

**SENATE  
STATE OF MINNESOTA  
NINETY-THIRD SESSION**

**S.F. No. 1267**

(SENATE AUTHORS: LATZ and Oumou Verbeten)

DATE	D-PG	OFFICIAL STATUS
02/06/2023	670	Introduction and first reading Referred to Judiciary and Public Safety
04/25/2023	5947a	Comm report: To pass as amended Joint rule 2.03, referred to Rules and Administration
05/01/2023	6895	Comm report: Adopt previous comm report Jt rule 2.03 suspended
	6895	Second reading
	11498	Rule 47, returned to Judiciary and Public Safety See SF2909

1.1 A bill for an act

1.2 relating to public safety; modifying certain policy for corrections, probation, public

1.3 safety, law enforcement, and crime; providing for a report; amending Minnesota

1.4 Statutes 2022, sections 51A.14; 145A.061, subdivision 3; 146A.08, subdivision

1.5 1; 169A.44; 169A.60, subdivision 2; 171.306, by adding a subdivision; 241.021,

1.6 subdivisions 2a, 2b; 241.90; 243.166, subdivision 1b; 244.09, by adding a

1.7 subdivision; 244.17, subdivision 3; 244.19; 245C.15, subdivisions 1, 2, 4a; 245C.24,

1.8 subdivision 3; 253B.02, subdivision 4e; 253D.02, subdivision 8; 260B.171,

1.9 subdivision 3; 299A.296, subdivision 2; 299C.105, subdivision 1; 299C.67,

1.10 subdivision 2; 299F.46, subdivision 1; 299F.50, by adding subdivisions; 299F.51,

1.11 subdivisions 1, 2, 5, by adding a subdivision; 326.3361, subdivision 2; 326.3381,

1.12 subdivision 3; 401.01, subdivisions 1, 2; 401.02, subdivisions 1, 2, 3; 401.025;

1.13 401.04; 401.05, subdivision 1; 401.06; 401.08, subdivisions 2, 4; 401.09; 401.10,

1.14 subdivision 1; 401.12; 401.14, subdivisions 1, 3; 401.15, subdivision 1; 401.16;

1.15 609.02, subdivision 2; 609.03; 609.105, subdivisions 1, 3; 609.1055; 609.1095,

1.16 subdivision 1; 609.11, subdivision 9; 609.135, subdivisions 1a, 1c, 2; 609.185;

1.17 609.2247, by adding a subdivision; 609.2661; 609.341, subdivision 22; 609.52,

1.18 subdivision 3; 609.526, subdivision 2; 609.531, subdivision 1; 609.631, subdivision

1.19 4; 609.632, subdivision 4; 609.746, subdivision 1; 609.78, subdivision 2a; 609.821,

1.20 subdivision 3; 609A.02, subdivision 3; 609B.161; 611A.031; 611A.036, subdivision

1.21 7; 611A.08, subdivision 6; 617.22; 617.26; 624.712, subdivision 5; 626.8452, by

1.22 adding subdivisions; 626.8457, by adding subdivisions; 626.87, subdivisions 2,

1.23 3, 5, by adding a subdivision; 626.90, subdivision 2; 626.91, subdivisions 2, 4;

1.24 626.92, subdivisions 2, 3; 626.93, subdivisions 3, 4; 626A.05, subdivision 2;

1.25 626A.35, by adding a subdivision; 628.26; 629.361; 638.02, subdivision 3; Laws

1.26 1961, chapter 108, section 1, as amended; proposing coding for new law in

1.27 Minnesota Statutes, chapters 241; 604; 609; 617; 626; repealing Minnesota Statutes

1.28 2022, sections 609.293, subdivisions 1, 5; 609.34; 609.36; 617.20; 617.201;

1.29 617.202; 617.21; 617.28; 617.29; 626.93, subdivision 7.

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

2.2 **ARTICLE 1**

2.3 **CORRECTIONS**

2.4 Section 1. Minnesota Statutes 2022, section 241.021, subdivision 2a, is amended to read:

2.5 Subd. 2a. **Affected municipality; notice.** The commissioner must not ~~issue~~ grant a  
 2.6 license without giving 30 calendar days' written notice to any affected municipality or other  
 2.7 political subdivision unless the facility has a licensed capacity of six or fewer persons and  
 2.8 is occupied by either the licensee or the group foster home parents. The notification must  
 2.9 be given before the license is first issuance of a license granted and annually after that time  
 2.10 if annual notification is requested in writing by any affected municipality or other political  
 2.11 subdivision. State funds must not be made available to or be spent by an agency or department  
 2.12 of state, county, or municipal government for payment to a foster care facility licensed under  
 2.13 subdivision 2 until the provisions of this subdivision have been complied with in full.

2.14 Sec. 2. Minnesota Statutes 2022, section 241.021, subdivision 2b, is amended to read:

2.15 Subd. 2b. **Licensing; facilities; juveniles from outside state.** The commissioner may  
 2.16 not:

2.17 (1) ~~issue~~ grant a license under this section to operate a correctional facility for the  
 2.18 detention or confinement of juvenile offenders if the facility accepts juveniles who reside  
 2.19 outside of Minnesota without an agreement with the entity placing the juvenile at the facility  
 2.20 that obligates the entity to pay the educational expenses of the juvenile; or

2.21 (2) renew a license under this section to operate a correctional facility for the detention  
 2.22 or confinement of juvenile offenders if the facility accepts juveniles who reside outside of  
 2.23 Minnesota without an agreement with the entity placing the juvenile at the facility that  
 2.24 obligates the entity to pay the educational expenses of the juvenile.

2.25 Sec. 3. **[241.0215] JUVENILE DETENTION FACILITIES; RESTRICTIONS ON**  
 2.26 **STRIP SEARCHES AND DISCIPLINE.**

2.27 Subdivision 1. **Applicability.** This section applies to juvenile facilities licensed by the  
 2.28 commissioner of corrections under section 241.021, subdivision 2.

2.29 Subd. 2. **Definitions.** (a) As used in this section, the following terms have the meanings  
 2.30 given.

3.1 (b) "Health care professional" means an individual who is licensed or permitted by a  
3.2 Minnesota health-related licensing board, as defined in section 214.01, subdivision 2, to  
3.3 perform health care services in Minnesota within the professional's scope of practice.

3.4 (c) "Strip search" means a visual inspection of a juvenile's unclothed breasts, buttocks,  
3.5 or genitalia.

3.6 Subd. 3. **Searches restricted.** (a) A staff person working in a facility may not conduct  
3.7 a strip search unless:

3.8 (1) a specific, articulable, and immediate contraband concern is present;

3.9 (2) other search techniques and technology cannot be used or have failed to identify the  
3.10 contraband; and

3.11 (3) the facility's chief administrator or designee has reviewed the situation and approved  
3.12 the strip search.

3.13 (b) A strip search must be conducted by:

3.14 (1) a health care professional; or

3.15 (2) a staff person working in a facility who has received training on trauma-informed  
3.16 search techniques and other applicable training under Minnesota Rules, chapter 2960.

3.17 (c) A strip search must be documented in writing and describe the contraband concern,  
3.18 summarize other inspection techniques used or considered, and verify the approval from  
3.19 the facility's chief administrator or, in the temporary absence of the chief administrator, the  
3.20 staff person designated as the person in charge of the facility. A copy of the documentation  
3.21 must be provided to the commissioner within 24 hours of the strip search.

3.22 (d) Nothing in this section prohibits or limits a strip search as part of a health care  
3.23 procedure conducted by a health care professional.

3.24 Subd. 4. **Discipline restricted.** (a) A staff person working in a facility may not discipline  
3.25 a juvenile by physically or socially isolating the juvenile.

3.26 (b) Nothing in this subdivision restricts a facility from isolating a juvenile for the  
3.27 juvenile's safety, staff safety, or the safety of other facility residents when the isolation is  
3.28 consistent with rules adopted by the commissioner.

3.29 Subd. 5. **Commissioner action.** The commissioner may take any action authorized under  
3.30 section 241.021, subdivisions 2 and 3, to address a violation of this section.

4.1 Subd. 6. Report. (a) By February 15 each year, the commissioner must report to the  
 4.2 chairs and ranking minority members of the legislative committees and divisions with  
 4.3 jurisdiction over public safety finance and policy on the use of strip searches and isolation.

4.4 (b) The report must consist of summary data from the previous calendar year and must,  
 4.5 at a minimum, include:

4.6 (1) how often strip searches were performed;

4.7 (2) how often juveniles were isolated;

4.8 (3) the length of each period of isolation used and, for juveniles isolated in the previous  
 4.9 year, the total cumulative amount of time that the juveniles were isolated that year; and

4.10 (4) any injury to a juvenile related to a strip search or isolation, or both, that was  
 4.11 reportable as a critical incident.

4.12 (c) Data in the report must provide information on the demographics of juveniles who  
 4.13 were subject to a strip search and juveniles who were isolated. At a minimum, data must  
 4.14 be disaggregated by age, race, and gender.

4.15 (d) The report must identify any facility that performed a strip search or used isolation,  
 4.16 or both, in a manner that did not comply with this section or rules adopted by the  
 4.17 commissioner in conformity with this section.

4.18 **EFFECTIVE DATE.** This section is effective January 1, 2024.

4.19 Sec. 4. Minnesota Statutes 2022, section 241.90, is amended to read:

4.20 **241.90 OFFICE OF OMBUDSPERSON; CREATION; QUALIFICATIONS;**  
 4.21 **FUNCTION.**

4.22 The Office of Ombudsperson for the Department of Corrections is hereby created. The  
 4.23 ombudsperson shall ~~serve at the pleasure of~~ be appointed by the governor in the unclassified  
 4.24 service, and may be removed only for just cause. The ombudsperson shall be selected without  
 4.25 regard to political affiliation, and shall be a person highly competent and qualified to analyze  
 4.26 questions of law, administration, and public policy. No person may serve as ombudsperson  
 4.27 while holding any other public office. The ombudsperson for corrections shall be accountable  
 4.28 to the governor and shall have the authority to investigate decisions, acts, and other matters  
 4.29 of the Department of Corrections so as to promote the highest attainable standards of  
 4.30 competence, efficiency, and justice in the administration of corrections.

5.1 **Sec. 5. REVISED FACILITY PLANS.**

5.2 The commissioner of corrections must direct any juvenile facility licensed by the  
 5.3 commissioner to revise its plan under Minnesota Rules, part 2960.0270, subpart 6, and its  
 5.4 restrictive procedures plan under Minnesota Rules, part 2960.0710, subpart 2, to be consistent  
 5.5 with Minnesota Statutes, section 241.0215. After receiving notice from the commissioner,  
 5.6 a facility must submit the revised plans to the commissioner within 60 days.

5.7 **EFFECTIVE DATE.** This section is effective January 1, 2024.

5.8 **Sec. 6. RULEMAKING.**

5.9 (a) The commissioner of corrections must amend Minnesota Rules, chapter 2960, to  
 5.10 enforce the requirements under Minnesota Statutes, section 241.0215, including but not  
 5.11 limited to training, facility audits, strip searches, disciplinary room time, time-outs, and  
 5.12 seclusion. The commissioner may amend the rules to make technical changes and ensure  
 5.13 consistency with Minnesota Statutes, section 241.0215.

5.14 (b) In amending or adopting rules according to paragraph (a), the commissioner must  
 5.15 use the exempt rulemaking process under Minnesota Statutes, section 14.386.

5.16 Notwithstanding Minnesota Statutes, section 14.386, paragraph (b), a rule adopted under  
 5.17 this section is permanent. After the rule is adopted, the authorization to use the exempt  
 5.18 rulemaking process expires.

5.19 (c) Notwithstanding Minnesota Laws 1995, chapter 226, article 3, sections 50, 51, and  
 5.20 60, or any other law to the contrary, the joint rulemaking authority with the commissioner  
 5.21 of human services does not apply to rule amendments applicable only to the Department of  
 5.22 Corrections. A rule that is amending jointly administered rule parts must be related to  
 5.23 requirements on strip searches, disciplinary room time, time-outs, and seclusion and be  
 5.24 necessary for consistency with this section.

5.25 **EFFECTIVE DATE.** This section is effective January 1, 2024.

5.26 **ARTICLE 2**

5.27 **PROBATION**

5.28 Section 1. Minnesota Statutes 2022, section 244.19, is amended to read:

5.29 **244.19 PROBATION OFFICERS.**

5.30 Subdivision 1. **Appointment; joint services; state services.** (a) If a county or group of  
 5.31 counties has established a human services board pursuant to chapter 402, the district court

6.1 may appoint one or more county probation officers as necessary to perform court services,  
6.2 and the human services board shall appoint persons as necessary to provide correctional  
6.3 services within the authority granted in chapter 402. In all counties of more than 200,000  
6.4 population, which have not organized pursuant to chapter 402, the district court shall appoint  
6.5 one or more persons of good character to serve as county probation officers during the  
6.6 pleasure of the court. All other counties shall provide adult misdemeanor and juvenile  
6.7 probation services to district courts in one of the following ways:

6.8 (1) the court, with the approval of the county boards, may appoint one or more salaried  
6.9 county probation officers to serve during the pleasure of the court;

6.10 (2) when two or more counties offer probation services the district court through the  
6.11 county boards may appoint common salaried county probation officers to serve in the several  
6.12 counties;

6.13 (3) a county or a district court may request the commissioner of corrections to furnish  
6.14 probation services in accordance with the provisions of this section, and the commissioner  
6.15 of corrections shall furnish such services to any county or court that fails to provide its own  
6.16 probation officer by one of the two procedures listed above;

6.17 (4) if a county or district court providing probation services under clause (1) or (2) asks  
6.18 the commissioner of corrections or the legislative body for the state of Minnesota mandates  
6.19 the commissioner of corrections to furnish probation services to the district court, the  
6.20 probation officers and other employees displaced by the changeover shall be employed by  
6.21 the commissioner of corrections. Years of service in the county probation department are  
6.22 to be given full credit for future sick leave and vacation accrual purposes;

6.23 (5) for a person who is enrolled or eligible to be enrolled in a Tribal Nation or who  
6.24 resides in an enrolled member's household, a Tribal Nation may elect to provide probation  
6.25 services within the county in which the person resides; and

6.26 ~~(5)~~ (6) all probation officers serving the juvenile courts on July 1, 1972, shall continue  
6.27 to serve in the county or counties they are now serving.

6.28 (b) The commissioner of management and budget shall place employees transferred to  
6.29 state service under paragraph (a), clause (4), in the proper classifications in the classified  
6.30 service. Each employee is appointed without examination at no loss in salary or accrued  
6.31 vacation or sick leave benefits, but no additional accrual of vacation or sick leave benefits  
6.32 may occur until the employee's total accrued vacation or sick leave benefits fall below the  
6.33 maximum permitted by the state for the employee's position. An employee appointed under  
6.34 paragraph (a), clause (4), shall serve a probationary period of six months. After exhausting

7.1 labor contract remedies, a noncertified employee may appeal for a hearing within ten days  
7.2 to the commissioner of management and budget, who may uphold the decision, extend the  
7.3 probation period, or certify the employee. The decision of the commissioner of management  
7.4 and budget is final. The state shall negotiate with the exclusive representative for the  
7.5 bargaining unit to which the employees are transferred regarding their seniority. For purposes  
7.6 of computing seniority among those employees transferring from one county unit only, a  
7.7 transferred employee retains the same seniority position as the employee had within that  
7.8 county's probation office.

7.9 Subd. 1a. **Definition.** For purposes of this section, "Tribal Nation" means a federally  
7.10 recognized Tribal Nation within the boundaries of the state of Minnesota.

7.11 **Subd. 2. Sufficiency of services.** Probation services shall be sufficient in amount to  
7.12 meet the needs of the district court in each county. County probation officers serving district  
7.13 courts in all counties of not more than 200,000 population shall also, pursuant to subdivision  
7.14 3, provide probation and parole services to wards of the commissioner of corrections resident  
7.15 in their counties. To provide these probation services counties containing a city of 10,000  
7.16 or more population shall, as far as practicable, have one probation officer for not more than  
7.17 35,000 population; in counties that do not contain a city of such size, the commissioner of  
7.18 corrections shall, after consultation with the chief judge of the district court, ~~and~~ the county  
7.19 commissioners, or Tribal Nation through an approved plan, and in the light of experience,  
7.20 establish probation districts to be served by one officer.

7.21 All probation officers appointed for any district court or ~~community county~~ corrections  
7.22 agency, including Tribal Nations, shall be selected from a list of eligible candidates ~~who~~  
7.23 have. Those candidates must be minimally qualified according to the same or equivalent  
7.24 examining procedures as used by the commissioner of management and budget to certify  
7.25 ~~eligibles~~ eligibility to the commissioner of corrections in appointing parole agents, ~~and the~~  
7.26 ~~Department of Management and Budget shall furnish the names of such candidates on~~  
7.27 ~~request.~~ This subdivision shall not apply to a political subdivision having a civil service or  
7.28 merit system unless the subdivision elects to be covered by this subdivision.

7.29 **Subd. 3. Powers and duties.** All county or Tribal Nation probation officers serving a  
7.30 district court shall act under the orders of the court in reference to any person committed  
7.31 to their care by the court, and in the performance of their duties shall have the general powers  
7.32 of a peace officer; and it shall be their duty to make such investigations with regard to any  
7.33 person as may be required by the court before, during, or after the trial or hearing, and to  
7.34 furnish to the court such information and assistance as may be required; to take charge of  
7.35 any person before, during or after trial or hearing when so directed by the court, and to keep

8.1 such records and to make such reports to the court as the court may order. Tribal Nations  
8.2 providing probation services have the same general powers provided to county probation  
8.3 officers defined within statute or rule.

8.4 All county or Tribal Nation probation officers serving a district court shall, in addition,  
8.5 provide probation and parole services to wards of the commissioner of corrections resident  
8.6 in the counties they serve, and shall act under the orders of said commissioner of corrections  
8.7 in reference to any ward committed to their care by the commissioner of corrections.

8.8 All probation officers serving a district court shall, under the direction of the authority  
8.9 having power to appoint them, initiate programs for the welfare of persons coming within  
8.10 the jurisdiction of the court to prevent delinquency and crime and to rehabilitate within the  
8.11 community persons who come within the jurisdiction of the court and are properly subject  
8.12 to efforts to accomplish prevention and rehabilitation. They shall, under the direction of the  
8.13 court, cooperate with all law enforcement agencies, schools, child welfare agencies of a  
8.14 public or private character, and other groups concerned with the prevention of crime and  
8.15 delinquency and the rehabilitation of persons convicted of crime and delinquency.

8.16 All probation officers serving a district court shall make monthly and annual reports to  
8.17 the commissioner of corrections, on forms furnished by the commissioner, containing such  
8.18 information on number of cases cited to the juvenile division of district court, offenses,  
8.19 adjudications, dispositions, and related matters as may be required by the commissioner of  
8.20 corrections. The reports shall include the information on individuals convicted as an extended  
8.21 jurisdiction juvenile identified in section 241.016, subdivision 1, paragraph (c).

8.22 Subd. 5. **Compensation.** In counties of more than 200,000 population, a majority of the  
8.23 judges of the district court may direct the payment of such salary to probation officers as  
8.24 may be approved by the county board, and in addition thereto shall be reimbursed for all  
8.25 necessary expenses incurred in the performance of their official duties. In all counties which  
8.26 obtain probation services from the commissioner of corrections the commissioner shall, out  
8.27 of appropriations provided therefor, pay probation officers the salary and all benefits fixed  
8.28 by the state law or applicable bargaining unit and all necessary expenses, including secretarial  
8.29 service, office equipment and supplies, postage, telephone and telegraph services, and travel  
8.30 and subsistence. Each county receiving probation services from the commissioner of  
8.31 corrections shall reimburse the department of corrections for the total cost and expenses of  
8.32 such services as incurred by the commissioner of corrections. ~~Total annual costs for each~~  
8.33 ~~county shall be that portion of the total costs and expenses for the services of one probation~~  
8.34 ~~officer represented by the ratio which the county's population bears to the total population~~  
8.35 ~~served by one officer. For the purposes of this section, the population of any county shall~~



9.1 ~~be the most recent estimate made by the Department of Health.~~ At least every six months  
9.2 the commissioner of corrections shall bill for the total cost and expenses incurred by the  
9.3 commissioner on behalf of each county which has received probation services. The  
9.4 commissioner of corrections shall notify each county of the cost and expenses and the county  
9.5 shall pay to the commissioner the amount due for reimbursement. All such reimbursements  
9.6 shall be deposited in the general fund. Objections by a county to all allocation of such cost  
9.7 and expenses shall be presented to and determined by the commissioner of corrections.  
9.8 Each county providing probation services under this section is hereby authorized to use  
9.9 unexpended funds and to levy additional taxes for this purpose.

9.10 The county commissioners of any county of not more than 200,000 population shall,  
9.11 when requested to do so by the juvenile judge, provide probation officers with suitable  
9.12 offices, and may provide equipment, and secretarial help needed to render the required  
9.13 services.

9.14 Subd. 6. **Reimbursement of counties or Tribal Nations.** In order to reimburse the  
9.15 counties or a Tribal Nation for the cost which they assume under this section of providing  
9.16 probation and parole services to wards of the commissioner of corrections and to aid the  
9.17 counties in achieving the purposes of this section, the commissioner of corrections shall  
9.18 annually, from funds appropriated and specifically for that purpose counties or a Tribal  
9.19 Nation, pay 50 percent of the costs of probation officers' salaries to all counties of not more  
9.20 than 200,000 population. Nothing in this section will invalidate any payments to counties  
9.21 made pursuant to this section before May 15, 1963. Salary costs include fringe benefits, but  
9.22 only to the extent that fringe benefits do not exceed those provided for state civil service  
9.23 employees. On or before July 1 of each even-numbered year each county or group of counties  
9.24 or Tribal Nations which provide their own probation services to the district court under  
9.25 subdivision 1, clause (1) or (2), shall submit to the commissioner of corrections an estimate  
9.26 of its costs under this section. Reimbursement to those counties or Tribal Nations shall be  
9.27 made on the basis of the estimate or actual expenditures incurred, whichever is less.  
9.28 Reimbursement for those counties which obtain probation services from the commissioner  
9.29 of corrections pursuant to subdivision 1, clause (3), must be made on the basis of actual  
9.30 expenditures. Salary costs shall not be reimbursed unless county probation officers or Tribal  
9.31 Nations are paid salaries commensurate with the salaries paid to comparable positions in  
9.32 the classified service of the state civil service. The salary range to which each county  
9.33 probation officer is assigned shall be determined by the authority having power to appoint  
9.34 probation officers, and shall be based on the officer's length of service and performance.  
9.35 The appointing authority shall annually assign each county or Tribal Nation probation officer

10.1 to a position on the salary scale commensurate with the officer's experience, tenure, and  
10.2 responsibilities. For county provided probation officers, the judge shall file with the county  
10.3 auditor an order setting each county probation officer's salary. Time spent by a county  
10.4 probation officer as a court referee shall not qualify for reimbursement. Reimbursement  
10.5 shall be prorated if the appropriation for counties or Tribal Nations is insufficient. A new  
10.6 position eligible for reimbursement under this section may not be added by a county or  
10.7 Tribal Nation without the written approval of the commissioner of corrections. When a new  
10.8 position is approved, the commissioner shall include the cost of the position in calculating  
10.9 each county's or Tribal Nation's share.

10.10 Subd. 7. **Certificate of counties entitled to state aid.** ~~On or before January 1 of each~~  
10.11 ~~year, until 1970 and~~ On or before April 1 ~~thereafter~~ each year, the commissioner of  
10.12 corrections shall deliver to the commissioner of management and budget a certificate in  
10.13 duplicate for each county of the state entitled to receive state aid under the provisions of  
10.14 this section. Upon the receipt of such certificate, the commissioner of management and  
10.15 budget shall issue a payment to the county treasurer for the amount shown by each certificate  
10.16 to be due to the county specified. The commissioner of management and budget shall  
10.17 transmit such payment to the county treasurer or a Tribal Nation together with a copy of  
10.18 the certificate prepared by the commissioner of corrections.

10.19 Subd. 8. **Exception.** This section shall not apply to Ramsey County.

10.20 Sec. 2. Minnesota Statutes 2022, section 401.01, subdivision 1, is amended to read:

10.21 Subdivision 1. **Grants.** For the purpose of more effectively protecting society and to  
10.22 promote efficiency and economy in the delivery of correctional services, the commissioner  
10.23 is authorized to make grants to assist counties or Tribal Nations in the development,  
10.24 implementation, and operation of community-based corrections programs including  
10.25 preventive or diversionary correctional programs, conditional release programs, community  
10.26 corrections centers, and facilities for the detention or confinement, care and treatment of  
10.27 persons convicted of crime or adjudicated delinquent. The commissioner may authorize the  
10.28 use of a percentage of a grant for the operation of an emergency shelter or make a separate  
10.29 grant for the rehabilitation of a facility owned by the grantee and used as a shelter to bring  
10.30 the facility into compliance with state and local laws pertaining to health, fire, and safety,  
10.31 and to provide security.

11.1 Sec. 3. Minnesota Statutes 2022, section 401.01, subdivision 2, is amended to read:

11.2 Subd. 2. **Definitions.** (a) For the purposes of sections 401.01 to 401.16, the following  
11.3 terms have the meanings given them.

11.4 (b) ~~"CCA county"~~ "CCA jurisdiction" means a county or Tribal Nation that participates  
11.5 in the Community Corrections Act.

11.6 (c) "Commissioner" means the commissioner of corrections or a designee.

11.7 (d) "Conditional release" means parole, supervised release, conditional release as  
11.8 authorized by section 609.3455, subdivision 6, 7, or 8; Minnesota Statutes 2004, section  
11.9 609.108, subdivision 6; or Minnesota Statutes 2004, section 609.109, subdivision 7, work  
11.10 release as authorized by sections 241.26, 244.065, and 631.425, probation, furlough, and  
11.11 any other authorized temporary release from a correctional facility.

11.12 (e) "County probation officer" means a probation officer appointed and defined under  
11.13 section 244.19.

11.14 (f) "Detain" means to take into actual custody, including custody within a local  
11.15 correctional facility.

11.16 (g) "Joint board" means the board provided in section 471.59.

11.17 (h) "Local correctional facility" has the meaning given in section 241.021, subdivision  
11.18 1.

11.19 (i) "Local correctional service" means those services authorized by and employees,  
11.20 officers, and agents appointed under section 244.19, subdivision 1.

11.21 (j) "Release" means to release from actual custody.

11.22 (k) "Tribal Nation" means a federally recognized Tribal Nation within the boundaries  
11.23 of the state of Minnesota.

11.24 Sec. 4. Minnesota Statutes 2022, section 401.02, subdivision 1, is amended to read:

11.25 Subdivision 1. **Qualification of counties or Tribal nation.** (a) One or more counties;  
11.26 ~~having an aggregate population of 30,000 or more persons,~~ or Tribal nations may qualify  
11.27 for a grant as provided in section 401.01 by the enactment of appropriate resolutions creating  
11.28 and establishing a corrections advisory board, designating the officer or agency to be  
11.29 responsible for administering grant funds, and providing for the preparation of a  
11.30 comprehensive plan for the development, implementation, and operation of the correctional  
11.31 services described in section 401.01, including the assumption of those correctional services,

12.1 other than the operation of state facilities, presently provided in such counties by the  
 12.2 Department of Corrections, or for Tribal nations, probation services within a Tribal nation,  
 12.3 and providing for centralized administration and control of those correctional services  
 12.4 described in section 401.01.

12.5 Where counties combine as authorized in this section, they shall comply with the  
 12.6 provisions of section 471.59.

12.7 (b) A county that has participated in the Community Corrections Act for five or more  
 12.8 years is eligible to continue to participate in the Community Corrections Act.

12.9 Sec. 5. Minnesota Statutes 2022, section 401.02, subdivision 2, is amended to read:

12.10 Subd. 2. **Planning counties; advisory board members expenses.** To assist counties  
 12.11 or Tribal nations which have complied with the provisions of subdivision 1 and require  
 12.12 financial aid to defray all or a part of the expenses incurred by corrections advisory board  
 12.13 members in discharging their official duties pursuant to section 401.08, the commissioner  
 12.14 may designate counties or Tribal nations as "planning counties", and, upon receipt of  
 12.15 resolutions by the governing boards of the counties or Tribal nations certifying the need for  
 12.16 and inability to pay the expenses described in this subdivision, advance to the counties or  
 12.17 Tribal nations an amount not to exceed five percent of the maximum quarterly subsidy for  
 12.18 which the counties or Tribal nations are eligible. The expenses described in this subdivision  
 12.19 shall be paid in the same manner and amount as for state employees.

12.20 Sec. 6. Minnesota Statutes 2022, section 401.02, subdivision 3, is amended to read:

12.21 Subd. 3. **Establishment and reorganization of administrative structure.** Any county,  
 12.22 Tribal nation, or group of counties which have qualified for participation in the community  
 12.23 corrections subsidy program provided by this chapter may establish, organize, and reorganize  
 12.24 an administrative structure and provide for the budgeting, staffing, and operation of court  
 12.25 services and probation, construction or improvement to juvenile detention and juvenile  
 12.26 correctional facilities and adult detention and correctional facilities, and other activities  
 12.27 required to conform to the purposes of this chapter. No contrary general or special statute  
 12.28 divests any county or group of counties of the authority granted by this subdivision.

