
 27.33 sanctions for offenders for whom imprisonment is not proper. Any guidelines promulgated
 28.1 by the commission establishing sanctions for offenders for whom imprisonment is not proper
 28.2 shall make specific reference to noninstitutional sanctions, including but not limited to the
 28.3 following: payment of fines, day fines, restitution, community work orders, work release
 28.4 programs in local facilities, community based residential and nonresidential programs,
 28.5 incarceration in a local correctional facility, and probation and the conditions thereof.

28.6 Although the Sentencing Guidelines are advisory to the district court, the court shall
 28.7 follow the procedures of the guidelines when it pronounces sentence in a proceeding to
 28.8 which the guidelines apply by operation of statute. Sentencing pursuant to the Sentencing
 28.9 Guidelines is not a right that accrues to a person convicted of a felony; it is a procedure
 28.10 based on state public policy to maintain uniformity, proportionality, rationality, and
 28.11 predictability in sentencing.

28.12 In establishing and modifying the Sentencing Guidelines, the primary consideration of
 28.13 the commission shall be public safety. "Public safety" means reducing or preventing crime
 28.14 while maintaining the basic rights, freedoms, and privileges that belong to every person,
 28.15 including the right to dignity, fairness, equality, respect, and freedom from discrimination,
 28.16 and is achieved by diverting people away from the criminal justice system whenever possible,
 28.17 imposing sanctions that are the least restrictive necessary to achieve accountability for the
 28.18 offense, preferring the use of community services to imprisonment or other confinement
 28.19 unless confinement is necessary to protect the public, and promoting the rehabilitation of
 28.20 those convicted through the provision of evidence-based programming and services.
 28.21 Promoting public safety includes the promotion of human rights. The commission shall also
 28.22 consider current sentencing and release practices; correctional resources, including but not
 28.23 limited to the capacities of local and state correctional facilities; and the long-term negative
 28.24 impact of the crime on the community.

28.25 The provisions of sections 14.001 to 14.69 do not apply to the promulgation of the
 28.26 Sentencing Guidelines, and the Sentencing Guidelines, including severity levels and criminal
 28.27 history scores, are not subject to review by the legislative commission to review
 28.28 administrative rules. However, the commission shall adopt rules pursuant to sections 14.001
 28.29 to 14.69 which establish procedures for the promulgation of the Sentencing Guidelines,
 28.30 including procedures for the promulgation of severity levels and criminal history scores,
 28.31 and these rules shall be subject to review by the Legislative Coordinating Commission.

29.1 Sec. 5. Minnesota Statutes 2021 Supplement, section 253B.18, subdivision 5a, is amended
 29.2 to read:

29.3 Subd. 5a. **Victim notification of petition and release; right to submit statement.** (a)
 29.4 As used in this subdivision:

29.5 (1) "crime" has the meaning given to "violent crime" in section 609.1095, and includes
 29.6 criminal sexual conduct in the fifth degree and offenses within the definition of "crime
 29.7 against the person" in section 253B.02, subdivision 4e, and also includes offenses listed in
 29.8 section 253D.02, subdivision 8, paragraph (b), regardless of whether they are sexually
 29.9 motivated;

29.10 (2) "victim" means a person who has incurred loss or harm as a result of a crime the
 29.11 behavior for which forms the basis for a commitment under this section or chapter 253D;
 29.12 and

29.13 (3) "convicted" and "conviction" have the meanings given in section 609.02, subdivision
 29.14 5, and also include juvenile court adjudications, findings under Minnesota Rules of Criminal
 29.15 Procedure, rule 20.02, that the elements of a crime have been proved, and findings in
 29.16 commitment cases under this section or chapter 253D that an act or acts constituting a crime
 29.17 occurred or were part of their course of harmful sexual conduct.

29.18 (b) A county attorney who files a petition to commit a person under this section or chapter
 29.19 253D shall make a reasonable effort to provide prompt notice of filing the petition to any
 29.20 victim of a crime for which the person was convicted. In addition, the county attorney shall
 29.21 make a reasonable effort to promptly notify the victim of the resolution of the petition and
 29.22 the process for requesting notification of an individual's change in status as provided in
 29.23 paragraph (c). A notice shall only be provided to a victim who has submitted a written
 29.24 request for notification to the prosecutor.

29.25 (c) A victim may request notification of an individual's discharge or release as provided
 29.26 in paragraph (d) by submitting a written request for notification to the executive director of
 29.27 the facility in which the individual is confined. The Department of Corrections or a county
 29.28 attorney who receives a request for notification from a victim under this section shall
 29.29 promptly forward the request to the executive director of the treatment facility in which the
 29.30 individual is confined.

29.31 (d) Before provisionally discharging, discharging, granting pass-eligible status, approving
 29.32 a pass plan, or otherwise permanently or temporarily releasing a person committed under
 29.33 this section from a state-operated treatment program or treatment facility, the head of the
 29.34 state-operated treatment program or head of the treatment facility shall make a reasonable
 30.1 effort to notify any victim of a crime for which the person was convicted that the person
 30.2 may be discharged or released and that the victim has a right to submit a written statement
 30.3 regarding decisions of the medical director, special review board, or commissioner with
 30.4 respect to the person. To the extent possible, the notice must be provided at least 14 days
 30.5 before any special review board hearing or before a determination on a pass plan.
 30.6 Notwithstanding section 611A.06, subdivision 4, the commissioner shall provide the judicial
 30.7 appeal panel with victim information in order to comply with the provisions of this section.
 30.8 The judicial appeal panel shall ensure that the data on victims remains private as provided
 30.9 for in section 611A.06, subdivision 4. These notices shall only be provided to victims who
 30.10 have submitted a written request for notification as provided in paragraph (c).

30.11 (e) The rights under this subdivision are in addition to rights available to a victim under
 30.12 chapter 611A. This provision does not give a victim all the rights of a "notified person" or
 30.13 a person "entitled to statutory notice" under subdivision 4a, 4b, or 5 or section 253D.14.

30.14 Sec. 6. Minnesota Statutes 2021 Supplement, section 253D.14, subdivision 2, is amended
 30.15 to read:

30.16 Subd. 2. **Notice of filing petition.** A county attorney who files a petition to commit a
 30.17 person under this chapter shall make a reasonable effort to provide prompt notice of filing

30.18 the petition to any victim of a crime for which the person was convicted or was listed as a
 30.19 victim in the petition of commitment. In addition, the county attorney shall make a reasonable
 30.20 and good faith effort to promptly notify the victim of the resolution of the process for
 30.21 requesting the notification of an individual's change in status as provided in section 253D.14,
 30.22 subdivision 3. A notice shall only be provided to a victim who has submitted a written
 30.23 request for notification to the prosecutor.

30.24 Sec. 7. Minnesota Statutes 2020, section 256I.04, subdivision 2g, is amended to read:

30.25 Subd. 2g. ~~Crisis shelters Domestic abuse programs. Secure crisis shelters for battered~~
 30.26 ~~women and their children designated by the Minnesota Department of Corrections Programs~~
 30.27 ~~that provide services to victims of domestic abuse designated by the Office of Justice~~
 30.28 ~~Programs in the Department of Public Safety are not eligible for housing support under this~~
 30.29 ~~chapter.~~

31.1 Sec. 8. Minnesota Statutes 2020, section 299A.01, is amended by adding a subdivision to
 31.2 read:

31.3 Subd. 1d. **Mandated reports; annual audit.** (a) Beginning February 15, 2023, and each
 31.4 year thereafter, the commissioner, as part of the department's mission and within the
 31.5 department's resources, shall report to the chairs and ranking minority members of the
 31.6 legislative committees having jurisdiction over public safety policy and finance a list of
 31.7 reports that the commissioner is obligated to submit to the legislature. For each reporting
 31.8 requirement listed, the commissioner must include a description of the applicable program,
 31.9 information required to be included in the report, the frequency that the report must be
 31.10 completed, and the statutory authority for the report.

31.11 (b) If the legislature does not repeal or otherwise modify by law a reporting requirement,
 31.12 the commissioner must continue to provide each mandated report as required by law.

31.13 Sec. 9. Minnesota Statutes 2020, section 299A.01, subdivision 2, is amended to read:

31.14 Subd. 2. **Duties of commissioner.** (a) The duties of the commissioner shall include the
 31.15 following:

31.16 (1) the coordination, development and maintenance of services contracts with existing
 31.17 state departments and agencies assuring the efficient and economic use of advanced business
 31.18 machinery including computers;

31.19 (2) the execution of contracts and agreements with existing state departments for the
 31.20 maintenance and servicing of vehicles and communications equipment, and the use of related
 31.21 buildings and grounds;

31.22 (3) the development of integrated fiscal services for all divisions, and the preparation
 31.23 of an integrated budget for the department;

31.24 (4) the publication and award of grant contracts with state agencies, local units of
31.25 government, and other entities for programs that will benefit the safety of the public; and

31.26 (5) the establishment of a planning bureau within the department.

31.27 (b) The commissioner shall exercise the duties under paragraph (a) with the goal of
31.28 promoting public safety. Promoting public safety includes the promotion of human rights.
31.29 "Public safety" means reducing or preventing crime by diverting people away from the
31.30 criminal justice system whenever possible, effecting arrest or detention practices that are
31.31 the least restrictive necessary to protect the public, and promoting the rehabilitation of those
31.32 who engage in criminal activity by providing evidence-based programming and services,
32.1 while still maintaining the basic rights, freedoms, and privileges that belong to every person,
32.2 including the right to dignity, fairness, equality, respect, and freedom from discrimination.

32.3 Sec. 10. **[299A.381] PUBLIC SAFETY OFFICER SOFT BODY ARMOR**
32.4 **REIMBURSEMENT.**

32.5 Subdivision 1. **Definitions.** As used in this section:

32.6 (1) "commissioner" means the commissioner of public safety;

32.7 (2) "firefighter" means a volunteer, paid on-call, part-time, or career firefighter serving
32.8 a general population within the boundaries of the state;

32.9 (3) "public safety officer" means a firefighter or qualified emergency medical service
32.10 provider;

32.11 (4) "qualified emergency medical service provider" means a person certified under
32.12 section 144E.101 who is actively employed by a Minnesota licensed ambulance service;
32.13 and

32.14 (5) "vest" has the meaning given in section 299A.38, subdivision 1, paragraph (c).

32.15 Subd. 2. **State and local reimbursement.** Public safety officers and heads of agencies
32.16 and entities that buy vests for the use of public safety officer employees may apply to the
32.17 commissioner for reimbursement of funds spent to buy vests. On approving an application
32.18 for reimbursement, the commissioner shall pay the applicant an amount equal to the lesser
32.19 of one-half of the vest's purchase price or the reimbursement amount set by the commissioner
32.20 in section 299A.38, subdivision 2a. The political subdivision or entity that employs a public
32.21 safety officer shall pay at least the lesser of one-half of the vest's purchase price or the
32.22 reimbursement amount set by the commissioner in section 299A.38, subdivision 2a. The
32.23 employer may not deduct or pay its share of the vest's cost from any clothing, maintenance,
32.24 or similar allowance otherwise provided to the public safety officer by the employer.

32.25 Subd. 3. **Eligibility requirements.** The eligibility requirements in section 299A.38,
 32.26 subdivision 3, apply to applications for reimbursement under this section.

32.27 Subd. 4. **Rules.** The commissioner shall amend the rules adopted pursuant to section
 32.28 299A.38, subdivision 4, to administer this section, as needed.

32.29 Subd. 5. **Limitation of liability.** A state agency, political subdivision of the state, state
 32.30 or local government employee, or other entity that provides reimbursement for purchase of
 32.31 a vest under this section is not liable to a public safety officer or the public safety officer's
 33.1 heirs for negligence in the death of or injury to the public safety officer because the vest
 33.2 was defective or deficient.

33.3 Subd. 6. **Right to benefits unaffected.** A public safety officer who is reimbursed for
 33.4 the purchase of a vest under this section and who suffers injury or death because the officer
 33.5 failed to wear the vest, or because the officer wore a vest that was defective or deficient,
 33.6 may not lose or be denied a benefit or right, including a benefit under section 299A.44, to
 33.7 which the officer, or the officer's heirs, is otherwise entitled.

33.8 Sec. 11. Minnesota Statutes 2020, section 299A.49, subdivision 2, is amended to read:

33.9 Subd. 2. **Chemical assessment Hazardous materials response team.** "Chemical
 33.10 assessment Hazardous materials response team" means a team (1) trained, equipped, and
 33.11 authorized to evaluate and, when possible feasible, provide simple mitigation to a hazardous
 33.12 materials incident or release and (2) required to recommend to the local incident manager
 33.13 the best means of controlling the hazard after consideration of life safety concerns,
 33.14 environmental effects, exposure hazards, quantity and type of hazardous material, availability
 33.15 of resources, or other relevant factors.

33.16 Sec. 12. Minnesota Statutes 2020, section 299A.50, subdivision 1, is amended to read:

33.17 Subdivision 1. **Elements of plan; rules.** After consultation with the commissioners of
 33.18 natural resources, agriculture, transportation, and the Pollution Control Agency, the state
 33.19 fire marshal Department of Public Safety, the Emergency Response Commission, appropriate
 33.20 technical emergency response representatives, and representatives of affected parties, the
 33.21 commissioner shall adopt rules to implement a statewide hazardous materials incident
 33.22 response plan. The plan must include:

33.23 (1) the locations of up to five regional hazardous materials response teams, based on the
 33.24 location of hazardous materials, response time, proximity to large population centers, and
 33.25 other factors;

33.26 (2) the number and qualifications of members on each team;

33.27 (3) the responsibilities of regional hazardous materials response teams;

33.28 (4) equipment needed for regional hazardous materials response teams;

- 33.29 (5) procedures for selecting and contracting with local governments or nonpublic persons
33.30 to establish ~~regional~~ hazardous materials response teams;
- 33.31 (6) procedures for dispatching teams at the request of local governments;
- 34.1 (7) a fee schedule for reimbursing local governments or nonpublic persons responding
34.2 to an incident; and
- 34.3 (8) coordination with other state departments and agencies, local units of government,
34.4 other states, Indian tribes, the federal government, and other nonpublic persons.
- 34.5 Sec. 13. Minnesota Statutes 2020, section 299A.51, is amended to read:
- 34.6 **299A.51 LIABILITY AND WORKERS' COMPENSATION.**
- 34.7 Subdivision 1. **Liability.** During operations authorized under section 299A.50, members
34.8 of a ~~regional~~ hazardous materials team operating outside their geographic jurisdiction are
34.9 "employees of the state" as defined in section 3.736.
- 34.10 Subd. 2. **Workers' compensation.** During operations authorized under section 299A.50,
34.11 members of a ~~regional~~ hazardous materials team operating outside their geographic
34.12 jurisdiction are considered employees of the Department of Public Safety for purposes of
34.13 chapter 176.
- 34.14 Subd. 3. **Limitation.** A person who provides personnel and equipment to assist at the
34.15 scene of a hazardous materials response incident outside the person's geographic jurisdiction
34.16 or property, at the request of the state or a local unit of government, is not liable for any
34.17 civil damages resulting from acts or omissions in providing the assistance, unless the person
34.18 acts in a willful and wanton or reckless manner in providing the assistance.
- 34.19 Sec. 14. **[299A.625] PUBLIC SAFETY INNOVATION BOARD.**
- 34.20 Subdivision 1. **Establishment.** The Public Safety Innovation Board is established in the
34.21 Office of Justice Programs within the Department of Public Safety. The board has the powers
34.22 and duties described in this section.
- 34.23 Subd. 2. **Membership.** (a) The Public Safety Innovation Board is composed of the
34.24 following members:
- 34.25 (1) three individuals with experience conducting research in the areas of crime, policing,
34.26 or sociology while employed by an academic or nonprofit entity, appointed by the governor;
- 34.27 (2) five individuals appointed by the governor of whom:
- 34.28 (i) one shall be a victim of a crime or an advocate for victims of crime;

- 34.29 (ii) one shall be a person impacted by the criminal justice system or an advocate for
 34.30 defendants in criminal cases; and
- 35.1 (iii) one shall have a background in social work;
- 35.2 (3) four members representing the community-specific boards established under sections
 35.3 3.922 and 15.0145, with one appointment made by each board; and
- 35.4 (4) three members representing law enforcement, with one appointment by the Minnesota
 35.5 Sheriffs' Association, one by the Minnesota Chiefs of Police Association, and one by the
 35.6 Minnesota Police and Peace Officers Association.
- 35.7 (b) The members of the board shall elect one member to serve as chair.
- 35.8 Subd. 3. **Terms; removal; vacancy.** (a) Members are appointed to serve three-year
 35.9 terms following the initial staggered-term lot determination and may be reappointed.
- 35.10 (b) Initial appointment of members must take place by August 1, 2022. The initial term
 35.11 of members appointed under paragraph (a) shall be determined by lot by the secretary of
 35.12 state and shall be as follows:
- 35.13 (1) five members shall serve one-year terms;
- 35.14 (2) five members shall serve two-year terms; and
- 35.15 (3) five members shall serve three-year terms.
- 35.16 (c) A member may be removed by the appointing authority at any time for cause, after
 35.17 notice and hearing.
- 35.18 (d) If a vacancy occurs, the appointing authority shall appoint a new qualifying member
 35.19 within 90 days.
- 35.20 (e) Compensation of board members is governed by section 15.0575.
- 35.21 Subd. 4. **Powers and duties.** The board shall improve public safety by increasing the
 35.22 efficiency, effectiveness, and capacity of public safety providers and has the following
 35.23 powers and duties:
- 35.24 (1) monitoring trends in crime within Minnesota;
- 35.25 (2) reviewing research on criminal justice and public safety issues;
- 35.26 (3) providing information on criminal trends and research to the commissioner,
 35.27 municipalities, and the legislature;

35.28 (4) communicating with recipients of grant funds to learn from successful and innovative
 35.29 programs, develop procedures to simplify application and reporting requirements, and
 35.30 identify gaps in programs or services that could be filled to improve public safety;

36.1 (5) working with the commissioner to modify requests for proposals to better meet the
 36.2 needs of applicants and the community;

36.3 (6) working with the commissioner, community review panels, the final review panel,
 36.4 and Office of Justice Programs staff to establish policies, procedures, and priorities to best
 36.5 address public safety and community needs;

36.6 (7) working with grant recipients, applicants whose proposals were not approved, and
 36.7 individuals or entities interested in applying for grants to increase the understanding of the
 36.8 grant process and help improve applications that are submitted;

36.9 (8) analyzing the pool of applicants and public application materials to identify:

36.10 (i) barriers to successful applications;

36.11 (ii) eligible geographic, ethnic, or other communities that do not apply for grants;

36.12 (iii) the demographics of populations served by grant applicants, including identification
 36.13 of populations that are not receiving services and any disparities in services provided; and

36.14 (iv) the types of programs that receive awards;

36.15 (9) developing policies and procedures to support communities that are underserved by
 36.16 grant recipients, address imbalances in the pool of grant applicants or recipients, and expand
 36.17 the types of services provided by grant recipients to include effective programs that are
 36.18 underutilized;

36.19 (10) working with the Minnesota Statistical Analysis Center to identify appropriate
 36.20 outcomes to track on an annual basis for both programs receiving grants and local
 36.21 communities for the purpose of monitoring trends in public safety and the impact of specific
 36.22 programmatic models; and

36.23 (11) making recommendations to the legislature for changes in policy and funding to
 36.24 address existing and emerging needs related to public safety.

36.25 Subd. 5. **Meetings.** The board shall meet quarterly or at the call of the chair. At least
 36.26 two meetings in each fiscal year must take place outside of the metropolitan area as defined
 36.27 in section 473.121, subdivision 2. Meetings of the board are subject to chapter 13D.

36.28 Subd. 6. **Report.** By January 15 each year, the board shall report to the legislative
 36.29 committees and divisions with jurisdiction over public safety on the work of the board; the
 36.30 use and impact of grant programs to address public safety, including emergency community

36.31 safety grants and local co-responder grants; grants issued by the Department of Public Safety
 36.32 to local law enforcement agencies for portable recording systems; the outcomes tracked on
 37.1 an annual basis by the Minnesota Statistical Analysis Center; and recommendations for
 37.2 changes in policy and funding to improve public safety.

37.3 **EFFECTIVE DATE.** This section is effective the day following final enactment.

37.4 Sec. 15. Minnesota Statutes 2020, section 299A.706, is amended to read:

37.5 **299A.706 ALCOHOL ENFORCEMENT ACCOUNT; APPROPRIATION.**

37.6 An alcohol enforcement account is created in the special revenue fund, consisting of
 37.7 money credited to the account by law. Money in the account may be appropriated by law
 37.8 for: (1) costs of the Alcohol and Gambling Division related to administration and enforcement
 37.9 of sections 340A.403, subdivision 4; 340A.414, subdivision 1a; ~~and~~ 340A.504, subdivision
 37.10 7; and 340A.550, subdivisions 2, 4, 5, and 6; and (2) costs of the State Patrol.

37.11 **EFFECTIVE DATE.** This section is effective July 1, 2022.

37.12 Sec. 16. Minnesota Statutes 2020, section 299A.78, subdivision 1, is amended to read:

37.13 Subdivision 1. **Definitions.** For purposes of sections 299A.78 to 299A.795, the following
 37.14 definitions apply:

37.15 (a) "Commissioner" means the commissioner of the Department of Public Safety.

37.16 (b) "Nongovernmental organizations" means nonprofit, nongovernmental organizations
 37.17 that provide legal, social, or other community services.

37.18 ~~(e)~~ "Blackmail" has the meaning given in section 609.281, subdivision 2.

37.19 ~~(c)~~ (c) "Debt bondage" has the meaning given in section 609.281, subdivision 3.

37.20 ~~(d)~~ (d) "Forced labor or services" has the meaning given in section 609.281, subdivision

37.21 4.

37.22 ~~(e)~~ (e) "Labor trafficking" has the meaning given in section 609.281, subdivision 5.

37.23 ~~(f)~~ (f) "Labor trafficking victim" has the meaning given in section 609.281, subdivision

37.24 6.

37.25 ~~(g)~~ (g) "Sex trafficking" has the meaning given in section 609.321, subdivision 7a.

37.26 ~~(h)~~ (h) "Sex trafficking victim" has the meaning given in section 609.321, subdivision

37.27 7b.

37.28 ~~(i)~~ (i) "Trafficking" includes "labor trafficking" and "sex trafficking."

38.1 ~~(k)~~ (j) "Trafficking victim" includes "labor trafficking victim" and "sex trafficking
38.2 victim."

38.3 **EFFECTIVE DATE.** This section is effective August 1, 2022.

38.4 Sec. 17. Minnesota Statutes 2020, section 299A.79, subdivision 3, is amended to read:

38.5 Subd. 3. **Public awareness initiative.** The public awareness initiative required in
38.6 subdivision 1 must address, at a minimum, the following subjects:

38.7 (1) the risks of becoming a trafficking victim;

38.8 (2) common recruitment techniques; use of debt bondage, ~~blackmail~~, forced labor and
38.9 services, prostitution, and other coercive tactics; and risks of assault, criminal sexual conduct,
38.10 exposure to sexually transmitted diseases, and psychological harm;

38.11 (3) crime victims' rights; and

38.12 (4) reporting recruitment activities involved in trafficking.

38.13 **EFFECTIVE DATE.** This section is effective August 1, 2022.

38.14 Sec. 18. **[299A.86] REWARD FUND FOR INFORMATION ON MISSING AND
38.15 MURDERED INDIGENOUS RELATIVES.**

38.16 Subdivision 1. **Fund created.** A reward fund for information on missing and murdered
38.17 Indigenous relatives is created as an account in the state treasury. Money appropriated or
38.18 otherwise deposited into the account is available to pay rewards and for other purposes as
38.19 authorized under this section.

38.20 Subd. 2. **Reward.** The director of the Office for Missing and Murdered Indigenous
38.21 Relatives, in consultation with the reward advisory group, is authorized to pay a reward to
38.22 any person who provides relevant information relating to a missing and murdered Indigenous
38.23 relative investigation.

38.24 Subd. 3. **Reward advisory group.** (a) The director of the Office for Missing and
38.25 Murdered Indigenous Relatives, in consultation with the stakeholder groups described in
38.26 section 299A.85, subdivision 5, shall appoint an advisory group to make recommendations
38.27 on paying rewards under this section. The advisory group shall consist of the following
38.28 individuals:

38.29 (1) a representative from the Office for Missing and Murdered Indigenous Relatives;

39.1 (2) a representative from a Tribal, statewide, or local organization that provides legal
39.2 services to Indigenous women and girls;

39.3 (3) a representative from a Tribal, statewide, or local organization that provides advocacy
39.4 or counseling for Indigenous women and girls who have been victims of violence;

39.5 (4) a representative from a Tribal, statewide, or local organization that provides services
39.6 to Indigenous women and girls;

39.7 (5) a Tribal peace officer who works for or resides on a federally recognized American
39.8 Indian reservation in Minnesota; and

39.9 (6) a representative from the Minnesota Human Trafficking Task Force.

39.10 (b) The advisory group shall meet as necessary but at a minimum twice per year to carry
39.11 out its duties and shall elect a chair from among its members at its first meeting. The director
39.12 shall convene the group's first meeting. The director shall provide necessary office space
39.13 and administrative support to the group. Members of the group serve without compensation
39.14 but shall receive expense reimbursement as provided in section 15.059.

39.15 (c) The representative from the Office for Missing and Murdered Indigenous Relatives
39.16 may fully participate in the advisory group's activities but may not vote on issues before
39.17 the group.

39.18 Subd. 4. **Advertising.** The director of the Office for Missing and Murdered Indigenous
39.19 Relatives, in consultation with the reward advisory group, may spend up to four percent of
39.20 available funds on an advertising or public relations campaign to increase public awareness
39.21 on the availability of rewards under this section.

39.22 Subd. 5. **Grants; donations.** The director of the Office for Missing and Murdered
39.23 Indigenous Relatives, in consultation with the reward advisory group, may apply for and
39.24 accept grants and donations from the public and from public and private entities to implement
39.25 this section.

39.26 Subd. 6. **Reward cap.** A reward paid under this section may not exceed \$1,000,000.

39.27 Subd. 7. **Reward procedures and criteria.** The director of the Office for Missing and
39.28 Murdered Indigenous Relatives, in consultation with the reward advisory group, shall
39.29 determine the eligibility criteria and procedures for granting rewards under this section.

39.30 Subd. 8. **Definition.** As used in this section, "missing and murdered Indigenous relatives"
39.31 means missing and murdered Indigenous people from or descended from one of the United
39.32 States' federally recognized American Indian Tribes.

40.1 Sec. 19. **[299A.90] OFFICE FOR MISSING AND MURDERED BLACK WOMEN**
 40.2 **AND GIRLS.**

40.3 Subdivision 1. **Establishment.** The commissioner shall establish and maintain an office
 40.4 dedicated to preventing and ending the targeting of Black women and girls within the
 40.5 Minnesota Office of Justice Programs.

40.6 Subd. 2. **Director; staff.** (a) The commissioner must appoint a director who is a person
 40.7 closely connected to the Black community and who is highly knowledgeable about criminal
 40.8 investigations. The commissioner is encouraged to consider candidates for appointment
 40.9 who are recommended by members of the Black community.

40.10 (b) The director may select, appoint, and compensate out of available funds assistants
 40.11 and employees as necessary to discharge the office's responsibilities.

40.12 (c) The director and full-time staff shall be members of the Minnesota State Retirement
 40.13 System.

40.14 Subd. 3. **Duties.** (a) The office has the following duties:

40.15 (1) advocate in the legislature for legislation that will facilitate the accomplishment of
 40.16 mandates identified in the report of the Task Force on Missing and Murdered African
 40.17 American Women;

40.18 (2) advocate for state agencies to take actions to facilitate the accomplishment of mandates
 40.19 identified in the report of the Task Force on Missing and Murdered African American
 40.20 Women;

40.21 (3) develop recommendations for legislative and agency actions to address injustice in
 40.22 the criminal justice system's response to cases of missing and murdered Black women and
 40.23 girls;

40.24 (4) facilitate research to refine the mandates in the report of the Task Force on Missing
 40.25 and Murdered African American Women and to assess the potential efficacy, feasibility,
 40.26 and impact of the recommendations;

40.27 (5) facilitate research and collect data on missing person and homicide cases involving
 40.28 Black women and girls, including the total number of cases, the rate at which the cases are
 40.29 solved, the length of time the cases remain open, and a comparison to similar cases involving
 40.30 different demographic groups;

41.1 (6) collect data on Amber Alerts, including the total number of Amber Alerts issued,
 41.2 the total number of Amber Alerts that involve Black girls, and the outcome of cases involving
 41.3 Amber Alerts disaggregated by the child's race and sex;

- 41.4 (7) collect data on reports of missing Black girls, including the number classified as
41.5 voluntary runaways, and a comparison to similar cases involving different demographic
41.6 groups;
- 41.7 (8) facilitate research to assess the intersection between cases involving missing and
41.8 murdered Black women and girls and labor trafficking and sex trafficking;
- 41.9 (9) develop recommendations for legislative, agency, and community actions to address
41.10 the intersection between cases involving missing and murdered Black women and girls and
41.11 labor trafficking and sex trafficking;
- 41.12 (10) facilitate research to assess the intersection between cases involving murdered Black
41.13 women and girls and domestic violence, including prior instances of domestic violence
41.14 within the family or relationship, whether an offender had prior convictions for domestic
41.15 assault or related offenses, and whether the offender used a firearm in the murder or any
41.16 prior instances of domestic assault;
- 41.17 (11) develop recommendations for legislative, agency, and community actions to address
41.18 the intersection between cases involving murdered Black women and girls and domestic
41.19 violence;
- 41.20 (12) develop tools and processes to evaluate the implementation and impact of the efforts
41.21 of the office;
- 41.22 (13) track and collect Minnesota data on missing and murdered Black women and girls,
41.23 and provide statistics upon public or legislative inquiry;
- 41.24 (14) facilitate technical assistance for local and Tribal law enforcement agencies during
41.25 active cases involving missing and murdered Black women and girls;
- 41.26 (15) conduct case reviews and report on the results of case reviews for the following
41.27 types of cases involving missing and murdered Black women and girls: (i) cold cases for
41.28 missing Black women and girls; and (ii) death investigation review for cases of Black women
41.29 and girls ruled as suicide or overdose under suspicious circumstances;
- 41.30 (16) conduct case reviews of the prosecution and sentencing for cases where a perpetrator
41.31 committed a violent or exploitative crime against a Black woman or girl. These case reviews
41.32 must identify those cases where the perpetrator is a repeat offender;
- 42.1 (17) prepare draft legislation as necessary to allow the office access to the data necessary
42.2 for the office to conduct the reviews required in this section and advocate for passage of
42.3 that legislation;

42.4 (18) review sentencing guidelines for crimes related to missing and murdered Black
 42.5 women and girls, recommend changes if needed, and advocate for consistent implementation
 42.6 of the guidelines across Minnesota courts;

42.7 (19) develop and maintain communication with relevant divisions in the Department of
 42.8 Public Safety regarding any cases involving missing and murdered Black women and girls
 42.9 and on procedures for investigating cases involving missing and murdered Black women
 42.10 and girls; and

42.11 (20) coordinate, as relevant, with federal efforts, and efforts in neighboring states and
 42.12 Canada.

42.13 (b) As used in this subdivision:

42.14 (1) "labor trafficking" has the meaning given in section 609.281, subdivision 5; and

42.15 (2) "sex trafficking" has the meaning given in section 609.321, subdivision 7a.

42.16 Subd. 4. **Coordination with other organizations.** In fulfilling its duties, the office may
 42.17 coordinate with stakeholder groups that were represented on the Task Force on Missing and
 42.18 Murdered African American Women and state agencies that are responsible for the systems
 42.19 that play a role in investigating, prosecuting, and adjudicating cases involving violence
 42.20 committed against Black women and girls; those who have a role in supporting or advocating
 42.21 for missing or murdered Black women and girls and the people who seek justice for them;
 42.22 and those who represent the interests of Black people. This includes the following entities:
 42.23 Minnesota Chiefs of Police Association; Minnesota Sheriffs' Association; Bureau of Criminal
 42.24 Apprehension; Minnesota Police and Peace Officers Association; Tribal law enforcement;
 42.25 Minnesota County Attorneys Association; United States Attorney's Office; juvenile courts;
 42.26 Minnesota Coroners' and Medical Examiners' Association; United States Coast Guard; state
 42.27 agencies, including the Departments of Health, Human Services, Education, Corrections,
 42.28 and Public Safety; service providers who offer legal services, advocacy, and other services
 42.29 to Black women and girls; Black women and girls who are survivors; and organizations
 42.30 and leadership from urban and statewide Black communities.

42.31 Subd. 5. **Reports.** The office must report on measurable outcomes achieved to meet its
 42.32 statutory duties, along with specific objectives and outcome measures proposed for the
 42.33 following year. The report must include data and statistics on missing and murdered Black
 43.1 women and girls in Minnesota, including names, dates of disappearance, and dates of death,
 43.2 to the extent the data is publicly available. The office must submit the report by January 15
 43.3 each year to the chairs and ranking minority members of the legislative committees with
 43.4 primary jurisdiction over public safety.

43.5 Subd. 6. **Grants.** The office may apply for and receive grants from public and private
 43.6 entities for the purposes of carrying out the office's duties under this section.

- 43.7 Subd. 7. Access to data. Notwithstanding section 13.384 or 13.85, the director has access
43.8 to corrections and detention data and medical data maintained by an agency and classified
43.9 as private data on individuals or confidential data on individuals to the extent the data is
43.10 necessary for the office to perform its duties under this section.
- 43.11 Sec. 20. [299C.092] QUESTIONED IDENTITY PROCESS.
- 43.12 Subdivision 1. Definitions. (a) For the purposes of this section, the terms in this
43.13 subdivision have the meanings given.
- 43.14 (b) "Questioned identity" means an individual's identity that is associated with another
43.15 person's records when the individual's identity is used by an offender in interactions with
43.16 law enforcement or that the offender has the same name. Questioned identity can lead to
43.17 difficulties differentiating the individual from the offender.
- 43.18 (c) "Bureau" means the Bureau of Criminal Apprehension.
- 43.19 Subd. 2. Process. (a) When an individual is the subject of questioned identity, the
43.20 individual may request a review by the bureau through its questioned identity process.
43.21 Individuals must contact the bureau and provide the following:
- 43.22 (1) documentation of the individual's identity through government-issued photo
43.23 identification;
- 43.24 (2) documents or information that lead the individual to believe that the individual is
43.25 the subject of questioned identity; and
- 43.26 (3) fingerprints for identification verification purposes.
- 43.27 (b) If the bureau is able to confirm that the individual is the subject of questioned identity,
43.28 the bureau shall provide documentation to the individual indicating that the individual has
43.29 been through the bureau's questioned identity process.
- 43.30 (c) The bureau shall denote any aliases determined to be questioned identities in the
43.31 Criminal History System under section 299C.09 and shall work with other state and local
43.32 agencies to denote aliases in arrest warrants.
- 44.1 (d) The bureau shall attach a photo of the offender to arrest warrants in the bureau's
44.2 warrant file if a photo is available.
- 44.3 (e) The bureau, in consultation with reporting criminal justice agencies, may remove an
44.4 alias from a criminal history record when it determines doing so will not negatively impact
44.5 a criminal justice agency's ability to identify the offender in the future. Some considerations
44.6 in making the determination include but are not limited to time elapsed since the alias name
44.7 was last used, frequency with which the alias was used, current incarceration status of the

- 44.8 offender, whether it is or was the offender's name, and whether the offender is living or
44.9 deceased.
- 44.10 (f) Law enforcement must take into account the presence of documentation from the
44.11 bureau or another law enforcement agency confirming a questioned identity when considering
44.12 whether an individual has a warrant under section 299C.115 and may contact the bureau or
44.13 the issuing law enforcement agency to confirm authenticity of the documentation provided
44.14 by an individual.
- 44.15 Sec. 21. Minnesota Statutes 2020, section 299C.46, subdivision 1, is amended to read:
- 44.16 Subdivision 1. **Establishment.** The commissioner of public safety shall establish a
44.17 criminal justice data communications network that will provide secure access to systems
44.18 and services available from or through the Bureau of Criminal Apprehension. The Bureau
44.19 of Criminal Apprehension may approve additional criminal justice uses by authorized
44.20 agencies to access necessary systems or services not from or through the bureau. The
44.21 commissioner of public safety is authorized to lease or purchase facilities and equipment
44.22 as may be necessary to establish and maintain the data communications network.
- 44.23 Sec. 22. Minnesota Statutes 2020, section 299C.65, subdivision 1a, is amended to read:
- 44.24 Subd. 1a. **Membership; duties.** (a) The Criminal and Juvenile Justice Information and
44.25 Bureau of Criminal Apprehension Advisory Group consists of the following members:
- 44.26 (1) the commissioner of corrections or designee;
- 44.27 (2) the commissioner of public safety or designee;
- 44.28 (3) the state chief information officer or designee;
- 44.29 (4) three members of the judicial branch appointed by the chief justice of the supreme
44.30 court;
- 44.31 (5) the commissioner of administration or designee;
- 45.1 (6) the state court administrator or designee;
- 45.2 (7) two members appointed by the Minnesota Sheriffs Association, at least one of whom
45.3 must be a sheriff;
- 45.4 (8) two members appointed by the Minnesota Chiefs of Police Association, at least one
45.5 of whom must be a chief of police;
- 45.6 (9) two members appointed by the Minnesota County Attorneys Association, at least
45.7 one of whom must be a county attorney;

- 45.8 (10) two members appointed by the League of Minnesota Cities representing the interests
45.9 of city attorneys, at least one of whom must be a city attorney;
- 45.10 (11) two members appointed by the Board of Public Defense, at least one of whom must
45.11 be a public defender;
- 45.12 (12) two corrections administrators appointed by the Association of Minnesota Counties
45.13 representing the interests of local corrections, at least one of whom represents a Community
45.14 Corrections Act county;
- 45.15 (13) two probation officers appointed by the commissioner of corrections in consultation
45.16 with the president of the Minnesota Association of Community Corrections Act Counties
45.17 and the president of the Minnesota Association of County Probation Officers;
- 45.18 (14) four public members appointed by the governor representing both metropolitan and
45.19 greater Minnesota for a term of four years using the process described in section 15.059,
45.20 one of whom represents the interests of victims, and one of whom represents the private
45.21 business community who has expertise in integrated information systems and who, for the
45.22 purposes of meetings of the advisory group, may be compensated pursuant to section 15.059;
- 45.23 (15) two members appointed by the Minnesota Association for Court Management, at
45.24 least one of whom must be a court administrator;
- 45.25 (16) one member of the house of representatives appointed by the speaker of the house,
45.26 or an alternate who is also a member of the house of representatives, appointed by the
45.27 speaker of the house;
- 45.28 (17) one member of the senate appointed by the majority leader, or an alternate who is
45.29 also a member of the senate, appointed by the majority leader of the senate;
- 45.30 (18) one member appointed by the attorney general;
- 46.1 (19) two members appointed by the League of Minnesota Cities, one of whom works
46.2 or resides in greater Minnesota and one of whom works or resides in the seven-county
46.3 metropolitan area, and at least one of whom is an elected official;
- 46.4 (20) two members appointed by the Association of Minnesota Counties, one of whom
46.5 works or resides in greater Minnesota and one of whom works or resides in the seven-county
46.6 metropolitan area, and at least one of whom is an elected official; and
- 46.7 (21) the director of the Sentencing Guidelines Commission or a designee.
- 46.8 (b) The chair, first vice-chair, and second vice-chair shall be elected by the advisory
46.9 group.

46.10 (c) The advisory group shall serve as the state advisory group on statewide criminal
 46.11 justice information policy and funding issues. The advisory group shall study and make
 46.12 recommendations to the governor, the supreme court, and the legislature on criminal justice
 46.13 information funding and policy issues such as related data practices, individual privacy
 46.14 rights, and data on race and ethnicity; information-sharing at the local, state, and federal
 46.15 levels; technology education and innovation; the impact of proposed legislation on the
 46.16 criminal justice system related to information systems and business processes; and data and
 46.17 identification standards.

46.18 (d) The advisory group shall have the additional duties of reviewing and advising the
 46.19 bureau superintendent on:

46.20 (1) audits, accreditation reports, and internal reviews of bureau operations;

46.21 (2) emerging technologies in the law enforcement and forensic science fields;

46.22 (3) policies and practices that impact individual privacy interests; and

46.23 (4) other programmatic and operational initiatives of the bureau at the request of the
 46.24 superintendent.

46.25 Sec. 23. Minnesota Statutes 2020, section 299C.65, subdivision 3a, is amended to read:

46.26 Subd. 3a. **Report.** The advisory group shall file a biennial report with the governor,
 46.27 supreme court, and chairs and ranking minority members of the senate and house of
 46.28 representatives committees and divisions with jurisdiction over criminal justice funding
 46.29 and policy by January 15 in each odd-numbered year. The report must provide the following:

46.30 (1) status and review of current statewide criminal justice information systems;

47.1 (2) recommendations concerning any legislative changes or appropriations that are
 47.2 needed to ensure that the criminal justice information systems operate accurately and
 47.3 efficiently; and

47.4 (3) a summary of the activities of the advisory group, including any funding and grant
 47.5 requests; and

47.6 (4) a summary of any reviews conducted by the advisory group of bureau audits, reports,
 47.7 policies, programs, and procedures and any recommendations provided to the bureau related
 47.8 to the reviews.

47.9 Sec. 24. Minnesota Statutes 2020, section 299F.362, is amended to read:

47.10 **299F.362 SMOKE DETECTOR ALARM; INSTALLATION; RULES; PENALTY.**

47.11 Subdivision 1. **Definitions.** For the purposes of this section, the following definitions
 47.12 shall apply:

47.13 (a) "Apartment house" is any building, or portion thereof, which is designed, built,
47.14 rented, leased, let, or hired out to be occupied, or which is occupied as the home or residence
47.15 of three or more families living independently of each other and doing their own cooking
47.16 in the building, and shall include buildings containing three or more flats or apartments.

47.17 (b) "Dwelling" is any building, or any portion thereof, which is not an apartment house,
47.18 lodging house, or a hotel and which contains one or two "dwelling units" which are, or are
47.19 intended or designed to be, occupied for living purposes.

47.20 (c) "Dwelling unit" is a single unit providing complete, independent living facilities for
47.21 one or more persons including permanent provisions for living, sleeping, eating, cooking,
47.22 and sanitation, or a single unit used by one or more persons for sleeping and sanitation
47.23 pursuant to a work practice or labor agreement.

47.24 (d) "Hotel" is any building, or portion thereof, containing six or more guest rooms
47.25 intended or designed to be used, or which are used, rented, or hired out to be occupied, or
47.26 which are occupied for sleeping purposes by guests.

47.27 (e) "Lodging house" is any building, or portion thereof, containing not more than five
47.28 guest rooms which are used or are intended to be used for sleeping purposes by guests and
47.29 where rent is paid in money, goods, labor, or otherwise.

47.30 Subd. 2. **Rules, smoke detector alarm location.** The commissioner of public safety
47.31 shall promulgate rules concerning the placement of smoke detectors alarms in dwellings,
48.1 apartment houses, hotels, and lodging houses. The rules shall take into account designs of
48.2 the guest rooms or dwelling units.

48.3 Subd. 3. **Smoke detector alarm for any dwelling.** Every dwelling unit within a dwelling
48.4 must be provided with a smoke detector alarm meeting the requirements of the State Fire
48.5 Code. The detector alarm must be mounted in accordance with the rules regarding smoke
48.6 detector alarm location adopted under subdivision 2. When actuated, the detector alarm
48.7 must provide an alarm in the dwelling unit.

48.8 Subd. 3a. **Smoke detector alarm for new dwelling.** In construction of a new dwelling,
48.9 each smoke detector alarm must be attached to a centralized power source.

48.10 Subd. 4. **Smoke detector alarm for apartment, lodging house, or hotel.** Every dwelling
48.11 unit within an apartment house and every guest room in a lodging house or hotel used for
48.12 sleeping purposes must be provided with a smoke detector alarm conforming to the
48.13 requirements of the State Fire Code. In dwelling units, detectors alarms must be mounted
48.14 in accordance with the rules regarding smoke detector alarm location adopted under
48.15 subdivision 2. When actuated, the detector alarm must provide an alarm in the dwelling
48.16 unit or guest room.

48.17 Subd. 5. **Maintenance responsibilities.** For all occupancies covered by this section
 48.18 where the occupant is not the owner of the dwelling unit or the guest room, the owner is
 48.19 responsible for maintenance of the smoke detectors alarms. An owner may file inspection
 48.20 and maintenance reports with the local fire marshal for establishing evidence of inspection
 48.21 and maintenance of smoke detectors alarms.

48.22 Subd. 5a. **Inform owner; no added liability.** The occupant of a dwelling unit must
 48.23 inform the owner of the dwelling unit of a nonfunctioning smoke detector alarm within 24
 48.24 hours of discovering that the smoke detector alarm in the dwelling unit is not functioning.
 48.25 If the occupant fails to inform the owner under this subdivision, the occupant's liability for
 48.26 damages is not greater than it otherwise would be.

48.27 Subd. 6. **Penalties.** (a) Any person who violates any provision of this section shall be
 48.28 is subject to the same penalty and the enforcement mechanism that is provided for violation
 48.29 of the State Fire Code, as specified in section 299F.011, subdivision 6.

48.30 (b) An occupant who willfully disables a smoke detector alarm or causes it to be
 48.31 nonfunctioning, resulting in damage or injury to persons or property, is guilty of a
 48.32 misdemeanor.

49.1 Subd. 7. **Local government preempted.** This section prohibits a local unit of government
 49.2 from adopting standards different from those provided in this section.

49.3 Subd. 9. **Local government ordinance; installation in single-family**
 49.4 **residence.** Notwithstanding subdivision 7, or other law, a local governing body may adopt,
 49.5 by ordinance, rules for the installation of a smoke detector alarm in single-family homes in
 49.6 the city that are more restrictive than the standards provided by this section. Rules adopted
 49.7 pursuant to this subdivision may be enforced through a truth-in-housing inspection.

49.8 Subd. 10. **Public fire safety educator.** The position of Minnesota public fire safety
 49.9 educator is established in the Department of Public Safety.

49.10 Subd. 11. **Insurance claim.** No insurer shall deny a claim for loss or damage by fire for
 49.11 failure of a person to comply with this section.

49.12 Sec. 25. Minnesota Statutes 2020, section 326.3361, subdivision 2, is amended to read:

49.13 Subd. 2. **Required contents.** The rules adopted by the board must require:

49.14 (1) 12 hours of preassignment or on-the-job certified training within the first 21 days of
 49.15 employment, or evidence that the employee has successfully completed equivalent training
 49.16 before the start of employment. Notwithstanding any statute or rule to the contrary, this
 49.17 clause is satisfied if the employee provides a prospective employer with a certificate or a
 49.18 copy of a certificate demonstrating that the employee successfully completed this training
 49.19 prior to employment with a different Minnesota licensee and completed this training within
 49.20 three previous calendar years, or successfully completed this training with a Minnesota

49.21 licensee while previously employed with a Minnesota licensee. The certificate or a copy of
 49.22 the certificate is the property of the employee who completed the training, regardless of
 49.23 who paid for the training or how training was provided. A current or former licensed
 49.24 employer must provide a copy of a certificate demonstrating the employee's successful
 49.25 completion of training to a current or former employee upon the current or former employee's
 49.26 request. For purposes of sections 181.960 to 181.966, the person who completed the training
 49.27 is entitled to access a copy of the certificate and a current or former employer is obligated
 49.28 to comply with the provisions thereunder;

49.29 (2) certification by the board of completion of certified training for a license holder,
 49.30 qualified representative, Minnesota manager, partner, and employee to carry or use a firearm,
 49.31 a weapon other than a firearm, or an immobilizing or restraint technique; and

49.32 (3) six hours a year of certified continuing training for all license holders, qualified
 49.33 representatives, Minnesota managers, partners, and employees, and an additional six hours
 50.1 a year for individuals who are armed with firearms or armed with weapons, which must
 50.2 include annual certification of the individual.

50.3 An individual may not carry or use a weapon while undergoing on-the-job training under
 50.4 this subdivision.

50.5 Sec. 26. Minnesota Statutes 2020, section 340A.304, is amended to read:

50.6 **340A.304 LICENSE SUSPENSION AND REVOCATION.**

50.7 The commissioner shall revoke, or suspend for up to 60 days, a license issued under
 50.8 section 340A.301 ~~or~~, 340A.302, or 340A.550, or impose a fine of up to \$2,000 for each
 50.9 violation, on a finding that the licensee has violated a state law or rule of the commissioner
 50.10 relating to the possession, sale, transportation, or importation of alcoholic beverages. A
 50.11 license revocation or suspension under this section is a contested case under sections 14.57
 50.12 to 14.69 of the Administrative Procedure Act.

50.13 **EFFECTIVE DATE.** This section is effective July 1, 2022.

50.14 Sec. 27. Minnesota Statutes 2020, section 340A.417, is amended to read:

50.15 **340A.417 WINE SHIPMENTS INTO MINNESOTA.**

50.16 (a) Notwithstanding section 297G.07, subdivision 2, or any provision of this chapter
 50.17 except for section 340A.550, a winery licensed in a state other than Minnesota, or a winery
 50.18 located in Minnesota, may ship, for personal use and not for resale, not more than ~~two~~ 12
 50.19 cases of wine, containing a maximum of nine liters per case, in any calendar year to any
 50.20 resident of Minnesota age 21 or over. ~~Delivery of a shipment under this section may not be~~
 50.21 ~~deemed a sale in this state.~~

50.22 (b) The shipping container of any wine sent under this section must be clearly marked
 50.23 "Alcoholic Beverages: adult signature (over 21 years of age) required."

50.24 (c) It is not the intent of this section to impair the distribution of wine through distributors
50.25 or importing distributors, but only to permit shipments of wine for personal use.

50.26 (d) Except for a violation of section 295.75 or chapters 297A and 297G, no criminal
50.27 penalty may be imposed on a person for a violation of this section or section 340A.550
50.28 other than a violation described in paragraph (e) or (f). Whenever it appears to the
50.29 commissioner that any person has engaged in any act or practice constituting a violation of
50.30 this section, or section 340A.550 and the violation is not within two years of any previous
50.31 violation of this section, the commissioner shall issue and cause to be served upon the person
50.32 an order requiring the person to cease and desist from violating this section. The order must
51.1 give reasonable notice of the rights of the person to request a hearing and must state the
51.2 reason for the entry of the order. Unless otherwise agreed between the parties, a hearing
51.3 shall be held not later than ~~seven~~ 20 days after the request for the hearing is received by the
51.4 commissioner after which and within 20 days after the receipt of the administrative law
51.5 judge's report and subsequent exceptions and argument, the commissioner shall issue an
51.6 order vacating the cease and desist order, modifying it, or making it permanent as the facts
51.7 require. If no hearing is requested within 30 days of the service of the order, the order
51.8 becomes final and remains in effect until modified or vacated by the commissioner. All
51.9 hearings shall be conducted in accordance with the provisions of chapter 14. If the person
51.10 to whom a cease and desist order is issued fails to appear at the hearing after being duly
51.11 notified, the person shall be deemed in default, and the proceeding may be determined
51.12 against the person upon consideration of the cease and desist order, the allegations of which
51.13 may be deemed to be true.

51.14 (e) Any person who violates this section or section 340A.550 within two years of a
51.15 violation for which a cease and desist order was issued under paragraph (d), is guilty of a
51.16 misdemeanor.

51.17 (f) Any person who commits a third or subsequent violation of this section or section
51.18 340A.550 within any subsequent two-year period is guilty of a gross misdemeanor.

51.19 **EFFECTIVE DATE.** This section is effective July 1, 2022.

51.20 Sec. 28. **340A.550] DIRECT SHIPMENTS OF WINE; LICENSING, TAXATION,**
51.21 **AND RESTRICTIONS.**

51.22 **Subdivision 1. Definitions.** (a) "Direct ship purchaser" means a person who purchases
51.23 wine for personal use and not for resale from a winery located in a state other than Minnesota
51.24 for delivery to a Minnesota address.

51.25 (b) "Direct ship winery" means a winery licensed in a state other than Minnesota that
51.26 manufactures and makes a retail sale of wine and ships the wine to a direct ship purchaser
51.27 as authorized under section 340A.417.

51.28 Subd. 2. **License requirements.** (a) A direct ship winery must apply to the commissioner
 51.29 for a direct ship license. The commissioner must not issue a license under this section unless
 51.30 the applicant:

51.31 (1) is a licensed winery in a state other than Minnesota and provides a copy of its current
 51.32 license in any state in which it is licensed to manufacture wine;

52.1 (2) provides a shipping address list, including all addresses from which it intends to ship
 52.2 wine;

52.3 (3) agrees to comply with the requirements of subdivision 4; and

52.4 (4) consents to the jurisdiction of the Departments of Public Safety and Revenue, the
 52.5 courts of this state, and any statute, law, or rule in this state related to the administration or
 52.6 enforcement of this section, including any provision authorizing the commissioners of public
 52.7 safety and revenue to audit a direct ship winery for compliance with this and any related
 52.8 section.

52.9 (b) A direct ship winery obtaining a license under this section must annually renew its
 52.10 license by January 1 of each year and must inform the commissioner at the time of renewal
 52.11 of any changes to the information previously provided in paragraph (a).

52.12 (c) The application fee for a license is \$50. The fee for a license renewal is \$50. The
 52.13 commissioner must deposit all fees received under this subdivision in the alcohol enforcement
 52.14 account in the special revenue fund established under section 299A.706.

52.15 Subd. 3. **Direct ship wineries; restrictions.** (a) A direct ship winery may only ship
 52.16 wine from an address provided to the commissioner as required in subdivision 2, paragraph
 52.17 (a), clause (2), or through a third-party provider whose name and address the licensee
 52.18 provided to the commissioner in the licensee's application for a license.

52.19 (b) A direct ship winery or its third-party provider may only ship wine from the direct
 52.20 ship winery's own production.

52.21 Subd. 4. **Taxation.** A direct ship winery must:

52.22 (1) collect and remit the liquor gross receipts tax as required in section 295.75;

52.23 (2) apply for a permit as required in section 297A.83 and collect and remit the sales and
 52.24 use tax imposed as required in chapter 297A;

52.25 (3) remit the tax as required in chapter 297G; and

52.26 (4) provide a statement to the commissioner, on a form prescribed by the commissioner,
 52.27 detailing each shipment of wine made to a resident of this state and any other information
 52.28 required by the commissioner.

52.29 Subd. 5. **Private or nonpublic data; classification and sharing.** (a) Data collected,
 52.30 created, or maintained by the commissioner as required under this section are classified as
 52.31 private data on individuals or nonpublic data, as defined in section 13.02, subdivisions 9
 52.32 and 12.

53.1 (b) The commissioner must share data classified as private or nonpublic under this
 53.2 section with the commissioner of revenue for purposes of administering section 295.75 and
 53.3 chapters 289A, 297A, and 297G.

53.4 Subd. 6. **Enforcement; penalties.** Section 340A.417, paragraphs (d) to (f), apply to this
 53.5 section.

53.6 **EFFECTIVE DATE.** This section is effective July 1, 2022.

53.7 Sec. 29. **[340A.555] COMMON CARRIER REGULATIONS FOR DIRECT**
 53.8 **SHIPMENTS OF WINE.**

53.9 Subdivision 1. **Monthly report required.** Each common carrier that contracts with a
 53.10 winery under section 340A.417 for delivery of wine into this state must file with the
 53.11 commissioner a monthly report of known wine shipments made by the carrier. The report
 53.12 must be made in a form and manner as prescribed by the commissioner and must contain:

53.13 (1) the name of the common carrier making the report;

53.14 (2) the period of time covered by the report;

53.15 (3) the name and business address of the consignor;

53.16 (4) the name and address of the consignee;

53.17 (5) the weight of the package delivered to the consignee;

53.18 (6) a unique tracking number; and

53.19 (7) the date of delivery.

53.20 Subd. 2. **Record availability and retention.** Upon written request by the commissioner,
 53.21 any records supporting the report in subdivision 1 must be made available to the
 53.22 commissioner within 30 days of the request. Any records containing information relating
 53.23 to a required report must be retained and preserved for a period of two years, unless
 53.24 destruction of the records prior to the end of the two-year period is authorized in writing
 53.25 by the commissioner. All retained records must be open and available for inspection by the
 53.26 commissioner upon written request. The commissioner must make the required reports

53.27 available to any law enforcement agency or regulatory body of any local government in the
 53.28 state in which the common carrier making the report resides or does business.

53.29 Subd. 3. **Penalty.** If a common carrier willfully violates the requirement to report a
 53.30 delivery under this section or violates any rule related to the administration and enforcement
 53.31 of this section, the commissioner must notify the common carrier in writing of the violation.
 54.1 The commissioner may impose a fine in an amount not to exceed \$500 for each subsequent
 54.2 violation.

54.3 Subd. 4. **Exemptions.** This section does not apply to common carriers regulated as
 54.4 provided by United States Code, title 49, section 10101, et. seq.; or to rail
 54.5 trailer-on-flatcar/container-on-flatcar (TOFC/COFC) service, as provided by Code of Federal
 54.6 Regulations, title 49, section 1090.1; or highway TOFC/COFC service provided by a rail
 54.7 carrier, either itself or jointly with a motor carrier, as part of continuous intermodal freight
 54.8 transportation, including but not limited to any other TOFC/COFC transportation as defined
 54.9 under federal law.

54.10 Subd. 5. **Private or nonpublic data; classification and sharing.** (a) Data collected,
 54.11 created, or maintained by the commissioner as required under subdivision 1, clauses (4) to
 54.12 (6), are classified as private data on individuals or nonpublic data, as defined in section
 54.13 13.02, subdivisions 9 and 12.

54.14 (b) The commissioner must share data classified as private or nonpublic under this
 54.15 section with the commissioner of revenue for purposes of administering section 295.75 and
 54.16 chapters 289A, 297A, and 297G.

54.17 **EFFECTIVE DATE.** This section is effective July 1, 2022.

54.18 Sec. 30. Minnesota Statutes 2020, section 403.02, is amended by adding a subdivision to
 54.19 read:

54.20 Subd. 17d. **Public safety telecommunicator.** "Public safety telecommunicator" means
 54.21 a person who is employed by a primary, secondary, or Tribal public safety answering point,
 54.22 an emergency medical dispatch service provider, or both, and serves as an initial first
 54.23 responder to answer incoming emergency telephone calls or provide for the appropriate
 54.24 emergency response either directly or through communication with the appropriate public
 54.25 safety answering point. Public safety telecommunicator includes persons who supervise
 54.26 public safety telecommunicators. Pursuant to section 403.051, after August 1, 2024, public
 54.27 safety telecommunicators and those who directly manage or supervise public safety
 54.28 telecommunicators must be certified by the commissioner.

54.29 Sec. 31. **[403.051] PUBLIC SAFETY TELECOMMUNICATORS; CERTIFICATION;**
 54.30 **TRAINING; CONTINUING EDUCATION.**

54.31 Subdivision 1. **Certification required.** After August 1, 2024, a public safety
 54.32 telecommunicator must be certified by the commissioner to serve in that role.

55.1 Subd. 2. **Certification requirements; rulemaking.** (a) The commissioner of public
 55.2 safety, in coordination with the Statewide Emergency Communications Board, must adopt
 55.3 rules for certification requirements for public safety telecommunicators and establish in
 55.4 rule criteria for training, certification, and continuing education that incorporate the
 55.5 requirements set forth in paragraph (b).

55.6 (b) The commissioner must require that candidates for public safety telecommunicator
 55.7 certification and recertification demonstrate, at a minimum, proficiency in the following
 55.8 areas:

55.9 (1) public safety telecommunicator roles and responsibilities;

55.10 (2) applicable legal concepts;

55.11 (3) interpersonal skills;

55.12 (4) emergency communications technology and information systems;

55.13 (5) 911 call processing;

55.14 (6) emergency management;

55.15 (7) radio communications for the public safety telecommunicator;

55.16 (8) stress management; and

55.17 (9) quality performance standards management.

55.18 Subd. 3. **Continuing education.** To maintain certification under this section, a public
 55.19 safety telecommunicator must complete 48 hours of approved continuing education
 55.20 coursework every two years.

55.21 Sec. 32. Minnesota Statutes 2021 Supplement, section 403.11, subdivision 1, is amended
 55.22 to read:

55.23 Subdivision 1. **Emergency telecommunications service fee; account.** (a) Each customer
 55.24 of a wireless or wire-line switched or packet-based telecommunications service provider
 55.25 connected to the public switched telephone network that furnishes service capable of
 55.26 originating a 911 emergency telephone call is assessed a fee based upon the number of
 55.27 wired or wireless telephone lines, or their equivalent, to cover the costs of ongoing
 55.28 maintenance and related improvements for trunking and central office switching equipment

55.29 for 911 emergency telecommunications service, to offset administrative and staffing costs
 55.30 of the commissioner related to managing the 911 emergency telecommunications service
 55.31 program, to make distributions provided for in section 403.113, and to offset the costs,
 56.1 including administrative and staffing costs, incurred by the State Patrol Division of the
 56.2 Department of Public Safety in handling 911 emergency calls made from wireless phones.

56.3 (b) Money remaining in the 911 emergency telecommunications service account after
 56.4 all other obligations are paid must not cancel and is carried forward to subsequent years
 56.5 and ~~may~~ must be appropriated from time to time to the commissioner to provide financial
 56.6 assistance to counties for the improvement of local emergency telecommunications services,
 56.7 including public safety telecommunicator training, certification, and continuing education.

56.8 (c) The fee may not be more than 95 cents a month on or after July 1, 2010, for each
 56.9 customer access line or other basic access service, including trunk equivalents as designated
 56.10 by the Public Utilities Commission for access charge purposes and including wireless
 56.11 telecommunications services. With the approval of the commissioner of management and
 56.12 budget, the commissioner of public safety shall establish the amount of the fee within the
 56.13 limits specified and inform the companies and carriers of the amount to be collected. When
 56.14 the revenue bonds authorized under section 403.27, subdivision 1, have been fully paid or
 56.15 defeased, the commissioner shall reduce the fee to reflect that debt service on the bonds is
 56.16 no longer needed. The commissioner shall provide companies and carriers a minimum of
 56.17 45 days' notice of each fee change. The fee must be the same for all customers, except that
 56.18 the fee imposed under this subdivision does not apply to prepaid wireless telecommunications
 56.19 service, which is instead subject to the fee imposed under section 403.161, subdivision 1,
 56.20 paragraph (a).

56.21 (d) The fee must be collected by each wireless or wire-line telecommunications service
 56.22 provider subject to the fee. Fees are payable to and must be submitted to the commissioner
 56.23 monthly before the 25th of each month following the month of collection, except that fees
 56.24 may be submitted quarterly if less than \$250 a month is due, or annually if less than \$25 a
 56.25 month is due. Receipts must be deposited in the state treasury and credited to a 911
 56.26 emergency telecommunications service account in the special revenue fund. The money in
 56.27 the account may only be used for 911 telecommunications services.

56.28 (e) Competitive local exchanges carriers holding certificates of authority from the Public
 56.29 Utilities Commission are eligible to receive payment for recurring 911 services.

56.30 Sec. 33. Minnesota Statutes 2021 Supplement, section 609.02, subdivision 16, is amended
 56.31 to read:

56.32 Subd. 16. **Qualified domestic violence-related offense.** "Qualified domestic
 56.33 violence-related offense" includes a violation of or an attempt to violate sections 518B.01,
 56.34 subdivision 14 (violation of domestic abuse order for protection); 609.185 (first-degree
 57.1 murder); 609.19 (second-degree murder); 609.195 (third-degree murder); 609.20 (first-degree
 57.2 manslaughter); 609.205 (second-degree manslaughter); 609.221 (first-degree assault);

57.3 609.222 (second-degree assault); 609.223 (third-degree assault); 609.2231 (fourth-degree
 57.4 assault); 609.224 (fifth-degree assault); 609.2242 (domestic assault); 609.2245 (female
 57.5 genital mutilation); 609.2247 (domestic assault by strangulation); 609.25 (kidnapping);
 57.6 609.255 (false imprisonment); 609.342 (first-degree criminal sexual conduct); 609.343
 57.7 (second-degree criminal sexual conduct); 609.344 (third-degree criminal sexual conduct);
 57.8 609.345 (fourth-degree criminal sexual conduct); 609.3458 (sexual extortion); 609.377
 57.9 (malicious punishment of a child); 609.713 (terroristic threats); 609.748, subdivision 6
 57.10 (violation of harassment restraining order); 609.749 (harassment or stalking); 609.78,
 57.11 subdivision 2 (interference with an emergency call); 617.261 (nonconsensual dissemination
 57.12 of private sexual images); and 629.75 (violation of domestic abuse no contact order); and
 57.13 similar laws of other states, the United States, the District of Columbia, Tribal lands, and
 57.14 United States territories.

57.15 **EFFECTIVE DATE.** This section is effective August 1, 2022.

57.16 Sec. 34. Minnesota Statutes 2020, section 609.281, subdivision 3, is amended to read:

57.17 Subd. 3. **Debt bondage.** "Debt bondage" means the status or condition of a debtor arising
 57.18 from a pledge by the debtor of the debtor's personal occurs when a person provides labor
 57.19 or services or those of any kind to pay a real or alleged debt of a the person under the debtor's
 57.20 control as a security for debt or another, if the value of those the labor or services as
 57.21 reasonably assessed is not applied toward the liquidation of the debt or the length and nature
 57.22 of those the labor or services are not respectively limited and defined.

57.23 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
 57.24 committed on or after that date.

57.25 Sec. 35. Minnesota Statutes 2020, section 609.281, subdivision 4, is amended to read:

57.26 Subd. 4. **Forced or coerced labor or services.** "Forced or coerced labor or services"
 57.27 means labor or services of any kind that are performed or provided by another person and
 57.28 are obtained or maintained through an actor's:

57.29 (1) threat, either implicit or explicit, scheme, plan, or pattern, or other action or statement
 57.30 intended to cause a person to believe that, if the person did not perform or provide the labor
 57.31 or services, that person or another person would suffer bodily harm or physical restraint;
 57.32 sexual contact, as defined in section 609.341, subdivision 11, paragraph (b); or bodily,
 57.33 psychological, economic, or reputational harm;

58.1 (2) physically restraining or threatening to physically restrain sexual contact, as defined
 58.2 in section 609.341, subdivision 11, paragraph (b), with a person;

58.3 (3) physical restraint of a person;

58.4 (4) infliction of bodily, psychological, economic, or reputational harm;

- 58.5 ~~(5) abuse or threatened abuse of the legal process, including the use or threatened~~
 58.6 ~~use of a law or legal process, whether administrative, civil, or criminal; or~~
- 58.7 ~~(4) knowingly destroying, concealing, removing, confiscating, or possessing (6)~~
 58.8 ~~destruction, concealment, removal, confiscation, withholding, or possession of any actual~~
 58.9 ~~or purported passport or other immigration document, or any other actual or purported~~
 58.10 ~~government identification document, of another person; or.~~
- 58.11 ~~(5) use of blackmail.~~
- 58.12 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
 58.13 committed on or after that date.
- 58.14 Sec. 36. Minnesota Statutes 2020, section 609.281, subdivision 5, is amended to read:
- 58.15 Subd. 5. **Labor trafficking.** "Labor trafficking" means:
- 58.16 (1) the recruitment, transportation, transfer, harboring, enticement, provision, obtaining,
 58.17 or receipt of a person by any means, for the purpose in furtherance of:
- 58.18 (i) debt bondage or;
- 58.19 (ii) forced labor or services;
- 58.20 ~~(ii)~~ (iii) slavery or practices similar to slavery; or
- 58.21 ~~(iii)~~ (iv) the removal of organs through the use of coercion or intimidation; or
- 58.22 (2) receiving profit or anything of value, knowing or having reason to know it is derived
 58.23 from an act described in clause (1).
- 58.24 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
 58.25 committed on or after that date.
- 58.26 Sec. 37. Minnesota Statutes 2020, section 609.282, subdivision 1, is amended to read:
- 58.27 Subdivision 1. ~~Individuals under age 18~~ **Labor trafficking resulting in death.** Whoever
 58.28 knowingly engages in the labor trafficking of an individual who is under the age of 18 is
 58.29 guilty of a crime and may be sentenced to imprisonment for not more than 20 25 years or
 59.1 to payment of a fine of not more than \$40,000, or both if the labor trafficking victim dies
 59.2 and the death arose out of and in the course of the labor trafficking or the labor and services
 59.3 related to the labor trafficking.
- 59.4 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
 59.5 committed on or after that date.

59.6 Sec. 38. Minnesota Statutes 2020, section 609.282, is amended by adding a subdivision
59.7 to read:

59.8 Subd. 1a. **Individuals under age 18; extended period of time; great bodily**
59.9 **harm.** Whoever knowingly engages in the labor trafficking of an individual is guilty of a
59.10 crime and may be sentenced to imprisonment for not more than 20 years or to a payment
59.11 of a fine of not more than \$40,000, or both if any of the following circumstances exist:

59.12 (1) the labor trafficking victim is under the age of 18;

59.13 (2) the labor trafficking occurs over an extended period of time; or

59.14 (3) the labor trafficking victim suffers great bodily harm and the great bodily harm arose
59.15 out of and in the course of the labor trafficking or the labor and services related to the labor
59.16 trafficking.

59.17 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
59.18 committed on or after that date.

59.19 Sec. 39. Minnesota Statutes 2020, section 609.87, is amended by adding a subdivision to
59.20 read:

59.21 Subd. 17. **Data.** "Data" means records or information in digital form on a computer or
59.22 in software that can be stored, transmitted, or processed.

59.23 Sec. 40. Minnesota Statutes 2020, section 609.89, subdivision 1, is amended to read:

59.24 Subdivision 1. **Acts.** Whoever does any of the following is guilty of computer theft and
59.25 may be sentenced as provided in subdivision 2:

59.26 (a) intentionally and without authorization or claim of right accesses or causes to be
59.27 accessed any computer, computer system, computer network or any part thereof for the
59.28 purpose of obtaining services or property; ~~or~~

59.29 (b) intentionally and without claim of right, and with intent to deprive the owner of use
59.30 or possession, takes, transfers, conceals or retains possession of any computer, computer
60.1 system, or any computer software or data contained in a computer, computer system, or
60.2 computer network;

60.3 (c) intentionally and without authorization or claim of right accesses or copies any
60.4 computer software or data and uses, alters, transfers, retains, or publishes the software or
60.5 data; or

60.6 (d) intentionally retains copies of any computer software or data beyond the individual's
60.7 authority.

- 60.8 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
 60.9 committed on or after that date.
- 60.10 Sec. 41. Minnesota Statutes 2020, section 626.843, subdivision 1, is amended to read:
- 60.11 Subdivision 1. **Rules required.** (a) The board shall adopt rules with respect to:
- 60.12 (1) the certification of postsecondary schools to provide programs of professional peace
 60.13 officer education;
- 60.14 (2) minimum courses of study and equipment and facilities to be required at each certified
 60.15 school within the state;
- 60.16 (3) minimum qualifications for coordinators and instructors at certified schools offering
 60.17 a program of professional peace officer education located within this state;
- 60.18 (4) minimum standards of physical, mental, and educational fitness which shall govern
 60.19 the admission to professional peace officer education programs and the licensing of peace
 60.20 officers within the state, by any state, county, municipality, or joint or contractual
 60.21 combination thereof, including members of the Minnesota State Patrol;
- 60.22 (5) board-approved continuing education courses that ensure professional competence
 60.23 of peace officers and part-time peace officers;
- 60.24 (6) minimum standards of conduct which would affect the individual's performance of
 60.25 duties as a peace officer. These standards shall be established and published. The board
 60.26 shall review the minimum standards of conduct described in this clause for possible
 60.27 modification in 1998 and every three years after that time;
- 60.28 (7) a set of educational learning objectives that must be met within a certified school's
 60.29 professional peace officer education program. These learning objectives must concentrate
 60.30 on the knowledge, skills, and abilities deemed essential for a peace officer. Education in
 60.31 these learning objectives shall be deemed satisfactory for the completion of the minimum
 60.32 basic training requirement;
- 61.1 (8) the establishment and use by any political subdivision or state law enforcement
 61.2 agency that employs persons licensed by the board of procedures for investigation and
 61.3 resolution of allegations of misconduct by persons licensed by the board. The procedures
 61.4 shall be in writing and shall be established on or before October 1, 1984;
- 61.5 (9) the issues that must be considered by each political subdivision and state law
 61.6 enforcement agency that employs persons licensed by the board in establishing procedures
 61.7 under section 626.5532 to govern the conduct of peace officers who are in pursuit of a
 61.8 vehicle being operated in violation of section 609.487, and requirements for the training of
 61.9 peace officers in conducting pursuits. The adoption of specific procedures and requirements
 61.10 is within the authority of the political subdivision or agency;

- 61.11 (10) supervision of part-time peace officers and requirements for documentation of hours
 61.12 worked by a part-time peace officer who is on active duty. These rules shall be adopted by
 61.13 December 31, 1993;
- 61.14 (11) citizenship requirements for peace officers and part-time peace officers;
- 61.15 (12) driver's license requirements for peace officers and part-time peace officers; and
- 61.16 (13) such other matters as may be necessary consistent with sections 626.84 to 626.863.
 61.17 Rules promulgated by the attorney general with respect to these matters may be continued
 61.18 in force by resolution of the board if the board finds the rules to be consistent with sections
 61.19 626.84 to 626.863.
- 61.20 (b) In adopting and enforcing the rules described under paragraph (a), the board shall
 61.21 prioritize the goal of promoting public safety. Promoting public safety includes the promotion
 61.22 of human rights. "Public safety" means reducing or preventing crime by diverting people
 61.23 away from the criminal justice system whenever possible, effecting arrest or detention
 61.24 practices that are the least restrictive necessary to protect the public, and promoting the
 61.25 rehabilitation of those who engage in criminal activity through the provision of
 61.26 evidence-based programming and services, while still maintaining the basic rights, freedoms,
 61.27 and privileges that belong to every person, including the right to dignity, fairness, equality,
 61.28 respect, and freedom from discrimination.
- 61.29 Sec. 42. Minnesota Statutes 2020, section 626A.35, is amended by adding a subdivision
 61.30 to read:
- 61.31 Subd. 2b. **Exception; stolen motor vehicles.** (a) The prohibition under subdivision 1
 61.32 does not apply to the use of a mobile tracking device on a stolen motor vehicle when:
- 61.33 (1) the consent of the owner of the vehicle has been obtained; or
- 62.1 (2) the owner of the motor vehicle has reported to law enforcement that the vehicle is
 62.2 stolen, and the vehicle is occupied when the tracking device is installed.
- 62.3 (b) Within 24 hours of a tracking device being attached to a vehicle pursuant to the
 62.4 authority granted in paragraph (a), clause (2), an officer employed by the agency that attached
 62.5 the tracking device to the vehicle must remove the device, disable the device, or obtain a
 62.6 search warrant granting approval to continue to use the device in the investigation.
- 62.7 (c) A peace officer employed by the agency that attached a tracking device to a stolen
 62.8 motor vehicle must remove the tracking device if the vehicle is recovered and returned to
 62.9 the owner.
- 62.10 (d) Any tracking device evidence collected after the motor vehicle is returned to the
 62.11 owner is inadmissible.

