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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 1691

03/01/2021 Authored by Hornstein; Long; Pinto; Hanson, J.; Lee and others
The bill was read for the first time and referred to the Committee on Public Safety and Criminal Justice Reform Finance and Policy

1.1 A bill for an act
1.2 relating to public safety; expanding the reporting of crimes motivated by bias;
1.3 amending the crimes of assault, property damage, and harassment motivated by
1.4 bias; requiring the Board of Peace Officer Standards and Training to update training
1.5 in recognizing, responding to, and reporting crimes of bias; appropriating money;
1.6 amending Minnesota Statutes 2020, sections 363A.06, subdivision 1; 609.2231,
1.7 subdivision 4; 609.2233; 609.595, subdivisions 1a, 2; 609.749, subdivision 3;
1.8 626.5531, subdivision 1; 626.8451, subdivision 1; 626.8469, subdivision 1.

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

1.10 Section 1. Minnesota Statutes 2020, section 363A.06, subdivision 1, is amended to read:

1.11 Subdivision 1. Formulation of policies. (a) The commissioner shall formulate policies
1.12 to effectuate the purposes of this chapter and shall do the following:

1.13 (1) exercise leadership under the direction of the governor in the development of human
1.14 rights policies and programs, and make recommendations to the governor and the legislature
1.15 for their consideration and implementation;

1.16 (2) establish and maintain a principal office in St. Paul, and any other necessary branch
1.17 offices at any location within the state;

1.18 (3) meet and function at any place within the state;

1.19 (4) employ attorneys, clerks, and other employees and agents as the commissioner may
1.20 deem necessary and prescribe their duties;

1.21 (5) to the extent permitted by federal law and regulation, utilize the records of the
1.22 Department of Employment and Economic Development of the state when necessary to
1.23 effectuate the purposes of this chapter;

2.1 (6) obtain upon request and utilize the services of all state governmental departments
2.2 and agencies;

2.3 (7) adopt suitable rules for effectuating the purposes of this chapter;

2.4 (8) issue complaints, receive and investigate charges alleging unfair discriminatory
2.5 practices, and determine whether or not probable cause exists for hearing;

2.6 (9) subpoena witnesses, administer oaths, take testimony, and require the production for
2.7 examination of any books or papers relative to any matter under investigation or in question
2.8 as the commissioner deems appropriate to carry out the purposes of this chapter;

2.9 (10) attempt, by means of education, conference, conciliation, and persuasion to eliminate
2.10 unfair discriminatory practices as being contrary to the public policy of the state;

2.11 (11) develop and conduct programs of formal and informal education designed to
2.12 eliminate discrimination and intergroup conflict by use of educational techniques and
2.13 programs the commissioner deems necessary;

2.14 (12) make a written report of the activities of the commissioner to the governor each
2.15 year;

2.16 (13) accept gifts, bequests, grants, or other payments public and private to help finance
2.17 the activities of the department;

2.18 (14) create such local and statewide advisory committees as will in the commissioner's
2.19 judgment aid in effectuating the purposes of the Department of Human Rights;

2.20 (15) develop such programs as will aid in determining the compliance throughout the
2.21 state with the provisions of this chapter, and in the furtherance of such duties, conduct
2.22 research and study discriminatory practices based upon race, color, creed, religion, national
2.23 origin, sex, age, disability, marital status, status with regard to public assistance, familial
2.24 status, sexual orientation, or other factors and develop accurate data on the nature and extent
2.25 of discrimination and other matters as they may affect housing, employment, public
2.26 accommodations, schools, and other areas of public life;

2.27 (16) develop and disseminate technical assistance to persons subject to the provisions
2.28 of this chapter, and to agencies and officers of governmental and private agencies;

2.29 (17) provide staff services to such advisory committees as may be created in aid of the
2.30 functions of the Department of Human Rights;

2.31 (18) make grants in aid to the extent that appropriations are made available for that
2.32 purpose in aid of carrying out duties and responsibilities; ~~and~~