13.1 Sec. 7. Minnesota Statutes 2022, section 401.025, is amended to read:

13.2 **401.025 DETENTION AND RELEASE; PROBATIONERS, CONDITIONAL**  
 13.3 **RELEASEES, AND PRETRIAL RELEASEES.**

13.4 Subdivision 1. **Peace officers and probation officers serving CCA ~~counties~~**  
 13.5 **jurisdictions**. (a) When it appears necessary to enforce discipline or to prevent a person on  
 13.6 conditional release from escaping or absconding from supervision, the chief executive  
 13.7 officer or designee of a community corrections agency in a CCA ~~county~~ jurisdiction has  
 13.8 the authority to issue a written order directing any peace officer or any probation officer in  
 13.9 the state serving the district and juvenile courts to detain and bring the person before the  
 13.10 court or the commissioner, whichever is appropriate, for disposition. This written order is  
 13.11 sufficient authority for the peace officer or probation officer to detain the person for not  
 13.12 more than 72 hours, excluding Saturdays, Sundays, and holidays, pending a hearing before  
 13.13 the court or the commissioner.

13.14 (b) The chief executive officer or designee of a community corrections agency in a CCA  
 13.15 ~~county~~ jurisdiction has the authority to issue a written order directing a peace officer or  
 13.16 probation officer serving the district and juvenile courts to release a person detained under  
 13.17 paragraph (a) within 72 hours, excluding Saturdays, Sundays, and holidays, without an  
 13.18 appearance before the court or the commissioner. This written order is sufficient authority  
 13.19 for the peace officer or probation officer to release the detained person.

13.20 (c) The chief executive officer or designee of a community corrections agency in a CCA  
 13.21 ~~county~~ jurisdiction has the authority to issue a written order directing any peace officer or  
 13.22 any probation officer serving the district and juvenile courts to detain any person on  
 13.23 court-ordered pretrial release who absconds from pretrial release or fails to abide by the  
 13.24 conditions of pretrial release. A written order issued under this paragraph is sufficient  
 13.25 authority for the peace officer or probation officer to detain the person.

13.26 Subd. 2. **Peace officers and probation officers in other counties and state correctional**  
 13.27 **investigators**. (a) The chief executive officer or designee of a community corrections agency  
 13.28 in a CCA ~~county~~ jurisdiction has the authority to issue a written order directing any state  
 13.29 correctional investigator or any peace officer, probation officer, or county probation officer  
 13.30 from another county to detain a person under sentence or on probation who:

13.31 (1) fails to report to serve a sentence at a local correctional facility;

13.32 (2) fails to return from furlough or authorized temporary release from a local correctional  
 13.33 facility;

14.1 (3) escapes from a local correctional facility; or

14.2 (4) absconds from court-ordered home detention.

14.3 (b) The chief executive officer or designee of a community corrections agency in a CCA  
 14.4 ~~county~~ jurisdiction has the authority to issue a written order directing any state correctional  
 14.5 investigator or any peace officer, probation officer, or county probation officer from another  
 14.6 county to detain any person on court-ordered pretrial release who absconds from pretrial  
 14.7 release or fails to abide by the conditions of pretrial release.

14.8 (c) A written order issued under paragraph (a) or (b) is sufficient authority for the state  
 14.9 correctional investigator, peace officer, probation officer, or county probation officer to  
 14.10 detain the person.

14.11 Subd. 3. **Offenders under Department of Corrections commitment.** CCA ~~counties~~  
 14.12 jurisdictions shall comply with the policies prescribed by the commissioner when providing  
 14.13 supervision and other correctional services to persons conditionally released pursuant to  
 14.14 sections 241.26, 242.19, 243.05, 243.1605, 244.05, and 244.065, including intercounty  
 14.15 transfer of persons on conditional release and the conduct of presentence investigations.

14.16 Sec. 8. Minnesota Statutes 2022, section 401.04, is amended to read:

14.17 **401.04 ACQUISITION OF PROPERTY; SELECTION OF ADMINISTRATIVE**  
 14.18 **STRUCTURE; EMPLOYEES.**

14.19 Any county ~~or~~ group of counties, or Tribal nation electing to come within the provisions  
 14.20 of sections 401.01 to 401.16 may (a) acquire by any lawful means, including purchase, lease  
 14.21 or transfer of custodial control, the lands, buildings and equipment necessary and incident  
 14.22 to the accomplishment of the purposes of sections 401.01 to 401.16, (b) determine and  
 14.23 establish the administrative structure best suited to the efficient administration and delivery  
 14.24 of the correctional services described in section 401.01, and (c) employ a director and other  
 14.25 officers, employees and agents as deemed necessary to carry out the provisions of sections  
 14.26 401.01 to 401.16. To the extent that participating counties shall assume and take over state  
 14.27 and local correctional services presently provided in counties, employment shall be given  
 14.28 to those state and local officers, employees and agents thus displaced; if hired by a county,  
 14.29 employment shall, to the extent possible and notwithstanding the provisions of any other  
 14.30 law or ordinance to the contrary, be deemed a transfer in grade with all of the benefits  
 14.31 enjoyed by such officer, employee or agent while in the service of the state or local  
 14.32 correctional service.

15.1 State or local employees displaced by county participation in the subsidy program  
15.2 provided by this chapter are on layoff status and, if not hired by a participating county as  
15.3 provided herein, may exercise their rights under layoff procedures established by law or  
15.4 union agreement whichever is applicable.

15.5 State or local officers and employees displaced by a county's participation in the  
15.6 Community Corrections Act and hired by the participating county shall retain all fringe  
15.7 benefits and recall from layoff benefits accrued by seniority and enjoyed by them while in  
15.8 the service of the state.

15.9 Sec. 9. Minnesota Statutes 2022, section 401.05, subdivision 1, is amended to read:

15.10 Subdivision 1. **Authorization to use and accept funds.** Any ~~county~~ CCA jurisdiction  
15.11 or group of counties electing to come within the provisions of sections 401.01 to 401.16  
15.12 may, through their governing bodies, use unexpended funds; accept gifts, grants, and  
15.13 subsidies from any lawful source; and apply for and accept federal funds.

15.14 Sec. 10. Minnesota Statutes 2022, section 401.06, is amended to read:

15.15 **401.06 COMPREHENSIVE PLAN; STANDARDS OF ELIGIBILITY;**  
15.16 **COMPLIANCE.**

15.17 No county, Tribal nation, or group of counties electing to provide correctional services  
15.18 pursuant to sections 401.01 to 401.16 shall be eligible for the subsidy herein provided unless  
15.19 and until its comprehensive plan shall have been approved by the commissioner. The  
15.20 commissioner shall, pursuant to the Administrative Procedure Act, promulgate rules  
15.21 establishing standards of eligibility for counties or Tribal nations to receive funds under  
15.22 sections 401.01 to 401.16. To remain eligible for subsidy ~~counties~~ CCA jurisdictions shall  
15.23 maintain substantial compliance with the minimum standards established pursuant to sections  
15.24 401.01 to 401.16 and the policies and procedures governing the services described in section  
15.25 401.025 as prescribed by the commissioner. Counties shall also be in substantial compliance  
15.26 with other correctional operating standards permitted by law and established by the  
15.27 commissioner and shall report statistics required by the commissioner including but not  
15.28 limited to information on individuals convicted as an extended jurisdiction juvenile identified  
15.29 in section 241.016, subdivision 1, paragraph (c). The commissioner shall review annually  
15.30 the comprehensive plans submitted by participating ~~counties~~ CCA jurisdictions, including  
15.31 the facilities and programs operated under the plans. The commissioner is hereby authorized  
15.32 to enter upon any facility operated under the plan, and inspect books and records, for purposes  
15.33 of recommending needed changes or improvements.

16.1 When the commissioner shall determine that there are reasonable grounds to believe  
 16.2 that a ~~county~~ CCA jurisdiction or group of counties is not in substantial compliance with  
 16.3 minimum standards, at least 30 days' notice shall be given to the ~~county or counties~~ CCA  
 16.4 jurisdiction and a hearing conducted by the commissioner to ascertain whether there is  
 16.5 substantial compliance or satisfactory progress being made toward compliance. The  
 16.6 commissioner may suspend all or a portion of any subsidy until the required standard of  
 16.7 operation has been met.

16.8 Sec. 11. Minnesota Statutes 2022, section 401.08, subdivision 2, is amended to read:

16.9 Subd. 2. **Appointment; terms.** The members of the corrections advisory board shall be  
 16.10 appointed by the board of county commissioners ~~or~~ the joint board in the case of multiple  
 16.11 counties, or a Tribal nation and shall serve for terms of two years from and after the date  
 16.12 of their appointment, and shall remain in office until their successors are duly appointed.  
 16.13 The board may elect its own officers.

16.14 Sec. 12. Minnesota Statutes 2022, section 401.08, subdivision 4, is amended to read:

16.15 Subd. 4. **Comprehensive plan.** The corrections advisory board provided in sections  
 16.16 401.01 to 401.16, shall actively participate in the formulation of the comprehensive plan  
 16.17 for the development, implementation, and operation of the correctional program and services  
 16.18 described in section 401.01, and shall make a formal recommendation to the county board,  
 16.19 Tribal government, or joint board at least annually concerning the comprehensive plan and  
 16.20 its implementation during the ensuing year.

16.21 Sec. 13. Minnesota Statutes 2022, section 401.09, is amended to read:

16.22 **401.09 OTHER SUBSIDY PROGRAMS; PURCHASE OF STATE SERVICES.**

16.23 Failure of a ~~county~~ CCA jurisdiction or group of counties to elect to come within the  
 16.24 provisions of sections 401.01 to 401.16 shall not affect their eligibility for any other state  
 16.25 subsidy for correctional purposes otherwise provided by law. Any comprehensive plan  
 16.26 submitted pursuant to sections 401.01 to 401.16 may include the purchase of selected  
 16.27 correctional services from the state by contract, including the temporary detention and  
 16.28 confinement of persons convicted of crime or adjudicated delinquent; confinement to be in  
 16.29 an appropriate state facility as otherwise provided by law. The commissioner shall annually  
 16.30 determine the costs of the purchase of services under this section and deduct them from the  
 16.31 subsidy due and payable to the county or counties concerned; provided that no contract



17.1 shall exceed in cost the amount of subsidy to which the participating county or counties are  
17.2 eligible.

17.3 Sec. 14. Minnesota Statutes 2022, section 401.10, subdivision 1, is amended to read:

17.4 Subdivision 1. **Aid calculations.** To determine the community corrections aid amount  
17.5 to be paid to each participating county, the commissioner of corrections must apply the  
17.6 following formula:

17.7 (1) For each of the 87 counties in the state, a percent score must be calculated for each  
17.8 of the following five factors:

17.9 (i) percent of the total state population aged ten to 24 residing within the county according  
17.10 to the most recent federal census, and, in the intervening years between the taking of the  
17.11 federal census, according to the most recent estimate of the state demographer;

17.12 (ii) percent of the statewide total number of felony case filings occurring within the  
17.13 county, as determined by the state court administrator;

17.14 (iii) percent of the statewide total number of juvenile case filings occurring within the  
17.15 county, as determined by the state court administrator;

17.16 (iv) percent of the statewide total number of gross misdemeanor case filings occurring  
17.17 within the county, as determined by the state court administrator; and

17.18 (v) percent of the total statewide number of convicted felony offenders who did not  
17.19 receive an executed prison sentence, as monitored and reported by the Sentencing Guidelines  
17.20 Commission.

17.21 The percents in items (ii) to (v) must be calculated by combining the most recent  
17.22 three-year period of available data. The percents in items (i) to (v) each must sum to 100  
17.23 percent across the 87 counties.

17.24 (2) For each of the 87 counties, the county's percents in clause (1), items (i) to (v), must  
17.25 be weighted, summed, and divided by the sum of the weights to yield an average percent  
17.26 for each county, referred to as the county's "composite need percent." When performing  
17.27 this calculation, the weight for each of the percents in clause (1), items (i) to (v), is 1.0. The  
17.28 composite need percent must sum to 100 percent across the 87 counties.

17.29 (3) For each of the 87 counties, the county's "adjusted net tax capacity percent" is the  
17.30 county's adjusted net tax capacity amount, defined in the same manner as it is defined for  
17.31 cities in section 477A.011, subdivision 20, divided by the statewide total adjusted net tax

18.1 capacity amount. The adjusted net tax capacity percent must sum to 100 percent across the  
18.2 87 counties.

18.3 (4) For each of the 87 counties, the county's composite need percent must be divided by  
18.4 the county's adjusted net tax capacity percent to produce a ratio that, when multiplied by  
18.5 the county's composite need percent, results in the county's "tax base adjusted need percent."

18.6 (5) For each of the 87 counties, the county's tax base adjusted need percent must be  
18.7 added to twice the composite need percent, and the sum must be divided by 3, to yield the  
18.8 county's "weighted need percent."

18.9 (6) Each participating county's weighted need percent must be added to the weighted  
18.10 need percent of each other participating county to yield the "total weighted need percent  
18.11 for participating counties."

18.12 (7) Each participating county's weighted need percent must be divided by the total  
18.13 weighted need percent for participating counties to yield the county's "share percent." The  
18.14 share percents for participating counties must sum to 100 percent.

18.15 (8) Each participating county's "base funding amount" is the aid amount that the county  
18.16 received under this section for fiscal year 1995 plus the amount received in caseload or  
18.17 workload reduction, felony caseload reduction, and sex offender supervision grants in fiscal  
18.18 year 2015, as reported by the commissioner of corrections. In fiscal year 1997 and thereafter,  
18.19 no county's aid amount under this section may be less than its base funding amount, provided  
18.20 that the total amount appropriated for this purpose is at least as much as the aggregate base  
18.21 funding amount defined in clause (9).

18.22 (9) The "aggregate base funding amount" is equal to the sum of the base funding amounts  
18.23 for all participating counties. If a county that participated under this section chooses not to  
18.24 participate in any given year, then the aggregate base funding amount must be reduced by  
18.25 that county's base funding amount. If a county that did not participate under this section in  
18.26 fiscal year 1995 chooses to participate on or after July 1, 2015, then the aggregate base  
18.27 funding amount must be increased by the amount of aid that the county would have received  
18.28 had it participated in fiscal year 1995 plus the estimated amount it would have received in  
18.29 caseload or workload reduction, felony caseload reduction, and sex offender supervision  
18.30 grants in fiscal year 2015, as reported by the commissioner of corrections, and the amount  
18.31 of increase shall be that county's base funding amount.

18.32 (10) In any given year, the total amount appropriated for this purpose first must be  
18.33 allocated to participating counties in accordance with each county's base funding amount.  
18.34 Then, any remaining amount in excess of the aggregate base funding amount must be

19.1 allocated to participating counties in proportion to each county's share percent, and is referred  
 19.2 to as the county's "formula amount."

19.3 Each participating county's "community corrections aid amount" equals the sum of (i)  
 19.4 the county's base funding amount, and (ii) the county's formula amount.

19.5 (11) However, if in any year the total amount appropriated for the purpose of this section  
 19.6 is less than the aggregate base funding amount, then each participating county's community  
 19.7 corrections aid amount is the product of (i) the county's base funding amount multiplied by  
 19.8 (ii) the ratio of the total amount appropriated to the aggregate base funding amount.

19.9 For each participating county, the county's community corrections aid amount calculated  
 19.10 in this subdivision is the total amount of subsidy to which the county is entitled under  
 19.11 sections 401.01 to 401.16.

19.12 For each Tribal nation, a base funding amount of \$250,000 is allotted annually through  
 19.13 legislative appropriation to each Tribal nation to purchase probation services regardless of  
 19.14 a CCA jurisdiction. An additional formula amount as appropriated through legislation must  
 19.15 be developed and approved by the commissioner for equitable distribution for Tribal nations  
 19.16 under a CCA jurisdiction.

19.17 Sec. 15. Minnesota Statutes 2022, section 401.12, is amended to read:

19.18 **401.12 CONTINUATION OF CURRENT SPENDING LEVEL BY COUNTIES.**

19.19 Participating counties or Tribal nations shall not diminish their current level of spending  
 19.20 for correctional expenses as defined in section 401.01, to the extent of any subsidy received  
 19.21 pursuant to sections 401.01 to 401.16; rather the subsidy herein provided is for the  
 19.22 expenditure for correctional purposes in excess of those funds currently being expended.  
 19.23 Should a participating ~~county~~ CCA jurisdiction be unable to expend the full amount of the  
 19.24 subsidy to which it would be entitled in any one year under the provisions of sections 401.01  
 19.25 to 401.16, the commissioner shall retain the surplus, subject to disbursement in the following  
 19.26 year wherein such ~~county~~ CCA jurisdiction can demonstrate a need for and ability to expend  
 19.27 same for the purposes provided in section 401.01. If in any biennium the subsidy is increased  
 19.28 by an inflationary adjustment which results in the ~~county~~ CCA jurisdiction receiving more  
 19.29 actual subsidy than it did in the previous calendar year, the ~~county~~ CCA jurisdiction shall  
 19.30 be eligible for that increase only if the current level of spending is increased by a percentage  
 19.31 equal to that increase within the same biennium.

20.1 Sec. 16. Minnesota Statutes 2022, section 401.14, subdivision 1, is amended to read:

20.2 Subdivision 1. **Payment.** Upon compliance by a ~~county~~ CCA jurisdiction or group of  
20.3 counties with the prerequisites for participation in the subsidy prescribed by sections 401.01  
20.4 to 401.16, and approval of the comprehensive plan by the commissioner, the commissioner  
20.5 shall determine whether funds exist for the payment of the subsidy and proceed to pay same  
20.6 in accordance with applicable rules.

20.7 Sec. 17. Minnesota Statutes 2022, section 401.14, subdivision 3, is amended to read:

20.8 Subd. 3. **Installment payments.** The commissioner of corrections shall make payments  
20.9 for community corrections services to each ~~county~~ CCA jurisdiction in 12 installments per  
20.10 year. The commissioner shall ensure that the pertinent payment of the allotment for each  
20.11 month is made to each county on the first working day after the end of each month of the  
20.12 calendar year, except for the last month of the calendar year. The commissioner shall ensure  
20.13 that each ~~county~~ CCA jurisdiction receives its payment of the allotment for that month no  
20.14 later than the last working day of that month. The payment described in this subdivision for  
20.15 services rendered during June 1985 shall be made on the first working day of July 1985.

20.16 Sec. 18. Minnesota Statutes 2022, section 401.15, subdivision 1, is amended to read:

20.17 Subdivision 1. **Certified statements; determinations; adjustments.** Within 60 days  
20.18 of the end of each calendar quarter, participating ~~counties~~ CCA jurisdictions which have  
20.19 received the payments authorized by section 401.14 shall submit to the commissioner  
20.20 certified statements detailing the amounts expended and costs incurred in furnishing the  
20.21 correctional services provided in sections 401.01 to 401.16. Upon receipt of certified  
20.22 statements, the commissioner shall, in the manner provided in sections 401.10 and 401.12,  
20.23 determine the amount each participating county is entitled to receive, making any adjustments  
20.24 necessary to rectify any disparity between the amounts received pursuant to the estimate  
20.25 provided in section 401.14 and the amounts actually expended. If the amount received  
20.26 pursuant to the estimate is greater than the amount actually expended during the quarter,  
20.27 the commissioner may withhold the difference from any subsequent monthly payments  
20.28 made pursuant to section 401.14. Upon certification by the commissioner of the amount a  
20.29 participating ~~county~~ CCA jurisdiction is entitled to receive under the provisions of section  
20.30 401.14 or of this subdivision the commissioner of management and budget shall thereupon  
20.31 issue a payment to the chief fiscal officer of each participating ~~county~~ CCA jurisdiction for  
20.32 the amount due together with a copy of the certificate prepared by the commissioner.

21.1 Sec. 19. Minnesota Statutes 2022, section 401.16, is amended to read:

21.2 **401.16 WITHDRAWAL FROM PROGRAM.**

21.3 Any participating ~~county may~~, (1) CCA jurisdiction at the beginning of any calendar  
 21.4 quarter, by resolution of its board of commissioners, or (2) Tribal council may notify the  
 21.5 commissioner of its intention to withdraw from the subsidy program established by sections  
 21.6 401.01 to 401.16, and the withdrawal shall be effective at least six months of the last day  
 21.7 of the last month of the quarter in which the notice was given. Upon withdrawal, the  
 21.8 unexpended balance of moneys allocated to the county, or that amount necessary to reinstate  
 21.9 state correctional services displaced by that county's participation, including complement  
 21.10 positions, may, upon approval of the legislative advisory commission, be transferred to the  
 21.11 commissioner for the reinstatement of the displaced services and the payment of any other  
 21.12 correctional subsidies for which the withdrawing county had previously been eligible.

21.13 **ARTICLE 3**

21.14 **PUBLIC SAFETY**

21.15 Section 1. Minnesota Statutes 2022, section 169A.44, is amended to read:

21.16 **169A.44 CONDITIONAL RELEASE.**

21.17 Subdivision 1. **Nonfelony violations.** (a) This subdivision applies to a person charged  
 21.18 with a nonfelony violation of section 169A.20 (driving while impaired) under circumstances  
 21.19 described in section 169A.40, subdivision 3 (certain DWI offenders; custodial arrest).

21.20 (b) Except as provided in subdivision 3, unless maximum bail is imposed under section  
 21.21 629.471, a person described in paragraph (a) may be released from detention only if the  
 21.22 person agrees to:

21.23 (1) abstain from alcohol; and

21.24 (2) submit to a program of electronic alcohol monitoring, involving at least daily  
 21.25 measurements of the person's alcohol concentration, pending resolution of the charge.

21.26 Clause (2) applies only when electronic alcohol-monitoring equipment is available to  
 21.27 the court. The court shall require partial or total reimbursement from the person for the cost  
 21.28 of the electronic alcohol monitoring, to the extent the person is able to pay.

21.29 Subd. 2. **Felony violations.** (a) Except as provided in subdivision 3, a person charged  
 21.30 with violating section 169A.20 within ten years of the first of three or more qualified prior  
 21.31 impaired driving incidents may be released from detention only if the following conditions  
 21.32 are imposed:

- 22.1 (1) the conditions described in subdivision 1, paragraph (b), if applicable;
- 22.2 (2) the impoundment of the registration plates of the vehicle used to commit the violation,  
22.3 unless already impounded;
- 22.4 (3) if the vehicle used to commit the violation was an off-road recreational vehicle or a  
22.5 motorboat, the impoundment of the off-road recreational vehicle or motorboat;
- 22.6 (4) a requirement that the person report weekly to a probation agent;
- 22.7 (5) a requirement that the person abstain from consumption of alcohol and controlled  
22.8 substances and submit to random alcohol tests or urine analyses at least weekly;
- 22.9 (6) a requirement that, if convicted, the person reimburse the court or county for the  
22.10 total cost of these services; and
- 22.11 (7) any other conditions of release ordered by the court.

22.12 (b) In addition to setting forth conditions of release under paragraph (a), if required by  
22.13 court rule, the court shall also fix the amount of money bail without other conditions upon  
22.14 which the defendant may obtain release.

22.15 Subd. 3. **Exception; ignition interlock program.** (a) A court is not required, either  
22.16 when initially reviewing a person's release or when modifying the terms of the person's  
22.17 release, to order a person charged with violating section 169A.24 (first-degree driving while  
22.18 impaired), 169A.25 (second-degree driving while impaired), or 169A.26 (third-degree  
22.19 driving while impaired) to submit to a program of electronic alcohol monitoring under  
22.20 subdivision 1 or 2 if the person becomes a program participant in the ignition interlock  
22.21 program under section 171.306.

22.22 (b) A judicial officer, county agency, or probation office may not require or suggest that  
22.23 the person use a particular ignition interlock vendor when complying with this subdivision  
22.24 but may provide the person with a list of all Minnesota vendors of certified devices.

22.25 (c) Paragraph (b) does not apply in counties where a contract exists for a specific vendor  
22.26 to provide interlock device service for program participants who are indigent pursuant to  
22.27 section 171.306, subdivision 2, paragraph (b), clause (1).

22.28 Sec. 2. Minnesota Statutes 2022, section 169A.60, subdivision 2, is amended to read:

22.29 Subd. 2. **Plate impoundment violation; impoundment order.** (a) The commissioner  
22.30 shall issue a registration plate impoundment order when:

23.1 (1) a person's driver's license or driving privileges are revoked for a plate impoundment  
23.2 violation;

23.3 (2) a person is arrested for or charged with a plate impoundment violation described in  
23.4 subdivision 1, paragraph (d), clause (5); or

23.5 (3) a person issued new registration plates pursuant to subdivision 13, paragraph (f),  
23.6 violates the terms of the ignition interlock program as described in subdivision 13, paragraph  
23.7 (g).

23.8 (b) The order must require the impoundment of the registration plates of the motor  
23.9 vehicle involved in the plate impoundment violation ~~and all motor vehicles owned by,~~  
23.10 ~~registered, or leased in the name of the violator, including motor vehicles registered jointly~~  
23.11 ~~or leased in the name of the violator and another.~~ The commissioner shall not issue an  
23.12 impoundment order for the registration plates of a rental vehicle, as defined in section  
23.13 168.041, subdivision 10, or a vehicle registered in another state.

23.14 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to acts  
23.15 occurring on or after that date.

23.16 Sec. 3. Minnesota Statutes 2022, section 171.306, is amended by adding a subdivision to  
23.17 read:

23.18 Subd. 9. **Choice of vendor.** (a) A judicial officer, county agency, or probation office  
23.19 may not require or suggest that a person participating in the ignition interlock device program  
23.20 under this section use a particular ignition interlock vendor but may provide the person with  
23.21 a list of all Minnesota vendors of certified devices.

23.22 (b) Paragraph (a) does not apply in counties where a contract exists for a specific vendor  
23.23 to provide interlock device service for program participants who are indigent pursuant to  
23.24 subdivision 2, paragraph (b), clause (1).

23.25 Sec. 4. Minnesota Statutes 2022, section 299F.46, subdivision 1, is amended to read:

23.26 Subdivision 1. **Hotel inspection.** (a) It shall be the duty of the commissioner of public  
23.27 safety to inspect, or cause to be inspected, at least once every three years, every hotel in  
23.28 this state; and, for that purpose, the commissioner, or the commissioner's deputies or  
23.29 designated alternates or agents, shall have the right to enter or have access thereto at any  
23.30 reasonable hour; and, when, upon such inspection, it shall be found that the hotel so inspected  
23.31 does not conform to or is not being operated in accordance with the provisions of sections  
23.32 157.011 and 157.15 to 157.22, in so far as the same relate to fire prevention or fire protection

24.1 of hotels, or the rules promulgated thereunder, or is being maintained or operated in such  
24.2 manner as to violate the Minnesota State Fire Code promulgated pursuant to section 326B.02,  
24.3 subdivision 6, 299F.51, or any other law of this state relating to fire prevention and fire  
24.4 protection of hotels, the commissioner and the deputies or designated alternates or agents  
24.5 shall report such a situation to the hotel inspector who shall proceed as provided for in  
24.6 chapter 157.

24.7 (b) The word "hotel", as used in this subdivision, has the meaning given in section  
24.8 299F.391.

24.9 Sec. 5. Minnesota Statutes 2022, section 299F.50, is amended by adding a subdivision to  
24.10 read:

24.11 Subd. 11. **Hotel.** "Hotel" means any building, or portion thereof, containing six or more  
24.12 guest rooms intended or designed to be used, or which are used, rented, or hired out to be  
24.13 occupied, or which are occupied for sleeping purposes by guests.

24.14 Sec. 6. Minnesota Statutes 2022, section 299F.50, is amended by adding a subdivision to  
24.15 read:

24.16 Subd. 12. **Lodging house.** "Lodging house" means any building, or portion thereof,  
24.17 containing not more than five guest rooms which are used or are intended to be used for  
24.18 sleeping purposes by guests and where rent is paid in money, goods, labor, or otherwise.

24.19 Sec. 7. Minnesota Statutes 2022, section 299F.51, subdivision 1, is amended to read:

24.20 Subdivision 1. **Generally.** (a) Every ~~single-family~~ single-family dwelling and every  
24.21 dwelling unit in a multifamily dwelling must have an approved and operational carbon  
24.22 monoxide alarm installed within ten feet of each room lawfully used for sleeping purposes.

24.23 (b) Every guest room in a hotel or lodging house must have an approved and operational  
24.24 carbon monoxide alarm installed in each room lawfully used for sleeping purposes.

24.25 Sec. 8. Minnesota Statutes 2022, section 299F.51, subdivision 2, is amended to read:

24.26 Subd. 2. **Owner's duties.** (a) The owner of a multifamily dwelling unit which is required  
24.27 to be equipped with one or more approved carbon monoxide alarms must:

24.28 (1) provide and install one approved and operational carbon monoxide alarm within ten  
24.29 feet of each room lawfully used for sleeping; and



25.1 (2) replace any required carbon monoxide alarm that has been stolen, removed, found  
 25.2 missing, or rendered inoperable during a prior occupancy of the dwelling unit and which  
 25.3 has not been replaced by the prior occupant prior to the commencement of a new occupancy  
 25.4 of a dwelling unit.

25.5 (b) The owner of a hotel or lodging house that is required to be equipped with one or  
 25.6 more approved carbon monoxide alarms must:

25.7 (1) provide and install one approved and operational carbon monoxide alarm in each  
 25.8 room lawfully used for sleeping; and

25.9 (2) replace any required carbon monoxide alarm that has been stolen, removed, found  
 25.10 missing, or rendered inoperable during a prior occupancy and that has not been replaced by  
 25.11 the prior occupant prior to the commencement of a new occupancy of a hotel guest room  
 25.12 or lodging house.