- 62.12 **EFFECTIVE DATE.** This section is effective the day following final enactment.
- 62.13 Sec. 43. Minnesota Statutes 2021 Supplement, section 628.26, is amended to read:
- 62.14 **628.26 LIMITATIONS.**
- 62.15 (a) Indictments or complaints for any crime resulting in the death of the victim may be
62.16 found or made at any time after the death of the person killed.
- 62.17 (b) Indictments or complaints for a violation of section 609.25 may be found or made
62.18 at any time after the commission of the offense.
- 62.19 (c) Indictments or complaints for violation of section 609.282 may be found or made at
62.20 any time after the commission of the offense if the victim was under the age of 18 at the
62.21 time of the offense.
- 62.22 (d) Indictments or complaints for violation of section 609.282 where the victim was 18
62.23 years of age or older at the time of the offense, or 609.42, subdivision 1, clause (1) or (2),
62.24 shall be found or made and filed in the proper court within six years after the commission
62.25 of the offense.
- 62.26 (e) Indictments or complaints for violation of sections 609.322, 609.342 to 609.345, and
62.27 609.3458 may be found or made at any time after the commission of the offense.
- 62.28 (f) Indictments or complaints for violation of sections 609.466 and 609.52, subdivision
62.29 2, paragraph (a), clause (3), item (iii), shall be found or made and filed in the proper court
62.30 within six years after the commission of the offense.
- 63.1 (g) Indictments or complaints for violation of section 609.2335, 609.52, subdivision 2,
63.2 paragraph (a), clause (3), items (i) and (ii), (4), (15), or (16), 609.631, or 609.821, where
63.3 the value of the property or services stolen is more than \$35,000, or for violation of section
63.4 609.527 where the offense involves eight or more direct victims or the total combined loss
63.5 to the direct and indirect victims is more than \$35,000, shall be found or made and filed in
63.6 the proper court within five years after the commission of the offense.
- 63.7 (h) Except for violations relating to false material statements, representations or
63.8 omissions, indictments or complaints for violations of section 609.671 shall be found or
63.9 made and filed in the proper court within five years after the commission of the offense.
- 63.10 (i) Indictments or complaints for violation of sections 609.561 to 609.563; shall be found
63.11 or made and filed in the proper court within five years after the commission of the offense.
- 63.12 (j) Indictments or complaints for violation of section 609.746 shall be found or made
63.13 and filed in the proper court within the later of three years after the commission of the
63.14 offense or three years after the offense was reported to law enforcement authorities.

63.15 ~~(j)~~ (k) In all other cases, indictments or complaints shall be found or made and filed in
63.16 the proper court within three years after the commission of the offense.

63.17 ~~(k)~~ (l) The limitations periods contained in this section shall exclude any period of time
63.18 during which the defendant was not an inhabitant of or usually resident within this state.

63.19 ~~(l)~~ (m) The limitations periods contained in this section for an offense shall not include
63.20 any period during which the alleged offender participated under a written agreement in a
63.21 pretrial diversion program relating to that offense.

63.22 ~~(m)~~ (n) The limitations periods contained in this section shall not include any period of
63.23 time during which physical evidence relating to the offense was undergoing DNA analysis,
63.24 as defined in section 299C.155, unless the defendant demonstrates that the prosecuting or
63.25 law enforcement agency purposefully delayed the DNA analysis process in order to gain
63.26 an unfair advantage.

63.27 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
63.28 committed on or after that date.

63.29 Sec. 44. Minnesota Statutes 2020, section 629.341, subdivision 3, is amended to read:

63.30 Subd. 3. **Notice of rights.** The peace officer shall tell the victim whether a shelter or
63.31 other services are available in the community and give the victim immediate notice of the
64.1 legal rights and remedies available. The notice must include furnishing the victim a copy
64.2 of the following statement:

64.3 "IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the city or
64.4 county attorney to file a criminal complaint. You also have the right to go to court and file
64.5 a petition requesting an order for protection from domestic abuse. The order could include
64.6 the following:

64.7 (1) an order restraining the abuser from further acts of abuse;

64.8 (2) an order directing the abuser to leave your household;

64.9 (3) an order preventing the abuser from entering your residence, school, business, or
64.10 place of employment;

64.11 (4) an order awarding you or the other parent custody of or parenting time with your
64.12 minor child or children; or

64.13 (5) an order directing the abuser to pay support to you and the minor children if the
64.14 abuser has a legal obligation to do so."

64.15 The notice must include the resource listing, including telephone number, for the area
64.16 battered women's shelter, to be designated by the Office of Justice Programs in the
64.17 Department of Corrections Public Safety.

64.18 Sec. 45. Minnesota Statutes 2020, section 629.341, subdivision 4, is amended to read:

64.19 Subd. 4. **Report required.** Whenever a peace officer investigates an allegation that an
 64.20 incident described in subdivision 1 has occurred, whether or not an arrest is made, the officer
 64.21 shall make a written police report of the alleged incident. The report must contain at least
 64.22 the following information: the name, address and telephone number of the victim, if provided
 64.23 by the victim, a statement as to whether an arrest occurred, the name of the arrested person,
 64.24 and a brief summary of the incident. Data that identify a victim who has made a request
 64.25 under section 13.82, subdivision 17, paragraph (d), and that are private data under that
 64.26 subdivision, shall be private in the report required by this section. A copy of this report must
 64.27 be provided upon request, at no cost, to the victim of domestic abuse, the victim's attorney,
 64.28 or organizations designated by the Office of Justice Programs in the Department of Public
 64.29 Safety or the commissioner of corrections that are providing services to victims of domestic
 64.30 abuse. The officer shall submit the report to the officer's supervisor or other person to whom
 64.31 the employer's rules or policies require reports of similar allegations of criminal activity to
 64.32 be made.

65.1 Sec. 46. Minnesota Statutes 2020, section 629.72, subdivision 6, is amended to read:

65.2 Subd. 6. **Notice; release of arrested person.** (a) Immediately after issuance of a citation
 65.3 in lieu of continued detention under subdivision 1, or the entry of an order for release under
 65.4 subdivision 2, but before the arrested person is released, the agency having custody of the
 65.5 arrested person or its designee must make a reasonable and good faith effort to inform orally
 65.6 the alleged victim, local law enforcement agencies known to be involved in the case, if
 65.7 different from the agency having custody, and, at the victim's request any local battered
 65.8 women's and domestic abuse programs established under section 611A.32 or sexual assault
 65.9 programs of:

65.10 (1) the conditions of release, if any;

65.11 (2) the time of release;

65.12 (3) the time, date, and place of the next scheduled court appearance of the arrested person
 65.13 and the victim's right to be present at the court appearance; and

65.14 (4) if the arrested person is charged with domestic abuse, the location and telephone
 65.15 number of the area battered women's shelter as programs that provide services to victims
 65.16 of domestic abuse designated by the Office of Justice Programs in the Department of Public
 65.17 Safety.

65.18 (b) As soon as practicable after an order for conditional release is entered, the agency
 65.19 having custody of the arrested person or its designee must personally deliver or mail to the
 65.20 alleged victim a copy of the written order and written notice of the information in paragraph
 65.21 (a), clauses (2) and (3).

65.22 (c) Data on the victim and the notice provided by the custodial authority are private data
 65.23 on individuals as defined in section 13.02, subdivision 12, and are accessible only to the
 65.24 victim.

65.25 Sec. 47. Laws 2021, First Special Session chapter 11, article 2, section 12, is amended to
 65.26 read:

65.27 Sec. 12. **299A.477 HOMETOWN HEROES ASSISTANCE PROGRAM.**

65.28 Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this section.

65.29 (b) "Critical illness" means cardiac disease and cancer as well as other illnesses covered
 65.30 by a policy of insurance issued by an insurer in compliance with chapter 60A.

66.1 ~~(b)~~ (c) "Firefighter" means a volunteer, paid on-call, part-time, or career firefighter
 66.2 serving a general population within the boundaries of the state.

66.3 ~~(c)~~ (d) "Minnesota Firefighter Initiative" means a collaborative that is established by
 66.4 major fire service organizations in Minnesota, is a nonprofit organization, and is tax exempt
 66.5 under section 501(c)(3) of the Internal Revenue Code.

66.6 Subd. 2. **Program established.** The commissioner of public safety shall award a grant
 66.7 to the Minnesota Firefighter Initiative to administer a hometown heroes assistance program
 66.8 for Minnesota firefighters. The Minnesota Firefighter Initiative shall use the grant funds:

66.9 (1) to ~~provide a onetime~~ establish and fund critical illness coverage that provides monetary
 66.10 support ~~payment~~ payments to each firefighter who is diagnosed with ~~cancer or heart disease~~
 66.11 a critical illness on or after August 1, 2021, and who applies for the payment. Monetary
 66.12 support shall be provided according to the requirements in subdivision 3;

66.13 (2) to develop a psychotherapy program customized to address emotional trauma
 66.14 experienced by firefighters and to offer all firefighters in the state up to five psychotherapy
 66.15 sessions per year under the customized program, provided by mental health professionals;

66.16 (3) to ~~offer~~ coordinate additional psychotherapy sessions to firefighters who need them;

66.17 (4) to develop, annually update, and annually provide to all firefighters in the state at
 66.18 least two hours of training on critical illnesses, such as cancer, and heart disease, and
 66.19 emotional trauma as causes of illness and death for firefighters; steps and best practices for
 66.20 firefighters to limit the occupational risks of cancer, heart disease, and emotional trauma;
 66.21 provide evidence-based suicide prevention strategies; and ways for firefighters to address
 66.22 occupation-related emotional trauma and promote emotional wellness. The training shall
 66.23 be presented by firefighters who attend an additional course to prepare them to serve as
 66.24 trainers; and

66.25 (5) for administrative and overhead costs of the Minnesota Firefighter Initiative associated
66.26 with conducting the activities in clauses (1) to (4).

66.27 Subd. 3. **Critical illness monetary support program.** (a) The Minnesota Firefighter
66.28 Initiative shall establish and administer a critical illness monetary support program which
66.29 shall provide a onetime support payment payments of up to \$20,000 to each eligible
66.30 firefighter diagnosed with cancer or heart disease. A firefighter may apply for monetary
66.31 support from the program, in a form specified by the Minnesota Firefighter Initiative, if the
66.32 firefighter has a current diagnosis of cancer or heart disease or was diagnosed with cancer
66.33 or heart disease in the year preceding the firefighter's application. A firefighter who is
67.1 diagnosed with a critical illness on or after August 1, 2021, is eligible to apply for benefits
67.2 under the monetary support program and has 12 months from the diagnosis to submit an
67.3 application. A firefighter's application for monetary support must include a certification
67.4 from the firefighter's health care provider of the firefighter's diagnosis with cancer or heart
67.5 disease of an eligible critical illness. The Minnesota Firefighter Initiative shall establish
67.6 criteria to guide disbursement of monetary support payments under this program, and shall
67.7 scale the amount of monetary support provided to each firefighter according to the severity
67.8 of the firefighter's diagnosis.

67.9 (b) The commissioner of public safety may access the accounts of the critical illness
67.10 monetary support program and may to conduct periodic audits of the program to ensure that
67.11 payments are being made in compliance with this section and disbursement criteria
67.12 established by the Minnesota Firefighter Initiative.

67.13 Subd. 4. **Money from nonstate sources.** The commissioner may accept contributions
67.14 from nonstate sources to supplement state appropriations for the hometown heroes assistance
67.15 program. Contributions received under this subdivision are appropriated to the commissioner
67.16 for the grant to the Minnesota Firefighter Initiative for purposes of this section.

67.17 Sec. 48. **TASK FORCE ON A COORDINATED APPROACH TO JUVENILE**
67.18 **WELLNESS AND JUSTICE.**

67.19 Subdivision 1. **Establishment.** The Task Force on a Coordinated Approach to Juvenile
67.20 Wellness and Justice is established to review the juvenile justice system in Minnesota,
67.21 examine approaches taken in other jurisdictions, and make policy and funding
67.22 recommendations to the legislature.

67.23 Subd. 2. **Membership.** (a) The task force consists of the following members:

67.24 (1) a district court judge serving as the presiding judge in a district juvenile court
67.25 appointed by the governor;

67.26 (2) the state public defender or a designee;

67.27 (3) a county attorney appointed by the Minnesota County Attorneys Association;

- 67.28 (4) the warden of the Minnesota correctional facility for juveniles in Red Wing or a
67.29 designee;
- 67.30 (5) a representative from a Tribal social services agency or a Tribal Council appointed
67.31 by the Indian Affairs Council;
- 68.1 (6) a representative from an Ojibwe Indian Tribe and a representative from a Dakota
68.2 Indian Tribe appointed by the Indian Affairs Council;
- 68.3 (7) a probation agent who supervises juveniles appointed by the Minnesota Association
68.4 of Community Corrections Act Counties;
- 68.5 (8) a peace officer, as defined in Minnesota Statutes, section 626.84, subdivision 1,
68.6 paragraph (c), appointed by the governor from a list of three candidates submitted jointly
68.7 by the Minnesota Chiefs of Police Association, the Minnesota Sheriffs' Association, and
68.8 the Minnesota Police and Peace Officers Association;
- 68.9 (9) a high school principal appointed by the governor from a list of two candidates
68.10 submitted jointly by the commissioner of education and the executive director of Education
68.11 Minnesota;
- 68.12 (10) a representative from a county social services agency that has responsibility for
68.13 public child welfare and child protection services, appointed by the governor;
- 68.14 (11) an individual who was the victim of an offense committed by a juvenile, appointed
68.15 by the governor;
- 68.16 (12) a representative from a community-driven nonprofit law firm that represents juveniles
68.17 in delinquency matters, appointed by the governor;
- 68.18 (13) an individual who is a children's mental health professional appointed by AspireMN;
- 68.19 (14) an individual who is the family member of youth impacted by the juvenile justice
68.20 system; and
- 68.21 (15) ten youths under age 25 with interest or experience in the juvenile justice, juvenile
68.22 protection, and foster care systems.
- 68.23 (b) To the extent possible, the demographics of the public members identified in
68.24 paragraph (a), clause (15), must be inclusive and represent the ethnic and racial diversity
68.25 of the state, including gender and sexual orientation, immigrant status, and religious and
68.26 linguistic background. At least two of those public members must be from outside the
68.27 metropolitan area as defined in Minnesota Statutes, section 473.121, subdivision 2.
- 68.28 (c) Appointments must be made no later than September 15, 2022.

68.29 (d) Public members identified in paragraph (a), clause (15), are eligible for compensation
68.30 and expense reimbursement consistent with Minnesota Statutes, section 15.059, subdivision
68.31 3. All other members shall serve without compensation.

69.1 (e) Members of the task force serve at the pleasure of the appointing authority or until
69.2 the task force expires. Vacancies shall be filled by the appointing authority consistent with
69.3 the qualifications of the vacating member required by this subdivision.

69.4 Subd. 3. **Officers; meetings.** (a) At its first meeting, the members of the task force shall
69.5 elect cochairs of the task force, at least one of whom must be a public member identified
69.6 in subdivision 2, paragraph (a), clause (15). The task force may elect other officers as
69.7 necessary.

69.8 (b) The executive director of the Office of Justice Programs shall convene the first
69.9 meeting of the task force no later than October 15, 2022, and shall provide meeting space
69.10 and administrative assistance through the Office of Justice Programs as necessary for the
69.11 task force to conduct its work.

69.12 (c) The task force shall meet at least monthly or upon the call of a cochair. The task
69.13 force shall meet sufficiently enough to accomplish the tasks identified in this section.
69.14 Meetings of the task force are subject to Minnesota Statutes, chapter 13D.

69.15 Subd. 4. **Duties.** (a) The task force shall, at a minimum:

69.16 (1) review Minnesota's juvenile justice system;

69.17 (2) identify areas of overlap and conflict between Minnesota's juvenile justice and child
69.18 protection systems, including areas of collaboration and coordination, provision of duplicated
69.19 services, and any inconsistent expectations placed on juveniles;

69.20 (3) review alternative approaches to juvenile justice in Minnesota counties, Tribal
69.21 communities, and other states or jurisdictions;

69.22 (4) identify social, emotional, and developmental factors that contribute to delinquent
69.23 acts by juveniles;

69.24 (5) identify approaches to juvenile justice that involve the affected juvenile and address
69.25 any underlying factors that contribute to delinquent acts by juveniles;

69.26 (6) identify approaches to juvenile justice that hold juvenile offenders accountable to
69.27 victims and the community in ways that seek to strengthen the juvenile's connection to the
69.28 community; and

69.29 (7) make recommendations for community and legislative action to address juvenile
69.30 justice in Minnesota.

69.31 (b) At its discretion, the task force may examine other related issues consistent with this
69.32 section.

70.1 Subd. 5. **Report.** By January 15, 2024, the task force shall submit a report to the chairs
70.2 and ranking minority members of the legislative committees and divisions with jurisdiction
70.3 over public safety finance and policy, judiciary finance and policy, human services finance
70.4 and policy, and education finance and policy.

70.5 Subd. 6. **Expiration.** The task force expires the day after submitting its final report under
70.6 subdivision 5.

70.7 Sec. 49. **EMERGENCY COMMUNITY SAFETY GRANTS.**

70.8 Subdivision 1. **Definition.** "Re-entry program" means county remote monitoring, county
70.9 dosage probation programs, county probation check-in stations, and any program primarily
70.10 aimed at supporting individuals with a criminal record, including but not limited to
70.11 employment programs, housing programs, and education programs.

70.12 Subd. 2. **Expedited disbursement; distribution.** (a) Application materials for grants
70.13 issued under this section must be prepared and made available to the public by July 15,
70.14 2022.

70.15 (b) Applications must be reviewed and considered by the commissioner as they are
70.16 received, and the commissioner shall approve applications when they are determined to
70.17 meet eligibility requirements and all applicable grant standards.

70.18 (c) Half of the total amount awarded must be provided to programs that do not involve
70.19 law enforcement agencies and are for the purposes identified in subdivision 3, paragraph
70.20 (c), clauses (1) to (8).

70.21 Subd. 3. **Eligible recipients.** (a) A county; city; town; local law enforcement agency,
70.22 including a law enforcement agency of a federally recognized Tribe, as defined in United
70.23 States Code, title 25, section 450b(e); or a federally recognized Indian Tribe may apply for
70.24 emergency community safety grants to support crime prevention programs.

70.25 (b) A county, city, town, or a federally recognized Indian Tribe may apply as part of a
70.26 multijurisdictional collaboration with other counties, cities, towns, or federally recognized
70.27 Indian Tribes.

70.28 (c) As used in this section, "crime prevention programs" includes but is not limited to:

70.29 (1) re-entry programs;

70.30 (2) victim services programs;

70.31 (3) homelessness assistance programs;

- 71.1 (4) mobile crisis teams and embedded social worker programs;
- 71.2 (5) restorative justice programs;
- 71.3 (6) co-responder programs;
- 71.4 (7) juvenile diversion programs;
- 71.5 (8) community violence interruption programs;
- 71.6 (9) increasing the recruitment of officers by utilizing advertisements, or bonuses or
 71.7 scholarships for peace officers who remain continuously employed as peace officers for at
 71.8 least 12 months and have not been subject to disciplinary action in the previous 12 months;
- 71.9 (10) increasing patrols outside of squad cars, on foot or in transportation options that
 71.10 provide more interaction between police and community members;
- 71.11 (11) increasing, establishing, maintaining, or expanding crisis response teams in which
 71.12 social workers or mental health providers are sent as first responders when calls for service
 71.13 indicate that an individual is having a mental health crisis;
- 71.14 (12) establishing, maintaining, or expanding co-responder teams;
- 71.15 (13) purchasing equipment to perform patrols outside of squad cars on foot or in
 71.16 transportation options that provide more interaction between police and community members;
- 71.17 (14) hiring additional non-law-enforcement personnel to conduct functions typically
 71.18 performed by law enforcement with the intent of freeing up additional law enforcement to
 71.19 perform patrols or respond to service calls;
- 71.20 (15) increasing recruitment of additional detectives, investigators, or other individuals
 71.21 with a comparable rank or designation to investigate homicides, nonfatal shootings, or motor
 71.22 vehicle theft, including hiring, on a temporary or permanent basis, retired officers utilizing
 71.23 advertisements, or bonuses or scholarships for peace officers who remain continuously
 71.24 employed as peace officers for at least 12 months and have not been subject to disciplinary
 71.25 action in the previous 12 months;
- 71.26 (16) increasing recruitment of additional peace officers to replace officers transferred
 71.27 or promoted to detective, investigator, or a comparable rank and assigned to investigate
 71.28 homicides, nonfatal shootings, or motor vehicle theft;
- 71.29 (17) ensuring retention of peace officers identified as a detective, investigator, or a
 71.30 comparable rank and assigned to investigate homicides and nonfatal shootings;
- 72.1 (18) acquiring, upgrading, or replacing investigative or evidence-processing technology
 72.2 or equipment;

- 72.3 (19) hiring additional evidence-processing personnel;
- 72.4 (20) ensuring that personnel responsible for evidence processing have sufficient resources
72.5 and training;
- 72.6 (21) hiring and training personnel to analyze violent crime, specifically with regards to
72.7 the use of intelligence information of criminal networks and the potential for retaliation
72.8 among gangs or groups, and the geographic trends among homicides, nonfatal shootings,
72.9 and carjackings;
- 72.10 (22) ensuring that victim services and personnel are sufficiently funded, staffed, and
72.11 trained;
- 72.12 (23) ensuring that victims and family members of homicides and nonfatal shootings
72.13 have access to resources, including:
- 72.14 (i) convenient mental health treatment and grief counseling;
- 72.15 (ii) funeral and burial expenses;
- 72.16 (iii) relocation expenses;
- 72.17 (iv) emergency shelter;
- 72.18 (v) emergency transportation; and
- 72.19 (vi) lost wage assistance;
- 72.20 (24) developing competitive and evidence-based programs to improve homicide and
72.21 nonfatal shooting clearance rates; or
- 72.22 (25) developing best practices for improving access to, and acceptance of, victim services,
72.23 including those that promote medical and psychological wellness, ongoing counseling, legal
72.24 advice, and financial compensation.
- 72.25 Subd. 4. **Application for grants.** (a) A crime prevention program may apply to the
72.26 commissioner of public safety for a grant for any of the purposes described in subdivision
72.27 3. The application must be on forms and pursuant to procedures developed by the
72.28 commissioner. The application must describe the type or types of intended emergency
72.29 assistance, estimate the amount of money required, and include any other information
72.30 deemed necessary by the commissioner.
- 73.1 (b) An applicant may not spend in any fiscal year more than ten percent of the grant
73.2 awarded for administrative costs.
- 73.3 (c) Grant recipients may use funds to partner with or support other programs.

73.4 Subd. 5. **Reporting by crime prevention programs required.** The recipient of a grant
 73.5 under this section shall file a report with the commissioner of public safety by December
 73.6 15 of each calendar year in which funds were received or used. Reports must itemize the
 73.7 expenditures made, indicate the purpose of those expenditures, and describe the ultimate
 73.8 disposition, if any, of each case. The report must be on forms and pursuant to procedures
 73.9 developed by the commissioner.

73.10 Sec. 50. **LOCAL CO-RESPONDER GRANTS.**

73.11 Subdivision 1. **Expedited disbursement; distribution.** (a) Application materials for
 73.12 grants issued under this section must be prepared and made available to the public by August
 73.13 15.

73.14 (b) The commissioner must prioritize awarding grants to applicants who are not eligible
 73.15 to apply for local community innovation grants, local community policing grants, or local
 73.16 investigation grants.

73.17 (c) Half of the total amount awarded must be provided to programs that do not involve
 73.18 law enforcement agencies and are for the purposes identified in subdivision 3, paragraph
 73.19 (c), clauses (1) to (8).

73.20 Subd. 2. **Eligible recipients.** (a) A county; city; town; local law enforcement agency,
 73.21 including a law enforcement agency of a federally recognized Tribe, as defined in United
 73.22 States Code, title 25, section 450b(e); or a federally recognized Indian Tribe may apply for
 73.23 local co-responder grants for the purposes identified in this subdivision.

73.24 (b) A county, city, town, or a federally recognized Indian Tribe may apply as part of a
 73.25 multijurisdictional collaboration with other counties, cities, towns, or federally recognized
 73.26 Indian Tribes.

73.27 (c) Qualifying programs must partner with local law enforcement organizations and
 73.28 must include:

73.29 (1) embedded social workers;

73.30 (2) mobile crisis teams; or

73.31 (3) violence interrupters who work with law enforcement agencies.

74.1 Subd. 3. **Application for grants.** (a) A co-responder program may apply to the
 74.2 commissioner of public safety for a grant for any of the purposes described in subdivision
 74.3 3. The application must be on forms and pursuant to procedures developed by the
 74.4 commissioner.

74.5 (b) An applicant may not spend in any fiscal year more than ten percent of the grant
74.6 awarded for administrative costs.

74.7 (c) Grant recipients may use funds to partner with or support other programs.

74.8 Subd. 4. **Reporting by co-responder programs required.** The recipient of a grant
74.9 under this section shall file a report with the commissioner of public safety by December
74.10 15 of each calendar year in which funds were received or used. Reports must itemize the
74.11 expenditures made, indicate the purpose of those expenditures, and describe the ultimate
74.12 disposition, if any, of each case. The report must be on forms and pursuant to procedures
74.13 developed by the commissioner.

74.14 Sec. 51. **LOCAL COMMUNITY INNOVATION GRANTS.**

74.15 Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the
74.16 meanings given.

74.17 (b) "Community violence interruption" means a program that works with other
74.18 organizations and persons in the community to develop community-based responses to
74.19 violence that use and adapt critical incident response methods, provide targeted interventions
74.20 to prevent the escalation of violence after the occurrence of serious incidents, and de-escalate
74.21 violence with the use of community-based interventions. The programs may work with
74.22 local prosecutorial offices to provide an alternative to adjudication through a restorative
74.23 justice model.

74.24 (c) "Co-responder teams" means a partnership between a group or organization that
74.25 provides mental health or crisis-intervention services and local units of government or Tribal
74.26 governments that:

74.27 (1) provides crisis-response teams to de-escalate volatile situations;

74.28 (2) responds to situations involving a mental health crisis;

74.29 (3) promotes community-based efforts designed to enhance community safety and
74.30 wellness; or

74.31 (4) supports community-based strategies to interrupt, intervene in, or respond to violence.

75.1 (d) "Qualified local government entity" means a city or town, or a federally recognized
75.2 Indian Tribe with a law enforcement agency that reports statistics on crime rates.

75.3 (e) "Re-entry program" means county remote monitoring, county dosage probation
75.4 programs, county probation check-in stations, and any program primarily aimed at supporting
75.5 individuals with a criminal record, including but not limited to employment programs,
75.6 housing programs, and education programs.

75.7 (f) "Restorative justice program" has the meaning given in Minnesota Statutes, section
75.8 611A.775, and includes Native American sentencing circles.

75.9 Subd. 2. **Expedited disbursement.** (a) Application materials for grants issued under
75.10 this section must be prepared and made available to the public by September 1.

75.11 (b) Applications must be received and reviewed, and successful applicants must be
75.12 notified of approval, within six months of an appropriation being made to fund the grants.

75.13 Subd. 3. **Final review panel.** (a) The Office of Justice Programs shall establish a final
75.14 review panel of office staff to make final decisions on grants awarded under this section.

75.15 (b) Staff serving on the final review panel must represent the office's responsibility for
75.16 community outreach, research and analysis, crime victim reparations, crime victim justice,
75.17 financial compliance, or grant management. At a minimum, the final review panel shall
75.18 include:

75.19 (1) three individuals with specialized knowledge of, or an advanced degree in,
75.20 criminology, sociology, urban studies, or social work;

75.21 (2) an individual with professional duties that include research and analysis; and

75.22 (3) an individual with professional duties that include grant compliance or grant
75.23 management.

75.24 (c) If the commissioner rejects or otherwise does not follow the final review panel's
75.25 decisions or recommendations regarding awarding or not awarding a grant, the commissioner
75.26 shall notify the chair and ranking minority members of the legislative committees with
75.27 jurisdiction over public safety within three business days and must identify the reasons for
75.28 the commissioner's decision.

75.29 Subd. 4. **Eligible applicants; identification and notice.** (a) The commissioner of public
75.30 safety shall publish the following lists by August 1 of each year to determine eligibility for
75.31 the formula grant:

76.1 (1) the qualified local government entities with at least three recorded violent crimes in
76.2 the previous fiscal year and the 20 highest per capita crime rates in the previous fiscal year
76.3 based on the Uniform Crime Reports or National Incident Based Reporting System;

76.4 (2) the counties with the 20 highest per capita crime rates in the previous fiscal year
76.5 based on the Uniform Crime Reports or National Incident Based Reporting System;

76.6 (3) the qualified local government entities that are not included in the list generated
76.7 pursuant to clause (1) and have experienced at least three recorded violent crimes in the
76.8 previous fiscal year and the 20 fastest increases in the per capita rate of crime in the previous

- 76.9 fiscal year based on the Uniform Crime Reports or National Incident Based Reporting
 76.10 System; and
- 76.11 (4) the counties that are not included in the list generated pursuant to clause (2) and have
 76.12 experienced the 20 fastest increases in the per capita rate of crime in the previous fiscal year
 76.13 based on the Uniform Crime Reports or National Incident Based Reporting System.
- 76.14 (b) A county or qualified local government entity identified in any list produced pursuant
 76.15 to paragraph (a), clauses (1) to (4), may apply for a grant under this section. A listed county
 76.16 or qualified local government entity that reports statistics on crime rates may apply as part
 76.17 of a multijurisdictional collaboration with counties or local government entities that are not
 76.18 listed provided the portion of programs or services provided through the grant funding that
 76.19 are performed in the listed county or qualified local government entity is at least equal to
 76.20 its proportion of the membership of the multijurisdictional collaboration.
- 76.21 (c) The commissioner of public safety shall post the lists described in paragraph (a),
 76.22 clauses (1) to (4), on a publicly facing website and shall work with the League of Minnesota
 76.23 Cities, Association of Minnesota Counties, the three ethnic councils established under
 76.24 Minnesota Statutes, section 15.0145, and the Indian Affairs Council established under
 76.25 Minnesota Statutes, section 3.922, to notify entities that are eligible to apply for grants under
 76.26 this section.
- 76.27 Subd. 5. **Grant distribution.** (a) Half of the total amount appropriated under this section
 76.28 must be awarded to counties or qualified local government entities identified in subdivision
 76.29 4, paragraph (a), clause (1) or (2).
- 76.30 (b) Half the total amount appropriated under this section must be awarded to counties
 76.31 or qualified local government entities identified in subdivision 4, paragraph (a), clause (3)
 76.32 or (4).
- 77.1 Subd. 6. **Application materials.** (a) Applicants must submit an application in the form
 77.2 and manner established by the commissioner of public safety.
- 77.3 (b) Applicants must describe the ways in which grant funds will be used to reduce crime
 77.4 in a specific subsection of the county or qualified local government entity through the
 77.5 creation or expansion of programs, including but not limited to the following:
- 77.6 (1) re-entry programs;
- 77.7 (2) victim services programs;
- 77.8 (3) homelessness assistance programs;
- 77.9 (4) mobile crisis teams and embedded social worker programs;

- 77.10 (5) restorative justice programs;
- 77.11 (6) co-responder programs;
- 77.12 (7) juvenile diversion programs;
- 77.13 (8) community violence interruption programs;
- 77.14 (9) blight elimination programs; or
- 77.15 (10) programs that provide technical assistance to service providers who are doing work
77.16 that would promote public safety.
- 77.17 Subd. 7. **Awards.** (a) Preference in awarding grants should be given to applicants whose
77.18 proposals are based on evidence-based practices, provide resources to geographic areas that
77.19 have been historically underinvested, and incorporate input from community stakeholders.
- 77.20 (b) Grant recipients may use funds to partner with or support other programs.
- 77.21 (c) Grant funds may not be used to fund the activities of law enforcement agencies or
77.22 offset the costs of counties or qualified local government entities.
- 77.23 (d) Any funds that are not encumbered or spent six years after being awarded must be
77.24 returned to the commissioner of public safety and awarded as part of a local community
77.25 innovation grant.
- 77.26 Subd. 8. **Evaluation.** Each grant recipient shall complete a standardized evaluation
77.27 established by the Minnesota Statistical Analysis Center every two years.
- 78.1 Sec. 52. **LOCAL COMMUNITY POLICING GRANTS.**
- 78.2 Subdivision 1. **Definition.** As used in this section, "qualified local government entity"
78.3 means a federally recognized Indian Tribe with a law enforcement agency that reports
78.4 statistics on crime rates, or a city or town that has a local law enforcement agency.
- 78.5 Subd. 2. **Expedited disbursement.** (a) Application materials for grants issued under
78.6 this section must be prepared and made available to the public by September 1.
- 78.7 (b) Applications must be received and reviewed, and successful applicants must be
78.8 notified of approval, within six months of an appropriation being made to fund the grants.
- 78.9 Subd. 3. **Final review panel.** (a) The Office of Justice Programs shall establish a final
78.10 review panel of office staff to make final decisions on grants awarded under this section.
- 78.11 (b) Staff serving on the final review panel must represent the office's responsibility for
78.12 community outreach, research and analysis, crime victim reparations, crime victim justice.

- 78.13 financial compliance, or grant management. At a minimum, the final review panel shall
 78.14 include:
- 78.15 (1) three individuals with specialized knowledge of, or an advanced degree in,
 78.16 criminology, sociology, urban studies, or social work;
- 78.17 (2) an individual with professional duties that include research and analysis; and
- 78.18 (3) an individual with professional duties that include grant compliance or grant
 78.19 management.
- 78.20 (c) If the commissioner rejects or otherwise does not follow the final review panel's
 78.21 decisions or recommendations regarding awarding or not awarding a grant, the commissioner
 78.22 shall notify the chair and ranking minority members of the legislative committees with
 78.23 jurisdiction over public safety within three business days and must identify the reasons for
 78.24 the commissioner's decision.
- 78.25 Subd. 4. **Eligible applicants; identification and notice.** (a) The commissioner of public
 78.26 safety shall publish the following lists by August 1 of each year:
- 78.27 (1) the qualified local government entities that have recorded at least three violent crimes
 78.28 in the previous fiscal year and have the 20 highest per capita crime rates in the previous
 78.29 fiscal year based on the Uniform Crime Reports or National Incident Based Reporting
 78.30 System;
- 78.31 (2) the counties with the 20 highest per capita crime rates in the previous fiscal year
 78.32 based on the Uniform Crime Reports or National Incident Based Reporting System;
- 79.1 (3) the qualified local government entities that are not included in the list generated
 79.2 pursuant to clause (1), have recorded at least three violent crimes in the previous fiscal year,
 79.3 and have experienced the 20 fastest increases in the per capita rate of crime in the previous
 79.4 fiscal year based on the Uniform Crime Reports or National Incident Based Reporting
 79.5 System; and
- 79.6 (4) the counties that are not included in the list generated pursuant to clause (2) and have
 79.7 experienced the 20 fastest increases in the per capita rate of crime in the previous fiscal year
 79.8 based on the Uniform Crime Reports or National Incident Based Reporting System.
- 79.9 (b) A county or qualified local government entity identified in any list produced pursuant
 79.10 to paragraph (a), clauses (1) to (4), may apply for a grant under this section. A listed county
 79.11 or qualified local government entity may apply as part of a multijurisdictional collaboration
 79.12 with counties and local government entities that are not listed provided the portion of
 79.13 programs or services provided through the grant funding that are performed in the listed
 79.14 county or qualified local government entity is at least equal to its proportion of the
 79.15 membership of the multijurisdictional collaboration.

79.16 (c) The commissioner of public safety shall post the lists described in paragraph (a),
 79.17 clauses (1) to (4), on a publicly facing website and shall work with the League of Minnesota
 79.18 Cities, Association of Minnesota Counties, the three ethnic councils established under
 79.19 Minnesota Statutes, section 15.0145, and the Indian Affairs Council established under
 79.20 Minnesota Statutes, section 3.922, to notify entities that are eligible to apply for grants under
 79.21 this section.

79.22 Subd. 5. **Grant distribution.** (a) Half of the total amount appropriated under this section
 79.23 must be awarded to counties or qualified local government entities identified in subdivision
 79.24 4, paragraph (a), clause (1) or (2).

79.25 (b) Half the total amount appropriated under this section must be awarded to counties
 79.26 or qualified local government entities identified in subdivision 4, paragraph (a), clause (3)
 79.27 or (4).

79.28 Subd. 6. **Application materials.** (a) Applicants must submit an application in the form
 79.29 and manner established by the commissioner.

79.30 (b) Applicants must describe the ways in which grant funds will be used to reduce crime
 79.31 by increasing the capacity, efficiency, and effectiveness of law enforcement community
 79.32 policing efforts through approaches, including but not limited to the following:

80.1 (1) increasing the recruitment of officers by utilizing advertisements, or bonuses or
 80.2 scholarships for peace officers who remain continuously employed as a peace officer for
 80.3 at least 12 months and have not been subject to disciplinary action in the previous 12 months;

80.4 (2) increasing patrols outside of squad cars on foot or in transportation options that
 80.5 provide more interaction between police and community members;

80.6 (3) increasing, establishing, maintaining, or expanding crisis response teams in which
 80.7 social workers or mental health providers are sent as first responders when calls for service
 80.8 indicate that an individual is having a mental health crisis;

80.9 (4) establishing, maintaining, or expanding co-responder teams;

80.10 (5) purchasing equipment to perform patrols outside of squad cars on foot or in
 80.11 transportation options that provide more interaction between police and community members;
 80.12 or

80.13 (6) hiring additional non-law-enforcement personnel to conduct functions typically
 80.14 performed by law enforcement with the intent of freeing up additional law enforcement to
 80.15 perform patrols or respond to service calls.

80.16 Subd. 7. **Awards.** (a) Preference in awarding grants should be given to applicants whose
 80.17 proposals;

- 80.18 (1) involve community policing strategies;
- 80.19 (2) include collaboration with non-law-enforcement entities such as community-based
80.20 violence prevention programs, social worker programs, or mental health specialists;
- 80.21 (3) are based on academic studies or based on evidence-based policing research or
80.22 findings; or
- 80.23 (4) involve increased law enforcement accountability or transparency.
- 80.24 (b) Grant recipients may use funds to partner with or support other programs.
- 80.25 (c) Grant funds may not be used to offset the costs of law enforcement agencies, counties,
80.26 or qualified local government entities.
- 80.27 (d) Any funds that are not encumbered or spent six years after being awarded must be
80.28 returned to the commissioner of public safety and awarded as part of a local community
80.29 innovation grant.
- 80.30 Subd. 8. **Evaluation.** Each grant recipient shall complete a standardized evaluation
80.31 established by the Minnesota Statistical Analysis Center every two years.
- 81.1 Sec. 53. **LOCAL INVESTIGATION GRANTS.**
- 81.2 Subdivision 1. **Definition.** As used in this section, "qualified local government entity"
81.3 means a federally recognized Indian Tribe with a law enforcement agency that reports
81.4 statistics on crime rates, or a city or town that has a local law enforcement agency.
- 81.5 Subd. 2. **Expedited disbursement.** (a) Application materials for grants issued under
81.6 this section must be prepared and made available to the public by September 1.
- 81.7 (b) Applications must be received and reviewed, and successful applicants must be
81.8 notified of approval, within six months of an appropriation being made to fund the grants.
- 81.9 Subd. 3. **Final review panel.** (a) The Office of Justice Programs shall establish a final
81.10 review panel of office staff to make final decisions on grants awarded under this section.
- 81.11 (b) Staff serving on the final review panel must represent the office's responsibility for
81.12 community outreach, research and analysis, crime victim reparations, crime victim justice,
81.13 financial compliance, or grant management. At a minimum, the final review panel shall
81.14 include:
- 81.15 (1) three individuals with specialized knowledge of, or an advanced degree in,
81.16 criminology, sociology, urban studies, or social work;
- 81.17 (2) an individual with professional duties that include research and analysis; and

- 81.18 (3) an individual with professional duties that include grant compliance or grant
81.19 management.
- 81.20 (c) If the commissioner rejects or otherwise does not follow the final review panel's
81.21 decisions or recommendations regarding awarding or not awarding a grant, the commissioner
81.22 shall notify the chair and ranking minority members of the legislative committees with
81.23 jurisdiction over public safety within three business days and must identify the reasons for
81.24 the commissioner's decision.
- 81.25 Subd. 4. **Eligible applicants; identification and notice.** (a) The commissioner of public
81.26 safety shall publish the following lists by August 1 of each year:
- 81.27 (1) the qualified local government entities that have recorded at least three violent crimes
81.28 in the previous fiscal year and have the 20 highest per capita crime rates in the previous
81.29 fiscal year based on the Uniform Crime Reports or National Incident Based Reporting
81.30 System;
- 81.31 (2) the counties with the 20 highest per capita crime rates in the previous fiscal year
81.32 based on the Uniform Crime Reports or National Incident Based Reporting System;
- 82.1 (3) the qualified local government entities that are not included in the list generated
82.2 pursuant to clause (1), have recorded at least three violent crimes in the previous fiscal year,
82.3 and have experienced the 20 fastest increases in the per capita rate of crime in the previous
82.4 fiscal year based on the Uniform Crime Reports or National Incident Based Reporting
82.5 System; and
- 82.6 (4) the counties that are not included in the list generated pursuant to clause (2) and have
82.7 experienced the 20 fastest increases in the per capita rate of crime in the previous fiscal year
82.8 based on the Uniform Crime Reports or National Incident Based Reporting System.
- 82.9 (b) A county or qualified local government entity identified in any list produced pursuant
82.10 to paragraph (a), clauses (1) to (4), may apply for a grant under this section. A listed county
82.11 or qualified local government entity may apply as part of a multijurisdictional collaboration
82.12 with counties and local government entities that are not listed provided the portion of
82.13 programs or services provided through the grant funding that are performed in the listed
82.14 county or qualified local government entity is at least equal to its proportion of the
82.15 membership of the multijurisdictional collaboration.
- 82.16 (c) The commissioner of public safety shall post the lists described in paragraph (a),
82.17 clauses (1) to (4), on a publicly facing website and shall work with the League of Minnesota
82.18 Cities, Association of Minnesota Counties, the three ethnic councils established under
82.19 Minnesota Statutes, section 15.0145, and the Indian Affairs Council established under
82.20 Minnesota Statutes, section 3.922, to notify entities that are eligible to apply for grants under
82.21 this section.

- 82.22 Subd. 5. **Grant distribution.** (a) Half of the total amount appropriated under this section
 82.23 must be awarded to counties or qualified local government entities identified in subdivision
 82.24 4, paragraph (a), clause (1) or (2).
- 82.25 (b) Half the total amount appropriated under this section must be awarded to counties
 82.26 or qualified local government entities identified in subdivision 4, paragraph (a), clause (3)
 82.27 or (4).
- 82.28 Subd. 6. **Application materials.** (a) Applicants must submit an application in the form
 82.29 and manner established by the commissioner of public safety.
- 82.30 (b) Applicants must describe the ways in which grant funds will be used to reduce crime
 82.31 by increasing the capacity, efficiency, and effectiveness of law enforcement investigations
 82.32 through approaches, including but not limited to the following:
- 83.1 (1) increasing recruitment of additional detectives, investigators, or other individuals
 83.2 with a comparable rank or designation to investigate homicides, nonfatal shootings, or motor
 83.3 vehicle theft, including hiring, on a temporary or permanent basis, retired officers by utilizing
 83.4 advertisements, or bonuses or scholarships for peace officers who remain continuously
 83.5 employed as a peace officer for at least 12 months and have not been subject to disciplinary
 83.6 action in the previous 12 months;
- 83.7 (2) increasing recruitment of additional peace officers to replace officers transferred or
 83.8 promoted to detective, investigator, or a comparable rank and assigned to investigate
 83.9 homicides, nonfatal shootings, or motor vehicle theft;
- 83.10 (3) ensuring retention of peace officers identified as a detective, investigator, or a
 83.11 comparable rank and assigned to investigate homicides and nonfatal shootings;
- 83.12 (4) acquiring, upgrading, or replacing investigative or evidence-processing technology
 83.13 or equipment;
- 83.14 (5) hiring additional evidence-processing personnel;
- 83.15 (6) ensuring that personnel responsible for evidence processing have sufficient resources
 83.16 and training;
- 83.17 (7) hiring and training personnel to analyze violent crime, specifically with regards to
 83.18 the use of intelligence information of criminal networks and the potential for retaliation
 83.19 among gangs or groups, and the geographic trends among homicides, nonfatal shootings,
 83.20 and carjackings;
- 83.21 (8) ensuring that victim services and personnel are sufficiently funded, staffed, and
 83.22 trained;

- 83.23 (9) ensuring that victims and family members of homicides and nonfatal shootings have
 83.24 access to resources, including:
- 83.25 (i) convenient mental health treatment and grief counseling;
- 83.26 (ii) assistance for funeral and burial expenses;
- 83.27 (iii) assistance for relocation expenses;
- 83.28 (iv) emergency shelter;
- 83.29 (v) emergency transportation; and
- 83.30 (vi) lost wage assistance;
- 84.1 (10) developing competitive and evidence-based programs to improve homicide and
 84.2 nonfatal shooting clearance rates; or
- 84.3 (11) developing best practices for improving access to, and acceptance of, victim services,
 84.4 including those that promote medical and psychological wellness, ongoing counseling, legal
 84.5 advice, and financial compensation.
- 84.6 Subd. 7. **Awards.** (a) Grant recipients may use funds to partner with or support other
 84.7 programs.
- 84.8 (b) Grant funds may not be used to fund undercover peace officer work or offset the
 84.9 costs of law enforcement agencies, counties, or qualified local government entities.
- 84.10 (c) Any funds that are not encumbered or spent six years after being awarded must be
 84.11 returned to the commissioner of public safety and awarded as part of a local community
 84.12 innovation grant.
- 84.13 Subd. 8. **Evaluation.** Each grant recipient shall complete a standardized evaluation
 84.14 established by the Minnesota Statistical Analysis Center every two years.
- 84.15 Sec. 54. **REPEALER.**
- 84.16 Minnesota Statutes 2020, sections 299A.49, subdivision 7; 403.02, subdivision 17c;
 84.17 609.281, subdivision 2; 609.293, subdivisions 1 and 5; 609.34; and 609.36, are repealed.
- 84.18 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
 84.19 committed on or after that date.

84.20

ARTICLE 3

84.21

LAW ENFORCEMENT POLICY84.22 Section 1. Minnesota Statutes 2020, section 214.10, subdivision 10, is amended to read:

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Subd. 10. **Board of Peace Officers Standards and Training; receipt of complaint.** Notwithstanding the provisions of subdivision 1 to the contrary, when the executive director or any member of the Board of Peace Officer Standards and Training produces or receives a written statement or complaint that alleges a violation of a statute or rule that the board is empowered to enforce, the executive director shall designate the appropriate law enforcement agency to investigate the complaint and shall may order it to conduct an inquiry into the complaint's allegations. The investigating agency must complete the inquiry and submit a written summary of it to the executive director within 30 days of the order for inquiry.

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Sec. 2. Minnesota Statutes 2020, section 541.073, subdivision 2, is amended to read:

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Subd. 2. **Limitations period.** (a) Except as provided in paragraph (b), an action for damages based on sexual abuse: (1) must be commenced within six years of the alleged sexual abuse in the case of alleged sexual abuse of an individual 18 years or older; (2) may be commenced at any time in the case of alleged sexual abuse of an individual under the age of 18, except as provided for in subdivision 4; and (3) must be commenced before the plaintiff is 24 years of age in a claim against a natural person alleged to have sexually abused a minor when that natural person was under 14 years of age.

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(b) An action for damages based on sexual abuse may be commenced at any time in the case of alleged sexual abuse by a peace officer, as defined in section 626.84, subdivision 1, paragraph (c).

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~~(b)~~ (c) The plaintiff need not establish which act in a continuous series of sexual abuse acts by the defendant caused the injury.

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~~(c)~~ (d) This section does not affect the suspension of the statute of limitations during a period of disability under section 541.15.

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EFFECTIVE DATE. (a) This section is effective the day following final enactment. Except as provided in paragraph (b), this section applies to actions that were not time-barred before the effective date.

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(b) Notwithstanding any other provision of law, in the case of alleged sexual abuse of an individual by a peace officer, as defined in Minnesota Statutes, section 626.84, subdivision 1, paragraph (c), if the action would otherwise be time-barred under a previous version of Minnesota Statutes, section 541.073, or other time limit, an action for damages against a

85.23 peace officer may be commenced no later than five years following the effective date of
85.24 this section.

85.25 Sec. 3. Minnesota Statutes 2020, section 573.02, subdivision 1, is amended to read:

85.26 Subdivision 1. **Death action.** (a) When death is caused by the wrongful act or omission
85.27 of any person or corporation, the trustee appointed as provided in subdivision 3 may maintain
85.28 an action therefor if the decedent might have maintained an action, had the decedent lived,
85.29 for an injury caused by the wrongful act or omission. An action to recover damages for a
85.30 death caused by the alleged professional negligence of a physician, surgeon, dentist, hospital
85.31 or sanitarium, or an employee of a physician, surgeon, dentist, hospital or sanitarium shall
85.32 be commenced within three years of the date of death, but in no event shall be commenced
85.33 beyond the time set forth in section 541.076. An action to recover damages for a death
86.1 caused by an intentional act constituting murder may be commenced at any time after the
86.2 death of the decedent. An action to recover damages for a death caused by a peace officer,
86.3 as defined in section 626.84, subdivision 1, paragraph (c), must be commenced within six
86.4 years after the Bureau of Criminal Apprehension or affected agency receives notice of
86.5 declination of charges or at the completion of criminal proceedings. Any other action under
86.6 this section may be commenced within three years after the date of death provided that the
86.7 action must be commenced within six years after the act or omission. The recovery in the
86.8 action is the amount the jury deems fair and just in reference to the pecuniary loss resulting
86.9 from the death, and shall be for the exclusive benefit of the surviving spouse and next of
86.10 kin, proportionate to the pecuniary loss severally suffered by the death. The court then
86.11 determines the proportionate pecuniary loss of the persons entitled to the recovery and
86.12 orders distribution accordingly. Funeral expenses and any demand for the support of the
86.13 decedent allowed by the court having jurisdiction of the action, are first deducted and paid.
86.14 Punitive damages may be awarded as provided in section 549.20.

86.15 (b) If an action for the injury was commenced by the decedent and not finally determined
86.16 while living, it may be continued by the trustee for recovery of damages for the exclusive
86.17 benefit of the surviving spouse and next of kin, proportionate to the pecuniary loss severally
86.18 suffered by the death. The court on motion shall make an order allowing the continuance
86.19 and directing pleadings to be made and issues framed as in actions begun under this section.

86.20 **EFFECTIVE DATE.** (a) This section is effective the day following final enactment.
86.21 Except as provided in paragraph (b), this section applies to actions that were not time-barred
86.22 before the effective date.

86.23 (b) Notwithstanding any other provision of law, in the case of a death caused by a peace
86.24 officer, as defined in Minnesota Statutes, section 626.84, subdivision 1, paragraph (c), if
86.25 the action would otherwise be time-barred under a previous version of Minnesota Statutes,
86.26 section 573.02, or other time limit, an action for damages against a peace officer may be
86.27 commenced no later than five years following the effective date of this section.

86.28 Sec. 4. Minnesota Statutes 2020, section 626.76, is amended by adding a subdivision to
 86.29 read:

86.30 Subd. 2a. **Compliance review officers.** (a) Except as provided for in paragraph (c),
 86.31 when a major public safety event requires a joint operation involving three or more law
 86.32 enforcement agencies, including at least one state law enforcement agency, at least one
 86.33 representative from each state law enforcement agency's internal affairs unit must be
 86.34 temporarily reassigned as a compliance review officer. Compliance review officers assigned
 87.1 to a major public safety event must be present on the scene and perform the following
 87.2 functions:

87.3 (1) inspect and inform senior officers of any policy, regulatory, or state law violations
 87.4 by state law enforcement;

87.5 (2) proactively speak with media and the public to gather information on law
 87.6 enforcement's response to determine compliance with policy, regulation, and state law when
 87.7 it does not obstruct police operation or place officers in jeopardy; and

87.8 (3) note and report any policy, regulation, or state law violations by state law enforcement
 87.9 to the proper authority.

87.10 (b) A compliance review officer assigned to perform the duties under paragraph (a) shall
 87.11 not participate in subsequent investigations related to that major public safety event except
 87.12 for as a witness.

87.13 (c) The requirement to have compliance review officers on scene under paragraph (a)
 87.14 does not apply if the presence of compliance review officers would obstruct law enforcement
 87.15 operations or place compliance review officers or peace officers in danger.

87.16 (d) For purposes of this section, "major public safety event" means:

87.17 (1) an event where more than 50 peace officers are needed to respond;

87.18 (2) an event that is expected to, or has, a crowd in excess of 200 persons; or

87.19 (3) an event that is expected to, or has, a crowd in excess of 50 persons and a local or
 87.20 statewide state of emergency is declared.

87.21 Sec. 5. Minnesota Statutes 2020, section 626.843, is amended by adding a subdivision to
 87.22 read:

87.23 Subd. 1c. **Physical strength and agility examinations.** (a) Beginning on December 1,
 87.24 2022, physical strength and agility screening examinations required by law enforcement
 87.25 agencies for applicants must be scientifically content-validated and job-related. This

87.26 requirement does not apply to tests of an applicant's cardiovascular health or general physical
 87.27 fitness to serve as a peace officer.

87.28 (b) The board must enact rules establishing standards for physical strength and agility
 87.29 examinations required by law enforcement agencies that comply with the requirements set
 87.30 forth in this subdivision.

88.1 Sec. 6. Minnesota Statutes 2020, section 626.843, is amended by adding a subdivision to
 88.2 read:

88.3 Subd. 1d. **Rules governing certain misconduct.** No later than January 1, 2024, the
 88.4 board must adopt rules under chapter 14 that permit the board to take disciplinary action
 88.5 on a licensee for a violation of a standard of conduct in Minnesota Rules, chapter 6700,
 88.6 whether or not criminal charges have been filed and in accordance with the evidentiary
 88.7 standards and civil processes for boards under chapter 214.

88.8 Sec. 7. Minnesota Statutes 2020, section 626.8473, subdivision 3, is amended to read:

88.9 Subd. 3. **Written policies and procedures required.** (a) The chief officer of every state
 88.10 and local law enforcement agency that uses or proposes to use a portable recording system
 88.11 must establish and enforce a written policy governing its use. In developing and adopting
 88.12 the policy, the law enforcement agency must provide for public comment and input as
 88.13 provided in subdivision 2. Use of a portable recording system without adoption of a written
 88.14 policy meeting the requirements of this section is prohibited. The written policy must be
 88.15 posted on the agency's website, if the agency has a website.

88.16 (b) At a minimum, the written policy must incorporate and require compliance with the
 88.17 following:

88.18 (1) the requirements of section 13.825 and other data classifications, access procedures,
 88.19 retention policies, and data security safeguards that, at a minimum, meet the requirements
 88.20 of chapter 13 and other applicable law. The policy must prohibit altering, erasing, or
 88.21 destroying any recording made with a peace officer's portable recording system or data and
 88.22 metadata related to the recording prior to the expiration of the applicable retention period
 88.23 under section 13.825, subdivision 3, except that the full, unedited, and unredacted recording
 88.24 of a peace officer using deadly force must be maintained indefinitely;

88.25 (2) mandate that a portable recording system be:

88.26 (i) worn where it affords an unobstructed view, and above the mid-line of the waist;

88.27 (ii) activated during all contacts with citizens in the performance of official duties other
 88.28 than community engagement, to the extent practical without compromising officer safety;
 88.29 and

88.30 (iii) activated when the officer arrives on scene of an incident and remain active until
88.31 the conclusion of the officer's duties at the scene of the incident;

89.1 (3) mandate that officers assigned a portable recording system wear and operate the
89.2 system in compliance with the agency's policy adopted under this section while performing
89.3 law enforcement activities under the command and control of another chief law enforcement
89.4 officer or federal law enforcement official;

89.5 (4) mandate that, notwithstanding any law to the contrary, a deceased individual's next
89.6 of kin, legal representative of the next of kin, or other parent of the deceased individual's
89.7 children be entitled to view any and all recordings from a peace officer's portable recording
89.8 system, redacted no more than what is required by law, of an officer's use of deadly force
89.9 no later than five business days following an incident where deadly force used by a peace
89.10 officer results in the death of an individual, except that a chief law enforcement officer may
89.11 deny a request if the investigating agency requests and can articulate a compelling reason
89.12 as to why allowing the deceased individual's next of kin, legal representative of the next of
89.13 kin, or other parent of the deceased individual's children to review the recordings would
89.14 interfere with a thorough investigation. If the chief law enforcement officer denies a request
89.15 under this paragraph, the involved officer's agency must issue a prompt, written denial and
89.16 provide notice to the deceased individual's next of kin, legal representative of the next of
89.17 kin, or other parent of the deceased individual's children that relief may be sought from the
89.18 district court;

89.19 (5) mandate that, notwithstanding any law to the contrary, an involved officer's agency
89.20 shall release all body-worn camera recordings of an incident where a peace officer used
89.21 deadly force and an individual dies to the public no later than 14 business days after the
89.22 incident, except that a chief law enforcement officer shall not release the video if the
89.23 investigating agency asserts in writing that allowing the public to view the recordings would
89.24 interfere with the ongoing investigation;

89.25 (6) procedures for testing the portable recording system to ensure adequate functioning;

89.26 ~~(3)~~ (7) procedures to address a system malfunction or failure, including requirements
89.27 for documentation by the officer using the system at the time of a malfunction or failure;

89.28 ~~(4)~~ (8) circumstances under which recording is mandatory, prohibited, or at the discretion
89.29 of the officer using the system;

89.30 ~~(5)~~ (9) circumstances under which a data subject must be given notice of a recording;

89.31 ~~(6)~~ (10) circumstances under which a recording may be ended while an investigation,
89.32 response, or incident is ongoing;

90.1 (7) (11) procedures for the secure storage of portable recording system data and the
90.2 creation of backup copies of the data; and

90.3 ~~(8)~~ (12) procedures to ensure compliance and address violations of the policy, which
 90.4 must include, at a minimum, supervisory or internal audits and reviews, and the employee
 90.5 discipline standards for unauthorized access to data contained in section 13.09.

90.6 (c) The board has authority to inspect state and local law enforcement agency policies
 90.7 to ensure compliance with this section. The board may conduct this inspection based upon
 90.8 a complaint it receives about a particular agency or through a random selection process.
 90.9 The board may impose licensing sanctions and seek injunctive relief under section 214.11
 90.10 for an agency's or licensee's failure to comply with this section.

90.11 Sec. 8. Minnesota Statutes 2020, section 626.89, subdivision 17, is amended to read:

90.12 Subd. 17. **Civilian review.** (a) As used in this subdivision, the following terms have the
 90.13 meanings given:

90.14 (1) "civilian oversight council" means a civilian review board, commission, or other
 90.15 oversight body established by a local unit of government to provide civilian oversight of a
 90.16 law enforcement agency and officers employed by the agency; and

90.17 (2) "misconduct" means a violation of law, standards promulgated by the Peace Officer
 90.18 Standards and Training Board, or agency policy.

90.19 (b) A local unit of government may establish a civilian review board, commission, or
 90.20 other oversight body shall not have council and grant the council the authority to make a
 90.21 finding of fact or determination regarding a complaint against an officer or impose discipline
 90.22 on an officer. A civilian review board, commission, or other oversight body may make a
 90.23 recommendation regarding the merits of a complaint, however, the recommendation shall
 90.24 be advisory only and shall not be binding on nor limit the authority of the chief law
 90.25 enforcement officer of any unit of government.

90.26 (c) At the conclusion of any criminal investigation or prosecution, if any, a civilian
 90.27 oversight council may conduct an investigation into allegations of peace officer misconduct
 90.28 and retain an investigator to facilitate an investigation. Subject to other applicable law, a
 90.29 council may subpoena or compel testimony and documents in an investigation. Upon
 90.30 completion of an investigation, a council may make a finding of misconduct and recommend
 90.31 appropriate discipline against peace officers employed by the agency. If the governing body
 90.32 grants a council the authority, the council may impose discipline on peace officers employed
 90.33 by the agency. A council may submit investigation reports that contain findings of peace
 91.1 officer misconduct to the chief law enforcement officer and the Peace Officer Standards
 91.2 and Training Board's complaint committee. A council may also make policy
 91.3 recommendations to the chief law enforcement officer and the Peace Officer Standards and
 91.4 Training Board.

91.5 (d) The chief law enforcement officer of a law enforcement agency under the jurisdiction
 91.6 of a civilian oversight council shall cooperate with the council and facilitate the council's

91.7 achievement of its goals. However, the officer is under no obligation to agree with individual
 91.8 recommendations of the council and may oppose a recommendation. If the officer fails to
 91.9 implement a recommendation that is within the officer's authority, the officer shall inform
 91.10 the council of the failure along with the officer's underlying reasons.

91.11 (e) Peace officer discipline decisions imposed pursuant to the authority granted under
 91.12 this subdivision shall be subject to the applicable grievance procedure established or agreed
 91.13 to under chapter 179A.

91.14 (f) Data collected, created, received, maintained, or disseminated by a civilian oversight
 91.15 council related to an investigation of a peace officer are personnel data as defined under
 91.16 section 13.43, subdivision 1, and are governed by that section.

91.17 Sec. 9. Minnesota Statutes 2020, section 626.93, is amended by adding a subdivision to
 91.18 read:

91.19 Subd. 8. **Exception; Leech Lake Band of Ojibwe.** Notwithstanding any contrary
 91.20 provision in subdivision 3 or 4, the Leech Lake Band of Ojibwe has concurrent jurisdictional
 91.21 authority under this section with the local county sheriff within the geographical boundaries
 91.22 of the band's reservation to enforce state criminal law if the requirements of subdivision 2
 91.23 are met, regardless of whether a cooperative agreement pursuant to subdivision 4 is entered
 91.24 into.

91.25 Sec. 10. Laws 2021, First Special Session chapter 11, article 1, section 15, subdivision 3,
 91.26 is amended to read:

91.27 **Subd. 3. Peace Officer Training Assistance**

91.28 **Philando Castile Memorial Training Fund**
 91.29 \$6,000,000 each year is to support and
 91.30 strengthen law enforcement training and
 91.31 implement best practices. This funding shall
 91.32 be named the "Philando Castile Memorial
 92.1 Training Fund." These funds may only be used
 92.2 to reimburse costs related to training courses
 92.3 that qualify for reimbursement under
 92.4 Minnesota Statutes, sections 626.8469
 92.5 (training in crisis response, conflict
 92.6 management, and cultural diversity) and
 92.7 626.8474 (autism training).

92.8 Each sponsor of a training course is required
 92.9 to include the following in the sponsor's
 92.10 application for approval submitted to the
 92.11 board: course goals and objectives; a course

- 92.12 outline including at a minimum a timeline and
 92.13 teaching hours for all courses; instructor
 92.14 qualifications, including skills and concepts
 92.15 such as crisis intervention, de-escalation, and
 92.16 cultural competency that are relevant to the
 92.17 course provided; and a plan for learning
 92.18 assessments of the course and documenting
 92.19 the assessments to the board during review.
 92.20 Upon completion of each course, instructors
 92.21 must submit student evaluations of the
 92.22 instructor's teaching to the sponsor.
- 92.23 The board shall keep records of the
 92.24 applications of all approved and denied
 92.25 courses. All continuing education courses shall
 92.26 be reviewed after the first year. The board
 92.27 must set a timetable for recurring review after
 92.28 the first year. For each review, the sponsor
 92.29 must submit its learning assessments to the
 92.30 board to show that the course is teaching the
 92.31 learning outcomes that were approved by the
 92.32 board.
- 92.33 A list of licensees who successfully complete
 92.34 the course shall be maintained by the sponsor
 92.35 and transmitted to the board following the
 93.1 presentation of the course and the completed
 93.2 student evaluations of the instructors.
 93.3 Evaluations are available to chief law
 93.4 enforcement officers. The board shall establish
 93.5 a data retention schedule for the information
 93.6 collected in this section.
- 93.7 Each year, if funds are available after
 93.8 reimbursing all eligible requests for courses
 93.9 approved by the board under this subdivision,
 93.10 the board may use the funds to reimburse law
 93.11 enforcement agencies for other
 93.12 board-approved law enforcement training
 93.13 courses. The base for this activity is \$0 in
 93.14 fiscal year 2026 and thereafter.

93.15 Sec. 11. **TASK FORCE ON ALTERNATIVE COURSES TO PEACE OFFICER**
 93.16 **LICENSURE.**

93.17 Subdivision 1. **Establishment.** The Task Force on Alternative Courses to Peace Officer
 93.18 Licensure is established to increase recruitment of new peace officers, increase the diversity
 93.19 of the racial makeup and professional background of licensed peace officers, promote
 93.20 education and training in community policing models, maintain the high standards of
 93.21 education and training required for licensure, and make policy and funding recommendations
 93.22 to the legislature.

93.23 Subd. 2. **Membership.** (a) The task force consists of the following members:

93.24 (1) the chair of the Peace Officer Standards and Training Board, or a designee;

93.25 (2) a member of the Peace Officer Standards and Training Board representing the general
 93.26 public appointed by the chair of the Peace Officer Standards and Training Board;

93.27 (3) the chief of the State Patrol, or a designee;

93.28 (4) the superintendent of the Bureau of Criminal Apprehension, or a designee;

93.29 (5) the attorney general, or a designee;

93.30 (6) the president of the Minnesota Chiefs of Police Association, or a designee;

93.31 (7) the president of the Minnesota Sheriffs' Association, or a designee;

94.1 (8) a peace officer who is employed by a law enforcement agency of a federally
 94.2 recognized Tribe, as defined in United States Code, title 25, section 450b(e), appointed by
 94.3 the Indian Affairs Council;

94.4 (9) the executive director of the Minnesota Police and Peace Officers Association, or a
 94.5 designee;

94.6 (10) a peace officer appointed by the executive director of the Minnesota Police and
 94.7 Peace Officers Association;

94.8 (11) a member of a civilian review board appointed by the governor;

94.9 (12) an attorney who provides legal advice to victims of police brutality or who advocates
 94.10 for civil liberties appointed by the governor;

94.11 (13) a representative from an organization that provides direct services to families or
 94.12 communities impacted by police violence appointed by the governor; and

- 94.13 (14) two representatives from postsecondary schools certified to provide programs of
 94.14 professional peace officer education appointed by the governor.
- 94.15 (b) Appointments must be made no later than August 30, 2022.
- 94.16 (c) Members shall serve without compensation.
- 94.17 (d) Members of the task force serve at the pleasure of the appointing authority or until
 94.18 the task force expires. Vacancies shall be filled by the appointing authority consistent with
 94.19 the qualifications of the vacating member required by this subdivision.
- 94.20 Subd. 3. **Officers; meetings.** (a) The task force shall elect a chair and vice-chair from
 94.21 among its members. The task force may elect other officers as necessary.
- 94.22 (b) The chair of the Peace Officer Standards and Training Board shall convene the first
 94.23 meeting of the task force no later than September 15, 2022, and shall provide meeting space
 94.24 and administrative assistance as necessary for the task force to conduct its work.
- 94.25 (c) The task force shall meet at least monthly or upon the call of the chair. The task force
 94.26 shall meet sufficiently enough to accomplish the tasks identified in this section. Meetings
 94.27 of the task force are subject to Minnesota Statutes, chapter 13D.
- 94.28 Subd. 4. **Duties.** (a) The task force shall, at a minimum:
- 94.29 (1) identify barriers to recruiting peace officers;
- 94.30 (2) develop strategies for recruiting new peace officers;
- 95.1 (3) develop policies and procedures to increase the diversity of the racial makeup and
 95.2 professional background of licensed peace officers;
- 95.3 (4) identify or develop curriculum that utilizes community policing models;
- 95.4 (5) provide recommendations on how to create and support an expedited pathway for
 95.5 individuals to become peace officers; and
- 95.6 (6) assure that any alternative courses to licensure maintain the high standards of
 95.7 education and training required for licensure as a peace officer in Minnesota.
- 95.8 (b) At its discretion, the task force may examine, as necessary, other related issues
 95.9 consistent with this section.
- 95.10 Subd. 5. **Report.** By January 15, 2024, the task force must submit a report on its findings
 95.11 and recommendations to the chairs and ranking minority members of the legislative
 95.12 committees and divisions with jurisdiction over public safety finance and policy and the
 95.13 Minnesota Sentencing Guidelines Commission.

95.14 Subd. 6. **Expiration.** The task force expires the day after submitting its report under
 95.15 subdivision 5.

95.16 Sec. 12. **TITLE.**

95.17 Sections 2 and 3 may be known as "Justin Teigen's Law."

95.18 **ARTICLE 4**

95.19 **CONTROLLED SUBSTANCE POLICY**

95.20 Section 1. Minnesota Statutes 2020, section 152.01, subdivision 9a, is amended to read:

95.21 Subd. 9a. **Mixture.** "Mixture" means a preparation, compound, mixture, or substance
 95.22 containing a controlled substance, regardless of purity except as provided in subdivision
 95.23 46; sections 152.021, subdivision 2, paragraph (b); 152.022, subdivision 2, paragraph (b);
 95.24 and 152.023, subdivision 2, paragraph (b).

95.25 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
 95.26 committed on or after that date.

95.27 Sec. 2. Minnesota Statutes 2020, section 152.01, is amended by adding a subdivision to
 95.28 read:

95.29 Subd. 9b. **Marijuana flower.** "Marijuana flower" means the flower, leaves, stems, seeds,
 95.30 or plant form of marijuana.

96.1 **EFFECTIVE DATE.** This section is effective August 1, 2022.

96.2 Sec. 3. Minnesota Statutes 2020, section 152.01, is amended by adding a subdivision to
 96.3 read:

96.4 Subd. 9c. **Nonflower marijuana.** "Nonflower marijuana" means the resinous form of
 96.5 marijuana.

96.6 **EFFECTIVE DATE.** This section is effective August 1, 2022.

96.7 Sec. 4. Minnesota Statutes 2020, section 152.01, subdivision 12a, is amended to read:

96.8 Subd. 12a. **Park zone.** "Park zone" means an area designated as a public park by the
 96.9 federal government, the state, a local unit of government, a park district board, or a park
 96.10 and recreation board in a city of the first class or a federally recognized Indian Tribe. "Park
 96.11 zone" includes the area within 300 feet or one city block, whichever distance is greater, of
 96.12 the park boundary.

96.13 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
 96.14 committed on or after that date.

96.15 Sec. 5. Minnesota Statutes 2020, section 152.01, subdivision 16, is amended to read:

96.16 Subd. 16. **Small amount.** "Small amount" as applied to marijuana means: (1) 42.5 grams
96.17 or less. This provision shall not apply to the resinous form of marijuana flowers; or (2) eight
96.18 grams or less of any nonflower marijuana mixture. Nonflower marijuana mixtures weighing
96.19 eight grams or less may not be considered in determining the 42.5 gram limit in clause (1).
96.20 The weight of fluid used in a water pipe may not be considered in determining a small
96.21 amount except in cases where the marijuana is mixed with four or more fluid ounces of
96.22 fluid.

96.23 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
96.24 committed on or after that date.

96.25 Sec. 6. Minnesota Statutes 2021 Supplement, section 152.01, subdivision 18, is amended
96.26 to read:

96.27 Subd. 18. **Drug paraphernalia.** (a) Except as otherwise provided in paragraph (b), "drug
96.28 paraphernalia" means all equipment, products, and materials of any kind, except those items
96.29 used in conjunction with permitted uses of controlled substances, including but not limited
96.30 to the permitted uses of marijuana, under this chapter or the Uniform Controlled Substances
97.1 Act, which are knowingly or intentionally used primarily in (1) manufacturing a controlled
97.2 substance, (2) injecting, ingesting, inhaling, or otherwise introducing into the human body
97.3 a controlled substance, (3) testing the strength, effectiveness, or purity of a controlled
97.4 substance, or (4) (3) enhancing the effect of a controlled substance.

97.5 (b) "Drug paraphernalia" does not include the possession, manufacture, delivery, or sale
97.6 of: (1) hypodermic needles or syringes in accordance with section 151.40, subdivision 2;
97.7 or (2) products that detect the presence of fentanyl or a fentanyl analog in a controlled
97.8 substance.