3.1 (19) cooperate and consult with the commissioner of labor and industry regarding the
 3.2 investigation of violations of, and resolution of complaints regarding section 363A.08,
 3.3 subdivision 7;

3.4 (20) collaborate and consult with the Board of Peace Officer Standards and Training
 3.5 regarding the training of peace officers in identifying, responding to, and reporting crimes
 3.6 motivated by bias pursuant to sections 626.8451, subdivision 1, and 626.8469, including
 3.7 but not limited to the duty of peace officers to report crimes motivated by bias under section
 3.8 626.5531; and

3.9 (21) solicit, receive, and compile reports from community organizations, school districts
 3.10 and charter schools, and individuals regarding crimes a community member or community
 3.11 organization believes are motivated by the victim's or another's actual or perceived race,
 3.12 color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression,
 3.13 age, national origin, marital status, status with regard to public assistance, familial status,
 3.14 or disability as defined in section 363A.03, or because of the victim's actual or perceived
 3.15 association with another person or group of a certain actual or perceived race, color, ethnicity,
 3.16 religion, sex, gender, sexual orientation, gender identity, gender expression, age, national
 3.17 origin, or disability as defined in section 363A.03, and develop data on the nature and extent
 3.18 of crimes motivated by bias and include this information in the report required under clause
 3.19 (12). The commissioner shall provide information on the department's website about when
 3.20 and how a victim reports criminal conduct to a law enforcement agency.

3.21 In performing these duties, the commissioner shall give priority to those duties in clauses
 3.22 (8), (9), and (10) and to the duties in section 363A.36.

3.23 (b) All gifts, bequests, grants, or other payments, public and private, accepted under
 3.24 paragraph (a), clause (13), must be deposited in the state treasury and credited to a special
 3.25 account. Money in the account is appropriated to the commissioner of human rights to help
 3.26 finance activities of the department.

3.27 **EFFECTIVE DATE.** This section is effective July 1, 2021.

3.28 Sec. 2. Minnesota Statutes 2020, section 609.2231, subdivision 4, is amended to read:

3.29 Subd. 4. **Assaults motivated by bias.** (a) Whoever assaults another in whole or in part
 3.30 because of the victim's or another's actual or perceived race, color, ethnicity, religion, sex,
 3.31 gender, sexual orientation, gender identity, gender expression, age, national origin, or
 3.32 disability as defined in section 363A.03, ~~age, or national origin~~ or because of the victim's
 3.33 actual or perceived association with another person or group of a certain actual or perceived

4.1 race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender
 4.2 expression, age, national origin, or disability as defined in section 363A.03, may be sentenced
 4.3 to imprisonment for not more than one year or to payment of a fine of not more than \$3,000,
 4.4 or both.

4.5 (b) Whoever violates the provisions of paragraph (a) within five years of a previous
 4.6 conviction under paragraph (a) is guilty of a felony and may be sentenced to imprisonment
 4.7 for not more than one year and a day or to payment of a fine of not more than \$3,000, or
 4.8 both.

4.9 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes
 4.10 committed on or after that date.

4.11 Sec. 3. Minnesota Statutes 2020, section 609.2233, is amended to read:

4.12 **609.2233 FELONY ASSAULT MOTIVATED BY BIAS; INCREASED**
 4.13 **STATUTORY MAXIMUM SENTENCE.**

4.14 A person who violates section 609.221, 609.222, or 609.223 because of the victim's or
 4.15 another person's actual or perceived race, color, ethnicity, religion, sex, gender, sexual
 4.16 orientation, gender identity, gender expression, age, national origin, or disability as defined
 4.17 in section 363A.03, age, or national origin or because of the victim's actual or perceived
 4.18 association with another person or group of a certain actual or perceived race, color, ethnicity,
 4.19 religion, sex, gender, sexual orientation, gender identity, gender expression, age, national
 4.20 origin, or disability as defined in section 363A.03, is subject to a statutory maximum penalty
 4.21 of 25 percent longer than the maximum penalty otherwise applicable.