25.13 Sec. 9. Minnesota Statutes 2022, section 299F.51, subdivision 5, is amended to read:

25.14 Subd. 5. **Exceptions; certain multifamily dwellings and state-operated facilities.** (a)  
 25.15 In lieu of requirements of subdivision 1, multifamily dwellings may have approved and  
 25.16 operational carbon monoxide ~~alarms~~ detectors installed between 15 and 25 feet of carbon  
 25.17 monoxide-producing central fixtures and equipment, provided there is a centralized alarm  
 25.18 system or other mechanism for responsible parties to hear the alarm at all times.

25.19 (b) An owner of a multifamily dwelling that contains minimal or no sources of carbon  
 25.20 monoxide may be exempted from the requirements of subdivision 1, provided that such  
 25.21 owner certifies to the commissioner of public safety that such multifamily dwelling poses  
 25.22 no foreseeable carbon monoxide risk to the health and safety of the dwelling units.

25.23 (c) The requirements of this section do not apply to facilities owned or operated by the  
 25.24 state of Minnesota.

25.25 Sec. 10. Minnesota Statutes 2022, section 299F.51, is amended by adding a subdivision  
 25.26 to read:

25.27 Subd. 6. **Safety warning.** A first violation of this section shall not result in a penalty,  
 25.28 but is punishable by a safety warning. A second or subsequent violation is a petty  
 25.29 misdemeanor.

25.30 Sec. 11. Minnesota Statutes 2022, section 326.3361, subdivision 2, is amended to read:

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

26.1 (1) 12 hours of preassignment or on-the-job certified training within the first 21 days of  
26.2 employment, or evidence that the employee has successfully completed equivalent training  
26.3 before the start of employment. Notwithstanding any statute or rule to the contrary, this  
26.4 clause is satisfied if the employee provides a prospective employer with a certificate or a  
26.5 copy of a certificate demonstrating that the employee successfully completed this training  
26.6 prior to employment with a different Minnesota licensee and completed this training within  
26.7 three previous calendar years, or successfully completed this training with a Minnesota  
26.8 licensee while previously employed with a Minnesota licensee. The certificate or a copy of  
26.9 the certificate is the property of the employee who completed the training, regardless of  
26.10 who paid for the training or how training was provided. Upon a current or former employee's  
26.11 request, a current or former licensed employer must provide a copy of a certificate  
26.12 demonstrating the employee's successful completion of training to the current or former  
26.13 employee. The current or former licensed employer must not charge the employee a fee for  
26.14 a copy of the certificate. The employee who completed the training is entitled to access a  
26.15 copy of the certificate at no charge according to sections 181.960 to 181.966. A current or  
26.16 former employer must comply with sections 181.90 to 181.966;

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

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

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

26.26 Sec. 12. Minnesota Statutes 2022, section 609.2247, is amended by adding a subdivision  
26.27 to read:

26.28 Subd. 3. **Medical examination; costs.** Costs incurred by a county, city, or private hospital  
26.29 or other emergency medical facility or by a private physician for the examination of a victim  
26.30 of domestic assault by strangulation when the examination is performed for the purpose of  
26.31 gathering evidence are subject to the payment and reimbursement provisions in section  
26.32 609.35.

26.33 **EFFECTIVE DATE.** This section is effective July 1, 2023.

## ARTICLE 4

## LAW ENFORCEMENT

Section 1. [626.5535] CARJACKING; REPORTING REQUIRED.

Subdivision 1. Definition. For purposes of this section, "carjacking" means a violation of section 609.247.

Subd. 2. Use of information collected. (a) The head of a local law enforcement agency or state law enforcement department that employs peace officers, as defined in section 626.84, subdivision 1, paragraph (c), must forward the following carjacking information from the agency's or department's jurisdiction to the commissioner of public safety at least quarterly each year:

(1) the number of carjacking attempts;

(2) the number of carjackings;

(3) the number of persons injured in each offense;

(4) the number of persons killed in each offense; and

(5) weapons used in each offense, if any.

(b) The commissioner of public safety must include the data received under paragraph (a) in a separate carjacking category in the department's annual uniform crime report.

Sec. 2. Minnesota Statutes 2022, section 626.8452, is amended by adding a subdivision to read:

Subd. 1b. Prohibition against retaliation; employers. (a) A law enforcement agency shall not discharge, discipline, threaten, retaliate, otherwise discriminate against, or penalize a peace officer regarding the officer's compensation, terms, conditions, location, or privileges of employment because the officer interceded or made a report in compliance with section 626.8475 or a policy adopted under subdivision 1a regarding another employee or peace officer who used excessive force.

(b) A court may order the law enforcement agency to pay back wages and offer job reinstatement to any officer discharged from employment in violation of paragraph (a).

(c) In addition to any remedies otherwise provided by law, a peace officer injured by a violation of paragraph (a) may bring a civil action for recovery of damages together with costs and disbursements, including reasonable attorney fees, and may receive injunctive and other equitable relief, including reinstatement, as determined by the court.

28.1 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to causes  
28.2 of action occurring on or after that date.

28.3 Sec. 3. Minnesota Statutes 2022, section 626.8452, is amended by adding a subdivision  
28.4 to read:

28.5 Subd. 1c. **Prohibition against retaliation; fellow officers.** (a) A peace officer or  
28.6 employee of a law enforcement agency may not threaten, harass, retaliate, or otherwise  
28.7 discriminate against a peace officer because the officer interceded or made a report in  
28.8 compliance with section 626.8475 or a policy adopted under subdivision 1a regarding  
28.9 another employee or peace officer who used excessive force.

28.10 (b) A person who violates paragraph (a) is subject to disciplinary action as determined  
28.11 by the chief law enforcement officer of the agency employing the person.

28.12 (c) A peace officer who is the victim of conduct prohibited in paragraph (a) may bring  
28.13 a civil action for recovery of damages together with costs and disbursements, including  
28.14 reasonable attorney fees, and may receive injunctive and other equitable relief as determined  
28.15 by the court.

28.16 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to causes  
28.17 of action occurring on or after that date.

28.18 Sec. 4. Minnesota Statutes 2022, section 626.8457, is amended by adding a subdivision  
28.19 to read:

28.20 Subd. 4. **Data to be shared with board.** (a) Upon receiving written notice that the board  
28.21 is investigating any allegation of misconduct within its regulatory authority, a chief law  
28.22 enforcement officer, city, county, or public official must cooperate with the board's  
28.23 investigation and any data request from the board.

28.24 (b) Upon written request from the board that a matter alleging misconduct within its  
28.25 regulatory authority has occurred regarding a licensed peace officer, a chief law enforcement  
28.26 officer, city, county, or public official shall provide the board with all requested public and  
28.27 private data about alleged misconduct involving the licensed peace officer, including any  
28.28 pending or final disciplinary or arbitration proceeding, any settlement or compromise, and  
28.29 any investigative files including but not limited to body worn camera or other audio or video  
28.30 files. Confidential data must also be disclosed when the board specifies that the particular  
28.31 data is necessary to fulfill its investigatory obligation concerning an allegation of misconduct  
28.32 within its regulatory authority.

29.1 (c) If a licensed peace officer is discharged or resigns from employment after engaging  
 29.2 in any conduct that initiates and results in an investigation of alleged misconduct within the  
 29.3 board's regulatory authority, regardless of whether the licensee was criminally charged or  
 29.4 an administrative or internal affairs investigation was commenced or completed, a chief  
 29.5 law enforcement officer must report the conduct to the board and provide the board with  
 29.6 all public and not public data requested under paragraph (b). If the conduct involves the  
 29.7 chief law enforcement officer, the overseeing city, county, or public official must report  
 29.8 the conduct to the board and provide the board with all public and not public data requested  
 29.9 under paragraph (b).

29.10 (d) Data obtained by the board shall be classified and governed as articulated in sections  
 29.11 13.03, subdivision 4, and 13.09, as applicable.

29.12 Sec. 5. Minnesota Statutes 2022, section 626.8457, is amended by adding a subdivision  
 29.13 to read:

29.14 Subd. 5. **Immunity from liability.** A chief law enforcement officer, city, county, or  
 29.15 public official and employees of the law enforcement agency are immune from civil or  
 29.16 criminal liability, including any liability under chapter 13, for reporting or releasing public  
 29.17 or not public data to the board under subdivisions 3 and 4, unless the chief law enforcement  
 29.18 officer, city, county, or public official or employees of the law enforcement agency presented  
 29.19 false information to the board with the intention of causing reputational harm to the peace  
 29.20 officer.

29.21 Sec. 6. Minnesota Statutes 2022, section 626.87, is amended by adding a subdivision to  
 29.22 read:

29.23 Subd. 1a. **Background checks.** (a) The law enforcement agency must request a criminal  
 29.24 history background check from the superintendent of the Bureau of Criminal Apprehension  
 29.25 on an applicant for employment as a licensed peace officer or an applicant for a position  
 29.26 leading to employment as a licensed peace officer within the state of Minnesota to determine  
 29.27 eligibility for licensing. Applicants must provide, for submission to the superintendent of  
 29.28 the Bureau of Criminal Apprehension:

29.29 (1) an executed criminal history consent form, authorizing the dissemination of state  
 29.30 and federal records to the law enforcement agency and the Board of Peace Officer Standards  
 29.31 and Training and fingerprints; and

29.32 (2) a money order or cashier's check payable to the Bureau of Criminal Apprehension  
 29.33 for the fee for conducting the criminal history background check.

30.1 (b) The superintendent of the Bureau of Criminal Apprehension shall perform the  
 30.2 background check required under paragraph (a) by retrieving criminal history data as defined  
 30.3 in section 13.87 and shall also conduct a search of the national criminal records repository.  
 30.4 The superintendent is authorized to exchange the applicant's fingerprints with the Federal  
 30.5 Bureau of Investigation to obtain their national criminal history record information. The  
 30.6 superintendent must return the results of the Minnesota and federal criminal history records  
 30.7 checks to the law enforcement agency who is authorized to share with the Board of Peace  
 30.8 Officer Standards and Training to determine if the individual is eligible for licensing under  
 30.9 Minnesota Rules, chapter 6700.

30.10 Sec. 7. Minnesota Statutes 2022, section 626.87, subdivision 2, is amended to read:

30.11 Subd. 2. **Disclosure of employment information.** Upon request of a law enforcement  
 30.12 agency, an employer shall disclose or otherwise make available for inspection employment  
 30.13 information of an employee or former employee who is the subject of an investigation under  
 30.14 subdivision 1 or who is a candidate for employment with a law enforcement agency in any  
 30.15 other capacity. The request for disclosure of employment information must be in writing,  
 30.16 must be accompanied by an ~~original~~ authorization and release signed by the employee or  
 30.17 former employee, and must be signed by a ~~sworn peace officer or other~~ an authorized  
 30.18 representative of the law enforcement agency conducting the background investigation.

30.19 Sec. 8. Minnesota Statutes 2022, section 626.87, subdivision 3, is amended to read:

30.20 Subd. 3. **Refusal to disclose a personnel record.** If an employer refuses to disclose  
 30.21 employment information in accordance with this section, upon request the district court  
 30.22 may issue an ex parte order directing the disclosure of the employment information. The  
 30.23 request must be made by a ~~sworn peace officer~~ an authorized representative from the law  
 30.24 enforcement agency conducting the background investigation and must include a copy of  
 30.25 the ~~original~~ request for disclosure made upon the employer or former employer and the  
 30.26 authorization and release signed by the employee or former employee. The request must be  
 30.27 signed by the ~~peace officer~~ person requesting the order and an attorney representing the  
 30.28 state or the political subdivision on whose behalf the background investigation is being  
 30.29 conducted. It is not necessary for the request or the order to be filed with the court  
 30.30 administrator. Failure to comply with the court order subjects the person or entity who fails  
 30.31 to comply to civil or criminal contempt of court.

31.1 Sec. 9. Minnesota Statutes 2022, section 626.87, subdivision 5, is amended to read:

31.2 Subd. 5. **Notice of investigation.** Upon initiation of a background investigation ~~under~~  
 31.3 ~~this section~~ for a person described in subdivision 1, the law enforcement agency shall give  
 31.4 written notice to the Peace Officer Standards and Training Board of:

31.5 (1) the candidate's full name and date of birth; and

31.6 (2) the candidate's peace officer license number, if known.

31.7 The initiation of a background investigation does not include the submission of an  
 31.8 application for employment. Initiation of a background investigation occurs when the law  
 31.9 enforcement agency begins its determination of whether an applicant meets the agency's  
 31.10 standards for employment as a law enforcement employee.

31.11 Sec. 10. Minnesota Statutes 2022, section 626.90, subdivision 2, is amended to read:

31.12 Subd. 2. **Law enforcement agency.** (a) The band has the powers of a law enforcement  
 31.13 agency, as defined in section 626.84, subdivision 1, paragraph (f), if all of the requirements  
 31.14 of clauses (1) to (4) are met:

31.15 (1) the band agrees to be subject to liability for its torts and those of its officers,  
 31.16 employees, and agents acting within the scope of their employment or duties arising out of  
 31.17 a law enforcement agency function conferred by this section, to the same extent as a  
 31.18 municipality under chapter 466, and the band further agrees, notwithstanding section 16C.05,  
 31.19 subdivision 7, to waive its sovereign immunity for purposes of claims of this liability;

31.20 (2) the band files with the Board of Peace Officer Standards and Training a bond or  
 31.21 certificate of insurance for liability coverage with the maximum single occurrence amounts  
 31.22 set forth in section 466.04 and an annual cap for all occurrences within a year of three times  
 31.23 the single occurrence amount;

31.24 (3) the band files with the Board of Peace Officer Standards and Training a certificate  
 31.25 of insurance for liability of its law enforcement officers, employees, and agents for lawsuits  
 31.26 under the United States Constitution; and

31.27 (4) the band agrees to be subject to section 13.82 and any other laws of the state relating  
 31.28 to data practices of law enforcement agencies.

31.29 (b) The band ~~shall~~ may enter into mutual aid/cooperative agreements with the Mille  
 31.30 Lacs County sheriff under section 471.59 to define and regulate the provision of law  
 31.31 enforcement services under this section. ~~The agreements must define the trust property~~  
 31.32 ~~involved in the joint powers agreement.~~

32.1 (c) Only if the requirements of paragraph (a) are met, the band shall have concurrent  
 32.2 jurisdictional authority under this section with the Mille Lacs County Sheriff's Department  
 32.3 ~~only if the requirements of paragraph (a) are met and under the following circumstances:~~

32.4 ~~(1) over all persons in the geographical boundaries of the property held by the United~~  
 32.5 ~~States in trust for the Mille Lacs Band or the Minnesota Chippewa tribe;~~

32.6 ~~(2) over all Minnesota Chippewa tribal members within the boundaries of the Treaty of~~  
 32.7 ~~February 22, 1855, 10 Stat. 1165, in Mille Lacs County, Minnesota; and.~~

32.8 ~~(3) concurrent jurisdiction over any person who commits or attempts to commit a crime~~  
 32.9 ~~in the presence of an appointed band peace officer within the boundaries of the Treaty of~~  
 32.10 ~~February 22, 1855, 10 Stat. 1165, in Mille Lacs County, Minnesota.~~

32.11 Sec. 11. Minnesota Statutes 2022, section 626.91, subdivision 2, is amended to read:

32.12 Subd. 2. **Law enforcement agency.** (a) The community has the powers of a law  
 32.13 enforcement agency, as defined in section 626.84, subdivision 1, paragraph (f), if all of the  
 32.14 requirements of clauses (1) to (4) are met:

32.15 (1) the community agrees to be subject to liability for its torts and those of its officers,  
 32.16 employees, and agents acting within the scope of their employment or duties arising out of  
 32.17 the law enforcement agency powers conferred by this section to the same extent as a  
 32.18 municipality under chapter 466, and the community further agrees, notwithstanding section  
 32.19 16C.05, subdivision 7, to waive its sovereign immunity with respect to claims arising from  
 32.20 this liability;

32.21 (2) the community files with the Board of Peace Officer Standards and Training a bond  
 32.22 or certificate of insurance for liability coverage with the maximum single occurrence amounts  
 32.23 set forth in section 466.04 and an annual cap for all occurrences within a year of three times  
 32.24 the single occurrence amount;

32.25 (3) the community files with the Board of Peace Officer Standards and Training a  
 32.26 certificate of insurance for liability of its law enforcement officers, employees, and agents  
 32.27 for lawsuits under the United States Constitution; and

32.28 (4) the community agrees to be subject to section 13.82 and any other laws of the state  
 32.29 relating to data practices of law enforcement agencies.

32.30 (b) The community ~~shall~~ may enter into an agreement under section 471.59 with the  
 32.31 Redwood County sheriff to define and regulate the provision of law enforcement services  
 32.32 under this section and to provide for mutual aid and cooperation. If entered, the agreement



33.1 must identify and describe the trust property involved in the agreement. For purposes of  
33.2 entering into this agreement, the community shall be considered a "governmental unit" as  
33.3 that term is defined in section 471.59, subdivision 1.

33.4 Sec. 12. Minnesota Statutes 2022, section 626.91, subdivision 4, is amended to read:

33.5 Subd. 4. **Peace officers.** If the community complies with the requirements set forth in  
33.6 subdivision 2, paragraph (a), the community is authorized to appoint peace officers, as  
33.7 defined in section 626.84, subdivision 1, paragraph (c), who have the same powers as peace  
33.8 officers employed by the Redwood County sheriff over the persons and the geographic  
33.9 areas described in subdivision 3.

33.10 Sec. 13. Minnesota Statutes 2022, section 626.92, subdivision 2, is amended to read:

33.11 Subd. 2. **Law enforcement agency.** (a) The band has the powers of a law enforcement  
33.12 agency, as defined in section 626.84, subdivision 1, paragraph (f), if all of the requirements  
33.13 of clauses (1) to (4) and paragraph (b) are met:

33.14 (1) the band agrees to be subject to liability for its torts and those of its officers,  
33.15 employees, and agents acting within the scope of their employment or duties arising out of  
33.16 the law enforcement agency powers conferred by this section to the same extent as a  
33.17 municipality under chapter 466, and the band further agrees, notwithstanding section 16C.05,  
33.18 subdivision 7, to waive its sovereign immunity for purposes of claims arising out of this  
33.19 liability;

33.20 (2) the band files with the Board of Peace Officer Standards and Training a bond or  
33.21 certificate of insurance for liability coverage with the maximum single occurrence amounts  
33.22 set forth in section 466.04 and an annual cap for all occurrences within a year of three times  
33.23 the single occurrence amount or establishes that liability coverage exists under the Federal  
33.24 Torts Claims Act, United States Code, title 28, section 1346(b), et al., as extended to the  
33.25 band pursuant to the Indian Self-Determination and Education Assistance Act of 1975,  
33.26 United States Code, title 25, section 450f(c);

33.27 (3) the band files with the Board of Peace Officer Standards and Training a certificate  
33.28 of insurance for liability of its law enforcement officers, employees, and agents for lawsuits  
33.29 under the United States Constitution or establishes that liability coverage exists under the  
33.30 Federal Torts Claims Act, United States Code, title 28, section 1346(b) et al., as extended  
33.31 to the band pursuant to the Indian Self-Determination and Education Assistance Act of  
33.32 1975, United States Code, title 25, section 450F(c); and

34.1 (4) the band agrees to be subject to section 13.82 and any other laws of the state relating  
34.2 to data practices of law enforcement agencies.

34.3 (b) ~~By July 1, 1998,~~ The band ~~shall~~ may enter into written mutual aid or cooperative  
34.4 agreements with the Carlton County sheriff, the St. Louis County sheriff, and the city of  
34.5 Cloquet under section 471.59 to define and regulate the provision of law enforcement  
34.6 services under this section. If entered, the agreements must define the following:

34.7 (1) the trust property involved in the joint powers agreement;

34.8 (2) the responsibilities of the county sheriffs;

34.9 (3) the responsibilities of the county attorneys; and

34.10 (4) the responsibilities of the city of Cloquet city attorney and police department.

34.11 Sec. 14. Minnesota Statutes 2022, section 626.92, subdivision 3, is amended to read:

34.12 Subd. 3. **Concurrent jurisdiction.** The band shall have concurrent jurisdictional authority  
34.13 under this section with the Carlton County and St. Louis County Sheriffs' Departments over  
34.14 crimes committed within the boundaries of the Fond du Lac Reservation ~~as indicated by~~  
34.15 ~~the mutual aid or cooperative agreements entered into under subdivision 2, paragraph (b),~~  
34.16 ~~and any exhibits or attachments to those agreements~~ if the requirements of subdivision 2,  
34.17 paragraph (a), are met, regardless of whether a cooperative agreement pursuant to subdivision  
34.18 2, paragraph (b), is entered into.

34.19 Sec. 15. Minnesota Statutes 2022, section 626.93, subdivision 3, is amended to read:

34.20 Subd. 3. **Concurrent jurisdiction.** If the requirements of subdivision 2 are met ~~and the~~  
34.21 ~~tribe enters into a cooperative agreement pursuant to subdivision 4,~~ the Tribe shall have has  
34.22 concurrent jurisdictional authority under this section with the local county sheriff within  
34.23 the geographical boundaries of the Tribe's reservation to enforce state criminal law.

34.24 Sec. 16. Minnesota Statutes 2022, section 626.93, subdivision 4, is amended to read:

34.25 Subd. 4. **Cooperative agreements.** In order to coordinate, define, and regulate the  
34.26 provision of law enforcement services and to provide for mutual aid and cooperation,  
34.27 governmental units and the Tribe ~~shall~~ may enter into agreements under section 471.59.  
34.28 For the purposes of entering into these agreements, the Tribe ~~shall be~~ is considered a  
34.29 "governmental unit" as that term is defined in section 471.59, subdivision 1.

35.1 Sec. 17. Minnesota Statutes 2022, section 626A.35, is amended by adding a subdivision  
35.2 to read:

35.3 Subd. 2b. **Exception; stolen motor vehicles.** (a) The prohibition under subdivision 1  
35.4 does not apply to the use of a mobile tracking device on a stolen motor vehicle when:

35.5 (1) the consent of the owner of the vehicle has been obtained; or

35.6 (2) the owner of the motor vehicle has reported to law enforcement that the vehicle is  
35.7 stolen, and the vehicle is occupied when the tracking device is installed.

35.8 (b) Within 24 hours of a tracking device being attached to a vehicle pursuant to the  
35.9 authority granted in paragraph (a), clause (2), an officer employed by the agency that attached  
35.10 the tracking device to the vehicle must remove the device, disable the device, or obtain a  
35.11 search warrant granting approval to continue to use the device in the investigation.

35.12 (c) A peace officer employed by the agency that attached a tracking device to a stolen  
35.13 motor vehicle must remove the tracking device if the vehicle is recovered and returned to  
35.14 the owner.

35.15 (d) Any tracking device evidence collected after the motor vehicle is returned to the  
35.16 owner is inadmissible.

35.17 (e) By August 1, 2024, and each year thereafter, the chief law enforcement officer of an  
35.18 agency that obtains a search warrant under paragraph (b) must provide notice to the  
35.19 superintendent of the Bureau of Criminal Apprehension of the number of search warrants  
35.20 the agency obtained under this subdivision in the preceding 12 months. The superintendent  
35.21 must provide a summary of the data received pursuant to this paragraph in the bureau's  
35.22 biennial report to the legislature required under section 299C.18.

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

35.24 Sec. 18. Laws 1961, chapter 108, section 1, as amended by Laws 1969, chapter 604,  
35.25 section 1, and Laws 1978, chapter 580, section 1, is amended to read:

35.26 Sec. 1. **MINNEAPOLIS, CITY OF; POLICE DEPARTMENT.**

35.27 Notwithstanding any provisions of the Minneapolis city charter, veterans' preference,  
35.28 or civil service law, rule, or regulation to the contrary, the superintendent of police of the  
35.29 city of Minneapolis shall after the effective date of this act have the title and be designated  
35.30 as chief of police of the city of Minneapolis and may appoint ~~three~~ deputy chiefs of police,  
35.31 ~~five~~ inspectors of police, the supervisor of the morals and narcotics section, the supervisor

36.1 of the internal affairs unit, and the supervisor of license inspection, such personnel to be  
 36.2 appointed from among the members of the Minneapolis police department holding at least  
 36.3 the rank of ~~patrolman~~ patrol officer.

36.4 **EFFECTIVE DATE.** This section is effective the day after the governing body of the  
 36.5 city of Minneapolis and its chief clerical officer comply with Minnesota Statutes, section  
 36.6 645.021, subdivisions 2 and 3.

36.7 Sec. 19. **REPEALER.**

36.8 Minnesota Statutes 2022, section 626.93, subdivision 7, is repealed.

## 36.9 **ARTICLE 5**

### 36.10 **CRIME**

36.11 Section 1. Minnesota Statutes 2022, section 243.166, subdivision 1b, is amended to read:

36.12 Subd. 1b. **Registration required.** (a) A person shall register under this section if:

36.13 (1) the person was charged with or petitioned for a felony violation of or attempt to  
 36.14 violate, or aiding, abetting, or conspiracy to commit, any of the following, and convicted  
 36.15 of or adjudicated delinquent for that offense or another offense arising out of the same set  
 36.16 of circumstances:

36.17 (i) murder under section 609.185, paragraph (a), clause (2);

36.18 (ii) kidnapping under section 609.25;

36.19 (iii) criminal sexual conduct under section 609.342; 609.343; 609.344; 609.345; 609.3451,  
 36.20 subdivision 3, paragraph (b); or 609.3453;

36.21 (iv) indecent exposure under section 617.23, subdivision 3; or

36.22 (v) surreptitious intrusion under the circumstances described in section 609.746,  
 36.23 subdivision 1, paragraph ~~(f)~~ (h);

36.24 (2) the person was charged with or petitioned for a violation of, or attempt to violate, or  
 36.25 aiding, abetting, or conspiring to commit any of the following and convicted of or adjudicated  
 36.26 delinquent for that offense or another offense arising out of the same set of circumstances:

36.27 (i) criminal abuse in violation of section 609.2325, subdivision 1, paragraph (b);

36.28 (ii) false imprisonment in violation of section 609.255, subdivision 2;

36.29 (iii) solicitation, inducement, or promotion of the prostitution of a minor or engaging in  
 36.30 the sex trafficking of a minor in violation of section 609.322;

- 37.1 (iv) a prostitution offense in violation of section 609.324, subdivision 1, paragraph (a);
- 37.2 (v) soliciting a minor to engage in sexual conduct in violation of section 609.352,
- 37.3 subdivision 2 or 2a, clause (1);
- 37.4 (vi) using a minor in a sexual performance in violation of section 617.246; or
- 37.5 (vii) possessing pornographic work involving a minor in violation of section 617.247;
- 37.6 (3) the person was sentenced as a patterned sex offender under section 609.3455,
- 37.7 subdivision 3a; or
- 37.8 (4) the person was charged with or petitioned for, including pursuant to a court martial,
- 37.9 violating a law of the United States, including the Uniform Code of Military Justice, similar
- 37.10 to an offense or involving similar circumstances to an offense described in clause (1), (2),
- 37.11 or (3), and convicted of or adjudicated delinquent for that offense or another offense arising
- 37.12 out of the same set of circumstances.
- 37.13 (b) A person also shall register under this section if:
- 37.14 (1) the person was charged with or petitioned for an offense in another state similar to
- 37.15 an offense or involving similar circumstances to an offense described in paragraph (a),
- 37.16 clause (1), (2), or (3), and convicted of or adjudicated delinquent for that offense or another
- 37.17 offense arising out of the same set of circumstances;
- 37.18 (2) the person enters this state to reside, work, or attend school, or enters this state and
- 37.19 remains for 14 days or longer or for an aggregate period of time exceeding 30 days during
- 37.20 any calendar year; and
- 37.21 (3) ten years have not elapsed since the person was released from confinement or, if the
- 37.22 person was not confined, since the person was convicted of or adjudicated delinquent for
- 37.23 the offense that triggers registration, unless the person is subject to a longer registration
- 37.24 period under the laws of another state in which the person has been convicted or adjudicated,
- 37.25 or is subject to lifetime registration.
- 37.26 If a person described in this paragraph is subject to a longer registration period in another
- 37.27 state or is subject to lifetime registration, the person shall register for that time period
- 37.28 regardless of when the person was released from confinement, convicted, or adjudicated
- 37.29 delinquent.
- 37.30 (c) A person also shall register under this section if the person was committed pursuant
- 37.31 to a court commitment order under Minnesota Statutes 2012, section 253B.185, chapter

38.1 253D, Minnesota Statutes 1992, section 526.10, or a similar law of another state or the  
 38.2 United States, regardless of whether the person was convicted of any offense.

38.3 (d) A person also shall register under this section if:

38.4 (1) the person was charged with or petitioned for a felony violation or attempt to violate  
 38.5 any of the offenses listed in paragraph (a), clause (1), or a similar law of another state or  
 38.6 the United States, or the person was charged with or petitioned for a violation of any of the  
 38.7 offenses listed in paragraph (a), clause (2), or a similar law of another state or the United  
 38.8 States;

38.9 (2) the person was found not guilty by reason of mental illness or mental deficiency  
 38.10 after a trial for that offense, or found guilty but mentally ill after a trial for that offense, in  
 38.11 states with a guilty but mentally ill verdict; and

38.12 (3) the person was committed pursuant to a court commitment order under section  
 38.13 253B.18 or a similar law of another state or the United States.

38.14 **EFFECTIVE DATE.** This section is effective August 1, 2023.