1.25	ARTICLE 1			
1.26	APPROPRIATIONS AND RELATED PROVISIONS			
2.21	Sec. 6. SENTENCING GUIDELINES	\$	-0-	\$ 838,000
2.22	(a) Searchable Public Database			
2.23	\$265,000 is to develop and maintain a publicly			
2.24	searchable database pursuant to Minnesota			
2.25	Statutes, section 244.09, subdivision 6a. The			
2.26	base is \$289,000 in fiscal year 2024 and			
2.27	\$87,000 in fiscal year 2025 and beyond.			
2.28	(b) Recordings of Commission Meetings			

- 2.29 \$4,000 is to make visual and audio recordings
 2.30 of commission meetings and to make the
 2.31 recordings available to the public on the
 2.32 commission's website. This is a onetime
 2.33 appropriation.
- 3.1 **(c) Reports on Dismissals by Prosecutors**
- 3.2 \$569,000 is to implement the reporting
 3.3 requirement in Minnesota Statutes, section
 3.4 244.09, subdivision 15. The base for this is
 3.5 \$145,000 in fiscal year 2024 and beyond.
- 19.4 Sec. 9. Minnesota Statutes 2020, section 144.6586, subdivision 2, is amended to read:
- 19.5 Subd. 2. **Contents of notice.** The commissioners of health and public safety, in
 19.6 consultation with sexual assault victim advocates and health care professionals, shall develop
 19.7 the notice required by subdivision 1. The notice must inform the victim, at a minimum, of:
- 19.8 (1) the obligation under section 609.35 of the ~~county where the criminal sexual conduct~~
 19.9 ~~occurred~~ state to pay for the examination performed for the purpose of gathering evidence,
 19.10 that payment is not contingent on the victim reporting the criminal sexual conduct to law
 19.11 enforcement, and that the victim may incur expenses for treatment of injuries;
- 19.12 (2) the victim's rights if the crime is reported to law enforcement, including the victim's
 19.13 right to apply for reparations under sections 611A.51 to 611A.68, information on how to
 19.14 apply for reparations, and information on how to obtain an order for protection or a
 19.15 harassment restraining order; and
- 19.16 (3) the opportunity under section 611A.27 to obtain status information about an
 19.17 unrestricted sexual assault examination kit, as defined in section 299C.106, subdivision 1,
 19.18 paragraph (h).
- 19.19 **EFFECTIVE DATE.** This section is effective July 1, 2022, and applies to any
 19.20 examination that occurs on or after that date.
- 19.21 Sec. 10. Minnesota Statutes 2020, section 244.09, is amended by adding a subdivision to
 19.22 read:
- 19.23 Subd. 6a. **Publicly searchable database.** (a) The commission shall maintain a public
 19.24 website with a searchable database that provides the public with information on criminal
 19.25 sentences stayed or imposed by the courts. The website must not include information that
 19.26 is not public data, as defined in section 13.02, subdivision 8a.
- 19.27 (b) The website required under paragraph (a) must contain all the information transmitted
 19.28 from the sentencing court to the commission including information in the sentencing

- 19.29 worksheet transmitted pursuant to section 609.115, subdivision 2a, and the sentencing order
 19.30 and departure report, if any, sent pursuant to Rules of Criminal Procedure, rule 27.03. Data
 19.31 received by the commission must be entered into separate fields in the database.
- 19.32 (c) The searchable database must allow a user of the website to:
- 20.1 (1) search by individual fields, including but not limited to:
- 20.2 (i) case number;
- 20.3 (ii) defendant name;
- 20.4 (iii) date of offense;
- 20.5 (iv) judicial district where the sentence was stayed or imposed;
- 20.6 (v) county where the sentence was stayed or imposed;
- 20.7 (vi) year in which the sentence was stayed or imposed;
- 20.8 (vii) judge who stayed or imposed the sentence;
- 20.9 (viii) crime for which the sentence was stayed or imposed;
- 20.10 (ix) defendant's criminal history score;
- 20.11 (x) severity level of the offense for which a sentence was stayed or imposed;
- 20.12 (xi) executed sentences, including the length of sentence imposed and executed;
- 20.13 (xii) stayed sentences, including the length of probation ordered and, if applicable, the
 20.14 length of sentence imposed but not executed;
- 20.15 (xiii) whether the sentence was a departure from the Sentencing Guidelines and, if so,
 20.16 whether it was an aggravated durational, aggravated dispositional, mitigated durational,
 20.17 mitigated dispositional, or hybrid departure; and
- 20.18 (xiv) whether a departure from the Sentencing Guidelines was ordered with prosecutor
 20.19 agreement;
- 20.20 (2) perform a search using at least two fields;
- 20.21 (3) sort by each field;
- 20.22 (4) obtain information grouped or aggregated by each field, where groups or subtotals
 20.23 are feasible; and

- 20.24 (5) allow the user to download the data into a user-controlled database.
- 20.25 Sec. 11. Minnesota Statutes 2020, section 244.09, subdivision 11, is amended to read:
- 20.26 Subd. 11. **Modification.** The commission shall meet as necessary for the purpose of
- 20.27 modifying and improving the guidelines. The commission shall allow members of the public
- 20.28 to monitor each meeting electronically from a remote location and to comment from that
- 20.29 location during the public comment period of each meeting. The commission shall make a
- 21.1 visual and audio recording of each meeting and make the recordings available to the public
- 21.2 on the commission's website or through a link posted on the website. Any modification
- 21.3 which amends the Sentencing Guidelines grid, including severity levels and criminal history
- 21.4 scores, or which would result in the reduction of any sentence or in the early release of any
- 21.5 inmate, with the exception of a modification mandated or authorized by the legislature or
- 21.6 relating to a crime created or amended by the legislature in the preceding session, shall be
- 21.7 submitted to the legislature by January 15 of any year in which the commission wishes to
- 21.8 make the change and shall be effective on August 1 of that year, unless the legislature by
- 21.9 law provides otherwise. All other modifications shall take effect according to the procedural
- 21.10 rules of the commission. On or before January 15 of each year, the commission shall submit
- 21.11 a written report to the committees of the senate and the house of representatives with
- 21.12 jurisdiction over criminal justice policy that identifies and explains all modifications made
- 21.13 during the preceding 12 months and all proposed modifications that are being submitted to
- 21.14 the legislature that year.
- 21.15 **EFFECTIVE DATE.** This section is effective the day following final enactment.
- 21.16 Sec. 12. Minnesota Statutes 2020, section 244.09, is amended by adding a subdivision to
- 21.17 read:
- 21.18 Subd. 15. **Report on dismissals with agreement of the prosecutor.** The Sentencing
- 21.19 Guidelines Commission shall include in its annual report to the legislature a summary and
- 21.20 analysis of reports received from county attorneys under section 388.052.
- 21.21 Sec. 13. Minnesota Statutes 2020, section 299A.41, subdivision 3, is amended to read:
- 21.22 Subd. 3. **Killed in the line of duty.** (a) "Killed in the line of duty" does not include
- 21.23 deaths from natural causes, except as provided in this subdivision. In the case of a public
- 21.24 safety officer, killed in the line of duty includes the death of a public safety officer caused
- 21.25 by accidental means while the public safety officer is acting in the course and scope of
- 21.26 duties as a public safety officer.
- 21.27 (b) Killed in the line of duty also means if a public safety officer dies as the direct and
- 21.28 proximate result of a heart attack, stroke, or vascular rupture, that officer shall be presumed
- 21.29 to have died as the direct and proximate result of a personal injury sustained in the line of
- 21.30 duty if:
- 21.31 (1) that officer, while on duty:

- 22.1 (i) engaged in a situation, and that engagement involved nonroutine stressful or strenuous
 22.2 physical law enforcement, fire suppression, rescue, hazardous material response, emergency
 22.3 medical services, prison security, disaster relief, or other emergency response activity; or
- 22.4 (ii) participated in a training exercise, and that participation involved nonroutine stressful
 22.5 or strenuous physical activity;
- 22.6 (2) that officer died as a result of a heart attack, stroke, or vascular rupture suffered:
- 22.7 (i) while engaging or participating under clause (1);
- 22.8 (ii) while still on duty after engaging or participating under clause (1); or
- 22.9 (iii) not later than 24 hours after engaging or participating under clause (1); and
- 22.10 (3) the presumption is not overcome by competent medical evidence to the contrary.
- 22.11 (c) Killed in the line of duty also means if a public safety officer dies as a result of suicide
 22.12 when:
- 22.13 (1) a licensed mental health provider previously diagnosed the officer with post-traumatic
 22.14 stress disorder; and
- 22.15 (2) the officer's mental health provider determined the post-traumatic stress disorder
 22.16 resulted from the officer's work as a public safety officer.
- 22.17 As used in this paragraph, "public safety officer" includes only the individuals described
 22.18 in subdivision 4, clauses (1), (2), (3), (4), (6), (8), and (9).
- 22.19 **EFFECTIVE DATE.** This section is effective retroactively from January 1, 2017.
- 22.20 Sec. 14. Minnesota Statutes 2020, section 299A.41, is amended by adding a subdivision
 22.21 to read:
- 22.22 Subd. 3a. **Post-traumatic stress disorder.** "Post-traumatic stress disorder" means the
 22.23 condition as described in the most recently published edition of the Diagnostic and Statistical
 22.24 Manual of Mental Disorders by the American Psychiatric Association.
- 22.25 **EFFECTIVE DATE.** This section is effective retroactively from January 1, 2017.
- 22.26 Sec. 15. Minnesota Statutes 2020, section 299A.41, subdivision 4, is amended to read:
- 22.27 Subd. 4. **Public safety officer.** Except as provided in subdivision 3, paragraph (c),
 22.28 "public safety officer" includes:
- 22.29 (1) a peace officer defined in section 626.84, subdivision 1, paragraph (c) or (d);

- 23.1 (2) a correction officer employed at a correctional facility and charged with maintaining
23.2 the safety, security, discipline, and custody of inmates at the facility;
- 23.3 (3) an individual employed on a full-time basis by the state or by a fire department of a
23.4 governmental subdivision of the state, who is engaged in any of the following duties:
- 23.5 (i) firefighting;
- 23.6 (ii) emergency motor vehicle operation;
- 23.7 (iii) investigation into the cause and origin of fires;
- 23.8 (iv) the provision of emergency medical services; or
- 23.9 (v) hazardous material responder;
- 23.10 (4) a legally enrolled member of a volunteer fire department or member of an independent
23.11 nonprofit firefighting corporation who is engaged in the hazards of firefighting;
- 23.12 (5) a good samaritan while complying with the request or direction of a public safety
23.13 officer to assist the officer;
- 23.14 (6) a reserve police officer or a reserve deputy sheriff while acting under the supervision
23.15 and authority of a political subdivision;
- 23.16 (7) a driver or attendant with a licensed basic or advanced life-support transportation
23.17 service who is engaged in providing emergency care;
- 23.18 (8) a first responder who is certified by the emergency medical services regulatory board
23.19 to perform basic emergency skills before the arrival of a licensed ambulance service and
23.20 who is a member of an organized service recognized by a local political subdivision to
23.21 respond to medical emergencies to provide initial medical care before the arrival of an
23.22 ambulance; and
- 23.23 (9) a person, other than a state trooper, employed by the commissioner of public safety
23.24 and assigned to the State Patrol, whose primary employment duty is either Capitol security
23.25 or the enforcement of commercial motor vehicle laws and regulations.
- 23.26 **EFFECTIVE DATE.** This section is effective retroactively from January 1, 2017.
- 23.27 Sec. 16. **[299A.88] PORTABLE RECORDING SYSTEMS.**
- 23.28 Subdivision 1. **Grants.** The commissioner of public safety shall award grants to local
23.29 law enforcement agencies for the purchase, maintenance, support, and storage of portable
23.30 recording systems and portable recording system data. An applicant must provide a 25
23.31 percent match to be eligible to receive a grant. The commissioner shall give priority to law
24.1 enforcement agencies located outside of the seven-county metropolitan area that do not

97.9 Sec. 7. Minnesota Statutes 2020, section 152.021, subdivision 2, is amended to read:

97.10 Subd. 2. **Possession crimes.** (a) A person is guilty of a controlled substance crime in
97.11 the first degree if:

97.12 (1) the person unlawfully possesses one or more mixtures of a total weight of 50 grams
97.13 or more containing cocaine or methamphetamine;

97.14 (2) the person unlawfully possesses one or more mixtures of a total weight of 25 grams
97.15 or more containing cocaine or methamphetamine and:

97.16 (i) the person or an accomplice possesses on their person or within immediate reach, or
97.17 uses, whether by brandishing, displaying, threatening with, or otherwise employing, a
97.18 firearm; or

97.19 (ii) the offense involves two aggravating factors;

97.20 (3) the person unlawfully possesses one or more mixtures of a total weight of 25 grams
97.21 or more containing heroin;

97.22 (4) the person unlawfully possesses one or more mixtures of a total weight of 500 grams
97.23 or more containing a narcotic drug other than cocaine, heroin, or methamphetamine;

97.24 (5) the person unlawfully possesses one or more mixtures of a total weight of 500 grams
97.25 or more containing amphetamine, phencyclidine, or hallucinogen or, if the controlled
97.26 substance is packaged in dosage units, equaling 500 or more dosage units; or

97.27 (6) the person unlawfully possesses one or more mixtures of a total weight of 50
97.28 kilograms or more containing marijuana or Tetrahydrocannabinols, or possesses 500 or
97.29 more marijuana plants.

97.30 (b) For the purposes of this subdivision, the weight of fluid used in a water pipe may
97.31 not be considered in measuring the weight of a marijuana mixture. For other mixtures, the

24.2 have a portable recording system program. Grants under this section apply only to contracts
24.3 for portable recording systems and portable recording system data with a duration of five
24.4 years or less.

24.5 Subd. 2. **Reporting.** By February 15 of each odd-numbered year, the commissioner
24.6 shall report to the chairs and ranking minority members of the legislative committees with
24.7 jurisdiction over public safety policy and finance on the grants made pursuant to this section.
24.8 At a minimum, the report must specify the agencies receiving grants and how they used the
24.9 money, including whether it was used for new purchases or replacements; the number of
24.10 providers used to provide or support the systems, the length of the contracts for this, and
24.11 whether the contracts included other items; and what features were included with the systems.

70.10 Sec. 3. Minnesota Statutes 2020, section 152.021, subdivision 2, is amended to read:

70.11 Subd. 2. **Possession crimes.** (a) A person is guilty of a controlled substance crime in
70.12 the first degree if:

70.13 (1) the person unlawfully possesses one or more mixtures of a total weight of 50 grams
70.14 or more containing cocaine or methamphetamine;

70.15 (2) the person unlawfully possesses one or more mixtures of a total weight of 25 grams
70.16 or more containing cocaine or methamphetamine and:

70.17 (i) the person or an accomplice possesses on their person or within immediate reach, or
70.18 uses, whether by brandishing, displaying, threatening with, or otherwise employing, a
70.19 firearm; or

70.20 (ii) the offense involves two aggravating factors;

70.21 (3) the person unlawfully possesses one or more mixtures of a total weight of 25 grams
70.22 or more containing heroin or fentanyl;

70.23 (4) the person unlawfully possesses one or more mixtures of a total weight of 500 grams
70.24 or more containing a narcotic drug other than cocaine, heroin, fentanyl, or methamphetamine;

70.25 (5) the person unlawfully possesses one or more mixtures of a total weight of 500 grams
70.26 or more containing amphetamine, phencyclidine, or hallucinogen or, if the controlled
70.27 substance is packaged in dosage units, equaling 500 or more dosage units; or

70.28 (6) the person unlawfully possesses one or more mixtures of a total weight of 50
70.29 kilograms or more containing marijuana or Tetrahydrocannabinols, or possesses 500 or
70.30 more marijuana plants.

71.1 (b) For the purposes of this subdivision, the weight of fluid used in a water pipe may
71.2 not be considered in measuring the weight of a mixture except in cases where the mixture
71.3 contains four or more fluid ounces of fluid.

98.1 weight of fluid may not be considered except in cases where the mixture contains four or
 98.2 more fluid ounces of fluid.

98.3 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
 98.4 committed on or after that date.

71.4 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
 71.5 committed on or after that date.

71.6 Sec. 4. Minnesota Statutes 2020, section 152.022, subdivision 1, is amended to read:

71.7 Subdivision 1. **Sale crimes.** A person is guilty of controlled substance crime in the
 71.8 second degree if:

71.9 (1) on one or more occasions within a 90-day period the person unlawfully sells one or
 71.10 more mixtures of a total weight of ten grams or more containing a narcotic drug other than
 71.11 heroin or fentanyl;

71.12 (2) on one or more occasions within a 90-day period the person unlawfully sells one or
 71.13 more mixtures of a total weight of three grams or more containing cocaine or
 71.14 methamphetamine and:

71.15 (i) the person or an accomplice possesses on their person or within immediate reach, or
 71.16 uses, whether by brandishing, displaying, threatening with, or otherwise employing, a
 71.17 firearm; or

71.18 (ii) the offense involves three aggravating factors;

71.19 (3) on one or more occasions within a 90-day period the person unlawfully sells one or
 71.20 more mixtures of a total weight of three grams or more containing heroin or fentanyl;

71.21 (4) on one or more occasions within a 90-day period the person unlawfully sells one or
 71.22 more mixtures of a total weight of ten grams or more containing amphetamine, phencyclidine,
 71.23 or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 50 or
 71.24 more dosage units;

71.25 (5) on one or more occasions within a 90-day period the person unlawfully sells one or
 71.26 more mixtures of a total weight of ten kilograms or more containing marijuana or
 71.27 Tetrahydrocannabinols;

71.28 (6) the person unlawfully sells any amount of a Schedule I or II narcotic drug to a person
 71.29 under the age of 18, or conspires with or employs a person under the age of 18 to unlawfully
 71.30 sell the substance; or

71.31 (7) the person unlawfully sells any of the following in a school zone, a park zone, a
 71.32 public housing zone, or a drug treatment facility:

72.1 (i) any amount of a Schedule I or II narcotic drug, lysergic acid diethylamide (LSD),
 72.2 3,4-methylenedioxy amphetamine, or 3,4-methylenedioxymethamphetamine;

98.5 Sec. 8. Minnesota Statutes 2020, section 152.022, subdivision 2, is amended to read:

98.6 Subd. 2. **Possession crimes.** (a) A person is guilty of controlled substance crime in the
98.7 second degree if:

98.8 (1) the person unlawfully possesses one or more mixtures of a total weight of 25 grams
98.9 or more containing cocaine or methamphetamine;

98.10 (2) the person unlawfully possesses one or more mixtures of a total weight of ten grams
98.11 or more containing cocaine or methamphetamine and:

98.12 (i) the person or an accomplice possesses on their person or within immediate reach, or
98.13 uses, whether by brandishing, displaying, threatening with, or otherwise employing, a
98.14 firearm; or

98.15 (ii) the offense involves three aggravating factors;

98.16 (3) the person unlawfully possesses one or more mixtures of a total weight of six grams
98.17 or more containing heroin;

98.18 (4) the person unlawfully possesses one or more mixtures of a total weight of 50 grams
98.19 or more containing a narcotic drug other than cocaine, heroin, or methamphetamine;

98.20 (5) the person unlawfully possesses one or more mixtures of a total weight of 50 grams
98.21 or more containing amphetamine, phencyclidine, or hallucinogen or, if the controlled
98.22 substance is packaged in dosage units, equaling 100 or more dosage units; or

98.23 (6) the person unlawfully possesses one or more mixtures of a total weight of 25
98.24 kilograms or more containing marijuana or Tetrahydrocannabinols, or possesses 100 or
98.25 more marijuana plants.

98.26 (b) For the purposes of this subdivision, the weight of fluid used in a water pipe may
98.27 not be considered in measuring the weight of a marijuana mixture. For other mixtures, the
98.28 weight of fluid may not be considered except in cases where the mixture contains four or
98.29 more fluid ounces of fluid.

98.30 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
98.31 committed on or after that date.

72.3 (ii) one or more mixtures containing methamphetamine or amphetamine; or

72.4 (iii) one or more mixtures of a total weight of five kilograms or more containing marijuana
72.5 or Tetrahydrocannabinols.

72.6 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
72.7 committed on or after that date.

72.8 Sec. 5. Minnesota Statutes 2020, section 152.022, subdivision 2, is amended to read:

72.9 Subd. 2. **Possession crimes.** (a) A person is guilty of controlled substance crime in the
72.10 second degree if:

72.11 (1) the person unlawfully possesses one or more mixtures of a total weight of 25 grams
72.12 or more containing cocaine or methamphetamine;

72.13 (2) the person unlawfully possesses one or more mixtures of a total weight of ten grams
72.14 or more containing cocaine or methamphetamine and:

72.15 (i) the person or an accomplice possesses on their person or within immediate reach, or
72.16 uses, whether by brandishing, displaying, threatening with, or otherwise employing, a
72.17 firearm; or

72.18 (ii) the offense involves three aggravating factors;

72.19 (3) the person unlawfully possesses one or more mixtures of a total weight of six grams
72.20 or more containing heroin or fentanyl;

72.21 (4) the person unlawfully possesses one or more mixtures of a total weight of 50 grams
72.22 or more containing a narcotic drug other than cocaine, heroin, fentanyl, or methamphetamine;

72.23 (5) the person unlawfully possesses one or more mixtures of a total weight of 50 grams
72.24 or more containing amphetamine, phencyclidine, or hallucinogen or, if the controlled
72.25 substance is packaged in dosage units, equaling 100 or more dosage units; or

72.26 (6) the person unlawfully possesses one or more mixtures of a total weight of 25
72.27 kilograms or more containing marijuana or Tetrahydrocannabinols, or possesses 100 or
72.28 more marijuana plants.

72.29 (b) For the purposes of this subdivision, the weight of fluid used in a water pipe may
72.30 not be considered in measuring the weight of a mixture except in cases where the mixture
72.31 contains four or more fluid ounces of fluid.

73.1 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
73.2 committed on or after that date.

99.1 Sec. 9. Minnesota Statutes 2020, section 152.023, subdivision 2, is amended to read:

99.2 Subd. 2. **Possession crimes.** (a) A person is guilty of controlled substance crime in the
99.3 third degree if:

99.4 (1) on one or more occasions within a 90-day period the person unlawfully possesses
99.5 one or more mixtures of a total weight of ten grams or more containing a narcotic drug other
99.6 than heroin;

99.7 (2) on one or more occasions within a 90-day period the person unlawfully possesses
99.8 one or more mixtures of a total weight of three grams or more containing heroin;

99.9 (3) on one or more occasions within a 90-day period the person unlawfully possesses
99.10 one or more mixtures containing a narcotic drug, it is packaged in dosage units, and equals
99.11 50 or more dosage units;

99.12 (4) on one or more occasions within a 90-day period the person unlawfully possesses
99.13 any amount of a schedule I or II narcotic drug or five or more dosage units of lysergic acid
99.14 diethylamide (LSD), 3,4-methylenedioxy amphetamine, or
99.15 3,4-methylenedioxyamphetamine in a school zone, a park zone, a public housing zone,
99.16 or a drug treatment facility;

99.17 (5) on one or more occasions within a 90-day period the person unlawfully possesses
99.18 one or more mixtures of a total weight of ten kilograms or more containing marijuana or
99.19 Tetrahydrocannabinols; or

99.20 (6) the person unlawfully possesses one or more mixtures containing methamphetamine
99.21 or amphetamine in a school zone, a park zone, a public housing zone, or a drug treatment
99.22 facility.

99.23 (b) For the purposes of this subdivision, the weight of fluid used in a water pipe may
99.24 not be considered in measuring the weight of a marijuana mixture. For other mixtures, the
99.25 weight of fluid may not be considered except in cases where the mixture contains four or
99.26 more fluid ounces of fluid.

99.27 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
99.28 committed on or after that date.

99.29 Sec. 10. Minnesota Statutes 2020, section 152.025, subdivision 4, is amended to read:

99.30 Subd. 4. **Penalty.** (a) A person convicted under the provisions of subdivision 2, clause
99.31 (1), who has not been previously convicted of a violation of this chapter or a similar offense
99.32 in another jurisdiction, is guilty of a gross misdemeanor if:

73.3 Sec. 6. Minnesota Statutes 2020, section 152.023, subdivision 2, is amended to read:

73.4 Subd. 2. **Possession crimes.** (a) A person is guilty of controlled substance crime in the
73.5 third degree if:

73.6 (1) on one or more occasions within a 90-day period the person unlawfully possesses
73.7 one or more mixtures of a total weight of ten grams or more containing a narcotic drug other
73.8 than heroin or fentanyl;

73.9 (2) on one or more occasions within a 90-day period the person unlawfully possesses
73.10 one or more mixtures of a total weight of three grams or more containing heroin or fentanyl;

73.11 (3) on one or more occasions within a 90-day period the person unlawfully possesses
73.12 one or more mixtures containing a narcotic drug, it is packaged in dosage units, and equals
73.13 50 or more dosage units;

73.14 (4) on one or more occasions within a 90-day period the person unlawfully possesses
73.15 any amount of a schedule I or II narcotic drug or five or more dosage units of lysergic acid
73.16 diethylamide (LSD), 3,4-methylenedioxy amphetamine, or
73.17 3,4-methylenedioxyamphetamine in a school zone, a park zone, a public housing zone,
73.18 or a drug treatment facility;

73.19 (5) on one or more occasions within a 90-day period the person unlawfully possesses
73.20 one or more mixtures of a total weight of ten kilograms or more containing marijuana or
73.21 Tetrahydrocannabinols; or

73.22 (6) the person unlawfully possesses one or more mixtures containing methamphetamine
73.23 or amphetamine in a school zone, a park zone, a public housing zone, or a drug treatment
73.24 facility.

73.25 (b) For the purposes of this subdivision, the weight of fluid used in a water pipe may
73.26 not be considered in measuring the weight of a mixture except in cases where the mixture
73.27 contains four or more fluid ounces of fluid.

73.28 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
73.29 committed on or after that date.

74.1 Sec. 7. Minnesota Statutes 2020, section 152.025, subdivision 4, is amended to read:

74.2 Subd. 4. **Penalty.** (a) A person convicted under the provisions of subdivision 2, clause
74.3 (1), who has not been previously convicted of a violation of this chapter or a similar offense
74.4 in another jurisdiction, is guilty of a gross misdemeanor if: (1) the amount of the controlled
74.5 substance possessed, other than heroin or fentanyl, is less than 0.25 grams or one dosage

100.1 (1) the amount of the controlled substance possessed, other than heroin or a small amount
 100.2 of marijuana, is less than 0.25 grams or one dosage unit or less if the controlled substance
 100.3 was possessed in dosage units; ~~or~~

100.4 (2) the controlled substance possessed is heroin and the amount possessed is less than
 100.5 0.05 grams; or

100.6 (3) the controlled substance possessed is marijuana and the amount possessed is:

100.7 (i) more than 42.5 grams but not more than 85 grams of marijuana flowers; or

100.8 (ii) more than eight grams but not more than 16 grams of any nonflower marijuana
 100.9 mixture.

100.10 (b) A person convicted under the provisions of subdivision 1; subdivision 2, clause (1),
 100.11 unless the conduct is described in paragraph (a); or subdivision 2, clause (2), may be
 100.12 sentenced to imprisonment for not more than five years or to payment of a fine of not more
 100.13 than \$10,000, or both.

100.14 EFFECTIVE DATE. This section is effective August 1, 2022, and applies to crimes
 100.15 committed on or after that date.

100.16 Sec. 11. Minnesota Statutes 2020, section 152.027, subdivision 4, is amended to read:

100.17 Subd. 4. **Possession or sale of small amounts of marijuana.** ~~(a) A person who~~
 100.18 ~~unlawfully sells a small amount of marijuana for no remuneration, or who unlawfully~~
 100.19 ~~possesses a small amount of marijuana is guilty of a petty misdemeanor and shall be required~~
 100.20 ~~to participate in a drug education program unless the court enters a written finding that a~~
 100.21 ~~drug education program is inappropriate. The program must be approved by an area mental~~
 100.22 ~~health board with a curriculum approved by the state alcohol and drug abuse authority.~~

100.23 ~~(b) A person convicted of an unlawful sale under paragraph (a) who is subsequently~~
 100.24 ~~convicted of an unlawful sale under paragraph (a) within two years is guilty of a misdemeanor~~
 100.25 ~~and shall be required to participate in a chemical dependency evaluation and treatment if~~
 100.26 ~~so indicated by the evaluation.~~

100.27 ~~(c) A person who is convicted of a petty misdemeanor under paragraph (a) who willfully~~
 100.28 ~~and intentionally fails to comply with the sentence imposed, is guilty of a misdemeanor.~~
 100.29 ~~Compliance with the terms of the sentence imposed before conviction under this paragraph~~
 100.30 ~~is an absolute defense.~~

100.31 EFFECTIVE DATE. This section is effective August 1, 2022, and applies to acts
 100.32 committed on or after that date.

74.6 unit or less if the controlled substance was possessed in dosage units; or (2) the controlled
 74.7 substance possessed is heroin or fentanyl and the amount possessed is less than 0.05 grams.

74.8 (b) A person convicted under the provisions of subdivision 1; subdivision 2, clause (1),
 74.9 unless the conduct is described in paragraph (a); or subdivision 2, clause (2), may be
 74.10 sentenced to imprisonment for not more than five years or to payment of a fine of not more
 74.11 than \$10,000, or both.

74.12 EFFECTIVE DATE. This section is effective August 1, 2022, and applies to crimes
 74.13 committed on or after that date.

101.1 Sec. 12. Minnesota Statutes 2020, section 152.0271, is amended to read:

101.2 **152.0271 NOTICE OF DRUG CONVICTIONS; DRIVER'S LICENSE**
101.3 **REVOCAATION.**

101.4 When a person is convicted of violating a provision of sections 152.021 to 152.0262 or
101.5 section 152.027 and 152.0262, subdivision 1, 2, 3, 5, 6, or 7, the sentencing court shall
101.6 determine whether the person unlawfully sold or possessed the controlled substance while
101.7 driving a motor vehicle. If so, the court shall notify the commissioner of public safety of
101.8 its determination and order the commissioner to revoke the person's driver's license for 30
101.9 days. If the person does not have a driver's license or if the person's driver's license is
101.10 suspended or revoked at the time of the conviction, the commissioner shall delay the issuance
101.11 or reinstatement of the person's driver's license for 30 days after the person applies for the
101.12 issuance or reinstatement of the license. Upon receipt of the court's order, the commissioner
101.13 is authorized to take the licensing action without a hearing.

101.14 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to convictions
101.15 that take place on or after that date.

101.16 Sec. 13. Minnesota Statutes 2020, section 152.096, subdivision 1, is amended to read:

101.17 Subdivision 1. **Prohibited acts; penalties.** Any person who conspires to commit any
101.18 felony act prohibited by this chapter, except possession or distribution for no remuneration
101.19 of a small amount of marijuana as defined in section 152.01, subdivision 16, is guilty of a
101.20 felony and upon conviction may be imprisoned, fined, or both, up to the maximum amount
101.21 authorized by law for the act the person conspired to commit.

101.22 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
101.23 committed on or after that date.

101.24 Sec. 14. Minnesota Statutes 2020, section 152.18, subdivision 3, is amended to read:

101.25 Subd. 3. **Expungement of certain marijuana offenses.** Any person who has been found
101.26 guilty of: (1) a violation of section 152.09 with respect to a small amount of marijuana
101.27 which violation occurred prior to April 11, 1976, and whose conviction would have been
101.28 a petty misdemeanor under the provisions of section 152.15, subdivision 2, clause (5) in
101.29 effect on April 11, 1978, but whose conviction was for an offense more serious than a petty
101.30 misdemeanor under laws in effect prior to April 11, 1976; or (2) a violation of section
101.31 152.025 that occurred before August 1, 2022, where the violation would have been a petty
101.32 misdemeanor under section 152.027, subdivision 4, in effect on August 1, 2022, may petition
102.1 the court in which the person was convicted to expunge from all official records, other than
102.2 the nonpublic record retained by the Department of Public Safety pursuant to section 152.15,
102.3 subdivision 2, clause (5), all recordation relating to the person's arrest, indictment or
102.4 information, trial and conviction of an offense more serious than a petty misdemeanor. The
102.5 court, upon being satisfied that a small amount was involved in the conviction, shall order
102.6 all the recordation expunged. This shall restore the person's ability to possess, receive, ship,

102.7 or transport firearms and handle firearms and ammunition. No person as to whom an order
 102.8 has been entered pursuant to this subdivision shall be held thereafter under any provision
 102.9 of any law to be guilty of perjury or otherwise giving a false statement by reason of the
 102.10 person's failure to recite or acknowledge conviction of an offense greater than a petty
 102.11 misdemeanor, unless possession of marijuana is material to a proceeding.

102.12 **EFFECTIVE DATE.** This section is effective August 1, 2022.

102.13 Sec. 15. Minnesota Statutes 2020, section 152.32, is amended by adding a subdivision to
 102.14 read:

102.15 **Subd. 4. Probation; supervised release.** (a) A court shall not prohibit a person from
 102.16 participating in the registry program under sections 152.22 to 152.37 as a condition of
 102.17 probation, parole, pretrial conditional release, or supervised release or revoke a patient's
 102.18 probation, parole, pretrial conditional release, or supervised release or otherwise sanction
 102.19 a patient on probation, parole, pretrial conditional release, or supervised release, nor weigh
 102.20 participation in the registry program, or positive drug test for cannabis components or
 102.21 metabolites by registry participants, or both, as a factor when considering penalties for
 102.22 violations of probation, parole, pretrial conditional release, or supervised release.

102.23 **(b)** The commissioner of corrections, probation agent, or parole officer shall not prohibit
 102.24 a person from participating in the registry program under sections 152.22 to 152.37 as a
 102.25 condition of parole, supervised release, or conditional release or revoke a patient's parole,
 102.26 supervised release, or conditional release or otherwise sanction a patient on parole, supervised
 102.27 release, or conditional release solely for participating in the registry program or for a positive
 102.28 drug test for cannabis components or metabolites.

102.29 Sec. 16. **[152.325] CRIMINAL AFFIRMATIVE DEFENSE.**

102.30 It is an affirmative defense to a charge of possession of marijuana that the defendant
 102.31 was enrolled in the registry program under sections 152.22 to 152.37 and possessed the
 102.32 marijuana to use for a qualifying medical condition or was a visiting patient and possessed
 103.1 the marijuana for medical use as authorized under the laws or regulations of the visiting
 103.2 patient's jurisdiction of residence. This affirmative defense applies to a charge of violating:

103.3 (1) section 152.025, subdivision 2, involving possession of the amount of marijuana
 103.4 identified in section 152.025, subdivision 4, paragraph (a), clause (3); or

103.5 (2) section 152.027, subdivision 3 or 4.

103.6 Sec. 17. Minnesota Statutes 2020, section 260B.198, subdivision 1, is amended to read:

103.7 **Subdivision 1. Court order, findings, remedies, treatment.** (a) If the court finds that
 103.8 the child is delinquent, it shall enter an order making any of the following dispositions of
 103.9 the case which are deemed necessary to the rehabilitation of the child:

- 103.10 (1) counsel the child or the parents, guardian, or custodian;
- 103.11 (2) place the child under the supervision of a probation officer or other suitable person
103.12 in the child's own home under conditions prescribed by the court including reasonable rules
103.13 for the child's conduct and the conduct of the child's parents, guardian, or custodian, designed
103.14 for the physical, mental, and moral well-being and behavior of the child, or with the consent
103.15 of the commissioner of corrections, in a group foster care facility which is under the
103.16 management and supervision of said commissioner;
- 103.17 (3) if the court determines that the child is a danger to self or others, subject to the
103.18 supervision of the court, transfer legal custody of the child to one of the following:
- 103.19 (i) a child-placing agency;
- 103.20 (ii) the local social services agency;
- 103.21 (iii) a reputable individual of good moral character. No person may receive custody of
103.22 two or more unrelated children unless licensed as a residential facility pursuant to sections
103.23 245A.01 to 245A.16;
- 103.24 (iv) a county home school, if the county maintains a home school or enters into an
103.25 agreement with a county home school; or
- 103.26 (v) a county probation officer for placement in a group foster home established under
103.27 the direction of the juvenile court and licensed pursuant to section 241.021;
- 103.28 (4) transfer legal custody by commitment to the commissioner of corrections;
- 103.29 (5) if the child is found to have violated a state or local law or ordinance which has
103.30 resulted in damage to the person or property of another, the court may order the child to
103.31 make reasonable restitution for such damage;
- 104.1 (6) require the child to pay a fine of up to \$1,000. The court shall order payment of the
104.2 fine in accordance with a time payment schedule which shall not impose an undue financial
104.3 hardship on the child;
- 104.4 (7) if the child is in need of special treatment and care for reasons of physical or mental
104.5 health, the court may order the child's parent, guardian, or custodian to provide it. If the
104.6 parent, guardian, or custodian fails to provide this treatment or care, the court may order it
104.7 provided;
- 104.8 (8) if the court believes that it is in the best interests of the child and of public safety
104.9 that the driver's license of the child be canceled until the child's 18th birthday, the court
104.10 may recommend to the commissioner of public safety the cancellation of the child's license
104.11 for any period up to the child's 18th birthday, and the commissioner is hereby authorized
104.12 to cancel such license without a hearing. At any time before the termination of the period

- 104.13 of cancellation, the court may, for good cause, recommend to the commissioner of public
104.14 safety that the child be authorized to apply for a new license, and the commissioner may so
104.15 authorize;
- 104.16 (9) if the court believes that it is in the best interest of the child and of public safety that
104.17 the child is enrolled in school, the court may require the child to remain enrolled in a public
104.18 school until the child reaches the age of 18 or completes all requirements needed to graduate
104.19 from high school. Any child enrolled in a public school under this clause is subject to the
104.20 provisions of the Pupil Fair Dismissal Act in chapter 127;
- 104.21 (10) if the child is petitioned and found by the court to have committed a controlled
104.22 substance offense under sections 152.021 to 152.0262 or section 152.027, subdivision 1, 2,
104.23 3, 5, 6, or 7, the court shall determine whether the child unlawfully possessed or sold the
104.24 controlled substance while driving a motor vehicle. If so, the court shall notify the
104.25 commissioner of public safety of its determination and order the commissioner to revoke
104.26 the child's driver's license for the applicable time period specified in section 152.0271. If
104.27 the child does not have a driver's license or if the child's driver's license is suspended or
104.28 revoked at the time of the delinquency finding, the commissioner shall, upon the child's
104.29 application for driver's license issuance or reinstatement, delay the issuance or reinstatement
104.30 of the child's driver's license for the applicable time period specified in section 152.0271.
104.31 Upon receipt of the court's order, the commissioner is authorized to take the licensing action
104.32 without a hearing;
- 104.33 (11) if the child is petitioned and found by the court to have committed or attempted to
104.34 commit an act in violation of section 609.342; 609.343; 609.344; 609.345; 609.3451;
105.1 609.746, subdivision 1; 609.79; or 617.23, or another offense arising out of a delinquency
105.2 petition based on one or more of those sections, the court shall order an independent
105.3 professional assessment of the child's need for sex offender treatment. An assessor providing
105.4 an assessment for the court must be experienced in the evaluation and treatment of juvenile
105.5 sex offenders. If the assessment indicates that the child is in need of and amenable to sex
105.6 offender treatment, the court shall include in its disposition order a requirement that the
105.7 child undergo treatment. Notwithstanding section 13.384, 13.85, 144.291 to 144.298, or
105.8 260B.171, or chapter 260E, the assessor has access to the following private or confidential
105.9 data on the child if access is relevant and necessary for the assessment:
- 105.10 (i) medical data under section 13.384;
- 105.11 (ii) corrections and detention data under section 13.85;
- 105.12 (iii) health records under sections 144.291 to 144.298;
- 105.13 (iv) juvenile court records under section 260B.171; and
- 105.14 (v) local welfare agency records under chapter 260E.

105.15 Data disclosed under this clause may be used only for purposes of the assessment and
105.16 may not be further disclosed to any other person, except as authorized by law; or

105.17 (12) if the child is found delinquent due to the commission of an offense that would be
105.18 a felony if committed by an adult, the court shall make a specific finding on the record
105.19 regarding the juvenile's mental health and chemical dependency treatment needs.

105.20 (b) Any order for a disposition authorized under this section shall contain written findings
105.21 of fact to support the disposition ordered and shall also set forth in writing the following
105.22 information:

105.23 (1) why the best interests of the child are served by the disposition ordered; and

105.24 (2) what alternative dispositions were considered by the court and why such dispositions
105.25 were not appropriate in the instant case. Clause (1) does not apply to a disposition under
105.26 subdivision 1a.

105.27 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to findings
105.28 by the court made on or after that date.

105.29 Sec. 18. Minnesota Statutes 2020, section 609.165, subdivision 1a, is amended to read:

105.30 Subd. 1a. **Certain convicted felons ineligible to possess firearms or ammunition.** The
105.31 order of discharge must provide that a person who has been convicted of a crime of violence,
106.1 as defined in section 624.712, subdivision 5, is not entitled to ship, transport, possess, or
106.2 receive a firearm or ammunition for the remainder of the person's lifetime. Any person who
106.3 has received such a discharge and who thereafter has received a relief of disability under
106.4 United States Code, title 18, section 925, or whose ability to possess firearms and ammunition
106.5 has been restored under subdivision 1d or section 152.18, subdivision 3, shall not be subject
106.6 to the restrictions of this subdivision.

106.7 **EFFECTIVE DATE.** This section is effective August 1, 2022.

106.8 Sec. 19. Minnesota Statutes 2020, section 609.165, subdivision 1b, is amended to read:

106.9 Subd. 1b. **Violation and penalty.** (a) Any person who has been convicted of a crime of
106.10 violence, as defined in section 624.712, subdivision 5, and who ships, transports, possesses,
106.11 or receives a firearm or ammunition, commits a felony and may be sentenced to imprisonment
106.12 for not more than 15 years or to payment of a fine of not more than \$30,000, or both.

106.13 (b) A conviction and sentencing under this section shall be construed to bar a conviction
106.14 and sentencing for a violation of section 624.713, subdivision 2.

106.15 (c) The criminal penalty in paragraph (a) does not apply to any person who has received
106.16 a relief of disability under United States Code, title 18, section 925, or whose ability to
106.17 possess firearms and ammunition has been restored under subdivision 1d or section 152.18,
106.18 subdivision 3.

- 106.19 **EFFECTIVE DATE.** This section is effective August 1, 2022.
- 106.20 Sec. 20. Minnesota Statutes 2020, section 609A.02, is amended by adding a subdivision
- 106.21 to read:
- 106.22 Subd. 1a. **Certain petty misdemeanor controlled substance offenses.** Records related
- 106.23 to petty misdemeanor violations of section 152.027, subdivision 4, or 152.092 involving
- 106.24 marijuana-related drug paraphernalia shall be sealed without the filing of a petition as
- 106.25 provided in section 609A.027.
- 106.26 **EFFECTIVE DATE.** This section is effective August 1, 2022.
- 106.27 Sec. 21. **[609A.027] NO PETITION REQUIRED FOR CERTAIN PETTY**
- 106.28 **MISDEMEANOR CONTROLLED SUBSTANCE VIOLATIONS AFTER ONE-YEAR**
- 106.29 **WAITING PERIOD.**
- 106.30 (a) At the conclusion of one year following conviction for a petty misdemeanor violation
- 106.31 of section 152.027, subdivision 4, or 152.092 involving marijuana-related drug paraphernalia
- 107.1 and the payment of any fines, fees, and surcharges and, if applicable, the successful
- 107.2 completion of any required drug education program, or following the dismissal of a petty
- 107.3 misdemeanor charge for violating section 152.027, subdivision 4, or 152.092 involving
- 107.4 marijuana-related drug paraphernalia, the court shall order, without the filing of a petition,
- 107.5 the sealing of all records relating to the arrest, charge, trial, dismissal, and conviction.
- 107.6 (b) A record sealed under paragraph (a) may be opened only as provided in section
- 107.7 609A.03, subdivision 7a.
- 107.8 **EFFECTIVE DATE.** This section is effective August 1, 2022.
- 107.9 Sec. 22. **TASK FORCE ON ABUSE OF CONTROLLED SUBSTANCES.**
- 107.10 Subdivision 1. **Establishment.** The Task Force on Abuse of Controlled Substances is
- 107.11 established to review the ways in which the state's justice, social service, and health systems
- 107.12 currently respond to individuals who abuse controlled substances or commit controlled
- 107.13 substance offenses, to examine approaches taken in other jurisdictions, and to make policy
- 107.14 and funding recommendations to the legislature.
- 107.15 Subd. 2. **Membership.** (a) The task force consists of the following members:
- 107.16 (1) the commissioner of public safety;
- 107.17 (2) the commissioner of human services;
- 107.18 (3) the commissioner of corrections, or a designee;
- 107.19 (4) the commissioner of health, or a designee;

- 107.20 (5) the chief justice, or a designee;
- 107.21 (6) the state public defender, or a designee;
- 107.22 (7) a county attorney appointed by the Minnesota County Attorneys Association;
- 107.23 (8) a representative from Indian health services or a Tribal council appointed by the
107.24 Indian Affairs Council;
- 107.25 (9) a representative of the Community Corrections Act counties appointed by the
107.26 Minnesota Association of Community Corrections Act Counties;
- 107.27 (10) a peace officer, as defined in Minnesota Statutes, section 626.84, subdivision 1,
107.28 paragraph (c), who is a member of a multijurisdictional drug task force appointed by the
107.29 Minnesota Chiefs of Police Association;
- 108.1 (11) a peace officer, as defined in Minnesota Statutes, section 626.84, subdivision 1,
108.2 paragraph (c), appointed by the Minnesota Sheriffs' Association;
- 108.3 (12) a member of the Minnesota State Board of Pharmacy appointed by the board's
108.4 president;
- 108.5 (13) a member of the Opiate Epidemic Response Advisory Council appointed by the
108.6 council's chair;
- 108.7 (14) a representative from a community health board appointed by the commissioner of
108.8 health;
- 108.9 (15) a member representing sober living programs or substance use disorder programs
108.10 licensed under Minnesota Statutes, chapter 245G, appointed by the commissioner of human
108.11 services;
- 108.12 (16) a member of the Minnesota Association of County Social Service Administrators
108.13 appointed by the association's president;
- 108.14 (17) a member of the public with a substance use disorder who has experience in the
108.15 criminal justice system appointed by the governor; and
- 108.16 (18) a member of the public who has been the victim of a crime relating to substance
108.17 abuse appointed by the governor.
- 108.18 (b) Appointments must be made no later than August 30, 2022.
- 108.19 (c) Public members identified in paragraph (a), clauses (17) and (18), are eligible for
108.20 compensation and expense reimbursement consistent with Minnesota Statutes, section
108.21 15.059, subdivision 3. All other members shall serve without compensation.

108.22 (d) Members of the task force serve at the pleasure of the appointing authority or until
 108.23 the task force expires. Vacancies shall be filled by the appointing authority consistent with
 108.24 the qualifications of the vacating member required by this subdivision.

108.25 Subd. 3. **Officers; meetings.** (a) The commissioners of public safety and human services
 108.26 shall cochair the task force. The task force may elect other officers as necessary.

108.27 (b) The commissioner of public safety shall convene the first meeting of the task force
 108.28 no later than September 15, 2022, and shall provide meeting space and administrative
 108.29 assistance through the Office of Justice Programs as necessary for the task force to conduct
 108.30 its work.

109.1 (c) The task force shall meet at least monthly or upon the call of a cochair. The task
 109.2 force shall meet sufficiently enough to accomplish the tasks identified in this section.
 109.3 Meetings of the task force are subject to Minnesota Statutes, chapter 13D.

109.4 Subd. 4. **Duties.** (a) The task force shall, at a minimum:

109.5 (1) collect and analyze data on controlled substance offenses, deaths and hospitalizations
 109.6 from controlled substance overdoses, and other societal impacts related to controlled
 109.7 substance use disorders;

109.8 (2) analyze the law enforcement response to controlled substance abuse in Minnesota
 109.9 and other jurisdictions;

109.10 (3) analyze the judicial system response to controlled substance abuse in Minnesota and
 109.11 other jurisdictions, including a review of treatment courts and diversion programs;

109.12 (4) analyze the prosecutorial response to controlled substance abuse in Minnesota and
 109.13 other jurisdictions, including charging decisions, plea bargains, and the use of pretrial and
 109.14 precharge diversion programs;

109.15 (5) analyze the correctional response to controlled substance abuse in Minnesota and
 109.16 other jurisdictions, including the use of mandatory drug testing, required participation in
 109.17 substance abuse treatment programs as a condition of probation, the effectiveness of
 109.18 substance abuse treatment programs offered to incarcerated individuals, and the effectiveness
 109.19 of the challenge incarceration program;

109.20 (6) analyze the human services and health response to controlled substance abuse in
 109.21 Minnesota and other jurisdictions, including the effectiveness of prevention programs,
 109.22 availability of inpatient and outpatient treatment programs, funding for participation in those
 109.23 programs, and the outcomes for participants in those programs;

109.24 (7) receive input from members of communities that have been affected by criminal
 109.25 activity and other social costs associated with controlled substance abuse;

- 109.26 (8) receive input from members of communities that have been affected by the
 109.27 criminalization of controlled substance abuse; and
- 109.28 (9) make recommendations for coordination of services, adoption of prevention models,
 109.29 expansion of effective treatment services, levels of funding, statutory changes, and other
 109.30 community and legislative action to address controlled substance abuse in Minnesota.
- 109.31 (b) At its discretion, the task force may examine other related issues consistent with this
 109.32 section.
- 110.1 Subd. 5. **Reports.** (a) The task force shall submit annual reports to the chairs and ranking
 110.2 minority members of the legislative committees and divisions with jurisdiction over public
 110.3 safety finance and policy, human services finance and policy, health finance and policy,
 110.4 and judiciary finance and policy.
- 110.5 (b) The task force shall submit a preliminary report on or before March 1, 2023.
- 110.6 (c) The task force shall submit a supplemental report on or before February 1, 2024.
- 110.7 (d) The task force shall submit a final report on or before January 15, 2025.
- 110.8 Subd. 6. **Expiration.** The task force expires the day after submitting its final report under
 110.9 subdivision 5.

ARTICLE 5

CORRECTIONS AND SENTENCING

- 110.12 Section 1. Minnesota Statutes 2020, section 13.871, subdivision 14, is amended to read:
- 110.13 Subd. 14. **Expungement petitions.** (a) Provisions regarding the classification and sharing
 110.14 of data contained in a petition for expungement of a criminal record are included in section
 110.15 609A.03.
- 110.16 (b) Provisions regarding the classification and sharing of data related to automatic
 110.17 expungements are included in sections 299C.097 and 609A.015.
- 110.18 **EFFECTIVE DATE.** This section is effective January 1, 2024.
- 110.19 Sec. 2. Minnesota Statutes 2020, section 152.18, subdivision 1, is amended to read:
- 110.20 Subdivision 1. **Deferring prosecution for certain first time drug offenders.** (a) A
 110.21 court may defer prosecution as provided in paragraph (c) for any person found guilty, after
 110.22 trial or upon a plea of guilty, of a violation of section 152.023, subdivision 2, 152.024,
 110.23 subdivision 2, 152.025, subdivision 2, or 152.027, subdivision 2, 3, 4, or 6, paragraph (d),
 110.24 for possession of a controlled substance, who:

110.25 (1) has not previously participated in or completed a diversion program authorized under
110.26 section 401.065;

110.27 (2) has not previously been placed on probation without a judgment of guilty and
110.28 thereafter been discharged from probation under this section; and

110.29 (3) has not been convicted of a felony violation of this chapter, including a felony-level
110.30 attempt or conspiracy, or been convicted by the United States or another state of a similar
111.1 offense that would have been a felony under this chapter if committed in Minnesota, unless
111.2 ten years have elapsed since discharge from sentence.

111.3 (b) The court must defer prosecution as provided in paragraph (c) for any person found
111.4 guilty of a violation of section 152.025, subdivision 2, who:

111.5 (1) meets the criteria listed in paragraph (a), clauses (1) to (3); and

111.6 (2) has not previously been convicted of a felony offense under any state or federal law
111.7 or of a gross misdemeanor under section 152.025.

111.8 (c) In granting relief under this section, the court shall, without entering a judgment of
111.9 guilty and with the consent of the person, defer further proceedings and place the person
111.10 on probation upon such reasonable conditions as it may require and for a period, not to
111.11 exceed the maximum sentence provided for the violation. The court may give the person
111.12 the opportunity to attend and participate in an appropriate program of education regarding
111.13 the nature and effects of alcohol and drug abuse as a stipulation of probation. Upon violation
111.14 of a condition of the probation, the court may enter an adjudication of guilt and proceed as
111.15 otherwise provided. The court may, in its discretion, dismiss the proceedings against the
111.16 person and discharge the person from probation before the expiration of the maximum
111.17 period prescribed for the person's probation. If during the period of probation the person
111.18 does not violate any of the conditions of the probation, then upon expiration of the period
111.19 the court shall discharge the person and dismiss the proceedings against that person.
111.20 Discharge and dismissal under this subdivision shall be without court adjudication of guilt,
111.21 but a not public record of it shall be retained by the Bureau of Criminal Apprehension for
111.22 the purpose of use by the courts in determining the merits of subsequent proceedings against
111.23 the person. The not public record may also be opened only upon court order for purposes
111.24 of a criminal investigation, prosecution, or sentencing. Upon receipt of notice that the
111.25 proceedings were dismissed, the Bureau of Criminal Apprehension shall notify the arresting
111.26 or citing law enforcement agency and direct that agency to seal its records related to the
111.27 charge. Upon request by law enforcement, prosecution, or corrections authorities, the bureau
111.28 shall notify the requesting party of the existence of the not public record and the right to
111.29 seek a court order to open it pursuant to this section. The court shall forward a record of
111.30 any discharge and dismissal under this subdivision to the bureau which shall make and
111.31 maintain the not public record of it as provided under this subdivision. The discharge or
111.32 dismissal shall not be deemed a conviction for purposes of disqualifications or disabilities
111.33 imposed by law upon conviction of a crime or for any other purpose.

- 112.1 For purposes of this subdivision, "not public" has the meaning given in section 13.02,
 112.2 subdivision 8a.
- 112.3 **EFFECTIVE DATE.** This section is effective January 1, 2024.
- 112.4 Sec. 3. Minnesota Statutes 2020, section 241.021, subdivision 2a, is amended to read:
- 112.5 Subd. 2a. **Affected municipality; notice.** The commissioner must not ~~issue~~ grant a
 112.6 license without giving 30 calendar days' written notice to any affected municipality or other
 112.7 political subdivision unless the facility has a licensed capacity of six or fewer persons and
 112.8 is occupied by either the licensee or the group foster home parents. The notification must
 112.9 be given before the license is first ~~issuance of a license~~ granted and annually after that time
 112.10 if annual notification is requested in writing by any affected municipality or other political
 112.11 subdivision. State funds must not be made available to or be spent by an agency or department
 112.12 of state, county, or municipal government for payment to a foster care facility licensed under
 112.13 subdivision 2 until the provisions of this subdivision have been complied with in full.
- 112.14 Sec. 4. Minnesota Statutes 2020, section 241.021, subdivision 2b, is amended to read:
- 112.15 Subd. 2b. **Licensing; facilities; juveniles from outside state.** The commissioner may
 112.16 not:
- 112.17 (1) ~~issue~~ grant a license under this section to operate a correctional facility for the
 112.18 detention or confinement of juvenile offenders if the facility accepts juveniles who reside
 112.19 outside of Minnesota without an agreement with the entity placing the juvenile at the facility
 112.20 that obligates the entity to pay the educational expenses of the juvenile; or
- 112.21 (2) renew a license under this section to operate a correctional facility for the detention
 112.22 or confinement of juvenile offenders if the facility accepts juveniles who reside outside of
 112.23 Minnesota without an agreement with the entity placing the juvenile at the facility that
 112.24 obligates the entity to pay the educational expenses of the juvenile.
- 112.25 Sec. 5. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to
 112.26 read:
- 112.27 Subd. 2c. **Searches.** The commissioner shall not grant a license to any county,
 112.28 municipality, or agency to operate a facility for the detention, care, and training of delinquent
 112.29 children and youth unless the county, municipality, or agency institutes a policy strictly
 112.30 prohibiting the visual inspection of breasts, buttocks, or genitalia of children and youth
 112.31 received by the facility except during a health care procedure conducted by a medically
 112.32 licensed person.
- 113.1 Sec. 6. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to
 113.2 read:
- 113.3 Subd. 2d. **Disciplinary room time.** The commissioner shall not grant a license to any
 113.4 county, municipality, or agency to operate a facility for the detention, care, and training of

113.5 delinquent children and youth unless the county, municipality, or agency institutes a policy
 113.6 strictly prohibiting the use of disciplinary room time for children and youth received by the
 113.7 facility.

113.8 Sec. 7. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to
 113.9 read:

113.10 Subd. 4e. **Language access.** The commissioner of corrections shall take reasonable steps
 113.11 to provide meaningful access to limited English proficient (LEP) individuals incarcerated,
 113.12 detained, or supervised by the Department of Corrections. The commissioner shall develop
 113.13 written policy and annual training to implement language access for LEP individuals.

113.14 Sec. 8. Minnesota Statutes 2020, section 241.90, is amended to read:

113.15 **241.90 OFFICE OF OMBUDSPERSON; CREATION; QUALIFICATIONS;**
 113.16 **FUNCTION.**

113.17 The Office of Ombudsperson for the Department of Corrections is hereby created. The
 113.18 ombudsperson shall ~~serve at the pleasure of~~ be appointed by the governor in the unclassified
 113.19 service; and may be removed only for just cause. The ombudsperson shall be selected without
 113.20 regard to political affiliation, and shall be a person highly competent and qualified to analyze
 113.21 questions of law, administration, and public policy. No person may serve as ombudsperson
 113.22 while holding any other public office. The ombudsperson for corrections shall be accountable
 113.23 to the governor and shall have the authority to investigate decisions, acts, and other matters
 113.24 of the Department of Corrections so as to promote the highest attainable standards of
 113.25 competence, efficiency, and justice in the administration of corrections.

113.26 Sec. 9. Minnesota Statutes 2020, section 242.192, is amended to read:

113.27 **242.192 CHARGES TO COUNTIES.**

113.28 (a) The commissioner shall charge counties or other appropriate jurisdictions ~~65 percent~~
 113.29 of the per diem cost of confinement, excluding educational costs and nonbillable service,
 113.30 of juveniles at the Minnesota Correctional Facility-Red Wing and of juvenile females
 113.31 committed to the commissioner of corrections. This charge applies to juveniles committed
 113.32 to the commissioner of corrections and juveniles admitted to the Minnesota Correctional
 114.1 Facility-Red Wing under established admissions criteria. This charge applies to both counties
 114.2 that participate in the Community Corrections Act and those that do not. The commissioner
 114.3 shall determine the per diem cost of confinement based on projected population, pricing
 114.4 incentives, and market conditions. ~~All money received under this section must be deposited~~
 114.5 in the state treasury and credited to the general fund.

114.6 (b) The first 65 percent of all money received under paragraph (a) must be deposited in
 114.7 the state treasury and credited to the general fund. The next 35 percent of all money received
 114.8 under paragraph (a) must be credited to the prevention services account, which is hereby
 114.9 established in the special revenue fund. Interest earned in the account accrues to the account.

- 114.10 Funds in the prevention services account are annually appropriated to the commissioner of
114.11 public safety to provide grants for prevention services and dual status youth programs.
114.12 Recipients must use funds to prevent juveniles from entering the criminal or juvenile justice
114.13 system or provide services for youth who are in both the child welfare and juvenile justice
114.14 systems.
- 114.15 Sec. 10. **[244.049] INDETERMINATE SENTENCE RELEASE BOARD.**
- 114.16 Subdivision 1. **Establishment; membership.** (a) The Indeterminate Sentence Release
114.17 Board is established to review eligible cases and make release decisions for inmates serving
114.18 indeterminate sentences under the authority of the commissioner.
- 114.19 (b) The board shall consist of five members as follows:
- 114.20 (1) four persons appointed by the governor from two recommendations of each of the
114.21 majority leaders and minority leaders of the house of representatives and the senate; and
- 114.22 (2) the commissioner of corrections who shall serve as chair.
- 114.23 (c) The members appointed from the legislative recommendations must meet the
114.24 following qualifications at a minimum:
- 114.25 (1) a bachelor's degree in criminology, corrections, or a related social science, or a law
114.26 degree;
- 114.27 (2) five years of experience in corrections, a criminal justice or community corrections
114.28 field, rehabilitation programming, behavioral health, or criminal law; and
- 114.29 (3) demonstrated knowledge of victim issues and correctional processes.
- 114.30 Subd. 2. **Terms; compensation.** (a) Members of the board shall serve four-year staggered
114.31 terms except that the terms of the initial members of the board must be as follows:
- 114.32 (1) two members must be appointed for terms that expire January 1, 2024; and
- 115.1 (2) two members must be appointed for terms that expire January 1, 2026.
- 115.2 (b) A member is eligible for reappointment.
- 115.3 (c) Vacancies on the board shall be filled in the same manner as the initial appointments
115.4 under subdivision 1.
- 115.5 (d) Member compensation and removal of members on the board shall be as provided
115.6 in section 15.0575.

115.7 Subd. 3. **Quorum; administrative duties.** (a) The majority of members constitutes a
115.8 quorum.

115.9 (b) The commissioner of corrections shall provide the board with personnel, supplies,
115.10 equipment, office space, and other administrative services necessary and incident to the
115.11 discharge of the functions of the board.

115.12 Subd. 4. **Limitation.** Nothing in this section supersedes the commissioner's authority
115.13 to revoke an inmate's release for a violation of the inmate's terms of release or impairs the
115.14 power of the Board of Pardons to grant a pardon or commutation in any case.

115.15 Subd. 5. **Report.** On or before February 15 each year, the board shall submit to the
115.16 legislative committees with jurisdiction over criminal justice policy a written report detailing
115.17 the number of inmates reviewed and identifying persons granted release in the preceding
115.18 year. The report shall also include the board's recommendations for policy modifications
115.19 that influence the board's duties.

115.20 Sec. 11. Minnesota Statutes 2020, section 244.05, subdivision 5, is amended to read:

115.21 Subd. 5. **Supervised release, life sentence.** (a) The ~~commissioner of corrections board~~
115.22 may, under rules ~~promulgated~~ adopted by the commissioner and upon majority vote of the
115.23 board members, give supervised release to an inmate serving a mandatory life sentence
115.24 under section 609.185, paragraph (a), clause (3), (5), or (6); 609.3455, subdivision 3 or 4;
115.25 609.385; or Minnesota Statutes 2004, section 609.109, subdivision 3, after the inmate has
115.26 served the minimum term of imprisonment specified in subdivision 4.

115.27 (b) The ~~commissioner board~~ shall require the preparation of a community investigation
115.28 report and shall consider the findings of the report when making a supervised release decision
115.29 under this subdivision. The report shall reflect the sentiment of the various elements of the
115.30 community toward the inmate, both at the time of the offense and at the present time. The
115.31 report shall include the views of the sentencing judge, the prosecutor, any law enforcement
115.32 personnel who may have been involved in the case, and any successors to these individuals
116.1 who may have information relevant to the supervised release decision. The report shall also
116.2 include the views of the victim and the victim's family unless the victim or the victim's
116.3 family chooses not to participate.

116.4 (c) The commissioner shall make reasonable efforts to notify the victim, in advance, of
116.5 the time and place of the inmate's supervised release review hearing. The victim has a right
116.6 to submit an oral or written statement at the review hearing. The statement may summarize
116.7 the harm suffered by the victim as a result of the crime and give the victim's recommendation
116.8 on whether the inmate should be given supervised release at this time. The ~~commissioner~~
116.9 board must consider the victim's statement when making the supervised release decision.

116.10 (d) When considering whether to give supervised release to an inmate serving a life
116.11 sentence under section 609.3455, subdivision 3 or 4, the ~~commissioner board~~ shall consider,

34.26 Sec. 8. Minnesota Statutes 2020, section 244.05, subdivision 5, is amended to read:

34.27 Subd. 5. **Supervised release, life sentence.** (a) The ~~commissioner of corrections~~ may,
34.28 under rules ~~promulgated~~ by the commissioner, give supervised release to an inmate serving
34.29 a mandatory life sentence under section 609.185, paragraph (a), clause (3), (5), or (6);
34.30 ~~609.2661, clause (3); 609.3455, subdivision 3 or 4; or 609.385; or Minnesota Statutes 2004,~~
34.31 section 609.109, subdivision 3, after the inmate has served the minimum term of
34.32 imprisonment specified in subdivision 4.

35.1 (b) The ~~commissioner~~ shall require the preparation of a community investigation report
35.2 and shall consider the findings of the report when making a supervised release decision
35.3 under this subdivision. The report shall reflect the sentiment of the various elements of the
35.4 community toward the inmate, both at the time of the offense and at the present time. The
35.5 report shall include the views of the sentencing judge, the prosecutor, any law enforcement
35.6 personnel who may have been involved in the case, and any successors to these individuals
35.7 who may have information relevant to the supervised release decision. The report shall also
35.8 include the views of the victim and the victim's family unless the victim or the victim's
35.9 family chooses not to participate.

35.10 (c) The commissioner shall make reasonable efforts to notify the victim, in advance, of
35.11 the time and place of the inmate's supervised release review hearing. The victim has a right
35.12 to submit an oral or written statement at the review hearing. The statement may summarize
35.13 the harm suffered by the victim as a result of the crime and give the victim's recommendation
35.14 on whether the inmate should be given supervised release at this time. The ~~commissioner~~
35.15 board must consider the victim's statement when making the supervised release decision.

35.16 (d) When considering whether to give supervised release to an inmate serving a life
35.17 sentence under section 609.3455, subdivision 3 or 4, the ~~commissioner~~ shall consider, at a

116.12 at a minimum, the following: the risk the inmate poses to the community if released, the
 116.13 inmate's progress in treatment, the inmate's behavior while incarcerated, psychological or
 116.14 other diagnostic evaluations of the inmate, the inmate's criminal history, and any other
 116.15 relevant conduct of the inmate while incarcerated or before incarceration. The ~~commissioner~~
 116.16 board may not give supervised release to the inmate unless:

116.17 (1) while in prison:

116.18 (i) the inmate has successfully completed appropriate sex offender treatment;

116.19 (ii) the inmate has been assessed for chemical dependency needs and, if appropriate, has
 116.20 successfully completed chemical dependency treatment; and

116.21 (iii) the inmate has been assessed for mental health needs and, if appropriate, has
 116.22 successfully completed mental health treatment; and

116.23 (2) a comprehensive individual release plan is in place for the inmate that ensures that,
 116.24 after release, the inmate will have suitable housing and receive appropriate aftercare and
 116.25 community-based treatment. The comprehensive plan also must include a postprison
 116.26 employment or education plan for the inmate.

116.27 (e) As used in this subdivision, ~~;~~

116.28 (1) "board" means the Indeterminate Sentence Release Board under section 244.049;

116.29 and

116.30 (2) "victim" means the individual who suffered harm as a result of the inmate's crime
 116.31 or, if the individual is deceased, the deceased's surviving spouse or next of kin.

117.1 Sec. 12. Minnesota Statutes 2020, section 244.09, subdivision 10, is amended to read:

117.2 Subd. 10. **Research director.** The commission may select and employ a research director
 117.3 who shall perform the duties the commission directs, including the hiring of any clerical
 117.4 help and other employees as the commission shall approve. The research director ~~and other~~
 117.5 staff shall be in the unclassified service of the state ~~and their~~. The compensation of the
 117.6 research director and other staff shall be established pursuant to chapter 43A. They shall
 117.7 be reimbursed for the expenses necessarily incurred in the performance of their official
 117.8 duties in the same manner as other state employees.

117.9 Sec. 13. Minnesota Statutes 2020, section 260B.163, subdivision 1, is amended to read:

117.10 Subdivision 1. **General.** (a) Except for hearings arising under section 260B.425, hearings
 117.11 on any matter shall be without a jury and may be conducted in an informal manner, except
 117.12 that a child who is prosecuted as an extended jurisdiction juvenile has the right to a jury
 117.13 trial on the issue of guilt. The rules of evidence promulgated pursuant to section 480.0591
 117.14 and the law of evidence shall apply in adjudicatory proceedings involving a child alleged
 117.15 to be delinquent, an extended jurisdiction juvenile, or a juvenile petty offender, and hearings

35.18 minimum, the following: the risk the inmate poses to the community if released, the inmate's
 35.19 progress in treatment, the inmate's behavior while incarcerated, psychological or other
 35.20 diagnostic evaluations of the inmate, the inmate's criminal history, and any other relevant
 35.21 conduct of the inmate while incarcerated or before incarceration. The ~~commissioner~~ may
 35.22 not give supervised release to the inmate unless:

35.23 (1) while in prison:

35.24 (i) the inmate has successfully completed appropriate sex offender treatment;

35.25 (ii) the inmate has been assessed for chemical dependency needs and, if appropriate, has
 35.26 successfully completed chemical dependency treatment; and

35.27 (iii) the inmate has been assessed for mental health needs and, if appropriate, has
 35.28 successfully completed mental health treatment; and

35.29 (2) a comprehensive individual release plan is in place for the inmate that ensures that,
 35.30 after release, the inmate will have suitable housing and receive appropriate aftercare and
 35.31 community-based treatment. The comprehensive plan also must include a postprison
 35.32 employment or education plan for the inmate.

36.1 (e) As used in this subdivision, "victim" means the individual who suffered harm as a
 36.2 result of the inmate's crime or, if the individual is deceased, the deceased's surviving spouse
 36.3 or next of kin.

36.4 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
 36.5 committed on or after that date.

117.16 conducted pursuant to section 260B.125 except to the extent that the rules themselves provide
117.17 that they do not apply.

117.18 (b) When a continuance or adjournment is ordered in any proceeding, the court may
117.19 make any interim orders as it deems in the best interests of the minor in accordance with
117.20 the provisions of sections 260B.001 to 260B.421.

117.21 (c) Except as otherwise provided in this paragraph, the court shall exclude the general
117.22 public from hearings under this chapter and shall admit only those persons who, in the
117.23 discretion of the court, have a direct interest in the case or in the work of the court. The
117.24 court shall permit the victim of a child's delinquent act to attend any related delinquency
117.25 proceeding, except that the court may exclude the victim:

117.26 (1) as a witness under the Rules of Criminal Procedure; and

117.27 (2) from portions of a certification hearing to discuss psychological material or other
117.28 evidence that would not be accessible to the public.

117.29 The court shall open the hearings to the public in ~~delinquency or~~ extended jurisdiction
117.30 juvenile proceedings where the child is alleged to have committed an offense or has been
117.31 proven to have committed an offense that would be a felony if committed by an adult and
117.32 the child was at least 16 years of age at the time of the offense, except that the court may
118.1 exclude the public from portions of a certification hearing to discuss psychological material
118.2 or other evidence that would not be accessible to the public in an adult proceeding.

118.3 (d) In all delinquency cases a person named in the charging clause of the petition as a
118.4 person directly damaged in person or property shall be entitled, upon request, to be notified
118.5 by the court administrator in writing, at the named person's last known address, of (1) the
118.6 date of the certification or adjudicatory hearings, and (2) the disposition of the case.

118.7 Sec. 14. Minnesota Statutes 2020, section 260B.176, is amended by adding a subdivision
118.8 to read:

118.9 Subd. 1a. **Risk assessment instrument.** If a peace officer or probation or parole officer
118.10 who took a child into custody does not release the child as provided in subdivision 1, the
118.11 peace officer or probation or parole officer shall communicate with or deliver the child to
118.12 a juvenile secure detention facility to determine whether the child should be released or
118.13 detained. Before detaining a child, the supervisor of the facility shall use an objective and
118.14 racially, ethnically, and gender-responsive juvenile detention risk assessment instrument
118.15 developed by the commissioner of corrections, county, group of counties, or judicial district,
118.16 in consultation with the state coordinator or coordinators of the Minnesota Juvenile Detention
118.17 Alternatives Initiative. The risk assessment instrument must assess the likelihood that a
118.18 child released from preadjudication detention under this section or section 260B.178 would
118.19 endanger others or not return for a court hearing. The instrument must identify the appropriate
118.20 setting for a child who might endanger others or not return for a court hearing pending

118.21 adjudication, with either continued detention or placement in a noncustodial
 118.22 community-based supervision setting. The instrument must also identify the type of
 118.23 noncustodial community-based supervision setting necessary to minimize the risk that a
 118.24 child who is released from custody will endanger others or not return for a court hearing.
 118.25 If, after using the instrument, a determination is made that the child should be released, the
 118.26 person taking the child into custody or the supervisor of the facility shall release the child
 118.27 as provided in subdivision 1.

118.28 **EFFECTIVE DATE.** This section is effective August 15, 2022.

118.29 Sec. 15. Minnesota Statutes 2020, section 260B.176, subdivision 2, is amended to read:

118.30 Subd. 2. **Reasons for detention.** (a) If the child is not released as provided in subdivision
 118.31 1, the person taking the child into custody shall notify the court as soon as possible of the
 118.32 detention of the child and the reasons for detention.

119.1 (b) No child may be detained in a secure detention facility after being taken into custody
 119.2 for a delinquent act as defined in section 260B.007, subdivision 6, unless the child is over
 119.3 the age of 12.

119.4 ~~(b)~~ (c) No child may be detained in a juvenile secure detention facility or shelter care
 119.5 facility longer than 36 hours, excluding Saturdays, Sundays, and holidays, after being taken
 119.6 into custody for a delinquent act as defined in section 260B.007, subdivision 6, unless a
 119.7 petition has been filed and the judge or referee determines pursuant to section 260B.178
 119.8 that the child shall remain in detention.

119.9 ~~(c)~~ (d) No child may be detained in an adult jail or municipal lockup longer than 24
 119.10 hours, excluding Saturdays, Sundays, and holidays, or longer than six hours in an adult jail
 119.11 or municipal lockup in a standard metropolitan statistical area, after being taken into custody
 119.12 for a delinquent act as defined in section 260B.007, subdivision 6, unless:

119.13 (1) a petition has been filed under section 260B.141; and

119.14 (2) a judge or referee has determined under section 260B.178 that the child shall remain
 119.15 in detention.

119.16 After August 1, 1991, no child described in this paragraph may be detained in an adult
 119.17 jail or municipal lockup longer than 24 hours, excluding Saturdays, Sundays, and holidays,
 119.18 or longer than six hours in an adult jail or municipal lockup in a standard metropolitan
 119.19 statistical area, unless the requirements of this paragraph have been met and, in addition, a
 119.20 motion to refer the child for adult prosecution has been made under section 260B.125.
 119.21 Notwithstanding this paragraph, continued detention of a child in an adult detention facility
 119.22 outside of a standard metropolitan statistical area county is permissible if:

119.23 (i) the facility in which the child is detained is located where conditions of distance to
 119.24 be traveled or other ground transportation do not allow for court appearances within 24
 119.25 hours. A delay not to exceed 48 hours may be made under this clause; or

119.26 (ii) the facility is located where conditions of safety exist. Time for an appearance may
 119.27 be delayed until 24 hours after the time that conditions allow for reasonably safe travel.
 119.28 "Conditions of safety" include adverse life-threatening weather conditions that do not allow
 119.29 for reasonably safe travel.

119.30 The continued detention of a child under clause (i) or (ii) must be reported to the
 119.31 commissioner of corrections.

119.32 ~~(d)~~ (e) If a child described in paragraph ~~(e)~~ (d) is to be detained in a jail beyond 24 hours,
 119.33 excluding Saturdays, Sundays, and holidays, the judge or referee, in accordance with rules
 120.1 and procedures established by the commissioner of corrections, shall notify the commissioner
 120.2 of the place of the detention and the reasons therefor. The commissioner shall thereupon
 120.3 assist the court in the relocation of the child in an appropriate juvenile secure detention
 120.4 facility or approved jail within the county or elsewhere in the state, or in determining suitable
 120.5 alternatives. The commissioner shall direct that a child detained in a jail be detained after
 120.6 eight days from and including the date of the original detention order in an approved juvenile
 120.7 secure detention facility with the approval of the administrative authority of the facility. If
 120.8 the court refers the matter to the prosecuting authority pursuant to section 260B.125, notice
 120.9 to the commissioner shall not be required.

120.10 ~~(e)~~ (f) When a child is detained for an alleged delinquent act in a state licensed juvenile
 120.11 facility or program, or when a child is detained in an adult jail or municipal lockup as
 120.12 provided in paragraph ~~(e)~~ (d), the supervisor of the facility shall, if the child's parent or legal
 120.13 guardian consents, have a children's mental health screening conducted with a screening
 120.14 instrument approved by the commissioner of human services, unless a screening has been
 120.15 performed within the previous 180 days or the child is currently under the care of a mental
 120.16 health professional. The screening shall be conducted by a mental health practitioner as
 120.17 defined in section 245.4871, subdivision 26, or a probation officer who is trained in the use
 120.18 of the screening instrument. The screening shall be conducted after the initial detention
 120.19 hearing has been held and the court has ordered the child continued in detention. The results
 120.20 of the screening may only be presented to the court at the dispositional phase of the court
 120.21 proceedings on the matter unless the parent or legal guardian consents to presentation at a
 120.22 different time. If the screening indicates a need for assessment, the local social services
 120.23 agency or probation officer, with the approval of the child's parent or legal guardian, shall
 120.24 have a diagnostic assessment conducted, including a functional assessment, as defined in
 120.25 section 245.4871.