4.22 Sec. 4. Minnesota Statutes 2020, section 609.595, subdivision 1a, is amended to read:

4.23 Subd. 1a. **Criminal damage to property in the second degree.** (a) Whoever intentionally
 4.24 causes damage described in subdivision 2, paragraph (a), ~~because of the property owner's~~
 4.25 ~~or another's actual or perceived race, color, religion, sex, sexual orientation, disability as~~
 4.26 ~~defined in section 363A.03, age, or national origin~~ is guilty of a felony and may be sentenced
 4.27 to imprisonment for not more than one year and a day or to payment of a fine of not more
 4.28 than \$3,000, or both-, if the damage:

4.29 (1) was committed in whole or in part because of the property owner's or another's actual
 4.30 or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity,
 4.31 gender expression, age, national origin, or disability as defined in section 363A.03;

5.1 (2) was committed in whole or in part because of the victim's actual or perceived
 5.2 association with another person or group of a certain actual or perceived race, color, ethnicity,
 5.3 religion, sex, gender, sexual orientation, gender identity, gender expression, age, national
 5.4 origin, or disability as defined in section 363A.03;

5.5 (3) was motivated in whole or in part by an intent to intimidate or harm an individual
 5.6 or group of individuals because of actual or perceived race, color, ethnicity, religion, sex,
 5.7 gender, sexual orientation, gender identity, gender expression, age, national origin, or
 5.8 disability as defined in section 363A.03; or

5.9 (4) was motivated in whole or in part by an intent to intimidate or harm an individual
 5.10 or group of individuals because of the victim's actual or perceived association with another
 5.11 person or group of a certain actual or perceived race, color, ethnicity, religion, sex, gender,
 5.12 sexual orientation, gender identity, gender expression, age, national origin, or disability as
 5.13 defined in section 363A.03.

5.14 (b) In any prosecution under paragraph (a), the value of property damaged by the
 5.15 defendant in violation of that paragraph within any six-month period may be aggregated
 5.16 and the defendant charged accordingly in applying this section. When two or more offenses
 5.17 are committed by the same person in two or more counties, the accused may be prosecuted
 5.18 in any county in which one of the offenses was committed for all of the offenses aggregated
 5.19 under this paragraph.

5.20 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes
 5.21 committed on or after that date.

5.22 Sec. 5. Minnesota Statutes 2020, section 609.595, subdivision 2, is amended to read:

5.23 Subd. 2. **Criminal damage to property in the third degree.** (a) Except as otherwise
 5.24 provided in subdivision 1a, whoever intentionally causes damage to another person's physical
 5.25 property without the other person's consent may be sentenced to imprisonment for not more
 5.26 than one year or to payment of a fine of not more than \$3,000, or both, if: (1) the damage
 5.27 reduces the value of the property by more than \$500 but not more than \$1,000 as measured
 5.28 by the cost of repair and replacement; or (2) the damage was to a public safety motor vehicle
 5.29 and the defendant knew the vehicle was a public safety motor vehicle.

5.30 (b) Whoever intentionally causes damage to another person's physical property without
 5.31 the other person's consent ~~because of the property owner's or another's actual or perceived~~
 5.32 ~~race, color, religion, sex, sexual orientation, disability as defined in section 363A.03, age,~~
 5.33 ~~or national origin~~ may be sentenced to imprisonment for not more than one year or to

6.1 payment of a fine of not more than \$3,000, or both, if the damage reduces the value of the
6.2 property by not more than \$500; and:

6.3 (1) was committed in whole or in part because of the property owner's or another's actual
6.4 or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity,
6.5 gender expression, age, national origin, or disability as defined in section 363A.03;

6.6 (2) was committed in whole or in part because of the victim's actual or perceived
6.7 association with another person or group of a certain actual or perceived race, color, ethnicity,
6.8 religion, sex, gender, sexual orientation, gender identity, gender expression, age, national
6.9 origin, or disability as defined in section 363A.03;