38.15 Sec. 2. Minnesota Statutes 2022, section 244.09, is amended by adding a subdivision to  
 38.16 read:

38.17 **Subd. 15. Report on sentencing adjustments.** The Sentencing Guidelines Commission  
 38.18 shall include in its annual report to the legislature a summary and analysis of sentence  
 38.19 adjustments issued under section 609.133. At a minimum, the summary and analysis must  
 38.20 include information on the counties where a sentencing adjustment was granted and on the  
 38.21 race, sex, and age of individuals who received a sentence adjustment.

38.22 Sec. 3. **[604.32] CAUSE OF ACTION FOR NONCONSENSUAL DISSEMINATION**  
 38.23 **OF A DEEP FAKE DEPICTING INTIMATE PARTS OR SEXUAL ACTS.**

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

38.26 (b) "Deep fake" means any video recording, motion-picture film, sound recording,  
 38.27 electronic image, or photograph, or any technological representation of speech or conduct  
 38.28 substantially derivative thereof:

38.29 (1) that is so realistic that a reasonable person would believe it depicts speech or conduct  
 38.30 of an individual; and

39.1 (2) the production of which was substantially dependent upon technical means, rather  
39.2 than the ability of another individual to physically or verbally impersonate such individual.

39.3 (c) "Depicted individual" means an individual in a deep fake who appears to be engaging  
39.4 in speech or conduct in which the individual did not engage.

39.5 (d) "Intimate parts" means the genitals, pubic area, partially or fully exposed nipple, or  
39.6 anus of an individual.

39.7 (e) "Personal information" means any identifier that permits communication or in-person  
39.8 contact with a person, including:

39.9 (1) a person's first and last name, first initial and last name, first name and last initial,  
39.10 or nickname;

39.11 (2) a person's home, school, or work address;

39.12 (3) a person's telephone number, email address, or social media account information; or

39.13 (4) a person's geolocation data.

39.14 (f) "Sexual act" means either sexual contact or sexual penetration.

39.15 (g) "Sexual contact" means the intentional touching of intimate parts or intentional  
39.16 touching with seminal fluid or sperm onto another person's body.

39.17 (h) "Sexual penetration" means any of the following acts:

39.18 (1) sexual intercourse, cunnilingus, fellatio, or anal intercourse; or

39.19 (2) any intrusion, however slight, into the genital or anal openings of an individual by  
39.20 another's body part or an object used by another for this purpose.

39.21 Subd. 2. **Nonconsensual dissemination of a deep fake.** (a) A cause of action against a  
39.22 person for the nonconsensual dissemination of a deep fake exists when:

39.23 (1) a person disseminated a deep fake with knowledge that the depicted individual did  
39.24 not consent to its public dissemination;

39.25 (2) the deep fake realistically depicts any of the following:

39.26 (i) the intimate parts of another individual presented as the intimate parts of the depicted  
39.27 individual;

39.28 (ii) artificially generated intimate parts presented as the intimate parts of the depicted  
39.29 individual; or

39.30 (iii) the depicted individual engaging in a sexual act; and

40.1 (3) the depicted individual is identifiable:

40.2 (i) from the deep fake itself, by the depicted individual or by another person; or

40.3 (ii) from the personal information displayed in connection with the deep fake.

40.4 (b) The fact that the depicted individual consented to the creation of the deep fake or to  
40.5 the voluntary private transmission of the deep fake is not a defense to liability for a person  
40.6 who has disseminated the deep fake with knowledge that the depicted individual did not  
40.7 consent to its public dissemination.

40.8 Subd. 3. **Damages.** The court may award the following damages to a prevailing plaintiff  
40.9 from a person found liable under subdivision 2:

40.10 (1) general and special damages, including all finance losses due to the dissemination  
40.11 of the deep fake and damages for mental anguish;

40.12 (2) an amount equal to any profit made from the dissemination of the deep fake by the  
40.13 person who intentionally disclosed the deep fake;

40.14 (3) a civil penalty awarded to the plaintiff of an amount up to \$10,000; and

40.15 (4) court costs, fees, and reasonable attorney fees.

40.16 Subd. 4. **Injunction; temporary relief.** (a) A court may issue a temporary or permanent  
40.17 injunction or restraining order to prevent further harm to the plaintiff.

40.18 (b) The court may issue a civil fine for the violation of a court order in an amount up to  
40.19 \$1,000 per day for failure to comply with an order granted under this section.

40.20 Subd. 5. **Confidentiality.** The court shall allow confidential filings to protect the privacy  
40.21 of the plaintiff in cases filed under this section.

40.22 Subd. 6. **Liability; exceptions.** (a) No person shall be found liable under this section  
40.23 when:

40.24 (1) the dissemination is made for the purpose of a criminal investigation or prosecution  
40.25 that is otherwise lawful;

40.26 (2) the dissemination is for the purpose of, or in connection with, the reporting of unlawful  
40.27 conduct;

40.28 (3) the dissemination is made in the course of seeking or receiving medical or mental  
40.29 health treatment, and the image is protected from further dissemination;

40.30 (4) the deep fake was obtained in a commercial setting for the purpose of the legal sale  
40.31 of goods or services, including the creation of artistic products for sale or display, and the



41.1 depicted individual knew that a deep fake would be created and disseminated in a commercial  
41.2 setting;

41.3 (5) the deep fake relates to a matter of public interest; dissemination serves a lawful  
41.4 public purpose; the person disseminating the deep fake as a matter of public interest clearly  
41.5 identifies that the video recording, motion-picture film, sound recording, electronic image,  
41.6 photograph, or other item is a deep fake; and the person acts in good faith to prevent further  
41.7 dissemination of the deep fake;

41.8 (6) the dissemination is for legitimate scientific research or educational purposes, the  
41.9 deep fake is clearly identified as such, and the person acts in good faith to minimize the risk  
41.10 that the deep fake will be further disseminated;

41.11 (7) the dissemination is made for legal proceedings and is consistent with common  
41.12 practice in civil proceedings necessary for the proper functioning of the criminal justice  
41.13 system, or protected by court order which prohibits any further dissemination;

41.14 (8) the dissemination involves parody, satire, commentary, or criticism; or

41.15 (9) the dissemination involves works of political or newsworthy value.

41.16 (b) This section does not alter or amend the liabilities and protections granted by United  
41.17 States Code, title 47, section 230, and shall be construed in a manner consistent with federal  
41.18 law.

41.19 (c) A cause of action arising under this section does not prevent the use of any other  
41.20 cause of action or remedy available under the law.

41.21 Subd. 7. **Jurisdiction.** A court has jurisdiction over a cause of action filed pursuant to  
41.22 this section if the plaintiff or defendant resides in this state.

41.23 Subd. 8. **Venue.** A cause of action arising under this section may be filed in either:

41.24 (1) the county of residence of the defendant or plaintiff or in the jurisdiction of the  
41.25 plaintiff's designated address if the plaintiff participates in the address confidentiality program  
41.26 established by chapter 5B; or

41.27 (2) the county where any deep fake is produced, reproduced, or stored in violation of  
41.28 this section.

41.29 Subd. 9. **Discovery of dissemination.** In a civil action brought under subdivision 2, the  
41.30 statute of limitations is tolled until the plaintiff discovers the deep fake has been disseminated.

41.31 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to  
41.32 dissemination of a deep fake that takes place on or after that date.

42.1 Sec. 4. Minnesota Statutes 2022, section 609.02, subdivision 2, is amended to read:

42.2 Subd. 2. **Felony.** "Felony" means a crime for which a sentence of imprisonment for  
42.3 ~~more than~~ one year or more may be imposed.

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

42.5 Sec. 5. Minnesota Statutes 2022, section 609.03, is amended to read:

42.6 **609.03 PUNISHMENT WHEN NOT OTHERWISE FIXED.**

42.7 If a person is convicted of a crime for which no punishment is otherwise provided the  
42.8 person may be sentenced as follows:

42.9 (1) If the crime is a felony, to imprisonment for not more than five years or to payment  
42.10 of a fine of not more than \$10,000, or both; or

42.11 (2) If the crime is a gross misdemeanor, to imprisonment for not more than ~~one year~~  
42.12 364 days or to payment of a fine of not more than \$3,000, or both; or

42.13 (3) If the crime is a misdemeanor, to imprisonment for not more than 90 days or to  
42.14 payment of a fine of not more than \$1,000, or both; or

42.15 (4) If the crime is other than a misdemeanor and a fine is imposed but the amount is not  
42.16 specified, to payment of a fine of not more than \$1,000, or to imprisonment for a specified  
42.17 term of not more than six months if the fine is not paid.

42.18 **EFFECTIVE DATE.** This section is effective the day following final enactment and  
42.19 applies to offenders receiving a gross misdemeanor sentence on or after that date and  
42.20 retroactively to offenders who received a gross misdemeanor sentence before that date.

42.21 Sec. 6. **[609.0342] MAXIMUM PUNISHMENT FOR GROSS MISDEMEANORS.**

42.22 (a) Any law of this state that provides for a maximum sentence of imprisonment of one  
42.23 year or is defined as a gross misdemeanor shall be deemed to provide for a maximum fine  
42.24 of \$3,000 and a maximum sentence of imprisonment of 364 days.

42.25 (b) Any sentence of imprisonment for one year or 365 days imposed or executed before  
42.26 July 1, 2023, shall be deemed to be a sentence of imprisonment for 364 days. A court may  
42.27 at any time correct or reduce such a sentence pursuant to rule 27.03, subdivision 9, of the  
42.28 Rules of Criminal Procedure and shall issue a corrected sentencing order upon motion of  
42.29 any eligible defendant.

43.1 **EFFECTIVE DATE.** This section is effective the day following final enactment and  
43.2 applies to offenders receiving a gross misdemeanor sentence on or after that date and  
43.3 retroactively to offenders who received a gross misdemeanor sentence before that date.

43.4 Sec. 7. Minnesota Statutes 2022, section 609.105, subdivision 1, is amended to read:

43.5 Subdivision 1. **Sentence to ~~more than one year~~ or more.** A felony sentence to  
43.6 imprisonment for ~~more than one year~~ or more shall commit the defendant to the custody of  
43.7 the commissioner of corrections.

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

43.9 Sec. 8. Minnesota Statutes 2022, section 609.105, subdivision 3, is amended to read:

43.10 Subd. 3. **Sentence to less than one year ~~or less~~.** A sentence to imprisonment for a period  
43.11 of less than one year ~~or any lesser period~~ shall be to a workhouse, work farm, county jail,  
43.12 or other place authorized by law.

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

43.14 Sec. 9. Minnesota Statutes 2022, section 609.1055, is amended to read:

43.15 **609.1055 OFFENDERS WITH SERIOUS AND PERSISTENT MENTAL ILLNESS;**  
43.16 **ALTERNATIVE PLACEMENT.**

43.17 When a court intends to commit an offender with a serious and persistent mental illness,  
43.18 as defined in section 245.462, subdivision 20, paragraph (c), to the custody of the  
43.19 commissioner of corrections for imprisonment at a state correctional facility, either when  
43.20 initially pronouncing a sentence or when revoking an offender's probation, the court, when  
43.21 consistent with public safety, may instead place the offender on probation or continue the  
43.22 offender's probation and require as a condition of the probation that the offender successfully  
43.23 complete an appropriate supervised alternative living program having a mental health  
43.24 treatment component. This section applies only to offenders who would have a remaining  
43.25 term of imprisonment after adjusting for credit for prior imprisonment, if any, of ~~more than~~  
43.26 one year or more.

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

43.28 Sec. 10. **[609.133] SENTENCE ADJUSTMENT.**

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

44.1 (1) "prosecutor" means the attorney general, county attorney, or city attorney responsible  
44.2 for the prosecution of individuals charged with a crime; and

44.3 (2) "victim" has the meaning given in section 611A.01.

44.4 Subd. 2. **Prosecutor-initiated sentence adjustment.** The prosecutor responsible for  
44.5 the prosecution of an individual convicted of a crime may commence a proceeding to adjust  
44.6 the sentence of that individual at any time after the initial sentencing provided the prosecutor  
44.7 does not seek to increase the period of confinement or, if the individual is serving a stayed  
44.8 sentence, increase the period of supervision.

44.9 Subd. 3. **Review by prosecutor.** (a) A prosecutor may review individual cases at the  
44.10 prosecutor's discretion.

44.11 (b) Prior to filing a petition under this section, a prosecutor shall make a reasonable and  
44.12 good faith effort to seek input from any identifiable victim and shall consider the impact  
44.13 an adjusted sentence would have on the victim.

44.14 (c) The commissioner of corrections, a supervising agent, or an offender may request  
44.15 that a prosecutor review an individual case. A prosecutor is not required to respond to a  
44.16 request. Inaction by a prosecutor shall not be considered by any court as grounds for an  
44.17 offender, a supervising agent, or the commissioner of corrections to petition for a sentence  
44.18 adjustment under this section or for a court to adjust a sentence without a petition.

44.19 Subd. 4. **Petition; contents; fee.** (a) A prosecutor's petition for sentence adjustment  
44.20 shall be filed in the district court where the individual was convicted and include the  
44.21 following:

44.22 (1) the full name of the individual on whose behalf the petition is being brought and, to  
44.23 the extent possible, all other legal names or aliases by which the individual has been known  
44.24 at any time;

44.25 (2) the individual's date of birth;

44.26 (3) the individual's address;

44.27 (4) a brief statement of the reason the prosecutor is seeking a sentence adjustment for  
44.28 the individual;

44.29 (5) the details of the offense for which an adjustment is sought, including:

44.30 (i) the date and jurisdiction of the occurrence;

44.31 (ii) either the names of any victims or that there were no identifiable victims;

45.1 (iii) whether there is a current order for protection, restraining order, or other no contact  
45.2 order prohibiting the individual from contacting the victims or whether there has ever been  
45.3 a prior order for protection or restraining order prohibiting the individual from contacting  
45.4 the victims;

45.5 (iv) the court file number; and

45.6 (v) the date of conviction;

45.7 (6) what steps the individual has taken since the time of the offense toward personal  
45.8 rehabilitation, including treatment, work, good conduct within correctional facilities, or  
45.9 other personal history that demonstrates rehabilitation;

45.10 (7) the individual's criminal conviction record indicating all convictions for  
45.11 misdemeanors, gross misdemeanors, or felonies in this state, and for all comparable  
45.12 convictions in any other state, federal court, or foreign country, whether the convictions  
45.13 occurred before or after the conviction for which an adjustment is sought;

45.14 (8) the individual's criminal charges record indicating all prior and pending criminal  
45.15 charges against the individual in this state or another jurisdiction, including all criminal  
45.16 charges that have been continued for dismissal, stayed for adjudication, or were the subject  
45.17 of pretrial diversion; and

45.18 (9) to the extent known, all prior requests by the individual, whether for the present  
45.19 offense or for any other offenses in this state or any other state or federal court, for pardon,  
45.20 return of arrest records, or expungement or sealing of a criminal record, whether granted  
45.21 or not, and all stays of adjudication or imposition of sentence involving the petitioner.

45.22 (b) The filing fee for a petition brought under this section shall be waived.

45.23 Subd. 5. **Service of petition.** (a) The prosecutor shall serve the petition for sentence  
45.24 adjustment on the individual on whose behalf the petition is being brought.

45.25 (b) The prosecutor shall make a good faith and reasonable effort to notify any person  
45.26 determined to be a victim of the offense for which adjustment is sought of the existence of  
45.27 a petition. Notification under this paragraph does not constitute a violation of an existing  
45.28 order for protection, restraining order, or other no contact order.

45.29 (c) Notice to victims of the offense under this subdivision must:

45.30 (1) specifically inform the victim of the right to object, orally or in writing, to the  
45.31 proposed adjustment of sentence; and

46.1 (2) inform the victims of the right to be present and to submit an oral or written statement  
46.2 at the hearing described in subdivision 6.

46.3 (d) If a victim notifies the prosecutor of an objection to the proposed adjustment of  
46.4 sentence and is not present when the court considers the sentence adjustment, the prosecutor  
46.5 shall make these objections known to the court.

46.6 Subd. 6. **Hearing.** (a) The court shall hold a hearing on the petition no sooner than 60  
46.7 days after service of the petition. The hearing shall be scheduled so that the parties have  
46.8 adequate time to prepare and present arguments regarding the issue of sentence adjustment.  
46.9 The parties may submit written arguments to the court prior to the date of the hearing and  
46.10 may make oral arguments before the court at the hearing. The individual on whose behalf  
46.11 the petition has been brought must be present at the hearing, unless excused under Minnesota  
46.12 Rules of Criminal Procedure, rule 26.03, subdivision 1, clause (3).

46.13 (b) A victim of the offense for which sentence adjustment is sought has a right to submit  
46.14 an oral or written statement to the court at the time of the hearing describing the harm  
46.15 suffered by the victim as a result of the crime and the victim's recommendation on whether  
46.16 adjustment should be granted or denied. The judge shall consider the victim's statement  
46.17 when making a decision.

46.18 (c) Representatives of the Department of Corrections, supervising agents, community  
46.19 treatment providers, and any other individual with relevant information may submit an oral  
46.20 or written statement to the court at the time of the hearing.

46.21 Subd. 7. **Nature of remedy; standard.** (a) The court shall determine whether there are  
46.22 substantial and compelling reasons to adjust the individual's sentence. In making this  
46.23 determination, the court shall consider what impact, if any, a sentence adjustment would  
46.24 have on public safety, including whether an adjustment would promote the rehabilitation  
46.25 of the individual, properly reflect the severity of the underlying offense, or reduce sentencing  
46.26 disparities. In making this determination, the court may consider factors relating to both the  
46.27 offender and the offense, including but not limited to:

46.28 (1) the presentence investigation report used at sentencing, if available;

46.29 (2) the individual's performance on probation or supervision;

46.30 (3) the individual's disciplinary record during any period of incarceration;

46.31 (4) records of any rehabilitation efforts made by the individual since the date of offense  
46.32 and any plan to continue those efforts in the community;

47.1 (5) evidence that remorse, age, diminished physical condition, or any other factor has  
47.2 significantly reduced the likelihood that the individual will commit a future offense;

47.3 (6) the amount of time the individual has served in custody or under supervision; and

47.4 (7) significant changes in law or sentencing practice since the date of offense.

47.5 (b) Notwithstanding any law to the contrary, if the court determines by a preponderance  
47.6 of the evidence that there are substantial and compelling reasons to adjust the individual's  
47.7 sentence, the court may modify the sentence in any way provided the adjustment does not:

47.8 (1) increase the period of confinement or, if the individual is serving a stayed sentence,  
47.9 increase the period of supervision;

47.10 (2) reduce or eliminate the amount of court-ordered restitution; or

47.11 (3) reduce or eliminate a term of conditional release required by law when a court  
47.12 commits an offender to the custody of the commissioner of corrections.

47.13 The court may stay imposition or execution of sentence pursuant to section 609.135.

47.14 (c) A sentence adjustment is not a valid basis to vacate the judgment of conviction, enter  
47.15 a judgment of conviction for a different offense, or impose sentence for any other offense.

47.16 (d) The court shall state in writing or on the record the reasons for its decision on the  
47.17 petition. If the court grants a sentence adjustment, the court shall provide the information  
47.18 in section 244.09, subdivision 15, to the Sentencing Guidelines Commission.

47.19 Subd. 8. **Appeals.** An order issued under this section shall not be considered a final  
47.20 judgment, but shall be treated as an order imposing or staying a sentence.

47.21 **EFFECTIVE DATE.** This section is effective August 1, 2023.

47.22 Sec. 11. Minnesota Statutes 2022, section 609.135, subdivision 1a, is amended to read:

47.23 Subd. 1a. **Failure to pay restitution.** If the court orders payment of restitution as a  
47.24 condition of probation and if the defendant fails to pay the restitution in accordance with  
47.25 the payment schedule or structure established by the court or the probation officer, the  
47.26 prosecutor or the defendant's probation officer may, on the prosecutor's or the officer's own  
47.27 motion or at the request of the victim, ask the court to hold a hearing to determine whether  
47.28 or not the conditions of probation should be changed or probation should be revoked. The  
47.29 defendant's probation officer shall ask for the hearing if the restitution ordered has not been  
47.30 paid prior to 60 days before the term of probation expires. The court shall schedule and hold

48.1 this hearing and take appropriate action, including action under subdivision 2, paragraph  
 48.2 ~~(g)~~ (h), before the defendant's term of probation expires.

48.3 Nothing in this subdivision limits the court's ability to refer the case to collections under  
 48.4 section 609.104 when a defendant fails to pay court-ordered restitution.

48.5 Sec. 12. Minnesota Statutes 2022, section 609.135, subdivision 1c, is amended to read:

48.6 Subd. 1c. **Failure to complete court-ordered treatment.** If the court orders a defendant  
 48.7 to undergo treatment as a condition of probation and if the defendant fails to successfully  
 48.8 complete treatment at least 60 days before the term of probation expires, the prosecutor or  
 48.9 the defendant's probation officer may ask the court to hold a hearing to determine whether  
 48.10 the conditions of probation should be changed or probation should be revoked. The court  
 48.11 shall schedule and hold this hearing and take appropriate action, including action under  
 48.12 subdivision 2, paragraph ~~(h)~~ (i), before the defendant's term of probation expires.

48.13 Sec. 13. Minnesota Statutes 2022, section 609.135, subdivision 2, is amended to read:

48.14 Subd. 2. **Stay of sentence maximum periods.** (a) Except as provided in paragraph (b),  
 48.15 if the conviction is for a felony other than section 609.2113, subdivision 1 or 2, 609.2114,  
 48.16 subdivision 2, or section 609.3451, subdivision 1 or 1a, or Minnesota Statutes 2012, section  
 48.17 609.21, subdivision 1a, paragraph (b) or (c), the stay shall be for not more than ~~four~~ five  
 48.18 years or the maximum period for which the sentence of imprisonment might have been  
 48.19 imposed, whichever is ~~longer~~ less.

48.20 (b) If the conviction is for a felony described in section 609.19; 609.195; 609.20;  
 48.21 609.2112; 609.2113, subdivision 2; 609.2662; 609.2663; 609.2664; 609.268; 609.342;  
 48.22 609.343; 609.344; 609.345; 609.3451; or 609.3458, the stay shall be for not more than four  
 48.23 years or the maximum period for which the sentence of imprisonment might have been  
 48.24 imposed, whichever is longer.

48.25 ~~(b)~~ (c) If the conviction is for a gross misdemeanor violation of section 169A.20,  
 48.26 609.2113, subdivision 3, or 609.3451, ~~or for a felony described in section 609.2113,~~  
 48.27 ~~subdivision 1 or 2, 609.2114, subdivision 2, or 609.3451, subdivision 1 or 1a,~~ the stay shall  
 48.28 be for not more than ~~six~~ four years. The court shall provide for unsupervised probation for  
 48.29 the last year of the stay unless the court finds that the defendant needs supervised probation  
 48.30 for all or part of the last year.

48.31 ~~(c)~~ (d) If the conviction is for a gross misdemeanor not specified in paragraph ~~(b)~~ (c),  
 48.32 the stay shall be for not more than two years.



49.1 ~~(d)~~ (e) If the conviction is for any misdemeanor under section 169A.20; 609.746,  
 49.2 subdivision 1; 609.79; or 617.23; or for a misdemeanor under section 609.2242 or 609.224,  
 49.3 subdivision 1, in which the victim of the crime was a family or household member as defined  
 49.4 in section 518B.01, the stay shall be for not more than two years. The court shall provide  
 49.5 for unsupervised probation for the second year of the stay unless the court finds that the  
 49.6 defendant needs supervised probation for all or part of the second year.

49.7 ~~(e)~~ (f) If the conviction is for a misdemeanor not specified in paragraph ~~(d)~~ (e), the stay  
 49.8 shall be for not more than one year.

49.9 ~~(f)~~ (g) The defendant shall be discharged six months after the term of the stay expires,  
 49.10 unless the stay has been revoked or extended under paragraph ~~(g)~~ (h), or the defendant has  
 49.11 already been discharged.

49.12 ~~(g)~~ (h) Notwithstanding the maximum periods specified for stays of sentences under  
 49.13 paragraphs (a) to ~~(f)~~ (g), a court may extend a defendant's term of probation for up to one  
 49.14 year if it finds, at a hearing conducted under subdivision 1a, that:

49.15 (1) the defendant has not paid court-ordered restitution in accordance with the payment  
 49.16 schedule or structure; and

49.17 (2) the defendant is likely to not pay the restitution the defendant owes before the term  
 49.18 of probation expires.

49.19 This one-year extension of probation for failure to pay restitution may be extended by the  
 49.20 court for up to one additional year if the court finds, at another hearing conducted under  
 49.21 subdivision 1a, that the defendant still has not paid the court-ordered restitution that the  
 49.22 defendant owes.

49.23 Nothing in this subdivision limits the court's ability to refer the case to collections under  
 49.24 section 609.104.

49.25 ~~(h)~~ (i) Notwithstanding the maximum periods specified for stays of sentences under  
 49.26 paragraphs (a) to ~~(f)~~ (g), a court may extend a defendant's term of probation for up to three  
 49.27 years if it finds, at a hearing conducted under subdivision 1c, that:

49.28 (1) the defendant has failed to complete court-ordered treatment successfully; and

49.29 (2) the defendant is likely not to complete court-ordered treatment before the term of  
 49.30 probation expires.

49.31 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to sentences  
 49.32 announced on or after that date.

50.1 Sec. 14. **[609.247] CARJACKING.**

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

50.4 (b) "Carjacking" means taking a motor vehicle from the person or in the presence of  
50.5 another while having knowledge of not being entitled to the motor vehicle and using or  
50.6 threatening the imminent use of force against any person to overcome the person's resistance  
50.7 or powers of resistance to, or to compel acquiescence in, the taking of the motor vehicle.

50.8 (c) "Motor vehicle" has the meaning given in section 609.52, subdivision 1, clause (10).

50.9 Subd. 2. **First degree.** Whoever, while committing a carjacking, is armed with a  
50.10 dangerous weapon or any article used or fashioned in a manner to lead the victim to  
50.11 reasonably believe it to be a dangerous weapon, or inflicts bodily harm upon another, is  
50.12 guilty of carjacking in the first degree and may be sentenced to imprisonment for not more  
50.13 than 20 years or to payment of a fine of not more than \$35,000, or both.

50.14 Subd. 3. **Second degree.** Whoever, while committing a carjacking, implies, by word or  
50.15 act, possession of a dangerous weapon, is guilty of carjacking in the second degree and may  
50.16 be sentenced to imprisonment for not more than 15 years or to payment of a fine of not  
50.17 more than \$30,000, or both.

50.18 Subd. 4. **Third degree.** Whoever commits carjacking under any other circumstances is  
50.19 guilty of carjacking in the third degree and may be sentenced to imprisonment for not more  
50.20 than ten years or to payment of a fine of not more than \$20,000, or both.

50.21 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes  
50.22 committed on or after that date.

50.23 Sec. 15. Minnesota Statutes 2022, section 609.746, subdivision 1, is amended to read:

50.24 Subdivision 1. **Surreptitious intrusion; observation device.** (a) A person is guilty of  
50.25 a gross misdemeanor who:

50.26 (1) enters upon another's property;

50.27 (2) surreptitiously gazes, stares, or peeps in the window or any other aperture of a house  
50.28 or place of dwelling of another; and

50.29 (3) does so with intent to intrude upon or interfere with the privacy of a member of the  
50.30 household.

50.31 (b) A person is guilty of a gross misdemeanor who:

51.1 (1) enters upon another's property;

51.2 (2) surreptitiously installs or uses any device for observing, photographing, recording,  
51.3 amplifying, or broadcasting sounds or events through the window or any other aperture of  
51.4 a house or place of dwelling of another; and

51.5 (3) does so with intent to intrude upon or interfere with the privacy of a member of the  
51.6 household.

51.7 (c) A person is guilty of a gross misdemeanor who:

51.8 (1) surreptitiously gazes, stares, or peeps in the window or other aperture of a sleeping  
51.9 room in a hotel, as defined in section 327.70, subdivision 3, a tanning booth, or other place  
51.10 where a reasonable person would have an expectation of privacy and has exposed or is  
51.11 likely to expose their intimate parts, as defined in section 609.341, subdivision 5, or the  
51.12 clothing covering the immediate area of the intimate parts; and

51.13 (2) does so with intent to intrude upon or interfere with the privacy of the occupant.

51.14 (d) A person is guilty of a gross misdemeanor who:

51.15 (1) surreptitiously installs or uses any device for observing, photographing, recording,  
51.16 amplifying, or broadcasting sounds or events through the window or other aperture of a  
51.17 sleeping room in a hotel, as defined in section 327.70, subdivision 3, a tanning booth, or  
51.18 other place where a reasonable person would have an expectation of privacy and has exposed  
51.19 or is likely to expose their intimate parts, as defined in section 609.341, subdivision 5, or  
51.20 the clothing covering the immediate area of the intimate parts; and

51.21 (2) does so with intent to intrude upon or interfere with the privacy of the occupant.

51.22 (e) A person is guilty of a gross misdemeanor who:

51.23 (1) uses any device for photographing, recording, or broadcasting an image of an  
51.24 individual in a house or place of dwelling, a sleeping room of a hotel as defined in section  
51.25 327.70, subdivision 3, a tanning booth, a bathroom, a locker room, a changing room, an  
51.26 indoor shower facility, or any place where a reasonable person would have an expectation  
51.27 of privacy; and

51.28 (2) does so with the intent to photograph, record, or broadcast an image of the individual's  
51.29 intimate parts, as defined in section 609.341, subdivision 5, without the consent of the  
51.30 individual.