120.26 Sec. 16. Minnesota Statutes 2020, section 260C.007, subdivision 6, is amended to read:

120.27 Subd. 6. **Child in need of protection or services.** "Child in need of protection or
 120.28 services" means a child who is in need of protection or services because the child:

- 120.29 (1) is abandoned or without parent, guardian, or custodian;
- 120.30 (2)(i) has been a victim of physical or sexual abuse as defined in section 260E.03,
 120.31 subdivision 18 or 20, (ii) resides with or has resided with a victim of child abuse as defined
 120.32 in subdivision 5 or domestic child abuse as defined in subdivision 13, (iii) resides with or
 120.33 would reside with a perpetrator of domestic child abuse as defined in subdivision 13 or child
 121.1 abuse as defined in subdivision 5 or 13, or (iv) is a victim of emotional maltreatment as
 121.2 defined in subdivision 15;
- 121.3 (3) is without necessary food, clothing, shelter, education, or other required care for the
 121.4 child's physical or mental health or morals because the child's parent, guardian, or custodian
 121.5 is unable or unwilling to provide that care;
- 121.6 (4) is without the special care made necessary by a physical, mental, or emotional
 121.7 condition because the child's parent, guardian, or custodian is unable or unwilling to provide
 121.8 that care;
- 121.9 (5) is medically neglected, which includes, but is not limited to, the withholding of
 121.10 medically indicated treatment from an infant with a disability with a life-threatening
 121.11 condition. The term "withholding of medically indicated treatment" means the failure to
 121.12 respond to the infant's life-threatening conditions by providing treatment, including
 121.13 appropriate nutrition, hydration, and medication which, in the treating physician's or advanced
 121.14 practice registered nurse's reasonable medical judgment, will be most likely to be effective
 121.15 in ameliorating or correcting all conditions, except that the term does not include the failure
 121.16 to provide treatment other than appropriate nutrition, hydration, or medication to an infant
 121.17 when, in the treating physician's or advanced practice registered nurse's reasonable medical
 121.18 judgment:
- 121.19 (i) the infant is chronically and irreversibly comatose;
- 121.20 (ii) the provision of the treatment would merely prolong dying, not be effective in
 121.21 ameliorating or correcting all of the infant's life-threatening conditions, or otherwise be
 121.22 futile in terms of the survival of the infant; or
- 121.23 (iii) the provision of the treatment would be virtually futile in terms of the survival of
 121.24 the infant and the treatment itself under the circumstances would be inhumane;
- 121.25 (6) is one whose parent, guardian, or other custodian for good cause desires to be relieved
 121.26 of the child's care and custody, including a child who entered foster care under a voluntary
 121.27 placement agreement between the parent and the responsible social services agency under
 121.28 section 260C.227;
- 121.29 (7) has been placed for adoption or care in violation of law;
- 121.30 (8) is without proper parental care because of the emotional, mental, or physical disability,
 121.31 or state of immaturity of the child's parent, guardian, or other custodian;

- 122.1 (9) is one whose behavior, condition, or environment is such as to be injurious or
 122.2 dangerous to the child or others. An injurious or dangerous environment may include, but
 122.3 is not limited to, the exposure of a child to criminal activity in the child's home;
- 122.4 (10) is experiencing growth delays, which may be referred to as failure to thrive, that
 122.5 have been diagnosed by a physician and are due to parental neglect;
- 122.6 (11) is a sexually exploited youth;
- 122.7 (12) has committed a delinquent act or a juvenile petty offense before becoming ~~ten~~ 13
 122.8 years old;
- 122.9 (13) is a runaway;
- 122.10 (14) is a habitual truant;
- 122.11 (15) has been found incompetent to proceed or has been found not guilty by reason of
 122.12 mental illness or mental deficiency in connection with a delinquency proceeding, a
 122.13 certification under section 260B.125, an extended jurisdiction juvenile prosecution, or a
 122.14 proceeding involving a juvenile petty offense; or
- 122.15 (16) has a parent whose parental rights to one or more other children were involuntarily
 122.16 terminated or whose custodial rights to another child have been involuntarily transferred to
 122.17 a relative and there is a case plan prepared by the responsible social services agency
 122.18 documenting a compelling reason why filing the termination of parental rights petition under
 122.19 section 260C.503, subdivision 2, is not in the best interests of the child.
- 122.20 Sec. 17. **[299C.097] DATABASE FOR IDENTIFYING INDIVIDUALS ELIGIBLE**
 122.21 **FOR EXPUNGEMENT.**
- 122.22 (a) The superintendent of the Bureau of Criminal Apprehension shall maintain a
 122.23 computerized data system relating to petty misdemeanor and misdemeanor offenses that
 122.24 may become eligible for expungement pursuant to section 609A.015, do not require
 122.25 fingerprinting pursuant to section 299C.10, and are not linked to an arrest record in the
 122.26 criminal history system.
- 122.27 (b) This data is private data on individuals under section 13.02, subdivision 12.
- 122.28 **EFFECTIVE DATE.** This section is effective January 1, 2024.
- 122.29 Sec. 18. Minnesota Statutes 2020, section 299C.10, subdivision 1, is amended to read:
- 122.30 Subdivision 1. **Required fingerprinting.** (a) Sheriffs, peace officers, and community
 122.31 corrections agencies operating secure juvenile detention facilities shall take or cause to be
 123.1 taken immediately finger and thumb prints, photographs, distinctive physical mark
 123.2 identification data, information on any known aliases or street names, and other identification
 123.3 data requested or required by the superintendent of the bureau, of the following:

- 123.4 (1) persons arrested for, appearing in court on a charge of, or convicted of a felony, gross
123.5 misdemeanor, or targeted misdemeanor;
- 123.6 (2) juveniles arrested for, appearing in court on a charge of, adjudicated delinquent for,
123.7 or alleged to have committed felonies or gross misdemeanors as distinguished from those
123.8 committed by adult offenders;
- 123.9 (3) adults and juveniles admitted to jails or detention facilities;
- 123.10 (4) persons reasonably believed by the arresting officer to be fugitives from justice;
- 123.11 (5) persons in whose possession, when arrested, are found concealed firearms or other
123.12 dangerous weapons, burglar tools or outfits, high-power explosives, or articles, machines,
123.13 or appliances usable for an unlawful purpose and reasonably believed by the arresting officer
123.14 to be intended for such purposes;
- 123.15 (6) juveniles referred by a law enforcement agency to a diversion program for a felony
123.16 or gross misdemeanor offense; and
- 123.17 (7) persons currently involved in the criminal justice process, on probation, on parole,
123.18 or in custody for any offense whom the superintendent of the bureau identifies as being the
123.19 subject of a court disposition record which cannot be linked to an arrest record, and whose
123.20 fingerprints are necessary to reduce the number of suspense files, or to comply with the
123.21 mandates of section 299C.111, relating to the reduction of the number of suspense files.
123.22 This duty to obtain fingerprints for the offenses in suspense at the request of the bureau
123.23 shall include the requirement that fingerprints be taken in post-arrest interviews, while
123.24 making court appearances, while in custody, or while on any form of probation, diversion,
123.25 or supervised release.
- 123.26 (b) Unless the superintendent of the bureau requires a shorter period, within 24 hours
123.27 of taking the fingerprints and data, the fingerprint records and other identification data
123.28 specified under paragraph (a) must be electronically entered into a bureau-managed
123.29 searchable database in a manner as may be prescribed by the superintendent.
- 123.30 (c) Prosecutors, courts, and probation officers and their agents, employees, and
123.31 subordinates shall attempt to ensure that the required identification data is taken on a person
123.32 described in paragraph (a). Law enforcement may take fingerprints of an individual who is
123.33 presently on probation.
- 124.1 (d) Finger and thumb prints must be obtained no later than:
- 124.2 (1) release from booking; or
- 124.3 (2) if not booked prior to acceptance of a plea of guilty or not guilty.

124.4 Prior to acceptance of a plea of guilty or not guilty, an individual's finger and thumb
 124.5 prints must be submitted to the Bureau of Criminal Apprehension for the offense. If finger
 124.6 and thumb prints have not been successfully received by the bureau, an individual may,
 124.7 upon order of the court, be taken into custody for no more than eight hours so that the taking
 124.8 of prints can be completed. Upon notice and motion of the prosecuting attorney, this time
 124.9 period may be extended upon a showing that additional time in custody is essential for the
 124.10 successful taking of prints.

124.11 (e) For purposes of this section, a targeted misdemeanor is a misdemeanor violation of
 124.12 section 169A.20 (driving while impaired), 518B.01 (order for protection violation), 609.224
 124.13 (fifth-degree assault), 609.2242 (domestic assault), 609.746 (interference with privacy),
 124.14 609.748 (harassment or restraining order violation), 609.749 (obscene or harassing telephone
 124.15 calls), 617.23 (indecent exposure), or 629.75 (domestic abuse no contact order).

124.16 **EFFECTIVE DATE.** This section is effective August 15, 2022, and applies to
 124.17 individuals arrested, appearing in court, or convicted on or after that date.

124.18 Sec. 19. Minnesota Statutes 2020, section 299C.111, is amended to read:

124.19 **299C.111 SUSPENSE FILE REPORTING.**

124.20 The superintendent shall immediately notify the appropriate entity or individual when
 124.21 a disposition record for a felony, gross misdemeanor, or targeted misdemeanor is received
 124.22 that cannot be linked to an arrest record.

124.23 **EFFECTIVE DATE.** This section is effective January 1, 2024.

124.24 Sec. 20. Minnesota Statutes 2020, section 299C.17, is amended to read:

124.25 **299C.17 REPORT BY COURT ADMINISTRATOR.**

124.26 The superintendent shall require the court administrator of every court which sentences
 124.27 a defendant for a felony, gross misdemeanor, ~~or targeted misdemeanor, or petty misdemeanor~~
 124.28 to electronically transmit within 24 hours of the disposition of the case a report, in a form
 124.29 prescribed by the superintendent providing information required by the superintendent with
 124.30 regard to the prosecution and disposition of criminal cases. A copy of the report shall be
 124.31 kept on file in the office of the court administrator.

125.1 **EFFECTIVE DATE.** This section is effective January 1, 2024.

125.2 Sec. 21. Minnesota Statutes 2020, section 609A.01, is amended to read:

125.3 **609A.01 EXPUNGEMENT OF CRIMINAL RECORDS.**

125.4 This chapter provides the grounds and procedures for expungement of criminal records
 125.5 under section 13.82; 152.18, subdivision 1; 299C.11, where expungement is automatic under
 125.6 section 609A.015, or a petition is authorized under section 609A.02, subdivision 3; or other
 125.7 applicable law. The remedy available is limited to a court order sealing the records and

- 125.8 prohibiting the disclosure of their existence or their opening except under court order or
 125.9 statutory authority. Nothing in this chapter authorizes the destruction of records or their
 125.10 return to the subject of the records.
- 125.11 **EFFECTIVE DATE.** This section is effective January 1, 2024.
- 125.12 Sec. 22. **[609A.015] AUTOMATIC EXPUNGEMENT OF RECORDS.**
- 125.13 Subdivision 1. **Eligibility; dismissal; exoneration.** A person who is the subject of a
 125.14 criminal record or delinquency record is eligible for a grant of expungement relief without
 125.15 the filing of a petition:
- 125.16 (1) if the person was arrested and all charges were dismissed after a case was filed unless
 125.17 dismissal was based on a finding that the defendant was incompetent to proceed; or
- 125.18 (2) if all pending actions or proceedings were resolved in favor of the person.
- 125.19 For purposes of this chapter, a verdict of not guilty by reason of mental illness is not a
 125.20 resolution in favor of the person. For purposes of this chapter, an action or proceeding is
 125.21 resolved in favor of the person if the petitioner received an order under section 590.11
 125.22 determining that the person is eligible for compensation based on exoneration.
- 125.23 Subd. 2. **Eligibility; diversion and stay of adjudication.** A person is eligible for a grant
 125.24 of expungement relief if the person has successfully completed the terms of a diversion
 125.25 program or stay of adjudication for an offense that is not a felony or a gross misdemeanor
 125.26 violation of section 609.3451, subdivision 1a, and has not been petitioned or charged with
 125.27 a new offense, other than an offense that would be a petty misdemeanor, for one year
 125.28 immediately following completion of the diversion program or stay of adjudication.
- 125.29 Subd. 3. **Eligibility; certain criminal and delinquency proceedings.** (a) A person is
 125.30 eligible for a grant of expungement relief if the person:
- 126.1 (1) was adjudicated delinquent for, convicted of, or received a stayed sentence for a
 126.2 qualifying offense;
- 126.3 (2) has not been convicted of a new offense, other than an offense that would be a petty
 126.4 misdemeanor, in Minnesota during the applicable waiting period immediately following
 126.5 discharge of the disposition or sentence for the crime; and
- 126.6 (3) is not charged with an offense in Minnesota at the time the person reaches the end
 126.7 of the applicable waiting period.
- 126.8 (b) As used in this subdivision, "qualifying offense" means an adjudication, conviction,
 126.9 or stayed sentence for:

- 126.10 (1) any petty misdemeanor offense other than a violation of a traffic regulation relating
126.11 to the operation or parking of motor vehicles;
- 126.12 (2) any misdemeanor offense other than:
- 126.13 (i) section 169A.20 under the terms described in section 169A.27 (fourth-degree driving
126.14 while impaired);
- 126.15 (ii) section 518B.01, subdivision 14 (violation of an order for protection);
- 126.16 (iii) section 609.224 (assault in the fifth degree);
- 126.17 (iv) section 609.2242 (domestic assault);
- 126.18 (v) section 609.748 (violation of a harassment restraining order);
- 126.19 (vi) section 609.78 (interference with emergency call);
- 126.20 (vii) section 609.79 (obscene or harassing phone calls);
- 126.21 (viii) section 617.23 (indecent exposure);
- 126.22 (ix) section 609.746 (interference with privacy); or
- 126.23 (x) section 629.75 (violation of domestic abuse no contact order); or
- 126.24 (3) any gross misdemeanor offense other than:
- 126.25 (i) section 169A.25 (second-degree driving while impaired);
- 126.26 (ii) section 169A.26 (third-degree driving while impaired);
- 126.27 (iii) section 518B.01, subdivision 14 (violation of an order for protection);
- 126.28 (iv) section 609.2231 (assault in the fourth degree);
- 126.29 (v) section 609.224 (assault in the fifth degree);
- 127.1 (vi) section 609.2242 (domestic assault);
- 127.2 (vii) section 609.233 (criminal neglect);
- 127.3 (viii) section 609.3451 (criminal sexual conduct in the fifth degree);
- 127.4 (ix) section 609.377 (malicious punishment of child);
- 127.5 (x) section 609.485 (escape from custody);

- 127.6 (xi) section 609.498 (tampering with witness);
- 127.7 (xii) section 609.582, subdivision 4 (burglary in the fourth degree);
- 127.8 (xiii) section 609.746 (interference with privacy);
- 127.9 (xiv) section 609.748 (violation of a harassment restraining order);
- 127.10 (xv) section 609.749 (harassment; stalking);
- 127.11 (xvi) section 609.78 (interference with emergency call);
- 127.12 (xvii) section 617.23 (indecent exposure);
- 127.13 (xviii) section 617.261 (nonconsensual dissemination of private sexual images); or
- 127.14 (xix) section 629.75 (violation of domestic abuse no contact order).
- 127.15 (c) As used in this subdivision, "applicable waiting period" means:
- 127.16 (1) if the offense was a petty misdemeanor or a misdemeanor, two years; and
- 127.17 (2) if the offense was a gross misdemeanor, four years.
- 127.18 (d) Felony offenses deemed to be a gross misdemeanor or misdemeanor pursuant to
- 127.19 section 609.13, subdivision 1, remain ineligible for expungement under this section. Gross
- 127.20 misdemeanor offenses ineligible for a grant of expungement under this section remain
- 127.21 ineligible if deemed to be for a misdemeanor pursuant to section 609.13, subdivision 2.
- 127.22 Subd. 4. **Notice.** (a) The court shall notify a person who may become eligible for an
- 127.23 automatic expungement under this section of that eligibility at any hearing where the court
- 127.24 dismisses and discharges proceedings against a person under section 152.18, subdivision
- 127.25 1, for violation of section 152.024, 152.025, or 152.027 for possession of a controlled
- 127.26 substance; concludes that all pending actions or proceedings were resolved in favor of the
- 127.27 person; grants a person's placement into a diversion program; or sentences a person or
- 127.28 otherwise imposes a consequence for a qualifying offense.
- 128.1 (b) To the extent possible, prosecutors, defense counsel, supervising agents, and
- 128.2 coordinators or supervisors of a diversion program shall notify a person who may become
- 128.3 eligible for an automatic expungement under this section of that eligibility.
- 128.4 (c) If any party gives notification under this subdivision, the notification shall inform
- 128.5 the person that:
- 128.6 (1) an expunged record of a conviction may be opened for purposes of a background
- 128.7 study by the Department of Human Services under section 245C.08 and for purposes of a

- 128.8 background check by the Professional Educator Licensing and Standards Board as required
128.9 under section 122A.18, subdivision 8;
- 128.10 (2) an expunged record of conviction does not restore the right to ship, transport, possess,
128.11 or receive a firearm, but the person may seek a relief of disability under United States Code,
128.12 title 18, section 925, or restoration of the ability to possess firearms under section 609.165,
128.13 subdivision 1d; and
- 128.14 (3) the person can file a petition pursuant to section 609A.03 to expunge the record and
128.15 request that it be directed to the commissioner of human services and the Professional
128.16 Educator Licensing and Standards Board.
- 128.17 Subd. 5. **Bureau of Criminal Apprehension to identify eligible persons and grant**
128.18 **expungement relief.** (a) The Bureau of Criminal Apprehension shall identify adjudications
128.19 and convictions that qualify for a grant of expungement relief pursuant to this subdivision
128.20 or subdivision 1, 2, or 3.
- 128.21 (b) In making the determination under paragraph (a), the Bureau of Criminal
128.22 Apprehension shall identify individuals who are the subject of relevant records through the
128.23 use of fingerprints and thumbprints where fingerprints and thumbprints are available. Where
128.24 fingerprints and thumbprints are not available, the Bureau of Criminal Apprehension shall
128.25 identify individuals through the use of the person's name and date of birth. Records containing
128.26 the same name and date of birth shall be presumed to refer to the same individual unless
128.27 other evidence establishes, by a preponderance of the evidence, that they do not refer to the
128.28 same individual. The Bureau of Criminal Apprehension is not required to review any other
128.29 evidence in making its determination.
- 128.30 (c) The Bureau of Criminal Apprehension shall grant expungement relief to qualifying
128.31 persons and seal the bureau's records without requiring an application, petition, or motion.
128.32 Records shall be sealed 60 days after notice is sent to the judicial branch pursuant to
128.33 paragraph (e) unless an order of the judicial branch prohibits sealing the records or additional
128.34 information establishes that the records are not eligible for expungement.
- 129.1 (d) Nonpublic criminal records maintained by the Bureau of Criminal Apprehension
129.2 and subject to a grant of expungement relief shall display a notation stating "expungement
129.3 relief granted pursuant to section 609A.015."
- 129.4 (e) The Bureau of Criminal Apprehension shall inform the judicial branch of all cases
129.5 for which expungement relief was granted pursuant to this section. Notification may be
129.6 through electronic means and may be made in real time or in the form of a monthly report.
129.7 Upon receipt of notice, the judicial branch shall seal all records relating to an arrest,
129.8 indictment or information, trial, verdict, or dismissal and discharge for any case in which
129.9 expungement relief was granted and shall issue any order deemed necessary to achieve this
129.10 purpose.

- 129.11 (f) Unless an order issued under paragraph (e) notifies the law enforcement agency that
 129.12 made the arrest or issued the citation, the Bureau of Criminal Apprehension shall inform
 129.13 each arresting or citing law enforcement agency whose records are affected by the grant of
 129.14 expungement relief that expungement has been granted. Notification shall be made at the
 129.15 time and under the conditions described in paragraph (c), except that notice may be sent in
 129.16 real time or in the form of a monthly report sent no more than 30 days after the expiration
 129.17 of the deadline established in paragraph (c). Notification may be through electronic means.
 129.18 Each notified law enforcement agency shall seal all records relating to an arrest, indictment
 129.19 or information, trial, verdict, or dismissal and discharge for any case in which expungement
 129.20 relief was granted.
- 129.21 (g) Data on the person whose offense has been expunged under this subdivision, including
 129.22 any notice sent pursuant to paragraph (f), are private data on individuals as defined in section
 129.23 13.02, subdivision 12.
- 129.24 (h) The prosecuting attorney shall notify the victim that an offense qualifies for automatic
 129.25 expungement under this section in the manner provided in section 611A.03, subdivisions
 129.26 1 and 2.
- 129.27 (i) In any subsequent prosecution of a person granted expungement relief, the expunged
 129.28 criminal record may be pleaded and has the same effect as if the relief had not been granted.
- 129.29 (j) The Bureau of Criminal Apprehension is directed to develop, modify, or update a
 129.30 system to provide criminal justice agencies with uniform statewide access to criminal records
 129.31 sealed by expungement.
- 129.32 (k) A grant of expungement under this section does not entitle a person to ship, transport,
 129.33 possess, or receive a firearm. A person whose conviction is expunged under this section
 130.1 may seek a relief of disability under United States Code, title 18, section 925, or restoration
 130.2 of the ability to possess firearms under section 609.165, subdivision 1d.
- 130.3 Subd. 6. **Immunity from civil liability.** Employees of the Bureau of Criminal
 130.4 Apprehension shall not be held civilly liable for the exercise or the failure to exercise, or
 130.5 the decision to exercise or the decision to decline to exercise, the powers granted by this
 130.6 section or for any act or omission occurring within the scope of the performance of their
 130.7 duties under this section.
- 130.8 **EFFECTIVE DATE.** This section is effective January 1, 2024, and applies to offenses
 130.9 that meet the eligibility criteria on or after that date and retroactively to offenses that met
 130.10 those qualifications before January 1, 2024, and are stored in the Bureau of Criminal
 130.11 Apprehension's criminal history system as of January 1, 2024.
- 130.12 Sec. 23. Minnesota Statutes 2020, section 609A.03, subdivision 5, is amended to read:
- 130.13 Subd. 5. **Nature of remedy; standard.** (a) Except as otherwise provided by paragraph
 130.14 (b), expungement of a criminal record under this section is an extraordinary remedy to be

- 130.15 granted only upon clear and convincing evidence that it would yield a benefit to the petitioner
130.16 commensurate with the disadvantages to the public and public safety of:
- 130.17 (1) sealing the record; and
- 130.18 (2) burdening the court and public authorities to issue, enforce, and monitor an
130.19 expungement order.
- 130.20 (b) Except as otherwise provided by this paragraph, if the petitioner is petitioning for
130.21 the sealing of a criminal record under section 609A.02, subdivision 3, paragraph (a), clause
130.22 (1) or (2), the court shall grant the petition to seal the record unless the agency or jurisdiction
130.23 whose records would be affected establishes by clear and convincing evidence that the
130.24 interests of the public and public safety outweigh the disadvantages to the petitioner of not
130.25 sealing the record.
- 130.26 (c) In making a determination under this subdivision, the court shall consider:
- 130.27 (1) the nature and severity of the underlying crime, the record of which would be sealed;
- 130.28 (2) the risk, if any, the petitioner poses to individuals or society;
- 130.29 (3) the length of time since the crime occurred;
- 130.30 (4) the steps taken by the petitioner toward rehabilitation following the crime;
- 131.1 (5) aggravating or mitigating factors relating to the underlying crime, including the
131.2 petitioner's level of participation and context and circumstances of the underlying crime;
- 131.3 (6) the reasons for the expungement, including the petitioner's attempts to obtain
131.4 employment, housing, or other necessities;
- 131.5 (7) the petitioner's criminal record;
- 131.6 (8) the petitioner's record of employment and community involvement;
- 131.7 (9) the recommendations of interested law enforcement, prosecutorial, and corrections
131.8 officials;
- 131.9 (10) the recommendations of victims or whether victims of the underlying crime were
131.10 minors;
- 131.11 (11) the amount, if any, of restitution outstanding, past efforts made by the petitioner
131.12 toward payment, and the measures in place to help ensure completion of restitution payment
131.13 after expungement of the record if granted; and
- 131.14 (12) other factors deemed relevant by the court.

131.15 (d) Notwithstanding section 13.82, 13.87, or any other law to the contrary, if the court
131.16 issues an expungement order it may require that the criminal record be sealed, the existence
131.17 of the record not be revealed, and the record not be opened except as required under
131.18 subdivision 7. Records must not be destroyed or returned to the subject of the record.

131.19 (e) Information relating to a criminal history record of an employee, former employee,
131.20 or tenant that has been expunged before the occurrence of the act giving rise to the civil
131.21 action may not be introduced as evidence in a civil action against a private employer or
131.22 landlord or its employees or agents that is based on the conduct of the employee, former
131.23 employee, or tenant.

131.24 **EFFECTIVE DATE.** This section is effective January 1, 2024.

131.25 Sec. 24. Minnesota Statutes 2021 Supplement, section 609A.03, subdivision 7a, is amended
131.26 to read:

131.27 Subd. 7a. **Limitations of order effective January 1, 2015, and later.** (a) Upon issuance
131.28 of an expungement order related to a charge supported by probable cause, the DNA samples
131.29 and DNA records held by the Bureau of Criminal Apprehension and collected under authority
131.30 other than section 299C.105 shall not be sealed, returned to the subject of the record, or
131.31 destroyed.

132.1 (b) Notwithstanding the issuance of an expungement order:

132.2 (1) except as provided in clause (2), an expunged record may be opened, used, or
132.3 exchanged between criminal justice agencies without a court order for the purposes of
132.4 initiating, furthering, or completing a criminal investigation or prosecution or for sentencing
132.5 purposes or providing probation or other correctional services;

132.6 (2) when a criminal justice agency seeks access to a record that was sealed under section
132.7 609A.02, subdivision 3, paragraph (a), clause (1), after an acquittal or a court order dismissing
132.8 for lack of probable cause, for purposes of a criminal investigation, prosecution, or
132.9 sentencing, the requesting agency must obtain an ex parte court order after stating a
132.10 good-faith basis to believe that opening the record may lead to relevant information;

132.11 (3) an expunged record of a conviction may be opened for purposes of evaluating a
132.12 prospective employee in a criminal justice agency without a court order;

132.13 (4) an expunged record of a conviction may be opened for purposes of a background
132.14 study under section 245C.08 unless the commissioner had been properly served with notice
132.15 of the petition for expungement and the court order for expungement is directed specifically
132.16 to the commissioner of human services;

132.17 (5) an expunged record of a conviction may be opened for purposes of a background
 132.18 check required under section 122A.18, subdivision 8, unless the court order for expungement
 132.19 is directed specifically to the Professional Educator Licensing and Standards Board; ~~and~~

132.20 (6) the court may order an expunged record opened upon request by the victim of the
 132.21 underlying offense if the court determines that the record is substantially related to a matter
 132.22 for which the victim is before the court;

132.23 (7) a prosecutor may request and the district court shall provide certified records of
 132.24 conviction for a record expunged pursuant to sections 609A.015, 609A.02, and 609A.025,
 132.25 and the certified records of conviction may be disclosed and introduced in criminal court
 132.26 proceedings as provided by the rules of court and applicable law; and

132.27 (8) the subject of an expunged record may request and the court shall provide certified
 132.28 or uncertified records of conviction for a record expunged pursuant to sections 609A.015,
 132.29 609A.02, and 609A.025.

132.30 (c) An agency or jurisdiction subject to an expungement order shall maintain the record
 132.31 in a manner that provides access to the record by a criminal justice agency under paragraph
 132.32 (b), clause (1) or (2), but notifies the recipient that the record has been sealed. The Bureau
 132.33 of Criminal Apprehension shall notify the commissioner of human services or the
 133.1 Professional Educator Licensing and Standards Board of the existence of a sealed record
 133.2 and of the right to obtain access under paragraph (b), clause (4) or (5). Upon request, the
 133.3 agency or jurisdiction subject to the expungement order shall provide access to the record
 133.4 to the commissioner of human services or the Professional Educator Licensing and Standards
 133.5 Board under paragraph (b), clause (4) or (5).

133.6 (d) An expunged record that is opened or exchanged under this subdivision remains
 133.7 subject to the expungement order in the hands of the person receiving the record.

133.8 (e) A criminal justice agency that receives an expunged record under paragraph (b),
 133.9 clause (1) or (2), must maintain and store the record in a manner that restricts the use of the
 133.10 record to the investigation, prosecution, or sentencing for which it was obtained.

133.11 (f) For purposes of this section, a "criminal justice agency" means a court or government
 133.12 agency that performs the administration of criminal justice under statutory authority.

133.13 (g) This subdivision applies to expungement orders subject to its limitations and effective
 133.14 on or after January 1, 2015, and grants of expungement relief issued on or after January 1,
 133.15 2024.

133.16 **EFFECTIVE DATE.** This section is effective January 1, 2024.

133.17 Sec. 25. Minnesota Statutes 2020, section 609A.03, subdivision 9, is amended to read:

133.18 Subd. 9. **Stay of order; appeal.** An expungement order issued under this section shall
 133.19 be stayed automatically for 60 days after the order is filed and, if the order is appealed,
 133.20 during the appeal period. A person or an agency or jurisdiction whose records would be
 133.21 affected by the order may appeal the order within 60 days of service of notice of filing of
 133.22 the order. An agency or jurisdiction or its officials or employees need not file a cost bond
 133.23 or supersedeas bond in order to further stay the proceedings or file an appeal.

133.24 **EFFECTIVE DATE.** This section is effective January 1, 2024.

133.25 Sec. 26. Minnesota Statutes 2020, section 611A.03, subdivision 1, is amended to read:

133.26 Subdivision 1. **Plea agreements; notification of victim.** Prior to the entry of the factual
 133.27 basis for a plea pursuant to a plea agreement recommendation, a prosecuting attorney shall
 133.28 make a reasonable and good faith effort to inform the victim of:

133.29 (1) the contents of the plea agreement recommendation, including the amount of time
 133.30 recommended for the defendant to serve in jail or prison if the court accepts the agreement;
 133.31 and

134.1 (2) the right to be present at the sentencing hearing and at the hearing during which the
 134.2 plea is presented to the court and to express orally or in writing, at the victim's option, any
 134.3 objection to the agreement or to the proposed disposition. If the victim is not present when
 134.4 the court considers the recommendation, but has communicated objections to the prosecuting
 134.5 attorney, the prosecuting attorney shall make these objections known to the court; and

134.6 (3) the eligibility of the offense for automatic expungement pursuant to section 609A.015.

134.7 **EFFECTIVE DATE.** This section is effective January 1, 2024, and applies to plea
 134.8 agreements entered into on or after that date.

134.9 Sec. 27. Minnesota Statutes 2020, section 638.01, is amended to read:

134.10 **~~638.01 BOARD OF PARDONS; HOW CONSTITUTED; POWERS.~~**

134.11 The Board of Pardons shall consist of the governor, the chief justice of the supreme
 134.12 court, and the attorney general. The governor, in conjunction with the board, may grant
 134.13 pardons and reprieves and commute the sentence of any person convicted of any offense
 134.14 against under the laws of the this state, in the manner and under the conditions and rules
 134.15 hereinafter prescribed, but not otherwise in this chapter. A majority vote of the board is
 134.16 required for pardons and commutations with the governor in that majority.

134.17 Sec. 28. **~~[638.09] CLEMENCY REVIEW COMMISSION.~~**

134.18 (a) Notwithstanding the provisions of chapter 15, the Clemency Review Commission
 134.19 is established to review applications for pardons or commutations before they are considered

134.20 by the Board of Pardons. By majority vote, the commission shall make a recommendation
134.21 on each eligible application as to whether it should be granted or denied. The commission
134.22 shall provide its recommendations to the board with the vote of each commission member
134.23 reported in writing.

134.24 (b) The commission shall consist of nine members, each serving a four-year term. The
134.25 governor, the attorney general, and the chief justice of the supreme court shall each appoint
134.26 three members and replace members upon expiration of the members' terms. In the event
134.27 of a vacancy, the board member who selected the previous incumbent shall make an interim
134.28 appointment to expire at the end of the prior incumbent's four-year term. A person may
134.29 serve no more than two terms on the commission, excluding interim appointments.

134.30 (c) The commission shall biennially elect one of its members as chair and one as
134.31 vice-chair. The chair of the commission shall serve as secretary of the board.

135.1 (d) Each member of the commission shall be compensated at the rate of \$55 for each
135.2 day or part thereof spent on commission activities. Each member shall be reimbursed for
135.3 all reasonable expenses actually paid or incurred by that member in the performance of
135.4 official duties.

135.5 (e) The commission may obtain office space and supplies and hire administrative staff
135.6 to carry out the commission's official functions.

135.7 (f) At least six members of the commission shall constitute a quorum for official
135.8 administrative business.

135.9 Sec. 29. [638.10] PARDONS AND COMMUTATIONS.

135.10 Subdivision 1. **Pardons and commutations.** (a) The Board of Pardons may pardon a
135.11 criminal conviction imposed under the laws of this state or commute a criminal sentence
135.12 imposed by a court of this state to time served or a lesser sentence. Every pardon or
135.13 commutation shall be in writing and shall have no force or effect unless granted by a majority
135.14 vote of the board with the governor in that majority. Every conditional pardon shall state
135.15 the terms and conditions upon which it was granted and every commutation shall specify
135.16 the terms of the commuted sentence.

135.17 (b) When granted, a pardon has the effect of setting aside the conviction and purging
135.18 the conviction from the person's record. The person then is not required to disclose the
135.19 conviction at any time or place other than in a judicial proceeding or as part of the licensing
135.20 process for peace officers.

135.21 Subd. 2. **Eligibility for a pardon.** (a) Any person convicted of a crime in any court of
135.22 this state may apply for a pardon of the person's conviction on or after five years from the
135.23 date of the expiration of the person's sentence or the date of the person's discharge. Upon

- 135.24 a showing of unusual circumstances and special need, the board may waive the required
135.25 waiting period by a majority vote with the governor in that majority.
- 135.26 (b) The Clemency Review Commission shall review all requests for a waiver of the
135.27 waiting period and make recommendations by majority vote to the board. Consideration of
135.28 requests to waive the waiting period are exempt from the meeting requirements of this
135.29 chapter.
- 135.30 Subd. 3. **Eligibility for a commutation.** (a) Any person may apply for a commutation
135.31 of an unexpired criminal sentence imposed by a court of this state, including those confined
135.32 in a correctional facility or on probation, parole, supervised release, or conditional release.
135.33 An application for commutation may not be filed until the date that the person has served
136.1 at least one-half of the sentence imposed or on or after five years from the date of the
136.2 conviction, whichever is less. Upon a showing of unusual circumstances and special need,
136.3 the board may waive the required waiting period by a majority vote with the governor in
136.4 that majority.
- 136.5 (b) The commission shall review all requests for a waiver of the waiting period and
136.6 make recommendations by majority vote to the board. Consideration of requests to waive
136.7 the waiting period are exempt from the meeting requirements of this chapter.
- 136.8 Subd. 4. **Filing of a pardon or commutation.** After granting a pardon or commutation,
136.9 the board shall file a copy of the pardon or commutation with the district court of the county
136.10 in which the conviction and sentence were imposed. In the case of a pardon, the court shall
136.11 order the conviction set aside, include a copy of the pardon in the court file, and send copies
136.12 of the order and the pardon to the Bureau of Criminal Apprehension. In the case of a
136.13 commutation, the court shall amend the sentence to reflect the specific relief granted by the
136.14 board, include a copy of the commutation in the court file, and send copies of the amended
136.15 sentencing order and commutation to the commissioner of corrections and the Bureau of
136.16 Criminal Apprehension.
- 136.17 Subd. 5. **Reapplication.** (a) Once an application for a pardon or commutation has been
136.18 considered and denied on the merits, no subsequent application may be filed for five years
136.19 after the date of the most recent denial unless permission is granted from at least two board
136.20 members. A person may request permission to reapply prior to the expiration of the five-year
136.21 period based only on new and substantial information that was not and could not have been
136.22 previously considered by the board or the commission. If a request to reapply contains new
136.23 and substantial information, the commission shall review the request and make a
136.24 recommendation by majority vote to the board. Consideration of requests to reapply are
136.25 exempt from the meeting requirements under this chapter.
- 136.26 (b) The denial or grant of an application for a commutation of sentence does not preclude
136.27 a person from later seeking a pardon of the criminal conviction once the eligibility
136.28 requirements of subdivision 2 have been satisfied.

136.29 Sec. 30. **[638.11] APPLICATIONS.**

136.30 (a) Each application for a pardon or commutation shall be in writing, signed under oath
136.31 by the applicant, and contain a brief statement of the relief sought and the reasons why it
136.32 should be granted. The application shall also contain the following information and any
136.33 additional information that the commission or board requires:

137.1 (1) the applicant's name, address, date of birth, place of birth, and every alias by which
137.2 the applicant is or has been known;

137.3 (2) the name of the offense for which relief is requested, the date and county of
137.4 conviction, the sentence imposed, and the expiration or discharge date of the sentence;

137.5 (3) the names of the sentencing judge, prosecuting attorney, and any victims of the
137.6 offense;

137.7 (4) a brief description of the offense;

137.8 (5) the date and outcome of any prior applications for a pardon or commutation;

137.9 (6) a statement of other felony or gross misdemeanor convictions and any pending
137.10 criminal charges or investigations; and

137.11 (7) a statement by the applicant consenting to the disclosure to the commission and the
137.12 board of any private data concerning the applicant contained in the application or in any
137.13 other record relating to the grounds on which the relief is sought, including conviction and
137.14 arrest records.

137.15 (b) Applications shall be made on forms approved by the commission or the board and
137.16 shall be filed with the commission by the deadlines set by the commission or the board. The
137.17 commission shall review applications for completeness. Any application that is considered
137.18 incomplete shall be returned to the applicant who may then provide the missing information
137.19 and resubmit the application within a time period prescribed by the commission.

137.20 Sec. 31. **[638.12] NOTIFICATIONS.**

137.21 Subdivision 1. **Notice to victim.** After receiving an application for a pardon or
137.22 commutation, the Clemency Review Commission shall make all reasonable efforts to locate
137.23 any victim of the applicant's crime. At least 30 days before the date of the commission
137.24 meeting at which the application shall be heard, the commission shall notify any located
137.25 victim of the application, the time and place of the meeting, and the victim's right to attend
137.26 the meeting and submit an oral or written statement to the commission.

137.27 Subd. 2. **Notice to sentencing judge and prosecuting attorney.** At least 30 days before
137.28 the date of the commission meeting at which the application shall be heard, the commission
137.29 shall notify the sentencing judge and prosecuting attorney or their successors of the

137.30 application and solicit the judge's and attorney's views on whether clemency should be
137.31 granted.

138.1 Subd. 3. **Notice to applicant.** Following its initial investigation of an application for a
138.2 pardon or commutation, the commission shall notify the applicant of the scheduled date,
138.3 time, and location that the applicant shall appear before the commission for consideration.

138.4 Sec. 32. **[638.13] MEETINGS.**

138.5 Subdivision 1. **Commission meetings.** (a) The Clemency Review Commission shall
138.6 meet at least four times each year for one or more days each meeting to hear eligible
138.7 applications of pardons or commutations and make recommendations to the board on each
138.8 application. One or more of the meetings may be held at facilities operated by the Department
138.9 of Corrections. All commission meetings shall be open to the public as provided in chapter
138.10 13D.

138.11 (b) Applicants for pardons or commutations must appear before the commission either
138.12 in person or through any available form of telecommunication. The victim of an applicant's
138.13 crime may appear and speak at the commission's meeting or submit a written statement to
138.14 the commission. The commission may treat a victim's statement as confidential and not
138.15 disclose the statement to the applicant or the public if there is or has been a recent order for
138.16 protection, restraining order, or other no contact order prohibiting the applicant from
138.17 contacting the victim. In addition, any law enforcement agency may appear and speak at
138.18 the meeting or submit a written statement to the commission, giving the agency's
138.19 recommendation on whether clemency should be granted or denied.

138.20 (c) The commission must consider any statement provided by a victim or law enforcement
138.21 agency when making its recommendation on an application. Whenever possible, the
138.22 commission shall record its meetings by audio or audiovisual means. Any recordings and
138.23 statements from victims or law enforcement agencies shall be provided to the board along
138.24 with the commission's recommendations.

138.25 (d) Not later than ten working days after the date of its decision, the commission shall
138.26 notify the applicant in writing of its decision to recommend a grant or denial of clemency
138.27 to the board.

138.28 Subd. 2. **Board meetings.** (a) The board shall meet at least two times each year to
138.29 consider applications for pardons or commutations that have received a favorable
138.30 recommendation from the commission and any other applications that have received further
138.31 consideration from at least one board member. Whenever the commission recommends
138.32 denial of an application and the board does not disapprove or take other action with respect
138.33 to that recommendation, it shall be presumed that the board concurs with the adverse
139.1 recommendation and that the application has been considered and denied on the merits. All
139.2 board meetings shall be open to the public as provided in chapter 13D.

- 139.3 (b) Applicants, victims, and law enforcement agencies may not submit oral or written
 139.4 statements at a board meeting, unless the board requests additional testimony. The board
 139.5 shall consider any statements provided to the commission when making a decision on an
 139.6 application for a pardon or commutation.
- 139.7 (c) The commission shall notify the applicant in writing of the board's decision to grant
 139.8 or deny clemency not later than ten working days from the date of the board's decision.
- 139.9 Sec. 33. **[638.14] GROUNDS FOR RECOMMENDING CLEMENCY.**
- 139.10 Subdivision 1. **Factors.** When making recommendations on applications for pardons or
 139.11 commutations, the Clemency Review Commission shall consider any factors the commission
 139.12 deems appropriate, including but not limited to:
- 139.13 (1) the nature, seriousness, circumstances, and age of the applicant's offense;
- 139.14 (2) the successful completion or revocation of previous probation, parole, supervised
 139.15 release, or conditional release;
- 139.16 (3) the number, nature, and circumstances of the applicant's other criminal convictions;
- 139.17 (4) the extent to which the applicant has demonstrated rehabilitation through
 139.18 postconviction conduct, character, and reputation;
- 139.19 (5) the extent to which the applicant has accepted responsibility, demonstrated remorse,
 139.20 and made restitution to victims;
- 139.21 (6) whether the sentence is clearly excessive in light of the applicant's offense, criminal
 139.22 history, and any sentence received by an accomplice, with due regard given to any plea
 139.23 agreement, the sentencing judge's views, and the sentencing ranges established by law;
- 139.24 (7) whether the applicant's age or medical status indicates that it is in the best interest
 139.25 of society that the applicant receive clemency;
- 139.26 (8) recommendations from victims, sentencing judges, and prosecuting attorneys;
- 139.27 (9) the applicant's asserted need for a pardon or commutation, including family needs
 139.28 and barriers to housing or employment created by the conviction; and
- 139.29 (10) the amount of time already served by the applicant and the availability of other
 139.30 forms of judicial or administrative relief.
- 140.1 Subd. 2. **Denial recommendation.** The commission may recommend denial without a
 140.2 hearing of an application for a commutation when the applicant is presently challenging the
 140.3 conviction or sentence through court proceedings, has failed to exhaust all available state

140.4 court remedies for challenging the sentence, or the matter should first be considered by the
140.5 parole authority.

140.6 Sec. 34. **[638.15] ACCESS TO RECORDS; ISSUANCE OF PROCESS.**

140.7 Subdivision 1. **Access to records.** Upon receipt of an application for a pardon or
140.8 commutation, the Board of Pardons or Clemency Review Commission may request and
140.9 obtain any relevant reports, data, and other information from a district court, law enforcement
140.10 agency, or state agency. The commission and board shall have access to sealed court records,
140.11 presentence investigation reports, police reports, criminal history reports, prison records,
140.12 and any other relevant information. District courts, law enforcement agencies, and state
140.13 agencies shall promptly respond to record requests from the commission and the board.

140.14 Subd. 2. **Legal process.** The commission and the board may issue process requiring the
140.15 presence of any person before the commission or board and the production of papers, records,
140.16 and exhibits in any pending matter. When any person is summoned before the commission
140.17 or the board, the person may be allowed compensation for travel and attendance as the
140.18 commission or the board may deem reasonable.

140.19 Sec. 35. **[638.16] RULES.**

140.20 The Board of Pardons and the Clemency Review Commission may adopt rules under
140.21 chapter 14 for the effective enforcement of their powers and duties.

140.22 Sec. 36. **[638.17] RECORDS.**

140.23 The Clemency Review Commission shall keep a record of every application received,
140.24 its recommendation on each application, and the final disposition of each application by
140.25 the Board of Pardons. The records and files shall be kept by the commission and shall be
140.26 open to public inspection at all reasonable times, except for sealed court records, presentence
140.27 investigation reports, Social Security numbers, financial account numbers, driver's license
140.28 information, medical records, confidential Bureau of Criminal Apprehension records, and
140.29 confidential victim statements as provided in section 638.12.

141.1 Sec. 37. **[638.18] REPORT TO LEGISLATURE.**

141.2 By February 15 of each year, the Clemency Review Commission shall submit a written
141.3 report to the chairs and ranking minority members of the house of representatives and senate
141.4 committees with jurisdiction over public safety, corrections, and judiciary containing at a
141.5 minimum the following information:

141.6 (1) the number of applications for pardons and commutations received by the commission
141.7 during the preceding calendar year;

141.8 (2) the number of favorable and adverse recommendations made by the commission for
141.9 each category;

141.10 (3) the number of applications granted and denied by the Board of Pardons for each
141.11 category; and

141.12 (4) the crimes for which the applications were granted by the board, the year of each
141.13 conviction, and the age of the offender at the time of the offense.

141.14 Sec. 38. Minnesota Statutes 2020, section 641.15, subdivision 2, is amended to read:

141.15 Subd. 2. **Medical aid.** Except as provided in section 466.101, the county board shall
141.16 pay the costs of medical services provided to prisoners pursuant to this section. The amount
141.17 paid by the county board for a medical service shall not exceed the maximum allowed
141.18 medical assistance payment rate for the service, as determined by the commissioner of
141.19 human services. In the absence of a health or medical insurance or health plan that has a
141.20 contractual obligation with the provider or the prisoner, medical providers shall charge no
141.21 higher than the rate negotiated between the county and the provider. In the absence of an
141.22 agreement between the county and the provider, the provider may not charge an amount
141.23 that exceeds the maximum allowed medical assistance payment rate for the service, as
141.24 determined by the commissioner of human services. The county is entitled to reimbursement
141.25 from the prisoner for payment of medical bills to the extent that the prisoner to whom the
141.26 medical aid was provided has the ability to pay the bills. The prisoner shall, at a minimum,
141.27 incur co-payment obligations for health care services provided by a county correctional
141.28 facility. The county board shall determine the co-payment amount. Notwithstanding any
141.29 law to the contrary, the co-payment shall be deducted from any of the prisoner's funds held
141.30 by the county, to the extent possible. If there is a disagreement between the county and a
141.31 prisoner concerning the prisoner's ability to pay, the court with jurisdiction over the defendant
141.32 shall determine the extent, if any, of the prisoner's ability to pay for the medical services.
141.33 If a prisoner is covered by health or medical insurance or other health plan when medical
142.1 services are provided, the medical provider shall bill that health or medical insurance or
142.2 other plan. If the county providing the medical services for a prisoner that has coverage
142.3 under health or medical insurance or other plan, that county has a right of subrogation to
142.4 be reimbursed by the insurance carrier for all sums spent by it for medical services to the
142.5 prisoner that are covered by the policy of insurance or health plan, in accordance with the
142.6 benefits, limitations, exclusions, provider restrictions, and other provisions of the policy or
142.7 health plan. The county may maintain an action to enforce this subrogation right. The county
142.8 does not have a right of subrogation against the medical assistance program. The county
142.9 shall not charge prisoners for phone calls to MNsure navigators, the Minnesota Warmline,
142.10 or a current mental health provider or calls for the purpose of providing case management
142.11 or mental health services as defined in section 245.462 to prisoners.

142.12 Sec. 39. **TASK FORCE ON FELONY MURDER.**

142.13 Subdivision 1. **Establishment.** The Task Force on Felony Murder is established to
142.14 continue the work of the Task Force on Aiding and Abetting Felony Murder established in

- 142.15 Laws 2021, First Special Session chapter 11, article 2, section 53, and to make
 142.16 recommendations to the legislature.
- 142.17 Subd. 2. **Membership.** (a) The task force consists of the following members:
- 142.18 (1) two members of the house of representatives, one appointed by the speaker of the
 142.19 house and one appointed by the minority leader;
- 142.20 (2) two members of the senate, one appointed by the majority leader and one appointed
 142.21 by the minority leader;
- 142.22 (3) the commissioner of corrections or a designee;
- 142.23 (4) the executive director of the Minnesota Sentencing Guidelines Commission or a
 142.24 designee;
- 142.25 (5) the attorney general or a designee;
- 142.26 (6) the state public defender or a designee;
- 142.27 (7) the statewide coordinator of the Violent Crime Coordinating Council;
- 142.28 (8) one defense attorney, appointed by the Minnesota Association of Criminal Defense
 142.29 Lawyers;
- 142.30 (9) three county attorneys, appointed by the Minnesota County Attorneys Association;
- 143.1 (10) two members representing victims' rights organizations, appointed by the Office
 143.2 of Justice Programs director in the Department of Public Safety;
- 143.3 (11) one member of a criminal justice advocacy organization, appointed by the governor;
- 143.4 (12) one member of a statewide civil rights organization, appointed by the governor;
- 143.5 (13) two impacted persons who are directly related to a person who has been convicted
 143.6 of felony murder, appointed by the governor; and
- 143.7 (14) one person with expertise regarding the laws and practices of other states relating
 143.8 to aiding and abetting felony murder, appointed by the governor.
- 143.9 (b) Appointments must be made no later than July 30, 2022.
- 143.10 (c) The legislative members identified in paragraph (a), clauses (1) and (2), shall serve
 143.11 as ex officio, nonvoting members of the task force.
- 143.12 (d) Members shall serve without compensation.

- 143.13 (e) Members of the task force serve at the pleasure of the appointing authority or until
143.14 the task force expires. Vacancies shall be filled by the appointing authority consistent with
143.15 the qualifications of the vacating member required by this subdivision.
- 143.16 Subd. 3. **Officers; meetings.** (a) The task force shall elect a chair and vice-chair and
143.17 may elect other officers as necessary.
- 143.18 (b) The commissioner of corrections shall convene the first meeting of the task force no
143.19 later than August 1, 2022, and shall provide meeting space and administrative assistance
143.20 as necessary for the task force to conduct its work.
- 143.21 (c) The task force shall meet at least monthly or upon the call of its chair. The task force
143.22 shall meet sufficiently enough to accomplish the tasks identified in this section. Meetings
143.23 of the task force are subject to Minnesota Statutes, chapter 13D.
- 143.24 Subd. 4. **Duties.** (a) The task force shall develop proposed legislation to implement the
143.25 recommendations contained in the "Task Force on Aiding and Abetting Felony Murder,
143.26 Report to the Minnesota Legislature," dated February 1, 2022.
- 143.27 (b) The task force shall also examine issues discussed in the fourth recommendation
143.28 contained in the report dated February 1, 2022. The examination shall include a review of
143.29 laws governing offenses in which a person causes the death of another while the person is
143.30 committing an underlying felony offense and a review of laws establishing liability for
143.31 crimes committed by another. The examination must identify any disparate impact from
144.1 those laws and include a determination as to whether such laws promote public safety. The
144.2 examination is not limited to the intersection of the two legal concepts.
- 144.3 (c) At its discretion, the task force may examine, as necessary, other related issues
144.4 consistent with this section.
- 144.5 Subd. 5. **Report.** On or before January 15, 2023, the task force shall submit a report to
144.6 the chairs and ranking minority members of the house of representatives and senate
144.7 committees and divisions with jurisdiction over criminal sentencing on the recommendations
144.8 of the task force including a copy of proposed legislation.
- 144.9 Subd. 6. **Expiration.** The task force expires the day after submitting its report under
144.10 subdivision 5.
- 144.11 Sec. 40. **TASK FORCE ON THE COLLECTION OF CHARGING AND RELATED**
144.12 **DATA.**
- 144.13 Subdivision 1. **Establishment.** The Task Force on the Collection of Charging and Related
144.14 Data is established to identify data that should be collected and analyzed to determine the
144.15 ways in which individuals are charged and prosecuted in Minnesota.

- 144.16 Subd. 2. **Membership.** (a) The task force consists of the following members:
- 144.17 (1) the attorney general or a designee;
- 144.18 (2) the chief justice of the supreme court or a designee;
- 144.19 (3) the commissioner of corrections or a designee;
- 144.20 (4) the state public defender or a designee;
- 144.21 (5) the executive director of the Minnesota Sentencing Guidelines Commission;
- 144.22 (6) one private criminal defense attorney appointed by the governor;
- 144.23 (7) one probation, supervised release, or parole officer appointed by the governor;
- 144.24 (8) one county attorney from within the metropolitan area as defined in Minnesota
- 144.25 Statutes, section 473.121, subdivision 2, appointed by the board of directors of the Minnesota
- 144.26 County Attorneys Association;
- 144.27 (9) one county attorney from outside the metropolitan area as defined in Minnesota
- 144.28 Statutes, section 473.121, subdivision 2, appointed by the board of directors of the Minnesota
- 144.29 County Attorneys Association;
- 145.1 (10) one assistant county attorney appointed by the board of directors of the Minnesota
- 145.2 County Attorneys Association;
- 145.3 (11) one city attorney appointed by the governor;
- 145.4 (12) one peace officer as defined in Minnesota Statutes, section 626.84, subdivision 1,
- 145.5 paragraph (c), appointed by the governor; and
- 145.6 (13) three public members appointed by the governor, one of whom shall be a victim of
- 145.7 a crime defined as a felony.
- 145.8 (b) Members of the task force serve without compensation.
- 145.9 (c) Members of the task force serve at the pleasure of the appointing authority or until
- 145.10 the task force expires. Vacancies shall be filled by the appointing authority consistent with
- 145.11 the qualifications of the vacating member required by this subdivision.
- 145.12 Subd. 3. **Officers; meetings.** (a) The task force shall elect a chair and vice-chair and
- 145.13 may elect other officers as necessary.
- 145.14 (b) The executive director of the Minnesota Sentencing Guidelines Commission shall
- 145.15 convene the first meeting of the task force no later than September 1, 2022.

- 145.16 (c) The task force shall meet at least quarterly or upon the call of its chair. The task force
 145.17 shall meet sufficiently enough to accomplish the tasks identified in this section. Meetings
 145.18 of the task force are subject to Minnesota Statutes, chapter 13D.
- 145.19 Subd. 4. **Staff.** The Minnesota Sentencing Guidelines Commission shall provide meeting
 145.20 space and administrative assistance as necessary for the task force to conduct its work.
- 145.21 Subd. 5. **Duties.** (a) The duties of the task force shall, at a minimum, include:
- 145.22 (1) determining what data are generated when prosecutors make decisions on initial
 145.23 criminal charges and amended criminal charges;
- 145.24 (2) assessing what factors prosecutorial offices use to make decisions about what criminal
 145.25 charges to bring, dismiss, or amend;
- 145.26 (3) assessing what factors prosecutorial offices use to recommend or support referring
 145.27 a defendant for pretrial services;
- 145.28 (4) determining what additional information should be collected to accurately track and
 145.29 inform decisions made by prosecutorial offices regarding bringing and amending criminal
 145.30 charges and offering pretrial diversion;
- 146.1 (5) determining what incident data is needed to increase consistency in charging decisions,
 146.2 how that data should be collected, and what components a uniform data collection process
 146.3 would contain;
- 146.4 (6) reviewing the current practices of data collection and storage by law enforcement
 146.5 agencies, what data should be collected and reported from law enforcement agencies, and
 146.6 whether data from law enforcement agencies should be consistent with data collected from
 146.7 prosecutorial offices;
- 146.8 (7) examining how data could be best collected and reported, including whether the data
 146.9 should be reported to a central location and, if so, what location;
- 146.10 (8) assessing whether data should be collected regarding the specific reason for dismissing
 146.11 cases, in cases where the highest charge is a gross misdemeanor or misdemeanor, and in
 146.12 cases involving delinquency petitions;
- 146.13 (9) estimating the costs associated with additional data collection and reporting, and
 146.14 making recommendations about appropriate funding levels to support that collection; and
- 146.15 (10) recommending methods of collecting and storing data that does not promote or
 146.16 reward filing charges in cases that do not meet the appropriate standards.

146.17 (b) At its discretion, the task force may examine other related issues consistent with this
146.18 section.

146.19 Subd. 6. **Report.** By January 15, 2024, the task force shall report to the chairs and ranking
146.20 minority members of the legislative committees and divisions with jurisdiction over public
146.21 safety finance and policy on the work of the task force. The report shall include
146.22 recommendations for legislative action, if needed.

146.23 Subd. 7. **Expiration.** The task force expires upon submission of the report required by
146.24 subdivision 6.

146.25 Sec. 41. **STAFF TRANSITION TO CLASSIFIED SERVICE.**

146.26 On and after the effective date of this section, all positions of employment with the
146.27 Minnesota Sentencing Guidelines Commission in the unclassified service of the state, except
146.28 for the research director, shall be placed in the classified service without loss of compensation
146.29 or seniority. A person employed as of the effective date of this section in a position placed
146.30 in the classified service under this section shall not be required to complete a probationary
146.31 period if the employee was employed in the same position on January 1, 2022.

147.1 Sec. 42. **REPEALER.**

147.2 Minnesota Statutes 2020, sections 638.02; 638.03; 638.04; 638.05; 638.06; 638.07;
147.3 638.075; and 638.08, are repealed.

147.4 **ARTICLE 6**

147.5 **INTERSTATE COMPACTS**

147.6 Section 1. Minnesota Statutes 2020, section 243.1606, is amended to read:

147.7 **243.1606 ADVISORY COUNCIL ON INTERSTATE ADULT OFFENDER**
147.8 **SUPERVISION.**

147.9 Subdivision 1. **Membership.** The Advisory Council on Interstate Adult Offender
147.10 Supervision ~~consists~~ shall be combined with the State Advisory Council for the Interstate
147.11 Compact for Juveniles established by section 260.515 and consist of the following individuals
147.12 or their designees:

147.13 (1) the governor;

147.14 (2) the chief justice of the supreme court;

147.15 (3) two senators, one from the majority and the other from the minority party, selected
147.16 by the Subcommittee on Committees of the senate Committee on Rules and Administration;

147.17 (4) two representatives, one from the majority and the other from the minority party,
147.18 selected by the house speaker;

- 147.19 (5) the compact administrator, selected as provided in section 243.1607;
- 147.20 (6) a representative from the Department of Human Services regarding the Interstate
- 147.21 Compact for the Placement of Children;
- 147.22 ~~(6)~~ (7) the executive director of the Office of Justice Programs in the Department of
- 147.23 Public Safety; and
- 147.24 (8) the deputy compact administrator as defined in section 260.515;
- 147.25 (9) a representative from the State Public Defender's Office;
- 147.26 (10) a representative from the Minnesota County Attorneys Association;
- 147.27 (11) a representative from the Minnesota Sheriff's Association;
- 147.28 (12) a representative from the Minnesota Association of County Probation Officers;
- 147.29 (13) a representative from the Minnesota Association of Community Corrections Act
- 147.30 Counties;
- 148.1 (14) a representative from the community at large;
- 148.2 (15) a representative from a community organization working with victims of crimes;
- 148.3 and
- 148.4 ~~(7)~~ (16) other members as appointed by the commissioner of corrections.
- 148.5 The council may elect a chair from among its members.
- 148.6 Subd. 2. **Duties.** The council shall oversee and administer the state's participation in the
- 148.7 compact both compacts described in section sections 243.1605 and 260.515. The council
- 148.8 shall appoint the compact administrator as the state's commissioner. In addition to these
- 148.9 duties, the council shall develop a model policy concerning the operations and procedures
- 148.10 of the compact within the state.
- 148.11 Subd. 3. **Annual report.** By March 1 of each year, the council shall report to the governor
- 148.12 and the chairs and ranking minority members of the senate and house of representatives
- 148.13 committees having jurisdiction over criminal justice policy on its activities along with
- 148.14 providing a copy of the annual report published by the national commission that includes
- 148.15 the activities of the interstate commission and executive committee as described in section
- 148.16 243.1605 for the preceding year. The council's annual report must include information
- 148.17 required of the State Advisory Council for the Interstate Compact for Juveniles under section
- 148.18 260.515, Article IV.
- 148.19 Subd. 4. **Expiration; expenses.** The provisions of section 15.059 apply to the council.

148.20 Sec. 2. Minnesota Statutes 2020, section 260.515, is amended to read:

148.21 **260.515 INTERSTATE COMPACT FOR JUVENILES.**

148.22 The Interstate Compact for Juveniles is enacted into law and entered into with all other
148.23 states legally joining in it in substantially the following form:

148.24 **ARTICLE I**

148.25 **PURPOSE**

148.26 The compacting states to this Interstate Compact recognize that each state is responsible
148.27 for the proper supervision or return of juveniles, delinquents, and status offenders who are
148.28 on probation or parole and who have absconded, escaped, or run away from supervision
148.29 and control and in so doing have endangered their own safety and the safety of others. The
148.30 compacting states also recognize that each state is responsible for the safe return of juveniles
148.31 who have run away from home and in doing so have left their state of residence. The
148.32 compacting states also recognize that Congress, by enacting the Crime Control Act, United
149.1 States Code, title 4, section 112 (1965), has authorized and encouraged compacts for
149.2 cooperative efforts and mutual assistance in the prevention of crime.

149.3 It is the purpose of this compact, through means of joint and cooperative action among
149.4 the compacting states to:

149.5 (A) ensure that the adjudicated juveniles and status offenders subject to this compact
149.6 are provided adequate supervision and services in the receiving state as ordered by the
149.7 adjudicating judge or parole authority in the sending state;

149.8 (B) ensure that the public safety interests of the citizens, including the victims of juvenile
149.9 offenders, in both the sending and receiving states are adequately protected;

149.10 (C) return juveniles who have run away, absconded, or escaped from supervision or
149.11 control or have been accused of an offense to the state requesting their return;

149.12 (D) make contracts for the cooperative institutionalization in public facilities in member
149.13 states for delinquent youth needing special services;

149.14 (E) provide for the effective tracking and supervision of juveniles;

149.15 (F) equitably allocate the costs, benefits, and obligations of the compact states;

149.16 (G) establish procedures to manage the movement between states of juvenile offenders
149.17 released to the community under the jurisdiction of courts, juvenile departments, or any
149.18 other criminal or juvenile justice agency which has jurisdiction over juvenile offenders;

149.19 (H) insure immediate notice to jurisdictions where defined juvenile offenders are
149.20 authorized to travel or to relocate across state lines;

149.21 (I) establish procedures to resolve pending charges (detainers) against juvenile offenders
149.22 prior to transfer or release to the community under the terms of this compact;

149.23 (J) establish a system of uniform data collection on information pertaining to juveniles
149.24 subject to this compact that allows access by authorized juvenile justice and criminal justice
149.25 officials, and regular reporting of compact activities to heads of state; executive, judicial,
149.26 and legislative branches; and juvenile criminal justice administrators;

149.27 (K) monitor compliance with rules governing interstate movement of juveniles and
149.28 initiate interventions to address and correct noncompliance;

149.29 (L) coordinate training and education regarding the regulation of interstate movement
149.30 of juveniles for officials involved in such activity; and

150.1 (M) coordinate the implementation and operation of the compact with the Interstate
150.2 Compact for the Placement of Children, the Interstate Compact for Adult Offender
150.3 Supervision, and other compacts affecting juveniles particularly in those cases where
150.4 concurrent or overlapping supervision issues arise.

150.5 It is the policy of the compacting states that the activities conducted by the Interstate
150.6 Commission created herein are the information of public policies and therefore are public
150.7 business. Furthermore, the compacting states shall cooperate and observe their individual
150.8 and collective duties and responsibilities for the prompt return and acceptance of juveniles
150.9 subject to the provisions of this compact. The provisions of this compact shall be reasonably
150.10 and liberally construed to accomplish the purpose and policies of the compact.

150.11 ARTICLE II

150.12 DEFINITIONS

150.13 As used in this compact, unless the context clearly requires a different construction:

150.14 A. "Bylaws" means those bylaws established by the commission for its governance, or
150.15 for directing or controlling its actions or conduct.

150.16 B. "Compact administrator" means the individual in each compacting state appointed
150.17 pursuant to the terms of this compact responsible for the administration and management
150.18 of the state's supervision and transfer of juveniles subject to the terms of this compact, the
150.19 rules adopted by the Interstate Commission, and policies adopted by the state council under
150.20 this compact.

150.21 C. "Compacting state" means any state which has enacted the enabling legislation for
150.22 this compact.

150.23 D. "Commissioner" means the voting representative of each compacting state appointed
150.24 pursuant to Article III of this compact.

150.25 E. "Court" means any court having jurisdiction over delinquent, neglected, or dependent
150.26 children.

150.27 F. "Deputy compact administrator" means the individual, if any, in each compacting
150.28 state appointed to act on behalf of a compact administrator pursuant to the terms of this
150.29 compact responsible for the administration and management of the state's supervision and
150.30 transfer of juveniles subject to the terms of this compact, the rules adopted by the Interstate
150.31 Commission, and policies adopted by the state council under this compact.

150.32 G. "Interstate Commission" means the Interstate Commission for Juveniles created by
150.33 Article III of this compact.

151.1 H. "Juvenile" means any person defined as a juvenile in any member state or by the rules
151.2 of the Interstate Commission, including:

151.3 (1) accused delinquent - a person charged with an offense that, if committed by an adult,
151.4 would be a criminal offense;

151.5 (2) adjudicated delinquent - a person found to have committed an offense that, if
151.6 committed by an adult, would be a criminal offense;

151.7 (3) accused status offender - a person charged with an offense that would not be a criminal
151.8 offense if committed by an adult;

151.9 (4) adjudicated status offender - a person found to have committed an offense that would
151.10 not be a criminal offense if committed by an adult; and

151.11 (5) nonoffender - a person in need of supervision who has not been accused or adjudicated
151.12 a status offender or delinquent.

151.13 I. "Noncompacting state" means any state which has not enacted the enabling legislation
151.14 for this compact.

151.15 J. "Probation" or "parole" means any kind of supervision or conditional release of
151.16 juveniles authorized under the laws of the compacting states.

151.17 K. "Rule" means a written statement by the Interstate Commission promulgated pursuant
151.18 to Article VI of this compact that is of general applicability, implements, interprets, or
151.19 prescribes a policy or provision of the compact, or an organizational, procedural, or practice
151.20 requirement of the commission, and has the force and effect of statutory law in a compacting
151.21 state, and includes the amendment, repeal, or suspension of an existing rule.

151.22 L. "State" means a state of the United States, the District of Columbia (or its designee),
151.23 the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American
151.24 Samoa, and the Northern Marianas.

151.25

ARTICLE III

151.26

INTERSTATE COMMISSION FOR JUVENILES

151.27 A. The compacting states hereby create the "Interstate Commission for Juveniles." The
 151.28 commission shall be a body corporate and joint agency of the compacting states. The
 151.29 commission shall have all the responsibilities, powers, and duties set forth herein, and such
 151.30 additional powers as may be conferred upon it by subsequent action of the respective
 151.31 legislatures of the compacting states in accordance with the terms of this compact.

152.1 B. The Interstate Commission shall consist of commissioners appointed by the appropriate
 152.2 appointing authority in each state pursuant to the rules and requirements of each compacting
 152.3 state and in consultation with the State Advisory Council for Interstate Supervision of
 152.4 Juvenile Offenders and Runaways created hereunder. The commissioner shall be the compact
 152.5 administrator. The commissioner of corrections or the commissioner's designee shall serve
 152.6 as the compact administrator, who shall serve on the Interstate Commission in such capacity
 152.7 under or pursuant to the applicable law of the compacting state.

152.8 C. In addition to the commissioners who are the voting representatives of each state, the
 152.9 Interstate Commission shall include individuals who are not commissioners but who are
 152.10 members of interested organizations. Such noncommissioner members must include a
 152.11 member of the national organizations of governors, legislators, state chief justices, attorneys
 152.12 general, Interstate Compact for Adult Offender Supervision, Interstate Compact on the
 152.13 Placement of Children, juvenile justice and juvenile corrections officials, and crime victims.
 152.14 All noncommissioner members of the Interstate Commission shall be ex-officio (nonvoting)
 152.15 members. The Interstate Commission may provide in its bylaws for such additional ex-officio
 152.16 (nonvoting) members, including members of other national organizations, in such numbers
 152.17 as shall be determined by the commission.

152.18 D. Each compacting state represented at any meeting of the commission is entitled to
 152.19 one vote. A majority of the compacting states shall constitute a quorum for the transaction
 152.20 of business, unless a larger quorum is required by the bylaws of the Interstate Commission.

152.21 E. The commission shall meet at least once each calendar year. The chair may call
 152.22 additional meetings and, upon the request of a simple majority of the compacting states,
 152.23 shall call additional meetings. Public notice shall be given of all meetings and meetings
 152.24 shall be open to the public.

152.25 F. The Interstate Commission shall establish an executive committee, which shall include
 152.26 commission officers, members, and others as determined by the bylaws. The executive
 152.27 committee shall have the power to act on behalf of the Interstate Commission during periods
 152.28 when the Interstate Commission is not in session, with the exception of rulemaking and/or
 152.29 amendment to the compact. The executive committee shall oversee the day-to-day activities
 152.30 of the administration of the compact managed by an executive director and Interstate
 152.31 Commission staff; administer enforcement and compliance with the provisions of the

- 152.32 compact, its bylaws, and rules; and perform such other duties as directed by the Interstate
 152.33 Commission or set forth in the bylaws.
- 153.1 G. Each member of the Interstate Commission shall have the right and power to cast a
 153.2 vote to which that compacting state is entitled and to participate in the business and affairs
 153.3 of the Interstate Commission. A member shall vote in person and shall not delegate a vote
 153.4 to another compacting state. However, a commissioner, in consultation with the state council,
 153.5 shall appoint another authorized representative, in the absence of the commissioner from
 153.6 that state, to cast a vote on behalf of the compacting state at a specified meeting. The bylaws
 153.7 may provide for members' participation in meetings by telephone or other means of
 153.8 telecommunication or electronic communication.
- 153.9 H. The Interstate Commission's bylaws shall establish conditions and procedures under
 153.10 which the Interstate Commission shall make its information and official records available
 153.11 to the public for inspection or copying. The Interstate Commission may exempt from
 153.12 disclosure any information or official records to the extent they would adversely affect
 153.13 personal privacy rights or proprietary interests.
- 153.14 I. Public notice shall be given of all meetings and all meetings shall be open to the public,
 153.15 except as set forth in the rules or as otherwise provided in the compact. The Interstate
 153.16 Commission and any of its committees may close a meeting to the public where it determines
 153.17 by two-thirds vote that an open meeting would be likely to:
- 153.18 1. relate solely to the Interstate Commission's internal personnel practices and procedures;
 - 153.19 2. disclose matters specifically exempted from disclosure by statute;
 - 153.20 3. disclose trade secrets or commercial or financial information which is privileged or
 153.21 confidential;
 - 153.22 4. involve accusing any person of a crime or formally censuring any person;
 - 153.23 5. disclose information of a personal nature where disclosure would constitute a clearly
 153.24 unwarranted invasion of personal privacy;
 - 153.25 6. disclose investigative records compiled for law enforcement purposes;
 - 153.26 7. disclose information contained in or related to examination, operating or condition
 153.27 reports prepared by, or on behalf of or for the use of, the Interstate Commission with respect
 153.28 to a regulated person or entity for the purpose of regulation or supervision of such person
 153.29 or entity;
 - 153.30 8. disclose information, the premature disclosure of which would significantly endanger
 153.31 the stability of a regulated person or entity;

154.1 9. specifically relate to the Interstate Commission's issuance of a subpoena or its
154.2 participation in a civil action or other legal proceeding.

154.3 J. For every meeting closed pursuant to this provision, the Interstate Commission's legal
154.4 counsel shall publicly certify that, in the legal counsel's opinion, the meeting may be closed
154.5 to the public, and shall reference each relevant exemptive provision. The Interstate
154.6 Commission shall keep minutes which shall fully and clearly describe all matters discussed
154.7 in any meeting and shall provide a full and accurate summary of any actions taken, and the
154.8 reasons therefore, including a description of each of the views expressed on any item and
154.9 the record of any roll call vote (reflected in the vote of each member on the question). All
154.10 documents considered in connection with any action shall be identified in such minutes.

154.11 K. The Interstate Commission shall collect standardized data concerning the interstate
154.12 movement of juveniles as directed through its rules which shall specify the data to be
154.13 collected, the means of collection, and data exchange and reporting requirements. Such
154.14 methods of data collection, exchange, and reporting shall insofar as is reasonably possible
154.15 conform to up-to-date technology and coordinate its information functions with the
154.16 appropriate repository of records.

154.17 ARTICLE IV

154.18 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

154.19 The commission shall have the following powers and duties:

154.20 1. To provide for dispute resolution among compacting states.

154.21 2. To promulgate rules to affect the purposes and obligations as enumerated in this
154.22 compact, which shall have the force and effect of statutory law and shall be binding in the
154.23 compact states to the extent and in the manner provided in this compact.

154.24 3. To oversee, supervise, and coordinate the interstate movement of juveniles subject to
154.25 the terms of this compact and any bylaws adopted and rules promulgated by the Interstate
154.26 Commission.

154.27 4. To enforce compliance with the compact provisions, the rules promulgated by the
154.28 Interstate Commission, and the bylaws, using all necessary and proper means, including
154.29 but not limited to the use of judicial process.

154.30 5. To establish and maintain offices which shall be located within one or more of the
154.31 compacting states.

154.32 6. To purchase and maintain insurance and bonds.

155.1 7. To borrow, accept, hire, or contract for services of personnel.

155.2 8. To establish and appoint committees and hire staff which it deems necessary for the
 155.3 carrying out of its functions including, but not limited to, an executive committee as required
 155.4 by Article III, which shall have the power to act on behalf of the Interstate Commission in
 155.5 carrying out its powers and duties hereunder.

155.6 9. To elect or appoint such officers, attorneys, employees, agents, or consultants, and to
 155.7 fix their compensation, define their duties, and determine their qualifications; and to establish
 155.8 the Interstate Commission's personnel policies and programs relating to, inter alia, conflicts
 155.9 of interest, rates of compensation, and qualifications of personnel.

155.10 10. To accept any and all donations and grants of money, equipment, supplies, materials,
 155.11 and services, and to receive, utilize, and dispose of it.

155.12 11. To lease, purchase, accept contributions or donations of, or otherwise to own, hold,
 155.13 improve, or use any property, real, personal, or mixed.

155.14 12. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose
 155.15 of any property, real, personal, or mixed.

155.16 13. To establish a budget, make expenditures, and levy dues as provided in Article VIII
 155.17 of this compact.

155.18 14. To sue and be sued.

155.19 15. To adopt a seal and bylaws governing the management and operation of the Interstate
 155.20 Commission.

155.21 16. To perform such functions as may be necessary or appropriate to achieve the purposes
 155.22 of this compact.

155.23 17. To report annually to the legislatures, governors, judiciary, and state councils of the
 155.24 compacting states concerning the activities of the Interstate Commission during the preceding
 155.25 year. Such reports shall also include any recommendations that may have been adopted by
 155.26 the Interstate Commission.