6.10 (3) was motivated in whole or in part by an intent to intimidate or harm an individual
6.11 or group of individuals because of actual or perceived race, color, ethnicity, religion, sex,
6.12 gender, sexual orientation, gender identity, gender expression, age, national origin, or
6.13 disability as defined in section 363A.03; or

6.14 (4) was motivated in whole or in part by an intent to intimidate or harm an individual
6.15 or group of individuals because of the victim's actual or perceived association with another
6.16 person or group of a certain actual or perceived race, color, ethnicity, religion, sex, gender,
6.17 sexual orientation, gender identity, gender expression, age, national origin, or disability as
6.18 defined in section 363A.03.

6.19 (c) In any prosecution under paragraph (a), clause (1), the value of property damaged
6.20 by the defendant in violation of that paragraph within any six-month period may be
6.21 aggregated and the defendant charged accordingly in applying this section. When two or
6.22 more offenses are committed by the same person in two or more counties, the accused may
6.23 be prosecuted in any county in which one of the offenses was committed for all of the
6.24 offenses aggregated under this paragraph.

6.25 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes
6.26 committed on or after that date.

6.27 Sec. 6. Minnesota Statutes 2020, section 609.749, subdivision 3, is amended to read:

6.28 Subd. 3. **Aggravated violations.** (a) A person who commits any of the following acts
6.29 is guilty of a felony and may be sentenced to imprisonment for not more than five years or
6.30 to payment of a fine of not more than \$10,000, or both:

6.31 (1) commits any offense described in subdivision 2 because of the victim's or another's
6.32 actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender
6.33 identity, gender expression, age, national origin, or disability as defined in section 363A.03,

7.1 ~~age, or national origin~~ or because of the victim's actual or perceived association with another
 7.2 person or group of a certain actual or perceived race, color, ethnicity, religion, sex, gender,
 7.3 sexual orientation, gender identity, gender expression, age, national origin, or disability as
 7.4 defined in section 363A.03;

7.5 (2) commits any offense described in subdivision 2 by falsely impersonating another;

7.6 (3) commits any offense described in subdivision 2 and a dangerous weapon was used
 7.7 in any way in the commission of the offense;

7.8 (4) commits any offense described in subdivision 2 with intent to influence or otherwise
 7.9 tamper with a juror or a judicial proceeding or with intent to retaliate against a judicial
 7.10 officer, as defined in section 609.415, or a prosecutor, defense attorney, or officer of the
 7.11 court, because of that person's performance of official duties in connection with a judicial
 7.12 proceeding; or

7.13 (5) commits any offense described in subdivision 2 against a victim under the age of
 7.14 18, if the actor is more than 36 months older than the victim.

7.15 (b) A person who commits any offense described in subdivision 2 against a victim under
 7.16 the age of 18, if the actor is more than 36 months older than the victim, and the act is
 7.17 committed with sexual or aggressive intent, is guilty of a felony and may be sentenced to
 7.18 imprisonment for not more than ten years or to payment of a fine of not more than \$20,000,
 7.19 or both.

7.20 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes
 7.21 committed on or after that date.

7.22 Sec. 7. Minnesota Statutes 2020, section 626.5531, subdivision 1, is amended to read:

7.23 Subdivision 1. **Reports required.** A peace officer must report to the head of the officer's
 7.24 department every violation of chapter 609 or a local criminal ordinance if the officer has
 7.25 reason to believe, or if the victim alleges, that the offender was motivated to commit the
 7.26 act ~~by~~ in whole or in part because of the victim's actual or perceived race, color, ethnicity,
 7.27 religion, ~~national origin,~~ sex, gender, sexual orientation, gender identity, gender expression,
 7.28 age, national origin, or disability as defined in section 363A.03, or characteristics identified
 7.29 as sexual orientation because of the victim's actual or perceived association with another
 7.30 person or group of a certain actual or perceived race, color, ethnicity, religion, sex, gender,
 7.31 sexual orientation, gender identity, gender expression, age, national origin, or disability as
 7.32 defined in section 363A.03. The superintendent of the Bureau of Criminal Apprehension