51.31 (f) A person is guilty of a misdemeanor who:

52.1 (1) surreptitiously installs or uses any device for observing, photographing, recording,  
 52.2 or broadcasting an image of an individual's intimate parts, as defined in section 609.341,  
 52.3 subdivision 5, or the clothing covering the immediate area of the intimate parts;

52.4 (2) observes, photographs, or records the image under or around the individual's clothing;  
 52.5 and

52.6 (3) does so with intent to intrude upon or interfere with the privacy of the individual.

52.7 ~~(e)~~ (g) A person is guilty of a felony and may be sentenced to imprisonment for not more  
 52.8 than two years or to payment of a fine of not more than \$5,000, or both, if the person:

52.9 (1) violates ~~this subdivision~~ paragraph (a), (b), (c), (d), or (e) after a previous conviction  
 52.10 under this subdivision or section 609.749; or

52.11 (2) violates ~~this subdivision~~ paragraph (a), (b), (c), (d), or (e) against a minor under the  
 52.12 age of 18, knowing or having reason to know that the minor is present.

52.13 ~~(f)~~ (h) A person is guilty of a felony and may be sentenced to imprisonment for not more  
 52.14 than four years or to payment of a fine of not more than \$5,000, or both, if: (1) the person  
 52.15 violates paragraph (b) ~~or~~ (d), or (e) against a minor victim under the age of 18; (2) the  
 52.16 person is more than 36 months older than the minor victim; (3) the person knows or has  
 52.17 reason to know that the minor victim is present; and (4) the violation is committed with  
 52.18 sexual intent.

52.19 (i) A person is guilty of a gross misdemeanor if the person:

52.20 (1) violates paragraph (f) after a previous conviction under this subdivision or section  
 52.21 609.749; or

52.22 (2) violates paragraph (f) against a minor under the age of 18, knowing or having reason  
 52.23 to know that the victim is a minor.

52.24 (j) A person is guilty of a felony if the person violates paragraph (f) after two or more  
 52.25 convictions under this subdivision or section 609.749.

52.26 ~~(g) Paragraphs~~ (k) Paragraph (b) and, (d) do, or (e) does not apply to law enforcement  
 52.27 officers or corrections investigators, or to those acting under their direction, while engaged  
 52.28 in the performance of their lawful duties. Paragraphs ~~(c) and, (d), and (e)~~ (c) and (e) do not apply to  
 52.29 conduct in: (1) a medical facility; or (2) a commercial establishment if the owner of the  
 52.30 establishment has posted conspicuous signs warning that the premises are under surveillance  
 52.31 by the owner or the owner's employees.

53.1 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes  
 53.2 committed on or after that date.

53.3 Sec. 16. **[609.771] USE OF DEEP FAKE TECHNOLOGY TO INFLUENCE AN**  
 53.4 **ELECTION.**

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

53.7 (b) "Candidate" means an individual who seeks nomination or election to a federal,  
 53.8 statewide, legislative, judicial, or local office including special districts, school districts,  
 53.9 towns, home rule charter and statutory cities, and counties.

53.10 (c) "Deep fake" means any video recording, motion-picture film, sound recording,  
 53.11 electronic image, or photograph, or any technological representation of speech or conduct  
 53.12 substantially derivative thereof:

53.13 (1) that is so realistic that a reasonable person would believe it depicts speech or conduct  
 53.14 of an individual who did not in fact engage in such speech or conduct; and

53.15 (2) the production of which was substantially dependent upon technical means, rather  
 53.16 than the ability of another individual to physically or verbally impersonate such individual.

53.17 (d) "Depicted individual" means an individual in a deep fake who appears to be engaging  
 53.18 in speech or conduct in which the individual did not engage.

53.19 Subd. 2. **Use of deep fake to influence an election; violation.** A person who disseminates  
 53.20 a deep fake or enters into a contract or other agreement to disseminate a deep fake is guilty  
 53.21 of a crime and may be sentenced as provided in subdivision 3 if the person knows or  
 53.22 reasonably should know that the item being disseminated is a deep fake and dissemination:

53.23 (1) takes place within 90 days before an election;

53.24 (2) is made without the consent of the depicted individual; and

53.25 (3) is made with the intent to injure a candidate or influence the result of an election.

53.26 Subd. 3. **Use of deep fake to influence an election; penalty.** A person convicted of  
 53.27 violating subdivision 2 may be sentenced as follows:

53.28 (1) if the person commits the violation within five years of one or more prior convictions  
 53.29 under this section, to imprisonment for not more than five years or to payment of a fine of  
 53.30 not more than \$10,000, or both;

54.1 (2) if the person commits the violation with the intent to cause violence or bodily harm,  
 54.2 to imprisonment for not more than one year or to payment of a fine of not more than \$3,000,  
 54.3 or both; or

54.4 (3) in other cases, to imprisonment for not more than 90 days or to payment of a fine of  
 54.5 not more than \$1,000, or both.

54.6 Subd. 4. **Injunctive relief.** A cause of action for injunctive relief may be maintained  
 54.7 against any person who is reasonably believed to be about to violate or who is in the course  
 54.8 of violating this section by:

54.9 (1) the attorney general;

54.10 (2) a county attorney or city attorney;

54.11 (3) the depicted individual; or

54.12 (4) a candidate for nomination or election to a public office who is injured or likely to  
 54.13 be injured by dissemination.

54.14 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes  
 54.15 committed on or after that date.

54.16 Sec. 17. Minnesota Statutes 2022, section 609.78, subdivision 2a, is amended to read:

54.17 Subd. 2a. **Felony offense; reporting fictitious emergency resulting in serious**  
 54.18 **injury.** Whoever violates subdivision 2, clause (2), is guilty of a felony and may be sentenced  
 54.19 as follows:

54.20 (1) to imprisonment for not more than ten years or to payment of a fine of not more than  
 54.21 \$20,000, or both, if the call triggers an emergency response and, as a result of the response,  
 54.22 someone suffers great bodily harm or death; or

54.23 (2) to imprisonment of not more than three years or to payment of a fine of not more  
 54.24 than \$10,000, or both, if the call triggers an emergency response and as a result of the  
 54.25 response, someone suffers substantial bodily harm.

54.26 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes  
 54.27 committed on or after that date.

55.1 Sec. 18. Minnesota Statutes 2022, section 609A.02, subdivision 3, is amended to read:

55.2 Subd. 3. **Certain criminal proceedings.** (a) A petition may be filed under section  
55.3 609A.03 to seal all records relating to an arrest, indictment or information, trial, or verdict  
55.4 if the records are not subject to section 299C.11, subdivision 1, paragraph (b), and if:

55.5 (1) all pending actions or proceedings were resolved in favor of the petitioner. For  
55.6 purposes of this chapter, a verdict of not guilty by reason of mental illness is not a resolution  
55.7 in favor of the petitioner. For the purposes of this chapter, an action or proceeding is resolved  
55.8 in favor of the petitioner, if the petitioner received an order under section 590.11 determining  
55.9 that the petitioner is eligible for compensation based on exoneration;

55.10 (2) the petitioner has successfully completed the terms of a diversion program or stay  
55.11 of adjudication and has not been charged with a new crime for at least one year since  
55.12 completion of the diversion program or stay of adjudication;

55.13 (3) the petitioner was convicted of or received a stayed sentence for a petty misdemeanor  
55.14 or misdemeanor and has not been convicted of a new crime for at least two years since  
55.15 discharge of the sentence for the crime;

55.16 (4) the petitioner was convicted of or received a stayed sentence for a gross misdemeanor  
55.17 and has not been convicted of a new crime for at least four years since discharge of the  
55.18 sentence for the crime; or

55.19 (5) the petitioner was convicted of or received a stayed sentence for a felony violation  
55.20 of an offense listed in paragraph (b), and has not been convicted of a new crime for at least  
55.21 five years since discharge of the sentence for the crime.

55.22 (b) Paragraph (a), clause (5), applies to the following offenses:

55.23 (1) section 35.824 (altering livestock certificate);

55.24 (2) section 62A.41 (insurance regulations);

55.25 (3) section 86B.865, subdivision 1 (certification for title on watercraft);

55.26 (4) section 152.025 (controlled substance in the fifth degree); or 152.097 (sale of  
55.27 simulated controlled substance);

55.28 (5) section 168A.30, subdivision 1 (certificate of title false information); or 169.09,  
55.29 subdivision 14, paragraph (a), clause (2) (accident resulting in great bodily harm);

55.30 (6) chapter 201; 203B; or 204C (voting violations);

55.31 (7) section 228.45; 228.47; 228.49; 228.50; or 228.51 (false bill of lading);

- 56.1 (8) section 256.984 (false declaration in assistance application);
- 56.2 (9) section 296A.23, subdivision 2 (willful evasion of fuel tax);
- 56.3 (10) section 297D.09, subdivision 1 (failure to affix stamp on scheduled substances);
- 56.4 (11) section 297G.19 (liquor taxation); or 340A.701 (unlawful acts involving liquor);
- 56.5 (12) section 325F.743 (precious metal dealers); or 325F.755, subdivision 7 (prize notices
- 56.6 and solicitations);
- 56.7 (13) section 346.155, subdivision 10 (failure to control regulated animal);
- 56.8 (14) section 349.2127; or 349.22 (gambling regulations);
- 56.9 (15) section 588.20 (contempt);
- 56.10 (16) section 609.27, subdivision 1, clauses (2) to (5) (coercion);
- 56.11 (17) section 609.31 (leaving state to evade establishment of paternity);
- 56.12 (18) section 609.485, subdivision 4, paragraph (a), clause (2) or (4) (escape from civil
- 56.13 commitment for mental illness);
- 56.14 (19) section 609.49 (failure to appear in court);
- 56.15 (20) section 609.52, subdivision 3, clause (3)(a) (theft of \$5,000 or less), or other theft
- 56.16 offense that is sentenced under this provision; or 609.52, subdivision 3a, clause (1) (theft
- 56.17 of \$1,000 or less with risk of bodily harm);
- 56.18 (21) section 609.525 (bringing stolen goods into state);
- 56.19 (22) section 609.526, subdivision 2, clause (2) (metal dealer receiving stolen goods);
- 56.20 (23) section 609.527, subdivision 5b (possession or use of scanning device or reencoder);
- 56.21 609.528, subdivision 3, clause (3) (possession or sale of stolen or counterfeit check); or
- 56.22 609.529 (mail theft);
- 56.23 (24) section 609.53 (receiving stolen goods);
- 56.24 (25) section 609.535, subdivision 2a, paragraph (a), clause (1) (dishonored check over
- 56.25 \$500);
- 56.26 (26) section 609.54, clause (1) (embezzlement of public funds \$2,500 or less);
- 56.27 (27) section 609.551 (rustling and livestock theft);
- 56.28 (28) section 609.5641, subdivision 1a, paragraph (a) (wildfire arson);
- 56.29 (29) section 609.576, subdivision 1, clause (3), item (iii) (negligent fires);



- 57.1 (30) section 609.595, subdivision 1, clauses (3) to (5), and subdivision 1a, paragraph  
57.2 (a) (criminal damage to property);
- 57.3 (31) section 609.597, subdivision 3, clause (3) (assaulting or harming police horse);
- 57.4 (32) section 609.625 (aggravated forgery); 609.63 (forgery); 609.631, subdivision 4,  
57.5 clause (3)(a) (check forgery \$2,500 or less); 609.635 (obtaining signature by false pretense);  
57.6 609.64 (recording, filing forged instrument); or 609.645 (fraudulent statements);
- 57.7 (33) section 609.65, clause (1) (false certification by notary); or 609.651, subdivision  
57.8 4, paragraph (a) (lottery fraud);
- 57.9 (34) section 609.652 (fraudulent driver's license and identification card);
- 57.10 (35) section 609.66, subdivision 1a, paragraph (a) (discharge of firearm; silencer); or  
57.11 609.66, subdivision 1b (furnishing firearm to minor);
- 57.12 (36) section 609.662, subdivision 2, paragraph (b) (duty to render aid);
- 57.13 (37) section 609.686, subdivision 2 (tampering with fire alarm);
- 57.14 (38) section 609.746, subdivision 1, paragraph ~~(e)~~ (g) (interference with privacy;  
57.15 subsequent violation or minor victim);
- 57.16 (39) section 609.80, subdivision 2 (interference with cable communications system);
- 57.17 (40) section 609.821, subdivision 2 (financial transaction card fraud);
- 57.18 (41) section 609.822 (residential mortgage fraud);
- 57.19 (42) section 609.825, subdivision 2 (bribery of participant or official in contest);
- 57.20 (43) section 609.855, subdivision 2, paragraph (c), clause (1) (interference with transit  
57.21 operator);
- 57.22 (44) section 609.88 (computer damage); or 609.89 (computer theft);
- 57.23 (45) section 609.893, subdivision 2 (telecommunications and information services fraud);
- 57.24 (46) section 609.894, subdivision 3 or 4 (cellular counterfeiting);
- 57.25 (47) section 609.895, subdivision 3, paragraph (a) or (b) (counterfeited intellectual  
57.26 property);
- 57.27 (48) section 609.896 (movie pirating);
- 57.28 (49) section 624.7132, subdivision 15, paragraph (b) (transfer pistol to minor); 624.714,  
57.29 subdivision 1a (pistol without permit; subsequent violation); or 624.7141, subdivision 2  
57.30 (transfer of pistol to ineligible person); or

58.1 (50) section 624.7181 (rifle or shotgun in public by minor).

58.2 **EFFECTIVE DATE.** This section is effective August 1, 2023.

58.3 Sec. 19. Minnesota Statutes 2022, section 617.22, is amended to read:

58.4 **617.22 CONCEALING BIRTH.**

58.5 ~~Every~~ Any person who ~~shall endeavor~~ attempts to conceal the birth of a child by any  
 58.6 disposition of its dead body, ~~whether~~ when the child died ~~before or~~ after its birth, shall be  
 58.7 guilty of a misdemeanor. ~~Every person who, having been convicted of endeavoring to~~  
 58.8 ~~conceal the stillbirth of any issue, or the death of any issue under the age of two years, shall,~~  
 58.9 ~~subsequent to that conviction, endeavor to conceal any subsequent birth or death, shall be~~  
 58.10 ~~punished by imprisonment for not more than five years.~~ This section does not apply to the  
 58.11 disposition of remains resulting from an abortion or miscarriage.

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

58.13 Sec. 20. Minnesota Statutes 2022, section 617.26, is amended to read:

58.14 **617.26 MAILING AND CARRYING OBSCENE MATTER.**

58.15 Every person who shall deposit or cause to be deposited in any post office in the state,  
 58.16 or place in charge of any express company or other common carrier or person for  
 58.17 transportation, any of the articles or things specified in section ~~617.201 or~~ 617.241, or any  
 58.18 circular, book, pamphlet, advertisement or notice relating thereto, with the intent of having  
 58.19 the same conveyed by mail, express, or in any other manner; or who shall knowingly or  
 58.20 willfully receive the same with intent to carry or convey it, or shall knowingly carry or  
 58.21 convey the same by express, or in any other manner except by United States mail, shall be  
 58.22 guilty of a misdemeanor. The provisions of this section ~~and section 617.201~~ shall not be  
 58.23 construed to apply to an article or instrument used by physicians lawfully practicing, or by  
 58.24 their direction or prescription, for the cure or prevention of disease.

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

58.26 Sec. 21. **[617.262] NONCONSENSUAL DISSEMINATION OF A DEEP FAKE**  
 58.27 **DEPICTING INTIMATE PARTS OR SEXUAL ACTS.**

58.28 Subdivision 1. Definitions. (a) For purposes of this section, the following terms have  
 58.29 the meanings given.

59.1 (b) "Deep fake" means any video recording, motion-picture film, sound recording,  
59.2 electronic image, or photograph, or any technological representation of speech or conduct  
59.3 substantially derivative thereof:

59.4 (1) that is so realistic that a reasonable person would believe it depicts speech or conduct  
59.5 of an individual; and

59.6 (2) the production of which was substantially dependent upon technical means, rather  
59.7 than the ability of another individual to physically or verbally impersonate such individual.

59.8 (c) "Depicted individual" means an individual in a deep fake who appears to be engaging  
59.9 in speech or conduct in which the individual did not engage.

59.10 (d) "Dissemination" means distribution to one or more persons, other than the person  
59.11 depicted in the deep fake, or publication by any publicly available medium.

59.12 (e) "Harass" means an act that would cause a substantial adverse effect on the safety,  
59.13 security, or privacy of a reasonable person.

59.14 (f) "Intimate parts" means the genitals, pubic area, or anus of an individual, or if the  
59.15 individual is female, a partially or fully exposed nipple.

59.16 (g) "Personal information" means any identifier that permits communication or in-person  
59.17 contact with a person, including:

59.18 (1) a person's first and last name, first initial and last name, first name and last initial,  
59.19 or nickname;

59.20 (2) a person's home, school, or work address;

59.21 (3) a person's telephone number, email address, or social media account information; or

59.22 (4) a person's geolocation data.

59.23 (h) "Sexual act" means either sexual contact or sexual penetration.

59.24 (i) "Sexual contact" means the intentional touching of intimate parts or intentional  
59.25 touching with seminal fluid or sperm onto another person's body.

59.26 (j) "Sexual penetration" means any of the following acts:

59.27 (1) sexual intercourse, cunnilingus, fellatio, or anal intercourse; or

59.28 (2) any intrusion, however slight, into the genital or anal openings of an individual by  
59.29 another's body part or an object used by another for this purpose.

60.1 (k) "Social media" means any electronic medium, including an interactive computer  
 60.2 service, telephone network, or data network, that allows users to create, share, and view  
 60.3 user-generated content.

60.4 Subd. 2. **Crime.** It is a crime to intentionally disseminate a deep fake when:

60.5 (1) the actor knows that the depicted individual does not consent to the dissemination;

60.6 (2) the deep fake realistically depicts any of the following:

60.7 (i) the intimate parts of another individual presented as the intimate parts of the depicted  
 60.8 individual;

60.9 (ii) artificially generated intimate parts presented as the intimate parts of the depicted  
 60.10 individual; or

60.11 (iii) the depicted individual engaging in a sexual act; and

60.12 (3) the depicted individual is identifiable:

60.13 (i) from the deep fake itself, by the depicted individual or by another person; or

60.14 (ii) from the personal information displayed in connection with the deep fake.

60.15 Subd. 3. **Penalties.** (a) Except as provided in paragraph (b), whoever violates subdivision  
 60.16 2 is guilty of a gross misdemeanor.

60.17 (b) Whoever violates subdivision 2 may be sentenced to imprisonment for not more than  
 60.18 three years or to payment of a fine of \$5,000, or both, if one of the following factors is  
 60.19 present:

60.20 (1) the depicted person suffers financial loss due to the dissemination of the deep fake;

60.21 (2) the actor disseminates the deep fake with intent to profit from the dissemination;

60.22 (3) the actor maintains an Internet website, online service, online application, or mobile  
 60.23 application for the purpose of disseminating the deep fake;

60.24 (4) the actor posts the deep fake on a website;

60.25 (5) the actor disseminates the deep fake with intent to harass the depicted person;

60.26 (6) the actor obtained the deep fake by committing a violation of section 609.52, 609.746,  
 60.27 609.89, or 609.891; or

60.28 (7) the actor has previously been convicted under this chapter.

60.29 Subd. 4. **Venue.** Notwithstanding anything to the contrary in section 627.01, an offense  
 60.30 committed under this section may be prosecuted in:

61.1 (1) the county where the offense occurred;

61.2 (2) the county of residence of the actor or victim or in the jurisdiction of the victim's  
 61.3 designated address if the victim participates in the address confidentiality program established  
 61.4 by chapter 5B; or

61.5 (3) only if venue cannot be located in the counties specified under clause (1) or (2), the  
 61.6 county where any deep fake is produced, reproduced, found, stored, received, or possessed  
 61.7 in violation of this section.

61.8 Subd. 5. Exemptions. Subdivision 2 does not apply when:

61.9 (1) the dissemination is made for the purpose of a criminal investigation or prosecution  
 61.10 that is otherwise lawful;

61.11 (2) the dissemination is for the purpose of, or in connection with, the reporting of unlawful  
 61.12 conduct;

61.13 (3) the dissemination is made in the course of seeking or receiving medical or mental  
 61.14 health treatment, and the image is protected from further dissemination;

61.15 (4) the deep fake was obtained in a commercial setting for the purpose of the legal sale  
 61.16 of goods or services, including the creation of artistic products for sale or display, and the  
 61.17 depicted individual knew, or should have known, that a deep fake would be created and  
 61.18 disseminated;

61.19 (5) the deep fake relates to a matter of public interest and dissemination serves a lawful  
 61.20 public purpose;

61.21 (6) the dissemination is for legitimate scientific research or educational purposes;

61.22 (7) the dissemination is made for legal proceedings and is consistent with common  
 61.23 practice in civil proceedings necessary for the proper functioning of the criminal justice  
 61.24 system, or protected by court order which prohibits any further dissemination;

61.25 (8) the dissemination involves parody, satire, commentary, or criticism; or

61.26 (9) the dissemination involves works of political or newsworthy value.

61.27 Subd. 6. Immunity. Nothing in this section shall be construed to impose liability upon  
 61.28 the following entities solely as a result of content or information provided by another person:

61.29 (1) an interactive computer service as defined in United States Code, title 47, section  
 61.30 230, paragraph (f), clause (2);

61.31 (2) a provider of public mobile services or private radio services; or

62.1 (3) a telecommunications network or broadband provider.

62.2 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes  
62.3 committed on or after that date.

62.4 Sec. 22. Minnesota Statutes 2022, section 628.26, is amended to read:

62.5 **628.26 LIMITATIONS.**

62.6 (a) Indictments or complaints for any crime resulting in the death of the victim may be  
62.7 found or made at any time after the death of the person killed.

62.8 (b) Indictments or complaints for a violation of section 609.25 may be found or made  
62.9 at any time after the commission of the offense.

62.10 (c) Indictments or complaints for violation of section 609.282 may be found or made at  
62.11 any time after the commission of the offense if the victim was under the age of 18 at the  
62.12 time of the offense.

62.13 (d) Indictments or complaints for violation of section 609.282 where the victim was 18  
62.14 years of age or older at the time of the offense, or 609.42, subdivision 1, clause (1) or (2),  
62.15 shall be found or made and filed in the proper court within six years after the commission  
62.16 of the offense.

62.17 (e) Indictments or complaints for violation of sections 609.322, 609.342 to 609.345, and  
62.18 609.3458 may be found or made at any time after the commission of the offense.

62.19 (f) Indictments or complaints for violation of sections 609.466 and 609.52, subdivision  
62.20 2, paragraph (a), clause (3), item (iii), shall be found or made and filed in the proper court  
62.21 within six years after the commission of the offense.

62.22 (g) Indictments or complaints for violation of section 609.2335, 609.52, subdivision 2,  
62.23 paragraph (a), clause (3), items (i) and (ii), (4), (15), or (16), 609.631, or 609.821, where  
62.24 the value of the property or services stolen is more than \$35,000, or for violation of section  
62.25 609.527 where the offense involves eight or more direct victims or the total combined loss  
62.26 to the direct and indirect victims is more than \$35,000, shall be found or made and filed in  
62.27 the proper court within five years after the commission of the offense.

62.28 (h) Except for violations relating to false material statements, representations or  
62.29 omissions, indictments or complaints for violations of section 609.671 shall be found or  
62.30 made and filed in the proper court within five years after the commission of the offense.

62.31 (i) Indictments or complaints for violation of sections 609.561 to 609.563, shall be found  
62.32 or made and filed in the proper court within five years after the commission of the offense.

63.1 (j) Indictments or complaints for violation of section 609.746 shall be found or made  
 63.2 and filed in the proper court within the later of three years after the commission of the  
 63.3 offense or three years after the offense was reported to law enforcement authorities.

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

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

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

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

63.16 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes  
 63.17 committed on or after that date and to crimes committed before that date if the limitations  
 63.18 period for the crime did not expire before August 1, 2023.

63.19 Sec. 23. Minnesota Statutes 2022, section 638.02, subdivision 3, is amended to read:

63.20 Subd. 3. **Pardon extraordinary; filing; copies sent.** Upon granting a pardon  
 63.21 extraordinary, the Board of Pardons shall file a copy of it with the district court of the county  
 63.22 in which the conviction occurred, ~~and the court shall order the conviction set aside and~~  
 63.23 ~~include a copy of the pardon in the court file.~~ The court shall order all records wherever  
 63.24 held relating to the arrest, indictment or information, trial, verdict, and pardon sealed and  
 63.25 prohibit the disclosure of the existence of the records or the opening of the records except  
 63.26 under court order or pursuant to section 609A.03, subdivision 7a, paragraph (b), clause (1).  
 63.27 The court shall send a copy of its order and the pardon to the Bureau of Criminal  
 63.28 Apprehension and all other government entities that hold affected records.

63.29 Sec. 24. **PROBATION LIMITS; RETROACTIVE APPLICATION.**

63.30 (a) Any person placed on probation before August 1, 2023, is eligible for resentencing  
 63.31 if:

63.32 (1) the person was placed on probation for a gross misdemeanor or felony violation;

64.1 (2) the court placed the person on probation for a length of time for a felony violation  
64.2 that exceeded five years or for a gross misdemeanor violation that exceeded four years;

64.3 (3) under Minnesota Statutes, section 609.135, subdivision 2, the maximum length of  
64.4 probation the court could have ordered the person to serve on or after August 1, 2023, is  
64.5 less than the period imposed; and

64.6 (4) the sentence of imprisonment has not been executed.

64.7 (b) Eligibility for resentencing within the maximum length of probation the court could  
64.8 have ordered the person to serve on or after August 1, 2023, applies to each period of  
64.9 probation ordered by the court. Upon resentencing, periods of probation must be served  
64.10 consecutively if a court previously imposed consecutive periods of probation on the person.  
64.11 The court may not increase a previously ordered period of probation under this section or  
64.12 order that periods of probation be served consecutively unless the court previously imposed  
64.13 consecutive periods of probation.

64.14 (c) Resentencing may take place without a hearing.

64.15 (d) The term of the stay of probation for any person who is eligible for resentencing  
64.16 under paragraph (a) and who has served five or more years of probation for a felony violation  
64.17 or four or more years of probation for a gross misdemeanor violation as of August 1, 2023,  
64.18 shall be considered to have expired on October 1, 2023, unless:

64.19 (1) the term of the stay of probation would have expired before that date under the  
64.20 original sentence; or

64.21 (2) the length of probation is extended pursuant to Minnesota Statutes, section 609.135,  
64.22 subdivision 2, paragraph (h) or (i).

64.23 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to sentences  
64.24 announced before that date.

64.25 **Sec. 25. SENTENCING GUIDELINES COMMISSION; MODIFICATION.**

64.26 The Sentencing Guidelines Commission shall modify the Sentencing Guidelines to be  
64.27 consistent with changes to Minnesota Statutes, section 609.135, subdivision 2, governing  
64.28 the maximum length of probation a court may order.

64.29 **EFFECTIVE DATE.** This section is effective July 1, 2023.



65.1 Sec. 26. **REVISOR INSTRUCTION.**

65.2 In Minnesota Statutes, the revisor of statutes shall substitute "364 days" for "one year"  
65.3 consistent with the change in this act. The revisor shall also make other technical changes  
65.4 resulting from the change of term to the statutory language if necessary to preserve the  
65.5 meaning of the text.

65.6 Sec. 27. **REPEALER.**

65.7 Minnesota Statutes 2022, sections 609.293, subdivisions 1 and 5; 609.34; 609.36; 617.20;  
65.8 617.201; 617.202; 617.21; 617.28; and 617.29, are repealed.

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

65.10

**ARTICLE 6**

65.11

**CONFORMING CHANGES**

65.12 Section 1. Minnesota Statutes 2022, section 51A.14, is amended to read:

65.13 **51A.14 INDEMNITY BONDS.**

65.14 All directors, officers, and employees of an association shall, before entering upon the  
65.15 performance of any of their duties, execute their individual bonds with adequate corporate  
65.16 surety payable to the association as an indemnity for any loss the association may sustain  
65.17 of money or other property by or through any fraud, dishonesty, forgery or alteration, larceny,  
65.18 theft, embezzlement, robbery, carjacking, burglary, holdup, wrongful or unlawful abstraction,  
65.19 misapplication, misplacement, destruction or misappropriation, or any other dishonest or  
65.20 criminal act or omission by any such director, officer, employee, or agent. Associations  
65.21 which employ collection agents, who for any reason are not covered by a bond as hereinabove  
65.22 required, shall provide for the bonding of each such agent in an amount equal to at least  
65.23 twice the average monthly collection of such agent. Such agents shall be required to make  
65.24 settlement with the association at least monthly. No bond coverage will be required of any  
65.25 agent which is a financial institution insured by the Federal Deposit Insurance Corporation  
65.26 or by the federal savings and loan insurance corporation. The amounts and form of such  
65.27 bonds and sufficiency of the surety thereon shall be approved by the board of directors and  
65.28 by the commissioner. In lieu of individual bonds, a blanket bond, protecting the association  
65.29 from loss through any such act or acts on the part of any such director, officer, or employee,  
65.30 may be obtained. Such bonds shall provide that a cancellation thereof either by the surety  
65.31 or by the insured shall not become effective unless and until ten days' notice in writing first

66.1 shall have been given to the commissioner unless the commissioner shall have approved  
66.2 such cancellation earlier.