155.27 18. To coordinate education, training, and public awareness regarding the interstate
 155.28 movement of juveniles for officials involved in such activity.

155.29 19. To establish uniform standards of the reporting, collecting, and exchanging of data.

155.30 20. The Interstate Commission shall maintain its corporate books and records in
 155.31 accordance with the bylaws.

155.32 **ARTICLE V**

156.1 **ORGANIZATION AND OPERATION**
 156.2 **OF THE INTERSTATE COMMISSION**

156.3 Section A. Bylaws.

156.4 1. The Interstate Commission shall, by a majority of the members present and voting,
156.5 within 12 months after the first Interstate Commission meeting, adopt bylaws to govern its
156.6 conduct as may be necessary or appropriate to carry out the purposes of the compact,
156.7 including, but not limited to:

156.8 a. establishing the fiscal year of the Interstate Commission;

156.9 b. establishing an executive committee and such other committees as may be necessary;

156.10 c. provide: (i) for the establishment of committees, and (ii) governing any general or
156.11 specific delegation of any authority or function of the Interstate Commission;

156.12 d. providing reasonable procedures for calling and conducting meetings of the Interstate
156.13 Commission and ensuring reasonable notice of each such meeting;

156.14 e. establishing the titles and responsibilities of the officers of the Interstate Commission;

156.15 f. providing a mechanism for concluding the operations of the Interstate Commission
156.16 and the return of any surplus funds that may exist upon the termination of the compact after
156.17 the payment and/or reserving of all of its debts and obligations;

156.18 g. providing "start-up" rules for initial administration of the compact;

156.19 h. establishing standards and procedures for compliance and technical assistance in
156.20 carrying out the compact.

156.21 Section B. Officers and staff.

156.22 1. The Interstate Commission shall, by a majority of the members, elect annually from
156.23 among its members a chair and a vice-chair, each of whom shall have such authority and
156.24 duties as may be specified in the bylaws. The chair or, in the chair's absence or disability,
156.25 the vice-chair shall preside at all meetings of the Interstate Commission. The officers so
156.26 elected shall serve without compensation or remuneration from the Interstate Commission;
156.27 provided that, subject to the availability of budget funds, the officers shall be reimbursed
156.28 for any ordinary and necessary costs and expenses incurred by them in the performance of
156.29 their responsibilities as officers of the Interstate Commission.

156.30 2. The Interstate Commission shall, through its executive committee, appoint or retain
156.31 an executive director for such period, upon such terms and conditions, and for such
156.32 compensation as the Interstate Commission may deem appropriate. The executive director
157.1 shall serve as secretary to the Interstate Commission, but shall not be a member and shall
157.2 hire and supervise such other staff as may be authorized by the Interstate Commission.

157.3 Section C. Qualified immunity, defense, and indemnification.

157.4 1. The commission's executive director and employees shall be immune from suit and
157.5 liability, either personally or in their official capacity, for any claim for damage to or loss
157.6 of property or personal injury or other civil liability caused or arising out of or relating to
157.7 any actual or alleged act, error, or omission that occurred, or that such person had a
157.8 reasonable basis for believing occurred within the scope of commission employment, duties,
157.9 or responsibilities; provided, that any such person shall not be protected from suit or liability
157.10 for any damage, loss, injury, or liability caused by the intentional or willful and wanton
157.11 misconduct of any such person.

157.12 2. The liability of any commissioner, or the employee or agent of a commissioner, acting
157.13 within the scope of such person's employment or duties for acts, errors, or omissions
157.14 occurring within such person's state may not exceed the limits of liability set forth under
157.15 the Constitution and laws of that state for state officials, employees, and agents. Nothing
157.16 in this subsection shall be construed to protect any such person from suit or liability for any
157.17 damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct
157.18 of any such person.

157.19 3. The Interstate Commission shall defend the executive director or the employees or
157.20 representatives of the Interstate Commission and, subject to the approval of the attorney
157.21 general of the state represented by any commissioner of a compacting state, shall defend
157.22 such commissioner or the commissioner's representatives or employees in any civil action
157.23 seeking to impose liability arising out of any actual or alleged act, error, or omission that
157.24 occurred within the scope of Interstate Commission employment, duties, or responsibilities,
157.25 or that the defendant has a reasonable basis for believing occurred within the scope of
157.26 Interstate Commission employment, duties, or responsibilities, provided that the actual or
157.27 alleged act, error, or omission did not result from intentional or willful and wanton
157.28 misconduct on the part of such person.

157.29 4. The Interstate Commission shall indemnify and hold the commissioner of a compacting
157.30 state, or the commissioner's representatives or employees, or the Interstate Commission's
157.31 representatives or employees, harmless in the amount of any settlement or judgment obtained
157.32 against such persons arising out of any actual or alleged act, error, or omission that occurred
157.33 within the scope of Interstate Commission employment, duties, or responsibilities, or that
157.34 such persons had a reasonable basis for believing occurred within the scope of Interstate
158.1 Commission employment, duties, or responsibilities, provided that the actual or alleged act,
158.2 error, or omission did not result from intentional or willful and wanton misconduct on the
158.3 part of such persons.

158.4 ARTICLE VI

158.5 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

158.6 1. The Interstate Commission shall promulgate and publish rules in order to effectively
158.7 and efficiently achieve the purposes of the compact.

158.8 2. Rulemaking shall occur pursuant to the criteria set forth in this article and the bylaws
 158.9 and rules adopted pursuant thereto. Such rulemaking shall substantially conform to the
 158.10 principles of the "Model State Administrative Procedures Act," 1981 Act, Uniform Laws
 158.11 Annotated, Vol. 15, page 1 (2000), or such other administrative procedures act, as the
 158.12 Interstate Commission deems appropriate consistent with due process requirements under
 158.13 the United States Constitution as now or hereafter interpreted by the United States Supreme
 158.14 Court. All rules and amendments shall become binding as of the date specified, as published
 158.15 with the final version of the rule as approved by the commission.

158.16 3. When promulgating a rule, the Interstate Commission shall, at a minimum:

158.17 a. publish the proposed rule's entire text stating the reasons for that proposed rule;

158.18 b. allow and invite any and all persons to submit written data, facts, opinions, and
 158.19 arguments, which information shall be added to the record, and be made publicly available;

158.20 c. provide an opportunity for an informal hearing if petitioned by ten or more persons;
 158.21 and

158.22 d. promulgate a final rule and its effective date, if appropriate, based on input from state
 158.23 or local officials, or interested parties.

158.24 4. The Interstate Commission shall allow, not later than 60 days after a rule is
 158.25 promulgated, any interested person to file a petition in the United States District Court for
 158.26 the District of Columbia or in the federal District Court where the Interstate Commission's
 158.27 principal office is located for judicial review of such rule. If the court finds that the Interstate
 158.28 Commission's action is not supported by substantial evidence in the rulemaking record, the
 158.29 court shall hold the rule unlawful and set it aside. For purposes of this subsection, evidence
 158.30 is substantial if it would be considered substantial evidence under the Model (State)
 158.31 Administrative Procedures Act.

159.1 5. If a majority of the legislatures of the compacting states rejects a rule, those states
 159.2 may, by enactment of a statute or resolution in the same manner used to adopt the compact,
 159.3 cause that such rule shall have no further force and effect in any compacting state.

159.4 6. The existing rules governing the operation of the Interstate Compact on Juveniles
 159.5 superceded by this act shall be null and void 12 months after the first meeting of the Interstate
 159.6 Commission created hereunder.

159.7 7. Upon determination by the Interstate Commission that a state of emergency exists, it
 159.8 may promulgate an emergency rule which shall become effective immediately upon adoption,
 159.9 provided that the usual rulemaking procedures provided hereunder shall be retroactively
 159.10 applied to said rule as soon as reasonably possible, but no later than 90 days after the effective
 159.11 date of the emergency rule.

159.12 ARTICLE VII

159.13 OVERSIGHT, ENFORCEMENT, AND DISPUTE
159.14 RESOLUTION BY THE INTERSTATE COMMISSION

159.15 Section A. Oversight.

159.16 1. The Interstate Commission shall oversee the administration and operations of the
159.17 interstate movement of juveniles subject to this compact in the compacting states and shall
159.18 monitor such activities being administered in noncompacting states which may significantly
159.19 affect compacting states.

159.20 2. The courts and executive agencies in each compacting state shall enforce this compact
159.21 and shall take all actions necessary and appropriate to effectuate the compact's purposes
159.22 and intent. The provisions of this compact and the rules promulgated hereunder shall be
159.23 received by all the judges, public officers, commissions, and departments of the state
159.24 government as evidence of the authorized statute and administrative rules. All courts shall
159.25 take judicial notice of the compact and the rules. In any judicial or administrative proceeding
159.26 in a compacting state pertaining to the subject matter of this compact which may affect the
159.27 powers, responsibilities, or actions of the Interstate Commission, it shall be entitled to
159.28 receive all service of process in any such proceeding, and shall have standing to intervene
159.29 in the proceeding for all purposes.

159.30 3. The compact administrator shall assess and collect fines, fees, and costs from any
159.31 state or local entity deemed responsible by the compact administrator for a default as
159.32 determined by the Interstate Commission under Article XI.

159.33 Section B. Dispute resolution.

160.1 1. The compacting states shall report to the Interstate Commission on all issues and
160.2 activities necessary for the administration of the compact as well as issues and activities
160.3 pertaining to compliance with the provisions of the compact and its bylaws and rules.

160.4 2. The Interstate Commission shall attempt, upon the request of a compacting state, to
160.5 resolve any disputes or other issues which are subject to the compact and which may arise
160.6 among compacting states and between compacting and noncompacting states. The
160.7 commission shall promulgate a rule providing for both mediation and binding dispute
160.8 resolution for disputes among the compacting states.

160.9 3. The Interstate Commission, in the reasonable exercise of its discretion, shall enforce
160.10 the provisions and rules of this compact using any or all means set forth in Article XI of
160.11 this compact.

160.12 ARTICLE VIII

160.13 FINANCE

160.14 1. The Interstate Commission shall pay or provide for the payment of the reasonable
160.15 expenses of its establishment, organization, and ongoing activities.

160.16 2. The Interstate Commission shall levy on and collect an annual assessment from each
160.17 compacting state to cover the cost of the internal operations and activities of the Interstate
160.18 Commission and its staff which must be in a total amount sufficient to cover the Interstate
160.19 Commission's annual budget as approved each year. The aggregate annual assessment
160.20 amount shall be allocated based upon a formula to be determined by the Interstate
160.21 Commission, taking into consideration the population of each compacting state and the
160.22 volume of interstate movement of juveniles in each compacting state, and shall promulgate
160.23 a rule binding upon all compacting states which governs said assessment.

160.24 3. The Interstate Commission shall not incur any obligations of any kind prior to securing
160.25 the funds adequate to meet the same; nor shall the Interstate Commission pledge the credit
160.26 of any of the compacting states, except by and with the authority of the compacting state.

160.27 4. The Interstate Commission shall keep accurate accounts of all receipts and
160.28 disbursements. The receipts and disbursements of the Interstate Commission shall be subject
160.29 to the audit and accounting procedures established under its bylaws. However, all receipts
160.30 and disbursements of funds handled by the Interstate Commission shall be audited yearly
160.31 by a certified or licensed public accountant and the report of the audit shall be included in
160.32 and become part of the annual report of the Interstate Commission.

161.1 5. Minnesota's annual assessment shall not exceed \$30,000. The Interstate Compact for
161.2 Juveniles fund is established as a special fund in the Department of Corrections. The fund
161.3 consists of money appropriated for the purpose of meeting financial obligations imposed
161.4 on the state as a result of Minnesota's participation in this compact. An assessment levied
161.5 or any other financial obligation imposed under this compact is effective against the state
161.6 only to the extent that money to pay the assessment or meet the financial obligation has
161.7 been appropriated and deposited in the fund established in this paragraph.

161.8 ARTICLE IX

161.9 THE STATE ADVISORY COUNCIL

161.10 Each member state shall create a State Advisory Council for the Interstate Compact for
161.11 Juveniles. The Advisory Council on the Interstate Compact for Juveniles ~~consists~~ shall be
161.12 combined with the Advisory Council on Interstate Adult Offender Supervision established
161.13 by section 243.1606 and consist of the following individuals or their designees:

161.14 (1) the governor;

161.15 (2) the chief justice of the Supreme Court;

161.16 (3) two senators, one from the majority and the other from the minority party, selected
161.17 by the Subcommittee on Committees of the senate Committee on Rules and Administration;

- 161.18 (4) two representatives, one from the majority and the other from the minority party,
 161.19 selected by the house speaker;
- 161.20 (5) a representative from the Department of Human Services regarding the Interstate
 161.21 Compact for the Placement of Children;
- 161.22 (6) the compact administrator, selected as provided in Article III;
- 161.23 (7) the executive director of the Office of Justice Programs or designee;
- 161.24 (8) the deputy compact administrator; ~~and~~
- 161.25 (9) a representative from the State Public Defender's Office;
- 161.26 (10) a representative from the Minnesota County Attorneys Association;
- 161.27 (11) a representative from the Minnesota Sheriffs' Association;
- 161.28 (12) a representative from the Minnesota Association of County Probation Officers;
- 161.29 (13) a representative from the Minnesota Association of Community Corrections Act
 161.30 Counties;
- 161.31 (14) a representative from the community at large;
- 162.1 (15) a representative from a community organization working with victims of crimes;
 162.2 ~~and~~
- 162.3 ~~(9)~~ (16) other members as appointed by the commissioner of corrections.
- 162.4 The council may elect a chair from among its members.
- 162.5 The council shall oversee and administer the state's participation in the compact as
 162.6 described in Article III. The council shall appoint the compact administrator as the state's
 162.7 commissioner.
- 162.8 The state advisory council will advise and exercise advocacy concerning that state's
 162.9 participation in Interstate Commission activities and other duties as may be determined by
 162.10 that state, including, but not limited to, development of policy concerning operations and
 162.11 procedures of the compact within that state.
- 162.12 Expiration; expenses. The provisions of section 15.059 apply to the council except that
 162.13 it does not expire.

162.14 **ARTICLE X**

162.15 **COMPACTING STATES, EFFECTIVE DATE,**
 162.16 **AND AMENDMENT**

162.17 1. Any state, the District of Columbia (or its designee), the Commonwealth of Puerto
 162.18 Rico, the United States Virgin Islands, Guam, American Samoa, and the Northern Marianas
 162.19 Islands as defined in Article II of this compact is eligible to become a compacting state.

162.20 2. The compact shall become effective and binding upon legislative enactment of the
 162.21 compact into law by no less than 35 of the states. The initial effective date shall be the later
 162.22 of July 1, 2004, or upon enactment into law by the 35th jurisdiction. Thereafter, it shall
 162.23 become effective and binding as to any other compacting state upon enactment of the
 162.24 compact into law by that state. The governors of nonmember states or their designees shall
 162.25 be invited to participate in the activities of the Interstate Commission on a nonvoting basis
 162.26 prior to adoption of the compact by all states and territories of the United States.

162.27 3. The Interstate Commission may propose amendments to the compact for enactment
 162.28 by the compacting states. No amendment shall become effective and binding upon the
 162.29 Interstate Commission and the compacting states unless and until it is enacted into law by
 162.30 unanimous consent of the compacting states.

162.31 ARTICLE XI

162.32 WITHDRAWAL, DEFAULT, TERMINATION,
 162.33 AND JUDICIAL ENFORCEMENT

162.34 Section A. Withdrawal.

163.1 1. Once effective, the compact shall continue in force and remain binding upon each
 163.2 and every compacting state; provided that a compacting state may withdraw from the
 163.3 compact specifically repealing the statute, which enacted the compact into law.

163.4 2. The effective date of withdrawal is the effective date of the repeal.

163.5 3. The withdrawing state shall immediately notify the chair of the Interstate Commission
 163.6 in writing upon the introduction of legislation repealing this compact in the withdrawing
 163.7 state. The Interstate Commission shall notify the other compacting states of the withdrawing
 163.8 state's intent to withdraw within 60 days of its receipt thereof.

163.9 4. The withdrawing state is responsible for all assessments, obligations, and liabilities
 163.10 incurred through the effective date of withdrawal, including any obligations, the performance
 163.11 of which extend beyond the effective date of withdrawal.

163.12 5. Reinstatement following withdrawal of any compacting state shall occur upon the
 163.13 withdrawing state reenacting the compact or upon such later date as determined by the
 163.14 Interstate Commission.

163.15 Section B. Technical assistance, fines, suspension, termination, and default.

163.16 1. If the Interstate Commission determines that any compacting state has at any time
163.17 defaulted in the performance of any of its obligations or responsibilities under this compact,
163.18 or the bylaws or duly promulgated rules, the Interstate Commission may impose any or all
163.19 of the following penalties:

163.20 a. remedial training and technical assistance as directed by the Interstate Commission;

163.21 b. alternative dispute resolution;

163.22 c. fines, fees, and costs in such amounts as are deemed to be reasonable as fixed by the
163.23 Interstate Commission;

163.24 d. suspension or termination of membership in the compact, which shall be imposed
163.25 only after all other reasonable means of securing compliance under the bylaws and rules
163.26 have been exhausted and the Interstate Commission has therefore determined that the
163.27 offending state is in default. Immediate notice of suspension shall be given by the Interstate
163.28 Commission to the governor, the chief justice, or the chief judicial officer of the state; the
163.29 majority and minority leaders of the defaulting state's legislature; and the state council. The
163.30 grounds for default include, but are not limited to, failure of a compacting state to perform
163.31 such obligations or responsibilities imposed upon it by this compact, the bylaws, or duly
163.32 promulgated rules and any other grounds designated in commission bylaws and rules. The
163.33 Interstate Commission shall immediately notify the defaulting state in writing of the penalty
164.1 imposed by the Interstate Commission and of the default pending a cure of the default. The
164.2 commission shall stipulate the conditions and the time period within which the defaulting
164.3 state must cure its default. If the defaulting state fails to cure the default within the time
164.4 period specified by the commission, the defaulting state shall be terminated from the compact
164.5 upon an affirmative vote of a majority of the compacting states and all rights, privileges,
164.6 and benefits conferred by this compact shall be terminated from the effective date of
164.7 termination.

164.8 2. Within 60 days of the effective date of termination of a defaulting state, the commission
164.9 shall notify the governor, the chief justice or chief judicial officer, the majority and minority
164.10 leaders of the defaulting state's legislature, and the state council of such termination.

164.11 3. The defaulting state is responsible for all assessments, obligations, and liabilities
164.12 incurred through the effective date of termination including any obligations, the performance
164.13 of which extends beyond the effective date of termination.

164.14 4. The Interstate Commission shall not bear any costs relating to the defaulting state
164.15 unless otherwise mutually agreed upon in writing between the Interstate Commission and
164.16 the defaulting state.

164.17 5. Reinstatement following termination of any compacting state requires both a
164.18 reenactment of the compact by the defaulting state and the approval of the Interstate
164.19 Commission pursuant to the rules.

164.20 **Section C. Judicial enforcement.**

164.21 The Interstate Commission may, by majority vote of the members, initiate legal action
164.22 in the United States District Court for the District of Columbia or, at the discretion of the
164.23 Interstate Commission, in the federal district where the Interstate Commission has its offices,
164.24 to enforce compliance with the provisions of the compact, its duly promulgated rules and
164.25 bylaws, against any compacting state in default. In the event judicial enforcement is
164.26 necessary, the prevailing party shall be awarded all costs of such litigation, including
164.27 reasonable attorney fees.

164.28 **Section D. Dissolution of compact.**

164.29 1. The compact dissolves effective upon the date of the withdrawal or default of the
164.30 compacting state, which reduces membership in the compact to one compacting state.

164.31 2. Upon the dissolution of this compact, the compact becomes null and void and shall
164.32 be of no further force or effect, and the business and affairs of the Interstate Commission
164.33 shall be concluded and any surplus funds shall be distributed in accordance with the bylaws.

165.1 **ARTICLE XII**

165.2 **SEVERABILITY AND CONSTRUCTION**

165.3 1. The provisions of this compact shall be severable, and if any phrase, clause, sentence,
165.4 or provision is deemed unenforceable, the remaining provisions of this compact shall be
165.5 enforceable.

165.6 2. The provisions of this compact shall be liberally constructed to effectuate its purposes.

165.7 **ARTICLE XIII**

165.8 **BINDING EFFECT OF COMPACT AND OTHER LAWS**

165.9 **Section A. Other laws.**

165.10 1. Nothing herein prevents the enforcement of any other law of a compacting state that
165.11 is not inconsistent with this compact.

165.12 2. All compacting states' laws other than state constitutions and other interstate compacts
165.13 conflicting with this compact are superseded to the extent of the conflict.

165.14 **Section B. Binding effect of the compact.**

165.15 1. All lawful actions of the Interstate Commission, including all rules and bylaws
165.16 promulgated by the Interstate Commission, are binding upon the compacting state.

165.17 2. All agreements between the Interstate Commission and the compacting states are
165.18 binding in accordance with their terms.

165.19 3. Upon the request of a party to a conflict over meaning or interpretation of Interstate
165.20 Commission actions, and upon a majority vote of the compacting states, the Interstate
165.21 Commission may issue advisory opinions regarding such meaning of interpretation.

165.22 4. In the event any provision of this compact exceeds the constitutional limits imposed
165.23 on the legislature of any compacting state, the obligations, duties, powers, or jurisdiction
165.24 sought to be conferred by such provision upon the Interstate Commission shall be ineffective
165.25 and such obligations, duties, powers, or jurisdiction shall remain in the compacting state
165.26 and shall be exercised by the agency thereof to which such obligations, duties, powers, or
165.27 jurisdiction are delegated by law in effect at the time this compact becomes effective.

ARTICLE 7

COMMUNITY SUPERVISION REFORM

166.1
166.2
166.3 Section 1. Minnesota Statutes 2020, section 241.272, is amended to read:

166.4 **241.272 FEE COLLECTION; PROHIBITED.**

166.5 Subdivision 1. **Definition.** (a) As used in this section, the following terms have the
166.6 meanings given them.

166.7 (b) "Correctional fees" include fees for the following correctional services:

166.8 (1) ~~community service work placement and supervision;~~

166.9 (2) ~~restitution collection;~~

166.10 (3) ~~supervision;~~

166.11 (4) ~~(2) court-ordered investigations; or~~

166.12 (5) ~~(3) any other service provided by a probation officer or parole agency for offenders~~
166.13 ~~supervised by the commissioner of corrections, a local unit of government, or a community~~
166.14 ~~corrections agency.~~

166.15 (c) "Probation" has the meaning given in section 609.02, subdivision 15.

166.16 (d) "Supervised release" has the meaning given in section 244.01, subdivision 7.

166.17 ~~Subd. 2. **Correctional fees established.** To defray costs associated with correctional~~
166.18 ~~services, the commissioner of corrections may establish a schedule of correctional fees to~~
166.19 ~~charge persons convicted of a crime and supervised by the commissioner. The correctional~~

- 166.20 ~~fees on the schedule must be reasonably related to offenders' abilities to pay and the actual~~
166.21 ~~cost of correctional services.~~
- 166.22 Subd. 2a. **Prohibition.** ~~The commissioner of corrections, local units of government, and~~
166.23 ~~community corrections agencies are prohibited from assessing and collecting correctional~~
166.24 ~~fees from persons on probation, parole, supervised release, or conditional release except as~~
166.25 ~~otherwise provided in this section.~~
- 166.26 Subd. 3. **Fee collection.** (a) ~~The commissioner of corrections may impose and collect~~
166.27 ~~fees from individuals on probation and supervised release at any time while the offender is~~
166.28 ~~under sentence or after the sentence has been discharged.~~
- 166.29 (b) ~~The commissioner may use any available civil means of debt collection in collecting~~
166.30 ~~a correctional fee.~~
- 167.1 Subd. 4. **Exemption from fee.** ~~The commissioner of corrections may waive payment~~
167.2 ~~of the fee if the commissioner determines that the offender does not have the ability to pay~~
167.3 ~~the fee, the prospects for payment are poor, or there are extenuating circumstances justifying~~
167.4 ~~waiver of the fee. Instead of waiving the fee, the commissioner may require the offender to~~
167.5 ~~perform community work service as a means of paying the fee.~~
- 167.6 Subd. 5. **Restitution payment priority.** ~~If an offender has been ordered by a court to~~
167.7 ~~pay restitution, the offender shall be obligated to pay the restitution ordered before paying~~
167.8 ~~the correctional fee. However, if the offender is making reasonable payments to satisfy the~~
167.9 ~~restitution obligation, the commissioner may also collect a correctional fee.~~
- 167.10 Subd. 6. **Use of fees.** ~~Excluding correctional fees collected from offenders supervised~~
167.11 ~~by department agents under the authority of section 244.19, subdivision 1, paragraph (a),~~
167.12 ~~clause (3), all correctional fees collected under this section go to the general fund. Fees~~
167.13 ~~collected by agents under the authority of section 244.19, subdivision 1, paragraph (a),~~
167.14 ~~clause (3), shall go to the county treasurer in the county where supervision is provided.~~
167.15 ~~These fees may only be used in accordance with section 244.18, subdivision 6.~~
- 167.16 Subd. 7. **Annual report.** ~~Beginning January 15, 2001, the commissioner shall submit~~
167.17 ~~an annual report on the implementation of this section to the chairs and ranking minority~~
167.18 ~~members of the senate and house of representatives committees and divisions with jurisdiction~~
167.19 ~~over criminal justice funding and policy. At a minimum, the report shall include information~~
167.20 ~~on the types of correctional services for which fees were imposed, the aggregate amount of~~
167.21 ~~fees imposed, and the amount of fees collected.~~
- 167.22 Subd. 8. **Sex offender treatment fee.** ~~The commissioner of corrections may authorize~~
167.23 ~~sex offender treatment providers to charge and collect treatment co-pays from all offenders~~
167.24 ~~in their treatment program. The amount of treatment co-pay assessed to each offender is~~
167.25 ~~based upon a fee schedule approved by the commissioner. Fees collected under this authority~~
167.26 ~~are used by the treatment provider to fund the cost of treatment.~~

167.27 **EFFECTIVE DATE.** This section is effective July 1, 2023.

167.28 Sec. 2. Minnesota Statutes 2020, section 243.05, subdivision 1, is amended to read:

167.29 Subdivision 1. **Conditional release.** (a) The commissioner of corrections may parole
167.30 any person sentenced to confinement in any state correctional facility for adults under the
167.31 control of the commissioner of corrections, provided that:

167.32 (1) no inmate serving a life sentence for committing murder before May 1, 1980, other
167.33 than murder committed in violation of clause (1) of section 609.185 who has not been
168.1 previously convicted of a felony shall be paroled without having served 20 years, less the
168.2 diminution that would have been allowed for good conduct had the sentence been for 20
168.3 years;

168.4 (2) no inmate serving a life sentence for committing murder before May 1, 1980, who
168.5 has been previously convicted of a felony or though not previously convicted of a felony
168.6 is serving a life sentence for murder in the first degree committed in violation of clause (1)
168.7 of section 609.185 shall be paroled without having served 25 years, less the diminution
168.8 which would have been allowed for good conduct had the sentence been for 25 years;

168.9 (3) any inmate sentenced prior to September 1, 1963, who would be eligible for parole
168.10 had the inmate been sentenced after September 1, 1963, shall be eligible for parole; and

168.11 (4) any new rule or policy or change of rule or policy adopted by the commissioner of
168.12 corrections which has the effect of postponing eligibility for parole has prospective effect
168.13 only and applies only with respect to persons committing offenses after the effective date
168.14 of the new rule or policy or change.

168.15 (b) Upon being paroled and released, an inmate is and remains in the legal custody and
168.16 under the control of the commissioner, subject at any time to be returned to a facility of the
168.17 Department of Corrections established by law for the confinement or treatment of convicted
168.18 persons and the parole rescinded by the commissioner.

168.19 (c) The written order of the commissioner of corrections, is sufficient authority for any
168.20 peace officer, state correctional investigator, or state parole and probation agent to retake
168.21 and place in actual custody any person on parole or supervised release. In addition, when
168.22 it appears necessary in order to prevent escape or enforce discipline, any state parole and
168.23 probation agent or state correctional investigator may, without order of warrant, take and
168.24 detain a parolee or person on supervised release or work release and bring the person to the
168.25 commissioner for action.

168.26 (d) The written order of the commissioner of corrections is sufficient authority for any
168.27 peace officer, state correctional investigator, or state parole and probation agent to retake
168.28 and place in actual custody any person on probation under the supervision of the
168.29 commissioner pursuant to section 609.135. Additionally, when it appears necessary in order
168.30 to prevent escape or enforce discipline, any state parole and probation agent or state

168.31 correctional investigator may, without an order, retake and detain a probationer and bring
168.32 the probationer before the court for further proceedings under section 609.14.

168.33 (e) The written order of the commissioner of corrections is sufficient authority for any
168.34 peace officer, state correctional investigator, or state parole and probation agent to detain
169.1 any person on pretrial release who absconds from pretrial release or fails to abide by the
169.2 conditions of pretrial release.

169.3 (f) Persons conditionally released, and those on probation under the supervision of the
169.4 commissioner of corrections pursuant to section 609.135 may be placed within or outside
169.5 the boundaries of the state at the discretion of the commissioner of corrections or the court,
169.6 and the limits fixed for these persons may be enlarged or reduced according to their conduct.

169.7 (g) Except as otherwise provided in subdivision 1b, in considering applications for
169.8 conditional release or discharge, the commissioner is not required to hear oral argument
169.9 from any attorney or other person not connected with an adult correctional facility of the
169.10 Department of Corrections in favor of or against the parole or release of any inmates. The
169.11 commissioner may institute inquiries by correspondence, taking testimony, or otherwise,
169.12 as to the previous history, physical or mental condition, and character of the inmate and, to
169.13 that end, has the authority to require the attendance of the chief executive officer of any
169.14 state adult correctional facility and the production of the records of these facilities, and to
169.15 compel the attendance of witnesses. The commissioner is authorized to administer oaths to
169.16 witnesses for these purposes.

169.17 ~~(h) Unless the district court directs otherwise, state parole and probation agents may~~
169.18 ~~require a person who is under the supervision of the commissioner of corrections to perform~~
169.19 ~~community work service for violating a condition of probation imposed by the court.~~
169.20 ~~Community work service may be imposed for the purpose of protecting the public, to aid~~
169.21 ~~the offender's rehabilitation, or both. Agents may impose up to eight hours of community~~
169.22 ~~work service for each violation and up to a total of 24 hours per offender per 12-month~~
169.23 ~~period, beginning with the date on which community work service is first imposed. The~~
169.24 ~~commissioner may authorize an additional 40 hours of community work services, for a total~~
169.25 ~~of 64 hours per offender per 12-month period, beginning with the date on which community~~
169.26 ~~work service is first imposed. At the time community work service is imposed, parole and~~
169.27 ~~probation agents are required to provide written notice to the offender that states:~~

169.28 ~~(1) the condition of probation that has been violated;~~

169.29 ~~(2) the number of hours of community work service imposed for the violation; and~~

169.30 ~~(3) the total number of hours of community work service imposed to date in the 12-month~~
169.31 ~~period.~~

169.32 ~~An offender may challenge the imposition of community work service by filing a petition~~
169.33 ~~in district court. An offender must file the petition within five days of receiving written~~

169.34 notice that community work service is being imposed. If the offender challenges the
 170.1 imposition of community work service, the state bears the burden of showing, by a
 170.2 preponderance of the evidence, that the imposition of community work service is reasonable
 170.3 under the circumstances.

170.4 Community work service includes sentencing to service.

170.5 (i) Prior to revoking a nonviolent controlled substance offender's parole or probation
 170.6 based on a technical violation, when the offender does not present a risk to the public and
 170.7 the offender is amenable to continued supervision in the community, a parole or probation
 170.8 agent must identify community options to address and correct the violation including, but
 170.9 not limited to, inpatient chemical dependency treatment. If a probation or parole agent
 170.10 determines that community options are appropriate, the agent shall seek to restructure the
 170.11 offender's terms of release to incorporate those options. If an offender on probation stipulates
 170.12 in writing to restructure the terms of release, a probation agent must forward a report to the
 170.13 district court containing:

170.14 (1) the specific nature of the technical violation of probation;

170.15 (2) the recommended restructure to the terms of probation; and

170.16 (3) a copy of the offender's signed stipulation indicating that the offender consents to
 170.17 the restructuring of probation.

170.18 The recommended restructuring of probation becomes effective when confirmed by a
 170.19 judge. The order of the court shall be proof of such confirmation and amend the terms of
 170.20 the sentence imposed by the court under section 609.135. If a nonviolent controlled substance
 170.21 offender's parole or probation is revoked, the offender's agent must first attempt to place
 170.22 the offender in a local jail. For purposes of this paragraph, "nonviolent controlled substance
 170.23 offender" is a person who meets the criteria described under section 244.0513, subdivision
 170.24 2, clauses (1), (2), and (5), and "technical violation" means any violation of a court order
 170.25 of probation or a condition of parole, except an allegation of a subsequent criminal act that
 170.26 is alleged in a formal complaint, citation, or petition.

170.27 Sec. 3. Minnesota Statutes 2020, section 244.05, subdivision 3, is amended to read:

170.28 Subd. 3. **Sanctions for violation.** If an inmate violates the conditions of the inmate's
 170.29 supervised release imposed by the commissioner, the commissioner may:

170.30 (1) continue the inmate's supervised release term, with or without modifying or enlarging
 170.31 the conditions imposed on the inmate, or transferring the inmate's case to a specialized
 170.32 caseload; or

171.1 (2) revoke the inmate's supervised release and reimprison the inmate for the appropriate
 171.2 period of time.

171.3 Prior to revoking a ~~nonviolent controlled substance~~ an offender's supervised release
 171.4 based on a technical violation, when the offender does not present a risk to the public ~~and~~
 171.5 ~~the offender is amenable to continued supervision in the community~~, the commissioner
 171.6 must identify community options to address and correct the violation ~~including, but not~~
 171.7 ~~limited to, inpatient chemical dependency treatment~~. If the commissioner determines that
 171.8 community options are appropriate, the commissioner shall restructure the inmate's terms
 171.9 of release to incorporate those options. ~~If a nonviolent controlled substance offender's~~
 171.10 ~~supervised release is revoked, the offender's agent must first attempt to place the offender~~
 171.11 ~~in a local jail~~. For purposes of this subdivision, ~~"nonviolent controlled substance offender"~~
 171.12 ~~is a person who meets the criteria described under section 244.0513, subdivision 2, clauses~~
 171.13 ~~(1), (2), and (5), and "technical violation" means a violation of a condition of supervised~~
 171.14 ~~release, except an allegation of a subsequent criminal act that is alleged in a formal complaint,~~
 171.15 ~~citation, or petition.~~

171.16 The period of time for which a supervised release may be revoked may not exceed the
 171.17 period of time remaining in the inmate's sentence, except that if a sex offender is sentenced
 171.18 and conditionally released under Minnesota Statutes 2004, section 609.108, subdivision 5,
 171.19 the period of time for which conditional release may be revoked may not exceed the balance
 171.20 of the conditional release term.

171.21 Sec. 4. Minnesota Statutes 2020, section 244.19, subdivision 1, is amended to read:

171.22 Subdivision 1. **Appointment; joint services; state services.** (a) If a county or group of
 171.23 counties has established a human services board pursuant to chapter 402, the district court
 171.24 may appoint one or more county probation officers as necessary to perform court services,
 171.25 and the human services board shall appoint persons as necessary to provide correctional
 171.26 services within the authority granted in chapter 402. In all counties of more than 200,000
 171.27 population, which have not organized pursuant to chapter 402, the district court shall appoint
 171.28 one or more persons of good character to serve as county probation officers during the
 171.29 pleasure of the court. All other counties shall provide adult misdemeanor and juvenile
 171.30 probation services to district courts in one of the following ways:

171.31 (1) the court, with the approval of the county boards, may appoint one or more salaried
 171.32 county probation officers to serve during the pleasure of the court;

172.1 (2) when two or more counties offer probation services the district court through the
 172.2 county boards may appoint common salaried county probation officers to serve in the several
 172.3 counties;

172.4 (3) a county or a district court may request the commissioner of corrections to furnish
 172.5 probation services in accordance with the provisions of this section, and the commissioner
 172.6 of corrections shall furnish such services to any county or court that fails to provide its own
 172.7 probation officer by one of the two procedures listed above;

172.8 (4) if a county or district court providing probation services under clause (1) or (2) asks
 172.9 the commissioner of corrections or the legislative body for the state of Minnesota mandates
 172.10 the commissioner of corrections to furnish probation services to the district court, the
 172.11 probation officers and other employees displaced by the changeover shall be employed by
 172.12 the commissioner of corrections. Years of service in the county probation department are
 172.13 to be given full credit for future sick leave and vacation accrual purposes;

172.14 (5) ~~all probation officers serving the juvenile courts on July 1, 1972, shall continue to~~
 172.15 ~~serve in the county or counties they are now serving~~ if a county receiving probation services
 172.16 under clause (3) decides to provide those services under clause (1) or (2), the probation
 172.17 officers and other employees displaced by the changeover shall be employed by the county
 172.18 at no loss in salary. Years of service in the state are to be given full credit for future sick
 172.19 leave and vacation accrual purposes.

172.20 (b) A county or counties providing probation services under paragraph (a), clause (1)
 172.21 or (2), is designated a CPO county for purposes of receiving a grant under chapter 401. A
 172.22 county or counties receiving probation services under paragraph (a), clause (3), is not eligible
 172.23 for a grant under chapter 401, and the commissioner of corrections is appropriated the
 172.24 county's share of funding for the purpose of providing probation services, and authority to
 172.25 seek reimbursement from the county under subdivision 5.

172.26 (c) A county that requests the commissioner of corrections to provide probation services
 172.27 under paragraph (a), clause (3), shall collaborate with the commissioner to develop a
 172.28 comprehensive plan as described in section 401.06.

172.29 ~~(b)~~ (d) The commissioner of management and budget shall place employees transferred
 172.30 to state service under paragraph (a), clause (4), in the proper classifications in the classified
 172.31 service. Each employee is appointed without examination at no loss in salary or accrued
 172.32 vacation or sick leave benefits, but no additional accrual of vacation or sick leave benefits
 172.33 may occur until the employee's total accrued vacation or sick leave benefits fall below the
 172.34 maximum permitted by the state for the employee's position. An employee appointed under
 173.1 paragraph (a), clause (4), shall serve a probationary period of six months. After exhausting
 173.2 labor contract remedies, a noncertified employee may appeal for a hearing within ten days
 173.3 to the commissioner of management and budget, who may uphold the decision, extend the
 173.4 probation period, or certify the employee. The decision of the commissioner of management
 173.5 and budget is final. The state shall negotiate with the exclusive representative for the
 173.6 bargaining unit to which the employees are transferred regarding their seniority. For purposes
 173.7 of computing seniority among those employees transferring from one county unit only, a
 173.8 transferred employee retains the same seniority position as the employee had within that
 173.9 county's probation office.

173.10 Sec. 5. Minnesota Statutes 2020, section 244.19, subdivision 5, is amended to read:

173.11 Subd. 5. **Compensation.** ~~In counties of more than 200,000 population, a majority of the~~
 173.12 ~~judges of the district court may direct the payment of such salary to probation officers as~~

173.13 may be approved by the county board, and in addition thereto shall be reimbursed for all
173.14 necessary expenses incurred in the performance of their official duties. In all counties which
173.15 obtain probation services from the commissioner of corrections the commissioner shall, out
173.16 of appropriations provided therefor, pay probation officers the salary and all benefits fixed
173.17 by the state law or applicable bargaining unit and all necessary expenses, including secretarial
173.18 service, office equipment and supplies, postage, telephone and telegraph services, and travel
173.19 and subsistence. Each county receiving probation services from the commissioner of
173.20 corrections shall reimburse the department of corrections for the total cost and expenses of
173.21 such services as incurred by the commissioner of corrections, excluding the cost and expense
173.22 of services provided under the state's obligation in section 244.20. Total annual costs for
173.23 each county shall be that portion of the total costs and expenses for the services of one
173.24 probation officer represented by the ratio which the county's population bears to the total
173.25 population served by one officer. For the purposes of this section, the population of any
173.26 county shall be the most recent estimate made by the Department of Health. At least every
173.27 six months the commissioner of corrections shall bill for the total cost and expenses incurred
173.28 by the commissioner on behalf of each county which has received probation services. The
173.29 commissioner of corrections shall notify each county of the cost and expenses and the county
173.30 shall pay to the commissioner the amount due for reimbursement. All such reimbursements
173.31 shall be deposited in the general fund used to provide services for each county according
173.32 to their reimbursement amount. Objections by a county to all allocation of such cost and
173.33 expenses shall be presented to and determined by the commissioner of corrections. Each
173.34 county providing probation services under this section is hereby authorized to use unexpended
173.35 funds and to levy additional taxes for this purpose.

174.1 The county commissioners of any county of not more than 200,000 population shall,
174.2 when requested to do so by the juvenile judge, provide probation officers with suitable
174.3 offices, and may provide equipment, and secretarial help needed to render the required
174.4 services.

174.5 Sec. 6. Minnesota Statutes 2020, section 244.195, subdivision 1, is amended to read:

174.6 Subdivision 1. **Definitions.** (a) As used in this subdivision and sections 244.196 to
174.7 244.1995, the following terms have the meanings given them.

174.8 (b) "Commissioner" means the commissioner of corrections.

174.9 (c) "Conditional release" means parole, supervised release, conditional release as
174.10 authorized by section 609.3455, subdivision 6, 7, or 8; Minnesota Statutes 2004, section
174.11 609.108, subdivision 6; or Minnesota Statutes 2004, section 609.109, subdivision 7, work
174.12 release as authorized by sections 241.26, 244.065, and 631.425, probation, furlough, and
174.13 any other authorized temporary release from a correctional facility.

174.14 (d) "Court services director" means the director or designee of a county probation agency
174.15 that is not organized under section 244.19 or an agency organized under chapter 401.

- 174.16 (e) "Detain" means to take into actual custody, including custody within a local
174.17 correctional facility.
- 174.18 (f) "Local correctional facility" has the meaning given in section 241.021, subdivision
174.19 1.
- 174.20 (g) "Probation agency" means the Department of Corrections field office or a probation
174.21 agency organized under section 244.19 or chapter 401.
- 174.22 (h) "Probation officer" means a court services director, county probation officer, or any
174.23 other community supervision officer employed by the commissioner or by a probation
174.24 agency organized under section 244.19 or chapter 401.
- 174.25 ~~(g)~~ (i) "Release" means to release from actual custody.
- 174.26 Sec. 7. Minnesota Statutes 2020, section 244.195, is amended by adding a subdivision to
174.27 read:
- 174.28 Subd. 6. **Intermediate sanctions.** (a) Unless the district court directs otherwise, a
174.29 probation officer may require a person committed to the officer's care by the court to perform
174.30 community work service for violating a condition of probation imposed by the court.
174.31 Community work service may be imposed for the purpose of protecting the public, to aid
175.1 the person's rehabilitation, or both. A probation officer may impose up to eight hours of
175.2 community work service for each violation and up to a total of 24 hours per person per
175.3 12-month period, beginning on the date on which community work service is first imposed.
175.4 The court services director or probation agency may authorize an additional 40 hours of
175.5 community work service, for a total of 64 hours per person per 12-month period, beginning
175.6 with the date on which community work service is first imposed. At the time community
175.7 work service is imposed, probation officers are required to provide written notice to the
175.8 person that states:
- 175.9 (1) the condition of probation that has been violated;
- 175.10 (2) the number of hours of community work service imposed for the violation; and
- 175.11 (3) the total number of hours of community work service imposed to date in the 12-month
175.12 period.
- 175.13 (b) A person on supervision may challenge the imposition of community work service
175.14 by filing a petition in district court within five days of receiving written notice that
175.15 community work service is being imposed. If the person challenges the imposition of
175.16 community work service, the state bears the burden of showing, by a preponderance of the
175.17 evidence, that the imposition of community work service is reasonable under the
175.18 circumstances.

175.19 (c) Community work service includes sentencing to service.

175.20 Sec. 8. Minnesota Statutes 2020, section 244.195, is amended by adding a subdivision to
175.21 read:

175.22 Subd. 7. **Contacts.** Supervision contacts may be conducted over video conference
175.23 technology at the discretion of the probation agent.

175.24 Sec. 9. Minnesota Statutes 2020, section 244.20, is amended to read:

175.25 **244.20 PROBATION SUPERVISION.**

175.26 Notwithstanding sections 244.19, subdivision 1, and 609.135, subdivision 1, the
175.27 Department of Corrections shall have exclusive responsibility for providing probation
175.28 services for adult felons in counties that do not take part in the Community Corrections Act.
175.29 ~~In counties that do not take part in the Community Corrections Act, the responsibility for~~
175.30 ~~providing probation services for individuals convicted of gross misdemeanor offenses shall~~
175.31 ~~be discharged according to local judicial policy.~~

176.1 Sec. 10. Minnesota Statutes 2020, section 244.21, is amended to read:

176.2 **244.21 INFORMATION ON OFFENDERS UNDER SUPERVISION; REPORTS.**

176.3 Subdivision 1. **Collection of information by probation service providers; report**
176.4 **required.** (a) By January 1, 1998, probation service providers shall begin collecting and
176.5 maintaining information on offenders under supervision. The commissioner of corrections
176.6 shall specify the nature and extent of the information to be collected. By April 1 of every
176.7 year, each probation service provider shall report a summary of the information collected
176.8 to the commissioner as a condition of state grant funding under chapter 401.

176.9 (b) Beginning August 1, 2023, and each year thereafter, each entity required to submit
176.10 a report under paragraph (a) must include in their report the total number of days in the
176.11 previous fiscal year that offenders supervised by the entity had their probation or supervised
176.12 release revoked.

176.13 Subd. 2. **Commissioner of corrections report.** By January 15, 1998, 2023, the
176.14 commissioner of corrections shall report to the chairs of the ~~senate crime prevention and~~
176.15 ~~house of representatives judiciary~~ legislative committees with jurisdiction over public safety
176.16 and finance on recommended methods of coordinating the exchange of information collected
176.17 on offenders under subdivision 1: (1) between probation service providers; and (2) between
176.18 probation service providers and the Department of Corrections, ~~without requiring service~~
176.19 ~~providers to acquire uniform computer software.~~

176.20 Sec. 11. Minnesota Statutes 2020, section 401.01, is amended to read:

176.21 **401.01 PURPOSE AND DEFINITION; ASSISTANCE GRANTS.**

176.22 Subdivision 1. **Grants.** For the purpose of more effectively protecting society and to
 176.23 promote efficiency and economy in the delivery of correctional services, the commissioner
 176.24 is authorized to make grants to assist counties in the development, implementation, and
 176.25 operation of community-based corrections programs including preventive or diversionary
 176.26 correctional programs, conditional release programs, community corrections centers, and
 176.27 facilities for the detention or confinement, care and treatment of persons convicted of crime
 176.28 or adjudicated delinquent. ~~The commissioner may authorize the use of a percentage of a~~
 176.29 ~~grant for the operation of an emergency shelter or make a separate grant for the rehabilitation~~
 176.30 ~~of a facility owned by the grantee and used as a shelter to bring the facility into compliance~~
 176.31 ~~with state and local laws pertaining to health, fire, and safety, and to provide security.~~

176.32 Subd. 1a. **Credit for early discharge.** In calculating grants authorized under subdivision
 176.33 1, the commissioner must not reduce the amount of a grant based on offenders being
 177.1 discharged from community supervision prior to the sentence expiration date imposed by
 177.2 the sentencing court.

177.3 Subd. 2. **Definitions.** (a) For the purposes of sections 401.01 to 401.16, the following
 177.4 terms have the meanings given them.

177.5 (b) "CCA county" means a county that participates in the Community Corrections Act.

177.6 (c) "Commissioner" means the commissioner of corrections or a designee.

177.7 (d) "Conditional release" means parole, supervised release, conditional release as
 177.8 authorized by section 609.3455, subdivision 6, 7, or 8; Minnesota Statutes 2004, section
 177.9 609.108, subdivision 6; or Minnesota Statutes 2004, section 609.109, subdivision 7, work
 177.10 release as authorized by sections 241.26, 244.065, and 631.425, probation, furlough, and
 177.11 any other authorized temporary release from a correctional facility.

177.12 (e) "County probation officer" means a probation officer appointed under section 244.19.

177.13 (f) "CPO county" means a county that participates in funding under this act by providing
 177.14 local corrections service for all juveniles and individuals on probation for misdemeanors,
 177.15 pursuant to section 244.19, subdivision 1, paragraph (a), clause (1) or (2).

177.16 (g) "Detain" means to take into actual custody, including custody within a local
 177.17 correctional facility.

177.18 ~~(g)~~ (h) "Joint board" means the board provided in section 471.59.

177.19 ~~(h)~~ (i) "Local correctional facility" has the meaning given in section 241.021, subdivision
 177.20 1.

- 177.21 ~~(j)~~ (j) "Local correctional service" means those services authorized by and employees,
 177.22 officers, and agents appointed under section 244.19, subdivision 1.
- 177.23 ~~(j)~~ (k) "Release" means to release from actual custody.
- 177.24 (l) "Tribal government" means one of the federally recognized Tribes described in section
 177.25 3.922.
- 177.26 Sec. 12. Minnesota Statutes 2020, section 401.02, is amended to read:
- 177.27 **401.02 COUNTIES OR REGIONS; SERVICES INCLUDABLE.**
- 177.28 Subdivision 1. **Qualification of counties or Tribal governments.** (a) One or more
 177.29 counties, ~~having an aggregate population of 30,000 or more persons, or Tribal governments~~
 177.30 may qualify for a grant as provided in section 401.01 by the enactment of appropriate
 177.31 resolutions creating and establishing a corrections advisory board, designating the officer
 178.1 or agency to be responsible for administering grant funds, and providing for the preparation
 178.2 of a comprehensive plan for the development, implementation and operation of the
 178.3 correctional services described in ~~section~~ sections 401.01 and 401.11, including the
 178.4 assumption of those correctional services, other than the operation of state facilities, presently
 178.5 provided in such counties by the Department of Corrections, and providing for centralized
 178.6 administration and control of those correctional services described in section 401.01. Counties
 178.7 participating as a CCA county must also enact the appropriate resolutions creating and
 178.8 establishing a corrections advisory board.
- 178.9 Where counties or Tribal governments combine as authorized in this section, they shall
 178.10 comply with the provisions of section 471.59.
- 178.11 (b) A county that has participated in the Community Corrections Act for five or more
 178.12 years is eligible to continue to participate in the Community Corrections Act.
- 178.13 (c) If a county or Tribal government withdraws from the grant program as outlined in
 178.14 subdivision 1 of this section and asks the commissioner of corrections, or the legislative
 178.15 body or the state of Minnesota mandates the commissioner of corrections to furnish probation
 178.16 services to the county, the probation officers and other employees displaced by the
 178.17 changeover shall be employed by the commissioner of corrections. Years of service in the
 178.18 county probation department are to be given full credit for future sick leave and vacation
 178.19 accrual purposes.
- 178.20 Subd. 2. **Planning counties; advisory board members expenses.** To assist counties
 178.21 which have complied with the provisions of subdivision 1 and require financial aid to defray
 178.22 all or a part of the expenses incurred by corrections advisory board members in discharging
 178.23 their official duties pursuant to section 401.08, the commissioner may designate counties
 178.24 as "planning counties", and, upon receipt of resolutions by the governing boards of the
 178.25 counties certifying the need for and inability to pay the expenses described in this subdivision,
 178.26 advance to the counties an amount not to exceed five percent of the maximum quarterly

178.27 ~~subsidy grant~~ for which the counties are eligible. The expenses described in this subdivision
178.28 shall be paid in the same manner and amount as for state employees.

178.29 Subd. 3. **Establishment and reorganization of administrative structure.** Any county
178.30 or group of counties which have qualified for participation in the ~~community corrections~~
178.31 ~~subsidy grant~~ program provided by this chapter may establish, organize, and reorganize an
178.32 administrative structure and provide for the budgeting, staffing, and operation of court
178.33 services and probation, construction or improvement to juvenile detention and juvenile
178.34 correctional facilities and adult detention and correctional facilities, and other activities
179.1 required to conform to the purposes of this chapter. No contrary general or special statute
179.2 divests any county or group of counties of the authority granted by this subdivision.

179.3 Subd. 5. **Intermediate sanctions.** ~~Unless the district court directs otherwise, county~~
179.4 ~~probation officers may require a person committed to the officer's care by the court to~~
179.5 ~~perform community work service for violating a condition of probation imposed by the~~
179.6 ~~court. Community work service may be imposed for the purpose of protecting the public,~~
179.7 ~~to aid the offender's rehabilitation, or both. Probation officers may impose up to eight hours~~
179.8 ~~of community work service for each violation and up to a total of 24 hours per offender per~~
179.9 ~~12-month period, beginning on the date on which community work service is first imposed.~~
179.10 ~~The chief executive officer of a community corrections agency may authorize an additional~~
179.11 ~~40 hours of community work service, for a total of 64 hours per offender per 12-month~~
179.12 ~~period, beginning with the date on which community work service is first imposed. At the~~
179.13 ~~time community work service is imposed, probation officers are required to provide written~~
179.14 ~~notice to the offender that states:~~

179.15 (1) ~~the condition of probation that has been violated;~~

179.16 (2) ~~the number of hours of community work service imposed for the violation; and~~

179.17 (3) ~~the total number of hours of community work service imposed to date in the 12-month~~
179.18 ~~period.~~

179.19 ~~An offender may challenge the imposition of community work service by filing a petition~~
179.20 ~~in district court. An offender must file the petition within five days of receiving written~~
179.21 ~~notice that community work service is being imposed. If the offender challenges the~~
179.22 ~~imposition of community work service, the state bears the burden of showing, by a~~
179.23 ~~preponderance of the evidence, that the imposition of community work service is reasonable~~
179.24 ~~under the circumstances.~~

179.25 ~~Community work service includes sentencing to service.~~

179.26 Sec. 13. Minnesota Statutes 2020, section 401.04, is amended to read:

179.27 **401.04 ACQUISITION OF PROPERTY; SELECTION OF ADMINISTRATIVE**
 179.28 **STRUCTURE; EMPLOYEES.**

179.29 Any county or group of counties electing to come within the provisions of sections
 179.30 401.01 to 401.16 may (a) acquire by any lawful means, including purchase, lease or transfer
 179.31 of custodial control, the lands, buildings and equipment necessary and incident to the
 179.32 accomplishment of the purposes of sections 401.01 to 401.16, (b) determine and establish
 179.33 the administrative structure best suited to the efficient administration and delivery of the
 180.1 correctional services described in section 401.01, and (c) employ a director and other officers,
 180.2 employees and agents as deemed necessary to carry out the provisions of sections 401.01
 180.3 to 401.16. To the extent that participating counties shall assume and take over state and
 180.4 local correctional services presently provided in counties, employment shall be given to
 180.5 those state and local officers, employees and agents thus displaced; if hired by a county,
 180.6 employment shall, to the extent possible and notwithstanding the provisions of any other
 180.7 law or ordinance to the contrary, be deemed a transfer in grade with all of the benefits
 180.8 enjoyed by such officer, employee or agent while in the service of the state or local
 180.9 correctional service.

180.10 State or local employees displaced by county participation in the ~~subsidy~~ grant program
 180.11 provided by this chapter are on layoff status and, if not hired by a participating county as
 180.12 provided herein, may exercise their rights under layoff procedures established by law or
 180.13 union agreement whichever is applicable.

180.14 State or local officers and employees displaced by a county's participation in the
 180.15 Community Corrections Act and hired by the participating county shall retain all fringe
 180.16 benefits and recall from layoff benefits accrued by seniority and enjoyed by them while in
 180.17 the service of the state.

180.18 Sec. 14. Minnesota Statutes 2021 Supplement, section 401.06, is amended to read:

180.19 **401.06 COMPREHENSIVE PLAN; STANDARDS OF ELIGIBILITY;**
 180.20 **COMPLIANCE.**

180.21 No county or group of counties or Tribal government or group of Tribal governments
 180.22 electing to provide correctional services pursuant to sections 401.01 to 401.16 shall be
 180.23 eligible for the ~~subsidy~~ grant herein provided unless and until its comprehensive plan shall
 180.24 have been approved by the commissioner. The commissioner shall, pursuant to the
 180.25 Administrative Procedure Act, promulgate rules establishing standards of eligibility for
 180.26 CCA and CPO counties and Tribal governments to receive ~~funds~~ grants under sections
 180.27 401.01 to 401.16. To remain eligible for ~~subsidy~~ grants counties and Tribal governments
 180.28 shall maintain substantial compliance with the minimum standards established pursuant to
 180.29 sections 401.01 to 401.16 and the policies and procedures governing the services described
 180.30 in section 401.025 as prescribed by the commissioner. Counties shall also be in substantial
 180.31 compliance with other correctional operating standards permitted by law and established

180.32 by the commissioner and shall report statistics required by the commissioner including but
 180.33 not limited to information on individuals convicted as an extended jurisdiction juvenile
 180.34 identified in section 241.016, subdivision 1, paragraph (c). The commissioner shall review
 181.1 annually the comprehensive plans submitted by participating counties and Tribal
 181.2 governments, including the facilities and programs operated under the plans. The
 181.3 commissioner is hereby authorized to enter upon any facility operated under the plan, and
 181.4 inspect books and records, for purposes of recommending needed changes or improvements.
 181.5 When the commissioner provides supervision to a county that elects not to provide the
 181.6 supervision, the commissioner shall prepare a comprehensive plan for the county and shall
 181.7 present it to the local county board of commissioners. The Department of Corrections shall
 181.8 be subject to all the standards and requirements established in sections 401.01 to 401.16
 181.9 and promulgated rules.

181.10 When the commissioner shall determine that there are reasonable grounds to believe
 181.11 that a county or group of counties or Tribal government or group of Tribal governments is
 181.12 not in substantial compliance with minimum standards, at least 30 days' notice shall be
 181.13 given the county or counties or Tribal government or group of Tribal governments and a
 181.14 hearing conducted by the commissioner to ascertain whether there is substantial compliance
 181.15 or satisfactory progress being made toward compliance. The commissioner may suspend
 181.16 all or a portion of any subsidy grant until the required standard of operation has been met.

181.17 Sec. 15. Minnesota Statutes 2020, section 401.09, is amended to read:

181.18 **401.09 OTHER SUBSIDY PROGRAMS; PURCHASE OF STATE SERVICES.**

181.19 Failure of a county or group of counties to elect to come within the provisions of sections
 181.20 401.01 to 401.16 shall not affect their eligibility for any other state grant or subsidy for
 181.21 correctional purposes otherwise provided by law. Any comprehensive plan submitted
 181.22 pursuant to sections 401.01 to 401.16 may include the purchase of selected correctional
 181.23 services from the state by contract, including the temporary detention and confinement of
 181.24 persons convicted of crime or adjudicated delinquent; confinement to be in an appropriate
 181.25 state facility as otherwise provided by law. The commissioner shall annually determine the
 181.26 costs of the purchase of services under this section and deduct them from the subsidy grant
 181.27 due and payable to the county or counties concerned; provided that no contract shall exceed
 181.28 in cost the amount of subsidy grant to which the participating county or counties are eligible.

181.29 Sec. 16. Minnesota Statutes 2020, section 401.10, is amended to read:

181.30 **401.10 COMMUNITY CORRECTIONS AID.**

181.31 Subdivision 1. ~~Aid calculations~~ **Funding formula.** ~~To determine the community~~
 181.32 ~~corrections aid amount to be paid to each participating county, the commissioner of~~
 181.33 ~~corrections must apply the following formula:~~

- 182.1 (1) For each of the 87 counties in the state, a percent score must be calculated for each
 182.2 of the following five factors:
- 182.3 (i) percent of the total state population aged ten to 24 residing within the county according
 182.4 to the most recent federal census, and, in the intervening years between the taking of the
 182.5 federal census, according to the most recent estimate of the state demographer;
- 182.6 (ii) percent of the statewide total number of felony case filings occurring within the
 182.7 county, as determined by the state court administrator;
- 182.8 (iii) percent of the statewide total number of juvenile case filings occurring within the
 182.9 county, as determined by the state court administrator;
- 182.10 (iv) percent of the statewide total number of gross misdemeanor case filings occurring
 182.11 within the county, as determined by the state court administrator; and
- 182.12 (v) percent of the total statewide number of convicted felony offenders who did not
 182.13 receive an executed prison sentence, as monitored and reported by the Sentencing Guidelines
 182.14 Commission.
- 182.15 The percents in items (ii) to (v) must be calculated by combining the most recent
 182.16 three-year period of available data. The percents in items (i) to (v) each must sum to 100
 182.17 percent across the 87 counties.
- 182.18 (2) For each of the 87 counties, the county's percents in clause (1), items (i) to (v), must
 182.19 be weighted, summed, and divided by the sum of the weights to yield an average percent
 182.20 for each county, referred to as the county's "composite need percent." When performing
 182.21 this calculation, the weight for each of the percents in clause (1), items (i) to (v), is 1.0. The
 182.22 composite need percent must sum to 100 percent across the 87 counties.
- 182.23 (3) For each of the 87 counties, the county's "adjusted net tax capacity percent" is the
 182.24 county's adjusted net tax capacity amount, defined in the same manner as it is defined for
 182.25 cities in section 477A.011, subdivision 20, divided by the statewide total adjusted net tax
 182.26 capacity amount. The adjusted net tax capacity percent must sum to 100 percent across the
 182.27 87 counties.
- 182.28 (4) For each of the 87 counties, the county's composite need percent must be divided by
 182.29 the county's adjusted net tax capacity percent to produce a ratio that, when multiplied by
 182.30 the county's composite need percent, results in the county's "tax base adjusted need percent."
- 182.31 (5) For each of the 87 counties, the county's tax base adjusted need percent must be
 182.32 added to twice the composite need percent, and the sum must be divided by 3, to yield the
 182.33 county's "weighted need percent."

- 183.1 (6) Each participating county's weighted need percent must be added to the weighted
 183.2 need percent of each other participating county to yield the "total weighted need percent
 183.3 for participating counties."
- 183.4 (7) Each participating county's weighted need percent must be divided by the total
 183.5 weighted need percent for participating counties to yield the county's "share percent." The
 183.6 share percents for participating counties must sum to 100 percent.
- 183.7 (8) Each participating county's "base funding amount" is the aid amount that the county
 183.8 received under this section for fiscal year 1995 plus the amount received in caseload or
 183.9 workload reduction, felony caseload reduction, and sex offender supervision grants in fiscal
 183.10 year 2015, as reported by the commissioner of corrections. In fiscal year 1997 and thereafter,
 183.11 no county's aid amount under this section may be less than its base funding amount, provided
 183.12 that the total amount appropriated for this purpose is at least as much as the aggregate base
 183.13 funding amount defined in clause (9).
- 183.14 (9) The "aggregate base funding amount" is equal to the sum of the base funding amounts
 183.15 for all participating counties. If a county that participated under this section chooses not to
 183.16 participate in any given year, then the aggregate base funding amount must be reduced by
 183.17 that county's base funding amount. If a county that did not participate under this section in
 183.18 fiscal year 1995 chooses to participate on or after July 1, 2015, then the aggregate base
 183.19 funding amount must be increased by the amount of aid that the county would have received
 183.20 had it participated in fiscal year 1995 plus the estimated amount it would have received in
 183.21 caseload or workload reduction, felony caseload reduction, and sex offender supervision
 183.22 grants in fiscal year 2015, as reported by the commissioner of corrections, and the amount
 183.23 of increase shall be that county's base funding amount.
- 183.24 (10) In any given year, the total amount appropriated for this purpose first must be
 183.25 allocated to participating counties in accordance with each county's base funding amount.
 183.26 Then, any remaining amount in excess of the aggregate base funding amount must be
 183.27 allocated to participating counties in proportion to each county's share percent, and is referred
 183.28 to as the county's "formula amount."
- 183.29 Each participating county's "community corrections aid amount" equals the sum of (i)
 183.30 the county's base funding amount, and (ii) the county's formula amount.
- 183.31 (11) However, if in any year the total amount appropriated for the purpose of this section
 183.32 is less than the aggregate base funding amount, then each participating county's community
 183.33 corrections aid amount is the product of (i) the county's base funding amount multiplied by
 183.34 (ii) the ratio of the total amount appropriated to the aggregate base funding amount.
- 184.1 For each participating county, the county's community corrections aid amount calculated
 184.2 in this subdivision is the total amount of subsidy to which the county is entitled under
 184.3 sections 401.01 to 401.16.

184.4 (a) The state shall institute one funding formula for supervising people in the community.
184.5 For fiscal year 2023, the commissioner shall use the following formula to determine each
184.6 county and Tribal government grant and the department's funding for supervision in counties
184.7 or Tribal jurisdictions served by the department. Funding and allocations for intensive
184.8 supervised release are not included in the formula and regardless of the results of the formula,
184.9 in fiscal year 2023, the commissioner shall provide 50 percent funding to CPO counties as
184.10 previously required in section 244.19, subdivision 6. The following amounts shall be summed
184.11 to arrive at the total for a county, Tribal government, or the department:

184.12 (1) \$250,000;

184.13 (2) ten percent of the total appropriation for community supervision and postrelease
184.14 services to the department for community supervision in fiscal year 2022 multiplied by the
184.15 county's or Tribe's percentage of the state's total population;

184.16 (3) ten percent of the total appropriation to the department for community supervision
184.17 in fiscal year 2022 multiplied by the county's or Tribe's percentage of the state's total
184.18 geographic area;

184.19 (4) the result of the following methodology:

184.20 (i) use the county's felony supervision population as reflected in the most recent probation
184.21 survey by the department and analysis conducted in 2021 by an independent contractor;

184.22 (ii) use the hours required to supervise the felony population based on 2,080 hours of
184.23 full-time equivalent officer time in one year; and

184.24 (iii) assume a \$100,000 cost for each full-time equivalent officer and multiply that
184.25 amount by the average full-time equivalent time for the county for one year; and

184.26 (5) the department may prorate the total amount distributed in clauses (2), (3), and (4),
184.27 as necessary, so as to not exceed the total appropriation for fiscal year 2023.

184.28 (b) For use in fiscal year 2024 and beyond, to replace the methodology in paragraph (a),
184.29 clause (4), the state shall implement a workload methodology developed by the Supervision
184.30 Standards Committee to calculate the average per diem costs of supervising people in
184.31 communities and accounting for people of different risk and need levels who are juveniles,
184.32 on probation for a misdemeanor, on probation for a gross misdemeanor, on probation for a
184.33 felony, on supervised or conditional release, or on intensive supervised release. The
185.1 Department of Corrections and the Supervision Standards Committee shall report the
185.2 methodology and the calculated fiscal impacts of the formula described in this paragraph
185.3 estimated for each of fiscal years 2024, 2025, 2026, and 2027 to the chairs and ranking
185.4 minority members of the legislative committees with jurisdiction over public safety finance
185.5 and policy, to the governor, and to the Department of Management and Budget by October
185.6 15, 2022, for consideration in biennial budget development under section 16A.10, subdivision

185.7 2. The department may prorate the total amount distributed in fiscal year 2024 and subsequent
 185.8 years as necessary, so as to not exceed the total appropriation for that fiscal year.

185.9 (c) The reimbursement formulas developed under paragraphs (a) and (b) must:

185.10 (1) limit the weight of a misdemeanor case to no more than one-half of the weight
 185.11 assigned to a felony case with a comparable risk level assessment for purposes of calculating
 185.12 weighted caseloads; and

185.13 (2) account for the absence of work performed in an entity's caseload that occurs when
 185.14 offenders under the entity's supervision are reincarcerated. The formulas must reduce an
 185.15 entity's current grant award by the amount of savings that would have been generated in
 185.16 the prior year from supervision that was not performed because of offender reincarceration.

185.17 Subd. 2. **Transfer of funds.** Notwithstanding any law to the contrary, the commissioner
 185.18 of corrections, after notifying the committees on finance of the senate and ways and means
 185.19 of the house of representatives, may, at the end of any fiscal year, transfer any unobligated
 185.20 funds, including funds available due the withdrawal of a county under section 401.16, in
 185.21 any appropriation to the Department of Corrections to the appropriation under sections
 185.22 401.01 to 401.16, which appropriation shall not cancel but is reappropriated for the purposes
 185.23 of sections 401.01 to 401.16.

185.24 Subd. 3. **Formula review.** Prior to January 16, 2002, the committees with jurisdiction
 185.25 over community corrections funding decisions in the house of representatives and the senate,
 185.26 in consultation with the Department of Corrections and any interested county organizations,
 185.27 must review the formula in subdivision 1 and make recommendations to the legislature for
 185.28 its continuation, modification, replacement, or discontinuation. (a) For fiscal year 2024 and
 185.29 subsequent fiscal years, the commissioner shall make a funding recommendation based
 185.30 upon the following two components:

185.31 (1) for the first component the following amounts shall be summed to arrive at the total
 185.32 for a county, Tribal government, or the department:

185.33 (i) \$250,000;

186.1 (ii) ten percent of the total appropriation to the department for community supervision
 186.2 in the previous fiscal year multiplied by the county's percentage of the state's total population
 186.3 according to 2020 census data; and

186.4 (iii) ten percent of the total appropriation to the department for community supervision
 186.5 in the previous fiscal year multiplied by the county's percentage of the state's total geographic
 186.6 area as reflected in square miles; and

186.7 (2) for the second component funding shall reflect the results of the workload study in
 186.8 subdivision 1, paragraph (b).

186.9 (b) Every six years the workload study shall be repeated and updated by the Department
186.10 of Corrections in consultation with the Community Supervision Advisory Board if
186.11 established.

186.12 (c) For the purposes of the recommendations required under this section, every six years
186.13 the \$250,000 base amount shall be adjusted to reflect the statewide average cost of 2.5
186.14 probation officer full-time equivalent employees.

186.15 Sec. 17. Minnesota Statutes 2020, section 401.11, is amended to read:

186.16 **401.11 COMPREHENSIVE PLAN ITEMS; GRANT REVIEW.**

186.17 Subdivision 1. **Items.** The comprehensive plan submitted to the commissioner for
186.18 approval shall include those items prescribed by rule of the commissioner, which may
186.19 require the inclusion of the following: (a) the manner in which presentence and postsentence
186.20 investigations and reports for the district courts and social history reports for the juvenile
186.21 courts will be made; (b) the manner in which conditional release services to the courts and
186.22 persons under jurisdiction of the commissioner of corrections will be provided; (c) a program
186.23 for the detention, supervision, and treatment of persons under pretrial detention or under
186.24 commitment; (d) delivery of other correctional services defined in section 401.01; (e)
186.25 proposals for new programs, which proposals must demonstrate a need for the program, its
186.26 purpose, objective, administrative structure, staffing pattern, staff training, financing,
186.27 evaluation process, degree of community involvement, client participation, and duration of
186.28 program.

186.29 Subd. 2. **Review.** In addition to the foregoing requirements made by this section, each
186.30 participating CCA county or group of counties shall develop and implement a procedure
186.31 for the review of grant applications made to the corrections advisory board and for the
186.32 manner in which corrections advisory board action will be taken on them. A description of
186.33 this procedure must be made available to members of the public upon request.

187.1 Sec. 18. Minnesota Statutes 2020, section 401.12, is amended to read:

187.2 **401.12 CONTINUATION OF CURRENT SPENDING LEVEL BY COUNTIES.**

187.3 Participating counties shall not diminish their current level of spending for correctional
187.4 expenses as defined in section 401.01, to the extent of any subsidy grant received pursuant
187.5 to sections 401.01 to 401.16; rather the subsidy grant herein provided is for the expenditure
187.6 for correctional purposes in excess of those funds currently being expended. Should a
187.7 participating county be unable to expend the full amount of the subsidy grant to which it
187.8 would be entitled in any one year under the provisions of sections 401.01 to 401.16, the
187.9 commissioner shall retain the surplus, subject to disbursement in the following year wherein
187.10 such county can demonstrate a need for and ability to expend same for the purposes provided
187.11 in section 401.01. If in any biennium the subsidy grant is increased by an inflationary
187.12 adjustment which results in the county receiving more actual subsidy grant than it did in
187.13 the previous calendar year, the county shall be eligible for that increase only if the current

187.14 level of spending is increased by a percentage equal to that increase within the same
187.15 biennium.

187.16 Sec. 19. Minnesota Statutes 2020, section 401.14, subdivision 1, is amended to read:

187.17 Subdivision 1. **Payment.** Upon compliance by a county or group of counties with the
187.18 prerequisites for participation in the subsidy grant prescribed by sections 401.01 to 401.16,
187.19 and approval of the comprehensive plan by the commissioner, the commissioner shall
187.20 determine whether funds exist for the payment of the subsidy grant and proceed to pay same
187.21 in accordance with applicable rules.

187.22 Sec. 20. Minnesota Statutes 2020, section 401.14, subdivision 3, is amended to read:

187.23 Subd. 3. **Installment payments.** The commissioner of corrections shall make payments
187.24 for community corrections services to each county in 12 installments per year. The
187.25 commissioner shall ensure that the pertinent payment of the allotment for each month is
187.26 made to each county on the first working day after the end of each month of the calendar
187.27 year, except for the last month of the calendar year. The commissioner shall ensure that
187.28 each county receives its payment of the allotment for that month no later than the last
187.29 working day of that month. ~~The payment described in this subdivision for services rendered~~
187.30 ~~during June 1985 shall be made on the first working day of July 1985.~~

188.1 Sec. 21. Minnesota Statutes 2020, section 401.15, subdivision 2, is amended to read:

188.2 Subd. 2. **Ranking review.** The commissioner shall biennially review the ranking accorded
188.3 each county by the equalization formula provided in section 401.10 and compute the subsidy
188.4 grant rate accordingly.

188.5 Sec. 22. Minnesota Statutes 2020, section 401.16, is amended to read:

188.6 **401.16 WITHDRAWAL FROM PROGRAM.**

188.7 Any participating county or Tribal government may, at the beginning of any calendar
188.8 quarter, by resolution of its board of commissioners or Tribal government leaders, notify
188.9 the commissioner of its intention to withdraw from the subsidy grant program established
188.10 by sections 401.01 to 401.16, and the withdrawal shall be effective the last day of the last
188.11 month of the third quarter in after which the notice was given. ~~Upon withdrawal, the~~
188.12 ~~unexpended balance of moneys allocated to the county, or that amount necessary to reinstate~~
188.13 ~~state correctional services displaced by that county's participation, including complement~~
188.14 ~~positions, may, upon approval of the legislative advisory commission, be transferred to the~~
188.15 ~~commissioner for the reinstatement of the displaced services and the payment of any other~~
188.16 ~~correctional subsidies for which the withdrawing county had previously been eligible.~~

188.17 Sec. 23. SUPERVISION STANDARDS COMMITTEE.

188.18 Subdivision 1. Establishment; members. (a) The commissioner of corrections shall
188.19 establish a supervision standards committee to develop standards for probation, supervised
188.20 release, and community supervision. The committee consists of 13 members as follows:

188.21 (1) two directors appointed by the Minnesota Association of Community Corrections
188.22 Act Counties;

188.23 (2) two probation directors appointed by the Minnesota Association of County Probation
188.24 Officers;

188.25 (3) two county commissioner representatives appointed by the Association of Minnesota
188.26 Counties;

188.27 (4) two behavioral health, treatment, or programming providers who work directly with
188.28 individuals on correctional supervision, one appointed by the Department of Human Services
188.29 and one appointed by the Minnesota Association of County Social Service Administrators;

188.30 (5) two representatives appointed by the Minnesota Indian Affairs Council;

189.1 (6) the commissioner of corrections or a designee and one additional representative of
189.2 the department appointed by the commissioner; and

189.3 (7) the chair of the statewide evidence-based practice advisory committee.