8.1 shall adopt a reporting form to be used by law enforcement agencies in making the reports
8.2 required under this section. The reports must include for each incident all of the following:

8.3 (1) the date of the offense;

8.4 (2) the location of the offense;

8.5 (3) whether the target of the incident is a person, private property, or public property;

8.6 (4) the crime committed;

8.7 (5) the type of bias and information about the offender and the victim that is relevant to
8.8 that bias;

8.9 (6) any organized group involved in the incident;

8.10 (7) the disposition of the case;

8.11 (8) whether the determination that the offense was motivated by bias was based on the
8.12 officer's reasonable belief or on the victim's allegation; and

8.13 (9) any additional information the superintendent deems necessary for the acquisition
8.14 of accurate and relevant data.

8.15 Sec. 8. Minnesota Statutes 2020, section 626.8451, subdivision 1, is amended to read:

8.16 Subdivision 1. **Training course; crimes motivated by bias.** (a) The board must prepare
8.17 a training course to assist peace officers in identifying and, responding to, and reporting
8.18 crimes motivated by in whole or in part because of the victim's or another's actual or
8.19 perceived race, color, ethnicity, religion, national origin, sex, gender, sexual orientation,
8.20 gender identity, gender expression, age, national origin, or disability as defined in section
8.21 363A.03, or characteristics identified as sexual orientation because of the victim's actual or
8.22 perceived association with another person or group of a certain actual or perceived race,
8.23 color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression,
8.24 age, national origin, or disability as defined in section 363A.03. The course must include
8.25 material to help officers distinguish bias crimes from other crimes, to help officers in
8.26 understanding and assisting victims of these crimes, and to ensure that bias crimes will be
8.27 accurately reported as required under section 626.5531. The board must review the course
8.28 must be updated periodically every three years and update it as the board, in consultation
8.29 with the commissioner of human rights, considers appropriate.

8.30 (b) In updating the training course described in paragraph (a), the board must consult
8.31 and secure approval from the commissioner of human rights.

9.1 **EFFECTIVE DATE.** This section is effective July 1, 2021.

9.2 Sec. 9. Minnesota Statutes 2020, section 626.8469, subdivision 1, is amended to read:

9.3 Subdivision 1. **In-service training required.** (a) Beginning July 1, 2018, the chief law
9.4 enforcement officer of every state and local law enforcement agency shall provide in-service
9.5 training in crisis intervention and mental illness crises; conflict management and mediation;
9.6 ~~and~~ recognizing and valuing community diversity and cultural differences to include implicit
9.7 bias training; and training to assist peace officers in identifying, responding to, and reporting
9.8 crimes committed in whole or in part because of the victim's actual or perceived race,
9.9 religion, national origin, sex, age, disability, or characteristics identified as sexual orientation
9.10 to every peace officer and part-time peace officer employed by the agency. The training
9.11 shall comply with learning objectives developed and approved by the board and shall meet
9.12 board requirements for board-approved continuing education credit. The board shall perform
9.13 an annual review of the learning objectives and must consult and collaborate with the
9.14 commissioner of human rights in identifying appropriate objectives related to identifying,
9.15 responding to, and reporting crimes committed in whole or in part because of the victim's
9.16 or another's actual or perceived race, color, ethnicity, religion, national origin, sex, gender,
9.17 sexual orientation, gender identity, gender expression, age, national origin, or disability as
9.18 defined in section 363A.03, or characteristics identified as sexual orientation because of
9.19 the victim's actual or perceived association with another person or group of a certain actual
9.20 or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity,
9.21 gender expression, age, national origin, or disability as defined in section 363A.03. The
9.22 training shall consist of at least 16 continuing education credits within an officer's three-year
9.23 licensing cycle. Each peace officer with a license renewal date after June 30, 2018, is not
9.24 required to complete this training until the officer's next full three-year licensing cycle.