66.3 Sec. 2. Minnesota Statutes 2022, section 145A.061, subdivision 3, is amended to read:

66.4 Subd. 3. **Denial of service.** The commissioner may deny an application from any  
66.5 applicant who has been convicted of any of the following crimes:

66.6 Section 609.185 (murder in the first degree); section 609.19 (murder in the second  
66.7 degree); section 609.195 (murder in the third degree); section 609.20 (manslaughter in the  
66.8 first degree); section 609.205 (manslaughter in the second degree); section 609.25  
66.9 (kidnapping); section 609.2661 (murder of an unborn child in the first degree); section  
66.10 609.2662 (murder of an unborn child in the second degree); section 609.2663 (murder of  
66.11 an unborn child in the third degree); section 609.342 (criminal sexual conduct in the first  
66.12 degree); section 609.343 (criminal sexual conduct in the second degree); section 609.344  
66.13 (criminal sexual conduct in the third degree); section 609.345 (criminal sexual conduct in  
66.14 the fourth degree); section 609.3451 (criminal sexual conduct in the fifth degree); section  
66.15 609.3453 (criminal sexual predatory conduct); section 609.352 (solicitation of children to  
66.16 engage in sexual conduct); section 609.352 (communication of sexually explicit materials  
66.17 to children); section 609.365 (incest); section 609.377 (felony malicious punishment of a  
66.18 child); section 609.378 (felony neglect or endangerment of a child); section 609.561 (arson  
66.19 in the first degree); section 609.562 (arson in the second degree); section 609.563 (arson in  
66.20 the third degree); section 609.749, subdivision 3, 4, or 5 (felony harassment or stalking);  
66.21 section 152.021 (controlled substance crimes in the first degree); section 152.022 (controlled  
66.22 substance crimes in the second degree); section 152.023 (controlled substance crimes in the  
66.23 third degree); section 152.024 (controlled substance crimes in the fourth degree); section  
66.24 152.025 (controlled substance crimes in the fifth degree); section 243.166 (violation of  
66.25 predatory offender registration law); section 617.23, subdivision 2, clause (1), or subdivision  
66.26 3, clause (1) (indecent exposure involving a minor); section 617.246 (use of minors in sexual  
66.27 performance); section 617.247 (possession of pornographic work involving minors); section  
66.28 609.221 (assault in the first degree); section 609.222 (assault in the second degree); section  
66.29 609.223 (assault in the third degree); section 609.2231 (assault in the fourth degree); section  
66.30 609.224 (assault in the fifth degree); section 609.2242 (domestic assault); section 609.2247  
66.31 (domestic assault by strangulation); section 609.228 (great bodily harm caused by distribution  
66.32 of drugs); section 609.23 (mistreatment of persons confined); section 609.231 (mistreatment  
66.33 of residents or patients); section 609.2325 (criminal abuse); section 609.233 (criminal  
66.34 neglect); section 609.2335 (financial exploitation of a vulnerable adult); section 609.234  
66.35 (failure to report); section 609.24 (simple robbery); section 609.245 (aggravated robbery);

67.1 section 609.247 (carjacking); section 609.255 (false imprisonment); section 609.322  
 67.2 (solicitation, inducement, and promotion of prostitution and sex trafficking); section 609.324,  
 67.3 subdivision 1 (hiring or engaging minors in prostitution); section 609.465 (presenting false  
 67.4 claims to a public officer or body); section 609.466 (medical assistance fraud); section  
 67.5 609.52 (felony theft); section 609.82 (felony fraud in obtaining credit); section 609.527  
 67.6 (felony identity theft); section 609.582 (felony burglary); section 609.611 (felony insurance  
 67.7 fraud); section 609.625 (aggravated forgery); section 609.63 (forgery); section 609.631  
 67.8 (felony check forgery); section 609.66, subdivision 1e (felony drive-by shooting); section  
 67.9 609.71 (felony riot); section 609.713 (terroristic threats); section 609.72, subdivision 3  
 67.10 (disorderly conduct by a caregiver against a vulnerable adult); section 609.821 (felony  
 67.11 financial transaction card fraud); section 609.855, subdivision 5 (shooting at or in a public  
 67.12 transit vehicle or facility); or aiding and abetting, attempting, or conspiring to commit any  
 67.13 of the offenses in this subdivision.

67.14 Sec. 3. Minnesota Statutes 2022, section 146A.08, subdivision 1, is amended to read:

67.15 Subdivision 1. **Prohibited conduct.** (a) The commissioner may impose disciplinary  
 67.16 action as described in section 146A.09 against any unlicensed complementary and alternative  
 67.17 health care practitioner. The following conduct is prohibited and is grounds for disciplinary  
 67.18 action:

67.19 (b) Conviction of a crime, including a finding or verdict of guilt, an admission of guilt,  
 67.20 or a no-contest plea, in any court in Minnesota or any other jurisdiction in the United States,  
 67.21 reasonably related to engaging in complementary and alternative health care practices.  
 67.22 Conviction, as used in this subdivision, includes a conviction of an offense which, if  
 67.23 committed in this state, would be deemed a felony, gross misdemeanor, or misdemeanor,  
 67.24 without regard to its designation elsewhere, or a criminal proceeding where a finding or  
 67.25 verdict of guilty is made or returned but the adjudication of guilt is either withheld or not  
 67.26 entered.

67.27 (c) Conviction of any crime against a person. For purposes of this chapter, a crime against  
 67.28 a person means violations of the following: sections 609.185; 609.19; 609.195; 609.20;  
 67.29 609.205; 609.2112; 609.2113; 609.2114; 609.215; 609.221; 609.222; 609.223; 609.224;  
 67.30 609.2242; 609.23; 609.231; 609.2325; 609.233; 609.2335; 609.235; 609.24; 609.245;  
 67.31 609.247; 609.25; 609.255; 609.26, subdivision 1, clause (1) or (2); 609.265; 609.342;  
 67.32 609.343; 609.344; 609.345; 609.365; 609.498, subdivision 1; 609.50, subdivision 1, clause  
 67.33 (1); 609.561; 609.562; 609.595; and 609.72, subdivision 3; and Minnesota Statutes 2012,  
 67.34 section 609.21.

68.1 (d) Failure to comply with the self-reporting requirements of section 146A.03, subdivision  
68.2 7.

68.3 (e) Engaging in sexual contact with a complementary and alternative health care client,  
68.4 engaging in contact that may be reasonably interpreted by a client as sexual, engaging in  
68.5 any verbal behavior that is seductive or sexually demeaning to the client, or engaging in  
68.6 sexual exploitation of a client or former client.

68.7 (f) Advertising that is false, fraudulent, deceptive, or misleading.

68.8 (g) Conduct likely to deceive, defraud, or harm the public or demonstrating a willful or  
68.9 careless disregard for the health, welfare, or safety of a complementary and alternative  
68.10 health care client; or any other practice that may create danger to any client's life, health,  
68.11 or safety, in any of which cases, proof of actual injury need not be established.

68.12 (h) Adjudication as mentally incompetent or as a person who is dangerous to self or  
68.13 adjudication pursuant to chapter 253B as chemically dependent, mentally ill, developmentally  
68.14 disabled, mentally ill and dangerous to the public, or as a sexual psychopathic personality  
68.15 or sexually dangerous person.

68.16 (i) Inability to engage in complementary and alternative health care practices with  
68.17 reasonable safety to complementary and alternative health care clients.

68.18 (j) The habitual overindulgence in the use of or the dependence on intoxicating liquors.

68.19 (k) Improper or unauthorized personal or other use of any legend drugs as defined in  
68.20 chapter 151, any chemicals as defined in chapter 151, or any controlled substance as defined  
68.21 in chapter 152.

68.22 (l) Revealing a communication from, or relating to, a complementary and alternative  
68.23 health care client except when otherwise required or permitted by law.

68.24 (m) Failure to comply with a complementary and alternative health care client's request  
68.25 made under sections 144.291 to 144.298 or to furnish a complementary and alternative  
68.26 health care client record or report required by law.

68.27 (n) Splitting fees or promising to pay a portion of a fee to any other professional other  
68.28 than for services rendered by the other professional to the complementary and alternative  
68.29 health care client.

68.30 (o) Engaging in abusive or fraudulent billing practices, including violations of the federal  
68.31 Medicare and Medicaid laws or state medical assistance laws.

69.1 (p) Failure to make reports as required by section 146A.03 or cooperate with an  
69.2 investigation of the office.

69.3 (q) Obtaining money, property, or services from a complementary and alternative health  
69.4 care client, other than reasonable fees for services provided to the client, through the use  
69.5 of undue influence, harassment, duress, deception, or fraud.

69.6 (r) Failure to provide a complementary and alternative health care client with a copy of  
69.7 the client bill of rights or violation of any provision of the client bill of rights.

69.8 (s) Violating any order issued by the commissioner.

69.9 (t) Failure to comply with any provision of sections 146A.01 to 146A.11 and the rules  
69.10 adopted under those sections.

69.11 (u) Failure to comply with any additional disciplinary grounds established by the  
69.12 commissioner by rule.

69.13 (v) Revocation, suspension, restriction, limitation, or other disciplinary action against  
69.14 any health care license, certificate, registration, or right to practice of the unlicensed  
69.15 complementary and alternative health care practitioner in this or another state or jurisdiction  
69.16 for offenses that would be subject to disciplinary action in this state or failure to report to  
69.17 the office that charges regarding the practitioner's license, certificate, registration, or right  
69.18 of practice have been brought in this or another state or jurisdiction.

69.19 (w) Use of the title "doctor," "Dr.," or "physician" alone or in combination with any  
69.20 other words, letters, or insignia to describe the complementary and alternative health care  
69.21 practices the practitioner provides.

69.22 (x) Failure to provide a complementary and alternative health care client with a  
69.23 recommendation that the client see a health care provider who is licensed or registered by  
69.24 a health-related licensing board or the commissioner of health, if there is a reasonable  
69.25 likelihood that the client needs to be seen by a licensed or registered health care provider.

69.26 Sec. 4. Minnesota Statutes 2022, section 244.17, subdivision 3, is amended to read:

69.27 Subd. 3. **Offenders not eligible.** (a) The following offenders are not eligible to be placed  
69.28 in the challenge incarceration program:

69.29 (1) offenders who are committed to the commissioner's custody following a conviction  
69.30 for murder, manslaughter, criminal sexual conduct, assault, kidnapping, robbery, carjacking,  
69.31 arson, or any other offense involving death or intentional personal injury;

70.1 (2) offenders who were convicted within the preceding ten years of an offense described  
70.2 in clause (1) and were committed to the custody of the commissioner;

70.3 (3) offenders who have been convicted or adjudicated delinquent within the past five  
70.4 years for a violation of section 609.485;

70.5 (4) offenders who are committed to the commissioner's custody for an offense that  
70.6 requires registration under section 243.166;

70.7 (5) offenders who are the subject of a current arrest warrant or detainer;

70.8 (6) offenders who have fewer than 180 days remaining until their supervised release  
70.9 date;

70.10 (7) offenders who have had disciplinary confinement time added to their sentence or  
70.11 who have been placed in segregation, unless 90 days have elapsed from the imposition of  
70.12 the additional disciplinary confinement time or the last day of segregation;

70.13 (8) offenders who have received a suspended formal disciplinary sanction, unless the  
70.14 suspension has expired;

70.15 (9) offenders whose governing sentence is for an offense from another state or the United  
70.16 States; and

70.17 (10) offenders who have a medical condition included on the list of ineligible conditions  
70.18 described in paragraph (b).

70.19 (b) The commissioner of corrections shall develop a list of medical conditions that will  
70.20 disqualify an offender from participating in the challenge incarceration program. The  
70.21 commissioner shall submit the list and any changes to it to the chairs and ranking minority  
70.22 members of the senate and house committees having jurisdiction over criminal justice policy  
70.23 and funding.

70.24 Sec. 5. Minnesota Statutes 2022, section 245C.15, subdivision 1, is amended to read:

70.25 Subdivision 1. **Permanent disqualification.** (a) An individual is disqualified under  
70.26 section 245C.14 if: (1) regardless of how much time has passed since the discharge of the  
70.27 sentence imposed, if any, for the offense; and (2) unless otherwise specified, regardless of  
70.28 the level of the offense, the individual has committed any of the following offenses: sections  
70.29 243.166 (violation of predatory offender registration law); 609.185 (murder in the first  
70.30 degree); 609.19 (murder in the second degree); 609.195 (murder in the third degree); 609.20  
70.31 (manslaughter in the first degree); 609.205 (manslaughter in the second degree); a felony  
70.32 offense under 609.221 or 609.222 (assault in the first or second degree); a felony offense

71.1 under sections 609.2242 and 609.2243 (domestic assault), spousal abuse, child abuse or  
71.2 neglect, or a crime against children; 609.2247 (domestic assault by strangulation); 609.228  
71.3 (great bodily harm caused by distribution of drugs); 609.245 (aggravated robbery); 609.247,  
71.4 subdivision 2 or 3 (carjacking in the first or second degree); 609.25 (kidnapping); 609.2661  
71.5 (murder of an unborn child in the first degree); 609.2662 (murder of an unborn child in the  
71.6 second degree); 609.2663 (murder of an unborn child in the third degree); 609.322  
71.7 (solicitation, inducement, and promotion of prostitution); 609.324, subdivision 1 (other  
71.8 prohibited acts); 609.342 (criminal sexual conduct in the first degree); 609.343 (criminal  
71.9 sexual conduct in the second degree); 609.344 (criminal sexual conduct in the third degree);  
71.10 609.345 (criminal sexual conduct in the fourth degree); 609.3451 (criminal sexual conduct  
71.11 in the fifth degree); 609.3453 (criminal sexual predatory conduct); 609.3458 (sexual  
71.12 extortion); 609.352 (solicitation of children to engage in sexual conduct); 609.365 (incest);  
71.13 a felony offense under 609.377 (malicious punishment of a child); a felony offense under  
71.14 609.378 (neglect or endangerment of a child); 609.561 (arson in the first degree); 609.66,  
71.15 subdivision 1e (drive-by shooting); 609.749, subdivision 3, 4, or 5 (felony-level harassment  
71.16 or stalking); 609.855, subdivision 5 (shooting at or in a public transit vehicle or facility);  
71.17 617.23, subdivision 2, clause (1), or subdivision 3, clause (1) (indecent exposure involving  
71.18 a minor); 617.246 (use of minors in sexual performance prohibited); 617.247 (possession  
71.19 of pictorial representations of minors); or, for a child care background study subject,  
71.20 conviction of a crime that would make the individual ineligible for employment under  
71.21 United States Code, title 42, section 9858f, except for a felony drug conviction, regardless  
71.22 of whether a period of disqualification under subdivisions 2 to 4, would apply if the individual  
71.23 were not a child care background study subject.

71.24 (b) An individual's aiding and abetting, attempt, or conspiracy to commit any of the  
71.25 offenses listed in paragraph (a), as each of these offenses is defined in Minnesota Statutes,  
71.26 permanently disqualifies the individual under section 245C.14.

71.27 (c) An individual's offense in any other state or country, where the elements of the offense  
71.28 are substantially similar to any of the offenses listed in paragraph (a), permanently disqualifies  
71.29 the individual under section 245C.14.

71.30 (d) When a disqualification is based on a judicial determination other than a conviction,  
71.31 the disqualification period begins from the date of the court order. When a disqualification  
71.32 is based on an admission, the disqualification period begins from the date of an admission  
71.33 in court. When a disqualification is based on an Alford Plea, the disqualification period  
71.34 begins from the date the Alford Plea is entered in court. When a disqualification is based  
71.35 on a preponderance of evidence of a disqualifying act, the disqualification date begins from

72.1 the date of the dismissal, the date of discharge of the sentence imposed for a conviction for  
72.2 a disqualifying crime of similar elements, or the date of the incident, whichever occurs last.

72.3 (e) If the individual studied commits one of the offenses listed in paragraph (a) that is  
72.4 specified as a felony-level only offense, but the sentence or level of offense is a gross  
72.5 misdemeanor or misdemeanor, the individual is disqualified, but the disqualification  
72.6 look-back period for the offense is the period applicable to gross misdemeanor or  
72.7 misdemeanor offenses.

72.8 (f) A child care background study subject shall be disqualified if the individual is  
72.9 registered, or required to be registered, on a state sex offender registry or repository or the  
72.10 National Sex Offender Registry.

72.11 Sec. 6. Minnesota Statutes 2022, section 245C.15, subdivision 2, is amended to read:

72.12 Subd. 2. **15-year disqualification.** (a) An individual is disqualified under section 245C.14  
72.13 if: (1) less than 15 years have passed since the discharge of the sentence imposed, if any,  
72.14 for the offense; and (2) the individual has committed a felony-level violation of any of the  
72.15 following offenses: sections 256.98 (wrongfully obtaining assistance); 268.182 (fraud);  
72.16 393.07, subdivision 10, paragraph (c) (federal SNAP fraud); 609.165 (felon ineligible to  
72.17 possess firearm); 609.2112, 609.2113, or 609.2114 (criminal vehicular homicide or injury);  
72.18 609.215 (suicide); 609.223 or 609.2231 (assault in the third or fourth degree); repeat offenses  
72.19 under 609.224 (assault in the fifth degree); 609.229 (crimes committed for benefit of a  
72.20 gang); 609.2325 (criminal abuse of a vulnerable adult); 609.2335 (financial exploitation of  
72.21 a vulnerable adult); 609.235 (use of drugs to injure or facilitate crime); 609.24 (simple  
72.22 robbery); 609.247, subdivision 4 (carjacking in the third degree); 609.255 (false  
72.23 imprisonment); 609.2664 (manslaughter of an unborn child in the first degree); 609.2665  
72.24 (manslaughter of an unborn child in the second degree); 609.267 (assault of an unborn child  
72.25 in the first degree); 609.2671 (assault of an unborn child in the second degree); 609.268  
72.26 (injury or death of an unborn child in the commission of a crime); 609.27 (coercion); 609.275  
72.27 (attempt to coerce); 609.466 (medical assistance fraud); 609.495 (aiding an offender);  
72.28 609.498, subdivision 1 or 1b (aggravated first-degree or first-degree tampering with a  
72.29 witness); 609.52 (theft); 609.521 (possession of shoplifting gear); 609.525 (bringing stolen  
72.30 goods into Minnesota); 609.527 (identity theft); 609.53 (receiving stolen property); 609.535  
72.31 (issuance of dishonored checks); 609.562 (arson in the second degree); 609.563 (arson in  
72.32 the third degree); 609.582 (burglary); 609.59 (possession of burglary tools); 609.611  
72.33 (insurance fraud); 609.625 (aggravated forgery); 609.63 (forgery); 609.631 (check forgery;  
72.34 offering a forged check); 609.635 (obtaining signature by false pretense); 609.66 (dangerous



73.1 weapons); 609.67 (machine guns and short-barreled shotguns); 609.687 (adulteration);  
73.2 609.71 (riot); 609.713 (terroristic threats); 609.82 (fraud in obtaining credit); 609.821  
73.3 (financial transaction card fraud); 617.23 (indecent exposure), not involving a minor; repeat  
73.4 offenses under 617.241 (obscene materials and performances; distribution and exhibition  
73.5 prohibited; penalty); 624.713 (certain persons not to possess firearms); chapter 152 (drugs;  
73.6 controlled substance); or Minnesota Statutes 2012, section 609.21; or a felony-level  
73.7 conviction involving alcohol or drug use.

73.8 (b) An individual is disqualified under section 245C.14 if less than 15 years has passed  
73.9 since the individual's aiding and abetting, attempt, or conspiracy to commit any of the  
73.10 offenses listed in paragraph (a), as each of these offenses is defined in Minnesota Statutes.

73.11 (c) An individual is disqualified under section 245C.14 if less than 15 years has passed  
73.12 since the termination of the individual's parental rights under section 260C.301, subdivision  
73.13 1, paragraph (b), or subdivision 3.

73.14 (d) An individual is disqualified under section 245C.14 if less than 15 years has passed  
73.15 since the discharge of the sentence imposed for an offense in any other state or country, the  
73.16 elements of which are substantially similar to the elements of the offenses listed in paragraph  
73.17 (a).

73.18 (e) If the individual studied commits one of the offenses listed in paragraph (a), but the  
73.19 sentence or level of offense is a gross misdemeanor or misdemeanor, the individual is  
73.20 disqualified but the disqualification look-back period for the offense is the period applicable  
73.21 to the gross misdemeanor or misdemeanor disposition.

73.22 (f) When a disqualification is based on a judicial determination other than a conviction,  
73.23 the disqualification period begins from the date of the court order. When a disqualification  
73.24 is based on an admission, the disqualification period begins from the date of an admission  
73.25 in court. When a disqualification is based on an Alford Plea, the disqualification period  
73.26 begins from the date the Alford Plea is entered in court. When a disqualification is based  
73.27 on a preponderance of evidence of a disqualifying act, the disqualification date begins from  
73.28 the date of the dismissal, the date of discharge of the sentence imposed for a conviction for  
73.29 a disqualifying crime of similar elements, or the date of the incident, whichever occurs last.

73.30 Sec. 7. Minnesota Statutes 2022, section 245C.15, subdivision 4a, is amended to read:

73.31 Subd. 4a. **Licensed family foster setting disqualifications.** (a) Notwithstanding  
73.32 subdivisions 1 to 4, for a background study affiliated with a licensed family foster setting,  
73.33 regardless of how much time has passed, an individual is disqualified under section 245C.14

74.1 if the individual committed an act that resulted in a felony-level conviction for sections:  
 74.2 609.185 (murder in the first degree); 609.19 (murder in the second degree); 609.195 (murder  
 74.3 in the third degree); 609.20 (manslaughter in the first degree); 609.205 (manslaughter in  
 74.4 the second degree); 609.2112 (criminal vehicular homicide); 609.221 (assault in the first  
 74.5 degree); 609.223, subdivision 2 (assault in the third degree, past pattern of child abuse);  
 74.6 609.223, subdivision 3 (assault in the third degree, victim under four); a felony offense  
 74.7 under sections 609.2242 and 609.2243 (domestic assault, spousal abuse, child abuse or  
 74.8 neglect, or a crime against children); 609.2247 (domestic assault by strangulation); 609.2325  
 74.9 (criminal abuse of a vulnerable adult resulting in the death of a vulnerable adult); 609.245  
 74.10 (aggravated robbery); 609.247, subdivision 2 or 3 (carjacking in the first or second degree);  
 74.11 609.25 (kidnapping); 609.255 (false imprisonment); 609.2661 (murder of an unborn child  
 74.12 in the first degree); 609.2662 (murder of an unborn child in the second degree); 609.2663  
 74.13 (murder of an unborn child in the third degree); 609.2664 (manslaughter of an unborn child  
 74.14 in the first degree); 609.2665 (manslaughter of an unborn child in the second degree);  
 74.15 609.267 (assault of an unborn child in the first degree); 609.2671 (assault of an unborn child  
 74.16 in the second degree); 609.268 (injury or death of an unborn child in the commission of a  
 74.17 crime); 609.322, subdivision 1 (solicitation, inducement, and promotion of prostitution; sex  
 74.18 trafficking in the first degree); 609.324, subdivision 1 (other prohibited acts; engaging in,  
 74.19 hiring, or agreeing to hire minor to engage in prostitution); 609.342 (criminal sexual conduct  
 74.20 in the first degree); 609.343 (criminal sexual conduct in the second degree); 609.344 (criminal  
 74.21 sexual conduct in the third degree); 609.345 (criminal sexual conduct in the fourth degree);  
 74.22 609.3451 (criminal sexual conduct in the fifth degree); 609.3453 (criminal sexual predatory  
 74.23 conduct); 609.352 (solicitation of children to engage in sexual conduct); 609.377 (malicious  
 74.24 punishment of a child); 609.378 (neglect or endangerment of a child); 609.561 (arson in  
 74.25 the first degree); 609.582, subdivision 1 (burglary in the first degree); 609.746 (interference  
 74.26 with privacy); 617.23 (indecent exposure); 617.246 (use of minors in sexual performance  
 74.27 prohibited); or 617.247 (possession of pictorial representations of minors).

74.28 (b) Notwithstanding subdivisions 1 to 4, for the purposes of a background study affiliated  
 74.29 with a licensed family foster setting, an individual is disqualified under section 245C.14,  
 74.30 regardless of how much time has passed, if the individual:

74.31 (1) committed an action under paragraph (e) that resulted in death or involved sexual  
 74.32 abuse, as defined in section 260E.03, subdivision 20;

74.33 (2) committed an act that resulted in a gross misdemeanor-level conviction for section  
 74.34 609.3451 (criminal sexual conduct in the fifth degree);

75.1 (3) committed an act against or involving a minor that resulted in a felony-level conviction  
75.2 for: section 609.222 (assault in the second degree); 609.223, subdivision 1 (assault in the  
75.3 third degree); 609.2231 (assault in the fourth degree); or 609.224 (assault in the fifth degree);  
75.4 or

75.5 (4) committed an act that resulted in a misdemeanor or gross misdemeanor-level  
75.6 conviction for section 617.293 (dissemination and display of harmful materials to minors).

75.7 (c) Notwithstanding subdivisions 1 to 4, for a background study affiliated with a licensed  
75.8 family foster setting, an individual is disqualified under section 245C.14 if fewer than 20  
75.9 years have passed since the termination of the individual's parental rights under section  
75.10 260C.301, subdivision 1, paragraph (b), or if the individual consented to a termination of  
75.11 parental rights under section 260C.301, subdivision 1, paragraph (a), to settle a petition to  
75.12 involuntarily terminate parental rights. An individual is disqualified under section 245C.14  
75.13 if fewer than 20 years have passed since the termination of the individual's parental rights  
75.14 in any other state or country, where the conditions for the individual's termination of parental  
75.15 rights are substantially similar to the conditions in section 260C.301, subdivision 1, paragraph  
75.16 (b).

75.17 (d) Notwithstanding subdivisions 1 to 4, for a background study affiliated with a licensed  
75.18 family foster setting, an individual is disqualified under section 245C.14 if fewer than five  
75.19 years have passed since a felony-level violation for sections: 152.021 (controlled substance  
75.20 crime in the first degree); 152.022 (controlled substance crime in the second degree); 152.023  
75.21 (controlled substance crime in the third degree); 152.024 (controlled substance crime in the  
75.22 fourth degree); 152.025 (controlled substance crime in the fifth degree); 152.0261 (importing  
75.23 controlled substances across state borders); 152.0262, subdivision 1, paragraph (b)  
75.24 (possession of substance with intent to manufacture methamphetamine); 152.027, subdivision  
75.25 6, paragraph (c) (sale or possession of synthetic cannabinoids); 152.096 (conspiracies  
75.26 prohibited); 152.097 (simulated controlled substances); 152.136 (anhydrous ammonia;  
75.27 prohibited conduct; criminal penalties; civil liabilities); 152.137 (methamphetamine-related  
75.28 crimes involving children or vulnerable adults); 169A.24 (felony first-degree driving while  
75.29 impaired); 243.166 (violation of predatory offender registration requirements); 609.2113  
75.30 (criminal vehicular operation; bodily harm); 609.2114 (criminal vehicular operation; unborn  
75.31 child); 609.228 (great bodily harm caused by distribution of drugs); 609.2325 (criminal  
75.32 abuse of a vulnerable adult not resulting in the death of a vulnerable adult); 609.233 (criminal  
75.33 neglect); 609.235 (use of drugs to injure or facilitate a crime); 609.24 (simple robbery);  
75.34 609.247, subdivision 4 (carjacking in the third degree); 609.322, subdivision 1a (solicitation,  
75.35 inducement, and promotion of prostitution; sex trafficking in the second degree); 609.498,

76.1 subdivision 1 (tampering with a witness in the first degree); 609.498, subdivision 1b  
76.2 (aggravated first-degree witness tampering); 609.562 (arson in the second degree); 609.563  
76.3 (arson in the third degree); 609.582, subdivision 2 (burglary in the second degree); 609.66  
76.4 (felony dangerous weapons); 609.687 (adulteration); 609.713 (terroristic threats); 609.749,  
76.5 subdivision 3, 4, or 5 (felony-level harassment or stalking); 609.855, subdivision 5 (shooting  
76.6 at or in a public transit vehicle or facility); or 624.713 (certain people not to possess firearms).

76.7 (e) Notwithstanding subdivisions 1 to 4, except as provided in paragraph (a), for a  
76.8 background study affiliated with a licensed family child foster care license, an individual  
76.9 is disqualified under section 245C.14 if fewer than five years have passed since:

76.10 (1) a felony-level violation for an act not against or involving a minor that constitutes:  
76.11 section 609.222 (assault in the second degree); 609.223, subdivision 1 (assault in the third  
76.12 degree); 609.2231 (assault in the fourth degree); or 609.224, subdivision 4 (assault in the  
76.13 fifth degree);

76.14 (2) a violation of an order for protection under section 518B.01, subdivision 14;

76.15 (3) a determination or disposition of the individual's failure to make required reports  
76.16 under section 260E.06 or 626.557, subdivision 3, for incidents in which the final disposition  
76.17 under chapter 260E or section 626.557 was substantiated maltreatment and the maltreatment  
76.18 was recurring or serious;

76.19 (4) a determination or disposition of the individual's substantiated serious or recurring  
76.20 maltreatment of a minor under chapter 260E, a vulnerable adult under section 626.557, or  
76.21 serious or recurring maltreatment in any other state, the elements of which are substantially  
76.22 similar to the elements of maltreatment under chapter 260E or section 626.557 and meet  
76.23 the definition of serious maltreatment or recurring maltreatment;

76.24 (5) a gross misdemeanor-level violation for sections: 609.224, subdivision 2 (assault in  
76.25 the fifth degree); 609.2242 and 609.2243 (domestic assault); 609.233 (criminal neglect);  
76.26 609.377 (malicious punishment of a child); 609.378 (neglect or endangerment of a child);  
76.27 609.746 (interference with privacy); 609.749 (stalking); or 617.23 (indecent exposure); or

76.28 (6) committing an act against or involving a minor that resulted in a misdemeanor-level  
76.29 violation of section 609.224, subdivision 1 (assault in the fifth degree).