189.4 (b) When an appointing authority selects an individual for membership on the committee,
189.5 the authority shall make reasonable efforts to reflect geographic diversity and to appoint
189.6 qualified members of protected groups, as defined in Minnesota Statutes, section 43A.02,
189.7 subdivision 33.

189.8 (c) The commissioner shall convene the first meeting of the committee on or before July
189.9 15, 2022.

189.10 Subd. 2. Terms; removal; reimbursement. (a) In the case of a vacancy on the
189.11 committee, the appointing authority shall appoint a person to fill the vacancy. The members
189.12 of the committee shall elect any officers and create any subcommittees necessary for the
189.13 efficient discharge of committee duties.

189.14 (b) A member may be removed by the appointing authority at any time at the pleasure
189.15 of the appointing authority.

189.16 (c) A member of the committee shall be reimbursed for all reasonable expenses actually
189.17 paid or incurred by that member in the performance of official duties in the same manner

189.18 as other employees of the state. The public members of the committee shall be compensated
 189.19 at the rate of \$55 for each day or part thereof spent on committee activities.

189.20 Subd. 3. **Duties.** (a) The committee shall comply with the requirements of section 401.10.

189.21 (b) By June 30, 2023, the committee shall provide written advice and recommendations
 189.22 to the commissioner of corrections for creation of administrative rules and policy regarding
 189.23 the following:

189.24 (1) developing statewide supervision standards and definitions to be applied to community
 189.25 supervision provided by CPO counties, CCA counties, and the Department of Corrections;

189.26 (2) requiring community supervision agencies to use the same agreed-upon risk screener
 189.27 and risk and needs assessment tools, as the main supervision assessment methods, or a
 189.28 universal five-level matrix allowing for consistent supervision levels and that all tools in
 189.29 use be validated on Minnesota's community supervision population and revalidated every
 189.30 five years;

190.1 (3) requiring the use of assessment-driven, formalized collaborative case planning to
 190.2 focus case planning goals on identified criminogenic and behavioral health need areas for
 190.3 moderate- and high-risk individuals;

190.4 (4) limiting standard conditions required for all people on supervision across all
 190.5 supervision systems and judicial districts, ensure that conditions of supervision are directly
 190.6 related to the offense of the person on supervision, and tailor special conditions to people
 190.7 on supervision identified as high risk and need;

190.8 (5) providing gender-responsive, culturally appropriate services and trauma-informed
 190.9 approaches;

190.10 (6) developing a statewide incentives and sanctions grid to guide responses to client
 190.11 behavior while under supervision to be reviewed and updated every five years to maintain
 190.12 alignment with national best practices; and

190.13 (7) developing performance indicators for supervision success as well as recidivism.

190.14 (c) The committee shall explore the role of a permanent state Community Supervision
 190.15 Advisory Board for the purposes of the required report in subdivision 6.

190.16 Subd. 4. **Response.** Within 45 days of receiving the committee's recommendations, the
 190.17 commissioner must respond in writing to the committee's advice and recommendations.
 190.18 The commissioner's response must explain whether the agency will promulgate rules based
 190.19 on the recommendations, the timeline for rulemaking, and an explanation of why the
 190.20 commissioner will not or cannot include any individual recommendations of the committee
 190.21 in the agency's promulgation of rules. The commissioner must also submit the advice and
 190.22 recommendations of the committee and the commissioner's written response, to the

190.23 Governor's Council on Justice Reinvestment and to the chairs and ranking minority members
 190.24 of the legislative committees with jurisdiction over public safety and finance at the same
 190.25 time.

190.26 Subd. 5. **Staff; meeting room; office equipment.** The commissioner shall provide the
 190.27 committee with staff support, a meeting room, and access to office equipment and services.

190.28 Subd. 6. **Report.** (a) On January 15, 2023, and January 15, 2024, the committee shall
 190.29 submit a report to the chairs and ranking minority members of the legislative committees
 190.30 with jurisdiction over public safety and finance and the Governor's Council on Justice
 190.31 Reinvestment on progress regarding the development of standards and recommendations
 190.32 under subdivision 3.

191.1 (b) On January 15, 2025, the committee shall submit a final report to the chairs and
 191.2 ranking minority members of the legislative committees with jurisdiction over public safety
 191.3 and finance and the Governor's Council on Justice Reinvestment on the standards and
 191.4 recommendations developed according to subdivision 3. The recommendations must include,
 191.5 at a minimum, a proposed state-level Community Supervision Advisory Board with a
 191.6 governance structure and duties for the board.

191.7 Subd. 7. **Expiration.** The committee expires the earlier of January 25, 2025, or the day
 191.8 after the final report is submitted to the legislature and the Governor's Council on Justice
 191.9 Reinvestment.

191.10 Sec. 24. **REPEALER.**

191.11 (a) Minnesota Statutes 2020, sections 244.19, subdivisions 6, 7, and 8; 244.22; 244.24;
 191.12 244.30; and 401.025, are repealed.

191.13 (b) Minnesota Statutes 2020, sections 244.18; and 609.102, subdivisions 1, 2, and 2a,
 191.14 are repealed.

191.15 **EFFECTIVE DATE.** Paragraph (a) is effective July 1, 2022. Paragraph (b) is effective
 191.16 July 1, 2023.

191.17 **ARTICLE 8**

191.18 **APPROPRIATIONS**

191.19 Section 1. **APPROPRIATIONS.**

191.20 The sums shown in the columns marked "Appropriations" are added to or, if shown in
 191.21 parentheses, subtracted from the appropriations in Laws 2021, First Special Session chapter
 191.22 11, article 1, to the agencies and for the purposes specified in this article. The appropriations
 191.23 are from the general fund, or another named fund, and are available for the fiscal years
 191.24 indicated for each purpose. The figures "2022" and "2023" used in this article mean that

191.25 the addition to or subtraction from the appropriation listed under them is available for the
 191.26 fiscal year ending June 30, 2022, or June 30, 2023, respectively. "The first year" is fiscal
 191.27 year 2022. "The second year" is fiscal year 2023. Supplemental appropriations and reductions
 191.28 to appropriations for the fiscal year ending June 30, 2022, are effective the day following
 191.29 final enactment.

		<u>APPROPRIATIONS</u>	
		<u>Available for the Year</u>	
		<u>Ending June 30</u>	
		<u>2022</u>	<u>2023</u>
192.1	Sec. 2. <u>SUPREME COURT</u>		
192.2	<u>Subdivision 1. Total Appropriation</u>	\$ -0-	\$ <u>63,760,000</u>
192.3	<u>Subd. 2. Supreme Court Operations</u>	-0-	<u>4,054,000</u>
192.4	<u>(a) Compensation</u>		
192.5	<u>Compensation for staff is increased by a</u>		
192.6	<u>minimum of six percent. Justices'</u>		
192.7	<u>compensation is increased by six percent.</u>		
192.8	<u>(b) Maintain Core Operations</u>		
192.9	<u>\$2,304,000 in fiscal year 2023 is for</u>		
192.10	<u>maintaining core operations.</u>		
192.11	<u>(c) Cybersecurity</u>		
192.12	<u>\$1,750,000 in fiscal year 2023 is for</u>		
192.13	<u>cybersecurity.</u>		
192.14	<u>Subd. 3. Civil Legal Services</u>	-0-	<u>59,706,000</u>
192.15	<u>(a) Salary Equity</u>		
192.16	<u>\$4,304,000 in fiscal year 2023 is for salary</u>		
192.17	<u>equity.</u>		
192.18	<u>(b) COVID-19 Response</u>		

2.11	Sec. 2. <u>SUPREME COURT</u>	\$	-0-	\$ <u>2,304,000</u>
2.12	<u>Justices' compensation is increased by six</u>			
2.13	<u>percent.</u>			

192.19 \$7,463,000 in fiscal year 2023 is for
 192.20 COVID-19 response. The general fund base
 192.21 for this appropriation is \$7,051,000 in fiscal
 192.22 year 2024 and \$7,051,000 in fiscal year 2025.

192.23 **(c) Increased Legal Services**

192.24 \$47,939,000 in fiscal year 2023 is for
 192.25 increased legal services. The ongoing base for
 192.26 this appropriation is \$58,806,000 beginning
 192.27 in fiscal year 2024.

192.28 Sec. 3. **COURT OF APPEALS** \$ -0- \$ 621,000

192.29 **Compensation**

193.1 Compensation for staff is increased by a
 193.2 minimum of six percent. Judges' compensation
 193.3 is increased by six percent.

193.4 Sec. 4. **DISTRICT COURTS** \$ -0- \$ 16,799,000

193.5 **(a) Compensation**

193.6 Compensation for staff is increased by a
 193.7 minimum of six percent. Judges' compensation
 193.8 is increased by six percent.

193.9 **(b) Psychological Services**

193.10 1,996,000 in fiscal year 2023 is for mandated
 193.11 psychological services.

193.12 **(c) Base Adjustment**

193.13 The general fund base is increased by
 193.14 \$200,000 beginning in fiscal year 2024 to
 193.15 maintain funding for interpreter pay.

193.16 Sec. 5. **GUARDIAN AD LITEM BOARD** \$ -0- \$ 909,000

193.17 Sec. 6. **BOARD OF PUBLIC DEFENSE** \$ 1,740,000 \$ 52,453,000

2.14 Sec. 3. **COURT OF APPEALS** \$ -0- \$ 621,000

2.15 Judges' compensation is increased by six
 2.16 percent.

2.17 Sec. 4. **DISTRICT COURTS** \$ -0- \$ 14,803,000

2.18 Judges' compensation is increased by six
 2.19 percent.

2.20 Sec. 5. **PUBLIC DEFENDERS** \$ -0- \$ 50,000,000

194.18 \$1,185,000 in fiscal year 2023 is for bias
 194.19 response community equity outreach. The
 194.20 general fund base for this appropriation is
 194.21 \$1,001,000 in fiscal year 2024 and \$1,001,000
 194.22 in fiscal year 2025.

194.23 **(d) Equity and Inclusion Strategic**
 194.24 **Compliance**

194.25 \$228,000 in fiscal year 2023 is for equity and
 194.26 inclusion strategic compliance.

194.27 **(e) Equity and Inclusion Strategic**
 194.28 **Compliance Data Consultant**

194.29 \$250,000 in fiscal year 2023 is for an equity
 194.30 and inclusion strategic compliance data
 194.31 consultant. These funds are available until
 194.32 June 30, 2024. This is a onetime appropriation.

195.1	Sec. 8. <u>BOARD OF APPELLATE COUNSEL</u>			
195.2	<u>FOR PARENTS</u>	<u>\$</u>	<u>-0-</u>	<u>\$ 699,000</u>

195.3 **Establishment**

195.4 \$699,000 in fiscal year 2023 is to establish
 195.5 and operate the Board of Appellate Counsel
 195.6 for Parents and appellate counsel program.
 195.7 The ongoing base for this program is
 195.8 \$1,835,000 beginning in fiscal year 2024.

195.9 **ARTICLE 9**

195.10 **CIVIL POLICY WITH FISCAL IMPACT**

195.11 Section 1. **[260C.419] STATE BOARD OF APPELLATE COUNSEL FOR PARENTS.**

195.12 Subdivision 1. **Structure; membership.** (a) The State Board of Appellate Counsel for
 195.13 Parents is established in the judicial branch. The board is not subject to the administrative
 195.14 control of the judiciary. The board shall consist of seven members, including:

195.15 (1) three public members appointed by the governor;

195.16 (2) one member appointed by the state Indian Affairs Council; and

- 195.17 (3) three members appointed by the supreme court, at least one of whom must have
195.18 experience representing parents in juvenile court and who include two attorneys admitted
195.19 to practice law in the state and one public member.
- 195.20 (b) The appointing authorities may not appoint any of the following to be a member of
195.21 the State Board of Appellate Counsel for Parents:
- 195.22 (1) a person who is a judge;
- 195.23 (2) a person serving as a guardian ad litem or counsel for a guardian ad litem;
- 195.24 (3) a person who serves as counsel for children in juvenile court;
- 195.25 (4) a person under contract with or employed by the Department of Human Services or
195.26 a county department of human or social services; or
- 195.27 (5) a current city or county attorney or assistant city or county attorney.
- 195.28 (c) All members shall demonstrate an interest in maintaining a high quality, independent
195.29 appellate defense system for parents in juvenile protection proceedings who are unable to
195.30 obtain adequate representation. At least three members of the board shall be from judicial
195.31 districts other than the First, Second, Fourth, and Tenth Judicial Districts. To the extent
196.1 practicable, the membership of the board must include persons with disabilities, reflect the
196.2 ethnic diversity of the state, take into consideration race and gender, and include persons
196.3 from throughout the state. The members shall be well acquainted with representing parents
196.4 in appellate proceedings related to child protection matters as well as the laws that affect a
196.5 parent appellate attorney's work, including chapter 260C, the Minnesota Rules of Juvenile
196.6 Protection Procedure, the Minnesota Rules of Civil Appellate Procedure, the Indian Child
196.7 Welfare Act, and the Minnesota Indian Family Preservation Act. The terms, compensation,
196.8 and removal of members shall be as provided in section 15.0575. The members shall elect
196.9 the chair from among the membership for a term of two years.
- 196.10 Subd. 2. **Head appellate counsel for parents; assistant and contracted attorneys.** (a)
196.11 Beginning January 1, 2024, and for every four years after that date, the State Board of
196.12 Appellate Counsel for Parents shall appoint a head appellate counsel in charge of appellate
196.13 services, who shall provide for sufficient appellate counsel for parents and other personnel
196.14 necessary to discharge the functions of the office. The head appellate counsel shall serve a
196.15 four-year term and may be removed only for cause upon the order of the State Board of
196.16 Appellate Counsel for Parents. The head appellate counsel shall be a full-time qualified
196.17 attorney, licensed to practice law in this state, and serve in the unclassified service of the
196.18 state. Vacancies of the office shall be filled by the appointing authority for the unexpired
196.19 term. The head appellate counsel shall devote full time to the performance of duties and
196.20 shall not engage in the general practice of law. The compensation of the head appellate

- 196.21 counsel shall be set by the State Board of Appellate Counsel for Parents and shall be
 196.22 commensurate with county attorneys in the state.
- 196.23 (b) Consistent with the decisions of the State Board of Appellate Counsel for Parents,
 196.24 the head appellate counsel shall employ assistants or hire independent contractors to serve
 196.25 as appellate counsel for parents. Each assistant appellate counsel and independent contractor
 196.26 serves at the pleasure of the head appellate counsel. The compensation of assistant appellate
 196.27 counsel and independent contractors shall be set by the State Board of Appellate Counsel
 196.28 for Parents and shall be commensurate with assistant county attorneys in the state.
- 196.29 (c) A person serving as appellate counsel shall be a qualified attorney licensed to practice
 196.30 law in this state. A person serving as appellate counsel practicing in Tribal court shall be a
 196.31 licensed attorney qualified to practice law in Tribal courts in the state. Assistant appellate
 196.32 counsel and contracted appellate counsel may engage in the general practice of law where
 196.33 not employed or contracted to provide services on a full-time basis.
- 196.34 Subd. 3. **Program administrator.** The State Board of Appellate Counsel for Parents
 196.35 shall appoint a program administrator who must be chosen solely on the basis of training,
 197.1 experience, and other qualifications and who serves at the pleasure of the board. The program
 197.2 administrator need not be licensed to practice law. The program administrator shall attend
 197.3 all meetings of the board, but may not vote, and shall:
- 197.4 (1) enforce all resolutions, standards, rules, regulations, policies, and orders of the board;
- 197.5 (2) present to the board and the head appellate counsel plans, studies, and reports prepared
 197.6 for the board's and the head appellate counsel's purposes and recommend to the board and
 197.7 the head appellate counsel for adoption measures necessary to enforce or carry out the
 197.8 powers and duties of the board and the head appellate counsel or to efficiently administer
 197.9 the affairs of the board and the head appellate counsel;
- 197.10 (3) keep the board fully advised as to the board's financial condition and prepare and
 197.11 submit to the board the annual appellate counsel for parents program and the State Board
 197.12 of Appellate Counsel for Parents budget and other financial information as requested by
 197.13 the board;
- 197.14 (4) recommend to the board the adoption of rules and regulations necessary for the
 197.15 efficient operation of the board and the state appellate counsel for parents program;
- 197.16 (5) work cooperatively and collaboratively with sovereign Tribal Nations in the state;
- 197.17 (6) work cooperatively and collaboratively with counties to implement the appellate
 197.18 counsel program; and
- 197.19 (7) perform other duties prescribed by the board.

- 197.20 Subd. 4. **Duties and responsibilities.** (a) The State Board of Appellate Counsel for
 197.21 Parents shall create and administer a statewide, independent appellate counsel program to
 197.22 represent indigent parents who are eligible for the appointment of counsel under section
 197.23 260C.163, subdivision 3, on appeal in juvenile protection matters.
- 197.24 (b) The board shall approve and recommend to the legislature a budget for the board
 197.25 and the appellate counsel for parents program.
- 197.26 (c) The board shall establish procedures for distribution of funding under this section to
 197.27 the appellate program.
- 197.28 (d) The head appellate counsel with the approval of the board shall establish appellate
 197.29 program standards, administrative policies, procedures, and rules consistent with statute,
 197.30 rules of court, and laws that affect appellate counsel's work. The standards must include but
 197.31 are not limited to:
- 198.1 (1) standards needed to maintain and operate an appellate counsel for parents program,
 198.2 including requirements regarding the qualifications, training, and size of the legal and
 198.3 supporting staff for an appellate counsel program;
- 198.4 (2) standards for appellate counsel caseloads;
- 198.5 (3) standards and procedures for the eligibility of appointment, assessment, and collection
 198.6 of the costs for legal representation provided by appellate counsel;
- 198.7 (4) standards for contracts between contracted appellate counsel and the state appellate
 198.8 counsel program for the legal representation of indigent persons;
- 198.9 (5) standards prescribing minimum qualifications of counsel appointed under the board's
 198.10 authority or by the courts; and
- 198.11 (6) standards ensuring the independent, competent, and efficient representation of clients
 198.12 whose cases present conflicts of interest.
- 198.13 (e) The board may:
- 198.14 (1) propose statutory changes to the legislature and rule changes to the supreme court
 198.15 that are in the best interests of the operation of the appellate counsel for parents program;
 198.16 and
- 198.17 (2) require the reporting of statistical data, budget information, and other cost factors
 198.18 by the appellate counsel for parents program.

198.19 Subd. 5. **Limitation.** In no event shall the board or its members interfere with the
 198.20 discretion, judgment, or zealous advocacy of counsel in their handling of individual cases
 198.21 as a part of the judicial branch of government.

198.22 Subd. 6. **Budget; county opt-in.** The establishment of the office and its employees and
 198.23 support staff and the board shall be funded by the state. Counties must utilize this office to
 198.24 provide appellate representation to indigent parents in their county who are seeking an
 198.25 appeal.

198.26 Subd. 7. **Collection of costs; appropriation.** If any of the costs provided by appellate
 198.27 counsel are assessed and collected or otherwise reimbursed from any source, payments shall
 198.28 be deposited in the general fund.

36.6 Sec. 9. Minnesota Statutes 2020, section 244.09, subdivision 2, is amended to read:

36.7 Subd. 2. **Members.** The Sentencing Guidelines Commission shall consist of the
 36.8 following:

36.9 (1) the chief justice of the supreme court or a designee;

36.10 (2) one judge of the court of appeals, appointed by the chief justice of the supreme court;

36.11 (3) one district court judge appointed by the chief justice of the supreme court;

36.12 (4) one public defender appointed by the governor upon recommendation of the state
 36.13 public defender;

36.14 (5) one county attorney appointed by the governor upon recommendation of the board
 36.15 of directors of the Minnesota County Attorneys Association;

36.16 (6) the commissioner of corrections or a designee;

36.17 (7) one peace officer as defined in section 626.84 appointed by the governor;

36.18 (8) one probation officer or parole officer appointed by the governor; and

36.19 (9) three public members appointed by the governor, one of whom shall be a victim of
 36.20 a crime defined as a felony.

36.21 When an appointing authority selects individuals for membership on the commission,
 36.22 the authority shall make reasonable efforts to appoint qualified members of protected groups,
 36.23 as defined in section 43A.02, subdivision 33.

36.24 One of the members shall be designated by the governor as chair of the commission.

- 36.25 The appointments of members described in clauses (4), (5), (7), (8), and (9) are to be
36.26 made with the advice and consent of the senate. Section 15.066 applies to these appointments.
- 36.27 Sec. 10. Minnesota Statutes 2020, section 244.101, subdivision 1, is amended to read:
- 36.28 Subdivision 1. **Executed sentences.** When a felony offender is sentenced to a fixed
36.29 executed sentence for an offense committed on or after August 1, 1993, the executed sentence
37.1 consists of two parts: (1) a specified minimum term of imprisonment that is equal to
37.2 ~~two-thirds~~ three-fourths of the executed sentence; and (2) a specified maximum supervised
37.3 release term that is equal to ~~one-third~~ one-quarter of the executed sentence. The amount of
37.4 time the inmate actually serves in prison and on supervised release is subject to the provisions
37.5 of section 244.05, subdivision 1b.
- 37.6 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
37.7 committed on or after that date.
- 37.8 Sec. 11. Minnesota Statutes 2020, section 244.14, subdivision 3, is amended to read:
- 37.9 Subd. 3. **Sanctions.** The commissioner shall impose severe and meaningful sanctions
37.10 for violating the conditions of an intensive community supervision program. The
37.11 commissioner shall provide for revocation of intensive community supervision of an offender
37.12 who:
- 37.13 (1) commits a material violation of or repeatedly fails to follow the rules of the program;
- 37.14 (2) commits any misdemeanor, gross misdemeanor, or felony offense; or
- 37.15 (3) presents a risk to the public, based on the offender's behavior, attitude, or abuse of
37.16 alcohol or controlled substances. The revocation of intensive community supervision is
37.17 governed by the procedures in the commissioner's rules adopted under section 244.05,
37.18 subdivision 2.
- 37.19 An offender whose intensive community supervision is revoked shall be imprisoned for
37.20 a time period equal to the offender's term of imprisonment, but in no case for longer than
37.21 the time remaining in the offender's sentence. "Term of imprisonment" means a time period
37.22 equal to ~~two-thirds~~ three-fourths of the sentence originally executed by the sentencing court,
37.23 minus jail credit, if any.
- 37.24 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
37.25 committed on or after that date.
- 37.26 Sec. 12. Minnesota Statutes 2020, section 244.171, subdivision 4, is amended to read:
- 37.27 Subd. 4. **Sanctions.** The commissioner shall impose severe and meaningful sanctions
37.28 for violating the conditions of the challenge incarceration program. The commissioner shall
37.29 remove an offender from the challenge incarceration program if the offender:

- 37.30 (1) commits a material violation of or repeatedly fails to follow the rules of the program;
- 37.31 (2) commits any misdemeanor, gross misdemeanor, or felony offense; or
- 38.1 (3) presents a risk to the public, based on the offender's behavior, attitude, or abuse of
38.2 alcohol or controlled substances. The removal of an offender from the challenge incarceration
38.3 program is governed by the procedures in the commissioner's rules adopted under section
38.4 244.05, subdivision 2.
- 38.5 An offender who is removed from the challenge incarceration program shall be
38.6 imprisoned for a time period equal to the offender's term of imprisonment, minus earned
38.7 good time if any, but in no case for longer than the time remaining in the offender's sentence.
38.8 "Term of imprisonment" means a time period equal to ~~two-thirds~~ three-fourths of the sentence
38.9 originally executed by the sentencing court, minus jail credit, if any.
- 38.10 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
38.11 committed on or after that date.
- 38.12 Sec. 13. Minnesota Statutes 2020, section 609.035, subdivision 1, is amended to read:
- 38.13 Subdivision 1. **Conduct; multiple crimes; chargeable for one offense.** Except as
38.14 provided in subdivisions 2, 3, 4, ~~and 5, 6, and 7,~~ and in sections 609.2114, subdivision 3,
38.15 609.251, 609.2691, 609.486, 609.494, 609.585, and 609.856, and Minnesota Statutes 2012,
38.16 section 609.21, subdivision 1b, if a person's conduct constitutes more than one offense under
38.17 the laws of this state, the person may be punished for only one of the offenses and a
38.18 conviction or acquittal of any one of them is a bar to prosecution for any other of them. All
38.19 the offenses, if prosecuted, shall be included in one prosecution which shall be stated in
38.20 separate counts.
- 38.21 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
38.22 committed on or after that date.
- 38.23 Sec. 14. Minnesota Statutes 2020, section 609.035, is amended by adding a subdivision
38.24 to read:
- 38.25 Subd. 7. **Exception; certain theft offenses.** Notwithstanding section 609.04, a
38.26 prosecution or conviction for violating section 609.52, subdivision 3a, paragraph (b), is not
38.27 a bar to conviction of or punishment for any other crime committed by the defendant as
38.28 part of the same conduct.
- 38.29 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
38.30 committed on or after that date.
- 39.1 Sec. 15. Minnesota Statutes 2020, section 609.106, subdivision 2, is amended to read:
- 39.2 Subd. 2. **Life without release.** The court shall sentence a person to life imprisonment
39.3 without possibility of release under the following circumstances:

- 39.4 (1) the person is convicted of first-degree murder under section 609.185, paragraph (a),
 39.5 clause (1), (2), (4), or (7);
- 39.6 (2) the person is convicted of committing first-degree murder in the course of a
 39.7 kidnapping under section 609.185, paragraph (a), clause (3); ~~or~~
- 39.8 (3) the person is convicted of first-degree murder under section 609.185, paragraph (a),
 39.9 clause (3), (5), or (6), or 609.2661, clause (3), and the court determines on the record at the
 39.10 time of sentencing that the person has one or more previous convictions for a heinous crime;
 39.11 or
- 39.12 (4) the person is convicted of first-degree murder of an unborn child under section
 39.13 609.2661, clause (1) or (2).
- 39.14 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
 39.15 committed on or after that date.
- 39.16 Sec. 16. Minnesota Statutes 2020, section 609.1095, subdivision 2, is amended to read:
- 39.17 Subd. 2. **Increased sentences for dangerous offender who commits third violent**
 39.18 **crime.** Whenever a person is convicted of a violent crime that is a felony; and the judge
 39.19 presumption under the Sentencing Guidelines is imposing an executed sentence based on
 39.20 a Sentencing Guidelines presumptive imprisonment sentence of imprisonment, the judge
 39.21 may shall impose and execute a prison sentence with an aggravated durational departure
 39.22 from the presumptive imprisonment sentence up to the statutory maximum sentence if:
- 39.23 (1) the offender was at least 18 years old at the time the felony was committed; ~~and;~~
- 39.24 ~~(1)~~ (2) the court determines on the record at the time of sentencing that the offender has
 39.25 two or more prior convictions for violent crimes; and
- 39.26 ~~(2)~~ (3) the fact finder determines that the offender is a danger to public safety. The fact
 39.27 finder may base its determination that the offender is a danger to public safety on the
 39.28 following factors:
- 39.29 (i) the offender's past criminal behavior, such as the offender's high frequency rate of
 39.30 criminal activity or juvenile adjudications, or long involvement in criminal activity including
 39.31 juvenile adjudications; or
- 40.1 (ii) the fact that the present offense of conviction involved an aggravating factor that
 40.2 would justify a durational departure under the Sentencing Guidelines.
- 40.3 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
 40.4 committed on or after that date.

40.5 Sec. 17. Minnesota Statutes 2020, section 609.1095, subdivision 3, is amended to read:

40.6 Subd. 3. **Mandatory sentence for dangerous offender who commits third violent**
 40.7 **felony.** (a) Unless a longer mandatory minimum sentence is otherwise required by law or
 40.8 the court imposes and executes a longer aggravated durational departure under subdivision
 40.9 2 or 4, a person who is convicted of a violent crime that is a felony ~~must~~ shall be committed
 40.10 to the commissioner of corrections for a mandatory sentence of at least the length of the
 40.11 presumptive sentence under the Sentencing Guidelines if the court determines on the record
 40.12 at the time of sentencing that the person has two or more prior felony convictions for violent
 40.13 crimes. The court shall impose and execute the prison sentence regardless of whether the
 40.14 guidelines presume an executed prison sentence.

40.15 Any person convicted and sentenced as required by this subdivision is not eligible for
 40.16 probation, parole, discharge, or work release, until that person has served the full term of
 40.17 imprisonment imposed by the court, notwithstanding sections 241.26, 242.19, 243.05,
 40.18 244.04, 609.12, and 609.135.

40.19 (b) For purposes of this subdivision, "violent crime" does not include a violation of
 40.20 section 152.023 or 152.024.

40.21 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
 40.22 committed on or after that date.

40.23 Sec. 18. Minnesota Statutes 2020, section 609.1095, subdivision 4, is amended to read:

40.24 Subd. 4. **Increased sentence for offender who commits sixth felony.** Whenever a
 40.25 person is convicted of a felony; and the judge presumption under the Sentencing Guidelines
 40.26 is imposing an executed sentence based on a Sentencing Guidelines presumptive
 40.27 imprisonment sentence of imprisonment, the judge ~~may~~ shall impose and execute a prison
 40.28 sentence with an aggravated durational departure from the presumptive sentence up to the
 40.29 statutory maximum sentence if the ~~factfinder~~ fact finder determines that the offender has
 40.30 five or more prior felony convictions and that the present offense is a felony that was
 40.31 committed as part of a pattern of criminal conduct.

41.1 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
 41.2 committed on or after that date.

41.3 Sec. 19. Minnesota Statutes 2020, section 609.1095, is amended by adding a subdivision
 41.4 to read:

41.5 Subd. 5. **Consecutive sentences; release.** (a) Any person convicted and sentenced as
 41.6 required by this section must serve any imposed sentences consecutively to any unexpired
 41.7 portion of a previously imposed sentence unless the total time to serve in prison would be
 41.8 longer if a concurrent sentence were imposed.

41.9 (b) Notwithstanding sections 241.26, 242.19, 243.05, 244.04, 609.12, and 609.135, any
 41.10 person convicted and sentenced as required by this section is not eligible for probation,
 41.11 parole, discharge, or work release until that person has served the full term of imprisonment
 41.12 imposed by the court.

41.13 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
 41.14 committed on or after that date.

41.15 Sec. 20. Minnesota Statutes 2020, section 609.11, subdivision 8, is amended to read:

41.16 Subd. 8. **Motion by prosecutor; dangerous weapons cases.** (a) Except as otherwise
 41.17 provided in paragraphs paragraph (b) and (c), prior to the time of sentencing, the prosecutor
 41.18 may file a motion to have the defendant sentenced without regard to the mandatory minimum
 41.19 sentences sentence established by this section in subdivision 4. The motion shall be
 41.20 accompanied by a statement on the record of the reasons for it. When presented with the
 41.21 motion, or on its own motion, the court may sentence the defendant without regard to the
 41.22 mandatory minimum sentences sentence established by this section in subdivision 4 if the
 41.23 court finds substantial and compelling reasons to do so. A sentence imposed under this
 41.24 subdivision is a departure from the Sentencing Guidelines.

41.25 (b) The court may not, on its own motion or the prosecutor's motion, sentence a defendant
 41.26 without regard to the mandatory minimum sentences sentence established by this section
 41.27 in subdivision 4 if the defendant previously has been convicted of an offense listed in
 41.28 subdivision 9 in which the defendant used or possessed a firearm or other dangerous weapon.

41.29 (c) The court may not, on its own motion or the prosecutor's motion, sentence a defendant
 41.30 without regard to the mandatory minimum sentences established by subdivision 5, if the
 41.31 defendant was convicted of a crime under section 152.021, subdivision 1, or 152.022,
 41.32 subdivision 1, and the person or an accomplice possessed on their person or within immediate
 42.1 reach, or used, whether by brandishing, displaying, threatening with, or otherwise employing,
 42.2 a firearm.

42.3 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
 42.4 committed on or after that date.

42.5 Sec. 21. Minnesota Statutes 2020, section 609.11, is amended by adding a subdivision to
 42.6 read:

42.7 Subd. 8a. **Motion by prosecutor; firearms cases.** (a) Except as otherwise provided in
 42.8 paragraphs (c) and (d), prior to the time of sentencing, the prosecutor may file a motion to
 42.9 have the defendant sentenced without regard to the mandatory minimum sentence established
 42.10 in subdivision 5 for a case in which the basis for the mandatory sentence is that the
 42.11 defendant's accomplice had a firearm in possession at the time of the offense. The motion
 42.12 may be made only if the defendant was unaware that the accomplice possessed the firearm.

- 42.13 No motion to sentence a defendant without regard to the mandatory sentence applicable in
 42.14 subdivision 5 may be made or granted for any other reason or in any other situation.
- 42.15 (b) The motion under paragraph (a) shall be accompanied by a statement on the record
 42.16 of the reasons for the motion. When presented with the motion, or on its own motion, the
 42.17 court may sentence the defendant without regard to the mandatory minimum sentence
 42.18 established in subdivision 5 if the court finds that the criteria in paragraph (a) have been
 42.19 met and there are substantial and compelling reasons to do so. A sentence imposed under
 42.20 this subdivision is a departure from the Sentencing Guidelines.
- 42.21 (c) The court may not, on its own motion or the prosecutor's motion, sentence a defendant
 42.22 described in paragraph (a) without regard to the mandatory minimum sentence established
 42.23 in subdivision 5 if the defendant previously had been convicted of an offense listed in
 42.24 subdivision 9 in which the defendant used or possessed a firearm or other dangerous weapon.
- 42.25 (d) The court may not, on its own motion or the prosecutor's motion, sentence a defendant
 42.26 described in paragraph (a) without regard to the mandatory minimum sentence established
 42.27 by subdivision 5 if the defendant was convicted of a crime under section 152.021, subdivision
 42.28 1, or 152.022, subdivision 1, and the person or an accomplice possessed on their person or
 42.29 within immediate reach, or used, whether by brandishing, displaying, threatening with, or
 42.30 otherwise employing, a firearm.
- 42.31 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
 42.32 committed on or after that date.
- 43.1 Sec. 22. Minnesota Statutes 2020, section 609.115, subdivision 2a, is amended to read:
- 43.2 Subd. 2a. **Sentencing worksheet; sentencing guidelines commission.** If the defendant
 43.3 has been convicted of a felony, including a felony for which a mandatory life sentence is
 43.4 required by law, the court shall cause a sentencing worksheet as provided in subdivision 1
 43.5 to be completed and forwarded to the Sentencing Guidelines Commission.
- 43.6 For the purpose of this section, "mandatory life sentence" means a sentence under section
 43.7 609.106, subdivision 2; 609.185; 609.2661; 609.3455; or 609.385, subdivision 2; or
 43.8 Minnesota Statutes 2004, section 609.109, subdivision 3, and governed by section 244.05.
- 43.9 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
 43.10 committed on or after that date.
- 43.11 Sec. 23. Minnesota Statutes 2021 Supplement, section 609.135, subdivision 2, is amended
 43.12 to read:
- 43.13 Subd. 2. **Stay of sentence maximum periods.** (a) If the conviction is for a felony other
 43.14 than section 609.2113, subdivision 1 or 2, 609.2114, subdivision 2, or section 609.3451,
 43.15 subdivision 1 or 1a, or Minnesota Statutes 2012, section 609.21, subdivision 1a, paragraph

- 43.16 (b) or (c), the stay shall be for not more than four years or the maximum period for which
43.17 the sentence of imprisonment might have been imposed, whichever is longer.
- 43.18 (b) If the conviction is for a gross misdemeanor violation of section 169A.20, 609.2113,
43.19 subdivision 3, or 609.3451, or for a felony described in section 609.2113, subdivision 1 or
43.20 2, 609.2114, subdivision 2, or 609.3451, subdivision 1 or 1a, the stay shall be for not more
43.21 than six years. The court shall provide for unsupervised probation for the last year of the
43.22 stay unless the court finds that the defendant needs supervised probation for all or part of
43.23 the last year.
- 43.24 (c) If the conviction is for a gross misdemeanor not specified in paragraph (b), the stay
43.25 shall be for not more than two years.
- 43.26 (d) If the conviction is for any misdemeanor under section 169A.20; 609.746, subdivision
43.27 1; 609.79; or 617.23; or for a misdemeanor under section 609.2242 or 609.224, subdivision
43.28 1, in which the victim of the crime was a family or household member as defined in section
43.29 518B.01, the stay shall be for not more than two years. The court shall provide for
43.30 unsupervised probation for the second year of the stay unless the court finds that the
43.31 defendant needs supervised probation for all or part of the second year.
- 43.32 (e) If the conviction is for a misdemeanor not specified in paragraph (d), the stay shall
43.33 be for not more than one year.
- 44.1 (f) The defendant shall be discharged six months after the term of the stay expires, unless
44.2 the stay has been revoked or extended under paragraph (g), or the defendant has already
44.3 been discharged.
- 44.4 (g) Notwithstanding the maximum periods specified for stays of sentences under
44.5 paragraphs (a) to (f), a court may extend a defendant's term of probation for up to one year
44.6 if it finds, at a hearing conducted under subdivision 1a, that:
- 44.7 (1) the defendant has not paid court-ordered restitution in accordance with the payment
44.8 schedule or structure; and
- 44.9 (2) the defendant is likely to not pay the restitution the defendant owes before the term
44.10 of probation expires.
- 44.11 This one-year extension of probation for failure to pay restitution may be extended by the
44.12 court for up to one additional year if the court finds, at another hearing conducted under
44.13 subdivision 1a, that the defendant still has not paid the court-ordered restitution that the
44.14 defendant owes.
- 44.15 Nothing in this subdivision limits the court's ability to refer the case to collections under
44.16 section 609.104.

44.17 (h) Notwithstanding the maximum periods specified for stays of sentences under
 44.18 paragraphs (a) to (f), a court may extend a defendant's term of probation for up to three
 44.19 years if it finds, at a hearing conducted under subdivision 1c, that:

44.20 (1) the defendant has failed to complete court-ordered treatment successfully; and

44.21 (2) the defendant is likely not to complete court-ordered treatment before the term of
 44.22 probation expires.

44.23 (i) Notwithstanding any law or provision of the Sentencing Guidelines to the contrary,
 44.24 when ordering a stay of imposition or execution of sentence for a felony offense described
 44.25 in this paragraph, the maximum length of the stay and the process for pronouncing it are
 44.26 governed exclusively by this section. This paragraph applies to violations of the following:
 44.27 sections 152.021 (controlled substance crime in the first degree); 152.022 (controlled
 44.28 substance crime in the second degree); 152.023, subdivision 1 (controlled substance crime
 44.29 in the third degree, sales); 152.024, subdivision 1 (controlled substance crime in the fourth
 44.30 degree, sales); 152.0261 (importing controlled substances across state borders); 152.0262
 44.31 (possession of substances with intent to manufacture methamphetamine); 609.19 (murder
 44.32 in the second degree); 609.195 (murder in the third degree); 609.20 (manslaughter in the
 44.33 first degree); 609.205 (manslaughter in the second degree); 609.2112 (criminal vehicular
 45.1 homicide); 609.221 (assault in the first degree); 609.222 (assault in the second degree);
 45.2 609.229 (crimes committed for the benefit of a gang); 609.24 (simple robbery); 609.245
 45.3 (aggravated robbery); 609.2456 (carjacking); 609.25 (kidnapping); 609.2662 (murder of an
 45.4 unborn child in the second degree); 609.2663 (murder of an unborn child in the third degree);
 45.5 609.2664 (manslaughter of an unborn child in the first degree); 609.268 (death or injury of
 45.6 an unborn child in the commission of a crime); 609.322 (solicitation, inducement, and
 45.7 promotion of prostitution; sex trafficking); 609.342 (criminal sexual conduct in the first
 45.8 degree); 609.343 (criminal sexual conduct in the second degree); 609.344 (criminal sexual
 45.9 conduct in the third degree); 609.345 (criminal sexual conduct in the fourth degree);
 45.10 609.3451, subdivision 3 (felony criminal sexual conduct in the fifth degree); 609.377,
 45.11 subdivision 6 (malicious punishment of a child, great bodily harm); 609.52 (involving theft
 45.12 of a firearm and theft involving the theft of a controlled substance, an explosive, or an
 45.13 incendiary device); 609.561 (arson in the first degree); 609.562 (arson in the second degree);
 45.14 609.582, subdivision 1 or 2 (burglary in the first and second degrees); 609.66, subdivision
 45.15 1e, paragraph (b) (drive-by shooting at or toward a person or occupied building); 609.71,
 45.16 subdivision 1 (riot in the first degree); and 609.749, subdivisions 3, paragraph (b), 4,
 45.17 paragraph (b), and 5, paragraph (a) (certain harassment crimes); and an attempt or conspiracy
 45.18 to commit any of these offenses where the maximum penalty applicable for the attempt or
 45.19 conspiracy is longer than five years imprisonment.

45.20 **EFFECTIVE DATE.** This section is effective the day following final enactment and
 45.21 applies to crimes committed on or after that date.

- 45.22 Sec. 24. Minnesota Statutes 2020, section 609.2231, subdivision 2, is amended to read:
- 45.23 Subd. 2. **Firefighters and emergency medical personnel, and other health care**
- 45.24 **professionals.** Whoever assaults ~~any of the following persons~~ and inflicts demonstrable
- 45.25 **bodily harm on or intentionally throws or otherwise transfers bodily fluids or feces at or**
- 45.26 **onto any of the following persons is guilty of a felony and may be sentenced to imprisonment**
- 45.27 **for not more than two years or to payment of a fine of not more than \$4,000, or both:**
- 45.28 (1) a member of a municipal or volunteer fire department or emergency medical services
- 45.29 **personnel unit in the performance of the member's duties; or**
- 45.30 (2) a physician, nurse, or other person, ~~while providing health care services in a hospital~~
- 45.31 **emergency department.**
- 45.32 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
- 45.33 **committed on or after that date.**
- 46.1 Sec. 25. Minnesota Statutes 2020, section 609.2231, subdivision 3, is amended to read:
- 46.2 Subd. 3. **Correctional employees; prosecuting attorneys; judges; probation**
- 46.3 **officers.** Whoever commits either of the following acts against ~~an~~ a correctional employee
- 46.4 ~~of a correctional facility as defined in section 241.021, subdivision 1, paragraph (f) 609.221,~~
- 46.5 ~~subdivision 6, against a prosecuting attorney as defined in section 609.221, subdivision 2,~~
- 46.6 ~~paragraph (e), clause (4) 6, against a judge as defined in section 609.221, subdivision 2,~~
- 46.7 ~~paragraph (e), clause (5) 6, or against a probation officer or other qualified person employed~~
- 46.8 ~~in supervising offenders while the person is engaged in the performance of a duty imposed~~
- 46.9 ~~by law, policy, or rule is guilty of a felony and may be sentenced to imprisonment for not~~
- 46.10 ~~more than two years or to payment of a fine of not more than \$4,000, or both:~~
- 46.11 (1) **assaults the person and inflicts demonstrable bodily harm; or**
- 46.12 (2) **intentionally throws or otherwise transfers bodily fluids or feces at or onto the person.**
- 46.13 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
- 46.14 **committed on or after that date.**
- 46.15 Sec. 26. Minnesota Statutes 2021 Supplement, section 609.2325, subdivision 1, is amended
- 46.16 **to read:**
- 46.17 Subdivision 1. **Crimes.** A caregiver who, with intent to produce physical or mental pain
- 46.18 ~~or injury to a vulnerable adult, (1) subjects a vulnerable adult to any aversive or deprivation~~
- 46.19 ~~procedure, unreasonable confinement, or involuntary seclusion, or (2) intentionally~~
- 46.20 ~~administers a controlled substance to a vulnerable adult without a valid prescription or~~
- 46.21 ~~administers the controlled substance in a manner inconsistent with the terms of a valid~~
- 46.22 ~~prescription, is guilty of criminal abuse and may be sentenced as provided in subdivision~~
- 46.23 ~~3.~~

- 46.24 This subdivision does not apply to therapeutic conduct.
- 46.25 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
- 46.26 committed on or after that date.
- 46.27 Sec. 27. **[609.2456] CARJACKING.**
- 46.28 Subdivision 1. **Crime described.** A person who commits simple robbery as described
- 46.29 in section 609.24, or aggravated robbery as described in section 609.245, where the personal
- 46.30 property taken is a motor vehicle as defined in section 609.487, subdivision 2a, is guilty of
- 46.31 carjacking and may be punished as provided in subdivision 2.
- 47.1 Subd. 2. **Penalties.** (a) A person who violates subdivision 1 through the commission of
- 47.2 simple robbery as described in section 609.24 may be sentenced to imprisonment for not
- 47.3 more than 15 years or to payment of a fine of not more than \$30,000, or both.
- 47.4 (b) A person who violates subdivision 1 through the commission of aggravated robbery
- 47.5 as described in section 609.245, subdivision 2, may be sentenced to imprisonment for not
- 47.6 more than 20 years or to payment of a fine of not more than \$35,000, or both.
- 47.7 (c) A person who violates subdivision 1 through the commission of aggravated robbery
- 47.8 as described in section 609.245, subdivision 1, may be sentenced to imprisonment for not
- 47.9 more than 25 years or to payment of a fine of not more than \$40,000, or both.
- 47.10 Subd. 3. **Mandatory minimum sentences.** (a) A person convicted of carjacking shall
- 47.11 be committed to the custody of the commissioner of corrections for not less than:
- 47.12 (1) two years, nor more than 15 years, for a violation of subdivision 2, paragraph (a);
- 47.13 (2) four years, nor more than 20 years, for a violation of subdivision 2, paragraph (b);
- 47.14 or
- 47.15 (3) six years, nor more than 25 years, for a violation of subdivision 2, paragraph (c).
- 47.16 (b) Notwithstanding the provisions of sections 241.26, 242.19, 243.05, 244.04, 609.12,
- 47.17 and 609.135, a defendant convicted and sentenced as required by this subdivision is not
- 47.18 eligible for probation, parole, discharge, work release, or supervised release until that person
- 47.19 has served the full term of imprisonment as provided by law. Notwithstanding section
- 47.20 609.135, the court may not stay the imposition or execution of this sentence.
- 47.21 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
- 47.22 committed on or after that date.

47.23 Sec. 28. Minnesota Statutes 2020, section 609.487, is amended by adding a subdivision
47.24 to read:

47.25 Subd. 3a. **Fleeing an officer; motor vehicle; culpable negligence.** Whoever, by means
47.26 of a motor vehicle, flees or attempts to flee a peace officer who is acting in the lawful
47.27 discharge of an official duty, and the perpetrator knows or should reasonably know the same
47.28 to be a peace officer, and who in the course of fleeing operates the vehicle in a culpably
47.29 negligent manner whereby the perpetrator creates an unreasonable risk and consciously
47.30 takes chances of causing death or great bodily harm to another, is guilty of a felony and
47.31 may be sentenced to imprisonment for not more than four years or to payment of a fine of
47.32 not more than \$8,000, or both.

48.1 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
48.2 committed on or after that date.

48.3 Sec. 29. Minnesota Statutes 2020, section 609.487, subdivision 5, is amended to read:

48.4 Subd. 5. **Revocation; fleeing peace officer offense.** When a person is convicted of
48.5 operating a motor vehicle in violation of subdivision 3, 3a, or 4, or an ordinance in conformity
48.6 with those subdivisions, the court shall notify the commissioner of public safety and order
48.7 the commissioner to revoke the driver's license of the person.

48.8 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
48.9 committed on or after that date.

48.10 Sec. 30. Minnesota Statutes 2021 Supplement, section 609.5151, is amended to read:

48.11 **609.5151 DISSEMINATION OF PERSONAL INFORMATION ABOUT LAW**
48.12 **ENFORCEMENT CRIMINAL JUSTICE OFFICIALS PROHIBITED; PENALTY.**

48.13 Subdivision 1. **Definitions.** As used in this section:

48.14 (1) "criminal justice official" includes a peace officer as defined in section 626.84,
48.15 subdivision 1; a prosecuting attorney as defined in section 609.221, subdivision 6; a judge
48.16 as defined in section 609.221, subdivision 6; a person employed as a public defender or a
48.17 criminal defense attorney; a correctional employee as defined in section 609.221, subdivision
48.18 6; and other persons employed by or in the same office as those officials;

48.19 (2) "family or household member" has the meaning given in section 518B.01, subdivision
48.20 2; and

48.21 (2) "law enforcement official" means both peace officers as defined in section 626.84,
48.22 subdivision 1, and persons employed by a law enforcement agency; and

48.23 (3) "personal information" means a home address, directions to a home, or photographs
48.24 of a home.

48.25 Subd. 2. **Crime described.** (a) It is a misdemeanor for a person to knowingly and without
48.26 consent make publicly available, including but not limited to through the Internet, personal
48.27 information about a ~~law enforcement~~ criminal justice official or an official's family or
48.28 household member, if:

48.29 (1) the dissemination poses an imminent and serious threat to the official's safety or the
48.30 safety of an official's family or household member; and

49.1 (2) the person making the information publicly available knows or reasonably should
49.2 know of the imminent and serious threat.

49.3 (b) A person is guilty of a gross misdemeanor if the person violates paragraph (a) and
49.4 a ~~law enforcement~~ criminal justice official or an official's family or household member
49.5 suffers great bodily harm or death as a result of the violation.

49.6 (c) A person who is convicted of a second or subsequent violation of this section is guilty
49.7 of a gross misdemeanor.

49.8 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
49.9 committed on or after that date.

49.10 Sec. 31. Minnesota Statutes 2020, section 609.52, subdivision 3, is amended to read:

49.11 Subd. 3. **Sentence.** Whoever commits theft may be sentenced as follows:

49.12 (1) to imprisonment for not more than 20 years or to payment of a fine of not more than
49.13 \$100,000, or both, if the property is a firearm, or the value of the property or services stolen
49.14 is more than \$35,000 and the conviction is for a violation of subdivision 2, clause (3), (4),
49.15 (15), (16), or (19), or section 609.2335, subdivision 1, clause (1) or (2), item (i); or

49.16 (2) to imprisonment for not more than ten years or to payment of a fine of not more than
49.17 \$20,000, or both, if the value of the property or services stolen exceeds \$5,000, or if the
49.18 property stolen was an article representing a trade secret, an explosive or incendiary device,
49.19 or a controlled substance listed in Schedule I or II pursuant to section 152.02 with the
49.20 exception of marijuana; or

49.21 (3) to imprisonment for not more than five years or to payment of a fine of not more
49.22 than \$10,000, or both, if any of the following circumstances exist:

49.23 (a) the value of the property or services stolen is more than \$1,000 but not more than
49.24 \$5,000; or

49.25 (b) the property stolen was a controlled substance listed in Schedule III, IV, or V pursuant
49.26 to section 152.02; or

49.27 (c) the value of the property or services stolen is more than \$500 but not more than
49.28 \$1,000 and the person has been convicted within the preceding five years for an offense

49.29 under this section, section 256.98; 268.182; 609.24; 609.245; 609.522; 609.53; 609.582,
49.30 subdivision 1, 2, or 3; 609.625; 609.63; 609.631; or 609.821, or a statute from another state,
49.31 the United States, or a foreign jurisdiction, in conformity with any of those sections, and
49.32 the person received a felony or gross misdemeanor sentence for the offense, or a sentence
50.1 that was stayed under section 609.135 if the offense to which a plea was entered would
50.2 allow imposition of a felony or gross misdemeanor sentence; or

50.3 (d) the value of the property or services stolen is not more than \$1,000, and any of the
50.4 following circumstances exist:

50.5 (i) the property is taken from the person of another or from a corpse, or grave or coffin
50.6 containing a corpse; or

50.7 (ii) the property is a record of a court or officer, or a writing, instrument or record kept,
50.8 filed or deposited according to law with or in the keeping of any public officer or office; or

50.9 (iii) the property is taken from a burning, abandoned, or vacant building or upon its
50.10 removal therefrom, or from an area of destruction caused by civil disaster, riot, bombing,
50.11 or the proximity of battle; or

50.12 (iv) the property consists of public funds belonging to the state or to any political
50.13 subdivision or agency thereof; or

50.14 (v) the property stolen is a motor vehicle; or

50.15 (4) to imprisonment for not more than one year or to payment of a fine of not more than
50.16 \$3,000, or both, if the value of the property or services stolen is more than \$500 but not
50.17 more than \$1,000; or

50.18 (5) in all other cases where the value of the property or services stolen is \$500 or less,
50.19 to imprisonment for not more than 90 days or to payment of a fine of not more than \$1,000,
50.20 or both, provided, however, in any prosecution under subdivision 2, clauses (1), (2), (3),
50.21 (4), (13), and (19), the value of the money or property or services received by the defendant
50.22 in violation of any one or more of the above provisions within any six-month period may
50.23 be aggregated and the defendant charged accordingly in applying the provisions of this
50.24 subdivision; provided that when two or more offenses are committed by the same person
50.25 in two or more counties, the accused may be prosecuted in any county in which one of the
50.26 offenses was committed for all of the offenses aggregated under this paragraph.

50.27 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
50.28 committed on or after that date.

- 50.29 Sec. 32. Minnesota Statutes 2020, section 609.52, subdivision 3a, is amended to read:
- 50.30 Subd. 3a. **Enhanced penalty.** (a) If a violation of this section creates a reasonably
- 50.31 foreseeable risk of bodily harm to another, the penalties described in subdivision 3 are
- 50.32 enhanced as follows:
- 51.1 (1) if the penalty is a misdemeanor or a gross misdemeanor, the person is guilty of a
- 51.2 felony and may be sentenced to imprisonment for not more than three years or to payment
- 51.3 of a fine of not more than \$5,000, or both; and
- 51.4 (2) if the penalty is a felony, the statutory maximum sentence for the offense is 50 percent
- 51.5 longer than for the underlying crime.
- 51.6 (b) Notwithstanding the maximum penalty otherwise provided in subdivision 3, a person
- 51.7 who violates subdivision 2 where the property stolen is a motor vehicle, and where the
- 51.8 person uses the vehicle in furtherance of a crime of violence within seven days of the theft,
- 51.9 is guilty of a felony and may be sentenced:
- 51.10 (1) to imprisonment for not more than 15 years or to payment of a fine of not more than
- 51.11 \$30,000, or both, if the value of the stolen vehicle exceeds \$5,000; and
- 51.12 (2) to imprisonment for not more than ten years or to payment of a fine of not more than
- 51.13 \$20,000, or both, if the value of the stolen vehicle is \$5,000 or less.
- 51.14 (c) For the purposes of paragraph (b), "crime of violence" means:
- 51.15 (1) felony convictions of the following offenses: sections 152.021 (controlled substance
- 51.16 crime in the first degree); 152.022 (controlled substance crime in the second degree); 152.023,
- 51.17 subdivision 1 (controlled substance crime in the third degree, sales crimes); 152.024,
- 51.18 subdivision 1 (controlled substance crimes in the fourth degree, sales crimes); 152.025,
- 51.19 subdivision 1 (controlled substance crimes in the fifth degree, sales crimes); 152.0261
- 51.20 (importing controlled substances across state borders); 152.0262 (possession of substances
- 51.21 with intent to manufacture methamphetamine); 152.027, subdivision 6, paragraph (b) (sale
- 51.22 of synthetic cannabinoid for remuneration); 152.096 (conspiracy to commit a violation of
- 51.23 chapter 152); 152.097 (simulated controlled substances); 152.136, subdivision 4 (illegal
- 51.24 activities relating to anhydrous ammonia); 152.137 (certain methamphetamine-related
- 51.25 crimes); 152.33, subdivision 1, 2, or 4 (certain violations related to medical cannabis);
- 51.26 609.165 (possession of firearm or ammunition by an ineligible person); 609.185 (murder
- 51.27 in the first degree); 609.19 (murder in the second degree); 609.195 (murder in the third
- 51.28 degree); 609.20 (manslaughter in the first degree); 609.205 (manslaughter in the second
- 51.29 degree); 609.2112 (criminal vehicular homicide); 609.2113 (criminal vehicular operation);
- 51.30 609.2114 (criminal vehicular operation, unborn child); 609.215 (aiding suicide and aiding
- 51.31 attempted suicide); 609.221 (assault in the first degree); 609.222 (assault in the second
- 51.32 degree); 609.223 (assault in the third degree); 609.2247 (domestic assault by strangulation);
- 51.33 609.228 (great bodily harm by distribution of drugs); 609.229 (crimes committed for the

- 51.34 benefit of a gang); 609.235 (use of drugs to injure or facilitate crime); 609.24 (simple robbery); 609.245 (aggravated robbery); 609.2456 (carjacking); 609.25 (kidnapping); 609.255 (false imprisonment); 609.2661 (murder of an unborn child in the first degree); 609.2662 (murder of an unborn child in the second degree); 609.2663 (murder of an unborn child in the third degree); 609.2664 (manslaughter of an unborn child in the first degree); 609.2665 (manslaughter of an unborn child in the second degree); 609.267 (assault of an unborn child in the first degree); 609.2671 (assault of an unborn child in the second degree); 609.2672 (assault of an unborn child in the third degree); 609.282 (labor trafficking); 609.322 (solicitation, inducement, and promotion of prostitution; sex trafficking); 609.342 (criminal sexual conduct in the first degree); 609.343 (criminal sexual conduct in the second degree); 609.344 (criminal sexual conduct in the third degree); 609.345 (criminal sexual conduct in the fourth degree); 609.3453 (criminal sexual predatory conduct); 609.352 (solicitation of children); 609.377 (malicious punishment of a child); 609.378 (neglect or endangerment of a child); 609.486 (commission of crime while wearing or possessing a bullet-resistant vest); 609.49 (failure to appear); 609.504 (disarming a peace officer); 609.52 (involving theft of a firearm and theft involving the theft of a controlled substance, an explosive, or an incendiary device); 609.561 (arson in the first degree); 609.562 (arson in the second degree); 609.582, subdivision 1 or 2 (burglary in the first and second degrees); 609.66, subdivision 1e (drive-by shooting); 609.67 (unlawfully owning, possessing, operating a machine gun or short-barreled shotgun); 609.71 (riot); 609.713 (terroristic threats); and 609.855, subdivision 5 (shooting at a public transit vehicle or facility);
- 52.21 (2) convictions regardless of the penalty level of the following offenses: sections 518B.01 (domestic abuse orders for protection); 609.2231 (assault in the fourth degree); 609.224 (assault in the fifth degree); 609.2242 (domestic assault); 609.3451 (criminal sexual conduct in the fifth degree); 609.487 (fleeing a peace officer); 609.66 (dangerous weapons); 609.749 (harassment); 609.75 (domestic abuse no contact orders); and 624.713 (certain persons not to possess firearms); and
- 52.27 (3) an attempt to commit any of these offenses described in clause (1) or (2).
- 52.28 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes committed on or after that date.
- 52.29
- 52.30 Sec. 33. **[609.522] ORGANIZED RETAIL THEFT.**
- 52.31 Subdivision 1. **Definitions.** (a) As used in this section, the terms in this subdivision have the meanings given.
- 52.32
- 53.1 (b) "Article surveillance system" means any electronic device or other security device that is designed to detect or prevent the unauthorized removal of retail merchandise from a retailer.
- 53.2
- 53.3
- 53.4 (c) "Retailer" means a person or entity that sells retail merchandise.

- 53.5 (d) "Retail merchandise" means all forms of tangible property, without limitation, held
53.6 out for sale by a retailer.
- 53.7 (e) "Value" means the retail market value at the time of the theft or, if the retail market
53.8 value cannot be ascertained, the cost of replacement of the property within a reasonable
53.9 time after the theft.
- 53.10 Subd. 2. **Organized retail theft.** (a) Whoever steals or fraudulently obtains retail
53.11 merchandise from a retailer commits organized retail theft and may be sentenced as provided
53.12 in subdivision 3 if the actor:
- 53.13 (1) resells or intends to resell the retail merchandise;
- 53.14 (2) advertises or displays any item of the retail merchandise for sale;
- 53.15 (3) returns any item of the retail merchandise to a retailer for anything of value; or
- 53.16 (4) steals retail merchandise within five years of a conviction under this section.
- 53.17 (b) Whoever receives, purchases, or possesses retail merchandise knowing or having
53.18 reason to know the retail merchandise was stolen from a retailer and with the intent to resell
53.19 that merchandise may be sentenced as provided in subdivision 3.
- 53.20 (c) Whoever possesses any device, gear, or instrument designed to assist in shoplifting
53.21 or defeating an electronic article surveillance system with intent to use the same to shoplift
53.22 and thereby commit theft may be sentenced pursuant to subdivision 3, clause (3).
- 53.23 Subd. 3. **Sentence.** Whoever commits organized retail theft may be sentenced as follows:
- 53.24 (1) to imprisonment for not more than 15 years or to payment of a fine of not more than
53.25 \$35,000, or both, if the value of the property stolen exceeds \$5,000;
- 53.26 (2) to imprisonment for not more than seven years or to payment of a fine of not more
53.27 than \$14,000, or both, if either of the following circumstances exist:
- 53.28 (i) the value of the property stolen is more than \$1,000 but not more than \$5,000; or
- 53.29 (ii) the person commits the offense within ten years of the first of two or more convictions
53.30 under this section;
- 54.1 (3) to imprisonment for not more than two years or to payment of a fine of not more
54.2 than \$5,000, or both, if either of the following circumstances exist:
- 54.3 (i) the value of the property stolen is more than \$500 but not more than \$1,000; or

- 54.4 (ii) the person commits the offense within ten years of a previous conviction under this
54.5 section; or
- 54.6 (4) to imprisonment of not more than one year or to payment of a fine of not more than
54.7 \$3,000, or both, if the value of the property stolen is \$500 or less.
- 54.8 Subd. 4. **Aggregation.** The value of the retail merchandise received by the defendant
54.9 in violation of this section within any six-month period may be aggregated and the defendant
54.10 charged accordingly in applying the provisions of this subdivision; provided that when two
54.11 or more offenses are committed by the same person in two or more counties, the accused
54.12 may be prosecuted in any county in which one of the offenses was committed for all of the
54.13 offenses aggregated under this paragraph.
- 54.14 Subd. 5. **Enhanced penalty.** If a violation of this section creates a reasonably foreseeable
54.15 risk of bodily harm to another, the penalties described in subdivision 3 are enhanced as
54.16 follows:
- 54.17 (1) if the penalty is a gross misdemeanor, the person is guilty of a felony and may be
54.18 sentenced to imprisonment for not more than three years or to payment of a fine of not more
54.19 than \$5,000, or both; and
- 54.20 (2) if the penalty is a felony, the statutory maximum sentence for the offense is 50 percent
54.21 longer than for the underlying crime.
- 54.22 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
54.23 committed on or after that date.
- 54.24 Sec. 34. Minnesota Statutes 2020, section 609.527, subdivision 1, is amended to read:
- 54.25 Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the
54.26 meanings given them in this subdivision.
- 54.27 (b) "Direct victim" means any person or entity described in section 611A.01, paragraph
54.28 (b), whose identity has been transferred, used, or possessed in violation of this section.
- 54.29 (c) "False pretense" means any false, fictitious, misleading, or fraudulent information
54.30 or pretense or pretext depicting or including or deceptively similar to the name, logo, website
54.31 address, e-mail address, postal address, telephone number, or any other identifying
55.1 information of a for-profit or not-for-profit business or organization or of a government
55.2 agency, to which the user has no legitimate claim of right.
- 55.3 (d) "Financial institution" has the meaning given in section 13A.01, subdivision 2.
- 55.4 (e) "Identity" means any name, number, or data transmission that may be used, alone or
55.5 in conjunction with any other information, to identify a specific individual or entity, including
55.6 any of the following:

- 55.7 (1) a name, Social Security number, date of birth, official government-issued driver's
 55.8 license or identification number, government passport number, or employer or taxpayer
 55.9 identification number;
- 55.10 (2) unique electronic identification number, address, account number, or routing code;
 55.11 or
- 55.12 (3) telecommunication identification information or access device.
- 55.13 ~~(e)~~ (f) "Indirect victim" means any person or entity described in section 611A.01,
 55.14 paragraph (b), other than a direct victim.
- 55.15 ~~(f)~~ (g) "Loss" means value obtained, as defined in section 609.52, subdivision 1, clause
 55.16 (3), and expenses incurred by a direct or indirect victim as a result of a violation of this
 55.17 section.
- 55.18 ~~(g)~~ (h) "Unlawful activity" means:
- 55.19 (1) any felony violation of the laws of this state or any felony violation of a similar law
 55.20 of another state or the United States; and
- 55.21 (2) any nonfelony violation of the laws of this state involving theft, theft by swindle,
 55.22 forgery, fraud, or giving false information to a public official, or any nonfelony violation
 55.23 of a similar law of another state or the United States.
- 55.24 ~~(h)~~ (i) "Scanning device" means a scanner, reader, or any other electronic device that is
 55.25 used to access, read, scan, obtain, memorize, or store, temporarily or permanently,
 55.26 information encoded on a computer chip or magnetic strip or stripe of a payment card,
 55.27 driver's license, or state-issued identification card.
- 55.28 ~~(i)~~ (j) "Reencoder" means an electronic device that places encoded information from the
 55.29 computer chip or magnetic strip or stripe of a payment card, driver's license, or state-issued
 55.30 identification card, onto the computer chip or magnetic strip or stripe of a different payment
 55.31 card, driver's license, or state-issued identification card, or any electronic medium that
 55.32 allows an authorized transaction to occur.
- 56.1 ~~(j)~~ (k) "Payment card" means a credit card, charge card, debit card, or any other card
 56.2 that:
- 56.3 (1) is issued to an authorized card user; and
- 56.4 (2) allows the user to obtain, purchase, or receive credit, money, a good, a service, or
 56.5 anything of value.
- 56.6 **EFFECTIVE DATE.** This section is effective August 1, 2022.

56.7 Sec. 35. Minnesota Statutes 2020, section 609.527, is amended by adding a subdivision
56.8 to read:

56.9 Subd. 8. **Release of limited account information to law enforcement authorities.** (a)
56.10 A financial institution may release the information described in paragraph (b) to a law
56.11 enforcement or prosecuting authority that certifies in writing that it is investigating or
56.12 prosecuting a crime of identity theft under this section. The certification must describe with
56.13 reasonable specificity the nature of the suspected identity theft that is being investigated or
56.14 prosecuted, including the dates of the suspected criminal activity.

56.15 (b) This subdivision applies to requests for the following information relating to a
56.16 potential victim's account:

56.17 (1) the name of the account holder or holders; and

56.18 (2) the last known home address and telephone numbers of the account holder or holders.

56.19 (c) A financial institution may release the information requested under this subdivision
56.20 that it possesses within a reasonable time after the request. The financial institution may
56.21 not impose a fee for furnishing the information.

56.22 (d) A financial institution is not liable in a criminal or civil proceeding for releasing
56.23 information in accordance with this subdivision.

56.24 (e) Release of limited account information to a law enforcement agency under this
56.25 subdivision is criminal investigative data under section 13.82, subdivision 7.

56.26 **EFFECTIVE DATE.** This section is effective August 1, 2022.

56.27 Sec. 36. Minnesota Statutes 2020, section 609.582, subdivision 3, is amended to read:

56.28 Subd. 3. **Burglary in the third degree.** (a) Except as otherwise provided in this section,
56.29 whoever enters a building without consent and with intent to steal or commit any felony or
56.30 gross misdemeanor while in the building, or enters a building without consent and steals or
57.1 commits a felony or gross misdemeanor while in the building, either directly or as an
57.2 accomplice, commits burglary in the third degree and may be sentenced to imprisonment
57.3 for not more than five years or to payment of a fine of not more than \$10,000, or both.

57.4 (b) Whoever enters a building that is open to the public, other than a building identified
57.5 in subdivision 2, paragraph (b), with intent to steal while in the building, or enters a building
57.6 that is open to the public, other than a building identified in subdivision 2, paragraph (b),
57.7 and steals while in the building, either directly or as an accomplice, commits burglary in
57.8 the third degree and may be sentenced to imprisonment for not more than five years or to
57.9 payment of a fine of not more than \$10,000, or both, if:

- 57.10 (1) the person enters the building within one year after being told to leave the building
57.11 and not return; and
- 57.12 (2) the person has been convicted within the preceding five years for an offense under
57.13 this section, section 256.98, 268.182, 609.24, 609.245, 609.52, 609.522, 609.53, 609.625,
57.14 609.63, 609.631, or 609.821, or a statute from another state, the United States, or a foreign
57.15 jurisdiction, in conformity with any of those sections, and the person received a felony
57.16 sentence for the offense or a sentence that was stayed under section 609.135 if the offense
57.17 to which a plea was entered would allow imposition of a felony sentence.
- 57.18 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
57.19 committed on or after that date.
- 57.20 Sec. 37. Minnesota Statutes 2020, section 609.582, subdivision 4, is amended to read:
- 57.21 Subd. 4. **Burglary in the fourth degree.** (a) Whoever enters a building without consent
57.22 and with intent to commit a misdemeanor other than to steal, or enters a building without
57.23 consent and commits a misdemeanor other than to steal while in the building, either directly
57.24 or as an accomplice, commits burglary in the fourth degree and may be sentenced to
57.25 imprisonment for not more than one year or to payment of a fine of not more than \$3,000,
57.26 or both.
- 57.27 (b) Whoever enters a building that is open to the public, other than a building identified
57.28 in subdivision 2, paragraph (b), with intent to steal while in the building, or enters a building
57.29 that is open to the public, other than a building identified in subdivision 2, paragraph (b),
57.30 and steals while in the building, either directly or as an accomplice, commits burglary in
57.31 the fourth degree and may be sentenced to imprisonment for not more than one year or to
57.32 payment of a fine of not more than \$3,000, or both, if the person enters the building within
57.33 one year after being told to leave the building and not return.
- 58.1 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
58.2 committed on or after that date.
- 58.3 Sec. 38. Minnesota Statutes 2020, section 609B.205, is amended to read:
- 58.4 **609B.205 FLEEING PEACE OFFICER; REVOCATION.**
- 58.5 A person's driver's license is revoked under section 171.174 if that person is convicted
58.6 of fleeing a peace officer under section 609.487, subdivision 3, 3a, or 4. The periods of
58.7 revocation vary depending upon the offense of conviction and whether the offense of
58.8 conviction is a second or subsequent offense.
- 58.9 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
58.10 committed on or after that date.
- 58.11 Sec. 39. **[617.2471] CONDITIONS OF PROBATION.**

- 58.12 When sentencing a person convicted of violating any provision of section 617.246 or
 58.13 617.247, where the court is not committing the person to the custody of the commissioner
 58.14 of corrections, the court shall consider the following for inclusion as a condition of probation:
- 58.15 (1) incarceration in a local jail;
- 58.16 (2) completion of an appropriate sex offender or psycho-sexual offender evaluation,
 58.17 with the requirement that all recommendations be successfully completed; and
- 58.18 (3) prohibition on the person having contact with minors, including a complete
 58.19 prohibition, a prohibition on unsupervised contact, or a prohibition on contact that has not
 58.20 been approved in advance by the person's probation officer.
- 58.21 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
 58.22 committed on or after that date.
- 58.23 Sec. 40. Minnesota Statutes 2020, section 626.15, is amended to read:
- 58.24 **626.15 EXECUTION AND RETURN OF WARRANT; TIME.**
- 58.25 (a) Except as provided in paragraph ~~(b)~~ (c), a search warrant must be executed and
 58.26 returned to the court which issued it within ten days after its date. After the expiration of
 58.27 this time, the warrant is void unless previously executed.
- 58.28 (b) A search warrant on a financial institution for financial records is valid for 30 days.
- 58.29 (c) A district court judge may grant an extension of a the warrant ~~on a financial institution~~
 58.30 for financial records upon an application under oath stating that the financial institution has
 59.1 not produced the requested financial records within ~~ten days~~ the 30-day period and that an
 59.2 extension is necessary to achieve the purposes for which the search warrant was granted.
 59.3 Each extension may not exceed 30 days.
- 59.4 (d) For the purposes of this ~~paragraph~~ section, "financial institution" has the meaning
 59.5 given in section 13A.01, subdivision 2, and "financial records" has the meaning given in
 59.6 section 13A.01, subdivision 3.
- 59.7 **EFFECTIVE DATE.** This section is effective August 1, 2022.
- 59.8 Sec. 41. **[626.5535] CARJACKING; REPORTING REQUIRED.**
- 59.9 Subdivision 1. **Definition.** For purposes of this section, "carjacking" has the meaning
 59.10 given in section 609.2456.
- 59.11 Subd. 2. **Use of information collected.** (a) The head of a local law enforcement agency
 59.12 or state law enforcement department that employs peace officers, as defined in section
 59.13 626.84, subdivision 1, paragraph (c), must forward the following carjacking information

- 59.14 from the agency's or department's jurisdiction to the commissioner of public safety at least
 59.15 quarterly each year:
- 59.16 (1) the number of carjacking attempts;
- 59.17 (2) the number of carjackings;
- 59.18 (3) the number of persons injured in each offense;
- 59.19 (4) the number of persons killed in each offense; and
- 59.20 (5) weapons used in each offense, if any.
- 59.21 (b) The commissioner of public safety must include the data received under paragraph
 59.22 (a) in a separate carjacking category in the department's annual uniform crime report.
- 59.23 **EFFECTIVE DATE.** This section is effective August 1, 2022.
- 59.24 Sec. 42. Minnesota Statutes 2020, section 626.8452, is amended by adding a subdivision
 59.25 to read:
- 59.26 Subd. 1b. **Prohibition against retaliation; employers.** (a) An employer or supervisor
 59.27 shall not discharge, discipline, threaten, retaliate, otherwise discriminate against, or penalize
 59.28 a peace officer regarding the officer's compensation, terms, conditions, location, or privileges
 59.29 of employment because the officer interceded or made a report in compliance with section
 60.1 626.8475 or a policy adopted under subdivision 1a regarding another employee or peace
 60.2 officer who used excessive force.
- 60.3 (b) A court may order the employer or supervisor to pay back wages and offer job
 60.4 reinstatement to any officer discharged from employment in violation of paragraph (a).
- 60.5 (c) In addition to any remedies otherwise provided by law, a peace officer injured by a
 60.6 violation of paragraph (a) may bring a civil action for recovery of damages together with
 60.7 costs and disbursements, including reasonable attorney fees, and may receive injunctive
 60.8 and other equitable relief, including reinstatement, as determined by the court.
- 60.9 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to causes
 60.10 of action accruing on or after that date.
- 60.11 Sec. 43. Minnesota Statutes 2020, section 626.8452, is amended by adding a subdivision
 60.12 to read:
- 60.13 Subd. 1c. **Prohibition against retaliation; fellow officers.** (a) A peace officer or
 60.14 employee of a law enforcement agency may not threaten, harass, retaliate, or otherwise
 60.15 discriminate against a peace officer because the officer interceded or made a report in

60.16 compliance with section 626.8475 or a policy adopted under subdivision 1a regarding
 60.17 another employee or peace officer who used excessive force.