9.25 (b) Beginning July 1, 2021, the training mandated under paragraph (a) must be provided
9.26 by an approved entity. The board shall create a list of approved entities and training courses
9.27 and make the list available to the chief law enforcement officer of every state and local law
9.28 enforcement agency. Each peace officer (1) with a license renewal date before June 30,
9.29 2022, and (2) who received the training mandated under paragraph (a) before July 1, 2021,
9.30 is not required to receive this training by an approved entity until the officer's next full
9.31 three-year licensing cycle.

9.32 (c) For every peace officer and part-time peace officer with a license renewal date of
9.33 June 30, 2022, or later, the training mandated under paragraph (a) must:

10.1 (1) include a minimum of six hours for crisis intervention and mental illness crisis
 10.2 training that meets the standards established in subdivision 1a; and

10.3 (2) include a minimum of four hours to ensure safer interactions between peace officers
 10.4 and persons with autism in compliance with section 626.8474.

10.5 **EFFECTIVE DATE.** This section is effective July 1, 2021.

10.6 Sec. 10. **COLLECTION OF DATA; APPROPRIATION.**

10.7 \$..... in fiscal year 2022 and \$..... in fiscal year 2023 are appropriated from the general
 10.8 fund to the commissioner of human rights to solicit, receive, and compile reports from
 10.9 community organizations, school districts and charter schools, and individuals regarding
 10.10 crimes a community member or community organization believes were committed in whole
 10.11 or in part because of the victim's or another's actual or perceived race, color, ethnicity,
 10.12 religion, sex, gender, sexual orientation, gender identity, gender expression, age, national
 10.13 origin, marital status, status with regard to public assistance, familial status, or disability as
 10.14 defined in section 363A.03, or because of the victim's actual or perceived association with
 10.15 another person or group of a certain actual or perceived race, color, ethnicity, religion, sex,
 10.16 gender, sexual orientation, gender identity, gender expression, age, national origin, or
 10.17 disability as defined in section 363A.03.

10.18 **EFFECTIVE DATE.** This section is effective July 1, 2021.

10.19 Sec. 11. **SUPPORT FOR VICTIMS OF CRIMES MOTIVATED BY BIAS;**
 10.20 **APPROPRIATION.**

10.21 \$..... in fiscal year 2022 and \$..... in fiscal year 2023 are appropriated from the general
 10.22 fund to the Office of Justice Programs for grants to nonprofit organizations to provide
 10.23 support services for victims of crimes where there is a reasonable belief that the crimes
 10.24 were committed in whole or in part because of the victim's or another's actual or perceived
 10.25 race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender
 10.26 expression, age, national origin, marital status, status with regard to public assistance,
 10.27 familial status, or disability as defined in section 363A.03, or because of the victim's actual
 10.28 or perceived association with another person or group of a certain actual or perceived race,
 10.29 color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression,
 10.30 age, national origin, or disability as defined in section 363A.03.

10.31 **EFFECTIVE DATE.** This section is effective July 1, 2021.

11.1 **Sec. 12. SUPPORT FOR COMMUNITY ORGANIZATIONS; APPROPRIATION.**

11.2 \$..... in fiscal year 2022 and \$..... in fiscal year 2023 are appropriated from the general
11.3 fund to the commissioner of human rights for grants to nonprofit organizations to collect
11.4 and report to the commissioner of human rights data on crimes where there is a reasonable
11.5 belief that the crimes were committed in whole or in part because of the victim's or another's
11.6 actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender
11.7 identity, gender expression, age, national origin, marital status, status with regard to public
11.8 assistance, familial status, or disability as defined in section 363A.03, or because of the
11.9 victim's actual or perceived association with another person or group of a certain actual or
11.10 perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity,
11.11 gender expression, age, national origin, or disability as defined in section 363A.03.

11.12 **EFFECTIVE DATE.** This section is effective July 1, 2021.