76.30 (f) For purposes of this subdivision, the disqualification begins from:

76.31 (1) the date of the alleged violation, if the individual was not convicted;

76.32 (2) the date of conviction, if the individual was convicted of the violation but not  
76.33 committed to the custody of the commissioner of corrections; or

77.1 (3) the date of release from prison, if the individual was convicted of the violation and  
77.2 committed to the custody of the commissioner of corrections.

77.3 Notwithstanding clause (3), if the individual is subsequently reincarcerated for a violation  
77.4 of the individual's supervised release, the disqualification begins from the date of release  
77.5 from the subsequent incarceration.

77.6 (g) An individual's aiding and abetting, attempt, or conspiracy to commit any of the  
77.7 offenses listed in paragraphs (a) and (b), as each of these offenses is defined in Minnesota  
77.8 Statutes, permanently disqualifies the individual under section 245C.14. An individual is  
77.9 disqualified under section 245C.14 if fewer than five years have passed since the individual's  
77.10 aiding and abetting, attempt, or conspiracy to commit any of the offenses listed in paragraphs  
77.11 (d) and (e).

77.12 (h) An individual's offense in any other state or country, where the elements of the  
77.13 offense are substantially similar to any of the offenses listed in paragraphs (a) and (b),  
77.14 permanently disqualifies the individual under section 245C.14. An individual is disqualified  
77.15 under section 245C.14 if fewer than five years have passed since an offense in any other  
77.16 state or country, the elements of which are substantially similar to the elements of any  
77.17 offense listed in paragraphs (d) and (e).

77.18 Sec. 8. Minnesota Statutes 2022, section 245C.24, subdivision 3, is amended to read:

77.19 Subd. 3. **Ten-year bar to set aside disqualification.** (a) The commissioner may not set  
77.20 aside the disqualification of an individual in connection with a license to provide family  
77.21 child care for children or foster care or day care services for adults in the provider's home  
77.22 if: (1) less than ten years has passed since the discharge of the sentence imposed, if any, for  
77.23 the offense; or (2) when disqualified based on a preponderance of evidence determination  
77.24 under section 245C.14, subdivision 1, paragraph (a), clause (2), or an admission under  
77.25 section 245C.14, subdivision 1, paragraph (a), clause (1), and less than ten years has passed  
77.26 since the individual committed the act or admitted to committing the act, whichever is later;  
77.27 and (3) the individual has committed a violation of any of the following offenses: sections  
77.28 609.165 (felon ineligible to possess firearm); criminal vehicular homicide or criminal  
77.29 vehicular operation causing death under 609.2112, 609.2113, or 609.2114 (criminal vehicular  
77.30 homicide or injury); 609.215 (aiding suicide or aiding attempted suicide); felony violations  
77.31 under 609.223 or 609.2231 (assault in the third or fourth degree); 609.229 (crimes committed  
77.32 for benefit of a gang); 609.713 (terroristic threats); 609.235 (use of drugs to injure or to  
77.33 facilitate crime); 609.24 (simple robbery); 609.247, subdivision 4 (carjacking in the third  
77.34 degree); 609.255 (false imprisonment); 609.562 (arson in the second degree); 609.71 (riot);

78.1 609.498, subdivision 1 or 1b (aggravated first-degree or first-degree tampering with a  
78.2 witness); burglary in the first or second degree under 609.582 (burglary); 609.66 (dangerous  
78.3 weapon); 609.665 (spring guns); 609.67 (machine guns and short-barreled shotguns);  
78.4 609.749, subdivision 2 (gross misdemeanor harassment); 152.021 or 152.022 (controlled  
78.5 substance crime in the first or second degree); 152.023, subdivision 1, clause (3) or (4) or  
78.6 subdivision 2, clause (4) (controlled substance crime in the third degree); 152.024,  
78.7 subdivision 1, clause (2), (3), or (4) (controlled substance crime in the fourth degree);  
78.8 609.224, subdivision 2, paragraph (c) (fifth-degree assault by a caregiver against a vulnerable  
78.9 adult); 609.23 (mistreatment of persons confined); 609.231 (mistreatment of residents or  
78.10 patients); 609.2325 (criminal abuse of a vulnerable adult); 609.233 (criminal neglect of a  
78.11 vulnerable adult); 609.2335 (financial exploitation of a vulnerable adult); 609.234 (failure  
78.12 to report); 609.265 (abduction); 609.2664 to 609.2665 (manslaughter of an unborn child in  
78.13 the first or second degree); 609.267 to 609.2672 (assault of an unborn child in the first,  
78.14 second, or third degree); 609.268 (injury or death of an unborn child in the commission of  
78.15 a crime); repeat offenses under 617.23 (indecent exposure); 617.293 (disseminating or  
78.16 displaying harmful material to minors); a felony-level conviction involving alcohol or drug  
78.17 use, a gross misdemeanor offense under 609.324, subdivision 1 (other prohibited acts); a  
78.18 gross misdemeanor offense under 609.378 (neglect or endangerment of a child); a gross  
78.19 misdemeanor offense under 609.377 (malicious punishment of a child); 609.72, subdivision  
78.20 3 (disorderly conduct against a vulnerable adult); or 624.713 (certain persons not to possess  
78.21 firearms); or Minnesota Statutes 2012, section 609.21.

78.22 (b) The commissioner may not set aside the disqualification of an individual if less than  
78.23 ten years have passed since the individual's aiding and abetting, attempt, or conspiracy to  
78.24 commit any of the offenses listed in paragraph (a) as each of these offenses is defined in  
78.25 Minnesota Statutes.

78.26 (c) The commissioner may not set aside the disqualification of an individual if less than  
78.27 ten years have passed since the discharge of the sentence imposed for an offense in any  
78.28 other state or country, the elements of which are substantially similar to the elements of any  
78.29 of the offenses listed in paragraph (a).

78.30 Sec. 9. Minnesota Statutes 2022, section 253B.02, subdivision 4e, is amended to read:

78.31 Subd. 4e. **Crime against the person.** "Crime against the person" means a violation of  
78.32 or attempt to violate any of the following provisions: sections 609.185 (murder in the first  
78.33 degree); 609.19 (murder in the second degree); 609.195 (murder in the third degree); 609.20  
78.34 (manslaughter in the first degree); 609.205 (manslaughter in the second degree); 609.2112,

79.1 609.2113, or 609.2114 (criminal vehicular homicide or injury); 609.215 (suicide); 609.221  
79.2 (assault in the first degree); 609.222 (assault in the second degree); 609.223 (assault in the  
79.3 third degree); 609.224 (assault in the fifth degree); 609.2242 (domestic assault); 609.23  
79.4 (mistreatment of persons confined); 609.231 (mistreatment of residents or patients); 609.2325  
79.5 (criminal abuse); 609.233 (criminal neglect); 609.2335 (financial exploitation of a vulnerable  
79.6 adult); 609.235 (use of drugs to injure or facilitate crime); 609.24 (simple robbery); 609.245  
79.7 (aggravated robbery); 609.247 (carjacking); 609.25 (kidnapping); 609.255 (false  
79.8 imprisonment); 609.265 (abduction); 609.27, subdivision 1, clause (1) or (2) (coercion);  
79.9 609.28 (interfering with religious observance) if violence or threats of violence were used;  
79.10 609.322, subdivision 1, paragraph (a), clause (2) (solicitation); 609.342 (criminal sexual  
79.11 conduct in the first degree); 609.343 (criminal sexual conduct in the second degree); 609.344  
79.12 (criminal sexual conduct in the third degree); 609.345 (criminal sexual conduct in the fourth  
79.13 degree); 609.3458 (sexual extortion); 609.365 (incest); 609.498, subdivision 1 (tampering  
79.14 with a witness); 609.50, clause (1) (obstructing legal process, arrest, and firefighting);  
79.15 609.561 (arson in the first degree); 609.562 (arson in the second degree); 609.595 (damage  
79.16 to property); and 609.72, subdivision 3 (disorderly conduct by a caregiver); and Minnesota  
79.17 Statutes 2012, section 609.21.

79.18 Sec. 10. Minnesota Statutes 2022, section 253D.02, subdivision 8, is amended to read:

79.19 Subd. 8. **Harmful sexual conduct.** (a) "Harmful sexual conduct" means sexual conduct  
79.20 that creates a substantial likelihood of serious physical or emotional harm to another.

79.21 (b) There is a rebuttable presumption that conduct described in the following provisions  
79.22 creates a substantial likelihood that a victim will suffer serious physical or emotional harm:  
79.23 section 609.342 (criminal sexual conduct in the first degree), 609.343 (criminal sexual  
79.24 conduct in the second degree), 609.344 (criminal sexual conduct in the third degree), 609.345  
79.25 (criminal sexual conduct in the fourth degree), or 609.3458 (sexual extortion). If the conduct  
79.26 was motivated by the person's sexual impulses or was part of a pattern of behavior that had  
79.27 criminal sexual conduct as a goal, the presumption also applies to conduct described in  
79.28 section 609.185 (murder in the first degree), 609.19 (murder in the second degree), 609.195  
79.29 (murder in the third degree), 609.20 (manslaughter in the first degree), 609.205 (manslaughter  
79.30 in the second degree), 609.221 (assault in the first degree), 609.222 (assault in the second  
79.31 degree), 609.223 (assault in the third degree), 609.24 (simple robbery), 609.245 (aggravated  
79.32 robbery), 609.247 (carjacking), 609.25 (kidnapping), 609.255 (false imprisonment), 609.365  
79.33 (incest), 609.498 (tampering with a witness), 609.561 (arson in the first degree), 609.582,  
79.34 subdivision 1 (burglary in the first degree), 609.713 (terroristic threats), or 609.749,  
79.35 subdivision 3 or 5 (harassment or stalking).

80.1 Sec. 11. Minnesota Statutes 2022, section 260B.171, subdivision 3, is amended to read:

80.2 Subd. 3. **Disposition order; copy to school.** (a) If a juvenile is enrolled in school, the  
80.3 juvenile's probation officer shall ensure that either a mailed notice or an electronic copy of  
80.4 the court's disposition order be transmitted to the superintendent of the juvenile's school  
80.5 district or the chief administrative officer of the juvenile's school if the juvenile has been  
80.6 adjudicated delinquent for committing an act on the school's property or an act:

80.7 (1) that would be a violation of section 609.185 (first-degree murder); 609.19  
80.8 (second-degree murder); 609.195 (third-degree murder); 609.20 (first-degree manslaughter);  
80.9 609.205 (second-degree manslaughter); 609.2112, 609.2113, or 609.2114 (criminal vehicular  
80.10 homicide or injury); 609.221 (first-degree assault); 609.222 (second-degree assault); 609.223  
80.11 (third-degree assault); 609.2231 (fourth-degree assault); 609.224 (fifth-degree assault);  
80.12 609.2242 (domestic assault); 609.24 (simple robbery); 609.245 (aggravated robbery);  
80.13 609.247 (carjacking); 609.25 (kidnapping); 609.255 (false imprisonment); 609.342  
80.14 (first-degree criminal sexual conduct); 609.343 (second-degree criminal sexual conduct);  
80.15 609.344 (third-degree criminal sexual conduct); 609.345 (fourth-degree criminal sexual  
80.16 conduct); 609.3451 (fifth-degree criminal sexual conduct); 609.498 (tampering with a  
80.17 witness); 609.561 (first-degree arson); 609.582, subdivision 1 or 2 (burglary); 609.713  
80.18 (terroristic threats); or 609.749 (harassment or stalking), if committed by an adult; or  
80.19 Minnesota Statutes 2012, section 609.21;

80.20 (2) that would be a violation of section 152.021 (first-degree controlled substance crime);  
80.21 152.022 (second-degree controlled substance crime); 152.023 (third-degree controlled  
80.22 substance crime); 152.024 (fourth-degree controlled substance crime); 152.025 (fifth-degree  
80.23 controlled substance crime); 152.0261 (importing a controlled substance); 152.0262  
80.24 (possession of substances with intent to manufacture methamphetamine); or 152.027 (other  
80.25 controlled substance offenses), if committed by an adult; or

80.26 (3) that involved the possession or use of a dangerous weapon as defined in section  
80.27 609.02, subdivision 6.

80.28 When a disposition order is transmitted under this subdivision, the probation officer  
80.29 shall notify the juvenile's parent or legal guardian that the disposition order has been shared  
80.30 with the juvenile's school.

80.31 (b) In addition, the juvenile's probation officer may transmit a copy of the court's  
80.32 disposition order to the superintendent of the juvenile's school district or the chief  
80.33 administrative officer of the juvenile's school if the juvenile has been adjudicated delinquent  
80.34 for offenses not listed in paragraph (a) and placed on probation. The probation officer shall



81.1 notify the superintendent or chief administrative officer when the juvenile is discharged  
81.2 from probation.

81.3 (c) The disposition order must be accompanied by a notice to the school that the school  
81.4 may obtain additional information from the juvenile's probation officer with the consent of  
81.5 the juvenile or the juvenile's parents, as applicable. The disposition order must be maintained,  
81.6 shared, or released only as provided in section 121A.75.

81.7 (d) The juvenile's probation officer shall maintain a record of disposition orders released  
81.8 under this subdivision and the basis for the release.

81.9 (e) No later than September 1, 2002, the criminal and juvenile justice information policy  
81.10 group, in consultation with representatives of probation officers and educators, shall prepare  
81.11 standard forms for use by juvenile probation officers in forwarding information to schools  
81.12 under this subdivision and in maintaining a record of the information that is released. The  
81.13 group shall provide a copy of any forms or procedures developed under this paragraph to  
81.14 the legislature by January 15, 2003.

81.15 (f) As used in this subdivision, "school" means a charter school or a school as defined  
81.16 in section 120A.22, subdivision 4, except a home school.

81.17 Sec. 12. Minnesota Statutes 2022, section 299A.296, subdivision 2, is amended to read:

81.18 Subd. 2. **Grant procedure.** (a) A local unit of government or a nonprofit  
81.19 community-based entity may apply for a grant by submitting an application with the  
81.20 commissioner. The applicant shall specify the following in its application:

81.21 (1) a description of each program for which funding is sought;

81.22 (2) outcomes and performance indicators for the program;

81.23 (3) a description of the planning process that identifies local community needs, surveys  
81.24 existing programs, provides for coordination with existing programs, and involves all affected  
81.25 sectors of the community;

81.26 (4) the geographical area to be served by the program;

81.27 (5) statistical information as to the number of arrests in the geographical area for violent  
81.28 crimes and for crimes involving Schedule I and II controlled substances. "Violent crime"  
81.29 includes a violation of or an attempt or conspiracy to violate any of the following laws:

81.30 sections 609.185; 609.19; 609.195; 609.20; 609.205; 609.2112; 609.2113; 609.2114; 609.221;  
81.31 609.222; 609.223; 609.228; 609.235; 609.24; 609.245; 609.247; 609.25; 609.255; 609.2661;  
81.32 609.2662; 609.2663; 609.2664; 609.2665; 609.267; 609.2671; 609.268; 609.342; 609.343;

82.1 609.344; 609.345; 609.498, subdivision 1; 609.561; 609.562; 609.582, subdivision 1;  
 82.2 609.687; or any provision of chapter 152 that is punishable by a maximum sentence greater  
 82.3 than ten years; or Minnesota Statutes 2012, section 609.21; and

82.4 (6) the number of economically disadvantaged youth in the geographical areas to be  
 82.5 served by the program.

82.6 (b) The commissioner shall give priority to funding community-based collaboratives,  
 82.7 programs that demonstrate substantial involvement by members of the community served  
 82.8 by the program and programs that either serve the geographical areas that have the highest  
 82.9 crime rates, as measured by the data supplied under paragraph (a), clause (5), or serve  
 82.10 geographical areas that have the largest concentrations of economically disadvantaged youth.  
 82.11 Up to 2.5 percent of the appropriation may be used by the commissioner to administer the  
 82.12 program.

82.13 Sec. 13. Minnesota Statutes 2022, section 299C.105, subdivision 1, is amended to read:

82.14 Subdivision 1. **Required collection of biological specimen for DNA testing.** (a) Sheriffs,  
 82.15 peace officers, and community corrections agencies operating secure juvenile detention  
 82.16 facilities shall take or cause to be taken biological specimens for the purpose of DNA analysis  
 82.17 as defined in section 299C.155, of the following:

82.18 (1) persons who have appeared in court and have had a judicial probable cause  
 82.19 determination on a charge of committing, or persons having been convicted of or attempting  
 82.20 to commit, any of the following:

82.21 (i) murder under section 609.185, 609.19, or 609.195;

82.22 (ii) manslaughter under section 609.20 or 609.205;

82.23 (iii) assault under section 609.221, 609.222, or 609.223;

82.24 (iv) robbery under section 609.24 ~~or~~ aggravated robbery under section 609.245, or  
 82.25 carjacking under section 609.247;

82.26 (v) kidnapping under section 609.25;

82.27 (vi) false imprisonment under section 609.255;

82.28 (vii) criminal sexual conduct under section 609.342, 609.343, 609.344, 609.345,  
 82.29 609.3451, subdivision 3, or 609.3453;

82.30 (viii) incest under section 609.365;

82.31 (ix) burglary under section 609.582, subdivision 1; or

- 83.1 (x) indecent exposure under section 617.23, subdivision 3;
- 83.2 (2) persons sentenced as patterned sex offenders under section 609.3455, subdivision
- 83.3 3a; or
- 83.4 (3) juveniles who have appeared in court and have had a judicial probable cause
- 83.5 determination on a charge of committing, or juveniles having been adjudicated delinquent
- 83.6 for committing or attempting to commit, any of the following:
- 83.7 (i) murder under section 609.185, 609.19, or 609.195;
- 83.8 (ii) manslaughter under section 609.20 or 609.205;
- 83.9 (iii) assault under section 609.221, 609.222, or 609.223;
- 83.10 (iv) robbery under section 609.24 ~~or~~, aggravated robbery under section 609.245, or
- 83.11 carjacking under section 609.247;
- 83.12 (v) kidnapping under section 609.25;
- 83.13 (vi) false imprisonment under section 609.255;
- 83.14 (vii) criminal sexual conduct under section 609.342, 609.343, 609.344, 609.345,
- 83.15 609.3451, subdivision 3, or 609.3453;
- 83.16 (viii) incest under section 609.365;
- 83.17 (ix) burglary under section 609.582, subdivision 1; or
- 83.18 (x) indecent exposure under section 617.23, subdivision 3.
- 83.19 (b) Unless the superintendent of the bureau requires a shorter period, within 72 hours
- 83.20 the biological specimen required under paragraph (a) must be forwarded to the bureau in
- 83.21 such a manner as may be prescribed by the superintendent.
- 83.22 (c) Prosecutors, courts, and probation officers shall attempt to ensure that the biological
- 83.23 specimen is taken on a person described in paragraph (a).
- 83.24 Sec. 14. Minnesota Statutes 2022, section 299C.67, subdivision 2, is amended to read:
- 83.25 Subd. 2. **Background check crime.** "Background check crime" means:
- 83.26 (a)(1) a felony violation of section 609.185 (first-degree murder); 609.19 (second-degree
- 83.27 murder); 609.20 (first-degree manslaughter); 609.221 (first-degree assault); 609.222
- 83.28 (second-degree assault); 609.223 (third-degree assault); 609.25 (kidnapping); 609.342
- 83.29 (first-degree criminal sexual conduct); 609.343 (second-degree criminal sexual conduct);
- 83.30 609.344 (third-degree criminal sexual conduct); 609.345 (fourth-degree criminal sexual

84.1 conduct); 609.3458 (sexual extortion); 609.561 (first-degree arson); or 609.749 (harassment  
84.2 or stalking);

84.3 (2) an attempt to commit a crime in clause (1); or

84.4 (3) a conviction for a crime in another jurisdiction that would be a violation under clause  
84.5 (1) or an attempt under clause (2) in this state; or

84.6 (b)(1) a felony violation of section 609.195 (third-degree murder); 609.205  
84.7 (second-degree manslaughter); 609.2112, 609.2113, or 609.2114 (criminal vehicular homicide  
84.8 or injury); 609.2231 (fourth-degree assault); 609.224 (fifth-degree assault); 609.24 (simple  
84.9 robbery); 609.245 (aggravated robbery); 609.247 (carjacking); 609.255 (false imprisonment);  
84.10 609.52 (theft); 609.582, subdivision 1 or 2 (burglary); 609.713 (terroristic threats); or a  
84.11 nonfelony violation of section 609.749 (harassment); or Minnesota Statutes 2012, section  
84.12 609.21;

84.13 (2) an attempt to commit a crime in clause (1); or

84.14 (3) a conviction for a crime in another jurisdiction that would be a violation under clause  
84.15 (1) or an attempt under clause (2) in this state.

84.16 Sec. 15. Minnesota Statutes 2022, section 326.3381, subdivision 3, is amended to read:

84.17 Subd. 3. **Disqualification.** No person is qualified to hold a license who has:

84.18 (1) been convicted of (i) a felony by the courts of this or any other state or of the United  
84.19 States; (ii) acts which, if done in Minnesota, would be criminal sexual conduct; assault;  
84.20 theft; larceny; burglary; robbery; carjacking; unlawful entry; extortion; defamation; buying  
84.21 or receiving stolen property; using, possessing, manufacturing, or carrying weapons  
84.22 unlawfully; using, possessing, or carrying burglary tools unlawfully; escape; possession,  
84.23 production, sale, or distribution of narcotics unlawfully; or (iii) in any other country of acts  
84.24 which, if done in Minnesota, would be a felony or would be any of the other offenses  
84.25 provided in this clause and for which a full pardon or similar relief has not been granted;

84.26 (2) made any false statement in an application for a license or any document required  
84.27 to be submitted to the board; or

84.28 (3) failed to demonstrate to the board good character, honesty, and integrity.

84.29 Sec. 16. Minnesota Statutes 2022, section 609.1095, subdivision 1, is amended to read:

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

85.1 (b) "Conviction" means any of the following accepted and recorded by the court: a plea  
85.2 of guilty, a verdict of guilty by a jury, or a finding of guilty by the court. The term includes  
85.3 a conviction by any court in Minnesota or another jurisdiction.

85.4 (c) "Prior conviction" means a conviction that occurred before the offender committed  
85.5 the next felony resulting in a conviction and before the offense for which the offender is  
85.6 being sentenced under this section.

85.7 (d) "Violent crime" means a violation of or an attempt or conspiracy to violate any of  
85.8 the following laws of this state or any similar laws of the United States or any other state:  
85.9 sections 152.137; 609.165; 609.185; 609.19; 609.195; 609.20; 609.205; 609.2112; 609.2113;  
85.10 609.2114; 609.221; 609.222; 609.223; 609.228; 609.235; 609.24; 609.245; 609.247; 609.25;  
85.11 609.255; 609.2661; 609.2662; 609.2663; 609.2664; 609.2665; 609.267; 609.2671; 609.268;  
85.12 609.322; 609.342; 609.343; 609.344; 609.345; 609.498, subdivision 1; 609.561; 609.562;  
85.13 609.582, subdivision 1; 609.66, subdivision 1e; 609.687; and 609.855, subdivision 5; any  
85.14 provision of sections 609.229; 609.377; 609.378; 609.749; and 624.713 that is punishable  
85.15 by a felony penalty; or any provision of chapter 152 that is punishable by a maximum  
85.16 sentence of 15 years or more; or Minnesota Statutes 2012, section 609.21.

85.17 Sec. 17. Minnesota Statutes 2022, section 609.11, subdivision 9, is amended to read:

85.18 Subd. 9. **Applicable offenses.** The crimes for which mandatory minimum sentences  
85.19 shall be served as provided in this section are: murder in the first, second, or third degree;  
85.20 assault in the first, second, or third degree; burglary; kidnapping; false imprisonment;  
85.21 manslaughter in the first or second degree; aggravated robbery; simple robbery; carjacking  
85.22 in the first, second, or third degree; first-degree or aggravated first-degree witness tampering;  
85.23 criminal sexual conduct under the circumstances described in sections 609.342, subdivision  
85.24 1, and subdivision 1a, clauses (a) to (f) and (i); 609.343, subdivision 1, and subdivision 1a,  
85.25 clauses (a) to (f) and (i); and 609.344, subdivision 1, clauses (a) to (c) and (d), under the  
85.26 conditions described in section 609.341, subdivision 24, clause (2), item (i), (ii), or (iii),  
85.27 and subdivision 1a, clauses (a) to (e), (h), and (i), under the conditions described in section  
85.28 609.341, subdivision 24, clause (2), item (i), (ii), or (iii); escape from custody; arson in the  
85.29 first, second, or third degree; drive-by shooting under section 609.66, subdivision 1e;  
85.30 harassment under section 609.749, subdivision 3, paragraph (a), clause (3); possession or  
85.31 other unlawful use of a firearm or ammunition in violation of section 609.165, subdivision  
85.32 1b, or 624.713, subdivision 1, clause (2), a felony violation of chapter 152; or any attempt  
85.33 to commit any of these offenses.

86.1 Sec. 18. Minnesota Statutes 2022, section 609.185, is amended to read:

86.2 **609.185 MURDER IN THE FIRST DEGREE.**

86.3 (a) Whoever does any of the following is guilty of murder in the first degree and shall  
86.4 be sentenced to imprisonment for life:

86.5 (1) causes the death of a human being with premeditation and with intent to effect the  
86.6 death of the person or of another;

86.7 (2) causes the death of a human being while committing or attempting to commit criminal  
86.8 sexual conduct in the first or second degree with force or violence, either upon or affecting  
86.9 the person or another;

86.10 (3) causes the death of a human being with intent to effect the death of the person or  
86.11 another, while committing or attempting to commit burglary, aggravated robbery, carjacking  
86.12 in the first or second degree, kidnapping, arson in the first or second degree, a drive-by  
86.13 shooting, tampering with a witness in the first degree, escape from custody, or any felony  
86.14 violation of chapter 152 involving the unlawful sale of a controlled substance;

86.15 (4) causes the death of a peace officer, prosecuting attorney, judge, or a guard employed  
86.16 at a Minnesota state or local correctional facility, with intent to effect the death of that person  
86.17 or another, while the person is engaged in the performance of official duties;

86.18 (5) causes the death of a minor while committing child abuse, when the perpetrator has  
86.19 engaged in a past pattern of child abuse upon a child and the death occurs under  
86.20 circumstances manifesting an extreme indifference to human life;

86.21 (6) causes the death of a human being while committing domestic abuse, when the  
86.22 perpetrator has engaged in a past pattern of domestic abuse upon the victim or upon another  
86.23 family or household member and the death occurs under circumstances manifesting an  
86.24 extreme indifference to human life; or

86.25 (7) causes the death of a human being while committing, conspiring to commit, or  
86.26 attempting to commit a felony crime to further terrorism and the death occurs under  
86.27 circumstances manifesting an extreme indifference to human life.

86.28 (b) For the purposes of paragraph (a), clause (4), "prosecuting attorney" has the meaning  
86.29 given in section 609.221, subdivision 2, paragraph (c), clause (4).

86.30 (c) For the purposes of paragraph (a), clause (4), "judge" has the meaning given in section  
86.31 609.221, subdivision 2, paragraph (c), clause (5).

87.1 (d) For purposes of paragraph (a), clause (5), "child abuse" means an act committed  
 87.2 against a minor victim that constitutes a violation of the following laws of this state or any  
 87.3 similar laws of the United States or any other state: section 609.221; 609.222; 609.223;  
 87.4 609.224; 609.2242; 609.342; 609.343; 609.344; 609.345; 609.377; 609.378; or 609.713.

87.5 (e) For purposes of paragraph (a), clause (6), "domestic abuse" means an act that:

87.6 (1) constitutes a violation of section 609.221, 609.222, 609.223, 609.224, 609.2242,  
 87.7 609.342, 609.343, 609.344, 609.345, 609.713, or any similar laws of the United States or  
 87.8 any other state; and

87.9 (2) is committed against the victim who is a family or household member as defined in  
 87.10 section 518B.01, subdivision 2, paragraph (b).

87.11 (f) For purposes of paragraph (a), clause (7), "further terrorism" has the meaning given  
 87.12 in section 609.714, subdivision 1.

87.13 Sec. 19. Minnesota Statutes 2022, section 609.2661, is amended to read:

87.14 **609.2661 MURDER OF UNBORN CHILD IN THE FIRST DEGREE.**

87.15 Whoever does any of the following is guilty of murder of an unborn child in the first  
 87.16 degree and must be sentenced to imprisonment for life:

87.17 (1) causes the death of an unborn child with premeditation and with intent to effect the  
 87.18 death of the unborn child or of another;

87.19 (2) causes the death of an unborn child while committing or attempting to commit  
 87.20 criminal sexual conduct in the first or second degree with force or violence, either upon or  
 87.21 affecting the mother of the unborn child or another; or

87.22 (3) causes the death of an unborn child with intent to effect the death of the unborn child  
 87.23 or another while committing or attempting to commit burglary, aggravated robbery,  
 87.24 carjacking in the first or second degree, kidnapping, arson in the first or second degree,  
 87.25 tampering with a witness in the first degree, or escape from custody.