60.18 (b) A person who violates paragraph (a) is subject to disciplinary action as determined
 60.19 by the chief law enforcement officer of the agency employing the person.

60.20 (c) A peace officer who is the victim of conduct prohibited in paragraph (a) may bring
 60.21 a civil action for recovery of damages together with costs and disbursements, including
 60.22 reasonable attorney fees, and may receive injunctive and other equitable relief as determined
 60.23 by the court.

60.24 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to causes
 60.25 of action accruing on or after that date.

60.26 Sec. 44. **[626.8477] REQUIRED RETENTION OF RECORDINGS OF DETAINED**
 60.27 **PERSONS.**

60.28 Each chief law enforcement officer of a law enforcement agency shall ensure that any
 60.29 video or audio recording made of a person during a custodial interview, booking, or implied
 60.30 consent or breath testing proceeding is retained for 60 days from the date of recording or
 60.31 until all criminal proceedings relating to the person recorded are complete, whichever period
 60.32 is longer.

61.1 Sec. 45. **DWI CONTROLLED SUBSTANCE ROADSIDE TESTING INSTRUMENT**
 61.2 **PILOT PROJECT; REPORT REQUIRED.**

61.3 (a) The commissioner of public safety shall design, plan, and implement a pilot project
 61.4 to study oral fluid roadside testing instruments to determine the presence of a controlled
 61.5 substance or intoxicating substance in individuals stopped or arrested for driving while
 61.6 impaired offenses. The pilot project shall determine the practicality, accuracy, and efficacy
 61.7 of these testing instruments and determine and make recommendations on the best instrument
 61.8 or instruments to pursue in the future.

61.9 (b) The pilot project must begin on September 1, 2022, and continue until August 31,
 61.10 2023.

61.11 (c) The commissioner shall consult with law enforcement officials, prosecutors, criminal
 61.12 defense attorneys, and other interested and knowledgeable parties when designing,
 61.13 implementing, and evaluating the pilot project.

61.14 (d) All oral fluid samples obtained for the purpose of this pilot project shall be obtained
 61.15 by a certified drug recognition evaluator and may only be collected with the express voluntary
 61.16 consent of the person stopped or arrested for suspicion of driving while impaired. Results
 61.17 of tests conducted under the pilot project are to be used for the purpose of analyzing the

- 61.18 practicality, accuracy, and efficacy of the instrument. Results may not be used to decide
 61.19 whether an arrest should be made and are not admissible in any legal proceeding.
- 61.20 (e) By February 1, 2024, the commissioner shall report to the chairs and ranking minority
 61.21 members of the legislative committees with jurisdiction over public safety on the results of
 61.22 the pilot project. At a minimum, the report must include information on how accurate the
 61.23 instruments were when tested against laboratory results, how often participants were found
 61.24 to have controlled substances or intoxicating substances in their systems, how often there
 61.25 was commingling of controlled substances or intoxicating substances with alcohol, the types
 61.26 of controlled substances or intoxicating substances found in participants' systems and which
 61.27 types were most common, and the number of participants in the project. In addition, the
 61.28 report must assess the practicality and reliability of using the instruments in the field and
 61.29 make recommendations on continuing the project permanently.
- 61.30 **EFFECTIVE DATE.** This section is effective the day following final enactment.
- 61.31 Sec. 46. **REVISOR INSTRUCTION.**
- 61.32 (a) The revisor of statutes shall insert a cross-reference to Minnesota Statutes, section
 61.33 609.2456, in the following statutory sections: Minnesota Statutes, sections 145A.061,
 62.1 subdivision 3; 146A.08, subdivision 1, paragraph (c); 253B.02, subdivision 4e; 253D.02,
 62.2 subdivision 8, paragraph (b); 260B.171, subdivision 3, paragraph (a), clause (1); 299A.296,
 62.3 subdivision 2, paragraph (a), clause (5); 299C.105, subdivision 1, paragraph (a), clause (1),
 62.4 item (iv), and clause (3), item (iv); 299C.67, subdivision 2, paragraph (b), clause (1);
 62.5 609.1095, subdivision 1, paragraph (d); 609.11, subdivision 9; 609.341, subdivision 22;
 62.6 609.52, subdivision 3, clause (3), paragraph (c); 609.531, subdivision 1, paragraph (f),
 62.7 clause (3); 609.631, subdivision 4, clause (3), paragraph (b); 609.632, subdivision 4,
 62.8 paragraph (b), clause (3), item (ii); 609.821, subdivision 3, paragraph (a), clause (1), item
 62.9 (iv); 611A.031; 611A.036, subdivision 7; 611A.08, subdivision 6; and 624.712, subdivision
 62.10 5.
- 62.11 (b) The revisor shall insert a cross-reference to Minnesota Statutes, section 609.2456,
 62.12 subdivision 2, paragraph (a), in the following statutory sections: Minnesota Statutes, sections
 62.13 245C.15, subdivision 2, paragraph (a), and subdivision 4a, paragraph (d); and 245C.24,
 62.14 subdivision 3, paragraph (a).
- 62.15 (c) The revisor shall insert a cross-reference to Minnesota Statutes, section 609.2456,
 62.16 subdivision 2, paragraph (c), in Minnesota Statutes, section 243.167, subdivision 1.
- 62.17 (d) The revisor shall insert a cross-reference to Minnesota Statutes, section 609.2456,
 62.18 subdivision 2, paragraphs (b) and (c), in the following statutory sections: Minnesota Statutes,
 62.19 sections 245C.15, subdivision 1, paragraph (a), and subdivision 4a, paragraph (a); 609.902,
 62.20 subdivision 4; and 626A.05, subdivision 2, clause (1).

62.21 (e) Consistent with paragraphs (a) to (d), the revisor may make technical and other
 62.22 necessary changes to language, grammar, and sentence structure in the statutory sections
 62.23 listed in this section to preserve the meaning of the text.

62.24 **ARTICLE 3**

62.25 **DRIVING WHILE IMPAIRED SEARCH WARRANT CHANGES**

62.26 Section 1. Minnesota Statutes 2020, section 169A.51, subdivision 3, is amended to read:

62.27 Subd. 3. **Blood or urine tests; search warrant required.** (a) Notwithstanding any
 62.28 contrary provisions in sections 169A.51 to 169A.53, a blood or urine test may be conducted
 62.29 only pursuant to a search warrant under sections 626.04 to 626.18; or a judicially recognized
 62.30 exception to the search warrant requirement. In addition, blood and urine tests may be
 62.31 conducted only as provided in sections 169A.51 to 169A.53 and 171.177.

63.1 (b) When, under the provisions of section 169A.20, 169A.51, or 171.177, a search
 63.2 warrant is required for a blood or urine test, that requirement is met if a judicially recognized
 63.3 exception to the warrant requirement is applicable.

63.4 Sec. 2. Minnesota Statutes 2020, section 169A.51, subdivision 4, is amended to read:

63.5 Subd. 4. **Requirement of urine or blood test.** A blood or urine test may be required
 63.6 pursuant to a search warrant under sections 626.04 to 626.18 even after a breath test has
 63.7 been administered if there is probable cause to believe that:

63.8 (1) there is impairment by a controlled substance or an intoxicating substance that is not
 63.9 subject to testing by a breath test;

63.10 (2) a controlled substance listed in Schedule I or II or its metabolite, other than marijuana
 63.11 or tetrahydrocannabinols, is present in the person's body; or

63.12 (3) the person is unconscious or incapacitated to the point that the peace officer providing
 63.13 a breath test advisory, administering a breath test, or serving the search warrant has a
 63.14 good-faith belief that the person is mentally or physically unable to comprehend the breath
 63.15 test advisory or otherwise voluntarily submit to chemical tests.

63.16 Action may be taken against a person who refuses to take a blood test under this
 63.17 subdivision only if a urine test was offered and action may be taken against a person who
 63.18 refuses to take a urine test only if a blood test was offered. This limitation does not apply
 63.19 to an unconscious person under the circumstances described in clause (3).

- 63.20 Sec. 3. Minnesota Statutes 2020, section 169A.51, is amended by adding a subdivision to
63.21 read:
- 63.22 Subd. 8. **Definition.** As used in this section, a "search warrant" means a judicially
63.23 approved search warrant obtained pursuant to the requirements in sections 626.04 to 626.18
63.24 or conforming statutes in an adjacent state.
- 63.25 Sec. 4. Minnesota Statutes 2020, section 171.177, subdivision 1, is amended to read:
- 63.26 Subdivision 1. **Search warrant-required testing advisory.** At the time a blood or urine
63.27 test is directed pursuant to a search warrant under sections 626.04 to 626.18, the person
63.28 must be informed that refusal to submit to a blood or urine test is a crime.
- 64.1 Sec. 5. Minnesota Statutes 2020, section 171.177, subdivision 3, is amended to read:
- 64.2 Subd. 3. **License revocation pursuant to search warrant.** After executing a search
64.3 warrant under sections 626.04 to 626.18 for the collection of a blood or urine sample based
64.4 upon probable cause of a violation of section 169A.20, the peace officer acting under sections
64.5 626.13 to 626.17 shall certify to the commissioner of public safety:
- 64.6 (1) when a person refuses to comply with the execution of the search warrant; or
- 64.7 (2) if a person submits to the test and the test results indicate:
- 64.8 (i) an alcohol concentration of 0.08 or more;
- 64.9 (ii) an alcohol concentration of 0.04 or more, if the person was driving, operating, or in
64.10 physical control of a commercial motor vehicle at the time of the violation; or
- 64.11 (iii) the presence of a controlled substance listed in Schedule I or II or its metabolite,
64.12 other than marijuana or tetrahydrocannabinols.
- 64.13 Sec. 6. Minnesota Statutes 2020, section 171.177, subdivision 4, is amended to read:
- 64.14 Subd. 4. **Test refusal; license revocation.** (a) Upon certification under subdivision 3
64.15 that there existed probable cause to believe the person had been driving, operating, or in
64.16 physical control of a motor vehicle in violation of section 169A.20, and that the person
64.17 refused to comply with the execution of the search warrant under sections 626.04 to 626.18,
64.18 the commissioner shall revoke the person's license or permit to drive or nonresident operating
64.19 privilege. The commissioner shall revoke the license, permit, or nonresident operating
64.20 privilege:
- 64.21 (1) for a person with no qualified prior impaired driving incidents within the past ten
64.22 years, for a period of not less than one year;
- 64.23 (2) for a person under the age of 21 years and with no qualified prior impaired driving
64.24 incidents within the past ten years, for a period of not less than one year;

- 64.25 (3) for a person with one qualified prior impaired driving incident within the past ten
 64.26 years or two qualified prior impaired driving incidents, for a period of not less than two
 64.27 years;
- 64.28 (4) for a person with two qualified prior impaired driving incidents within the past ten
 64.29 years or three qualified prior impaired driving incidents, for a period of not less than three
 64.30 years;
- 65.1 (5) for a person with three qualified prior impaired driving incidents within the past ten
 65.2 years, for a period of not less than four years; or
- 65.3 (6) for a person with four or more qualified prior impaired driving incidents, for a period
 65.4 of not less than six years.
- 65.5 (b) When a person who had been driving, operating, or in physical control of a
 65.6 commercial motor vehicle refuses to comply with the search warrant and permit testing,
 65.7 the commissioner shall disqualify the person from operating a commercial motor vehicle
 65.8 and shall revoke the person's license or permit to drive or nonresident operating privilege
 65.9 according to the federal regulations adopted by reference in section 171.165, subdivision
 65.10 2.
- 65.11 Sec. 7. Minnesota Statutes 2020, section 171.177, subdivision 5, is amended to read:
- 65.12 Subd. 5. **Test failure; license revocation.** (a) Upon certification under subdivision 3,
 65.13 pursuant to a search warrant ~~under sections 626.04 to 626.18~~, that there existed probable
 65.14 cause to believe the person had been driving, operating, or in physical control of a motor
 65.15 vehicle in violation of section 169A.20, and that the person submitted to a test and the test
 65.16 results indicate an alcohol concentration of 0.08 or more or the presence of a controlled
 65.17 substance listed in Schedule I or II or its metabolite, other than marijuana or
 65.18 tetrahydrocannabinols, the commissioner shall revoke the person's license or permit to drive
 65.19 or nonresident operating privilege:
- 65.20 (1) for a period of 90 days or, if the test results indicate an alcohol concentration of twice
 65.21 the legal limit or more, not less than one year;
- 65.22 (2) if the person is under the age of 21 years, for a period of not less than 180 days or,
 65.23 if the test results indicate an alcohol concentration of twice the legal limit or more, not less
 65.24 than one year;
- 65.25 (3) for a person with one qualified prior impaired driving incident within the past ten
 65.26 years or two qualified prior impaired driving incidents, for a period of not less than one
 65.27 year or, if the test results indicate an alcohol concentration of twice the legal limit or more,
 65.28 not less than two years;

- 65.29 (4) for a person with two qualified prior impaired driving incidents within the past ten
 65.30 years or three qualified prior impaired driving incidents, for a period of not less than three
 65.31 years;
- 65.32 (5) for a person with three qualified prior impaired driving incidents within the past ten
 65.33 years, for a period of not less than four years; or
- 66.1 (6) for a person with four or more qualified prior impaired driving incidents, for a period
 66.2 of not less than six years.
- 66.3 (b) On certification by the peace officer that there existed probable cause to believe the
 66.4 person had been driving, operating, or in physical control of a commercial motor vehicle
 66.5 with any presence of alcohol and that the person submitted to a test and the test results
 66.6 indicated an alcohol concentration of 0.04 or more, the commissioner shall disqualify the
 66.7 person from operating a commercial motor vehicle under section 171.165.
- 66.8 (c) If the test is of a person's blood or urine by a laboratory operated by the Bureau of
 66.9 Criminal Apprehension or authorized by the bureau to conduct the analysis of a blood or
 66.10 urine sample, the laboratory may directly certify to the commissioner the test results, and
 66.11 the peace officer shall certify to the commissioner that there existed probable cause to
 66.12 believe the person had been driving, operating, or in physical control of a motor vehicle in
 66.13 violation of section 169A.20, and that the person submitted to a test. Upon receipt of both
 66.14 certifications, the commissioner shall undertake the license actions described in paragraphs
 66.15 (a) and (b).
- 66.16 Sec. 8. Minnesota Statutes 2020, section 171.177, subdivision 8, is amended to read:
- 66.17 Subd. 8. **Test refusal; driving privilege lost.** (a) On behalf of the commissioner, a peace
 66.18 officer requiring a test or directing the administration of a chemical test pursuant to a search
 66.19 warrant ~~under sections 626.04 to 626.18~~ shall serve immediate notice of intention to revoke
 66.20 and of revocation on a person who refuses to permit a test or on a person who submits to a
 66.21 test, the results of which indicate an alcohol concentration of 0.08 or more.
- 66.22 (b) On behalf of the commissioner, a peace officer requiring a test or directing the
 66.23 administration of a chemical test of a person driving, operating, or in physical control of a
 66.24 commercial motor vehicle pursuant to a search warrant ~~under sections 626.04 to 626.18~~
 66.25 shall serve immediate notice of intention to disqualify and of disqualification on a person
 66.26 who refuses to permit a test or on a person who submits to a test, the results of which indicate
 66.27 an alcohol concentration of 0.04 or more.
- 66.28 (c) The officer shall:
- 66.29 (1) invalidate the person's driver's license or permit card by clipping the upper corner
 66.30 of the card in such a way that no identifying information including the photo is destroyed,
 66.31 and immediately return the card to the person;

- 66.32 (2) issue the person a temporary license effective for only seven days; and
- 67.1 (3) send the notification of this action to the commissioner along with the certificate
67.2 required by subdivision 5 or 6.
- 67.3 Sec. 9. Minnesota Statutes 2020, section 171.177, subdivision 12, is amended to read:
- 67.4 Subd. 12. **Judicial hearing; issues, order, appeal.** (a) A judicial review hearing under
67.5 this section must be before a district judge in any county in the judicial district where the
67.6 alleged offense occurred. The hearing is to be held at the court and may be conducted at the same time
67.7 and in the same manner as hearings upon pretrial motions in the criminal prosecution under
67.8 section 169A.20, if any. The hearing must be recorded. The commissioner shall appear and
67.9 be represented by the attorney general or through the prosecuting authority for the jurisdiction
67.10 involved. The hearing must be held at the earliest practicable date, and in any event no later
67.11 than 60 days following the filing of the petition for review. The judicial district administrator
67.12 shall establish procedures to ensure efficient compliance with this subdivision. To accomplish
67.13 this, the administrator may, whenever possible, consolidate and transfer review hearings
67.14 among the locations within the judicial district where terms of district court are held.
- 67.15 (b) The scope of the hearing is limited to the issues in clauses (1) to (13):
- 67.16 (1) Did the peace officer have probable cause to believe the person was driving, operating,
67.17 or in physical control of a motor vehicle or commercial motor vehicle in violation of section
67.18 169A.20?
- 67.19 (2) Was the person lawfully placed under arrest for violation of section 169A.20?
- 67.20 (3) Was the person involved in a motor vehicle accident or collision resulting in property
67.21 damage, personal injury, or death?
- 67.22 (4) Did a licensed peace officer apply for a search warrant in accordance with the
67.23 requirements set forth in sections 626.04 to 626.18 or conforming statutes in an adjacent
67.24 state?
- 67.25 (5) Did a neutral magistrate review the application for a search warrant and determine
67.26 there was probable cause to believe that the person was driving, operating, or in physical
67.27 control of a motor vehicle or commercial motor vehicle in violation of section 169A.20?
- 67.28 (6) Was the search warrant and the process by which it was obtained valid?
- 67.29 (7) At the time of directing the person to take the test, did the peace officer inform the
67.30 person that refusing the test was a crime as required by subdivision 1?
- 67.31 (8) Did the person refuse to permit the test?
- 68.1 (9) If a test was taken by a person driving, operating, or in physical control of a motor
68.2 vehicle, did the test results indicate at the time of testing:

- 68.3 (i) an alcohol concentration of 0.08 or more; or
- 68.4 (ii) the presence of a controlled substance listed in Schedule I or II or its metabolite,
- 68.5 other than marijuana or tetrahydrocannabinols?
- 68.6 (10) If a test was taken by a person driving, operating, or in physical control of a
- 68.7 commercial motor vehicle, did the test results indicate an alcohol concentration of 0.04 or
- 68.8 more at the time of testing?
- 68.9 (11) Was the testing method used valid and reliable and were the test results accurately
- 68.10 evaluated?
- 68.11 (12) Did the person prove the defense of necessity?
- 68.12 (13) Did the person prove the defense of controlled substance use in accordance with a
- 68.13 prescription?
- 68.14 (c) Certified or otherwise authenticated copies of laboratory or medical personnel reports,
- 68.15 records, documents, licenses, and certificates are admissible as substantive evidence.
- 68.16 (d) The court shall order that the revocation or disqualification be either rescinded or
- 68.17 sustained and forward the order to the commissioner. The court shall file its order within
- 68.18 14 days following the hearing. If the revocation or disqualification is sustained, the court
- 68.19 shall also forward the person's driver's license or permit to the commissioner for further
- 68.20 action by the commissioner if the license or permit is not already in the commissioner's
- 68.21 possession.
- 68.22 (e) Any party aggrieved by the decision of the reviewing court may appeal the decision
- 68.23 as provided in the Rules of Appellate Procedure.
- 68.24 (f) The civil hearing under this section shall not give rise to an estoppel on any issues
- 68.25 arising from the same set of circumstances in any criminal prosecution.
- 68.26 (g) It is an affirmative defense for the petitioner to prove a necessity.
- 68.27 (h) It is an affirmative defense to the presence of a Schedule I or II controlled substance
- 68.28 that the person used the controlled substance according to the terms of a prescription issued
- 68.29 for the person according to sections 152.11 and 152.12, unless the court finds by a
- 68.30 preponderance of the evidence that the use of the controlled substance impaired the person's
- 68.31 ability to operate a motor vehicle.
- 69.1 Sec. 10. Minnesota Statutes 2020, section 171.177, subdivision 14, is amended to read:
- 69.2 Subd. 14. **Definitions.** (a) The definitions in section 169A.03 apply to this section.

69.3 (b) For purposes of this section, a "search warrant" means a judicially approved search
 69.4 warrant obtained pursuant to the requirements of sections 626.04 to 626.18 or conforming
 69.5 statutes in an adjacent state.

69.6

ARTICLE 4

69.7

FENTANYL-RELATED CHANGES

69.8 Section 1. Minnesota Statutes 2020, section 152.01, is amended by adding a subdivision
 69.9 to read:

69.10 Subd. 25. **Fentanyl.** As used in sections 152.021 to 152.025, "fentanyl" includes fentanyl,
 69.11 carfentanil, and any fentanyl analogs and fentanyl-related substances listed in section 152.02,
 69.12 subdivisions 2 and 3.

69.13 Sec. 2. Minnesota Statutes 2020, section 152.021, subdivision 1, is amended to read:

69.14 Subdivision 1. **Sale crimes.** A person is guilty of controlled substance crime in the first
 69.15 degree if:

69.16 (1) on one or more occasions within a 90-day period the person unlawfully sells one or
 69.17 more mixtures of a total weight of 17 grams or more containing cocaine or methamphetamine;

69.18 (2) on one or more occasions within a 90-day period the person unlawfully sells one or
 69.19 more mixtures of a total weight of ten grams or more containing cocaine or methamphetamine
 69.20 and:

69.21 (i) the person or an accomplice possesses on their person or within immediate reach, or
 69.22 uses, whether by brandishing, displaying, threatening with, or otherwise employing, a
 69.23 firearm; or

69.24 (ii) the offense involves two aggravating factors;

69.25 (3) on one or more occasions within a 90-day period the person unlawfully sells one or
 69.26 more mixtures of a total weight of ten grams or more containing heroin or fentanyl;

69.27 (4) on one or more occasions within a 90-day period the person unlawfully sells one or
 69.28 more mixtures of a total weight of 50 grams or more containing a narcotic drug other than
 69.29 cocaine, heroin, fentanyl, or methamphetamine;

70.1 (5) on one or more occasions within a 90-day period the person unlawfully sells one or
 70.2 more mixtures of a total weight of 50 grams or more containing amphetamine, phencyclidine,
 70.3 or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 200 or
 70.4 more dosage units; or

199.1 Sec. 2. Minnesota Statutes 2021 Supplement, section 357.021, subdivision 1a, is amended
199.2 to read:

199.3 Subd. 1a. **Transmittal of fees to commissioner of management and budget.** (a) Every
199.4 person, including the state of Minnesota and all bodies politic and corporate, who shall
199.5 transact any business in the district court, shall pay to the court administrator of said court
199.6 the sundry fees prescribed in subdivision 2. Except as provided in paragraph (d), the court
199.7 administrator shall transmit the fees monthly to the commissioner of management and budget
199.8 for deposit in the state treasury and credit to the general fund. ~~\$30~~ \$45 of each fee collected
199.9 in a dissolution action under subdivision 2, clause (1), must be deposited by the commissioner
199.10 of management and budget in the special revenue fund and is appropriated to the
199.11 commissioner of employment and economic development for the Minnesota Family
199.12 Resiliency Partnership under section 116L.96.

199.13 (b) In a county which has a screener-collector position, fees paid by a county pursuant
199.14 to this subdivision shall be transmitted monthly to the county treasurer, who shall apply the
199.15 fees first to reimburse the county for the amount of the salary paid for the screener-collector
199.16 position. The balance of the fees collected shall then be forwarded to the commissioner of
199.17 management and budget for deposit in the state treasury and credited to the general fund.
199.18 In a county in a judicial district under section 480.181, subdivision 1, paragraph (b), which
199.19 has a screener-collector position, the fees paid by a county shall be transmitted monthly to
199.20 the commissioner of management and budget for deposit in the state treasury and credited
199.21 to the general fund. A screener-collector position for purposes of this paragraph is an
199.22 employee whose function is to increase the collection of fines and to review the incomes
199.23 of potential clients of the public defender, in order to verify eligibility for that service.

199.24 (c) No fee is required under this section from the public authority or the party the public
199.25 authority represents in an action for:

199.26 (1) child support enforcement or modification, medical assistance enforcement, or
199.27 establishment of parentage in the district court, or in a proceeding under section 484.702;

199.28 (2) civil commitment under chapter 253B;

199.29 (3) the appointment of a public conservator or public guardian or any other action under
199.30 chapters 252A and 525;

199.31 (4) wrongfully obtaining public assistance under section 256.98 or 256D.07, or recovery
199.32 of overpayments of public assistance;

70.5 (6) on one or more occasions within a 90-day period the person unlawfully sells one or
70.6 more mixtures of a total weight of 25 kilograms or more containing marijuana or
70.7 Tetrahydrocannabinols.

70.8 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
70.9 committed on or after that date.

24.12 Sec. 17. Minnesota Statutes 2021 Supplement, section 357.021, subdivision 1a, is amended
24.13 to read:

24.14 Subd. 1a. **Transmittal of fees to commissioner of management and budget.** (a) Every
24.15 person, including the state of Minnesota and all bodies politic and corporate, who shall
24.16 transact any business in the district court, shall pay to the court administrator of said court
24.17 the sundry fees prescribed in subdivision 2. Except as provided in paragraph (d), the court
24.18 administrator shall transmit the fees monthly to the commissioner of management and budget
24.19 for deposit in the state treasury and credit to the general fund. ~~\$30~~ \$60 of each fee collected
24.20 in a dissolution action under subdivision 2, clause (1), must be deposited by the commissioner
24.21 of management and budget in the special revenue fund and is appropriated to the
24.22 commissioner of employment and economic development for the Minnesota Family
24.23 Resiliency Partnership under section 116L.96.

24.24 (b) In a county which has a screener-collector position, fees paid by a county pursuant
24.25 to this subdivision shall be transmitted monthly to the county treasurer, who shall apply the
24.26 fees first to reimburse the county for the amount of the salary paid for the screener-collector
24.27 position. The balance of the fees collected shall then be forwarded to the commissioner of
24.28 management and budget for deposit in the state treasury and credited to the general fund.
24.29 In a county in a judicial district under section 480.181, subdivision 1, paragraph (b), which
24.30 has a screener-collector position, the fees paid by a county shall be transmitted monthly to
24.31 the commissioner of management and budget for deposit in the state treasury and credited
24.32 to the general fund. A screener-collector position for purposes of this paragraph is an
24.33 employee whose function is to increase the collection of fines and to review the incomes
24.34 of potential clients of the public defender, in order to verify eligibility for that service.

25.1 (c) No fee is required under this section from the public authority or the party the public
25.2 authority represents in an action for:

25.3 (1) child support enforcement or modification, medical assistance enforcement, or
25.4 establishment of parentage in the district court, or in a proceeding under section 484.702;

25.5 (2) civil commitment under chapter 253B;

25.6 (3) the appointment of a public conservator or public guardian or any other action under
25.7 chapters 252A and 525;

25.8 (4) wrongfully obtaining public assistance under section 256.98 or 256D.07, or recovery
25.9 of overpayments of public assistance;

199.33 (5) court relief under chapters 260, 260A, 260B, and 260C;

200.1 (6) forfeiture of property under sections 169A.63 and 609.531 to 609.5317;

200.2 (7) recovery of amounts issued by political subdivisions or public institutions under
200.3 sections 246.52, 252.27, 256.045, 256.25, 256.87, 256B.042, 256B.14, 256B.15, 256B.37,
200.4 260B.331, and 260C.331, or other sections referring to other forms of public assistance;

200.5 (8) restitution under section 611A.04; or

200.6 (9) actions seeking monetary relief in favor of the state pursuant to section 16D.14,
200.7 subdivision 5.

200.8 (d) \$20 from each fee collected for child support modifications under subdivision 2,
200.9 clause (13), must be transmitted to the county treasurer for deposit in the county general
200.10 fund and \$35 from each fee shall be credited to the state general fund. The fees must be
200.11 used by the county to pay for child support enforcement efforts by county attorneys.

200.12 (e) No fee is required under this section from any federally recognized Indian Tribe or
200.13 its representative in an action for:

200.14 (1) child support enforcement or modification, medical assistance enforcement, or
200.15 establishment of parentage in the district court or in a proceeding under section 484.702;

200.16 (2) civil commitment under chapter 253B;

200.17 (3) the appointment of a public conservator or public guardian or any other action under
200.18 chapters 252A and 525; or

200.19 (4) court relief under chapters 260, 260A, 260B, 260C, and 260D.

200.20 **EFFECTIVE DATE.** This section is effective July 1, 2023.

200.21 Sec. 3. Minnesota Statutes 2020, section 357.021, subdivision 2, is amended to read:

200.22 Subd. 2. **Fee amounts.** The fees to be charged and collected by the court administrator
200.23 shall be as follows:

200.24 (1) In every civil action or proceeding in said court, including any case arising under
200.25 the tax laws of the state that could be transferred or appealed to the Tax Court, the plaintiff,
200.26 petitioner, or other moving party shall pay, when the first paper is filed for that party in said
200.27 action, a fee of \$285, except in marriage dissolution actions the fee is \$315.

200.28 The defendant or other adverse or intervening party, or any one or more of several
200.29 defendants or other adverse or intervening parties appearing separately from the others,
200.30 shall pay, when the first paper is filed for that party in said action, a fee of \$285, except in
200.31 marriage dissolution actions the fee is \$315. This subdivision does not apply to the filing

25.10 (5) court relief under chapters 260, 260A, 260B, and 260C;

25.11 (6) forfeiture of property under sections 169A.63 and 609.531 to 609.5317;

25.12 (7) recovery of amounts issued by political subdivisions or public institutions under
25.13 sections 246.52, 252.27, 256.045, 256.25, 256.87, 256B.042, 256B.14, 256B.15, 256B.37,
25.14 260B.331, and 260C.331, or other sections referring to other forms of public assistance;

25.15 (8) restitution under section 611A.04; or

25.16 (9) actions seeking monetary relief in favor of the state pursuant to section 16D.14,
25.17 subdivision 5.

25.18 (d) \$20 from each fee collected for child support modifications under subdivision 2,
25.19 clause (13), must be transmitted to the county treasurer for deposit in the county general
25.20 fund and \$35 from each fee shall be credited to the state general fund. The fees must be
25.21 used by the county to pay for child support enforcement efforts by county attorneys.

25.22 (e) No fee is required under this section from any federally recognized Indian Tribe or
25.23 its representative in an action for:

25.24 (1) child support enforcement or modification, medical assistance enforcement, or
25.25 establishment of parentage in the district court or in a proceeding under section 484.702;

25.26 (2) civil commitment under chapter 253B;

25.27 (3) the appointment of a public conservator or public guardian or any other action under
25.28 chapters 252A and 525; or

25.29 (4) court relief under chapters 260, 260A, 260B, 260C, and 260D.

26.1 Sec. 18. Minnesota Statutes 2020, section 357.021, subdivision 2, is amended to read:

26.2 Subd. 2. **Fee amounts.** The fees to be charged and collected by the court administrator
26.3 shall be as follows:

26.4 (1) In every civil action or proceeding in said court, including any case arising under
26.5 the tax laws of the state that could be transferred or appealed to the Tax Court, the plaintiff,
26.6 petitioner, or other moving party shall pay, when the first paper is filed for that party in said
26.7 action, a fee of \$285, except in marriage dissolution actions the fee is \$315.

26.8 The defendant or other adverse or intervening party, or any one or more of several
26.9 defendants or other adverse or intervening parties appearing separately from the others,
26.10 shall pay, when the first paper is filed for that party in said action, a fee of \$285, except in
26.11 marriage dissolution actions the fee is \$315. This subdivision does not apply to the filing

- 201.1 of an Application for Discharge of Judgment. Section 548.181 applies to an Application
201.2 for Discharge of Judgment.
- 201.3 The party requesting a trial by jury shall pay \$100.
- 201.4 The fees above stated shall be the full trial fee chargeable to said parties irrespective of
201.5 whether trial be to the court alone, to the court and jury, or disposed of without trial, and
201.6 shall include the entry of judgment in the action, but does not include copies or certified
201.7 copies of any papers so filed or proceedings under chapter 103E, except the provisions
201.8 therein as to appeals.
- 201.9 (2) Certified copy of any instrument from a civil or criminal proceeding, \$14, ~~and \$8~~
201.10 ~~for an uncertified copy.~~
- 201.11 (3) Issuing a subpoena, \$16 for each name.
- 201.12 (4) Filing a motion or response to a motion in civil, family, excluding child support, and
201.13 guardianship cases, \$75.
- 201.14 (5) Issuing an execution and filing the return thereof; issuing a writ of attachment,
201.15 injunction, habeas corpus, mandamus, quo warranto, certiorari, or other writs not specifically
201.16 mentioned, \$55.
- 201.17 (6) Issuing a transcript of judgment, or for filing and docketing a transcript of judgment
201.18 from another court, \$40.
- 201.19 (7) Filing and entering a satisfaction of judgment, partial satisfaction, or assignment of
201.20 judgment, \$5.
- 201.21 (8) Certificate as to existence or nonexistence of judgments docketed, \$5 for each name
201.22 certified to.
- 201.23 (9) Filing and indexing trade name; or recording basic science certificate; or recording
201.24 certificate of physicians, osteopathic physicians, chiropractors, veterinarians, or optometrists,
201.25 \$5.
- 201.26 (10) For the filing of each partial, final, or annual account in all trusteeships, \$55.
- 201.27 (11) For the deposit of a will, \$27.
- 201.28 (12) For recording notary commission, \$20.
- 201.29 (13) Filing a motion or response to a motion for modification of child support, a fee of
201.30 \$50.
- 202.1 (14) All other services required by law for which no fee is provided, such fee as compares
202.2 favorably with those herein provided, or such as may be fixed by rule or order of the court.

- 26.12 of an Application for Discharge of Judgment. Section 548.181 applies to an Application
26.13 for Discharge of Judgment.
- 26.14 The party requesting a trial by jury shall pay \$100.
- 26.15 The fees above stated shall be the full trial fee chargeable to said parties irrespective of
26.16 whether trial be to the court alone, to the court and jury, or disposed of without trial, and
26.17 shall include the entry of judgment in the action, but does not include copies or certified
26.18 copies of any papers so filed or proceedings under chapter 103E, except the provisions
26.19 therein as to appeals.
- 26.20 (2) Certified copy of any instrument from a civil or criminal proceeding, \$14, ~~and \$8~~
26.21 ~~for an uncertified copy.~~
- 26.22 (3) Issuing a subpoena, \$16 for each name.
- 26.23 (4) Filing a motion or response to a motion in civil, family, excluding child support, and
26.24 guardianship cases, \$75.
- 26.25 (5) Issuing an execution and filing the return thereof; issuing a writ of attachment,
26.26 injunction, habeas corpus, mandamus, quo warranto, certiorari, or other writs not specifically
26.27 mentioned, \$55.
- 26.28 (6) Issuing a transcript of judgment, or for filing and docketing a transcript of judgment
26.29 from another court, \$40.
- 26.30 (7) Filing and entering a satisfaction of judgment, partial satisfaction, or assignment of
26.31 judgment, \$5.
- 27.1 (8) Certificate as to existence or nonexistence of judgments docketed, \$5 for each name
27.2 certified to.
- 27.3 (9) Filing and indexing trade name; or recording basic science certificate; or recording
27.4 certificate of physicians, osteopathic physicians, chiropractors, veterinarians, or optometrists,
27.5 \$5.
- 27.6 (10) For the filing of each partial, final, or annual account in all trusteeships, \$55.
- 27.7 (11) For the deposit of a will, \$27.
- 27.8 (12) For recording notary commission, \$20.
- 27.9 (13) Filing a motion or response to a motion for modification of child support, a fee of
27.10 \$50.
- 27.11 (14) All other services required by law for which no fee is provided, such fee as compares
27.12 favorably with those herein provided, or such as may be fixed by rule or order of the court.

202.3 (15) In addition to any other filing fees under this chapter, a surcharge in the amount of
 202.4 \$75 must be assessed in accordance with section 259.52, subdivision 14, for each adoption
 202.5 petition filed in district court to fund the fathers' adoption registry under section 259.52.

202.6 The fees in clauses (3) and (5) need not be paid by a public authority or the party the
 202.7 public authority represents. No fee may be charged for an uncertified copy of an instrument
 202.8 from a civil or criminal proceeding.

202.9 Sec. 4. Minnesota Statutes 2020, section 484.85, is amended to read:

202.10 **484.85 DISPOSITION OF FINES, FEES, AND OTHER MONEY; ACCOUNTS;**
 202.11 **RAMSEY COUNTY DISTRICT COURT.**

202.12 (a) In all cases prosecuted in Ramsey County District Court by an attorney for a
 202.13 municipality or subdivision of government within Ramsey County for violation of a statute;
 202.14 an ordinance; or a charter provision, rule, or regulation of a city; all fines, penalties, and
 202.15 forfeitures collected by the court administrator shall be deposited in the state treasury and
 202.16 distributed according to this paragraph. Except where a different disposition is provided by
 202.17 section 299D.03, subdivision 5, or other law, on or before the last day of each month, the
 202.18 court shall pay over all fines, penalties, and forfeitures collected by the court administrator
 202.19 during the previous month as follows:

202.20 (1) ~~for offenses committed within the city of St. Paul, two-thirds paid to the treasurer~~
 202.21 ~~of the city of St. Paul municipality or subdivision of government within Ramsey County~~
 202.22 ~~and one-third credited to the state general fund; and~~

202.23 (2) ~~for offenses committed within any other municipality or subdivision of government~~
 202.24 ~~within Ramsey County, one half paid to the treasurer of the municipality or subdivision of~~
 202.25 ~~government and one half credited to the state general fund.~~

202.26 All other fines, penalties, and forfeitures collected by the district court shall be distributed
 202.27 by the courts as provided by law.

202.28 (b) Fines, penalties, and forfeitures shall be distributed as provided in paragraph (a)
 202.29 when:

202.30 (1) a city contracts with the county attorney for prosecutorial services under section
 202.31 484.87, subdivision 3; or

203.1 (2) the attorney general provides assistance to the city attorney under section 484.87,
 203.2 subdivision 5.

203.3 **EFFECTIVE DATE.** This section is effective July 1, 2023.

27.13 (15) In addition to any other filing fees under this chapter, a surcharge in the amount of
 27.14 \$75 must be assessed in accordance with section 259.52, subdivision 14, for each adoption
 27.15 petition filed in district court to fund the fathers' adoption registry under section 259.52.

27.16 The fees in clauses (3) and (5) need not be paid by a public authority or the party the
 27.17 public authority represents. No fee may be charged for an uncertified copy of an instrument
 27.18 from a civil or criminal proceeding.

27.19 Sec. 19. **388.052 REPORT ON CRIMINAL CHARGES AND CASES DISMISSED.**

203.4 Sec. 5. Minnesota Statutes 2020, section 517.08, subdivision 1c, is amended to read:

203.5 Subd. 1c. **Disposition of license fee.** (a) Of the civil marriage license fee collected
203.6 pursuant to subdivision 1b, paragraph (a), \$25 must be retained by the county. The local
203.7 registrar must pay \$90 to the commissioner of management and budget to be deposited as
203.8 follows:

203.9 (1) ~~\$55~~ \$40 in the general fund;

203.10 (2) \$3 in the state government special revenue fund to be appropriated to the
203.11 commissioner of public safety for parenting time centers under section 119A.37;

203.12 (3) \$2 in the special revenue fund to be appropriated to the commissioner of health for
203.13 developing and implementing the MN ENABL program under section 145.9255;

27.20 (a) In each case where the defendant is charged with a felony, a county attorney who
27.21 dismisses any part of a criminal action pursuant to Rules of Criminal Procedure, rule 30.01,
27.22 shall record the following information in writing:

27.23 (1) the name of the defendant;

27.24 (2) the date of the offense;

27.25 (3) all crimes charged;

27.26 (4) any charges that were dismissed;

27.27 (5) the name of the assistant county attorney who authorized the dismissal;

27.28 (6) the date of dismissal; and

27.29 (7) any reason for the dismissal, including dismissals due to diversion, suppression or
27.30 loss of evidence, lack of cooperation of a victim or witness, a plea agreement on a single
28.1 felony complaint with multiple felony counts, or a plea agreement involving more than one
28.2 separately charged felony complaint.

28.3 The county attorney may not record any information under this paragraph that indicates the
28.4 cooperation of a defendant as a reason for a dismissal.

28.5 (b) The county attorney shall forward the information recorded under paragraph (a) to
28.6 the Sentencing Guidelines Commission upon forms prescribed by the commission and must
28.7 publish the information on the county attorney's publicly accessible website. Information
28.8 forwarded to the Sentencing Guidelines Commission and posted on the county attorney's
28.9 website must not include the identifying information of any victim.

28.10 **EFFECTIVE DATE.** This section is effective July 1, 2022, and applies to dismissals
28.11 that take place on or after that date.

28.12 Sec. 20. Minnesota Statutes 2020, section 517.08, subdivision 1c, is amended to read:

28.13 Subd. 1c. **Disposition of license fee.** (a) Of the civil marriage license fee collected
28.14 pursuant to subdivision 1b, paragraph (a), \$25 must be retained by the county. The local
28.15 registrar must pay \$90 to the commissioner of management and budget to be deposited as
28.16 follows:

28.17 (1) ~~\$55~~ \$25 in the general fund;

28.18 (2) \$3 in the state government special revenue fund to be appropriated to the
28.19 commissioner of public safety for parenting time centers under section 119A.37;

28.20 (3) \$2 in the special revenue fund to be appropriated to the commissioner of health for
28.21 developing and implementing the MN ENABL program under section 145.9255;

203.14 (4) ~~\$25~~ \$40 in the special revenue fund is appropriated to the commissioner of
 203.15 employment and economic development for the Minnesota Family Resiliency Partnership
 203.16 under section 116L.96; and

203.17 (5) \$5 in the special revenue fund, which is appropriated to the Board of Regents of the
 203.18 University of Minnesota for the Minnesota couples on the brink project under section 137.32.

203.19 (b) Of the \$40 fee under subdivision 1b, paragraph (b), \$25 must be retained by the
 203.20 county. The local registrar must pay \$15 to the commissioner of management and budget
 203.21 to be deposited as follows:

203.22 (1) \$5 as provided in paragraph (a), clauses (2) and (3); and

203.23 (2) \$10 in the special revenue fund is appropriated to the commissioner of employment
 203.24 and economic development for the Minnesota Family Resiliency Partnership under section
 203.25 116L.96.

203.26 **EFFECTIVE DATE.** This section is effective July 1, 2023.

203.27 Sec. 6. Minnesota Statutes 2020, section 590.01, subdivision 4, is amended to read:

203.28 Subd. 4. **Time limit.** (a) No petition for postconviction relief may be filed more than
 203.29 two years after the later of:

203.30 (1) the entry of judgment of conviction or sentence if no direct appeal is filed; or

204.1 (2) an appellate court's disposition of petitioner's direct appeal.

204.2 (b) Notwithstanding paragraph (a), a court may hear a petition for postconviction relief
 204.3 if:

204.4 (1) the petitioner establishes that a physical disability or mental disease precluded a
 204.5 timely assertion of the claim;

204.6 (2) the petitioner alleges the existence of newly discovered evidence, including scientific
 204.7 evidence, that could not have been ascertained by the exercise of due diligence by the
 204.8 petitioner or petitioner's attorney within the two-year time period for filing a postconviction
 204.9 petition, and the evidence is not cumulative to evidence presented at trial, is not for
 204.10 impeachment purposes, and establishes by a clear and convincing standard that the petitioner
 204.11 is innocent of the offense or offenses for which the petitioner was convicted;

204.12 (3) the petitioner asserts a new interpretation of federal or state constitutional or statutory
 204.13 law by either the United States Supreme Court or a Minnesota appellate court and the
 204.14 petitioner establishes that this interpretation is retroactively applicable to the petitioner's
 204.15 case;

28.22 (4) ~~\$25~~ \$55 in the special revenue fund is appropriated to the commissioner of
 28.23 employment and economic development for the Minnesota Family Resiliency Partnership
 28.24 under section 116L.96; and

28.25 (5) \$5 in the special revenue fund, which is appropriated to the Board of Regents of the
 28.26 University of Minnesota for the Minnesota couples on the brink project under section 137.32.

28.27 (b) Of the \$40 fee under subdivision 1b, paragraph (b), \$25 must be retained by the
 28.28 county. The local registrar must pay \$15 to the commissioner of management and budget
 28.29 to be deposited as follows:

28.30 (1) \$5 as provided in paragraph (a), clauses (2) and (3); and

29.1 (2) \$10 in the special revenue fund is appropriated to the commissioner of employment
 29.2 and economic development for the Minnesota Family Resiliency Partnership under section
 29.3 116L.96.

- 204.16 (4) the petition is brought pursuant to subdivision 3; ~~or~~
- 204.17 (5) the petitioner establishes to the satisfaction of the court that the petition is not frivolous
- 204.18 and is in the interests of justice; or
- 204.19 (6) the petitioner is either placed into immigration removal proceedings, or detained for
- 204.20 the purpose of removal from the United States, or received notice to report for removal, as
- 204.21 a result of a conviction that was obtained by relying on incorrect advice or absent advice
- 204.22 from counsel on immigration consequences.
- 204.23 (c) Any petition invoking an exception provided in paragraph (b) must be filed within
- 204.24 two years of the date the claim arises.
- 204.25 **ARTICLE 10**
- 204.26 **GOVERNMENT DATA PRACTICES AND PRIVACY**
- 204.27 Section 1. Minnesota Statutes 2020, section 5B.02, is amended to read:
- 204.28 **5B.02 DEFINITIONS.**
- 204.29 (a) For purposes of this chapter and unless the context clearly requires otherwise, the
- 204.30 definitions in this section have the meanings given them.
- 205.1 (b) "Address" means an individual's work address, school address, or residential street
- 205.2 address, as specified on the individual's application to be a program participant under this
- 205.3 chapter.
- 205.4 (c) "Applicant" means an adult, a parent or guardian acting on behalf of an eligible
- 205.5 minor, or a guardian acting on behalf of an incapacitated person, as defined in section
- 205.6 524.5-102.
- 205.7 (d) "Domestic violence" means an act as defined in section 518B.01, subdivision 2,
- 205.8 paragraph (a), and includes a threat of such acts committed against an individual in a domestic
- 205.9 situation, regardless of whether these acts or threats have been reported to law enforcement
- 205.10 officers.
- 205.11 (e) "Eligible person" means an adult, a minor, or an incapacitated person, as defined in
- 205.12 section 524.5-102 for whom there is good reason to believe (1) that the eligible person is a
- 205.13 victim of domestic violence, sexual assault, or harassment or stalking, or (2) that the eligible
- 205.14 person fears for the person's safety, the safety of another person who resides in the same
- 205.15 household, or the safety of persons on whose behalf the application is made. An individual
- 205.16 must reside in Minnesota in order to be an eligible person. A person registered or required
- 205.17 to register as a predatory offender under section 243.166 or 243.167, or the law of another
- 205.18 jurisdiction, is not an eligible person.

205.19 (f) "Mail" means first class letters and flats delivered via the United States Postal Service,
 205.20 including priority, express, and certified mail, and excluding ~~packages, parcels, (1)~~
 205.21 periodicals, and catalogues, and (2) packages and parcels unless they are clearly identifiable
 205.22 as nonrefrigerated pharmaceuticals or clearly indicate that they are sent by the federal
 205.23 government or a state or county government agency of the continental United States, Hawaii,
 205.24 District of Columbia, or United States territories.

205.25 (g) "Program participant" means an individual certified as a program participant under
 205.26 section 5B.03.

205.27 (h) "Harassment" or "stalking" means acts criminalized under section 609.749 and
 205.28 includes a threat of such acts committed against an individual, regardless of whether these
 205.29 acts or threats have been reported to law enforcement officers.

205.30 Sec. 2. Minnesota Statutes 2020, section 5B.05, is amended to read:

205.31 **5B.05 USE OF DESIGNATED ADDRESS.**

205.32 (a) When a program participant presents the address designated by the secretary of state
 205.33 to any person or entity, that address must be accepted as the address of the program
 206.1 participant. The person may not require the program participant to submit any address that
 206.2 could be used to physically locate the participant either as a substitute or in addition to the
 206.3 designated address, or as a condition of receiving a service or benefit, unless the service or
 206.4 benefit would be impossible to provide without knowledge of the program participant's
 206.5 physical location. Notwithstanding a person's or entity's knowledge of a program participant's
 206.6 physical location, the person or entity must use the program participant's designated address
 206.7 for all mail correspondence with the program participant.

206.8 (b) A program participant may use the address designated by the secretary of state as
 206.9 the program participant's work address.

206.10 (c) The Office of the Secretary of State shall forward all mail sent to the designated
 206.11 address to the proper program participants.

206.12 (d) If a program participant has notified a person in writing, on a form prescribed by the
 206.13 program, that the individual is a program participant and of the requirements of this section,
 206.14 the person must not knowingly disclose the participant's name or address identified by the
 206.15 participant on the notice. If identified on the notice, the individual receiving the notice must
 206.16 not knowingly disclose the program participant's name, home address, work address, or
 206.17 school address, unless the person to whom the address is disclosed also lives, works, or
 206.18 goes to school at the address disclosed, or the participant has provided written consent to
 206.19 disclosure of the participant's name, home address, work address, or school address for the
 206.20 purpose for which the disclosure will be made. This paragraph applies to the actions and
 206.21 reports of guardians ad litem, except that guardians ad litem may disclose the program
 206.22 participant's name. This paragraph does not apply to records of the judicial branch governed
 206.23 by rules adopted by the supreme court or government entities governed by section 13.045.

206.24 Sec. 3. Minnesota Statutes 2020, section 5B.10, subdivision 1, is amended to read:

206.25 Subdivision 1. **Display by landlord.** If a program participant has notified the program
 206.26 participant's landlord in writing that the individual is a program participant and of the
 206.27 requirements of this section, a local ordinance or the landlord must not require the display
 206.28 of, and the landlord shall not display, the program participant's name at an address otherwise
 206.29 protected under this chapter.

206.30 Sec. 4. Minnesota Statutes 2020, section 13.045, subdivision 1, is amended to read:

206.31 Subdivision 1. **Definitions.** As used in this section:

206.32 (1) "program participant" has the meaning given in section 5B.02, paragraph (g);

207.1 (2) "location data" means any data the participant specifies that may be used to physically
 207.2 locate a program participant, including but not limited to such as the program participant's
 207.3 residential address, work address, and or school address, and that is collected, received, or
 207.4 maintained by a government entity prior to the date a program participant's certification
 207.5 expires, or the date the entity receives notice that the program participant has withdrawn
 207.6 from the program, whichever is earlier;

207.7 (3) "identity data" means data that may be used to identify a program participant,
 207.8 including the program participant's name, phone number, e-mail address, address designated
 207.9 under chapter 5B, Social Security number, or driver's license number, and that is collected,
 207.10 received, or maintained by a government entity before the date a program participant's
 207.11 certification expires, or the date the entity receives notice that the program participant has
 207.12 withdrawn from the program, whichever is earlier;

207.13 (4) "county recorder" means the county official who performs the functions of the county
 207.14 recorder or registrar of titles to record a document as part of the county real estate document
 207.15 recording system, regardless of title or office; and

207.16 (5) "real property records" means any record of data that is maintained by a county as
 207.17 part of the county real estate document recording system for use by the public, data on
 207.18 assessments, data on real or personal property taxation, and other data on real property.

207.19 Sec. 5. Minnesota Statutes 2020, section 13.045, subdivision 2, is amended to read:

207.20 Subd. 2. **Notification of certification.** (a) A program participant may submit a notice,
 207.21 in writing, to notify the responsible authority of any government entity other than the county
 207.22 recorder in writing, on a form prescribed by the secretary of state, that the participant is
 207.23 certified in the Safe at Home address confidentiality program pursuant to chapter 5B. The
 207.24 notice must include the program participant's name, ~~names of other program participants~~
 207.25 ~~in the household~~, date of birth, address designated under chapter 5B, program participant
 207.26 signature, signature of the participant's parent or guardian if the participant is a minor, date
 207.27 the program participant's certification in the program expires, and any other information

207.28 specified by the secretary of state. A program participant may submit a subsequent notice
 207.29 of certification, if the participant's certification is renewed. The contents of the notification
 207.30 of certification are private data on individuals. A notice provided pursuant to this paragraph
 207.31 is a request to protect location data unless the participant requests that specific identity data
 207.32 also be protected.

207.33 (b) To affect real property records, including but not limited to documents maintained
 207.34 in a public recording system, data on assessments and taxation, and other data on real
 208.1 property, a program participant must submit a real property notice in writing to the county
 208.2 recorder in the county where the property identified in the real property notice is located.
 208.3 To affect real property records maintained by any other government entity, a program
 208.4 participant must submit a real property notice in writing to the other government entity's
 208.5 responsible authority. A real property notice must be on a form prescribed by the secretary
 208.6 of state and must include:

208.7 (1) the full legal name of the program participant, including middle name;

208.8 (2) the last four digits of the program participant's Social Security number;

208.9 (3) the participant's date of birth;

208.10 ~~(3)~~ (4) the designated address of the program participant as assigned by the secretary of
 208.11 state, including lot number;

208.12 ~~(4) the date the program participant's certification in the program expires;~~

208.13 (5) the legal description and street address, if any, of the real property affected by the
 208.14 notice;

208.15 (6) the address of the Office of the Secretary of State; and

208.16 (7) the signature of the program participant.

208.17 Only one parcel of real property may be included in each notice, but more than one notice
 208.18 may be presented to the county recorder. The county recorder recipient of the notice may
 208.19 require a program participant to provide additional information necessary to identify the
 208.20 records of the program participant or the real property described in the notice. A program
 208.21 participant must submit a subsequent real property notice for the real property if the
 208.22 participant's certification is renewed legal name changes. The real property notice is private
 208.23 data on individuals.

208.24 Sec. 6. Minnesota Statutes 2020, section 13.045, subdivision 3, is amended to read:

208.25 Subd. 3. **Classification of identity and location data; amendment of records; sharing**
 208.26 **and dissemination.** (a) Identity and location data on for which a program participant who
 208.27 submits a notice seeks protection under subdivision 2, paragraph (a), that are not otherwise

208.28 classified by law are private data on individuals. Notwithstanding any provision of law to
 208.29 the contrary, private or confidential location data on a program participant who submits a
 208.30 notice under subdivision 2, paragraph (a), may not be shared with any other government
 208.31 entity or nongovernmental entity except as provided in paragraph (b).

209.1 (b) Private or confidential location data on a program participant must not be shared or
 209.2 disclosed by a government entity Notwithstanding any provision of law to the contrary,
 209.3 private or confidential location data on a program participant who submits a notice under
 209.4 subdivision 2, paragraph (a), may not be shared with any other government entity or
 209.5 nongovernmental entity unless:

209.6 (1) the program participant has expressly consented in writing to sharing or dissemination
 209.7 of the data for the purpose for which the sharing or dissemination will occur;

209.8 (2) the data are subject to sharing or dissemination pursuant to court order under section
 209.9 13.03, subdivision 6;

209.10 (3) the data are subject to sharing pursuant to section 5B.07, subdivision 2;

209.11 (4) the location data related to county of residence are needed to provide public assistance
 209.12 or other government services, or to allocate financial responsibility for the assistance or
 209.13 services;

209.14 (5) the data are necessary to perform a government entity's health, safety, or welfare
 209.15 functions, including the provision of emergency 911 services, the assessment and
 209.16 investigation of child or vulnerable adult abuse or neglect, or the assessment or inspection
 209.17 of services or locations for compliance with health, safety, or professional standards; or

209.18 (6) the data are necessary to aid an active law enforcement investigation of the program
 209.19 participant.

209.20 (c) Data disclosed under paragraph (b), clauses (4) to (6), may be used only for the
 209.21 purposes authorized in this subdivision and may not be further disclosed to any other person
 209.22 or government entity. Government entities receiving or sharing private or confidential data
 209.23 under this subdivision shall establish procedures to protect the data from further disclosure.

209.24 (d) Real property record data are governed by subdivision 4a.

209.25 (e) Notwithstanding sections 15.17 and 138.17, a government entity may amend records
 209.26 to replace a participant's location data with the participant's designated address.

209.27 Sec. 7. Minnesota Statutes 2020, section 13.045, subdivision 4a, is amended to read:

209.28 Subd. 4a. **Real property records.** (a) If a program participant submits a notice to a
 209.29 county recorder under subdivision 2, paragraph (b), the county recorder government entity

209.30 must not disclose the program participant's identity data in conjunction with the property
 209.31 identified in the written notice in the entity's real property records, unless:

210.1 (1) the program participant has consented to sharing or dissemination of the data for the
 210.2 purpose identified in a writing acknowledged by the program participant;

210.3 (2) the data are subject to sharing or dissemination pursuant to court order under section
 210.4 13.03, subdivision 6; ~~or~~

210.5 (3) the secretary of state authorizes the sharing or dissemination of the data under
 210.6 subdivision 4b for the purpose identified in the authorization; or

210.7 (4) the data are shared with a government entity subject to this chapter for the purpose
 210.8 of administering assessment and taxation laws.

210.9 This subdivision does not prevent ~~the~~ a county recorder from returning original documents
 210.10 to the individuals that submitted the documents for recording. This subdivision does not
 210.11 prevent the public disclosure of the participant's name and address designated under chapter
 210.12 5B in the county reception index if the participant's name and designated address are not
 210.13 disclosed in conjunction with location data. Each ~~county recorder~~ government entity shall
 210.14 establish procedures for recording or filing documents to comply with this subdivision.
 210.15 These procedures may include masking identity or location data and making documents or
 210.16 certificates of title containing the data private and not viewable except as allowed by this
 210.17 paragraph. The procedure must comply with the requirements of chapters 386, 507, 508,
 210.18 and 508A and other laws as appropriate, to the extent these requirements do not conflict
 210.19 with this section. The procedures must provide public notice of the existence of recorded
 210.20 documents and certificates of title that are not publicly viewable and the provisions for
 210.21 viewing them under this subdivision. Notice that a document or certificate is private and
 210.22 viewable only under this subdivision or subdivision 4b is deemed constructive notice of the
 210.23 document or certificate.

210.24 (b) A real property notice is notice only to the county recorder. A notice that does not
 210.25 conform to the requirements of a real property notice under subdivision 2, paragraph (b);
 210.26 is not effective as a notice to the county recorder. On receipt of a real property notice, the
 210.27 county recorder shall provide a copy of the notice to the person who maintains the property
 210.28 tax records in that county, and If the recipient of the real property notice is the county
 210.29 recorder, the county recorder shall notify the county's responsible authority and provide a
 210.30 copy to the secretary of state at the address specified in the notice. If the recipient of the
 210.31 notice is the responsible authority, the responsible authority shall provide a copy to the
 210.32 secretary of state at the address specified by the secretary of state in the notice.

210.33 (c) Paragraph (a) applies only to the records recorded or filed concurrently with the real
 210.34 property notice specified in subdivision 2, paragraph (b), and real property records affecting
 211.1 the same real property created or recorded subsequent to the ~~county's~~ government entity's
 211.2 receipt of the real property notice.

- 211.3 (d) The prohibition on disclosure in paragraph (a) continues until:
- 211.4 (1) the program participant has consented to the termination of the real property notice
- 211.5 in a writing acknowledged by the program participant. Notification under this paragraph
- 211.6 must be given by the government entity to the secretary of state within 90 days of the
- 211.7 termination;
- 211.8 (2) the real property notice is terminated pursuant to a court order. Notification under
- 211.9 this paragraph must be given by the government entity to the secretary of state within 90
- 211.10 days of the termination;
- 211.11 (3) the program participant no longer holds a record interest in the real property identified
- 211.12 in the real property notice. Notification under this paragraph must be given by the government
- 211.13 entity to the secretary of state within 90 days of the termination; or
- 211.14 (4) the secretary of state has given written notice to the ~~county recorder~~ government
- 211.15 entity who provided the secretary of state with a copy of a participant's real property notice
- 211.16 that the program participant's certification has terminated. Notification under this paragraph
- 211.17 must be given by the secretary of state within 90 days of the termination.
- 211.18 Upon termination of the prohibition of disclosure, the ~~county recorder~~ government entity
- 211.19 shall make publicly viewable all documents and certificates of title relative to the participant
- 211.20 that were previously partially or wholly private and not viewable.
- 211.21 Sec. 8. **[13.204] POLITICAL SUBDIVISIONS LICENSING DATA.**
- 211.22 (a) The following data submitted to a political subdivision by a person seeking to obtain
- 211.23 a license are classified as private data on individuals or nonpublic data:
- 211.24 (1) a tax return, as defined by section 270B.01, subdivision 2; and
- 211.25 (2) a bank account statement.
- 211.26 (b) Notwithstanding section 138.17, data collected by a political subdivision as part of
- 211.27 a license application and classified under paragraph (a) must be destroyed no later than 90
- 211.28 days after a final decision on the license application.
- 211.29 Sec. 9. Minnesota Statutes 2020, section 13.32, subdivision 1, is amended to read:
- 211.30 Subdivision 1. **Definitions.** As used in this section:
- 212.1 (a) "Educational data" means data on individuals maintained by a public educational
- 212.2 agency or institution or by a person acting for the agency or institution which relates to a
- 212.3 student.

212.4 Records of instructional personnel which are in the sole possession of the maker thereof
 212.5 and are not accessible or revealed to any other individual except a substitute teacher, and
 212.6 are destroyed at the end of the school year, shall not be deemed to be government data.

212.7 Records of a law enforcement unit of a public educational agency or institution which
 212.8 are maintained apart from education data and are maintained solely for law enforcement
 212.9 purposes, and are not disclosed to individuals other than law enforcement officials of the
 212.10 jurisdiction are not educational data; provided, that education records maintained by the
 212.11 educational agency or institution are not disclosed to the personnel of the law enforcement
 212.12 unit. The University of Minnesota police department is a law enforcement agency for
 212.13 purposes of section 13.82 and other sections of Minnesota Statutes dealing with law
 212.14 enforcement records. Records of organizations providing security services to a public
 212.15 educational agency or institution must be administered consistent with section 13.861.

212.16 Records relating to a student who is employed by a public educational agency or
 212.17 institution which are made and maintained in the normal course of business, relate exclusively
 212.18 to the individual in that individual's capacity as an employee, and are not available for use
 212.19 for any other purpose are classified pursuant to section 13.43.

212.20 (b) "Juvenile justice system" includes criminal justice agencies and the judiciary when
 212.21 involved in juvenile justice activities.

212.22 (c) "Parent" means a parent of a student and includes a natural parent, a guardian, or an
 212.23 individual acting as a parent in the absence of a parent or a guardian.

212.24 (d) "School-issued device" means hardware or software that a public educational agency
 212.25 or institution, acting independently or with a technology provider, provides to an individual
 212.26 student for that student's dedicated personal use. A school-issued device includes a device
 212.27 issued through a one-to-one program.

212.28 ~~(e)~~ (e) "Student" means an individual currently or formerly enrolled or registered,
 212.29 applicants for enrollment or registration at a public educational agency or institution, or
 212.30 individuals who receive shared time educational services from a public agency or institution.

212.31 ~~(f)~~ (f) "Substitute teacher" means an individual who performs on a temporary basis the
 212.32 duties of the individual who made the record, but does not include an individual who
 212.33 permanently succeeds to the position of the maker of the record.

213.1 (g) "Technology provider" means a person who:

213.2 (1) contracts with a public educational agency or institution, as part of a one-to-one
 213.3 program or otherwise, to provide a school-issued device for student use; and

213.4 (2) creates, receives, or maintains educational data pursuant or incidental to a contract
 213.5 with a public educational agency or institution.

- 213.6 **EFFECTIVE DATE.** This section is effective for the 2022-2023 school year and later.
- 213.7 Sec. 10. Minnesota Statutes 2020, section 13.32, subdivision 3, is amended to read:
- 213.8 Subd. 3. **Private data; when disclosure is permitted.** Except as provided in subdivision
- 213.9 5, educational data is private data on individuals and shall not be disclosed except as follows:
- 213.10 (a) pursuant to section 13.05;
- 213.11 (b) pursuant to a valid court order;
- 213.12 (c) pursuant to a statute specifically authorizing access to the private data;
- 213.13 (d) to disclose information in health, including mental health, and safety emergencies
- 213.14 pursuant to the provisions of United States Code, title 20, section 1232g(b)(1)(I) and Code
- 213.15 of Federal Regulations, title 34, section 99.36;
- 213.16 (e) pursuant to the provisions of United States Code, title 20, sections 1232g(b)(1),
- 213.17 (b)(4)(A), (b)(4)(B), (b)(1)(B), (b)(3), (b)(6), (b)(7), and (i), and Code of Federal Regulations,
- 213.18 title 34, sections 99.31, 99.32, 99.33, 99.34, 99.35, and 99.39;
- 213.19 (f) to appropriate health authorities to the extent necessary to administer immunization
- 213.20 programs and for bona fide epidemiologic investigations which the commissioner of health
- 213.21 determines are necessary to prevent disease or disability to individuals in the public
- 213.22 educational agency or institution in which the investigation is being conducted;
- 213.23 (g) when disclosure is required for institutions that participate in a program under title
- 213.24 IV of the Higher Education Act, United States Code, title 20, section 1092;
- 213.25 (h) to the appropriate school district officials to the extent necessary under subdivision
- 213.26 6, annually to indicate the extent and content of remedial instruction, including the results
- 213.27 of assessment testing and academic performance at a postsecondary institution during the
- 213.28 previous academic year by a student who graduated from a Minnesota school district within
- 213.29 two years before receiving the remedial instruction;
- 213.30 (i) to appropriate authorities as provided in United States Code, title 20, section
- 213.31 1232g(b)(1)(E)(ii), if the data concern the juvenile justice system and the ability of the
- 214.1 system to effectively serve, prior to adjudication, the student whose records are released;
- 214.2 provided that the authorities to whom the data are released submit a written request for the
- 214.3 data that certifies that the data will not be disclosed to any other person except as authorized
- 214.4 by law without the written consent of the parent of the student and the request and a record
- 214.5 of the release are maintained in the student's file;
- 214.6 (j) to volunteers who are determined to have a legitimate educational interest in the data
- 214.7 and who are conducting activities and events sponsored by or endorsed by the educational
- 214.8 agency or institution for students or former students;

- 214.9 (k) to provide student recruiting information, from educational data held by colleges
 214.10 and universities, as required by and subject to Code of Federal Regulations, title 32, section
 214.11 216;
- 214.12 (l) to the juvenile justice system if information about the behavior of a student who poses
 214.13 a risk of harm is reasonably necessary to protect the health or safety of the student or other
 214.14 individuals;
- 214.15 (m) with respect to Social Security numbers of students in the adult basic education
 214.16 system, to Minnesota State Colleges and Universities and the Department of Employment
 214.17 and Economic Development for the purpose and in the manner described in section 124D.52,
 214.18 subdivision 7;
- 214.19 (n) to the commissioner of education for purposes of an assessment or investigation of
 214.20 a report of alleged maltreatment of a student as mandated by chapter 260E. Upon request
 214.21 by the commissioner of education, data that are relevant to a report of maltreatment and are
 214.22 from charter school and school district investigations of alleged maltreatment of a student
 214.23 must be disclosed to the commissioner, including, but not limited to, the following:
- 214.24 (1) information regarding the student alleged to have been maltreated;
- 214.25 (2) information regarding student and employee witnesses;
- 214.26 (3) information regarding the alleged perpetrator; and
- 214.27 (4) what corrective or protective action was taken, if any, by the school facility in response
 214.28 to a report of maltreatment by an employee or agent of the school or school district;
- 214.29 (o) when the disclosure is of the final results of a disciplinary proceeding on a charge
 214.30 of a crime of violence or nonforcible sex offense to the extent authorized under United
 214.31 States Code, title 20, section 1232g(b)(6)(A) and (B) and Code of Federal Regulations, title
 214.32 34, sections 99.31 (a)(13) and (14);
- 215.1 (p) when the disclosure is information provided to the institution under United States
 215.2 Code, title 42, section 14071, concerning registered sex offenders to the extent authorized
 215.3 under United States Code, title 20, section 1232g(b)(7); ~~or~~
- 215.4 (q) when the disclosure is to a parent of a student at an institution of postsecondary
 215.5 education regarding the student's violation of any federal, state, or local law or of any rule
 215.6 or policy of the institution, governing the use or possession of alcohol or of a controlled
 215.7 substance, to the extent authorized under United States Code, title 20, section 1232g(i), and
 215.8 Code of Federal Regulations, title 34, section 99.31 (a)(15), and provided the institution
 215.9 has an information release form signed by the student authorizing disclosure to a parent.
 215.10 The institution must notify parents and students about the purpose and availability of the

- 215.11 information release forms. At a minimum, the institution must distribute the information
 215.12 release forms at parent and student orientation meetings;
- 215.13 (r) with Tribal Nations about Tribally enrolled or descendant students to the extent
 215.14 necessary for the Tribal Nation and school district or charter school to support the educational
 215.15 attainment of the student; or
- 215.16 (s) a student's name, home address, telephone number, e-mail address, or other personal
 215.17 contact information may be disclosed to a government entity that is determined to have a
 215.18 legitimate educational interest in the data and that is conducting a service, activity, or event
 215.19 sponsored by or endorsed by the educational agency or institution for students or former
 215.20 students.
- 215.21 **EFFECTIVE DATE.** This section is effective the day following final enactment.
- 215.22 Sec. 11. Minnesota Statutes 2020, section 13.32, subdivision 5, is amended to read:
- 215.23 Subd. 5. **Directory information.** Information (a) Educational data designated as directory
 215.24 information is public data on individuals to the extent required under federal law. Directory
 215.25 information must be designated pursuant to the provisions of:
- 215.26 (1) this subdivision; and
- 215.27 (2) United States Code, title 20, section 1232g, and Code of Federal Regulations, title
 215.28 34, section 99.37, which are were in effect on January 3, 2012, is public data on individuals;
 215.29 to the extent required under federal law.
- 215.30 (b) When conducting the directory information designation and notice process required
 215.31 by federal law, an educational agency or institution shall give parents and students notice
 215.32 of the right to refuse to let the agency or institution designate ~~any or all~~ specified data about
 216.1 the student as directory information. This notice may be given by any means reasonably
 216.2 likely to inform the parents and students of the right.
- 216.3 (c) An educational agency or institution may not designate a student's home address,
 216.4 telephone number, e-mail address, or other personal contact information as directory
 216.5 information under this subdivision. This paragraph does not apply to a postsecondary
 216.6 institution.
- 216.7 **EFFECTIVE DATE.** This section is effective the day following final enactment.
- 216.8 Beginning upon the effective date of this section, a student's personal contact information
 216.9 subject to this section must be treated by an educational agency or institution as private
 216.10 educational data under Minnesota Statutes, section 13.32, regardless of whether that contact
 216.11 information was previously designated as directory information under Minnesota Statutes,
 216.12 section 13.32, subdivision 5.

- 216.13 Sec. 12. Minnesota Statutes 2020, section 13.32, is amended by adding a subdivision to
216.14 read:
- 216.15 Subd. 13. **Technology providers.** (a) A technology provider is subject to the provisions
216.16 of section 13.05, subdivision 11.
- 216.17 (b) All educational data created, received, maintained, or disseminated by a technology
216.18 provider pursuant or incidental to a contract with a public educational agency or institution
216.19 are not the technology provider's property.
- 216.20 (c) If educational data maintained by the technology provider are subject to a breach of
216.21 the security of the data, as defined in section 13.055, the technology provider must, following
216.22 discovery of the breach, disclose to the public educational agency or institution all
216.23 information necessary to fulfill the requirements of section 13.055.
- 216.24 (d) Unless renewal of the contract is reasonably anticipated, within 30 days of the
216.25 expiration of the contract, a technology provider must destroy or return to the appropriate
216.26 public educational agency or institution all educational data created, received, or maintained
216.27 pursuant or incidental to the contract.
- 216.28 (e) A technology provider must not sell, share, or disseminate educational data, except
216.29 as provided by this section or as part of a valid delegation or assignment of its contract with
216.30 a public educational agency or institution. An assignee or delegee that creates, receives, or
216.31 maintains educational data is subject to the same restrictions and obligations under this
216.32 section as the technology provider.
- 217.1 (f) A technology provider must not use educational data for any commercial purpose,
217.2 including but not limited to marketing or advertising to a student or parent.
- 217.3 (g) A technology provider must establish written procedures to ensure appropriate
217.4 security safeguards for educational data. These procedures must require that:
- 217.5 (1) the technology provider's employees or contractors have access to educational data
217.6 only if authorized; and
- 217.7 (2) the technology provider's employees or contractors may be authorized to access
217.8 educational data only if access is necessary to fulfill the official duties of the employee or
217.9 contractor.
- 217.10 These written procedures are public data.
- 217.11 (h) Within 30 days of the start of each school year, a public educational agency or
217.12 institution must give parents and students direct, timely notice, by United States mail, e-mail,
217.13 or other direct form of communication, of any curriculum, testing, or assessment technology
217.14 provider contract affecting a student's educational data. The notice must:

- 217.15 (1) identify each curriculum, testing, or assessment technology provider with access to
217.16 educational data;
- 217.17 (2) identify the educational data affected by the curriculum, testing, or assessment
217.18 technology provider contract; and
- 217.19 (3) include information about the contract inspection and, if applicable, the parent or
217.20 student's ability to opt out of any program or activity that allows a curriculum, testing, or
217.21 assessment technology provider to access a student's educational data.
- 217.22 (i) A public educational agency or institution must provide parents and students an
217.23 opportunity to inspect a complete copy of any contract with a technology provider.
- 217.24 (j) A public educational agency or institution must not penalize or withhold an educational
217.25 benefit from a parent or student who opts out of any program or activity that allows a
217.26 technology provider to access a student's educational data.
- 217.27 **EFFECTIVE DATE.** This section is effective for the 2022-2023 school year and later.
- 217.28 Sec. 13. Minnesota Statutes 2020, section 13.32, is amended by adding a subdivision to
217.29 read:
- 217.30 Subd. 14. **School-issued devices.** (a) Except as provided in paragraph (b), a government
217.31 entity or technology provider must not electronically access or monitor:
- 218.1 (1) any location-tracking feature of a school-issued device;
- 218.2 (2) any audio or visual receiving, transmitting, or recording feature of a school-issued
218.3 device; or
- 218.4 (3) student interactions with a school-issued device, including but not limited to
218.5 keystrokes and web-browsing activity.
- 218.6 (b) A government entity or technology provider may only engage in activities prohibited
218.7 by paragraph (a) if:
- 218.8 (1) the activity is limited to a noncommercial educational purpose for instruction by
218.9 district employees, technical support by district employees, or exam-proctoring by staff
218.10 contracted by a district, a vendor, or the Department of Education and notice is provided in
218.11 advance;
- 218.12 (2) the activity is permitted under a judicial warrant;
- 218.13 (3) the public educational agency or institution is notified or becomes aware that the
218.14 device is missing or stolen;

- 218.15 (4) the activity is necessary to respond to an imminent threat to life or safety and the
 218.16 access is limited to that purpose;
- 218.17 (5) the activity is necessary to comply with federal or state law; or
- 218.18 (6) the activity is necessary to participate in federal or state funding programs, including
 218.19 but not limited to the E-Rate program.
- 218.20 (c) If a government entity or technology provider interacts with a school-issued device
 218.21 as provided in paragraph (b), clause (4), it must, within 72 hours of the access, notify the
 218.22 student to whom the school-issued device was issued or that student's parent and provide a
 218.23 written description of the interaction, including which features of the device were accessed
 218.24 and a description of the threat. This notice is not required at any time when the notice itself
 218.25 would pose an imminent threat to life or safety, but must instead be given within 72 hours
 218.26 after that imminent threat has ceased.
- 218.27 **EFFECTIVE DATE.** This section is effective for the 2022-2023 school year and later.
- 219.1 Sec. 14. Minnesota Statutes 2020, section 13.32, is amended by adding a subdivision to
 219.2 read:
- 219.3 **Subd. 15. Application to postsecondary institutions; exemption.** (a) A postsecondary
 219.4 institution is exempt from subdivisions 13 and 14. This exemption extends to a technology
 219.5 provider for purposes of a contract with a postsecondary institution.
- 219.6 (b) Subdivisions 13 and 14 shall not apply to a nonprofit national assessment provider
 219.7 solely for purposes of providing access to employment, educational scholarships and
 219.8 programs, financial aid, or postsecondary educational opportunities, if the provider secures
 219.9 express digital or written consent of the student or the student's parent or guardian, in
 219.10 response to clear and conspicuous notice.
- 219.11 **EFFECTIVE DATE.** This section is effective for the 2022-2023 school year and later.
- 219.12 Sec. 15. **[13.463] EDUCATION SUPPORT SERVICES DATA.**
- 219.13 **Subdivision 1. Definition.** As used in this section, "education support services data"
 219.14 means data on individuals collected, created, maintained, used, or disseminated relating to
 219.15 programs administered by a government entity or entity under contract with a government
 219.16 entity designed to eliminate disparities and advance equities in educational achievement
 219.17 for youth by coordinating services available to participants, regardless of the youth's
 219.18 involvement with other government services. Education support services data does not
 219.19 include welfare data under section 13.46.

219.20 Subd. 2. **Classification.** (a) Unless otherwise provided by law, all education support
 219.21 services data are private data on individuals and must not be disclosed except according to
 219.22 section 13.05 or a court order.

219.23 (b) The responsible authority for a government entity maintaining education support
 219.24 services data must establish written procedures to ensure that only individuals authorized
 219.25 by law may enter, update, or access not public data collected, created, or maintained by the
 219.26 driver and vehicle services information system. An authorized individual's ability to enter,
 219.27 update, or access data in the system must correspond to the official duties or training level
 219.28 of the individual and to the statutory authorization granting access for that purpose. All
 219.29 queries and responses, and all actions in which education support services data are entered,
 219.30 updated, accessed, shared, or disseminated, must be recorded in a data audit trail. Data
 219.31 contained in the audit trail have the same classification as the underlying data tracked by
 219.32 the audit trail.

220.1 Sec. 16. Minnesota Statutes 2021 Supplement, section 299C.72, subdivision 2, is amended
 220.2 to read:

220.3 Subd. 2. **Criminal history check authorized.** (a) The criminal history check authorized
 220.4 by this section shall not be used in place of a statutorily mandated or authorized background
 220.5 check.

220.6 (b) An authorized law enforcement agency may conduct a criminal history check of an
 220.7 individual who is an applicant for employment, current employee, applicant for licensure,
 220.8 or current licensee. Prior to conducting the criminal history check, the authorized law
 220.9 enforcement agency must receive the informed consent of the individual.

220.10 (c) The authorized law enforcement agency ~~shall not~~ may disseminate criminal history
 220.11 data ~~and~~ to either the hiring or licensing authority of the city or county requesting checks
 220.12 for applicants, licensees, or current employees. The authorized law enforcement agency
 220.13 and the hiring or licensing authority of the city or county must maintain ~~it~~ criminal history
 220.14 data securely with the agency's office and act consistently with section 364.05. ~~The authorized~~
 220.15 ~~law enforcement agency can indicate whether the applicant for employment or applicant~~
 220.16 ~~for licensure has a criminal history that would prevent hire, acceptance as a volunteer to a~~
 220.17 ~~hiring authority, or would prevent the issuance of a license to the department that issues the~~
 220.18 ~~license.~~

220.19 **ARTICLE 11**

220.20 **UNIFORM CANADIAN JUDGMENTS**

220.21 Section 1. **[548.64] SHORT TITLE.**

220.22 Sections 548.64 to 548.74 may be cited as the "Uniform Registration of Canadian Money
 220.23 Judgments Act."

220.24 Sec. 2. **[548.65] DEFINITIONS.**

220.25 In sections 548.64 to 548.74:

220.26 (1) "Canada" means the sovereign nation of Canada and its provinces and territories.

220.27 "Canadian" has a corresponding meaning.

220.28 (2) "Canadian judgment" means a judgment of a court of Canada, other than a judgment

220.29 that recognizes the judgment of another foreign country.

221.1 Sec. 3. **[548.66] APPLICABILITY.**

221.2 (a) Sections 548.64 to 548.74 apply to a Canadian judgment to the extent the judgment

221.3 is within the scope of sections 548.54 to 548.63, if recognition of the judgment is sought to

221.4 enforce the judgment.

221.5 (b) A Canadian judgment that grants both recovery of a sum of money and other relief

221.6 may be registered under sections 548.64 to 548.74, but only to the extent of the grant of

221.7 recovery of a sum of money.

221.8 (c) A Canadian judgment regarding subject matter both within and not within the scope

221.9 of sections 548.64 to 548.74 may be registered under sections 548.64 to 548.74, but only

221.10 to the extent the judgment is with regard to subject matter within the scope of sections

221.11 548.64 to 548.74.

221.12 Sec. 4. **[548.67] REGISTRATION OF CANADIAN JUDGMENT.**

221.13 (a) A person seeking recognition of a Canadian judgment described in section 548.66

221.14 to enforce the judgment may register the judgment in the office of the court administrator

221.15 of a court in which an action for recognition of the judgment could be filed under section

221.16 548.59.

221.17 (b) A registration under paragraph (a) must be executed by the person registering the

221.18 judgment or the person's attorney and include:

221.19 (1) a copy of the Canadian judgment authenticated in the same manner as a copy of a

221.20 foreign judgment is authenticated in an action under section 548.59 as an accurate copy by

221.21 the court that entered the judgment;

221.22 (2) the name and address of the person registering the judgment;

221.23 (3) if the person registering the judgment is not the person in whose favor the judgment

221.24 was rendered, a statement describing the interest the person registering the judgment has

221.25 in the judgment which entitles the person to seek its recognition and enforcement;

- 221.26 (4) the name and last-known address of the person against whom the judgment is being
221.27 registered;
- 221.28 (5) if the judgment is of the type described in section 548.66, paragraph (b) or (c), a
221.29 description of the part of the judgment being registered;
- 221.30 (6) the amount of the judgment or part of the judgment being registered, identifying:
- 222.1 (i) the amount of interest accrued as of the date of registration on the judgment or part
222.2 of the judgment being registered, the rate of interest, the part of the judgment to which
222.3 interest applies, and the date when interest began to accrue;
- 222.4 (ii) costs and expenses included in the judgment or part of the judgment being registered,
222.5 other than an amount awarded for attorney fees; and
- 222.6 (iii) the amount of an award of attorney fees included in the judgment or part of the
222.7 judgment being registered;
- 222.8 (7) the amount, as of the date of registration, of post-judgment costs, expenses, and
222.9 attorney fees claimed by the person registering the judgment or part of the judgment;
- 222.10 (8) the amount of the judgment or part of the judgment being registered which has been
222.11 satisfied as of the date of registration;
- 222.12 (9) a statement that:
- 222.13 (i) the judgment is final, conclusive, and enforceable under the law of the Canadian
222.14 jurisdiction in which it was rendered;
- 222.15 (ii) the judgment or part of the judgment being registered is within the scope of sections
222.16 548.64 to 548.74; and
- 222.17 (iii) if a part of the judgment is being registered, the amounts stated in the registration
222.18 under clauses (6), (7), and (8) relate to the part;
- 222.19 (10) if the judgment is not in English, a certified translation of the judgment into English;
222.20 and
- 222.21 (11) the filing fee stated in section 548.30.
- 222.22 (c) On receipt of a registration that includes the documents, information, and filing fee
222.23 required by paragraph (b), the court administrator shall file the registration, assign a docket
222.24 number, and enter the Canadian judgment in the court's docket.

222.25 (d) A registration substantially in the following form complies with the registration
 222.26 requirements under paragraph (b) if the registration includes the attachments specified in
 222.27 the form:

222.28 REGISTRATION OF CANADIAN MONEY JUDGMENT

222.29 Complete and file this form, together with the documents required by Part V of this form,
 222.30 with the court administrator. When stating an amount of money, identify the currency in
 222.31 which the amount is stated.

223.1 PART I. IDENTIFICATION OF CANADIAN JUDGMENT

223.2 Canadian Court Rendering
 223.3 the Judgment:

223.4

223.5 Case/Docket Number in
 223.6 Canadian Court:

223.7

223.8 Name of Plaintiff(s):

223.9

223.10 Name of Defendant(s):

223.11

223.12 The Canadian Court entered
 223.13 the judgment:

223.14 on in in

223.15 [Date] [City] [Province or Territory]

223.16 The judgment includes an award for the payment of money in favor of

223.17 in the amount of

223.18 If only part of the Canadian judgment is subject to registration (see Minnesota Statutes,
 223.19 section 548.66, paragraphs (b) and (c)), describe the part of the judgment being registered:

223.20

- 223.21 PART II. IDENTIFICATION OF PERSON REGISTERING JUDGMENT AND PERSON
- 223.22 AGAINST WHOM JUDGMENT IS BEING REGISTERED
- 223.23 Provide the following information for all persons seeking to register the judgment under
- 223.24 this registration and all persons against whom the judgment is being registered under this
- 223.25 registration. Name of Person(s) Registering Judgment:
- 223.26
- 223.27 If a person registering the judgment is not the person in whose favor the judgment was
- 223.28 rendered, describe the interest the person registering the judgment has in the judgment
- 223.29 which entitles the person to seek its recognition and enforcement:
- 223.30
- 223.31 Address of Person(s) Registering Judgment:
- 223.32
- 223.33 Additional Contact Information for Person(s) Registering Judgment (Optional):
- 223.34 Telephone Number: Fax Number:
- 223.35 E-mail Address:
- 223.36 Name of Attorney for Person(s) Registering Judgment, if any:
- 223.37
- 223.38 Address:
- 223.39 Telephone Number: Fax Number:
- 223.40 E-mail Address:
- 223.41 Name of Person(s) Against Whom Judgment is Being Registered:
- 224.1
- 224.2 Address of Person(s) Against Whom Judgment is Being Registered:
- 224.3 (provide the most recent address known)
- 224.4 Additional Contact Information for Person(s) Against Whom Judgment is Being Registered
- 224.5 (Optional) (provide most recent information known):

- 224.6 Telephone Number: Fax Number:
- 224.7 E-mail Address:
- 224.8 **PART III. CALCULATION OF AMOUNT FOR WHICH ENFORCEMENT IS SOUGHT**
- 224.9 Identify the currency or currencies in which each amount is stated.
- 224.10 The amount of the Canadian judgment or part of the judgment being registered is:
- 224.11
- 224.12 The amount of interest accrued as of the date of registration on the part of the judgment
- 224.13 being registered is:
- 224.14
- 224.15 The applicable rate of interest is:
- 224.16 The date when interest began to accrue is:
- 224.17 The part of the judgment to which the interest applies is:
- 224.18 The Canadian Court awarded costs and expenses relating to the part of the judgment being
- 224.19 registered in the amount of:
- 224.20
- 224.21 (exclude any amount included in the award of costs and expenses which represents an
- 224.22 award of attorney fees).
- 224.23 The person registering the Canadian judgment claims post-judgment costs and expenses
- 224.24 in the amount of:
- 224.25
- 224.26 and post-judgment attorney fees in the amount of
- 224.27
- 224.28 relating to the part of the judgment being registered (include only costs, expenses, and
- 224.29 attorney fees incurred before registration).
- 224.30 The amount of the part of the judgment being registered which has been satisfied as of the
- 224.31 date of registration is

224.32

224.33 The total amount for which enforcement of the part of the judgment being registered is
224.34 sought is

224.35

224.36 PART IV. STATEMENT OF PERSON REGISTERING JUDGMENT

224.37 I, state:

224.38 (Person Registering Judgment or Attorney for Person Registering Judgment)

224.39 1. The Canadian judgment is final, conclusive, and enforceable under the law of the
224.40 Canadian jurisdiction in which it was rendered.

225.1 2. The Canadian judgment or part of the judgment being registered is within the scope of
225.2 Minnesota Statutes, sections 548.64 to 548.74.

225.3 3. If only a part of the Canadian judgment is being registered, the amounts stated in Part
225.4 III of this form relate to that part.

225.5 PART V. ITEMS REQUIRED TO BE INCLUDED WITH REGISTRATION

225.6 Attached are (check to signify required items are included):

225.7 A copy of the Canadian judgment authenticated in the same manner a copy of a
225.8 foreign judgment is authenticated in an action under Minnesota Statutes, section
225.9 548.59, as an accurate copy by the Canadian court that entered the judgment.

225.10 If the Canadian judgment is not in English, a certified translation of the judgment
225.11 into English.

225.12 The registration fee stated in Minnesota Statutes, section 548.30.

225.13 I declare that the information provided on this form is true and correct to the best of my
225.14 knowledge and belief.

225.15 Submitted by:

225.16 Signature of Person Registering Judgment or

225.17 Attorney for Person Registering Judgment

225.18 Date of submission:

225.19 Sec. 5. **[548.68] EFFECT OF REGISTRATION.**

225.20 (a) Subject to paragraph (b), a Canadian judgment registered under section 548.67 has
 225.21 the same effect provided in section 548.60 for a judgment a court determines to be entitled
 225.22 to recognition.

225.23 (b) A Canadian judgment registered under section 548.67 may not be enforced by sale
 225.24 or other disposition of property, or by seizure of property or garnishment, until 31 days after
 225.25 notice under section 548.69 of registration is served. The court for cause may provide for
 225.26 a shorter or longer time. This paragraph does not preclude use of relief available under law
 225.27 of this state other than sections 548.64 to 548.74 to prevent dissipation, disposition, or
 225.28 removal of property.

225.29 Sec. 6. **[548.69] NOTICE OF REGISTRATION.**

225.30 (a) A person that registers a Canadian judgment under section 548.67 shall cause notice
 225.31 of registration to be served on the person against whom the judgment has been registered.

225.32 (b) Notice under this section must be served in the same manner that a summons and
 225.33 complaint must be served in an action seeking recognition under section 548.59 of a
 225.34 foreign-country money judgment.

225.35 (c) Notice under this section must include:

226.1 (1) the date of registration and court in which the judgment was registered;

226.2 (2) the docket number assigned to the registration;

226.3 (3) the name and address of:

226.4 (i) the person registering the judgment; and

226.5 (ii) the person's attorney, if any;

226.6 (4) a copy of the registration, including the documents required under section 548.67,
 226.7 paragraph (b); and

226.8 (5) a statement that:

226.9 (i) the person against whom the judgment has been registered, not later than 30 days
 226.10 after the date of service of notice, may petition the court to vacate the registration; and

226.11 (ii) the court for cause may provide for a shorter or longer time.

226.12 (d) Proof of service of notice under this section must be filed with the court administrator.

226.13 Sec. 7. **[548.70] PETITION TO VACATE REGISTRATION.**

226.14 (a) Not later than 30 days after notice under section 548.69 is served, the person against
226.15 whom the judgment was registered may petition the court to vacate the registration. The
226.16 court for cause may provide for a shorter or longer time for filing the petition.

226.17 (b) A petition under this section may assert only:

226.18 (1) a ground that could be asserted to deny recognition of the judgment under sections
226.19 548.54 to 548.63; or

226.20 (2) a failure to comply with a requirement of sections 548.64 to 548.74 for registration
226.21 of the judgment.

226.22 (c) A petition filed under this section does not itself stay enforcement of the registered
226.23 judgment.

226.24 (d) If the court grants a petition under this section, the registration is vacated, and any
226.25 act under the registration to enforce the registered judgment is void.

226.26 (e) If the court grants a petition under this section on a ground under paragraph (b),
226.27 clause (1), the court also shall render a judgment denying recognition of the Canadian
226.28 judgment. A judgment rendered under this section has the same effect as a judgment denying
226.29 recognition to a judgment on the same ground under sections 548.54 to 548.63.

227.1 Sec. 8. **[548.71] STAY OF ENFORCEMENT OF JUDGMENT PENDING**
227.2 **DETERMINATION OF PETITION.**

227.3 A person that files a petition under section 548.70, paragraph (a), to vacate registration
227.4 of a Canadian judgment may request the court to stay enforcement of the judgment pending
227.5 determination of the petition. The court shall grant the stay if the person establishes a
227.6 likelihood of success on the merits with regard to a ground listed in section 548.70, paragraph
227.7 (b), for vacating a registration. The court may require the person to provide security in an
227.8 amount determined by the court as a condition of granting the stay.

227.9 Sec. 9. **[548.72] RELATIONSHIP TO UNIFORM FOREIGN-COUNTRY MONEY**
227.10 **JUDGMENTS RECOGNITION ACT.**

227.11 (a) Sections 548.64 to 548.74 supplement the Uniform Foreign-Country Money
227.12 Judgments Recognition Act, and sections 548.54 to 548.63, other than section 548.59, apply
227.13 to a registration under sections 548.64 to 548.74.

227.14 (b) A person may seek recognition of a Canadian judgment described in section 548.66
227.15 either:

227.16 (1) by registration under sections 548.64 to 548.74; or

- 227.17 (2) under section 548.59.
- 227.18 (c) Subject to paragraph (d), a person may not seek recognition in this state of the same
 227.19 judgment or part of a judgment described in section 548.66, paragraph (b) or (c), with regard
 227.20 to the same person under both sections 548.59 and 548.64 to 548.74.
- 227.21 (d) If the court grants a petition to vacate a registration solely on a ground under section
 227.22 548.70, paragraph (b), clause (2), the person seeking registration may:
- 227.23 (1) if the defect in the registration can be cured, file a new registration under sections
 227.24 548.64 to 548.74; or
- 227.25 (2) seek recognition of the judgment under section 548.59.
- 227.26 **Sec. 10. [548.73] UNIFORMITY OF APPLICATION AND INTERPRETATION.**
- 227.27 In applying and construing this uniform act, consideration must be given to the need to
 227.28 promote uniformity of the law with respect to its subject matter among states that enact it.
- 228.1 **Sec. 11. [548.74] TRANSITIONAL PROVISION.**
- 228.2 Sections 548.64 to 548.74 apply to the registration of a Canadian judgment entered in
 228.3 a proceeding that is commenced in Canada on or after the effective date of sections 548.64
 228.4 to 548.74.
- 228.5 **Sec. 12. EFFECTIVE DATE.**
- 228.6 Sections 1 to 11 are effective January 1, 2023.
- 228.7 **ARTICLE 12**
- 228.8 **HUMAN RIGHTS**
- 228.9 **Section 1. Minnesota Statutes 2020, section 363A.03, is amended by adding a subdivision**
 228.10 **to read:**
- 228.11 **Subd. 36a. Race. "Race" is inclusive of traits associated with race, including but not**
 228.12 **limited to hair texture and hair styles such as braids, locks, and twists.**
- 228.13 **Sec. 2. Minnesota Statutes 2020, section 363A.08, is amended by adding a subdivision to**
 228.14 **read:**
- 228.15 **Subd. 8. Inquiries into pay history prohibited. (a) "Pay history," as used in this**
 228.16 **subdivision, means any prior or current wage, salary, earnings, benefits, or any other**
 228.17 **compensation about an applicant for employment.**
- 228.18 **(b) An employer, employment agency, or labor organization shall not inquire into,**
 228.19 **consider, or require disclosure from any source the pay history of an applicant for**

- 228.20 employment for the purpose of determining wages, salary, earnings, benefits, or other
 228.21 compensation for that applicant. There is a rebuttable presumption that use of pay history
 228.22 received on an applicant for employment to determine the future wages, salary, earnings,
 228.23 benefits, or other compensation for that applicant is an unfair discriminatory employment
 228.24 practice under subdivisions 1 to 3. The general prohibition against inquiring into the pay
 228.25 history of an applicant does not apply if the job applicant's pay history is a matter of public
 228.26 record under federal or state law, unless the employer, employment agency, or labor
 228.27 organization sought access to those public records with the intent of obtaining pay history
 228.28 of the applicant for the purpose of determining wages, salary, earnings, benefits, or other
 228.29 compensation for that applicant.
- 228.30 (c) Nothing in this subdivision shall prevent an applicant for employment from voluntarily
 228.31 and without prompting disclosing pay history for the purposes of negotiating wages, salary,
 229.1 benefits, or other compensation. If an applicant for employment voluntarily and without
 229.2 prompting discloses pay history to a prospective employer, employment agency, or labor
 229.3 organization, nothing in this subdivision shall prohibit that employer, employment agency,
 229.4 or labor organization from considering or acting on that voluntarily disclosed salary history
 229.5 information to support a wage or salary higher than initially offered by the employer,
 229.6 employment agency, or labor organization.
- 229.7 (d) Nothing in this subdivision limits, prohibits, or prevents a person from bringing a
 229.8 charge, grievance, or any other cause of action alleging wage discrimination because of
 229.9 race, color, creed, religion, national origin, sex, gender identity, marital status, status with
 229.10 regard to public assistance, familial status, membership or activity in a local commission,
 229.11 disability, sexual orientation, or age, as otherwise provided in this chapter.
- 229.12 (e) Nothing in this subdivision shall be construed to prevent an employer from:
- 229.13 (1) providing information about the wages, benefits, compensation, or salary offered in
 229.14 relation to a position; or
- 229.15 (2) inquiring about or otherwise engaging in discussions with an applicant about the
 229.16 applicant's expectations or requests with respect to wages, salary, benefits, or other
 229.17 compensation.
- 229.18 **EFFECTIVE DATE.** This section is effective January 1, 2023. For employment covered
 229.19 by collective bargaining agreements, this section is not effective until the date of
 229.20 implementation of the applicable collective bargaining agreement that is after January 1,
 229.21 2023.
- 229.22 Sec. 3. Minnesota Statutes 2020, section 363A.11, subdivision 2, is amended to read:
- 229.23 Subd. 2. **General prohibitions.** This subdivision lists general prohibitions against
 229.24 discrimination on the basis of disability. For purposes of this subdivision, "individual" or

229.25 "class of individuals" refers to the clients or customers of the covered public accommodation
229.26 that enter into the contractual, licensing, or other arrangement.

229.27 (1) It is discriminatory to:

229.28 (i) subject an individual or class of individuals on the basis of a disability of that
229.29 individual or class, directly or through contractual, licensing, or other arrangements, to a
229.30 denial of the opportunity of the individual or class to participate in or benefit from the goods,
229.31 services, facilities, privileges, advantages, or accommodations of an entity;

230.1 (ii) afford an individual or class of individuals on the basis of the disability of that
230.2 individual or class, directly or through contractual, licensing, or other arrangements, with
230.3 the opportunity to participate in or benefit from the goods, services, facilities, privileges,
230.4 advantages, or accommodations that are not equal to those afforded to other individuals;
230.5 ~~and~~

230.6 (iii) provide an individual or class of individuals, on the basis of a disability of that
230.7 individual or class, directly or through contractual, licensing, or other arrangements, with
230.8 goods, services, facilities, privileges, advantages, or accommodations that are different or
230.9 separate from those provided to other individuals, unless the action is necessary to provide
230.10 the individual or class of individuals with goods, services, facilities, privileges, advantages,
230.11 or accommodations, or other opportunities that are as effective as those provided to others;
230.12 ~~and~~

230.13 (iv) not provide a deaf or hard-of-hearing individual or class of deaf or hard-of-hearing
230.14 individuals with closed-captioned television when television services are provided to other
230.15 individuals.

230.16 (2) Goods, services, facilities, privileges, advantages, and accommodations must be
230.17 afforded to an individual with a disability in the most integrated setting appropriate to the
230.18 needs of the individual.

230.19 (3) Notwithstanding the existence of separate or different programs or activities provided
230.20 in accordance with sections 363A.08 to 363A.19, and 363A.28, subdivision 10, the individual
230.21 with a disability may not be denied the opportunity to participate in the programs or activities
230.22 that are not separate or different.

230.23 (4) An individual or entity may not, directly or through contractual or other arrangements,
230.24 use standards or criteria and methods of administration:

230.25 (i) that have the effect of discriminating on the basis of disability; or

230.26 (ii) that perpetuate the discrimination of others who are subject to common administrative
230.27 control.

- 230.28 **EFFECTIVE DATE.** This section is effective August 1, 2023.
- 230.29 Sec. 4. Minnesota Statutes 2020, section 363A.21, subdivision 1, is amended to read:
- 230.30 Subdivision 1. **Housing.** The provisions of section 363A.09 shall not apply to:
- 230.31 (1) rooms in a temporary or permanent residence home run by a nonprofit organization,
- 230.32 if the discrimination is by sex; or
- 231.1 (2) the rental by a resident owner or occupier of a one-family accommodation of a room
- 231.2 or rooms in the accommodation to another person or persons if the discrimination is by sex,
- 231.3 marital status, status with regard to public assistance, sexual orientation, or disability. Except
- 231.4 as provided elsewhere in this chapter or other state or federal law, no person or group of
- 231.5 persons selling, renting, or leasing property is required to modify the property in any way,
- 231.6 or exercise a higher degree of care for a person having a disability than for a person who
- 231.7 does not have a disability; nor shall this chapter be construed to relieve any person or persons
- 231.8 of any obligations generally imposed on all persons regardless of any disability in a written
- 231.9 lease, rental agreement, or contract of purchase or sale, or to forbid distinctions based on
- 231.10 the inability to fulfill the terms and conditions, including financial obligations of the lease,
- 231.11 agreement, or contract; ~~or.~~
- 231.12 ~~(3) the rental by a resident owner of a unit in a dwelling containing not more than two~~
- 231.13 ~~units, if the discrimination is on the basis of sexual orientation.~~
- 231.14 Sec. 5. Minnesota Statutes 2021 Supplement, section 363A.50, is amended to read:
- 231.15 **363A.50 NONDISCRIMINATION IN ACCESS TO TRANSPLANTS.**
- 231.16 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have
- 231.17 the meanings given unless the context clearly requires otherwise.
- 231.18 (b) "Anatomical gift" has the meaning given in section 525A.02, subdivision 4.
- 231.19 (c) "Auxiliary aids and services" include, but are not limited to:
- 231.20 (1) qualified interpreters or other effective methods of making aurally delivered materials
- 231.21 available to individuals with hearing impairments and to non-English-speaking individuals;
- 231.22 (2) qualified readers, taped texts, texts in accessible electronic format, or other effective
- 231.23 methods of making visually delivered materials available to individuals with visual
- 231.24 impairments;
- 231.25 (3) the provision of information in a format that is accessible for individuals with
- 231.26 cognitive, neurological, developmental, intellectual, or physical disabilities;
- 231.27 (4) the provision of supported decision-making services; and

- 231.28 (5) the acquisition or modification of equipment or devices.
- 231.29 (d) "Covered entity" means:
- 231.30 (1) any licensed provider of health care services, including licensed health care
- 231.31 practitioners, hospitals, nursing facilities, laboratories, intermediate care facilities, psychiatric
- 232.1 residential treatment facilities, institutions for individuals with intellectual or developmental
- 232.2 disabilities, and prison health centers; or
- 232.3 (2) any entity responsible for matching anatomical gift donors to potential recipients.
- 232.4 (e) "Disability" has the meaning given in section 363A.03, subdivision 12.
- 232.5 (f) "Organ transplant" means the transplantation or infusion of a part of a human body
- 232.6 into the body of another for the purpose of treating or curing a medical condition.
- 232.7 (g) "Qualified individual" means an individual who, with or without available support
- 232.8 networks, the provision of auxiliary aids and services, or reasonable modifications to policies
- 232.9 or practices, meets the essential eligibility requirements for the receipt of an anatomical
- 232.10 gift.
- 232.11 (h) "Reasonable modifications" include, but are not limited to:
- 232.12 (1) communication with individuals responsible for supporting an individual with
- 232.13 postsurgical and post-transplantation care, including medication; and
- 232.14 (2) consideration of support networks available to the individual, including family,
- 232.15 friends, and home and community-based services, including home and community-based
- 232.16 services funded through Medicaid, Medicare, another health plan in which the individual
- 232.17 is enrolled, or any program or source of funding available to the individual, in determining
- 232.18 whether the individual is able to comply with post-transplant medical requirements.
- 232.19 (i) "Supported decision making" has the meaning given in section 524.5-102, subdivision
- 232.20 16a.
- 232.21 Subd. 2. **Prohibition of discrimination.** (a) A covered entity may not, on the basis of
- 232.22 a qualified individual's race, ethnicity, mental disability, or physical disability:
- 232.23 (1) deem an individual ineligible to receive an anatomical gift or organ transplant;
- 232.24 (2) deny medical or related organ transplantation services, including evaluation, surgery,
- 232.25 counseling, and postoperative treatment and care;
- 232.26 (3) refuse to refer the individual to a transplant center or other related specialist for the
- 232.27 purpose of evaluation or receipt of an anatomical gift or organ transplant;

- 232.28 (4) refuse to place an individual on an organ transplant waiting list or place the individual
232.29 at a lower-priority position on the list than the position at which the individual would have
232.30 been placed if not for the individual's race, ethnicity, or disability; or
- 233.1 (5) decline insurance coverage for any procedure associated with the receipt of the
233.2 anatomical gift or organ transplant, including post-transplantation and postinfusion care.
- 233.3 (b) Notwithstanding paragraph (a), a covered entity may take an individual's disability
233.4 into account when making treatment or coverage recommendations or decisions, solely to
233.5 the extent that the physical or mental disability has been found by a physician, following
233.6 an individualized evaluation of the potential recipient to be medically significant to the
233.7 provision of the anatomical gift or organ transplant. The provisions of this section may not
233.8 be deemed to require referrals or recommendations for, or the performance of, organ
233.9 transplants that are not medically appropriate given the individual's overall health condition.
- 233.10 (c) If an individual has the necessary support system to assist the individual in complying
233.11 with post-transplant medical requirements, an individual's inability to independently comply
233.12 with those requirements may not be deemed to be medically significant for the purposes of
233.13 paragraph (b).
- 233.14 (d) A covered entity must make reasonable modifications to policies, practices, or
233.15 procedures, when such modifications are necessary to make services such as
233.16 transplantation-related counseling, information, coverage, or treatment available to qualified
233.17 individuals with disabilities, unless the entity can demonstrate that making such modifications
233.18 would fundamentally alter the nature of such services.
- 233.19 (e) A covered entity must take such steps as may be necessary to ensure that no qualified
233.20 individual with a disability is denied services such as transplantation-related counseling,
233.21 information, coverage, or treatment because of the absence of auxiliary aids and services,
233.22 unless the entity can demonstrate that taking such steps would fundamentally alter the nature
233.23 of the services being offered or result in an undue burden. A covered entity is not required
233.24 to provide supported decision-making services.
- 233.25 (f) A covered entity must otherwise comply with the requirements of Titles II and III of
233.26 the Americans with Disabilities Act of 1990, the Americans with Disabilities Act
233.27 Amendments Act of 2008, and the Minnesota Human Rights Act.
- 233.28 (g) The provisions of this section apply to each part of the organ transplant process.
- 233.29 Subd. 3. **Remedies.** In addition to all other remedies available under this chapter, any
233.30 individual who has been subjected to discrimination in violation of this section may initiate
233.31 a civil action in a court of competent jurisdiction to enjoin violations of this section.

233.32 Sec. 6. **REPEALER.**

233.33 Minnesota Statutes 2020, sections 363A.20, subdivision 3; and 363A.27, are repealed.

234.1 **ARTICLE 13**

234.2 **OTHER CIVIL LAW POLICY**

234.3 Section 1. Minnesota Statutes 2021 Supplement, section 169A.63, subdivision 8, is
234.4 amended to read:

234.5 Subd. 8. **Administrative forfeiture procedure.** (a) A motor vehicle used to commit a
234.6 designated offense or used in conduct resulting in a designated license revocation is subject
234.7 to administrative forfeiture under this subdivision.

234.8 (b) Within 60 days from when a motor vehicle is seized under subdivision 2, or within
234.9 a reasonable time after seizure, the appropriate agency shall serve the driver or operator of
234.10 the vehicle with a notice of the seizure and intent to forfeit the vehicle. Additionally, when
234.11 a motor vehicle is seized under subdivision 2, or within a reasonable time after that, all
234.12 persons known to have an ownership, possessory, or security interest in the vehicle must
234.13 be notified of the seizure and the intent to forfeit the vehicle. For those vehicles required to
234.14 be registered under chapter 168, the notification to a person known to have a security interest
234.15 in the vehicle is required only if the vehicle is registered under chapter 168 and the interest
234.16 is listed on the vehicle's title. Upon motion by the appropriate agency or prosecuting
234.17 authority, a court may extend the time period for sending notice for a period not to exceed
234.18 90 days for good cause shown. Notice mailed by certified mail to the address shown in
234.19 Department of Public Safety records is sufficient notice to the registered owner of the
234.20 vehicle. For motor vehicles not required to be registered under chapter 168, notice mailed
234.21 by certified mail to the address shown in the applicable filing or registration for the vehicle
234.22 is sufficient notice to a person known to have an ownership, possessory, or security interest
234.23 in the vehicle. Otherwise, notice may be given in the manner provided by law for service
234.24 of a summons in a civil action.

234.25 (c) The notice must be in writing and contain:

234.26 (1) a description of the vehicle seized;

234.27 (2) the date of seizure; and

234.28 (3) notice of the right to obtain judicial review of the forfeiture and of the procedure for
234.29 obtaining that judicial review, printed in English. This requirement does not preclude the
234.30 appropriate agency from printing the notice in other languages in addition to English.

234.31 Substantially the following language must appear conspicuously in the notice:

234.32 "WARNING: If you were the person arrested when the property was seized, you will
234.33 automatically lose the above-described property and the right to be heard in court if you do

235.1 not file a lawsuit and serve the prosecuting authority within 60 days. You may file your
235.2 lawsuit in conciliation court if the property is worth \$15,000 or less; otherwise, you must
235.3 file in district court. You do not have to pay a filing fee for your lawsuit.

235.4 WARNING: If you have an ownership interest in the above-described property and were
235.5 not the person arrested when the property was seized, you will automatically lose the
235.6 above-described property and the right to be heard in court if you do not notify the
235.7 prosecuting authority of your interest in writing within 60 days."

235.8 (d) If notice is not sent in accordance with paragraph (b), and no time extension is granted
235.9 or the extension period has expired, the appropriate agency shall return the vehicle to the
235.10 owner. An agency's return of property due to lack of proper notice does not restrict the
235.11 agency's authority to commence a forfeiture proceeding at a later time.

235.12 (e) Within 60 days following service of a notice of seizure and forfeiture under this
235.13 subdivision, a claimant may file a demand for a judicial determination of the forfeiture. The
235.14 demand must be in the form of a civil complaint and must be filed with the court
235.15 administrator in the county in which the seizure occurred, together with proof of service of
235.16 a copy of the complaint on the prosecuting authority having jurisdiction over the forfeiture.
235.17 The claimant may serve the complaint by certified mail or any means permitted by court
235.18 rules. If the value of the seized property is \$15,000 or less, the claimant may file an action
235.19 in conciliation court for recovery of the seized vehicle. A copy of the conciliation court
235.20 statement of claim ~~must~~ may be served personally or by mail as permitted by the Rules of
235.21 Conciliation Court Procedure on the prosecuting authority having jurisdiction over the
235.22 forfeiture within 60 days following service of the notice of seizure and forfeiture under this
235.23 subdivision. The claimant does not have to pay the court filing fee.

235.24 No responsive pleading is required of the prosecuting authority and no court fees may
235.25 be charged for the prosecuting authority's appearance in the matter. The prosecuting authority
235.26 may appear for the appropriate agency. Pleadings, filings, and methods of service are
235.27 governed by the Rules of Civil Procedure and, where applicable, by the Rules of Conciliation
235.28 Court Procedure.

235.29 (f) The complaint must be captioned in the name of the claimant as plaintiff and the
235.30 seized vehicle as defendant, and must state with specificity the grounds on which the claimant
235.31 alleges the vehicle was improperly seized, the claimant's interest in the vehicle seized, and
235.32 any affirmative defenses the claimant may have. Notwithstanding any law to the contrary,
235.33 an action for the return of a vehicle seized under this section may not be maintained by or
236.1 on behalf of any person who has been served with a notice of seizure and forfeiture unless
236.2 the person has complied with this subdivision.

236.3 (g) If the claimant makes a timely demand for a judicial determination under this
236.4 subdivision, the forfeiture proceedings must be conducted as provided under subdivision
236.5 9.

236.6 **EFFECTIVE DATE.** This section is effective the day following final enactment.

236.7 Sec. 2. Minnesota Statutes 2020, section 259.11, is amended to read:

236.8 **259.11 ORDER; FILING COPIES.**

236.9 (a) Upon meeting the requirements of section 259.10, the court shall grant the application
236.10 unless: (1) it finds that there is an intent to defraud or mislead; (2) section 259.13 prohibits
236.11 granting the name change; or (3) in the case of the change of a minor child's name, the court
236.12 finds that such name change is not in the best interests of the child. The court shall set forth
236.13 in the order the name and age of the applicant's spouse and each child of the applicant, if
236.14 any, and shall state a description of the lands, if any, in which the applicant and the spouse
236.15 and children, if any, claim to have an interest. The court administrator shall file such order,
236.16 and record the same in the judgment book. If lands be described therein, a certified copy of
236.17 the order shall be filed for record, by the applicant, with the county recorder of each county
236.18 wherein any of the same are situated. Before doing so the court administrator shall present
236.19 the same to the county auditor who shall enter the change of name in the auditor's official
236.20 records and note upon the instrument, over an official signature, the words "change of name
236.21 recorded." Any such order shall not be filed, nor any certified copy thereof be issued, until
236.22 the applicant shall have paid to the county recorder and court administrator the fee required
236.23 by law. No application shall be denied on the basis of the marital status of the applicant.

236.24 (b) When a person applies for a name change, the court shall determine whether the
236.25 person has a criminal history in this or any other state. The court may conduct a search of
236.26 national records through the Federal Bureau of Investigation by submitting a set of
236.27 fingerprints and the appropriate fee to the Bureau of Criminal Apprehension. If it is
236.28 determined that the person has a criminal history in this or any other state, the court shall,
236.29 within ten days after the name change application is granted, report the name change to the
236.30 Bureau of Criminal Apprehension. The person whose name is changed shall also report the
236.31 change to the Bureau of Criminal Apprehension within ten days. The court granting the
236.32 name change application must explain this reporting duty in its order. Any person required
236.33 to report the person's name change to the Bureau of Criminal Apprehension who fails to
236.34 report the name change as required under this paragraph is guilty of a gross misdemeanor.

237.1 (c) Paragraph (b) does not apply to either:

237.2 (1) a request for a name change as part of an application for a marriage license under
237.3 section 517.08; ~~or~~

237.4 (2) a request for a name change in conjunction with a marriage dissolution under section
237.5 518.27; or

237.6 (3) a request for a name change filed under section 259.14.

237.7 Sec. 3. **[259.14] POSTDISSOLUTION NAME CHANGE.**

237.8 (a) A person who has resided in this state for at least six months and obtained the person's
 237.9 most recent final marriage dissolution from a district court in this state may apply to the
 237.10 district court in the county where the person resides to change the person's name to the legal
 237.11 name on the person's birth certificate. A person applying for a name change must submit a
 237.12 certified copy of the certificate of dissolution issued pursuant to section 518.148 and a
 237.13 certified copy of the person's birth certificate.

237.14 (b) A court shall not require a person applying for a name change to pay filing fees for
 237.15 an application submitted pursuant to this section. Notwithstanding section 259.10, a court
 237.16 shall not require the person applying for a name change to provide proof of the person's
 237.17 identity by two witnesses unless the proof of identity is necessary to determine whether the
 237.18 person has an intent to defraud or mislead the court.

237.19 (c) Upon meeting the requirements of this section, the court shall grant the application
 237.20 for a name change unless the court finds that (1) the person has an intent to defraud or
 237.21 mislead the court; or (2) section 259.13 prohibits granting the name change. The court shall
 237.22 notify the person applying for a name change that using a different surname without
 237.23 complying with section 259.13, if applicable, is a gross misdemeanor.

237.24 Sec. 4. **[325E.72] DIGITAL FAIR REPAIR.**

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

237.26 Subd. 2. **Definitions.** (a) For the purposes of this section, the following terms have the
 237.27 meanings given.

237.28 (b) "Authorized repair provider" means an individual or business who is unaffiliated
 237.29 with an original equipment manufacturer and who has (1) an arrangement with the original
 237.30 equipment manufacturer, for a definite or indefinite period, under which the original
 237.31 equipment manufacturer grants to the individual or business a license to use a trade name,
 238.1 service mark, or other proprietary identifier to offer the services of diagnosis, maintenance,
 238.2 or repair of digital electronic equipment under the name of the original equipment
 238.3 manufacturer, or (2) other arrangements with the original equipment manufacturer to offer
 238.4 diagnostic, maintenance, or repair services on behalf of the original equipment manufacturer.
 238.5 An original equipment manufacturer that offers diagnostic, maintenance, or repair services
 238.6 for the original equipment manufacturer's digital electronic equipment is considered an
 238.7 authorized repair provider with respect to the digital electronic equipment if the original
 238.8 equipment manufacturer does not have an arrangement described in this paragraph with an
 238.9 unaffiliated individual or business.

- 238.10 (c) "Digital electronic equipment" or "equipment" means any product that depends for
 238.11 its functioning, in whole or in part, on digital electronics embedded in or attached to the
 238.12 product.
- 238.13 (d) "Documentation" means a manual, diagram, reporting output, service code description,
 238.14 schematic diagram, or similar information provided to an authorized repair provider to affect
 238.15 the services of diagnosis, maintenance, or repair of digital electronic equipment.
- 238.16 (e) "Embedded software" means any programmable instructions provided on firmware
 238.17 delivered with digital electronic equipment or with a part for the equipment to operate
 238.18 equipment. Embedded software includes all relevant patches and fixes made by the
 238.19 manufacturer of the equipment or part for these purposes.
- 238.20 (f) "Fair and reasonable terms" for obtaining a part, tool, or documentation means at
 238.21 costs and terms, including convenience of delivery and rights of use, equivalent to what is
 238.22 offered by the original equipment manufacturer to an authorized repair provider, using the
 238.23 net costs that would be incurred by an authorized repair provider to obtain an equivalent
 238.24 part, tool, or documentation from the original equipment manufacturer, accounting for any
 238.25 discounts, rebates, or other incentive programs in arriving at the actual net costs. For
 238.26 documentation, including any relevant updates, fair and reasonable terms means at no charge,
 238.27 except that when the documentation is requested in physical printed form a fee for the
 238.28 reasonable actual costs to prepare and send the copy may be charged.
- 238.29 (g) "Firmware" means a software program or set of instructions programmed on digital
 238.30 electronic equipment or on a part for the equipment to allow the equipment or part to
 238.31 communicate with other computer hardware.
- 238.32 (h) "Independent repair provider" means an individual or business operating in Minnesota
 238.33 that (1) does not have an arrangement described in paragraph (b) with an original equipment
 238.34 manufacturer, (2) is not affiliated with any individual or business that has an arrangement
 239.1 described in paragraph (b), and (3) is engaged in the services of diagnosis, maintenance, or
 239.2 repair of digital electronic equipment. An original equipment manufacturer or, with respect
 239.3 to the original equipment manufacturer, an individual or business that has an arrangement
 239.4 with the original equipment manufacturer or is affiliated with an individual or business that
 239.5 has such an arrangement with that original equipment manufacturer is considered an
 239.6 independent repair provider for purposes of the instances it engages in the services of
 239.7 diagnosis, maintenance, or repair of digital electronic equipment that is not manufactured
 239.8 by or sold under the name of the original equipment manufacturer.
- 239.9 (i) "Manufacturer of motor vehicle equipment" means a business engaged in the business
 239.10 of manufacturing or supplying components used to manufacture, maintain, or repair a motor
 239.11 vehicle.
- 239.12 (j) "Motor vehicle" means a vehicle that is designed to transport persons or property on
 239.13 a street or highway and is certified by the manufacturer under all applicable federal safety

- 239.14 and emissions standards and requirements for distribution and sale in the United States.
- 239.15 Motor vehicle does not include:
- 239.16 (1) a motorcycle; or
- 239.17 (2) a recreational vehicle or an auto home equipped for habitation.
- 239.18 (k) "Motor vehicle dealer" means an individual or business that, in the ordinary course
- 239.19 of business, (1) is engaged in the business of selling or leasing new motor vehicles to an
- 239.20 individual or business pursuant to a franchise agreement, (2) has obtained a license under
- 239.21 section 168.27, and (3) is engaged in the services of diagnosis, maintenance, or repair of
- 239.22 motor vehicles or motor vehicle engines pursuant to the franchise agreement.
- 239.23 (l) "Motor vehicle manufacturer" means a business engaged in the business of
- 239.24 manufacturing or assembling new motor vehicles.
- 239.25 (m) "Original equipment manufacturer" means a business engaged in the business of
- 239.26 selling or leasing to any individual or business new digital electronic equipment manufactured
- 239.27 by or on behalf of the original equipment manufacturer.
- 239.28 (n) "Owner" means an individual or business that owns or leases digital electronic
- 239.29 equipment purchased or used in Minnesota.
- 239.30 (o) "Part" means any replacement part, either new or used, made available by an original
- 239.31 equipment manufacturer to affect the services of maintenance or repair of digital electronic
- 239.32 equipment manufactured or sold by the original equipment manufacturer.
- 239.33 (p) "Trade secret" has the meaning given in section 325C.01, subdivision 5.
- 240.1 Subd. 3. **Requirements.** (a) For digital electronic equipment and parts for the equipment
- 240.2 sold or used in Minnesota, an original equipment manufacturer must make available on fair
- 240.3 and reasonable terms any documentation, parts, and tools, inclusive of any updates to
- 240.4 information or embedded software, to any independent repair provider or to the owner of
- 240.5 digital electronic equipment manufactured by or on behalf of, or sold by, the original
- 240.6 equipment manufacturer for purposes of diagnosis, maintenance, or repair. Nothing in this
- 240.7 section requires an original equipment manufacturer to make available a part if the part is
- 240.8 no longer available to the original equipment manufacturer.
- 240.9 (b) For equipment that contains an electronic security lock or other security-related
- 240.10 function, the original equipment manufacturer must make available to the owner and to
- 240.11 independent repair providers, on fair and reasonable terms, any special documentation,
- 240.12 tools, and parts needed to reset the lock or function when disabled in the course of diagnosis,
- 240.13 maintenance, or repair of the equipment. Documentation, tools, and parts may be made
- 240.14 available through appropriate secure release systems.

240.15 Subd. 4. **Enforcement by attorney general.** A violation of this section is an unlawful
 240.16 practice under section 325D.44. All remedies, penalties, and authority granted to the attorney
 240.17 general under chapter 8 are available to the attorney general to enforce this section.

240.18 Subd. 5. **Limitations.** (a) Nothing in this section requires an original equipment
 240.19 manufacturer to divulge a trade secret to an owner or an independent service provider,
 240.20 except as necessary to provide documentation, parts, and tools on fair and reasonable terms.

240.21 (b) Nothing in this section alters the terms of any arrangement described in subdivision
 240.22 2, paragraph (b), in force between an authorized repair provider and an original equipment
 240.23 manufacturer, including but not limited to the performance or provision of warranty or recall
 240.24 repair work by an authorized repair provider on behalf of an original equipment manufacturer
 240.25 pursuant to such arrangement. A provision in the terms of an arrangement described in
 240.26 subdivision 2, paragraph (b), that purports to waive, avoid, restrict, or limit the original
 240.27 equipment manufacturer's obligations to comply with this section is void and unenforceable.

240.28 (c) Nothing in this section requires an original equipment manufacturer or an authorized
 240.29 repair provider to provide to an owner or independent repair provider access to information,
 240.30 other than documentation, that is provided by the original equipment manufacturer to an
 240.31 authorized repair provider pursuant to the terms of an arrangement described in subdivision
 240.32 2, paragraph (b).

240.33 Subd. 6. **Exclusions.** (a) Nothing in this section applies to (1) a motor vehicle
 240.34 manufacturer, manufacturer of motor vehicle equipment, or motor vehicle dealer acting in
 241.1 that capacity, or (2) any product or service of a motor vehicle manufacturer, manufacturer
 241.2 of motor vehicle equipment, or motor vehicle dealer acting in that capacity.

241.3 (b) Nothing in this section applies to manufacturers or distributors of a medical device
 241.4 as defined in the Federal Food, Drug, and Cosmetic Act, United States Code, title 21, section
 241.5 301 et seq., or a digital electronic product or software manufactured for use in a medical
 241.6 setting, including diagnostic, monitoring, or control equipment or any product or service
 241.7 that they offer.

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

241.10 **EFFECTIVE DATE.** This section is effective January 1, 2023.

241.11 Sec. 5. Minnesota Statutes 2020, section 357.17, is amended to read:

241.12 **357.17 NOTARIES PUBLIC.**

241.13 (a) The maximum fees to be charged and collected by a notary public shall be as follows:

241.14 (1) for protest of nonpayment of note or bill of exchange or of nonacceptance of such
 241.15 bill; where protest is legally necessary, and copy thereof, \$5;

- 241.16 (2) for every other protest and copy, \$5;
- 241.17 (3) for making and serving every notice of nonpayment of note or nonacceptance of bill
241.18 and copy thereof, \$5;
- 241.19 (4) for any affidavit or paper for which provision is not made herein, \$5 per folio, and
241.20 \$1 per folio for copies;
- 241.21 (5) for each oath administered, \$5;
- 241.22 (6) for acknowledgments of deeds and for other services authorized by law, the legal
241.23 fees allowed other officers for like services;
- 241.24 (7) for recording each instrument required by law to be recorded by the notary, \$5 per
241.25 folio.
- 241.26 (b) A notary public may charge a fee for performing a marriage in excess of the fees in
241.27 paragraph (a) if the notary is commissioned pursuant to chapter 359.
- 242.1 Sec. 6. Minnesota Statutes 2020, section 359.04, is amended to read:
- 242.2 **359.04 POWERS.**
- 242.3 Every notary public so appointed, commissioned, and qualified shall have power
242.4 throughout this state to administer all oaths required or authorized to be administered in
242.5 this state; to take and certify all depositions to be used in any of the courts of this state; to
242.6 take and certify all acknowledgments of deeds, mortgages, liens, powers of attorney, and
242.7 other instruments in writing or electronic records; to receive, make out, and record notarial
242.8 protests; to perform civil marriages consistent with this chapter and chapter 517; and to
242.9 perform online remote notarial acts in compliance with the requirements of sections 358.645
242.10 and 358.646.
- 242.11 Sec. 7. **[359.115] CIVIL MARRIAGE OFFICIANT.**
- 242.12 A notary public shall have the power to solemnize civil marriages throughout the state
242.13 if the notary public has filed a copy of the notary public's notary commission with the local
242.14 registrar of a county in this state. When a local registrar records a commission for a notary
242.15 public, the local registrar shall provide a certificate of filing to the notary whose commission
242.16 is recorded. A notary public shall endorse and record the county where the notary public's
242.17 commission is recorded upon each certificate of civil marriage granted by the notary.
- 242.18 Sec. 8. Minnesota Statutes 2020, section 517.04, is amended to read:
- 242.19 **517.04 PERSONS AUTHORIZED TO PERFORM CIVIL MARRIAGES.**
- 242.20 Civil marriages may be solemnized throughout the state by an individual who has attained
242.21 the age of 21 years and is a judge of a court of record, a retired judge of a court of record,
242.22 a court administrator, a retired court administrator with the approval of the chief judge of

242.23 the judicial district, a former court commissioner who is employed by the court system or
242.24 is acting pursuant to an order of the chief judge of the commissioner's judicial district, a
242.25 notary commissioned pursuant to chapter 359, the residential school superintendent of the
242.26 Minnesota State Academy for the Deaf and the Minnesota State Academy for the Blind, a
242.27 licensed or ordained minister of any religious denomination, or by any mode recognized in
242.28 section 517.18. For purposes of this section, a court of record includes the Office of
242.29 Administrative Hearings under section 14.48.

242.30 Sec. 9. Minnesota Statutes 2020, section 517.08, subdivision 1b, is amended to read:

242.31 Subd. 1b. **Term of license; fee; premarital education.** (a) The local registrar shall
242.32 examine upon oath the parties applying for a license relative to the legality of the
243.1 contemplated civil marriage. Examination upon oath of the parties under this section may
243.2 include contemporaneous video or audio transmission or receipt of a verified statement
243.3 signed by both parties attesting to the legality of the marriage. The local registrar may accept
243.4 civil marriage license applications, signed by both parties, by mail, facsimile, or electronic
243.5 filing. Both parties must present proof of age to the local registrar. ~~If one party is unable to~~
243.6 ~~appear in person, the party appearing may complete the absent applicant's information. The~~
243.7 ~~local registrar shall provide a copy of the civil marriage application to the party who is~~
243.8 ~~unable to appear, who must verify the accuracy of the appearing party's information in a~~
243.9 ~~notarized statement. The verification statement must be accompanied by a copy of proof of~~
243.10 ~~age of the party. The civil marriage license must not be released until the verification~~
243.11 ~~statement and proof of age has been received by the local registrar. If the local registrar is~~
243.12 satisfied that there is no legal impediment to it, including the restriction contained in section
243.13 259.13, the local registrar shall issue the license, containing the full names of the parties
243.14 before and after the civil marriage, and county and state of residence, with the county seal
243.15 attached, and make a record of the date of issuance. The license shall be valid for a period
243.16 of six months. Except as provided in paragraph (b), the local registrar shall collect from the
243.17 applicant a fee of \$115 for administering the oath, issuing, recording, and filing all papers
243.18 required, and preparing and transmitting to the state registrar of vital records the reports of
243.19 civil marriage required by this section. If the license should not be used within the period
243.20 of six months due to illness or other extenuating circumstances, it may be surrendered to
243.21 the local registrar for cancellation, and in that case a new license shall issue upon request
243.22 of the parties of the original license without fee. A local registrar who knowingly issues or
243.23 signs a civil marriage license in any manner other than as provided in this section shall pay
243.24 to the parties aggrieved an amount not to exceed \$1,000.

243.25 (b) The civil marriage license fee for parties who have completed at least 12 hours of
243.26 premarital education is \$40. In order to qualify for the reduced license fee, the parties must
243.27 submit at the time of applying for the civil marriage license a statement that is signed, dated,
243.28 and notarized or marked with a church seal from the person who provided the premarital
243.29 education on their letterhead confirming that it was received. The premarital education must
243.30 be provided by a licensed or ordained minister or the minister's designee, a person authorized
243.31 to solemnize civil marriages under section 517.18, or a person authorized to practice marriage

243.32 and family therapy under section 148B.33. The education must include the use of a premarital
243.33 inventory and the teaching of communication and conflict management skills.

243.34 (c) The statement from the person who provided the premarital education under paragraph
243.35 (b) must be in the following form:

244.1 "I, (name of educator), confirm that (names of both
244.2 parties) received at least 12 hours of premarital education that included the use of a premarital
244.3 inventory and the teaching of communication and conflict management skills. I am a licensed
244.4 or ordained minister, a person authorized to solemnize civil marriages under Minnesota
244.5 Statutes, section 517.18, or a person licensed to practice marriage and family therapy under
244.6 Minnesota Statutes, section 148B.33."

244.7 The names of the parties in the educator's statement must be identical to the legal names
244.8 of the parties as they appear in the civil marriage license application. Notwithstanding
244.9 section 138.17, the educator's statement must be retained for seven years, after which time
244.10 it may be destroyed.

244.11 (d) If section 259.13 applies to the request for a civil marriage license, the local registrar
244.12 shall grant the civil marriage license without the requested name change. Alternatively, the
244.13 local registrar may delay the granting of the civil marriage license until the party with the
244.14 conviction:

244.15 (1) certifies under oath that 30 days have passed since service of the notice for a name
244.16 change upon the prosecuting authority and, if applicable, the attorney general and no
244.17 objection has been filed under section 259.13; or

244.18 (2) provides a certified copy of the court order granting it. The parties seeking the civil
244.19 marriage license shall have the right to choose to have the license granted without the name
244.20 change or to delay its granting pending further action on the name change request.

244.21 **EFFECTIVE DATE.** This section is effective retroactively from January 1, 2021.

244.22 Sec. 10. Minnesota Statutes 2020, section 604.21, is amended to read:

244.23 **604.21 INDEMNITY AGREEMENTS IN DESIGN PROFESSIONAL SERVICES**
244.24 **CONTRACTS VOID.**

244.25 (a) A provision contained in, or executed in connection with, a design professional
244.26 services contract is void and unenforceable to the extent it attempts to require an indemnitor
244.27 to indemnify, to hold harmless, or to defend an indemnitee from or against liability for loss
244.28 or damage resulting from the negligence or fault of anyone other than the indemnitor or
244.29 others for whom the indemnitor is legally liable.

244.30 (b) For purposes of this section, "design professional services contract" means a contract
244.31 under which some portion of the work or services is to be performed or supervised by a

- 244.32 person licensed under section 326.02, and is furnished in connection with any actual or
 244.33 proposed maintenance of or improvement to real property, highways, roads, or bridges.
- 245.1 (c) This section does not apply to the extent that the obligation to indemnify, to hold
 245.2 harmless, or to defend an indemnitee is ~~able to be covered by insurance.~~
- 245.3 (d) This section does not apply to agreements referred to in section 337.03 or 337.04.
- 245.4 (e) A provision contained in, or executed in connection with, a design professional
 245.5 services contract for any actual or proposed maintenance of, or improvement to, real property,
 245.6 highways, roads, or bridges located in Minnesota that makes the contract subject to the laws
 245.7 of another state or requires that any litigation, arbitration, or other dispute resolution process
 245.8 on the contract occur in another state is void and unenforceable.
- 245.9 (f) This section supersedes any other inconsistent provision of law.
- 245.10 **EFFECTIVE DATE.** This section is effective the day following final enactment.
- 245.11 Sec. 11. Minnesota Statutes 2021 Supplement, section 609.5314, subdivision 3, is amended
 245.12 to read:
- 245.13 Subd. 3. **Judicial determination.** (a) Within 60 days following service of a notice of
 245.14 seizure and forfeiture under this section, a claimant may file a demand for a judicial
 245.15 determination of the forfeiture. The demand must be in the form of a civil complaint and
 245.16 must be filed with the court administrator in the county in which the seizure occurred,
 245.17 together with proof of service of a copy of the complaint on the prosecuting authority for
 245.18 that county. The claimant may serve the complaint on the prosecuting authority by certified
 245.19 mail or any means permitted by court rules. If the value of the seized property is \$15,000
 245.20 or less, the claimant may file an action in conciliation court for recovery of the seized
 245.21 property. A copy of the conciliation court statement of claim may be served personally or
 245.22 as permitted by the Rules of Conciliation Court Procedure on the prosecuting authority
 245.23 having jurisdiction over the forfeiture within 60 days following service of the notice of
 245.24 seizure and forfeiture under this subdivision. The claimant does not have to pay the court
 245.25 filing fee. No responsive pleading is required of the prosecuting authority and no court fees
 245.26 may be charged for the prosecuting authority's appearance in the matter. The district court
 245.27 administrator shall schedule the hearing as soon as practicable after, and in any event no
 245.28 later than 90 days following, the conclusion of the criminal prosecution. The proceedings
 245.29 are governed by the Rules of Civil Procedure and, where applicable, by the Rules of
 245.30 Conciliation Court Procedure.
- 245.31 (b) The complaint must be captioned in the name of the claimant as plaintiff and the
 245.32 seized property as defendant, and must state with specificity the grounds on which the
 245.33 claimant alleges the property was improperly seized and the plaintiff's interest in the property
 246.1 seized. Notwithstanding any law to the contrary, an action for the return of property seized

246.2 under this section may not be maintained by or on behalf of any person who has been served
246.3 with a notice of seizure and forfeiture unless the person has complied with this subdivision.

246.4 (c) If the claimant makes a timely demand for judicial determination under this
246.5 subdivision, the appropriate agency must conduct the forfeiture under section 609.531,
246.6 subdivision 6a. The limitations and defenses set forth in section 609.5311, subdivision 3,
246.7 apply to the judicial determination.

246.8 (d) If a demand for judicial determination of an administrative forfeiture is filed under
246.9 this subdivision and the court orders the return of the seized property, the court may order
246.10 sanctions under section 549.211. If the court orders payment of these costs, they must be
246.11 paid from forfeited money or proceeds from the sale of forfeited property from the appropriate
246.12 law enforcement and prosecuting agencies in the same proportion as they would be distributed
246.13 under section 609.5315, subdivision 5.

246.14 **EFFECTIVE DATE.** This section is effective the day following final enactment.

246.15 Sec. 12. Minnesota Statutes 2020, section 609.748, subdivision 2, is amended to read:

246.16 Subd. 2. **Restraining order; court jurisdiction.** (a) A person who is a victim of
246.17 harassment or the victim's guardian or conservator may seek a restraining order from the
246.18 district court in the manner provided in this section.

246.19 (b) The parent, guardian or conservator, or stepparent of a minor who is a victim of
246.20 harassment may seek a restraining order from the district court on behalf of the minor.

246.21 (c) A minor may seek a restraining order if the minor demonstrates that the minor is
246.22 emancipated and the court finds that the order is in the best interests of the emancipated
246.23 minor. A minor demonstrates the minor is emancipated by a showing that the minor is living
246.24 separate and apart from parents and managing the minor's own financial affairs, and shows,
246.25 through an instrument in writing or other agreement or by the conduct of the parties, that
246.26 all parents who have a legal parent and child relationship with the minor have relinquished
246.27 control and authority over the minor.

246.28 (d) An application for relief under this section may be filed in the county of residence
246.29 of either party or in the county in which the alleged harassment occurred. There are no
246.30 residency requirements that apply to a petition for a harassment restraining order.

246.31 **EFFECTIVE DATE.** This section is effective the day following final enactment.

29.4 Sec. 21. Minnesota Statutes 2020, section 609.35, is amended to read:

29.5 **609.35 COSTS OF MEDICAL EXAMINATION.**

29.6 (a) Costs incurred by a county, city, or private hospital or other emergency medical
29.7 facility or by a private physician or other licensed health care provider for the examination
29.8 of a victim of criminal sexual conduct when the examination is performed for the purpose

29.9 of gathering evidence shall be paid by the county in which the criminal sexual conduct
 29.10 occurred state. These costs include, but are not limited to, the full cost of the rape kit
 29.11 examination; any associated tests and treatment relating to the complainant's a sexually
 29.12 transmitted disease status, infection; and any associated tests relating to the victim's
 29.13 pregnancy status. A hospital, emergency medical facility, or health care provider shall
 29.14 submit the costs for the examination and any associated tests and necessary treatment to
 29.15 the Office of Justice Programs for payment. Upon receipt of the costs, the office shall provide
 29.16 payment to the facility or health care provider.

29.17 (b) Nothing in this section shall be construed to limit the duties, responsibilities, or
 29.18 liabilities of any insurer, whether public or private. However, a county the state may seek
 29.19 insurance reimbursement from the victim's insurer only if authorized by the victim. This
 29.20 authorization may only be sought after the examination is performed. When seeking this
 29.21 authorization, the county state shall inform the victim that if the victim does not authorize
 29.22 this, the county state is required by law to pay for the examination and that the victim is in
 29.23 no way liable for these costs or obligated to authorize the reimbursement.

29.24 (c) The applicability of this section does not depend upon whether the victim reports
 29.25 the offense to law enforcement or the existence or status of any investigation or prosecution.

29.26 **EFFECTIVE DATE.** This section is effective July 1, 2022, and applies to any
 29.27 examination that occurs on or after that date.

29.28 Sec. 22. **[626.8415] PEACE OFFICER BONUS PROGRAM.**

29.29 Subdivision 1. **Program established.** The commissioner of public safety, in consultation
 29.30 with the executive director of the Peace Officer Standards and Training Board, may issue
 29.31 bonus payments to peace officers employed by state or local law enforcement agencies as
 29.32 provided under this section. To be eligible for a bonus payment, the peace officer must have
 30.1 been nominated by the chief law enforcement officer of the agency employing the peace
 30.2 officer. The commissioner, in consultation with the executive director, shall develop
 30.3 nomination forms and guidelines for bonus payment eligibility. The guidelines must describe
 30.4 the process and criteria by which payments are to be awarded. Final decisions on the actual
 30.5 awarding and amount of individual bonuses are at the discretion of the commissioner, in
 30.6 consultation with the executive director, and are limited to funds appropriated for this
 30.7 purpose.

30.8 Subd. 2. **Types of bonuses.** The commissioner, in consultation with the executive
 30.9 director, may accept nominations and award bonuses for exemplary service that goes above
 30.10 and beyond the call of duty, including but not limited to acts of heroism or valor. In addition,
 30.11 the commissioner, in consultation with the executive director, may award bonuses for
 30.12 recognition of meritorious service in which the recipient peace officer has served for a
 30.13 minimum of five years without having any adverse disciplinary actions taken against the
 30.14 peace officer. An individual bonus payment may not exceed \$10,000.

30.15 Subd. 3. **Report required.** By January 15 of each year, the commissioner shall report
 30.16 to the chairs and ranking minority members of the legislative committees having jurisdiction
 30.17 over criminal justice policy and finance on the bonus program. At a minimum, the report
 30.18 must provide detailed information on the bonuses awarded under this section, including the
 30.19 amount of each bonus, the agency employing the recipient, and general information on the
 30.20 reasons for the bonus.

30.21 Sec. 23. **EXCEPTION TO TOLLING PERIOD.**

30.22 Notwithstanding Minnesota Statutes, section 299A.47, a claim for benefits may be made
 30.23 from the public safety officer's death benefit account by or on behalf of a survivor of a
 30.24 public safety officer who died by suicide between January 1, 2017, and June 30, 2022,
 30.25 within two years of the effective date of this act if the officer is considered killed in the line
 30.26 of duty under the changes made in sections 13 to 15.

30.27 **ARTICLE 2**

30.28 **CRIMINAL LAW AND SENTENCING CHANGES**

30.29 Section 1. Minnesota Statutes 2020, section 13A.02, subdivision 1, is amended to read:

30.30 Subdivision 1. **Access by government.** Except as authorized by this chapter, no
 30.31 government authority may have access to, or obtain copies of, or the information contained
 30.32 in, the financial records of any customer from a financial institution unless the financial
 30.33 records are reasonably described and:

31.1 (1) the customer has authorized the disclosure;

31.2 (2) the financial records are disclosed in response to a search warrant;

31.3 (3) the financial records are disclosed in response to a judicial or administrative subpoena;

31.4 (4) the financial records are disclosed to law enforcement, a lead investigative agency
 31.5 as defined in section 626.5572, subdivision 13, or prosecuting authority that is investigating
 31.6 financial exploitation of a vulnerable adult in response to a judicial subpoena or
 31.7 administrative subpoena under section 388.23; or

31.8 (5) the financial records are disclosed pursuant to section 609.527 or 609.535 or other
 31.9 statute or rule.

31.10 **EFFECTIVE DATE.** This section is effective August 1, 2022.

31.11 Sec. 2. Minnesota Statutes 2020, section 13A.02, subdivision 2, is amended to read:

31.12 Subd. 2. **Release prohibited.** No financial institution, or officer, employee, or agent of
 31.13 a financial institution, may provide to any government authority access to, or copies of, or

- 31.14 the information contained in, the financial records of any customer except in accordance
31.15 with the provisions of this chapter.
- 31.16 Nothing in this chapter shall require a financial institution to inquire or determine that
31.17 those seeking disclosure have duly complied with the requirements of this chapter, provided
31.18 only that the customer authorization, search warrant, subpoena, or written certification
31.19 pursuant to section 609.527, subdivision 8; 609.535, subdivision 6; 626.557; or other statute
31.20 or rule, served on or delivered to a financial institution shows compliance on its face.
- 31.21 **EFFECTIVE DATE.** This section is effective August 1, 2022.
- 31.22 Sec. 3. Minnesota Statutes 2020, section 169A.44, is amended to read:
- 31.23 **169A.44 CONDITIONAL RELEASE.**
- 31.24 Subdivision 1. **Nonfelony violations.** (a) This subdivision applies to a person charged
31.25 with a nonfelony violation of section 169A.20 (driving while impaired) under circumstances
31.26 described in section 169A.40, subdivision 3 (certain DWI offenders; custodial arrest).
- 31.27 (b) Except as provided in subdivision 3, unless maximum bail is imposed under section
31.28 629.471, a person described in paragraph (a) may be released from detention only if the
31.29 person agrees to:
- 31.30 (1) abstain from alcohol; and
- 32.1 (2) submit to a program of electronic alcohol monitoring, involving at least daily
32.2 measurements of the person's alcohol concentration, pending resolution of the charge.
- 32.3 Clause (2) applies only when electronic alcohol-monitoring equipment is available to
32.4 the court. The court shall require partial or total reimbursement from the person for the cost
32.5 of the electronic alcohol-monitoring, to the extent the person is able to pay.
- 32.6 Subd. 2. **Felony violations.** (a) Except as provided in subdivision 3, a person charged
32.7 with violating section 169A.20 within ten years of the first of three or more qualified prior
32.8 impaired driving incidents may be released from detention only if the following conditions
32.9 are imposed:
- 32.10 (1) the conditions described in subdivision 1, paragraph (b), if applicable;
- 32.11 (2) the impoundment of the registration plates of the vehicle used to commit the violation,
32.12 unless already impounded;
- 32.13 (3) if the vehicle used to commit the violation was an off-road recreational vehicle or a
32.14 motorboat, the impoundment of the off-road recreational vehicle or motorboat;
- 32.15 (4) a requirement that the person report weekly to a probation agent;

- 32.16 (5) a requirement that the person abstain from consumption of alcohol and controlled
 32.17 substances and submit to random alcohol tests or urine analyses at least weekly;
- 32.18 (6) a requirement that, if convicted, the person reimburse the court or county for the
 32.19 total cost of these services; and
- 32.20 (7) any other conditions of release ordered by the court.
- 32.21 (b) In addition to setting forth conditions of release under paragraph (a), if required by
 32.22 court rule, the court shall also fix the amount of money bail without other conditions upon
 32.23 which the defendant may obtain release.
- 32.24 Subd. 3. **Exception; ignition interlock program.** A court is not required, either when
 32.25 initially reviewing a person's release or when modifying the terms of the person's release,
 32.26 to order a person charged with violating section 169A.24 (first-degree driving while
 32.27 impaired), 169A.25 (second-degree driving while impaired), or 169A.26 (third-degree
 32.28 driving while impaired) to submit to a program of electronic alcohol monitoring under
 32.29 subdivision 1 or 2 if the person becomes a program participant in the ignition interlock
 32.30 program under section 171.306. A judicial officer, county agency, or probation office may
 32.31 not require or suggest that the person use a particular ignition interlock vendor when
 33.1 complying with this subdivision but may provide the person with a list of all Minnesota
 33.2 vendors of certified devices.
- 33.3 Sec. 4. Minnesota Statutes 2020, section 171.174, is amended to read:
- 33.4 **171.174 REVOCATION; FLEEING PEACE OFFICER OFFENSE.**
- 33.5 The commissioner of public safety shall revoke the license of a person upon receipt of
 33.6 a certificate of conviction showing that the person has in a motor vehicle violated section
 33.7 609.487, subdivision 3, 3a, or 4, or an ordinance in conformity with those subdivisions. The
 33.8 commissioner shall revoke the license as follows:
- 33.9 (1) for the first offense under section 609.487, subdivision 3, for not less than one year;
- 33.10 (2) for the second offense or subsequent offenses under section 609.487, subdivision 3,
 33.11 for not less than three years;
- 33.12 (3) for an offense under section 609.487, subdivision 3a, for not less than four years;
- 33.13 (4) for an offense under section 609.487, subdivision 4, clause (a), for not less than ten
 33.14 years;
- 33.15 ~~(4)~~ (5) for an offense under section 609.487, subdivision 4, clause (b), for not less than
 33.16 seven years; and
- 33.17 ~~(5)~~ (6) for an offense under section 609.487, subdivision 4, clause (c), for not less than
 33.18 five years.

- 33.19 A limited license under section 171.30 may not be issued for one-half of the revocation
 33.20 period specified in clauses (1) to ~~(5)~~ (6) and after that period is over only upon and as
 33.21 recommended by the adjudicating court.
- 33.22 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
 33.23 committed on or after that date.
- 33.24 Sec. 5. Minnesota Statutes 2020, section 171.306, is amended by adding a subdivision to
 33.25 read:
- 33.26 Subd. 9. **Choice of vendor.** A judicial officer, county agency, or probation office may
 33.27 not require or suggest that a person participating in the ignition interlock device program
 33.28 under this section use a particular ignition interlock vendor but may provide the person with
 33.29 a list of all Minnesota vendors of certified devices.
- 34.1 Sec. 6. Minnesota Statutes 2020, section 244.01, subdivision 8, is amended to read:
- 34.2 Subd. 8. **Term of imprisonment.** "Term of imprisonment," as applied to inmates whose
 34.3 crimes were committed before August 1, 1993, is the period of time for which an inmate is
 34.4 committed to the custody of the commissioner of corrections minus earned good time. "Term
 34.5 of imprisonment," as applied to inmates whose crimes were committed on or after August
 34.6 1, 1993, is the period of time equal to ~~two-thirds~~ three-fourths of the inmate's executed
 34.7 sentence.
- 34.8 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
 34.9 committed on or after that date.
- 34.10 Sec. 7. Minnesota Statutes 2020, section 244.05, subdivision 4, is amended to read:
- 34.11 Subd. 4. **Minimum imprisonment, life sentence.** (a) An inmate serving a mandatory
 34.12 life sentence under section 609.106 or 609.3455, subdivision 2, must not be given supervised
 34.13 release under this section.
- 34.14 (b) An inmate serving a mandatory life sentence under section 609.185, paragraph (a),
 34.15 clause (3), (5), or (6); or 609.2661, clause (3); or Minnesota Statutes 2004, section 609.109,
 34.16 subdivision 3, must not be given supervised release under this section without having served
 34.17 a minimum term of 30 years.
- 34.18 (c) An inmate serving a mandatory life sentence under section 609.385 must not be given
 34.19 supervised release under this section without having served a minimum term of imprisonment
 34.20 of 17 years.
- 34.21 (d) An inmate serving a mandatory life sentence under section 609.3455, subdivision 3
 34.22 or 4, must not be given supervised release under this section without having served the
 34.23 minimum term of imprisonment specified by the court in its sentence.

34.24 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
34.25 committed on or after that date.