87.26 Sec. 20. Minnesota Statutes 2022, section 609.341, subdivision 22, is amended to read:

87.27 Subd. 22. **Predatory crime.** "Predatory crime" means a felony violation of section  
 87.28 609.185 (first-degree murder), 609.19 (second-degree murder), 609.195 (third-degree  
 87.29 murder), 609.20 (first-degree manslaughter), 609.205 (second-degree manslaughter), 609.221  
 87.30 (first-degree assault), 609.222 (second-degree assault), 609.223 (third-degree assault),  
 87.31 609.24 (simple robbery), 609.245 (aggravated robbery), 609.247 (carjacking), 609.25

88.1 (kidnapping), 609.255 (false imprisonment), 609.498 (tampering with a witness), 609.561  
88.2 (first-degree arson), or 609.582, subdivision 1 (first-degree burglary).

88.3 Sec. 21. Minnesota Statutes 2022, section 609.52, subdivision 3, is amended to read:

88.4 Subd. 3. **Sentence.** Whoever commits theft may be sentenced as follows:

88.5 (1) to imprisonment for not more than 20 years or to payment of a fine of not more than  
88.6 \$100,000, or both, if the property is a firearm, or the value of the property or services stolen  
88.7 is more than \$35,000 and the conviction is for a violation of subdivision 2, clause (3), (4),  
88.8 (15), (16), or (19), or section 609.2335, subdivision 1, clause (1) or (2), item (i); or

88.9 (2) to imprisonment for not more than ten years or to payment of a fine of not more than  
88.10 \$20,000, or both, if the value of the property or services stolen exceeds \$5,000, or if the  
88.11 property stolen was an article representing a trade secret, an explosive or incendiary device,  
88.12 or a controlled substance listed in Schedule I or II pursuant to section 152.02 with the  
88.13 exception of marijuana; or

88.14 (3) to imprisonment for not more than five years or to payment of a fine of not more  
88.15 than \$10,000, or both, if any of the following circumstances exist:

88.16 (a) the value of the property or services stolen is more than \$1,000 but not more than  
88.17 \$5,000; or

88.18 (b) the property stolen was a controlled substance listed in Schedule III, IV, or V pursuant  
88.19 to section 152.02; or

88.20 (c) the value of the property or services stolen is more than \$500 but not more than  
88.21 \$1,000 and the person has been convicted within the preceding five years for an offense  
88.22 under this section, section 256.98; 268.182; 609.24; 609.245; 609.247; 609.53; 609.582,  
88.23 subdivision 1, 2, or 3; 609.625; 609.63; 609.631; or 609.821, or a statute from another state,  
88.24 the United States, or a foreign jurisdiction, in conformity with any of those sections, and  
88.25 the person received a felony or gross misdemeanor sentence for the offense, or a sentence  
88.26 that was stayed under section 609.135 if the offense to which a plea was entered would  
88.27 allow imposition of a felony or gross misdemeanor sentence; or

88.28 (d) the value of the property or services stolen is not more than \$1,000, and any of the  
88.29 following circumstances exist:

88.30 (i) the property is taken from the person of another or from a corpse, or grave or coffin  
88.31 containing a corpse; or



89.1 (ii) the property is a record of a court or officer, or a writing, instrument or record kept,  
89.2 filed or deposited according to law with or in the keeping of any public officer or office; or

89.3 (iii) the property is taken from a burning, abandoned, or vacant building or upon its  
89.4 removal therefrom, or from an area of destruction caused by civil disaster, riot, bombing,  
89.5 or the proximity of battle; or

89.6 (iv) the property consists of public funds belonging to the state or to any political  
89.7 subdivision or agency thereof; or

89.8 (v) the property stolen is a motor vehicle; or

89.9 (4) to imprisonment for not more than one year or to payment of a fine of not more than  
89.10 \$3,000, or both, if the value of the property or services stolen is more than \$500 but not  
89.11 more than \$1,000; or

89.12 (5) in all other cases where the value of the property or services stolen is \$500 or less,  
89.13 to imprisonment for not more than 90 days or to payment of a fine of not more than \$1,000,  
89.14 or both, provided, however, in any prosecution under subdivision 2, clauses (1), (2), (3),  
89.15 (4), (13), and (19), the value of the money or property or services received by the defendant  
89.16 in violation of any one or more of the above provisions within any six-month period may  
89.17 be aggregated and the defendant charged accordingly in applying the provisions of this  
89.18 subdivision; provided that when two or more offenses are committed by the same person  
89.19 in two or more counties, the accused may be prosecuted in any county in which one of the  
89.20 offenses was committed for all of the offenses aggregated under this paragraph.

89.21 Sec. 22. Minnesota Statutes 2022, section 609.526, subdivision 2, is amended to read:

89.22 Subd. 2. **Crime described.** Any precious metal dealer or scrap metal dealer or any person  
89.23 employed by a dealer, who receives, possesses, transfers, buys, or conceals any stolen  
89.24 property or property obtained by robbery or carjacking, knowing or having reason to know  
89.25 the property was stolen or obtained by robbery or carjacking, may be sentenced as follows:

89.26 (1) if the value of the property received, bought, or concealed is \$1,000 or more, to  
89.27 imprisonment for not more than ten years or to payment of a fine of not more than \$50,000,  
89.28 or both;

89.29 (2) if the value of the property received, bought, or concealed is less than \$1,000 but  
89.30 more than \$500, to imprisonment for not more than three years or to payment of a fine of  
89.31 not more than \$25,000, or both;

90.1 (3) if the value of the property received, bought, or concealed is \$500 or less, to  
90.2 imprisonment for not more than 90 days or to payment of a fine of not more than \$1,000,  
90.3 or both.

90.4 Any person convicted of violating this section a second or subsequent time within a  
90.5 period of one year may be sentenced as provided in clause (1).

90.6 Sec. 23. Minnesota Statutes 2022, section 609.531, subdivision 1, is amended to read:

90.7 Subdivision 1. **Definitions.** For the purpose of sections 609.531 to 609.5318, the  
90.8 following terms have the meanings given them.

90.9 (a) "Conveyance device" means a device used for transportation and includes, but is not  
90.10 limited to, a motor vehicle, trailer, snowmobile, airplane, and vessel and any equipment  
90.11 attached to it. The term "conveyance device" does not include property which is, in fact,  
90.12 itself stolen or taken in violation of the law.

90.13 (b) "Weapon used" means a dangerous weapon as defined under section 609.02,  
90.14 subdivision 6, that the actor used or had in possession in furtherance of a crime.

90.15 (c) "Property" means property as defined in section 609.52, subdivision 1, clause (1).

90.16 (d) "Contraband" means property which is illegal to possess under Minnesota law.

90.17 (e) "Appropriate agency" means the Bureau of Criminal Apprehension, the Department  
90.18 of Commerce Fraud Bureau, the Minnesota Division of Driver and Vehicle Services, the  
90.19 Minnesota State Patrol, a county sheriff's department, the Three Rivers Park District  
90.20 Department of Public Safety, the Department of Natural Resources Division of Enforcement,  
90.21 the University of Minnesota Police Department, the Department of Corrections Fugitive  
90.22 Apprehension Unit, a city, metropolitan transit, or airport police department; or a  
90.23 multijurisdictional entity established under section 299A.642 or 299A.681.

90.24 (f) "Designated offense" includes:

90.25 (1) for weapons used: any violation of this chapter, chapter 152 or 624;

90.26 (2) for driver's license or identification card transactions: any violation of section 171.22;

90.27 and

90.28 (3) for all other purposes: a felony violation of, or a felony-level attempt or conspiracy  
90.29 to violate, section 325E.17; 325E.18; 609.185; 609.19; 609.195; 609.2112; 609.2113;  
90.30 609.2114; 609.221; 609.222; 609.223; 609.2231; 609.2335; 609.24; 609.245; 609.247;  
90.31 609.25; 609.255; 609.282; 609.283; 609.322; 609.342, subdivision 1, or subdivision 1a,  
90.32 clauses (a) to (f) and (i); 609.343, subdivision 1, or subdivision 1a, clauses (a) to (f) and (i);

91.1 609.344, subdivision 1, or subdivision 1a, clauses (a) to (e), (h), or (i); 609.345, subdivision  
 91.2 1, or subdivision 1a, clauses (a) to (e), (h), and (i); 609.352; 609.42; 609.425; 609.466;  
 91.3 609.485; 609.487; 609.52; 609.525; 609.527; 609.528; 609.53; 609.54; 609.551; 609.561;  
 91.4 609.562; 609.563; 609.582; 609.59; 609.595; 609.611; 609.631; 609.66, subdivision 1e;  
 91.5 609.671, subdivisions 3, 4, 5, 8, and 12; 609.687; 609.821; 609.825; 609.86; 609.88; 609.89;  
 91.6 609.893; 609.895; 617.246; 617.247; or a gross misdemeanor or felony violation of section  
 91.7 609.891 or 624.7181; or any violation of section 609.324; or a felony violation of, or a  
 91.8 felony-level attempt or conspiracy to violate, Minnesota Statutes 2012, section 609.21.

91.9 (g) "Controlled substance" has the meaning given in section 152.01, subdivision 4.

91.10 (h) "Prosecuting authority" means the attorney who is responsible for prosecuting an  
 91.11 offense that is the basis for a forfeiture under sections 609.531 to 609.5318.

91.12 (i) "Asserting person" means a person, other than the driver alleged to have used a vehicle  
 91.13 in the transportation or exchange of a controlled substance intended for distribution or sale,  
 91.14 claiming an ownership interest in a vehicle that has been seized or restrained under this  
 91.15 section.

91.16 Sec. 24. Minnesota Statutes 2022, section 609.631, subdivision 4, is amended to read:

91.17 Subd. 4. **Sentencing.** A person who is convicted under subdivision 2 or 3 may be  
 91.18 sentenced as follows:

91.19 (1) to imprisonment for not more than 20 years or to payment of a fine of not more than  
 91.20 \$100,000, or both, if the forged check or checks are used to obtain or in an attempt to obtain,  
 91.21 property or services of more than \$35,000 or the aggregate amount of the forged check or  
 91.22 checks is more than \$35,000;

91.23 (2) to imprisonment for not more than ten years or to payment of a fine of not more than  
 91.24 \$20,000, or both, if the forged check or checks are used to obtain or in an attempt to obtain,  
 91.25 property or services of more than \$2,500 or the aggregate amount of the forged check or  
 91.26 checks is more than \$2,500;

91.27 (3) to imprisonment for not more than five years or to payment of a fine of not more  
 91.28 than \$10,000, or both, if:

91.29 (a) the forged check or checks are used to obtain or in an attempt to obtain, property or  
 91.30 services of more than \$250 but not more than \$2,500, or the aggregate face amount of the  
 91.31 forged check or checks is more than \$250 but not more than \$2,500; or

92.1 (b) the forged check or checks are used to obtain or in an attempt to obtain, property or  
 92.2 services of no more than \$250, or have an aggregate face value of no more than \$250, and  
 92.3 the person has been convicted within the preceding five years for an offense under this  
 92.4 section, section 609.24; 609.245; 609.247; 609.52; 609.53; 609.582, subdivision 1, 2, or 3;  
 92.5 609.625; 609.63; or 609.821, or a statute from another state in conformity with any of those  
 92.6 sections, and the person received a felony or gross misdemeanor sentence for the offense,  
 92.7 or a sentence that was stayed under section 609.135 if the offense to which a plea was  
 92.8 entered would allow imposition of a felony or gross misdemeanor sentence; and

92.9 (4) to imprisonment for not more than one year or to payment of a fine of not more than  
 92.10 \$3,000, or both, if the forged check or checks are used to obtain or in an attempt to obtain,  
 92.11 property or services of no more than \$250, or the aggregate face amount of the forged check  
 92.12 or checks is no more than \$250.

92.13 In any prosecution under this subdivision, the value of the checks forged or offered by  
 92.14 the defendant in violation of this subdivision within any six-month period may be aggregated  
 92.15 and the defendant charged accordingly in applying the provisions of this section. When two  
 92.16 or more offenses are committed by the same person in two or more counties, the accused  
 92.17 may be prosecuted in any county in which one of the checks was forged or offered for all  
 92.18 of the offenses aggregated under this paragraph.

92.19 Sec. 25. Minnesota Statutes 2022, section 609.632, subdivision 4, is amended to read:

92.20 Subd. 4. **Penalty.** (a) A person who is convicted of violating subdivision 1 or 2 may be  
 92.21 sentenced to imprisonment for not more than 20 years or to payment of a fine of not more  
 92.22 than \$100,000, or both.

92.23 (b) A person who is convicted of violating subdivision 3 may be sentenced as follows:

92.24 (1) to imprisonment for not more than 20 years or to payment of a fine of not more than  
 92.25 \$100,000, or both, if the counterfeited item is used to obtain or in an attempt to obtain  
 92.26 property or services having a value of more than \$35,000, or the aggregate face value of  
 92.27 the counterfeited item is more than \$35,000;

92.28 (2) to imprisonment for not more than ten years or to payment of a fine of not more than  
 92.29 \$20,000, or both, if the counterfeited item is used to obtain or in an attempt to obtain property  
 92.30 or services having a value of more than \$5,000, or the aggregate face value of the  
 92.31 counterfeited item is more than \$5,000;

92.32 (3) to imprisonment for not more than five years or to payment of a fine of not more  
 92.33 than \$10,000, or both, if:

93.1 (i) the counterfeited item is used to obtain or in an attempt to obtain property or services  
93.2 having a value of more than \$1,000 or the aggregate face value of the counterfeited item is  
93.3 more than \$1,000; or

93.4 (ii) the counterfeited item is used to obtain or in an attempt to obtain property or services  
93.5 having a value of no more than \$1,000, or the aggregate face value of the counterfeited item  
93.6 is no more than \$1,000, and the person has been convicted within the preceding five years  
93.7 for an offense under this section, section 609.24; 609.245; 609.247; 609.52; 609.53; 609.582,  
93.8 subdivision 1, 2, or 3; 609.625; 609.63; or 609.821, or a statute from another state or the  
93.9 United States in conformity with any of those sections, and the person received a felony or  
93.10 gross misdemeanor sentence for the offense, or a sentence that was stayed under section  
93.11 609.135 if the offense to which a plea was entered would allow the imposition of a felony  
93.12 or gross misdemeanor sentence; or

93.13 (4) to imprisonment for not more than one year or to payment of a fine of not more than  
93.14 \$3,000, or both, if the counterfeited item is used to obtain or in an attempt to obtain property  
93.15 or services having a value of no more than \$1,000, or the aggregate face value of the  
93.16 counterfeited item is no more than \$1,000.

93.17 Sec. 26. Minnesota Statutes 2022, section 609.821, subdivision 3, is amended to read:

93.18 Subd. 3. **Sentence.** (a) A person who commits financial transaction card fraud may be  
93.19 sentenced as follows:

93.20 (1) for a violation of subdivision 2, clause (1), (2), (5), (8), or (9):

93.21 (i) to imprisonment for not more than 20 years or to payment of a fine of not more than  
93.22 \$100,000, or both, if the value of the property the person obtained or attempted to obtain  
93.23 was more than \$35,000, or the aggregate amount of the transactions under this subdivision  
93.24 was more than \$35,000; or

93.25 (ii) to imprisonment for not more than ten years or to payment of a fine of not more than  
93.26 \$20,000, or both, if the value of the property the person obtained or attempted to obtain was  
93.27 more than \$2,500, or the aggregate amount of the transactions under this subdivision was  
93.28 more than \$2,500; or

93.29 (iii) to imprisonment for not more than five years or to payment of a fine of not more  
93.30 than \$10,000, or both, if the value of the property the person obtained or attempted to obtain  
93.31 was more than \$250 but not more than \$2,500, or the aggregate amount of the transactions  
93.32 under this subdivision was more than \$250 but not more than \$2,500; or

94.1 (iv) to imprisonment for not more than five years or to payment of a fine of not more  
 94.2 than \$10,000, or both, if the value of the property the person obtained or attempted to obtain  
 94.3 was not more than \$250, or the aggregate amount of the transactions under this subdivision  
 94.4 was not more than \$250, and the person has previously been convicted within the preceding  
 94.5 five years for an offense under this section, section 609.24; 609.245; 609.247; 609.52;  
 94.6 609.53; 609.582, subdivision 1, 2, or 3; 609.625; 609.63; or 609.631, or a statute from  
 94.7 another state in conformity with any of those sections, and the person received a felony or  
 94.8 gross misdemeanor sentence for the offense, or a sentence that was stayed under section  
 94.9 609.135 if the offense to which a plea was entered would allow imposition of a felony or  
 94.10 gross misdemeanor sentence; or

94.11 (v) to imprisonment for not more than one year or to payment of a fine of not more than  
 94.12 \$3,000, or both, if the value of the property the person obtained or attempted to obtain was  
 94.13 not more than \$250, or the aggregate amount of the transactions under this subdivision was  
 94.14 not more than \$250;

94.15 (2) for a violation of subdivision 2, clause (3) or (4), to imprisonment for not more than  
 94.16 three years or to payment of a fine of not more than \$5,000, or both; or

94.17 (3) for a violation of subdivision 2, clause (6) or (7):

94.18 (i) if no property, other than a financial transaction card, has been obtained by the  
 94.19 defendant by means of the false statement or false report, to imprisonment for not more  
 94.20 than one year or to payment of a fine of not more than \$3,000, or both; or

94.21 (ii) if property, other than a financial transaction card, is so obtained, in the manner  
 94.22 provided in clause (1).

94.23 (b) In any prosecution under paragraph (a), clause (1), the value of the transactions made  
 94.24 or attempted within any six-month period may be aggregated and the defendant charged  
 94.25 accordingly in applying the provisions of this section. When two or more offenses are  
 94.26 committed by the same person in two or more counties, the accused may be prosecuted in  
 94.27 any county in which one of the card transactions occurred for all of the transactions  
 94.28 aggregated under this paragraph.

94.29 Sec. 27. Minnesota Statutes 2022, section 609B.161, is amended to read:

94.30 **609B.161 PRIVATE DETECTIVE OR PROTECTIVE AGENT BUSINESS**  
 94.31 **LICENSE; DISQUALIFICATION.**

94.32 Under section 326.3381, a person is disqualified from holding a private detective or  
 94.33 protective agent business license if that person has been convicted of:

95.1 (1) a felony by the courts of this or any other state or of the United States;

95.2 (2) acts which, if committed in Minnesota, would be criminal sexual conduct; assault;  
 95.3 theft; larceny; burglary; robbery; carjacking; unlawful entry; extortion; defamation; buying  
 95.4 or receiving stolen property; using, possessing, manufacturing, or carrying weapons  
 95.5 unlawfully; using, possessing, or carrying burglary tools unlawfully; escape; or possession,  
 95.6 production, sale, or distribution of narcotics unlawfully; or

95.7 (3) acts in any other country which, if committed in Minnesota, would be a felony or  
 95.8 considered as any of the other offenses listed in clause (2) and for which a full pardon or  
 95.9 similar relief has not been granted.

95.10 Sec. 28. Minnesota Statutes 2022, section 611A.031, is amended to read:

95.11 **611A.031 VICTIM INPUT REGARDING PRETRIAL DIVERSION.**

95.12 A prosecutor shall make every reasonable effort to notify and seek input from the victim  
 95.13 prior to referring a person into a pretrial diversion program in lieu of prosecution for a  
 95.14 violation of sections 609.185, 609.19, 609.195, 609.20, 609.205, 609.221, 609.222, 609.223,  
 95.15 609.224, 609.2242, 609.24, 609.245, 609.247, 609.25, 609.255, 609.342, 609.343, 609.344,  
 95.16 609.345, 609.365, 609.498, 609.561, 609.582, subdivision 1, 609.687, 609.713, and 609.749.

95.17 Sec. 29. Minnesota Statutes 2022, section 611A.036, subdivision 7, is amended to read:

95.18 Subd. 7. **Definition.** As used in this section, "violent crime" means a violation or attempt  
 95.19 to violate any of the following: section 609.185 (murder in the first degree); 609.19 (murder  
 95.20 in the second degree); 609.195 (murder in the third degree); 609.20 (manslaughter in the  
 95.21 first degree); 609.205 (manslaughter in the second degree); 609.2112, 609.2113, or 609.2114  
 95.22 (criminal vehicular homicide or injury); 609.221 (assault in the first degree); 609.222 (assault  
 95.23 in the second degree); 609.223 (assault in the third degree); 609.2231 (assault in the fourth  
 95.24 degree); 609.2241 (knowing transfer of communicable disease); 609.2242 (domestic assault);  
 95.25 609.2245 (female genital mutilation); 609.2247 (domestic assault by strangulation); 609.228  
 95.26 (great bodily harm caused by distribution of drugs); 609.23 (mistreatment of persons  
 95.27 confined); 609.231 (mistreatment of residents or patients); 609.2325 (criminal abuse);  
 95.28 609.233 (criminal neglect); 609.235 (use of drugs to injure or facilitate crime); 609.24  
 95.29 (simple robbery); 609.245 (aggravated robbery); 609.247 (carjacking); 609.25 (kidnapping);  
 95.30 609.255 (false imprisonment); 609.265 (abduction); 609.2661 (murder of an unborn child  
 95.31 in the first degree); 609.2662 (murder of an unborn child in the second degree); 609.2663  
 95.32 (murder of an unborn child in the third degree); 609.2664 (manslaughter of an unborn child  
 95.33 in the first degree); 609.2665 (manslaughter of an unborn child in the second degree);

96.1 609.267 (assault of an unborn child in the first degree); 609.2671 (assault of an unborn child  
 96.2 in the second degree); 609.2672 (assault of an unborn child in the third degree); 609.268  
 96.3 (injury or death of an unborn child in commission of a crime); 609.282 (labor trafficking);  
 96.4 609.322 (solicitation, inducement, and promotion of prostitution; sex trafficking); 609.342  
 96.5 (criminal sexual conduct in the first degree); 609.343 (criminal sexual conduct in the second  
 96.6 degree); 609.344 (criminal sexual conduct in the third degree); 609.345 (criminal sexual  
 96.7 conduct in the fourth degree); 609.3451 (criminal sexual conduct in the fifth degree);  
 96.8 609.3453 (criminal sexual predatory conduct); 609.3458 (sexual extortion); 609.352  
 96.9 (solicitation of children to engage in sexual conduct); 609.377 (malicious punishment of a  
 96.10 child); 609.378 (neglect or endangerment of a child); 609.561, subdivision 1 (arson in the  
 96.11 first degree; dwelling); 609.582, subdivision 1, paragraph (a) or (c) (burglary in the first  
 96.12 degree; occupied dwelling or involving an assault); 609.66, subdivision 1e, paragraph (b)  
 96.13 (drive-by shooting; firing at or toward a person, or an occupied building or motor vehicle);  
 96.14 or 609.749, subdivision 2 (harassment); or Minnesota Statutes 2012, section 609.21.

96.15 Sec. 30. Minnesota Statutes 2022, section 611A.08, subdivision 6, is amended to read:

96.16 Subd. 6. **Violent crime; definition.** For purposes of this section, "violent crime" means  
 96.17 an offense named in sections 609.185; 609.19; 609.195; 609.20; 609.205; 609.221; 609.222;  
 96.18 609.223; 609.2231; 609.24; 609.245; 609.247; 609.25; 609.255; 609.342; 609.343; 609.344;  
 96.19 609.345; 609.3458; 609.561; 609.562; 609.563; and 609.582, or an attempt to commit any  
 96.20 of these offenses. "Violent crime" includes crimes in other states or jurisdictions which  
 96.21 would have been within the definition set forth in this subdivision if they had been committed  
 96.22 in this state.

96.23 Sec. 31. Minnesota Statutes 2022, section 624.712, subdivision 5, is amended to read:

96.24 Subd. 5. **Crime of violence.** "Crime of violence" means: felony convictions of the  
 96.25 following offenses: sections 609.185 (murder in the first degree); 609.19 (murder in the  
 96.26 second degree); 609.195 (murder in the third degree); 609.20 (manslaughter in the first  
 96.27 degree); 609.205 (manslaughter in the second degree); 609.215 (aiding suicide and aiding  
 96.28 attempted suicide); 609.221 (assault in the first degree); 609.222 (assault in the second  
 96.29 degree); 609.223 (assault in the third degree); 609.2231 (assault in the fourth degree);  
 96.30 609.224 (assault in the fifth degree); 609.2242 (domestic assault); 609.2247 (domestic  
 96.31 assault by strangulation); 609.229 (crimes committed for the benefit of a gang); 609.235  
 96.32 (use of drugs to injure or facilitate crime); 609.24 (simple robbery); 609.245 (aggravated  
 96.33 robbery); 609.247 (carjacking); 609.25 (kidnapping); 609.255 (false imprisonment); 609.322  
 96.34 (solicitation, inducement, and promotion of prostitution; sex trafficking); 609.342 (criminal



97.1 sexual conduct in the first degree); 609.343 (criminal sexual conduct in the second degree);  
 97.2 609.344 (criminal sexual conduct in the third degree); 609.345 (criminal sexual conduct in  
 97.3 the fourth degree); 609.377 (malicious punishment of a child); 609.378 (neglect or  
 97.4 endangerment of a child); 609.486 (commission of crime while wearing or possessing a  
 97.5 bullet-resistant vest); 609.52 (involving theft of a firearm and theft involving the theft of a  
 97.6 controlled substance, an explosive, or an incendiary device); 609.561 (arson in the first  
 97.7 degree); 609.562 (arson in the second degree); 609.582, subdivision 1 or 2 (burglary in the  
 97.8 first and second degrees); 609.66, subdivision 1e (drive-by shooting); 609.67 (unlawfully  
 97.9 owning, possessing, operating a machine gun or short-barreled shotgun); 609.71 (riot);  
 97.10 609.713 (terroristic threats); 609.749 (harassment); 609.855, subdivision 5 (shooting at a  
 97.11 public transit vehicle or facility); and chapter 152 (drugs, controlled substances); and an  
 97.12 attempt to commit any of these offenses.

97.13 Sec. 32. Minnesota Statutes 2022, section 626A.05, subdivision 2, is amended to read:

97.14 Subd. 2. **Offenses for which interception of wire or oral communication may be**  
 97.15 **authorized.** A warrant authorizing interception of wire, electronic, or oral communications  
 97.16 by investigative or law enforcement officers may only be issued when the interception may  
 97.17 provide evidence of the commission of, or of an attempt or conspiracy to commit, any of  
 97.18 the following offenses:

97.19 (1) a felony offense involving murder, manslaughter, assault in the first, second, and  
 97.20 third degrees, aggravated robbery, carjacking in the first or second degree, kidnapping,  
 97.21 criminal sexual conduct in the first, second, and third degrees, prostitution, bribery, perjury,  
 97.22 escape from custody, theft, receiving stolen property, embezzlement, burglary in the first,  
 97.23 second, and third degrees, forgery, aggravated forgery, check forgery, or financial transaction  
 97.24 card fraud, as punishable under sections 609.185, 609.19, 609.195, 609.20, 609.221, 609.222,  
 97.25 609.223, 609.2231, 609.245, 609.247, subdivision 2 or 3, 609.25, 609.321 to 609.324,  
 97.26 609.342, 609.343, 609.344, 609.42, 609.48, 609.485, subdivision 4, paragraph (a), clause  
 97.27 (1), 609.52, 609.53, 609.54, 609.582, 609.625, 609.63, 609.631, 609.821, and 609.825;

97.28 (2) an offense relating to gambling or controlled substances, as punishable under section  
 97.29 609.76 or chapter 152; or

97.30 (3) an offense relating to restraint of trade defined in section 325D.53, subdivision 1 or  
 97.31 2, as punishable under section 325D.56, subdivision 2.

98.1 Sec. 33. Minnesota Statutes 2022, section 629.361, is amended to read:

98.2 **629.361 PEACE OFFICERS RESPONSIBLE FOR CUSTODY OF STOLEN**  
98.3 **PROPERTY.**

98.4 A peace officer arresting a person charged with committing or aiding in the committing  
98.5 of a robbery, aggravated robbery, carjacking, or theft shall use reasonable diligence to secure  
98.6 the property alleged to have been stolen. After seizure of the property, the officer shall be  
98.7 answerable for it while it remains in the officer's custody. The officer shall annex a schedule  
98.8 of the property to the return of the warrant. Upon request of the county attorney, the law  
98.9 enforcement agency that has custody of the property alleged to have been stolen shall deliver  
98.10 the property to the custody of the county attorney for use as evidence at an omnibus hearing  
98.11 or at trial. The county attorney shall make a receipt for the property and be responsible for  
98.12 the property while it is in the county attorney's custody. When the offender is convicted,  
98.13 whoever has custody of the property shall turn it over to the owner.

98.14 Sec. 34. **EFFECTIVE DATE.**

98.15 This article is effective August 1, 2023.

APPENDIX  
Repealed Minnesota Statutes: S1267-1

No active language found for: 609.293.1

No active language found for: 609.293.5

No active language found for: 609.34

No active language found for: 609.36

No active language found for: 617.20

No active language found for: 617.201

No active language found for: 617.202

No active language found for: 617.21

No active language found for: 617.28

No active language found for: 617.29

**626.93 LAW ENFORCEMENT AUTHORITY; TRIBAL PEACE OFFICERS.**

No active language found for: 626.93.7